Chester Township

Geauga County, Ohio

Zoning Resolution

(As amended to Effective Date: September 18, 2026)

and

Zoning Map

(As amended to Effective Date: October 16, 2025)

Table of Contents

ARTICLE 1 - GENERAL PROVISIONS.....1

100.0 TITLE 1

101.0 JURISDICTION 1

102.0 PURPOSE OF THE ZONING RESOLUTION 1

103.0 PROVISIONS OF RESOLUTION DECLARED TO BE MINIMUM REQUIREMENTS 2

104.0 POWERS NOT CONFERRED BY CHAPTER 519 OF THE OHIO REVISED CODE OR THIS RESOLUTION.....2

105.0 SCHEDULE OF FEES, CHARGES AND EXPENSES; AND COLLECTION PROCEDURE.....3

106.0 FIRST DAY EXCLUDED AND LAST DAY INCLUDED IN COMPUTING TIME; EXCEPTIONS; LEGAL HOLIDAY DEFINED 4

107.0 COMPUTATION OF TIME.....4

108.0 SPECIFIC PROVISION PREVAILS OVER GENERAL EXCEPTION.....4

109.0 IRRECONCILABLE AMENDMENTS 4

110.0 CONTINUATION OF PRIOR AMENDMENT.....5

111.0 EFFECT OF AMENDMENT.....5

112.0 ANNEXED TERRITORY 5

113.0 SEVERABILITY.....5

114.0 EFFECTIVE DATE 5

ARTICLE 2 – DEFINITIONS 6

200.0 DEFINITIONS AND INTERPRETATIONS OF TERMS OR WORDS.....6

201.0 RULES OF INTERPRETATION 6

202.0 WORDS AND TERMS DEFINED 6

ARTICLE 3 – AMENDMENTS 20

300.0 PROCEDURE FOR AMENDMENTS TO ZONING RESOLUTION 20

301.0 CONTENTS OF APPLICATION FOR A ZONING AMENDMENT.....20

302.0 SUBMISSION TO DIRECTOR OF OHIO DEPARTMENT OF TRANSPORTATION 21

ARTICLE 4 - ZONING DISTRICTS AND OFFICIAL ZONING MAP 22
400.0 ZONING DISTRICTS 22
400.1 ZONING DISTRICTS DEFINED 22
401.0 OFFICIAL CHESTER TOWNSHIP ZONING MAP 32
401.1 LOCATION OF OFFICIAL ZONING MAP 32
401.2 INCORPORATION OF OFFICIAL ZONING MAP 32
401.3 AMENDMENTS TO THE OFFICIAL ZONING MAP 32
ARTICLE 5 - DISTRICT REGULATIONS 34
500.0 GENERAL REGULATIONS IN ALL ZONING DISTRICTS 34
500.1 PROHIBITED USES 34
500.1.1 TEMPORARY USES 35
500.2 REGULATIONS OVER USE, AREA, YARDS, AND HEIGHT 36
500.2.1 EXTERIOR LIGHTING 37
500.3 REQUIRED STREET FRONTAGE 38
500.4 MEASUREMENT OF DISTANCES AND YARDS 38
500.5 JUNK VEHICLE 38
500.6 FIRE PROTECTION 38
500.7 FLOOD PRONE AREAS 39
500.8 FARM MARKETS 39
501.0 RESIDENTIAL DISTRICTS (R, R3A, R5A DISTRICTS) 41
501.1 PERMITTED PRINCIPAL BUILDINGS, STRUCTURES AND USES 41
501.2 PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES (which are on the same lot with and incidental or subordinate to the principal permitted building, structure or use and subject to the provisions of 501.3 of this resolution) 41
501.3 ACCESSORY BUILDINGS 42
501.4 AREA, YARD AND HEIGHT REGULATIONS 42
501.5 MAXIMUM HEIGHTS 42
501.6 PERMITTED BUILDINGS, STRUCTURES AND USES IN REQUIRED YARDS 43
501.7 MAXIMUM LOT COVERAGE 44
501.8 CORNER SIGHT CLEARANCE 44
501.9 SIGN REGULATIONS 44

501.10 PARKING 44
501.11 LOADING/UNLOADING 45
501.12 HOME OCCUPATIONS 45
501.13 RESIDENTIAL RECREATIONAL FACILITIES 46
501.14 MANUFACTURED HOMES 47
501.15 SEWAGE TREATMENT FACILITIES 48
501.16 CONDITIONAL BUILDINGS, STRUCTURES AND USES 48
501.17 DIMENSIONAL REQUIREMENTS IN AN R DISTRICT, R3A DISTRICT, AND R5A DISTRICT 49
502.0 COMMERCIAL DISTRICT (C DISTRICT) 51
502.1 PERMITTED PRINCIPAL BUILDINGS, STRUCTURES, AND USES 51
502.2 PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES 53
502.3 AREA, YARD, AND HEIGHT REGULATIONS 54
502.4 DRIVEWAYS TO PARKING AND LOADING/UNLOADING SPACES 56
502.5 PERMITTED BUILDINGS, STRUCTURES AND USES IN REQUIRED YARDS 57
502.6 MAXIMUM LOT COVERAGE 57
502.7 SPACING BETWEEN BUILDINGS ON THE SAME LOT 57
502.8 CORNER SIGHT CLEARANCE 58
502.9 SIGN REGULATIONS 58
502.10 PARKING 58
502.11 IMPROVEMENTS 58
502.12 LOADING/UNLOADING 58
502.13 DRIVE-THRU SERVICE 58
502.14 SCREENING FOR LANDSCAPE BUSINESS 58
502.15 OUTDOOR DINING 59
502.16 CONDITIONAL BUILDINGS, STRUCTURES AND USES 60
502.17 DIMENSIONAL REQUIREMENTS IN A C DISTRICT 61
503.0 SHOPPING CENTER DISTRICT (S.C.) 61
503.1 PURPOSE, INTENT AND DEFINITION 61
503.2 PERMITTED USES 61
503.3 PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES 64

503.4 AREA, YARD AND HEIGHT REGULATIONS 65
503.5 DRIVEWAYS TO PARKING AND LOADING/UNLOADING SPACES 66
503.6 PERMITTED BUILDINGS, STRUCTURES AND USES IN REQUIRED YARDS..... 67
503.7 MAXIMUM LOT COVERAGE 67
503.8 SPACING BETWEEN BUILDINGS ON THE SAME LOT 67
503.9 CORNER SIGHT CLEARANCE 67
503.10 SIGN REGULATIONS..... 67
503.11 PARKING 67
503.12 IMPROVEMENTS 67
503.13 LOADING/UNLOADING SPACES 68
503.14 SCREENING FOR SHOPPING CENTER 68
503.15 OUTDOOR DINING..... 68
503.16 DIMENSIONAL REQUIREMENTS IN AN SC DISTRICT 69
504.0 I-RESTRICTED INDUSTRIAL DISTRICT (I DISTRICT) 69
504.1 PERMITTED USES 69
504.2 PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES..... 71
504.3 AREA, YARD AND HEIGHT REGULATIONS 71
504.4 GENERAL AREA REGULATIONS 72
504.5 DRIVEWAYS TO PARKING AND LOADING/UNLOADING SPACES 73
504.6 PERMITTED BUILDINGS, STRUCTURES AND USES IN REQUIRED YARDS..... 74
504. 7 MAXIMUM LOT COVERAGE 74
504.8 SPACING BETWEEN BUILDINGS ON THE SAME LOT 74
504.9 CORNER SIGHT CLEARANCE 74
504.10 SIGN REGULATIONS..... 75
504.11 PARKING 75
504.12 IMPROVEMENTS 75
504.13 LOADING/UNLOADING 75
504.14 PERFORMANCE STANDARDS 75
504.15 CONDITIONAL BUILDINGS, STRUCTURES AND USES..... 77
504.16 DIMENSIONAL REQUIREMENTS IN AN I RESTRICTED INDUSTRIAL DISTRICT..... 77

ARTICLE 6 - CONDITIONAL USES.....78
600.0 CONDITIONAL ZONING CERTIFICATE REQUIRED.....78
600.1 CONTENTS OF APPLICATION FOR A CONDITIONAL ZONING CERTIFICATE.....78
600.2 TRANSMITTAL OF APPLICATION TO BOARD OF ZONING APPEALS.....78
601.0 MEETING OF BOARD OF ZONING APPEALS.....78
601.1 ACTION BY BOARD OF ZONING APPEALS.....79
602.0 ISSUANCE OF CONDITIONAL ZONING CERTIFICATE.....79
603.0 GENERAL CONDITIONS FOR CONDITIONAL ZONING CERTIFICATE.....79
604.0 REVOCATION OF CONDITIONAL ZONING CERTIFICATE.....79
604.1 PROCEDURE FOR REVOCATION OF CONDITIONAL ZONING CERTIFICATE.....80
605.0 GENERAL STANDARDS FOR CONDITIONAL USES.....80
606.0 CONDITIONAL BUILDINGS, STRUCTURES AND USES IN RESIDENTIAL DISTRICTS 81
606.1 CHURCHES.....81
606.2 GOLF CLUBS.....82
606.3 MEMORIAL PARKS.....84
606.4 MUSEUMS.....85
606.5 OUTDOOR HYDRONIC HEATERS (OHH) IN RESIDENTIAL DISTRICTS.....86
607.0 CONDITIONAL BUILDINGS, STRUCTURES AND USES IN COMMERCIAL DISTRICTS 89
607.1 GOLF DRIVING RANGES AND MINIATURE GOLF COURSES.....89
607.2 LIMOUSINE AND TAXI SERVICES.....89
607.3 BILLBOARDS.....90
608.0 CONDITIONAL BUILDINGS, STRUCTURES AND USES IN I-RESTRICTED INDUSTRIAL DISTRICTS.....92
608.1 ADULT-ORIENTED BUSINESSES.....92
608.2 BILLBOARDS.....98
609.0 CONDITIONAL BUILDINGS, STRUCTURES AND USES IN ALL DISTRICTS.....98
609.1 GROUND-MOUNTED SOLAR ENERGY SYSTEMS.....98
ARTICLE 7 – PARKING AND LOADING/UNLOADING SPACES.....100

700.0 GENERAL REQUIREMENTS FOR PARKING AND LOADING/UNLOADING SPACES IN ALL ZONING DISTRICTS 100
701.0 NUMBER OF PARKING SPACES REQUIRED 101
702.0 SIZE OF PARKING SPACES 104
703.0 NUMBER OF LOADING/UNLOADING SPACES REQUIRED 104
704.0 SIZE OF LOADING/UNLOADING SPACES 104
705.0 DETERMINATION OF THE NUMBER OF PARKING AND LOADING/UNLOADING SPACES REQUIRED 104
ARTICLE 8 – SOLAR ENERGY 106
801.0 PURPOSE 106
801.1 PERMITTED SOLAR ENERGY SYSTEMS IN ALL DISTRICTS 106
801.2 REGULATIONS FOR PERMITTED SOLAR ENERGY SYSTEMS 106
801.3 CONDITIONAL USE SOLAR ENERGY SYSTEMS IN ALL ZONING DISTRICTS 107
ARTICLE 9 – SIGN REGULATIONS 108
900.0 SIGN DEFINITIONS 108
901.0 GENERAL REQUIREMENTS FOR ALL SIGNS 111
902.0 PROHIBITED SIGNS IN ALL DISTRICTS 113
903.0 EXEMPTIONS 113
904.0 SIGNS NOT REQUIRING A ZONING CERTIFICATE THAT ARE PERMITTED IN ALL DISTRICTS 113
905.0 SIGNS PERMITTED IN A RESIDENTIAL ZONING DISTRICT. (See also Section 904.0) 115
906.0 SIGNS PERMITTED IN THE COMMERCIAL AND SHOPPING CENTER ZONING DISTRICTS. (See also Section 904.0) 116
907.0 SIGNS PERMITTED IN THE RESTRICTED INDUSTRIAL DISTRICTS. (See also Section 904.0) 120
908.0 FARM MARKET SIGNS 121
909.0 FRONTAGE AND BUILDING UNIT 121
910.0 MEASUREMENT OF SIGN AREA 122
911.0 MEASUREMENT OF SIGN HEIGHT 123
912.0 MAXIMUM HEIGHT REQUIREMENTS 123
913.0 LANDSCAPING 123

914.0 WINDOW AREA 123
915.0 NONCONFORMING SIGNS. See Article 10, Nonconforming Uses 123
916.0 BILLBOARDS 124
917.0 DIMENSIONS OF SIGNS BY ZONING DISTRICT 124
ARTICLE 10 - NONCONFORMING BUILDINGS, STRUCTURES, AND USES 126
1000.0 NONCONFORMING USE OF BUILDINGS AND LAND NOT AFFECTED BY ZONING 126
1001.0 COMPLETION OF NONCONFORMING BUILDINGS OR STRUCTURES 126
1002.0 CHANGE OF USE 126
1003.0 REPAIR AND REPLACEMENT 126
1004.0 RECONSTRUCTION OF NONCONFORMING USES 127
1005.0 EXTENSION 127
1006.0 MAINTENANCE AND STRUCTURAL ALTERATIONS 129
1007.0 SUBSTITUTION OF NONCONFORMING USES 129
1008.0 NONCONFORMING LOT OF RECORD 129
ARTICLE 11 - WIRELESS TELECOMMUNICATIONS FACILITIES 131
1100.0 PURPOSE 131
1100.1 131
1100.2 131
1101.0 LOCATION 132
1101.1 PROHIBITED 132
1101.2 PERMITTED USES 132
1101.3 CONDITIONAL USES 132
1102.0 GENERAL REGULATIONS 134
1103.0 FEES 138
1104.0 PUBLIC UTILITY EXEMPTION 139
ARTICLE 12 – ADMINISTRATION 142
1200.0 TOWNSHIP ZONING INSPECTOR 142
1200.1 POSITION OF TOWNSHIP ZONING INSPECTOR ESTABLISHED 142
1200.2 ZONING INSPECTOR'S BOND 142
1200.3 DUTIES OF THE TOWNSHIP ZONING INSPECTOR 142

1201.0 TOWNSHIP ZONING COMMISSION 144
1201.1 TOWNSHIP ZONING COMMISSION CREATED 144
1201.2 RECOMMENDATIONS OF TOWNSHIP ZONING COMMISSIONS; ORGANIZATION, POWERS AND COMPENSATION OF COMMISSION 144
1202.0 TOWNSHIP BOARD OF ZONING APPEALS 145
1202.1 TOWNSHIP BOARD OF ZONING APPEALS CREATED 145
1202.2 POWERS OF TOWNSHIP BOARD OF ZONING APPEALS 145
1202.3 RULES, ORGANIZATION, AND MEETINGS OF BOARD OF ZONING APPEALS 146
1202.4 PROCEDURES OF BOARD OF ZONING APPEALS 146
1202.5 SUPPLEMENTARY CONDITIONS ON VARIANCES 149
ARTICLE 13 - ENFORCEMENT 150
1300.0 ZONING CERTIFICATE REQUIRED 150
1300.1 CONTENTS OF APPLICATION FOR A ZONING CERTIFICATE 150
1300.2 ACTION BY TOWNSHIP ZONING INSPECTOR ON APPLICATION FOR ZONING CERTIFICATE 151
1300.3 SUBMISSION TO DIRECTOR OF OHIO DEPARTMENT OF TRANSPORTATION 151
1300.4 REVOCATION OF ZONING CERTIFICATE 152
1301.0 COMPLAINTS REGARDING VIOLATIONS 152
1302.0 PROHIBITION AGAINST VIOLATING ZONING RESOLUTION 153
1303.0 ACTION TO PREVENT VIOLATIONS OF ZONING REGULATIONS 153
ARTICLE 14 154

ARTICLE 1 - GENERAL PROVISIONS

100.0 TITLE

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

101.0 JURISDICTION

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

102.0 PURPOSE OF THE ZONING RESOLUTION

This resolution has been enacted in the interest of the public health, safety, convenience, comfort, prosperity, or general welfare in accordance with a comprehensive plan. Specifically, the purposes of this resolution are, among others:

To protect the community against fire, explosion, air/ground/water pollution, vibration and other hazards to its public health, safety, convenience, comfort, prosperity, or general welfare.

A. To prevent vehicular traffic congestion on roads by the appropriate classification of uses for each type of zoning district and the provision for parking and loading/unloading facilities.

B. To provide sufficient space in appropriate locations for the development of residences, parks, businesses, industries, and those related uses for supplying essential services, in accordance with the comprehensive plan, thus promoting the most desirable and appropriate use in order to better stabilize the value of land and buildings, and thus protect the tax base of the township and the public health, safety, convenience, comfort, prosperity, or general welfare of its residents.

C. To protect residential areas by limiting the density of population in order to avoid water pollution because of the difficulties in providing adequate sewage disposal, and to protect the limited supply of water; by providing for access of light and air to windows, and also for privacy, by means of controls over spacing and relative height of buildings and other structures; by providing for open space on the same lot with development, and through the preservation of open spaces as parks.

D. To prevent overcrowding and blight in residential, commercial and industrial areas by regulating the area and height of buildings, yards and other open spaces in order to provide light, air and privacy, and thus to protect the public health, safety, convenience, comfort, prosperity, or general welfare.

E. To secure the most appropriate use of land, to promote stability, to protect the character and established pattern of desirable development in each area, to facilitate adequate but economical provision of public improvements, to conserve the value of buildings, and to enhance the value of land; all in accordance with the comprehensive plan.

F. To ensure that development is in accord with the capability and suitability of the land to support it.

G. To conserve and protect the natural resources of the township, including the supply of groundwater.

H. To provide regulations that advance balanced and orderly growth and development in the township as well as preserve sensitive environmental resources.

103.0 PROVISIONS OF RESOLUTION DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this resolution shall be held to be minimum requirements for the protection of the public health, safety, and morals. This resolution shall therefore be regarded as remedial and shall be liberally construed to further its underlying purposes.

104.0 POWERS NOT CONFERRED BY CHAPTER 519 OF THE OHIO REVISED CODE OR THIS RESOLUTION

A. 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 building or structures are located, including buildings or structures that are used primarily for vinting and selling wine that are located on land any part of which is used for viticulture and no zoning certificate shall be required for any such building or structure.

B. This resolution does not apply in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of any land by any public utility or railroad, for the operation of its business. However, subject to O.R.C. 519.211 (B) (4) (a) and Section 1104.0 of this resolution, the provisions of this resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunications tower and appurtenant facilities.

C. This resolution does not prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom or restaurant is permitted by this resolution.

D. This resolution does not prohibit in a district zoned for agriculture, industrial, residential or commercial uses, the use of any land for a farm market where

fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.

E. This resolution does not apply with respect to a building or structure of, or the use of land by, a person engaged in the transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants. However, this resolution does apply with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of a public utility engaged in the business of transporting persons or property, or both, or providing or furnishing such transportation service, over any public street, road, or highway in this state, and with respect to the use of land by any such public utility for the operation of its business, to the extent that any exercise of such power is reasonable and not inconsistent with Chapters 4901., 4903., 4905., 4909.,4921., and 4923. of the Revised Code.

F. This resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for biodiesel production, biomass energy production, or electric or heat energy production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under Section 5713.30 to 5713.37 of the Ohio Revised Code for real property tax purposes. As used herein, "biodiesel," "biomass energy," and "electric or heat energy" have the same meanings as in Section 5713.30 of the Ohio Revised Code.

G. This resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for biologically derived methane gas production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under Section 5713.30 to 5713.37 of the Ohio Revised Code for real property tax purposes and if the facility that produces the biologically derived methane gas does not produce more than seventeen million sixty thousand seven hundred ten (17,060,710) British thermal units, five (5) megawatts, or both. As used in this section, "biologically derived methane gas" has the same meaning as in Section 5713.30 of the Ohio Revised Code.

105.0 SCHEDULE OF FEES, CHARGES AND EXPENSES; AND COLLECTION PROCEDURE

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

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

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

106.0 FIRST DAY EXCLUDED AND LAST DAY INCLUDED IN COMPUTING TIME; EXCEPTIONS; LEGAL HOLIDAY DEFINED

The time within which an act is required by law to be done shall be computed by excluding the first and including the last day; except when the last day falls on Sunday or a legal holiday, then the act may be done on the next succeeding day which is not a Sunday or legal holiday.

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

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

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

107.0 COMPUTATION OF TIME

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

108.0 SPECIFIC PROVISION PREVAILS OVER GENERAL EXCEPTION

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

109.0 IRRECONCILABLE AMENDMENTS

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

make the amendments irreconcilable. Amendments are irreconcilable only when changes made by each cannot reasonably be put into simultaneous operation.

110.0 CONTINUATION OF PRIOR AMENDMENT

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

111.0 EFFECT OF AMENDMENT

The amendment of this resolution does not:

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

112.0 ANNEXED TERRITORY

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

113.0 SEVERABILITY

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

114.0 EFFECTIVE DATE

This resolution shall be in full force and effect from and after its passage as provided by law.

ARTICLE 2 – DEFINITIONS

200.0 DEFINITIONS AND INTERPRETATIONS OF TERMS OR WORDS

For the purposes of this resolution the following words and terms shall be defined and interpreted in accordance with the provisions set forth in this Article 2.

201.0 RULES OF INTERPRETATION

The following general rules of interpretation shall apply:

A. The particular controls the general.

B. In case of any difference of meaning or implication between the text of this resolution and the captions for each section, the text shall control.

C. The word “shall” is always mandatory. The word “may” is permissive. The word “should” indicates a preference.

D. Words used in the present tense include the future, unless the text clearly indicates the contrary.

E. Words used in the singular number include the plural, and words used in the plural number indicate the singular, unless the text clearly indicates the contrary.

F. A “building” or “structure” includes any part thereof. A “building or other structure” includes all other structures of every kind, regardless of similarity to buildings.

G. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.

H. Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Unless defined in this resolution, words and phrases shall be given their usual and customary meaning. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

202.0 WORDS AND TERMS DEFINED

ACCESSORY BUILDING, STRUCTURE, OR USE means a subordinate use of a building, structure, or lot or a subordinate building or structure: (1) the use of which is clearly incidental to the use of the principal building, structure, or use of a lot; (2) which is customary in connection with the principal building, structure, or use of a lot; and (3) which is located on the same lot with the principal building, structure, or use.

ADULT-ORIENTED BUSINESSES see Article 6, Section 608.1A.1-26

AGRICULTURE includes farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

ANTENNA means any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

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

AUTOMOTIVE WRECKING means the dismantling, wrecking, disassembling, or junking of used or inoperative vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

AUTOMOTIVE WRECKING YARD means a lot where automotive wrecking takes place.

AVERAGE FINISHED GRADE LEVEL is the average of the grade of the ground at all corners of a building or other structure.

BASEMENT means a portion of a building or structure with at least one-half of its floor to ceiling height below the adjoining exterior finished grade level and with its ceiling not covered by earth. Said portion is not a completed building or structure and shall only serve as a substructure or foundation for a building or structure.

BEACON means any light with one or more beams directed into the atmosphere or directed at one or more points that are not in the same zone as the light source; including any light with one or more beams that rotate or move.

BILLBOARD see ***Signs, Article 9***.

BOARD shall mean the board of zoning appeals of Chester Township.

BREEZEWAY means an open-sided accessory structure for the purpose of connecting the principal building on a lot with other accessory buildings. For purposes of this resolution, a breezeway shall not be used to connect an accessory building to a principal building if the accessory building without the breezeway would violate any other provisions of this resolution.

BUILDING means a temporary or permanent structure, other than a mobile home, affixed to or resting on the ground and designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

BUILDING, COMPLETELY ENCLOSED 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.

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.

BUILDING LINE see ***Setback Line*.**

BUILDING, PRINCIPAL means a building within which the main or primary permitted use is conducted on a lot.

CANOPY means a free-standing open-sided roofed structure supported on one or more supports.

CEMETERY means land used or intended to be used for the burial of the human or animal dead.

CHANNEL means a natural or artificial watercourse of perceptible extent, with beds and banks to confine and conduct continuously or periodically flowing water.

CHURCH means a building or group of buildings, including customary accessory buildings, designed for public worship; for the purposes of this resolution, the word church shall include temples, cathedrals, synagogues, mosques, chapels, kingdom halls, shrines, and congregations.

CLINIC means any building or other structure devoted to the diagnosis, treatment and care of people as out-patients.

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

COMMISSION shall mean the zoning commission of Chester Township.

CONDITIONAL USE means a use within a zoning district other than a permitted use requiring approval by the township board of zoning appeals and the issuance of a conditional zoning certificate.

CONDITIONAL ZONING CERTIFICATE means a certificate issued by the zoning inspector upon approval by the township board of zoning appeals for a conditional use.

CONSTRUCTION means the placing of construction materials in permanent position and fastened in a permanent manner.

COUNTY means Geauga County, Ohio.

CUL-DE-SAC means a street or road, one end of which connects with another street or road, and the other end of which terminates in a vehicular turnaround.

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.

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.

DAY SPA means an establishment offering a variety of personal health and beauty related services, including weight reduction and hair styling, but expressly excluding any adult regulated uses.

DECK means a roofless, floored structure, typically with a railing, that adjoins and is usually attached to a building and is structurally supported on posts, piers, walls or similar methods.

DENSITY means a unit of measurement representing the number of people, buildings, structure or dwelling units per acre of land.

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

DRIVEWAY means a private way providing access for vehicles from a road to a dwelling, building, structure, parking space or loading/unloading space.

DWELLING means any building or structure (except a mobile home or recreational vehicle as defined herein) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants. A dwelling shall include an industrialized unit and a manufactured home as defined herein. A dwelling shall have one (1) dwelling unit.

DWELLING, SINGLE FAMILY means a dwelling consisting of one (1) detached dwelling unit to be occupied by one (1) family only.

DWELLING UNIT means space within a building comprising living and/or dining and sleeping rooms; and space for cooking, bathing and toilet facilities; all of which are used by only one (1) family for residential occupancy.

EARTH DISTURBING ACTIVITY means any grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed and which may result in or contribute to erosion and sediment pollution.

EASEMENT means the right of a person, government entity, public utility, or other firm to use public or private land owned by another for a specific purpose as established by an instrument of record in the county recorder's office.

EROSION means the process by which the land surface is worn away by the action of water, wind, ice or gravity.

FAMILY means a person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities, exclusive of live-in employees: (1) any number of persons related by blood, adoption, guardianship or marriage; (2) two persons not related by blood, adoption,

guardianship or marriage; (3) two persons not related by blood, adoption, guardianship or marriage, and any children related to either of them; (4) not more than five persons living together in a supported living arrangement under O.R.C. 5126.01 and other applicable statutes and administrative regulations, exclusive of live-in care givers. EXCEPTIONS: FAMILY SHALL NOT INCLUDE: (1) a society, club, fraternity, sorority, association, lodge combine, federation, coterie, or a like organization; (2) any group of individuals whose association is temporary or seasonal in nature; and/or (3) any group of individuals who are in a group living arrangement as a result of criminal offenses.

FARM MARKET means a market where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. See O.R.C. Section 519.21(C)(l).

FENCE means an artificially constructed structure consisting of wood, masonry, stone, wire, metal or other manufactured material or combination of materials erected as a boundary or means of protection to enclose, screen or separate areas on a lot. A fence shall not include hedges, shrubs, trees or other natural growth or vegetation.

FINISHED GRADE LEVEL means the elevation of the finished grade of the ground adjacent to a building or structure.

FIXTURE, FULL CUTOFF LIGHTING means a lighting fixture which allows no light to be emitted above a horizontal plane drawn through the lowest part of the fixture.

FLOOR AREA, TOTAL means the sum of the horizontal areas of the several floors of a building, measured from the exterior faces of exterior walls. Floor area shall not include (1) basement and crawl space of the building; (2) attic space of the building; (3) breezeways, decks, patios and open porches; (4) uncovered steps, and (5) attached residential garages.

FRONTAGE see ***Lot Line, Front*.**

GARAGE means a building designed and used for the storage of motor vehicles.

GARAGE, YARD, BARN OR ESTATE SALE means a private sale of personal property that is open to the public.

GASOLINE FILLING STATION means any building, structure, or lot used 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.

GAZEBO means a freestanding roofed structure open on the sides.

GLARE means the sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

GLARE, DIRECT means the glare resulting from the human eye being able to see the light emitting portion of a light fixture.

GOLF CLUB means a recreational facility whose principal recreational activity is golf and is available to the public. Accessory facilities may include a swimming pool, tennis courts, club house and maintenance buildings. Such club shall be subject to the regulations set forth in Article 6.

GREEN SPACE means the percent of lot area that is not included under lot coverage.

GROUND FLOOR AREA/FOOTPRINT means the horizontal area of the foundation measured from the exterior faces of exterior walls and/or exterior roof supports.

GROUND-MOUNTED SOLAR ENERGY SYSTEMS means a solar energy system that mounts a solar panel or panels and facilities on or above the ground.

HAZARDOUS WASTE means substances or materials that by reason of their toxic, caustic, corrosive, abrasive, or other injurious properties may be detrimental or deleterious to the health of any person or others coming into contact with such material or substance and which cannot be handled by routine waste management techniques.

HOME OCCUPATION means an occupation for remuneration conducted within a dwelling on a lot within a residential zoning district.

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

HOSPITAL, VETERINARY means a building containing accommodations for the diagnosis and treatment of animals by licensed veterinarians and staff.

HOTEL OR MOTEL means a building in which transient lodging, or boarding and lodging, are provided and offered to the public for compensation.

INDUSTRIALIZED UNIT means a structure as defined in O.R.C. 3781.10 for which a letter of certification and insignia has been issued by the Ohio Board of Building Standards pursuant to Ohio Administrative Code 4101:2-1-62(A).

INTEGRATED SOLAR ENERGY SYSTEMS means a solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows.

FJUNK means waste, discarded or salvaged materials including, but not limited to, scrap metals, building materials, batteries, glass, paper, plastic, rags, rope, rubber, cordage, barrels, machinery and dismantled or wrecked vehicles or parts thereof.

JUNK VEHICLE means any vehicle that meets all of the following criteria. It is (1) three years old or older; (2) apparently inoperable; and (3) extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

JUNK YARD means any lot, property, structure, building, or combination of the same, on which junk is stored, processed, exchanged, baled, packed, sorted, disassembled, bought or sold.

LANDSCAPED AREA means an area improved only with materials as defined as landscaping and maintained in a controlled manner.

LANDSCAPING means the exterior installation of any combination of living plant material such as trees, shrubs, grass, flowers, and other natural vegetative cover; and may include structural or decorative features such as walkways, retaining walls, fences, benches, lighting, works of art, reflective pools, and fountains. Landscaping may also include other supportive elements such as irrigation systems, ponds, watercourses, mulch, topsoil, pavers, and decorative rock; and the preservation, protection, or replacement of existing wetlands, trees, shrubs, and similar living plant material.

LANDSCAPING BUSINESS means a commercial use which provides (1) landscaping services, or the sale at retail of sod, trees, shrubs, plants or other material for landscaping purposes, and/or (2) facilities for the maintenance and storage of equipment and material used for landscaping.

LATTICE TOWER means a framework or structure of crossed metal strips typically resting on three (3) or more members constructed vertically to which antennas are affixed.

LIGHT TRESPASS means light emitted by a lighting installation which falls outside the boundaries of the lot on which the installation is sited.

LOADING/UNLOADING SPACE means off-street space provided for pick-ups and deliveries for commercial and industrial uses.

LOT means a piece, parcel, tract, or plot of land which shall be a lot of record.

LOT, CORNER means a lot located at the intersection of two (2) or more roads.

LOT, COVERAGE means the percentage of the total lot area that is occupied by the total horizontal area of all buildings, structures, driveways, loading/unloading spaces and parking area on a lot.

LOT MEASUREMENTS a lot shall be measured as follows:

> **DEPTH** means the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
>
> **WIDTH** means the shortest distance that occurs between the side lot lines measured anywhere between the front lot line and the setback line.

LOT, MINIMUM AREA means the total area, expressed in acres, included within the boundary lines of a lot computed exclusive of any portion of the right-of-way of any abutting public or private road.

LOT, INTERIOR means any lot other than a corner lot.

LOT LINE means the boundary of a lot which separates it from adjoining lots of record; public land; private land; common, public or private open space; and public or private roads.

LOT LINE, FRONT (FRONTAGE) means the boundary of a lot which abuts a public or private road. In the case of a corner lot or through (multiple frontage) lot in a residential district, the front lot line shall be designated by the lot owner, provided that all other provisions of this resolution are met.

LOT LINE, REAR means a lot line, other than a front lot line on another street, which is parallel or with forty-five (45) degrees of being parallel to the front lot line. If the rear lot line forms a point, then the rear lot line shall be a line ten (10) feet in length within the lot, drawn parallel to and the maximum distance from the front lot line.

LOT LINE, SIDE means any boundary of a lot which is not a front lot line nor is a rear lot line.

LOT OF RECORD means a parcel of land shown as a separate unit on the county auditor's current tax roll, and either as a separate lot on a subdivision plat recorded in the office of the county recorder or as a lot described by metes and bounds on a deed or instrument of conveyance, the description of which has been so recorded.

LOT, THROUGH (MULTIPLE FRONTAGE LOT) means a lot, other than a corner lot, with lot lines on more than one (1) street. Both streets shall be deemed front lot lines.

MANSARD ROOF means a roof with a steep lower slope and a flatter upper portion, also known as a gambrel roof.

MANUFACTURED HOME means a building unit or assembly of closed construction fabricated off-site as defined in O.R.C. Section 3781.06 (C) (4).

MANUFACTURED HOME PARK means any lot upon which three (3) or more manufactured or mobile homes used for habitation are located, as defined in O.R.C. 3733.01 (A).

MEDICAL MARIJUANA means marijuana, as defined in O.R.C. Section 3796.01 (A) (1), that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose per O.R.C. Section 3796.01 (A) (2).

MEMORIAL PARK means 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.

MINERALS means substances or materials excavated from natural deposits on or in the earth.

MOBILE HOME means a building unit or assembly of closed construction built on a permanent chassis as defined in O.R.C. Section 4501.0 (O), and which is designed to be used as a dwelling unit with or without a permanent foundation, and which does not conform to the National Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A. 5401,

5403 as amended. A mobile home does not mean an industrialized unit, manufactured home or recreational vehicle as defined in this resolution. A building or non-self-propelled vehicle is a mobile home whether or not axles, chassis, hitch, wheels, or other appurtenances of mobility have been removed and regardless of the nature of the foundation provided.

MONOPOLE means a structure composed of a single spire used to support communications equipment.

MONUMENT means a statue, pillar or other non-habitable structure erected in memory of the dead or of a person or event.

MOTEL see ***Hotel or Motel***.

MOTOR VEHICLE means a motor vehicle as defined in the Ohio Revised Code.

NONCONFORMING BUILDING OR STRUCTURE means a building or structure which was lawfully in existence at the effective date of this resolution or amendment thereto that does not conform to the area, square footage, yard, height, or other applicable regulations for the zoning district in which it is located.

NONCONFORMING USE means the use of a building, structure or lot which was lawfully in existence at the effective date of this resolution or amendment thereto and which does not conform to the use regulations for the zoning district in which it is located.

OPEN SPACE means a totally unobstructed area on a lot that does not have any permanent or temporary buildings, structures, driveways, or parking lots.

PARKING GARAGE, COMMERCIAL means any building in the commercial district which (1) is used for the storage of motor vehicles, and (2) is not accessory to any other use on the lot, and (3) contains space rented to the general public by the hour, day, week, month, or year. A "commercial parking garage" shall not include (1) any establishment used for automobile repairs, excepting minor repairs which are solely incidental to the storage of motor vehicles, nor (2) any establishment used exclusively for the storage of commercial or public utility motor vehicles, or for the dead storage of motor vehicles.

PARKING LOT means an off-street area designed for parking of vehicles, including driveways and aisles.

PARKING LOT, COMMERCIAL means any lot in the commercial district which (1) is used for the storage of motor vehicles, and (2) is not accessory to any other use on the same or any other lot, and (3) contains space rented to the general public by the hour, day, week, month or year. A "commercial parking lot" shall not include (1) any establishment used for automobile repairs, excepting minor repairs which are solely incidental to the storage of motor vehicles, nor (2) any establishment used exclusively for the storage of commercial or public utility motor vehicles, or for dead storage of motor vehicles.

PARKING SPACE means an off-street space designed for parking of vehicles in association with a specific use.

PATIO means a paved structure without a roof and open on the sides.

PAVILION see ***Gazebo*.**

PERSONAL WIRELESS SERVICES means commercial mobile services, unlicensed wireless services, and common carrier wireless, exchange access services.

PERSONAL WIRELESS SERVICE FACILITY means commercial mobile services, unlicensed wireless services, and common carrier wireless, exchange access services as defined by 47 U.S.C. 332(c)(7).

PLACE OF WORSHIP see ***Church*.**

PLANS, DEVELOPMENT 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, buildings and structures 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.

PLAYFIELD means land used and equipped for outdoor athletics.

PLAYGROUND means land used and equipped for recreation, especially for children.

"PORCH" means an open-sided accessory structure with a roof attached to the principal dwelling that adjoins an entrance. Placement of the porch shall not violate any other provisions of this resolution.

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

PRODUCE means items such as fresh fruit, vegetables, eggs, grains, herbs, honey, maple syrup, milk, cheese, beeswax, plants, flowers and meats.

PUBLIC ROAD OR STREET means a road right-of-way for public use as defined in O.R.C. Section 5535.01 and the Geauga County Subdivision Regulations and accepted for maintenance by the state, county, or township and which provides the principal means of ingress and egress for an abutting lot.

PUBLIC UTILITY see ***Article 11, Section 1104.0 A.1-8*.**

RADIO means the communication of impulses, sounds, and pictures through space by electromagnetic waves.

RECREATIONAL VEHICLE means a portable vehicular structure designed and constructed to be used as a temporary dwelling and including travel trailers, motor homes, and truck campers as defined in O.R.C. 4501.01.

RESIDENCE OR RESIDENTIAL means a building or any part of a building which contains a dwelling unit for permanent occupancy. Residences include all single family dwellings.

Residences do not include (1) transient accommodations, and (2) that part of a building which is used for any non-residential uses, except accessory uses for residences, in a building containing both residences and other uses, and (3) institutional uses, as in rest homes, nursing homes, homes for the aged, orphanages, and other institutional residential uses.

RIGHT-OF-WAY means all land included within an area dedicated to public use as a road, or land recorded as an easement for private use as a road, for ingress and egress.

ROAD means a public or private road as defined in this resolution.

ROOF means a covering structure of rigid permanent waterproof materials.

ROOFTOP SOLAR ENERGY SYSTEMS means a solar energy system that is mounted to a structure or building's roof on racks.

SCHOOL means any public school chartered by the Ohio Board of Regents or conforming to minimum standards prescribed by the state board of education and any private or parochial school certified by the Ohio Department of Education which offers state approved courses of instruction.

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

SEDIMENT CONTROL means the limiting of sediment transport by controlling erosion, filtering sediment from water, or detaining sediment-laden water allowing sediment to settle.

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

SERVICE STATION see ***Gasoline Filling Station***.

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

SIGN see ***Signs, Article 9.***

SMALL SOLAR FACILITY Small Solar Facility means solar panels and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty megawatts.

SOLAR ENERGY means radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.

SOLAR ENERGY SYSTEM means a system and associated facilities that collect Solar Energy, which may include, but is not limited to, an Integrated Solar Energy System, Rooftop Solar Energy System, or Ground-Mounted Solar Energy System.

SPA see ***Day Spa***.

STORY means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the surface of any floor and the ceiling next above it. A basement shall be deemed to be a story only when more than one-half (1/2) of its height is located above the finished grade level of the adjacent ground.

STREET means a public or private road as defined in this resolution.

STRUCTURAL ALTERATION means any change in or addition to the supporting members of a structure, such as bearing walls, beams, foundations, columns or girders.

STRUCTURE means anything constructed or erected that requires location on the ground or is attached to something having location on the ground, including but not limited to buildings, driveways, decks, patios, and loading/unloading areas.

SUBSTANTIAL EVIDENCE means more than a mere scintilla of evidence. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

SWIMMING POOL means a permanent open tank or other structure designed to contain a depth of at least two (2) feet of water at any point for the purpose of swimming or wading.

SWIMMING POOL, STORABLE means a swimming or wading pool with a maximum diameter of eighteen (18) feet and a maximum wall height of forty-two (42) inches and so constructed that it can be readily disassembled for storage and reassembled to its original integrity. A pool with nonmetallic inflatable walls, regardless of its dimensions, is considered to be a storable pool. (Definition 680-4 National Electric Code).

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

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

TELECOMMUNICATIONS, EQUIPMENT BUILDING OR SHELTER means the structure in which the electronic receiving and relay equipment for a wireless telecommunication facility is housed.

TELECOMMUNICATIONS TOWER means any free-standing structure, or any structure attached to a building or other structure, that meets all of the criteria set forth in O.R.C. 519.211 (B) (a-e) and this resolution.

TOWER means any ground or roof mounted pole, spire, structure, or combination thereof taller than fifteen (15) feet, including support lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

TRUSTEES means the board of trustees of the township.

TYPE B FAMILY DAY-CARE HOME AND TYPE B HOME means a permanent residence of the provider in which care is provided for one to six children at one time and in which no more than three children are under two years of age at one time and as defined in O.R.C. Section 5104.01(VV). In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day-care home" and "type B home" do not include any child day camp as defined in O.R.C. Section 5104.01(J).

UNLICENSED WIRELESS SERVICE means the offering of telecommunication services using duly authorized devices that do not require individual licenses but does not mean the provision of direct-to-home satellite services.

USED CAR LOT means any commercial lot on which two (2) or more motor vehicles in operating condition are offered for sale or displayed to the public.

VEHICLE see ***Motor Vehicle***

WELLS, GAS AND OIL see ***Extraction of Oil, Natural Gas and Hydrocarbons Article 8***

WIRELESS TELECOMMUNICATION ANTENNA means an antenna designed to transmit or receive telecommunications as authorized by the Federal Communications Commission (FCC), excluding amateur radio operator antennas.

WIRELESS TELECOMMUNICATION EQUIPMENT BUILDING see ***Telecommunications, Equipment building or Shelter*.**

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

WIRELESS TELECOMMUNICATIONS TOWER means a tower including but not limited to self-supporting lattice or monopole that elevates the wireless telecommunication antenna and may include accessory transmission and receiving equipment.

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

YARD, REQUIRED means a yard created when applying a required minimum setback for a building, use, or structure to the front, side, or rear lot lines where applicable, unless otherwise specified

YARD, FRONT means a yard extending along the full length of the front lot line between the side lot lines, and from the front lot line to the front of the principal building.

YARD, REAR means a yard extending along the full length of the rear lot line between the side lot lines, and from the rear lot line to the rear of the principal building.

YARD, SIDE means a yard extending from a building or structure to the side lot line on both sides of a building or structure between the lines establishing the front and rear yards. Where no front or rear yard is required, the side yard shall extend along the side lot line from the front lot line to the rear lot line as the case may be. In the case of a corner lot, any yard which is not a front yard shall be considered a side yard.

ZONING CERTIFICATE means a permit issued by the township zoning inspector in accordance with the regulations specified in this resolution.

ZONING COMMISSION means the zoning commission of the township.

ZONING INSPECTOR means the zoning inspector of the township.

ZONING MAP means the most recent official zoning map of the township which shows the boundaries of the zoning districts established in this resolution.

ARTICLE 3 – AMENDMENTS

300.0 PROCEDURE FOR AMENDMENTS TO ZONING RESOLUTION

The procedure for amendments to the zoning resolution shall be in accordance with O.R.C. Section 519.12.

301.0 CONTENTS OF APPLICATION FOR A ZONING AMENDMENT

Application forms for amendments to the zoning resolution shall be provided by the township zoning commission or its secretary. All applications 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.

Such application shall include the following information:

A. The name, address and telephone number of the applicant.
B. The address of the lot, if different from the applicant's current address, and permanent parcel number.
C. Describe the present use of the lot.
D. Describe the present zoning classification of the lot.
E. The text of the proposed amendment.
F. The proposed zoning district, if applicable.
G. A legal description of the lot included in the proposed amendment. If the applicant does not have title to the lot, attach a copy of a power of attorney, lease, or purchase agreement as well.
H. A map drawn to scale, with a north arrow, showing the boundaries and dimensions (in feet) of the lot.
I. A copy of the most recent official township zoning map with the lot(s) proposed to be changed fully delineated and the proposed zoning district designation shown thereon, if applicable.
J. A statement relative to the reason(s) for the proposed amendment and how it relates to the township land use plan.
K. A site plan detailing existing and proposed buildings, structures, and uses on the affected lot(s) and documenting the provision and location(s) of sewage treatment and water supply facilities. (In addition, a blueprint or similar accurate building plan [11" X 17"] of proposed buildings or additions is required.)
L. A list of names, addresses and permanent parcel numbers from the county auditor's current tax list of all owners of lots within five hundred (500) feet from the perimeter of the area to be rezoned or redistricted, if the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county auditor's current tax list.
M. The date of application for the zoning amendment.

N. The application fee. See Schedule of Fees, Charges and Expenses; and Collection Procedures, Section 105.0.

302.0 SUBMISSION TO DIRECTOR OF OHIO DEPARTMENT OF TRANSPORTATION

Before any zoning amendment is adopted affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to the board of trustees and township zoning inspector by the director of transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the board of trustees shall give notice, by registered or certified mail to the director of transportation.

The board of trustees shall not adopt a zoning amendment for one hundred twenty (120) days from the date the notice is received by the director. If the director of transportation notifies the board of trustees that he/she has purchased or has initiated proceeding to appropriate the land which is subject of the amendment, then the board of trustees shall refuse to adopt the amendment. If the director notifies the board of trustees that he/she has found acquisition at that time not to be in the public interest, or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the director and the property owner, the board of trustees shall proceed as required by the Ohio Revised Code.

ARTICLE 4 - ZONING DISTRICTS AND OFFICIAL ZONING MAP

400.0 ZONING DISTRICTS

Chester Township is hereby divided into zoning districts, which shall be designated as follows:

R. One (1) family district
One and one-half (1 ½) acre minimum lot

R3A. One (1) family district
Three (3) acre minimum lot

R5A. One (1) family district
Five (5) acre minimum lot

C. General commercial district

S.C. Shopping center district

I. Restricted industrial district

400.1 ZONING DISTRICTS DEFINED

The boundaries of the zoning districts listed in Section 400.0 are defined as prepared by Foresight Engineering, Inc. on June 28, 2005; as amended in Z-2008-3, effective date February 15, 2009; as amended in Z-2022-1, effective date August 13, 2022.

A. The Residential Districts (R, R3A and R5A) are defined on the most recent official township zoning map which is hereby incorporated as part of this resolution. An area enclosed by a district boundary shall be within the district therein.

B. Legal description of the General Commercial District located along Mayfield Road (U.S. 322) and Chillicothe Road (S.R. 306).

Situated in the Township of Chester, County of Geauga, State of Ohio and being further bounded and described as follows;

Beginning at the intersection of the centerline of Mayfield Road (US 322) with the centerline of Caves Road;

Thence northerly along the centerline of said Caves Road to a northwesterly corner of parcel # 11-181000;

Thence easterly along the northerly line of said parcel # 11-181000 to the northeasterly corner of said parcel # 11-181100;

Thence easterly along the northerly line of parcel # 11-234470 and parcel # 11-304700 to a northwesterly corner of parcel # 11-304700;

Thence easterly along the northerly line of said parcel # 11-304700, parcel # 11-167800, parcel # 11-080600, parcel # 11-227200 to the northeasterly corner of said parcel # 11-227200;

Thence southerly along the easterly line of said parcel # 11-227200 to a point that is 500 feet distant from, by normal measurement, the centerline of Mayfield Road;

Thence easterly along a line parallel with and 500 feet distant from, by normal measurement, the centerline of said Mayfield Road, to a point on the centerline of Harold Drive;

Thence southerly along the centerline of Harold Drive to the northwesterly corner of parcel # 11-281500;

Thence easterly along the northerly line of said parcel # 11-281500 to the northeasterly corner of said parcel # 11-281500;

Thence northerly along the westerly line of parcel # 11-361000 to a point that is 500 feet distant from, by normal measurement, the centerline of said Mayfield Road;

Thence easterly along a line parallel with and 500 feet distant from, by normal measurement, the centerline of said Mayfield Road, to a point along the easterly line of parcel # 11-362780;

Thence southerly along the easterly line of said parcel # 11-362780 to the northwesterly corner of parcel # 11-362770;

Thence easterly along the northerly line of said parcel # 11-362770 and parcel# 11-389250 and it's easterly projection to the centerline of Valley View Drive;

Thence northerly along the centerline of Valley View Drive to a point that is 500 feet distant from, by normal measurement, the centerline of said Mayfield Road;

Thence easterly along a line parallel with and 500 feet distant from, by normal measurement, the centerline of said Mayfield Road, to a point on the easterly line of parcel # 11-265800;

Thence southerly along the easterly line of said parcel # 11-265800 to the northwesterly corner of parcel # 11-167760;

Thence easterly along the northerly line of said parcel # 11-167760 and parcel #11-239910 and its easterly projection to the centerline of Buckeye Drive;

Thence southerly along the centerline of Buckeye Drive to the westerly projection of the northerly line of parcel # 11-264200;

Thence easterly along the northerly line of said parcel # 11-264200, parcel # 11-075100, parcel # 11-190100, parcel # 11-321060, parcel # 11-321050, parcel # 11-103300, parcel # 11-103200, parcel # 11-103500, to the southeasterly corner of parcel # 11-710200;

Thence northerly along a westerly line of parcel # 11-103500 to a northwesterly corner of said parcel # 11-103500;

Thence easterly along the northerly line of said parcel # 11-103500, parcel # 11-252400, parcel # 11-128550, to a northeasterly corner of said parcel # 11-128550;

Thence northerly along the westerly line of parcel # 11-339600 to a northwesterly corner of said parcel # 11-339600;

Thence easterly along the northerly line of said parcel # 11-339600, parcel # 11-174200, parcel # 11-052600, parcel # 11-283300, parcel # 11-153900, to the northeasterly corner of said parcel # 11- 153900;

Thence northerly along the westerly line of parcel # 11-366800 to the northwesterly corner of said parcel # 11-366800;

Thence easterly along the northerly line of said parcel # 11-366800 to a point that is 500 feet distant from, by normal measurement, the centerline of Chillicothe Road;

Thence northerly along a line parallel with and 500 feet distant from, by normal measurement, the centerline of Chillicothe Road to a southeasterly corner of parcel # 11-306100;

Thence northerly along a westerly line of parcel # 11-111300, parcel 11-009100, parcel 11-009000, to a northwesterly corner of said parcel # 11-009000;

Thence easterly along the northerly line of said parcel # 11-009000 to the northeasterly corner of said parcel # 11-009000 on the centerline of Chillicothe Road;

Thence southerly along the centerline of said Chillicothe Road to the intersection of the centerline of Chillicothe Road with the centerline of Seminary Lane;

Thence easterly along the centerline of said Seminary Lane to a northerly projection of the easterly line of parcel # 11-069710;

Thence southerly along the easterly line of said parcel # 11-069710 to the southeasterly corner of said parcel # 11-069710;

Thence westerly along the southerly line of said parcel # 11-069710 and its westerly projection to the centerline of said Chillicothe Road;

Thence southerly along the centerline of said Chillicothe Road to a westerly projection of the northerly line of parcel # 11-008500;

Thence easterly along the northerly line of said parcel # 11-008500 to the northeasterly corner of said parcel # 11-008500;

Thence southerly along the easterly line of said parcel # 11-008500 and its southerly projection to the centerline of Herrick Drive;

Thence easterly along the centerline of said Herrick Drive to the northerly projection of the easterly line of parcel # 11-388884;

Thence southerly along the easterly line of said parcel # 11-388884 and its northerly projection to the southeasterly corner of said parcel # 11-388884;

Thence westerly along the southerly line of said parcel # 11-388884 to the northeasterly corner of parcel # 11-292310;

Thence southerly along the easterly line of said parcel # 11-292310, parcel # 11-292320 and the southerly projection of the easterly line of said parcel # 11-292320 to a point on the northerly line of parcel # 11-710900;

Thence westerly along the northerly line of said parcel # 11-710900 to the northwesterly corner of said parcel # 11-710900 on the centerline of said Chillicothe Road;

Thence southerly along the centerline of said Chillicothe Road to the intersection of the centerline of said Chillicothe Road with the centerline of Mayfield Road;

Thence easterly along the centerline of said Mayfield Road to the southeasterly corner of said parcel # 11-710900;

Thence northerly along the easterly line of said parcel 11-710900 to the northwesterly corner of parcel # 11-713700;

Thence easterly along the northerly line of said parcel # 11-713700, parcel # 11-124700, to the northeasterly corner of said parcel # 11-124700;

Thence southerly along the easterly line of said parcel # 11-124700 to the southeasterly corner of parcel # 11-124700;

Thence easterly along the northerly line of parcel # 11-015100 and parcel # 11-285550, to the northeasterly corner of said parcel 11-285550;

Thence northerly along the westerly line of parcel # 11-388769 to the northwesterly corner of said parcel # 11-388769;

Thence easterly along the northerly line of said parcel # 11-388769 to the northeasterly corner of said parcel # 11-388769;

Thence southerly along the easterly line of said parcel # 11-388769 to a point that is 500 feet distant from, by normal measurement, the centerline of said Mayfield Road;

Thence easterly along a line parallel with and 500 feet distant from, by normal measurement, the centerline of said Mayfield Road to a point on the easterly line of parcel # 11-350500;

Thence southerly along the easterly line of said parcel # 11-350500 and its southerly projection to the centerline of said Mayfield Road;

Thence easterly along the centerline of said Mayfield Road to a southerly projection of the westerly line of parcel # 11-037400;

Thence northerly along the westerly line of said parcel # 11-037400 and its southerly projection to the northwesterly corner of said parcel # 11-037400;

Thence easterly along the northerly line of said parcel # 11-037400 and parcel # 11-037500 to the northeasterly corner of said parcel # 11-037500;

Thence southerly along the easterly line of said parcel # 11-037500 and its southerly projection to the centerline of said Mayfield Road;

*Thence easterly along the centerline of said Mayfield Road to the northeasterly corner of parcel # 11-203500;

*Thence southerly along the easterly line of said parcel # 11-203500 and # 11-203600 to a point that is the southeasterly corner of parcel # 11-203600; thence westerly along the southerly line of parcel # 11-203600 to a point at the southwesterly corner of parcel # 11-203600; thence northerly along the westerly line of parcel #11-203600 to a point that is 500 feet distant from, by normal measurement, the centerline of said Mayfield Road;

*Compliant with Court of Appeals, Geauga County, Jan. 11, 1963; Appeal of McDonald (Case no. 196 N.E.2d 333). *As amended by Z-2022-1 effective date August 13, 2022*

Thence westerly along a line parallel with and 500 feet distant from, by normal measurement, the centerline of said Mayfield Road to a point on the easterly line of parcel # 11-116600;

Thence northerly along an easterly line of said parcel # 11-116600, to the southeasterly corner of parcel # 11-160200;

Thence westerly along the southerly line of said parcel # 11-160200 to the southwesterly corner of said parcel # 11-160200;

Thence northerly along the westerly line of said parcel # 11-160200 to the southeasterly corner of parcel # 11-056700;

Thence westerly along the southerly line of said parcel # 11-056700 to the southwesterly corner of said parcel # 11-056700;

Thence northerly along the westerly line of said parcel # 11-056700 and its northerly projection to the centerline of said Mayfield Road;

Thence westerly along the centerline of said Mayfield Road to a northerly projection of the easterly line of parcel # 11-024400;

Thence southerly along the easterly line of said parcel # 11-024400 and its northerly projection, and the easterly line of parcel # 11-024500 to the southeasterly corner of said parcel # 11-024500;

Thence westerly along the southerly line of said parcel # 11-024500 to the southwesterly corner of said parcel # 11-024500;

Thence southerly along the easterly line of parcel # 11-018700 to a point that is 500 feet distance from, by normal measurement, the centerline of said Mayfield Road;

Thence westerly along a line parallel with and 500 feet distant from, by normal measurement, the centerline of said Mayfield Road to a point on the westerly line of said parcel # 11-018700;

Thence northerly along the westerly line of said parcel # 11-018700 to a northwesterly corner of said parcel # 11-018700;

Thence westerly along the southerly line of parcel # 11-281100, parcel # 11-253350, parcel # 11- 253340 and the westerly projection of the southerly line of said parcel # 11-253340 to the centerline of Opalocka Drive;

Thence northerly along the centerline of said Opalocka Drive to a easterly projection of the southerly line of parcel # 11-109500;

Thence westerly along the southerly line of said parcel # 11-109500 and its easterly projection, and the southerly line of parcel # 11-109400 to the southwesterly corner of said parcel # 11-109400;

Thence southerly along the easterly line of parcel # 11-152400 to a point that is 500 feet distant from, by normal measurement, the centerline of said Mayfield Road;

Thence westerly along a line parallel with and 500 feet distant from, by normal measurement, the centerline of said Mayfield Road to a point on the easterly line of parcel # 11-187500;

Thence southerly along the easterly line of said parcel # 11-187500 to the southeasterly corner of said parcel # 11-187500;

Thence westerly along the southerly line of said parcel # 11-187500 to the southwesterly corner of said parcel # 11-187500 on the centerline of Chillicothe Road;

Thence northerly along the centerline of said Chillicothe Road to the southeasterly corner of parcel # 11-275650 on the centerline of said Chillicothe Road;

Thence westerly along the southerly line of said parcel # 11-275650, parcel # 11-262440, to a southwesterly corner of said parcel # 11-262440;

Thence southerly along the easterly line of parcel # 11-268200 to the southeasterly corner of said parcel # 11-268200;

Thence westerly along the southerly line of said parcel # 11-268200 and parcel # 11-268000 to the southwesterly corner of said parcel # 11-268000;

Thence westerly along a line parallel with and 500 feet distant from, by normal measurement, the centerline of said Mayfield Road to a point on the centerline of Lynn Drive;

Thence northerly along the centerline of said Lynn Drive to a easterly projection of the southerly line of parcel # 11-290600;

Thence westerly along the southerly line of said parcel # 11-290600 to the southwesterly corner of said parcel # 11-290600;

Thence southerly along the easterly line of parcel # 11-060700 to the southeasterly corner of said parcel # 11-060700;

Thence westerly along the southerly line of said parcel # 11-060700 and its westerly projection to a point on the easterly line of parcel # 11-233700;

Thence northerly along the easterly line of said parcel # 11-233700 to the southeasterly corner of parcel # 11-233600;

Thence westerly along the southerly line of said parcel # 11-233600, parcel # 11-233610 to the southwesterly corner of said parcel # 11-233610;

Thence southerly along the easterly line of parcel # 11-363700, to a point that is 500 feet from, by normal measurement, the centerline of said Mayfield Road;

Thence westerly along a line parallel with and 500 feet distant from, by normal measurement, the centerline of said Mayfield Road to the southeasterly corner of parcel # 11-325700;

Thence westerly along the southerly line of said parcel # 11-325700, parcel # 11-260600 to the southwesterly corner of parcel # 11-260600;

Thence westerly along a line parallel with and 500 feet distant from, by normal measurement, the centerline of said Mayfield Road to a point on the westerly line of parcel # 11-170700;

Thence northerly along the westerly line of said parcel # 11-170700 to the southeasterly corner of parcel # 11-207900;

Thence westerly along the southerly line of said parcel # 11-207900 and its westerly projection to the centerline of Laser Drive;

Thence southerly along the centerline of said Laser Drive to an easterly projection of the southerly line of parcel # 11-389066;

Thence westerly along the southerly line of said parcel # 11-389066 and its westerly projection, parcel # 11-385400, parcel # 11-388974 to the southwesterly corner of said parcel # 11-388974;

Thence westerly along a line parallel with and 500 feet distant from, by normal measurement, the centerline of said Mayfield Road to the southeasterly corner of parcel # 11-199600;

Thence westerly along the southerly line of said parcel # 11-199600 and its westerly projection to the centerline of the relocated Caves Road;

Thence northerly along the centerline of the relocated Caves Road to the place of beginning.

C. Legal description of the General Commercial District located at Chillicothe Road (S.R. 306) and Mulberry Road.

Situated in the Township of Chester, County of Geauga, State of Ohio and being further bounded and described as follows;

Beginning at the southeasterly corner of parcel # 11-217620 located on the centerline of Chillicothe Road;

Thence westerly along the southerly line of said parcel # 11-217620 to the southwesterly corner of said parcel # 11-217620;

Thence northwesterly along the southwesterly line of parcel # 11-217620 to the northwesterly corner of said parcel # 11-217620 on the southerly line of parcel # 11-210400;

Thence westerly along the southerly line of parcel # 11-210400 to a point 500 feet distant from, by normal measurement, the centerline of said Chillicothe Road;

Thence northwesterly along a line parallel with and 500 feet distant from, by normal measurement, the centerline of said Chillicothe Road to a point on the northerly line of parcel # 11-106500;

Thence easterly along the northerly line of said parcel # 11-106500, parcel # 11-097500, parcel # 11-046900 to the northeasterly corner of said parcel # 11-046900;

Thence southerly along the easterly line of said parcel # 11-046900 to the southeasterly corner of said parcel # 11-046900 on the centerline of Mulberry Road;

Thence easterly along the centerline of said Mulberry Road to the northeasterly corner of parcel # 11-368000;

Thence southerly along the easterly line of said parcel # 11-368000 to the southeasterly corner of said parcel # 11-368000;

Thence westerly along the southerly line of said parcel # 11-36800, and parcel # 11-388989 to the southwesterly corner of said parcel # 11-388989 on the centerline of said Chillicothe Road;

Thence southeasterly along the centerline of said Chillicothe Road to the point of beginning.

D. Legal description of the Shopping Center District located on Chillicothe Road (S.R. 306).

Situated in the Township of Chester, County of Geauga, State of Ohio and known as Geauga County

Auditor's parcel number 11-040800.

E. Legal Description of the Restricted Industrial District located at Wilson Mills Road and east of County Line Road.

Situated in the Township of Chester, County of Geauga, State of Ohio and being further bounded and described as follows;

Beginning at the southeasterly corner of parcel # 11-055640;

Thence westerly along the southerly line of said parcel # 11-055640 to the southwesterly corner of said parcel 11-055640;

Thence northerly along the westerly line of said parcel # 11-055640 to the northwesterly corner of said parcel # 11-055640;

Thence easterly along the northerly line of said parcel # 11-055640, parcel # 11-055630 to the northeasterly corner of said parcel # 11-055630;

Thence southerly along the easterly line of said parcel # 11-055630 to the northeasterly corner of said parcel # 11-007400;

Thence westerly along the northerly line of said parcel # 11-007400 to the northwesterly corner of parcel # 11-007400;

Thence southerly along the westerly line of said parcel # 11-007400 to a southwesterly corner of said parcel 11-007400;

Thence westerly along a southerly line of said parcel # 11-055630 to the southwesterly corner of said parcel # 11-055630;

Thence northerly along the westerly line of said parcel # 11-055630 to the southeasterly corner of parcel # 11-055640 and place of beginning.

F. Legal description of Restricted Industrial District located on Mayfield Road (U.S. 322) and west of Barfield Drive.

Situated in the Township of Chester, County of Geauga, State of Ohio and being further bounded and described as follows;

Beginning on the centerline of Mayfield Road, at the intersection of a southerly projection of the westerly line of parcel # 11-600300 with the centerline of said Mayfield Road;

Thence northerly along the westerly line of said parcel # 11-600300 and its southerly projection to the northwesterly corner of said parcel # 11-600300;

Thence southeasterly along a northeasterly line of said parcel # 11-600300 to the northwesterly corner of parcel # 11-056200;

Thence easterly along the northerly line of said parcel # 11-056200 to the northeasterly corner of said parcel # 11-056200;

Thence southerly along the easterly line of said parcel # 11-056200 and its southerly projection to the centerline of said Mayfield Road;

Thence westerly along the centerline of said Mayfield Road to the place of beginning.

G. Legal description of Restricted Industrial District located on Chillicothe Road (S.R. 306) and Mulberry Road.

Situated in the Township of Chester, County of Geauga, State of Ohio and being further bounded and described as follows;

Beginning at a northeasterly corner of parcel # 11-389316 on the centerline of Mulberry Road;

Thence southerly along an easterly line of said parcel # 11-389316, parcel # 11-389164, parcel # 11-389317, and parcel # 11-714457 to the southeasterly corner of said parcel # 11-714457;

Thence westerly along the southerly line of said parcel # 11-714457 and parcel # 11-714407 to the southwesterly corner of said parcel # 11-714407;

Thence northwesterly along the southwesterly line of said parcel 11-714407 to the southeasterly corner of parcel # 11-714400;

Thence southwesterly along the southeasterly line of said parcel # 11-714400 to the southwesterly corner of said parcel # 11-714400 on the centerline of Chillicothe Road;

Thence northwesterly along the centerline of said Chillicothe Road to the northwesterly corner of parcel # 11-184700;

Thence easterly along the northerly line of said parcel # 11-184700 to the westerly line of parcel # 11-208700;

Thence northerly along the westerly line of said parcel # 11-208700 to the centerline of said Mulberry Road;

Thence easterly along the centerline of said Mulberry Road to the place of beginning.

H. IN CASE OF UNCERTAINTY. Where uncertainty exists as to the precise location of the boundaries of any of the aforesaid districts, as shown on the official township zoning map, the following regulations shall apply:

1. Where a boundary line appears within a road or other right-of-way, the boundary lines shall be deemed to be the centerline of the road or other right-of-way.

2. Where a boundary line appears to follow a lot line, such lot line shall be deemed to be the boundary line.

3. Where a road, watercourse, or other right-of-way has been vacated, the abutting zone classification on each side thereof shall automatically be extended to the centerline of said vacated road, watercourse, or right-of-way.

401.0 OFFICIAL CHESTER TOWNSHIP ZONING MAP

The official Chester Township zoning map shall be identified by the signatures of the township trustees and attested to by the township fiscal officer together with the date of its adoption and the effective date.

401.1 LOCATION OF OFFICIAL ZONING MAP

The official township zoning map shall be located in the office of the township fiscal officer, who shall be responsible for its custody and safe-keeping, and shall not be removed therefrom except by township officials for the purpose of conducting township business.

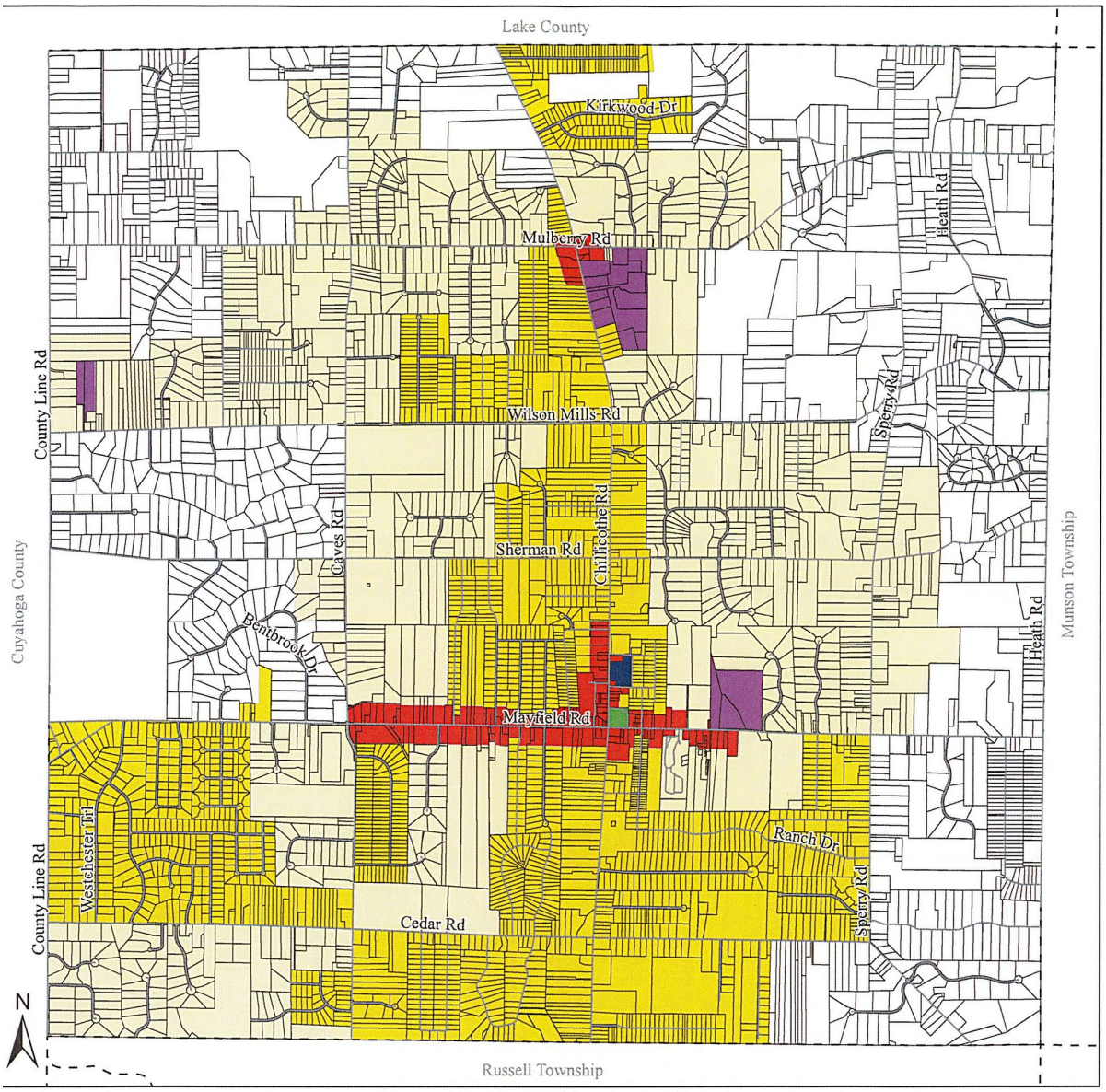
401.2 INCORPORATION OF OFFICIAL ZONING MAP

The location and boundaries of the districts established by this resolution are shown on the most recent official zoning map entitled "Chester Township Zoning Map". Said official map and all notations, dimensions, designations, references, data and other information shown thereon are hereby incorporated into and made part of this resolution.

401.3 AMENDMENTS TO THE OFFICIAL ZONING MAP

No amendments shall be made to the official township zoning map except in conformity with the procedure set forth in Article 3 of this resolution.

All amendments to the official township zoning map shall be made by adopting a new official township zoning map which shall be identified by the signatures of the township trustees and attested to by the township fiscal officer together with the date of its adoption and its effective date. Said map shall be located in the office of the township fiscal officer and kept together with the original township zoning map and all other amended zoning maps in the manner provided in Section 401.1



Chester Township Zoning Map

Zoning Districts

- R: One Family Residential
- R3A: One Family Residential
- R5A: One Family Residential
- SC: Shopping Center
- C: General Commercial
- I: Restricted Industrial
- Township Park

Amendment No. ZC-2025-4 is Hereby Adopted
by the Chester Township Board of Trustees
This 25th Day of August, 2025.

Effective the 16th day of October, 2025.

_____
Ken Radtke, Trustee

_____
Joe Mazzurco, Trustee

_____
Craig Richter, Trustee

_____
Patricia Jarrett, Fiscal Officer

lote: Two-Family Residential, Min 3 Acres, Deleted by Amendment Z-92-2. Effective 2/11/1993

reated October 1989 by the Geauga County Planning Commission
evised September 1996, November 2000, December 2001, July 2005 (Roads, Lot Lines, & High-Tension Wires),
pril 2008 (Lot Lines), May 2016 (Lot Lines & Roads), January 2018 (Lot Lines & Roads), August 2022
Amendment Z-2022-1), Revised November 2025 (Amendment ZC-2025-4).

Per Action Taken on Amendment No. Z-2008-2 Referendum Petition by Geauga County Board of Elections

isclaimer: This map was prepared by the Geauga County Planning Commission using local, state, federal, or other sources and Geauga County assumes no legal responsibility for the accuracy of this information. This map does
ot replace a field survey prepared by a licensed surveyor, deeds, easements, or other recorded legal instruments relating to the properties depicted.

ARTICLE 5 - DISTRICT REGULATIONS

500.0 GENERAL REGULATIONS IN ALL ZONING DISTRICTS

A. The uses set forth as principal uses in each zoning district shall be permitted by right as the principal building, structure or use of a lot.

B. The uses set forth as accessory uses on each zoning district shall be permitted by right as buildings, structures or uses which are subordinate and incidental to principal buildings, structures and uses.

C. The uses set forth as conditional uses in each zoning district shall not be permitted by right. Such buildings, structures and uses may be permitted only under specific conditions and in accordance with the provisions of this resolution.

500.1 PROHIBITED USES

A. Any use not specifically listed in this resolution shall not be permitted, nor shall any zoning certificate be issued therefor, unless and until a zoning amendment to provide for such use has been adopted and is in effect in accordance with Article 3 or a variance has been granted in accordance with Article 12.

B. Lighting fixtures and devices from which direct glare is visible on adjoining roads or lots shall be prohibited. Flashing lights and beacons shall be prohibited.

C. Mobile homes shall be prohibited except in the existing mobile home park located at 8701 Mayfield Road (U.S. 322), listed as parcel number 11-257500 in 1995.

D. No junk vehicle shall be stored or located except in accordance with the provisions of Section 500.5 of this resolution.

E. Junk yards and the storage of junk or burial of junk shall be prohibited.

F. Automotive wrecking and automotive wrecking yards shall be prohibited.

G. Manufactured home parks shall be prohibited.

H. The storage, incineration or burial of hazardous waste shall be prohibited.

I. Landfills for the burial of solid waste shall be prohibited.

J. Medical marijuana cultivators, processors or retail dispensaries shall be prohibited in accordance with O.R.C. Section 519.21.

K. Small Wind Farms as defined in O.R.C. Section 519.213.

L. Small Solar Facilities which operate at an aggregate greater than 100 kilowatts

M. No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this resolution, and any additional conditions and requirements prescribed, is or may become hazardous, noxious, or offensive due to emission of odor, smoke, fumes, cinders, dust, noise, gas, vibration, electrical interference, refuse matter,

water carried wastes, or which will interfere with adjacent landowners' enjoyment of the use of their land.

500.1.1 TEMPORARY USES

The following regulations are necessary to govern the operation of certain uses which are non-permanent in nature. Application for a zoning certificate shall be made to the zoning inspector, containing a graphic description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:

A. FUND-RAISING EVENTS SPONSORED AND CONDUCTED BY CHESTER TOWNSHIP NON-PROFIT ORGANIZATIONS, INCLUDING CHAPTERS OF NATIONAL OR STATE NON-PROFIT ORGANIZATIONS, SHALL BE PERMITTED IN ALL ZONING DISTRICTS and shall meet all of the following requirements:

1. The organization shall establish its non-profit status with federal or state tax reports or 501(c)(3) documentation and provide a copy to the zoning inspector.
2. No fee shall be required, however, written notice of intent to conduct the event shall be submitted to the township zoning inspector at least seven (7) days before the event.
3. No event shall be permitted for a period longer than fifteen (15) days and no organization shall conduct more than four (4) events within a twelve-month period. Exceptions to the fifteen (15) day limit: the sale of Christmas trees may continue from Thanksgiving to Christmas Eve.

B. TEMPORARY OFFICES. Temporary offices for contractors and equipment sheds incidental to a construction project may be permitted within any district. The certificate shall not be valid for more than one (1) year but may be renewed for six-month (6-month) extensions if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction project, or upon expiration of the zoning certificate, whichever occurs sooner.

C TEMPORARY MOBILE HOME. The temporary placement of a mobile home upon a lot which already contains a residential dwelling may be permitted where the zoning inspector finds that special circumstances, conditions, or forces of nature such as fires, windstorms, or other similar events which are fully described in the written findings of the zoning inspector, exist, such that the use of a temporary residential structure is necessary in order to prevent an exceptional hardship on the applicant, provided that such a temporary structure does not represent a hazard to the safety, health, or welfare of the township residents. An applicant for a zoning certificate under this section

must produce a written statement from the Geauga County Health Department approving the water supply and wastewater disposal system of the temporary mobile home location. Such zoning certificate may be initially issued for nine (9) months, renewable for up to three (3) months' time for all certificates, not exceeding a total of twelve (12) months.

500.2 REGULATIONS OVER USE, AREA, YARDS, AND HEIGHT

After the effective date of this resolution and subject to the provisions of Article 10 (Nonconforming 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, structure or parking area, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building, structure or parking area 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, frontage, width and yard provisions required by this resolution.

E. Where required a buffer zone shall be part of the lot on which the permitted principal building, structure or use other than a single family detached dwelling is located. All buffer zones abutting along the side or rear lot lines shall be landscaped and maintained in an appropriate manner. In addition, appropriate screening shall be required which shall consist of opaque/solid fences, walls, or a densely planted evergreen landscaping at least four (4) feet wide, all of which shall be maintained in good condition and be free from all advertising and other signs. Fences and walls shall be a minimum height of six (6) feet and a maximum of eight (8) feet measured from ground level, except in the case of corner street clearance. Screening consisting of planted evergreen landscaping shall have a minimum height of six (6) feet except in the case of corner sight clearance.

500.2.1 EXTERIOR LIGHTING

All sources of illumination of the exterior of buildings or grounds shall be shielded so as not to cause direct glare and shall be directed away from any lot lines and toward the principal building and parking area on a lot. To this end and to minimize light trespass, all lighting fixtures with lamps rated at initial lumens of two thousand five hundred (2,500) or greater must be the full cutoff type. Every fixture of this type shall be so installed that it operates at all times as a full cutoff fixture as defined in this resolution.

Exterior lighted signs shall utilize shielded fixtures from which direct light is not emitted beyond the boundaries of the sign.

Exceptions to this Section are:

A. Light fixtures producing light directly by the combustion of fossil fuels, such as natural gas or kerosene;
B. Temporary lighting, such as holiday lighting or emergency lighting;
C. Night lighting of a flag which may use one light fixture, or a monument (as defined in this resolution) which may use one light fixture per face of said monument with a lamp rated up to five thousand five hundred (5,500) initial lumens; these fixtures must emit a narrow cone beam of light that will not extend horizontally beyond the illuminated object. (See figures 1 and 2 below.)

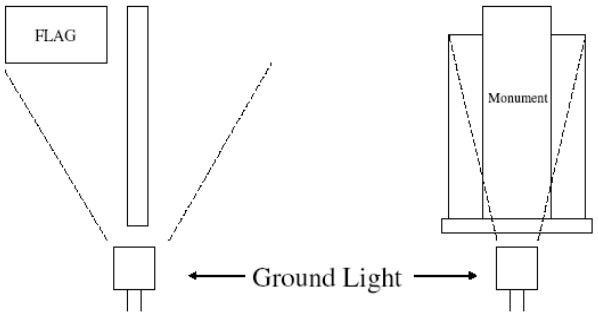


Figure 1

Figure 2

500.3 REQUIRED STREET FRONTAGE

Except as otherwise provided in this resolution each lot shall have full frontage on and abut a street.

500.4 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 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. Any lot fronting on a permanent cul-de-sac need not have the required frontage measured at the front lot line for the zoning district in which it is located, but shall have an arc on the front lot line of not less than one hundred (100) feet.

500.5 JUNK VEHICLE

A junk 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; or if it is concealed from view from the road or surrounding property by appropriate screening. The appropriate screening shall be in accordance with Section 500.2E. The use of tarpaulins, plastic or other similar materials shall not be considered as appropriate screening.

B. No junk vehicle shall be stored in a front yard.

C. This section shall not apply to any motor vehicle on a lot within a C-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.

D. 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.

500.6 FIRE PROTECTION

A. FIRE PROTECTION POND: A platted subdivision containing ten (10) or more total sublots, or a building or group of buildings on a lot containing more than 20,000 square feet of gross floor area, shall include a pond for fire protection constructed by the developing owner in accordance with the current standards and specifications of the Natural Resources Conservation Service, the Chester Township Fire Rescue Department, all applicable standards of the Geauga County Soil and Water Conservation District, and shall be so located as to permit access by firefighting and emergency vehicles. The fire protection pond shall be constructed within the initial phase of such subdivision.

B. MISCELLANEOUS FIRE CONTROL: A lock box is to be placed and used on each new non-residential building with a fire detection or suppression system. Location and type to be approved by the Chester Township Fire Rescue Department.

C. ACCESS WAYS: New and repaired access ways, including bridges and culverts, shall be designed to support fire apparatus weights as agreed to by the Chester Township Fire Rescue Department. A clear overhead dimension of at least thirteen feet six inches (13'-6") or as approved by the Chester Township Fire Rescue Department, shall be maintained.

500.7 FLOOD PRONE AREAS

No development of any building, structure or use in any flood prone area shown on the latest version of the Federal Emergency Management Agency (FEMA) Flood Hazard Boundary Maps of the township shall be approved until adequate provisions are made for flood protection and prevention. Such provisions may include but are not limited to the location and elevation of buildings and structures and construction methods in accordance with the regulations adopted by the Geauga County Building Department.

500.8 FARM MARKETS

A. General Regulations for Farm Markets in all Zoning Districts See O.R.C. Section 519.21 (C) (l).

1. Zoning certificates are not required.
2. This resolution does not prohibit farm market(s) from:
   a. Operating on any lot.
   b. Operating on lots with other permitted Principal Buildings, Structures or Uses.
   c. Operating in any existing lawful building or structure.
3. This resolution does not regulate the number of farm markets that can exist on any one lot.
4. This resolution does not require farm markets to operate in an enclosed building.

B. Specific Regulations for Farm Markets by Zoning District					
1-Family Dwelling District Uses (See Section 501.1)					
	Residential (R, R3A, R5A) Properties used for		Commercial (C)	Shopping Center (SC)	Restricted Industrial (I)
	Residential Purposes	Non-Residential Purposes			
Front Setback Line [(1)]	25 ft	50 ft	See Sections 502.3 and 502.17 (Minimum Front Yard)	See Section 503.16 (Minimum Front Yard)	See Section 504.16 (Minimum Front Yard)
Side Setback Line [(1)]	10 ft	50 ft	See Sections 502.3 and 502.17 (Minimum Side Yard)	See Section 503.16 (Minimum Side Yard)	See Section 504.16 (Minimum Side Yard)
Rear Setback Line [(1)]	10 ft	50 ft	See Sections 502.3 and 502.17 (Minimum Rear Yard)	See Section 503.16 (Minimum Rear Yard)	See Section 504.16 (Minimum Rear Yard)
Maximum Structure Height[(!)]	15 feet		See Section 502.17	See Section 503.16	See Section 504.16
Maximum Combined Area of Farm Market(s) Operations	Up to 1% of lot size provided maximum lot coverage is not exceeded. See section 501.7.		Limited only by maximum lot coverage requirements. See Section 502.6	Limited only by maximum lot coverage requirements. See Section 503.7	Limited only by maximum lot coverage requirements. See Section 504.7
Egress or Ingress	See Section 501.6(F)	(2)	See Section 502.4	See Section 503.5	See Section 504.5
Parking	See Article 7				

FOOTNOTES

(1) For new or temporary buildings or structures
(2) Shall comply with all applicable regulations for the zoning district in which it is located and conditions pertaining to conditional uses in Article 6

501.0 RESIDENTIAL DISTRICTS (R, R3A, R5A DISTRICTS)

501.1 PERMITTED PRINCIPAL BUILDINGS, STRUCTURES AND USES

A. Libraries owned by a political subdivision or schools as defined herein
B. Public parks owned or leased by a political subdivision of the state of Ohio
C. Schools as defined herein
D. Single family detached dwellings, including industrialized units and manufactured homes subject to the regulations set forth in Section 501.14. There shall be no more than one single family detached dwelling on a lot.
E. Township and other governmental offices. Buildings, structures and uses of the Federal or State Government or any political subdivision thereof.
F. Farm Markets subject to the regulations set forth in Article 500.8.

501.2 PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES (which are on the same lot with and incidental or subordinate to the principal permitted building, structure or use and subject to the provisions of 501.3 of this resolution)

A. Breezeways as defined herein. For purposes of this resolution, a breezeway shall not be used to connect an accessory building to a principal building if the accessory building without the breezeway would violate any other provisions of this resolution.
B. Decks, patios and open-sided porches.
C. Gazebos, pavilions.
D. Home occupations as defined herein and in accordance with Section 501.12.
E. Off-street parking and loading/unloading spaces in accordance with Article 7.
F. Private garages designed and used for the storage of motor vehicles owned and/or operated by the occupants of the principal building or structure. There shall be no more than one (1) detached garage per lot. Attached garages shall not be considered accessory buildings.
G. Residential recreational facilities in accordance with Section 501.13.
H. Storage buildings used by the owner and/or occupant for keeping tools, equipment, supplies and other personal property.
I. Signs in accordance with Article 9.
J. Outdoor fireplaces with a permanent foundation. Outdoor Hydronic Heaters (OHH), as defined herein, shall not be considered outdoor fireplaces.
K. Type B family day-care homes and Type B homes (whether licensed or not licensed by the Director of Job and Family Services) within a single family detached dwelling.
L. Garage, yard, barn or estate sales. No zoning certificate is required.
M. Solar Energy Systems in accordance with Article 8.

501.3 ACCESSORY BUILDINGS

A. The minimum distance from a detached accessory building, including private garages and storage buildings per Section 501.2, to any dwelling shall be not less than twenty (20) feet, however breezeways, decks, patios, open-sided porches, gazebos and pavilions may be attached to or less than twenty (20) feet from the principal building.

B. The maximum combined total ground floor area of all accessory buildings on a lot shall not exceed one thousand two hundred eighty (1,280) square feet or five hundred (500) square feet of ground floor area per acre, up to a maximum of 2,500 square feet of total ground floor area, whichever is greater, not including breezeways, decks, patios, open-sided porches, gazebos and pavilions.

1. Enclosed accessory buildings and structures with a roof extension covering an unenclosed or partially enclosed area shall be included in the combined total ground floor area, per Section 501.3(B). Said structures shall otherwise comply with minimum required setbacks.
2. The square footage of the unenclosed or partially enclosed roof extension shall be calculated by measuring the distance between the wall of the enclosed structure and the outermost support posts. This section shall not apply to roof extensions not requiring independent support posts.

C. Detached accessory buildings shall be located no closer to the road right-of-way than the primary structure, or 70 feet from the road right-of-way, whichever is greater, and;

D. Detached accessory buildings shall be at least ten (10) feet from the rear and side lot lines, unless otherwise provided for. Decks, patios, open-sided porches, gazebos and pavilions may be permitted in the front, rear and/or to the side of the principal building provided they meet all applicable setbacks.

501.4 AREA, YARD AND HEIGHT REGULATIONS

The regulations set forth in the table in Section 501.17 shall apply as indicated to each use permitted in all residential districts unless otherwise specified.

501.5 MAXIMUM HEIGHTS

A. Except for the uses listed in paragraph B herein or otherwise provided in this resolution, the maximum height of all principal buildings, structures, and uses shall be thirty-five (35) feet, and the maximum height for all accessory buildings, structures, and uses shall be fifteen (15) feet.

B. Special maximum heights

1. Belfries, church spires, clock towers, cupolas, chimneys, monuments, residential radio/ television antennas and water towers: no maximum height requirement.

2. Flagpoles shall have a maximum height of thirty-five (35) feet. See Section 904.0 E.
3. Wireless telecommunications towers and appurtenant facilities shall be in accordance with Article 11.
4. Fences and walls shall not exceed eight (8) feet in height measured from the natural ground level, excepting fences enclosing tennis courts which shall not exceed twelve (12) feet and baseball backstops which shall not exceed sixteen (16) feet.
5. Completely enclosed detached accessory buildings per Section 501.3 shall have a maximum height as follows:
    a. Fifteen (15) feet for buildings with a ground floor area up to one thousand four hundred ninety-nine (1,499) square feet;
    b. Eighteen (18) feet for buildings with a ground floor area greater than one thousand four hundred ninety-nine (1,499^{+}) square feet and up to one thousand nine hundred (1,900) square feet; and
    c. Twenty (20) feet for buildings with a ground floor area greater than one thousand nine hundred (1,900^{+}) square feet and up to two thousand five hundred (2,500) square feet.

501.6 PERMITTED BUILDINGS, STRUCTURES AND USES IN REQUIRED YARDS

The following buildings, structures and uses shall be permitted in the minimum yards set forth in this resolution without a zoning certificate, unless otherwise indicated.

A. Air conditioning units, heat pumps, emergency generators.
B. Arbors.
C. Awnings over windows and doors, provided no signage is located thereon unless a zoning certificate is obtained.
D. Chimneys attached to principal dwellings.
E. Clotheslines and support poles.
F. Driveways in accordance with the following regulations:
    1. A zoning certificate is required.
    2. Driveways shall be set back a minimum of ten (10) feet from any side or rear lot line.
    3. Driveways shall be a minimum of ten (10) feet in width and a maximum of twenty-four (24) feet in width.
G. Fences and walls in accordance with the following regulations; a zoning certificate shall be required.
    1. Fences and walls shall be erected outside of the right-of-way of any public or private road.
    2. Fences and walls shall not block or impede clear sight distance of vehicle operators at the intersection of any public or private road.
    3. Fences and walls shall not be unsafe or in danger of falling.

4. Fences and walls shall not exceed eight (8) feet in height measured from the natural ground level excepting fences enclosing tennis courts which shall not exceed twelve (12) feet and baseball backstops which shall not exceed sixteen (16) feet.

H. Flagpoles.
I. Fuel tanks, residential above ground.
J. Mailboxes and newspaper tubes.
K. Ornamental and security lighting fixtures in accordance with Sections 500.1B and 500.2.1.
L. On-site sanitary sewage and water well systems.
M. Signs, in accordance with Article 9. Zoning certificate may be required.
N. Steps or ramps, with or without a roof.
O. Student bus shelters, one (1) permitted per lot, not to exceed thirty-two (32) square feet nor a height of eight (8) feet.
P. Radio, television or satellite dish antennas. No zoning certificate shall be required for a satellite dish antenna that is 3.3 feet (1 meter) or less in diameter in any residential district.
Q. Farm Markets, subject to the regulations set forth in Article 500.8.

501.7 MAXIMUM LOT COVERAGE

For lots in an R District, the maximum lot coverage shall not exceed twenty-five percent (25%) of the lot area and the minimum green space on a lot shall not be less than seventy-five percent (75%). For lots in R3A and R5A Districts, the maximum lot coverage shall not exceed fifteen percent (15%) of the lot area and the minimum green space shall not be less than eighty-five percent (85%).

501.8 CORNER SIGHT CLEARANCE

On every corner lot within the triangles 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, or 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.

501.9 SIGN REGULATIONS

Signs shall be regulated in accordance with the regulations set forth in this resolution, for each of the uses permitted in all residential districts.

501.10 PARKING

Parking spaces shall be provided in accordance with the regulations set forth in this resolution, for each of the uses permitted in all residential districts. Driveways serving residential dwellings may be used as parking spaces with the exception in Section 700.0B.

Only one (1) commercial vehicle, other than a private passenger vehicle that is used in connection with a permitted use or by an occupant of a permitted use, may be stored on a lot in all residential districts.

A buffer zone, conforming with the provisions of Section 500.2E, of not less than forty (40) feet in width measured from the lot line and the nearest edge of the parking area shall be required wherever a permitted principal building, structure or use other than a single family detached dwelling abuts another single family detached dwelling. No structure, building, accessory building, parking area, driveway or sign shall be permitted in a buffer zone.

501.11 LOADING/UNLOADING

Loading/unloading spaces shall be provided in accordance with the regulations set forth in this resolution, for each of the uses permitted in all residential districts. The loading/unloading space and vehicular access thereto shall be provided at the rear of the building or structure providing such space.

501.12 HOME OCCUPATIONS

Home occupations shall meet all of the following requirements. A zoning certificate is required.

A. Home occupations shall be limited to the following:
   1. Tailoring.
   2. Professional office of a medical or osteopathic physician, medical provider, dentist, podiatrist, chiropodist, lawyer, engineer, artist, architect, consultant, insurance agent, typist, computer operator, surveyor, sales person, telemarketer, financial service provider, or transcriber which operate in accordance with all State of Ohio and United States Government regulations.
   3. Teaching, with musical instruction limited to two (2) pupils at a time.
   4. Answering service.

B. Home occupations SHALL NOT include the following:
   1. Barber shop, beauty salon or hair stylist.
   2. Exterminator.
   3. Restaurant, food service or catering.
   4. Dance studio.
   5. Photographic developing and/or processing.

C. Regulations for home occupations:
   1. A home occupation may be established only within a dwelling unit. Only one (1) home occupation may be established on a lot.
   2. The use of a dwelling for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than two hundred fifty (250) square feet of the total floor area shall be used in the conduct of a home occupation.

3. There shall be no change in the exterior appearance of a dwelling unit or other visible evidence of conduct of a home occupation therein with the exception of one (1) sign, erected in accordance with Article 9. There shall be no exterior display, no exterior storage of materials, no more than one (1) commercial vehicle or other equipment, and no other indications of the home occupation, or variation of the residential character of the principal building.
4. No offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects shall be produced and no equipment or process shall be used which interferes with the residential occupancy of neighbors or the character of the neighborhood.
5. Off-street parking spaces shall be provided in accordance with Article 7. There shall be no off-street parking spaces located in any front yard area or in the front of the principal dwelling on a lot.
6. The width of a driveway for ingress and egress to a home occupation shall be between ten (10) and twenty (20) feet. Such driveway shall be constructed with an all-weather surface.
7. The dwelling unit in which a home occupation is conducted shall conform with all the regulations for the zoning district in which it is located.
8. No more than one (1) person, other than the occupants of the dwelling unit, shall be employed or engaged in the home occupation.
9. Articles offered for sale shall be limited to those produced in the dwelling unit, if sold on the premises.
10. A home occupation shall be owned or operated by a resident of the property.

501.13 RESIDENTIAL RECREATIONAL FACILITIES

A. Residential recreational facilities include tennis courts, skating rinks, swimming pools, volleyball courts and baseball backstops.

B. Residential recreational facilities shall be located in the rear yard, and shall be located not less than twenty-five (25) feet from the rear lot line, and shall not encroach into either required side yard.

C. Tennis courts that do not exceed seven thousand two hundred (7,200) square feet do not require a zoning certificate.

D. Skating rinks that do not exceed one thousand two hundred (1,200) square feet do not require a zoning certificate.

E. Swimming pools shall conform with all of the following regulations:

1. Swimming pools shall be used solely by the occupants of the principal use, or their guests, of the property on which it is located.

2. ZONING CERTIFICATES. A zoning certificate shall be required prior to the construction of all pools except storable pools as defined in this resolution; however storable pools shall require a zoning certificate in any of the following situations:
   a. If the pool remains assembled for a period greater than seven (7) consecutive months.
   b. If the pool is set into the ground, regardless of its size and/or depth.
   c. If a deck is built adjacent to the pool.
   d. If permanent connections are made for the filter and/or heater. Where electrical and/or plumbing work is required incidental to any pool construction, all applicable county permits shall be required.
3. LOCATION. Swimming pools shall be located:
   a. In the rear yard, and shall be located not less than twenty-five (25) feet from the rear lot line, and shall not encroach into either required side yard;
   b. Not less than five (5) feet from any wall, fence, or other accessory structure other than a deck.
   c. Not less than ten (10) feet from the septic tank.
   d. Not less than ten (10) feet from the edge of any leaching field.
   e. Not less than ten (10) feet from any well.
   f. At least ten (10) feet from the principal building.
4. DRAINAGE. No swimming pool shall be constructed so as to allow water to drain into any sanitary sewer or septic tank, nor to overflow upon or cause damage to any adjoining lot.
5. FENCING. All pools requiring a zoning certificate shall be completely enclosed by permanent fencing or a structure to prevent unauthorized access. Such fencing or structure shall be no farther away than one hundred (100) feet from the perimeter of the pool. The fencing shall extend not less than four (4) feet above the ground. (See Section 501.6G.) All gates shall be self-closing and self-latching.

   CONSTRUCTION. Fencing shall be constructed so as to prohibit the passage of a sphere larger than four (4) inches in diameter through any opening or under the fencing. Fencing shall be designed to withstand a horizontal concentrated load of two hundred (200) pounds applied on a one (1) square foot area at any point of the fencing.

6. LIGHTING. Any lights installed shall be shielded or so designed that they eliminate direct light and minimize reflected light onto adjoining lots and roadways in the manner required in Section 500.2.1 of this resolution.

501.14 MANUFACTURED HOMES

Manufactured homes shall conform with all of the following regulations.

A. A manufactured home shall be permanently sited on a lot and shall:

1. Conform to the Federal Manufactured Housing Construction and Safety Standards Act of 1974 and have a certification to that effect, in the form of a label or tag permanently affixed to such manufactured home in the manner required by 42 S.C.A. Section 5415, and be manufactured after January 1, 1995; and
2. Have all hitches, axles, wheels, running lights, and other indicia of mobility removed from the home; and
3. Be exclusive of any addition, having a width of not less than twenty-two (22) feet at one point, and a minimum floor area in accordance with the residential district in which it is located; and
4. Have a minimum "A" roof pitch of 3:12, conventional residential siding, and a minimum six (6) inch eaves overhang, including appropriate guttering; and
5. Be permanently installed upon and properly attached to a continuous perimeter foundation that meets the manufacturer's installation requirements and applicable state and county building regulations and connected to appropriate facilities; and
6. Conform to all residential district regulations for the district in which it is located.

501.15 SEWAGE TREATMENT FACILITIES

The applicant shall demonstrate that the appropriate governmental authority has approved the sewage treatment disposal facility to serve the proposed use on a lot prior to the approval of an application for, and the issuance of, a zoning certificate, if applicable.

501.16 CONDITIONAL BUILDINGS, STRUCTURES AND USES

Conditional buildings, structures and uses may be allowed in accordance with this resolution with the approval of the Board. (See Article 6.) The following are conditional uses in residential districts:

A. Churches/places of worship.
B. Private or public golf courses.
C. Memorial parks.
D. Museums.
E. Outdoor Hydronic Heaters (OHH).

501.17 DIMENSIONAL REQUIREMENTS IN AN R DISTRICT, R3A DISTRICT, AND R5A DISTRICT

1-Family Dwelling District Uses (See Section 501.1)			
	R District	**R3A District**	**R5A District**
Minimum Lot Area	1 ½ Acres	3 Acres	5 Acres
Lot Coverage Minimum Green Space	75%	85%	85%
Lot Coverage Maximum	25%	15%	15%
Minimum Lot Width and Frontage	150 feet	200 feet	250 feet
	Exception: Cul-de-sac: Arc not less than 100 feet. See Section 500.4		
Minimum Front Yard	70 feet from right-of-way or 100 feet from centerline, whichever is greater.		
	Exceptions: Lots on Ward Dr. between Mayfield Rd. & Maple Dr., and on Opalocka Rd. between Mayfield Rd. & Cottrell Dr.: 10 feet from right-of- way or 40 feet from centerline whichever is greater. Lots on: Harold Dr., Marilyn Rd., Cherry Ln., Dorothy Rd., Lynn Dr., Valley View Dr., Birchwood Dr., and on Caves Rd. from Mayfield Rd. to Birchwood Dr. on east side only: 50 feet from right-of- way or 80 feet from centerline, whichever is greater		
Minimum Side Yard	Two required, 25 feet each Corner lots: Same as front yard on side street Exceptions: Lots less than 150 feet in width: two required, 15 feet each Lots on Opalocka Rd.: two required, 8 feet, each		
Minimum Rear Yard	50 feet Exceptions: Lots with less than 1 ½ acres of lot area: 30 feet, for lawfully existing nonconforming lots of record		
Minimum Ground Floor Area per Dwelling Unit	1,000 square feet		
Minimum Total Floor Area per Dwelling Unit	0-2 bedrooms 1,200 sq. ft.	3 bedrooms 1,350 sq. ft.	4 bedrooms 1,500 sq. ft.	5 or more bedrooms 1,650 sq. ft.
Maximum Building or Structure Height	35 feet			

Accessory Buildings in an R District, R3A District, and R5A District			
Minimum Lot Area	See Section 501.3		
Minimum Lot Width and Frontage	See Section 501.3		
Minimum Front Yard	Prohibited		
Minimum Side Yard	See Section 501.3		
Minimum Rear Yard	See Section 501.3		
Ground Floor Area	See Section 501.3		
Maximum Building or Structure Height See Section 501.5	15 feet	18 feet	20 feet
	Up to 1,499 sq ft	1,499+ sq ft up to 1,900 sq ft	1,900+ sq ft up to 2,500 sq ft

502.0 COMMERCIAL DISTRICT (C DISTRICT)

502.1 PERMITTED PRINCIPAL BUILDINGS, STRUCTURES, AND USES

Within any C District, no building, structure, lot or land shall be used for other than one or more of the following uses, 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 premises directly to the consumer from completely enclosed buildings unless otherwise provided herein and in accordance with the regulations in this resolution:

Antique shops
Art and art supplies and framing shops
Auction houses
Automobile supply shops
Bakeries
Bicycle sales and service shops
Book and newspaper shops
Building material and supply shops
Card and gift shops
Clothing and apparel, sales and rental shops
Computer sales and service shops
Drapery, linen and fabric shops
Drug and pharmaceutical shops
Electric/electronic sales and service shops
Farm Markets, *subject to regulations set forth in Article 500.8*.
Floor and wall covering shops
Florist shops
Food and beverage shops
Furniture, household goods and appliance shops
Furniture repair and upholstery shops
Garage doors, sales and service shops
Hardware and paint shops
Heating/cooling/plumbing supply shops
Hobby and craft shops
Interior decorating shops
Jewelry, silverware and watch/clock, sales and repair shops
Lawn and garden equipment and supply shops
Luggage and leather good shops
Medical, surgical, dental, and optical instrument and supply shops

Music and video sales and rental shops
Musical instrument and supply shops
Office supply and stationery shops
Pet and pet supply shops
Photographic equipment, sales, supplies, repairs and processing shops
Power equipment sales shops
Restaurants, lunchrooms, cafeterias, bars and taverns
(exception: see Section 502.15 Outdoor Dining)
Sporting goods, clothing and equipment shops
Swimming pool and hot tub sales, supply and service shops
Toy and playground equipment shops
Variety home items and consumable shops

B. The following service establishments, provided that all services shall be provided from completely enclosed buildings and in accordance with the regulations in this resolution.

Offices of an accountant, architect, artist, attorney, business consultant, engineer, insurance agent, photographer, property manager, real estate agent, real estate appraiser, surveyor, travel agent, veterinarian, or clinical laboratory which operate in accordance with all State of Ohio and United States Government regulations.

Corporate office or headquarters, banks and other financial institutions, and loan companies. Only normal office and managerial functions are permitted on site.

Business services engaged in rendering services to business establishments on a fee or contract basis including advertising agencies, computer programmer, employment agencies, management consulting, property manager, secretarial services, and manufacturer's representatives acting as sales agents and not engaged in sales of inventory.

Any medical office, including dental, general medical, or any specialized medical or dental practice, where treatment is provided by, or under direct supervision of a professional licensed by the State of Ohio; office of an optometrist, podiatrist, psychologist, or massage therapist licensed by the State of Ohio.

Barbers, cosmetologists, manicurists, day spas as defined in this resolution, tanning salons.

Alarm and security systems
Catering
Chimney cleaning

Classes of instruction involving art, cooking, dance, drama, exam preparation, exercise and fitness, gymnastics, martial arts and music
Commercial schools: business, trade or vocational licensed by the State of Ohio
Custom signs and lettering
Dry cleaning and clothes pressing
Day-care, pre-school, and private schools, licensed by the State of Ohio
Funeral homes
Household appliance, service and repair shops
Laundry and dry cleaning pick-up services
Locksmiths
Lodges, clubrooms, meeting halls, and party facilities
Mailing services, shipping and packaging
Pet services
Power equipment repair
Shoe and leather repair shops
Tailor, dressmaker, sewing and furrier shops
Towing service
Water delivery

C. The following buildings and/or businesses not listed above: provided that all services shall be provided within completely enclosed buildings and in accordance with the regulations in this resolution.

Churches/places of worship
Libraries
Museums
Copying and printing service – including sale of stationery and office supplies and reproduction of written, printed and digital material.

D. The following buildings and/or businesses not listed above and in accordance with the regulations in this resolution.

Equipment rental centers
Landscaping business subject to the provisions of Section 502.14 of this resolution
Canopies over order boards.
Buildings, structures and uses permitted in Section 501.1E.

502.2 PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES

Permitted accessory buildings, structures and uses which are on the same lot with and incidental or subordinate to the principal permitted building, structure or use are:

A. Loading/unloading spaces as regulated by the provisions of this resolution.
B. Parking spaces as regulated by the provisions of this resolution.
C. Signs as regulated by the provisions of this resolution
D. Solar Energy Systems in accordance with Article 8.

502.3 AREA, YARD, AND HEIGHT REGULATIONS

The regulations set forth in the table in Section 502.16 shall apply as indicated for each use permitted in a C District unless otherwise specifically provided. Buildings shall be designed and constructed, and lots shall be used and improved for permitted uses only and in accordance with the following yard regulations:

A. REGULATIONS FOR LOTS ON U.S. 322, S.R. 306 AND MULBERRY RD.

1. FRONT YARDS. Lots that have property lines on U.S. 322, S.R. 306 or Mulberry Rd. shall front on those roadways. A landscaped front yard shall be provided in front of all buildings, parking areas, and permitted outdoor uses and shall extend from the street right-of-way to at least one hundred thirty-five (135) feet from the centerline or one hundred five (105) feet from the 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.
2. BUILDING SETBACK. Where no parking area is to be provided in front of a structure, the minimum setback shall be not less than one hundred thirty-five (135) feet from the centerline, or one hundred five (105) feet from the right-of-way, whichever is greater.

   Where parking is proposed in front of a structure, the minimum setback shall be not less than two hundred fifty-five (255) feet from the centerline, or two hundred twenty-five (225) feet from the right-of-way, whichever is greater.
3. SIDE YARDS WITHIN DISTRICT. Each lot or separate development shall have a side yard of not less than twenty (20) feet on each side unless a property has a lot width of less than one hundred (100) feet in which case the on-site circulation parking and loading may be coordinated with adjoining developments and set forth in a joint agreement.
4. SIDE YARDS ON SECONDARY STREETS. Where a lot fronts on U.S. 322, S.R. 306 or Mulberry Rd. and abuts a secondary street, there shall be a landscaped yard extended from the secondary street right-of-way to at least fifty (50) feet from the centerline, or twenty (20) feet from the right-of-way, whichever is greater. There shall be no parking between the twenty-foot (20-ft.) landscaped yard and any building. A buffer zone is required in accordance with Section 500.2E.
5. REAR YARDS. The minimum distance from any rear commercial district boundary line, or rear lot line within the commercial district that does not

coincide with the rear commercial district boundary line, to any parking area, drive, or permitted outdoor use shall be not less than sixty (60) feet. A buffer zone is required in accordance with Section 500.2E.

6. YARDS ADJACENT TO RESIDENTIAL DISTRICTS. A side yard of not less than forty (40) feet shall be required wherever a residential district abuts a commercial district. No structure, building, accessory building, parking area or sign shall be permitted in this side yard. A rear yard of not less than sixty (60) feet shall be required wherever a residential district abuts a commercial district.
   Buffer zones along the side and/or rear lot lines shall be required in accordance with Section 500.2E.
7. BUILDINGS. The minimum distance from any rear commercial district boundary line to any building shall be not less than seventy (70) feet.

B. REGULATIONS FOR LOTS NOT ON U.S. 322, S.R. 306 AND MULBERRY RD.

1. FRONT YARDS. A landscaped front yard shall be provided in front of all buildings and permitted outdoor uses and shall extend from such permitted use to the street right-of-way.
2. BUILDING SETBACK. The minimum setback for a structure shall be the same as that for the residential district on the same street. There shall be no parking areas between the right-of-way and the front of a structure.
3. SIDE YARDS. Each lot shall have minimum side yards of not less than twenty (20) feet in width.
4. YARDS ADJACENT TO RESIDENTIAL DISTRICTS. A side yard of not less than forty (40) feet shall be required wherever a residential district abuts a commercial district. No structure, building, accessory building, parking area or sign shall be permitted in this side yard. A rear yard of not less than sixty (60) feet shall be required wherever a residential district abuts a commercial district.
   Buffer zones along the side and/or rear lot lines shall be required in accordance with Section 500.2E.
5. REAR YARDS. The minimum distance from any rear commercial district boundary line to any parking area, drive or permitted open use shall not be less than sixty (60) feet. A buffer zone is required in accordance with Section 500.2E.

C. MAXIMUM HEIGHT. The maximum height of any building or structure except as otherwise provided in this resolution, shall not exceed thirty-five (35) feet. The maximum height of any accessory building shall not exceed fifteen (15) feet.

D. SPECIAL MAXIMUM HEIGHTS.

1. Belfries, church spires, clock towers, cupolas, chimneys, monuments and water towers: no maximum height requirement.
2. Flagpoles shall have a maximum height of thirty-five (35) feet. See Section 904.0 E.

3. Wireless telecommunications towers and appurtenant facilities shall be in accordance with Article 11.
4. Fences and walls shall not exceed eight (8) feet in height measured from the natural ground level, excepting fences enclosing tennis courts which shall not exceed twelve (12) feet and baseball backstops which shall not exceed sixteen (16) feet.

502.4 DRIVEWAYS TO PARKING AND LOADING/UNLOADING SPACES

The location, width and number of entrance and exit driveways servicing accessory parking facilities shall be designed to interfere as little as possible with the use of adjacent lots and the flow of traffic on the streets to which they connect.

A. LOCATION OF DRIVEWAYS. The location of driveways shall be consistent with this subsection.
1. The minimum distance between a driveway and the right-of-way line of the nearest roadway parallel to that driveway shall be not less than sixty (60) feet.
2. The minimum distance between a driveway and the right-of-way line of a parallel street other than a state or federal highway shall be not less than forty (40) feet.
3. The minimum distance between a driveway and an adjacent lot line shall be not less than twenty (20) feet as measured along the pavement edge.
4. No lot having less than two hundred (200) feet of frontage shall have more than one (1) two-way driveways or two (2) one-way driveways.
5. The minimum distance between driveways on the same lot shall be forty (40) feet as measured along the pavement edge.

B. ENTRANCE AND EXIT DRIVEWAYS. Entrance and exit driveways shall not exceed three (3) lanes in width, or four (4) lanes divided and shall be designed so that all cars can be driven forward into the street. The width of such driveways, measured at the right-of-way, shall conform with the following schedule:
1. 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

Four lane divided driveways shall be no more than 54 feet including a six-foot median.

2. 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.

C ACCESS WAYS: Access ways shall be in accordance with Section 500.6C.

502.5 PERMITTED BUILDINGS, STRUCTURES AND USES IN REQUIRED YARDS

Unless otherwise specifically provided the following are permitted when located in required yards:

A. Air conditioning units, heat pumps, emergency generators.
B. Chimneys attached to the principal buildings.
C. Fences and walls in accordance with the following regulations; a zoning certificate shall be required.
   1. Fences and walls shall be erected outside of the right-of-way of any public or private road.
   2. Fences and walls shall not block or impede clear sight distance of vehicle operators at the intersection of any public or private road.
   3. Fences and walls shall not be unsafe or in danger of falling.
   4. Fences and walls shall not exceed eight (8) feet in height measured from the natural ground level, excepting fences enclosing tennis courts which shall not exceed twelve (12) feet and baseball backstops which shall not exceed sixteen (16) feet.
D. Flagpoles.
E. On-site sanitary sewage and water well systems.
F. Uncovered steps or ramps.
G. Radio, television or satellite dish antennas. Ground mounted satellite dish antennas shall not be located in front of the principal building on a lot. No zoning certificate shall be required for a satellite dish antenna that is 6.6 feet (2 meters) or less in diameter in any commercial zone.

502.6 MAXIMUM LOT COVERAGE

The maximum lot coverage shall not exceed sixty percent (60%) of the lot area. The minimum green space on a lot shall be forty percent (40%).

502.7 SPACING BETWEEN BUILDINGS ON THE SAME LOT

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

A. The minimum allowable distance is forty (40) feet, and
B. A building group must be so arranged that any building is readily accessible by an emergency vehicle.

502.8 CORNER SIGHT CLEARANCE

On every corner lot within the triangle formed by the street lines on such a 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, wall or any other obstruction to vision, higher than three (3) feet.

502.9 SIGN REGULATIONS

Signs shall be regulated in accordance with the regulations set forth in this resolution.

502.10 PARKING

Parking spaces shall be provided in accordance with the regulations set forth in this resolution. A distance of ten (10) feet measured from the street right-of-way shall remain unobstructed.

502.11 IMPROVEMENTS

The parking spaces, maneuvering areas, access driveways and loading/unloading spaces shall be surfaced with a concrete, asphaltic concrete, asphalt, or similar all-weather surface, and graded for proper drainage so that all stormwater is properly managed within the premises.

502.12 LOADING/UNLOADING

Loading/unloading spaces shall be provided in accordance with the regulations set forth in this resolution. The loading/unloading space and vehicular access thereto shall be provided at the rear of the building or structure providing such space.

502.13 DRIVE-THRU SERVICE

Establishments, which by their nature create lines of customers waiting to be served within vehicles shall provide five (5) off-street waiting spaces.

502.14 SCREENING FOR LANDSCAPE BUSINESS

A. Landscaping materials other than plants, trees and shrubs are to be kept in an area surrounded by screening.

1. This screened area shall be located within the required building lines; however, in no instance shall said screening area be located in front of the closest existing building on subject lot to the street.
2. The screening shall be of sufficient height to screen the materials from view of the street in front of the lot and at abutting lot lines.
    a. Screening consisting of an opaque/solid wall or an opaque/solid fence shall have a minimum height of six (6) feet and a maximum height of eight (8) feet, except in the case of corner sight clearance, and may only be erected between the building lines.

b. Screening consisting of planted shrubs or trees shall have a minimum height of six (6) feet, except in the case of corner sight clearance. Landscape inventory of balled or burlapped or potted shrubs and trees may be substituted for planted trees and shrubs. Said screening may extend to side and rear lot lines.
c. The height of all screening shall be measured from ground level.

3. The screening shall be of sufficient density to shield from view all non-living landscape materials. Said screening, if living materials, may extend to lot lines.
4. The required screening shall be maintained in good condition at all times.
5. No signs shall be permitted to be attached to or hung from the required screening.
6. Any tree, shrubs, plant or materials 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 three (3) feet, all measurements from street right-of- way boundaries.

B. All vehicles, machinery and equipment shall be stored within buildings or the screened area when not in use.

C. 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 a residential district. See Section 500.2E.

502.15 OUTDOOR DINING

A. Definition. Outdoor Dining means a use in the Commercial or Shopping Center District which is not enclosed and is an accessory use, used only in conjunction with, and under the same management and exclusive control of, a restaurant, lunchroom, cafeteria, bar or tavern located on the same or contiguous lot.

B. Regulations.

1. The arrangement of the outdoor dining area shall facilitate pedestrian traffic patterns and not unreasonably impede exit from the principal building or access to adjacent businesses or residences. Low fences and/or plants in containers around the perimeter of the outdoor dining area are required. Prior to issuance of a zoning certificate, the applicant shall provide the zoning inspector with letters from the Chester Township Police and Fire Departments indicating approval of the site plan for the outdoor dining area and that it poses no ingress/egress or other safety issues.
2. The outdoor dining area shall be kept clear of litter and maintained in a safe, sanitary and first-rate condition, including tables, chairs, umbrellas and any screening.
3. No part of the outdoor dining area may be within one hundred (100) feet of any residential district.

4. No cooking utilities, including grills, shall be permitted in the outdoor dining area. Cooking facilities shall be contained within the principal building.
5. Signs shall be in compliance with Article 9 of this resolution, however signs on umbrellas and other items in the outdoor dining area are permitted.
6. The seating capacity of the outdoor dining area shall not exceed the approved seating capacity of the indoor dining area.
7. Lighting of the outdoor dining area shall be in compliance with the regulations in this resolution.
8. All outdoor dining equipment, including tables, chairs and umbrellas shall be stored indoors or off the premises when the outdoor dining area is closed for the season.
9. The outdoor dining area shall meet all applicable setbacks.
10. Off-street parking shall be in compliance with Article 7 of this resolution.
11. The outdoor dining use shall meet all appropriate governmental regulations, including all provisions of O.R.C. 4301.62 Ohio Department of Commerce, Division of Liquor control.

502.16 CONDITIONAL BUILDINGS, STRUCTURES AND USES

Conditional buildings, structures and uses may be allowed in accordance with the regulations in this resolution with approval of the Board. (See Article 6.) The following are conditional uses:

A. Golf driving ranges and miniature golf courses
B. Limousine and taxi services
C. Billboard

502.17 DIMENSIONAL REQUIREMENTS IN A C DISTRICT

C District Uses (See Section 502.1) All Uses Permitted in a C District		
Minimum Floor Area	1,000 square feet	
Maximum Height	35 feet Accessory Buildings: 15 feet	
Coverage	Minimum Green Space: 40 % Maximum Lot Coverage: 60%	
Minimum Lot Area	With on-site Sewage Treatment: 2 acres (87,120 square feet).	
	With Sanitary Sewers Installed: ¾ acres (32,670 square feet)	
Location	Lots on US 322, SR 306, Mulberry Rd.	Lots on All Other Roads
Minimum Lot Frontage and Width	200 feet	100 feet
Minimum Front Yard	135 feet from centerline or 105 feet from right-of-way, whichever is greater	Same as R District requirements for said road
Minimum Side Yard	20 feet 40 feet if adjoining "R" District	20 feet 40 feet if adjoining "R" District
Minimum Rear Yard	60 feet	60 feet
Space Between Buildings	40 feet	40 feet

503.0 SHOPPING CENTER DISTRICT (S.C.)

Subject to the provisions of Article 4 and Article 5, the following regulations shall apply in an S.C. District:

503.1 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 parking, loading/unloading, and motor vehicle access points are regulated.

503.2 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 premises directly to the consumer from completely enclosed buildings, unless otherwise provided herein and in accordance with the regulations in this resolution:

Antique shops
Art and art supplies and framing shops
Auction houses
Automobile supply shops
Bakeries
Bicycle sales and service shops
Book and newspaper shops
Building material and supply shops
Card and gift shops
Clothing and apparel sales and rental shops
Computer sales and service shops
Drapery, linen and fabric shops
Drug and pharmaceutical shops
Electric/electronic sales and service shops
Farm Markets, *subject to regulations set forth in Article 500.8.*
Floor and wall covering shops
Florist shops
Food and beverage shops
Furniture, household goods and appliance shops
Furniture repair and upholstery shops
Garage doors, sales and service shops
Hardware and paint shops
Heating/cooling/plumbing supply shops
Hobby and craft shops
Interior decorating shops
Jewelry, silverware and watch/clock, sales and repair shops
Lawn and garden equipment and supply shops
Luggage and leather good shops
Medical, surgical, dental, and optical instrument and supply shops
Music and video sales and rental shops

Musical instrument and supply shops
Office supply and stationery shops
Pet and pet supply shops
Photographic equipment, sales, supplies, repairs and processing shops
Power equipment sales shops
Restaurants, lunchrooms, cafeterias, bars and taverns
(exception: see Section 503.15 Outdoor Dining)
Sporting goods, clothing and equipment shops
Swimming pool and hot tub sales, supply and service shops
Toy and playground equipment shops
Variety home items and consumable shops

B. The following service establishments, dealing directly with the consumer provided that all services shall be provided from completely enclosed buildings and in accordance with the regulations in this resolution.

Offices of an accountant, architect, artist, attorney, business consultant, engineer, insurance agent, photographer, property manager, real estate agent, real estate appraiser, surveyor, travel agent, veterinarian, or clinical laboratory which operate in accordance with all State of Ohio and United States Government regulations.

Corporate office or headquarters, banks and other financial institutions, and loan companies. Only normal office and managerial functions are permitted on site.

Business services engaged in rendering services to business establishments on a fee or contract basis including advertising agencies, computer programmer, employment agencies, management consulting, property manager, secretarial services, and manufacturer's representatives acting as sales agents and not engaged in sales of inventory.

Any medical office, including dental, general medical, or any specialized medical or dental practice, where treatment is provided by, or under direct supervision of a professional licensed by the State of Ohio; office of an optometrist, podiatrist, psychologist, or massage therapist licensed by the State of Ohio.

Barbers, cosmetologists, manicurists, day spas as defined in this resolution, tanning salons.

Alarm and security systems
Bowling alleys
Catering
Chimney cleaning

Commercial schools: business, trade or vocational licensed by the State of Ohio also classes of instruction involving art, cooking, dance, drama, exam preparation, exercise and fitness, gymnastics, martial arts and music
Custom signs and lettering
Dry cleaning and clothes pressing
Day-care, pre-school, and private schools, licensed by the State of Ohio
Funeral homes
Household appliance, service and repair shops
Indoor theaters
Laundry and dry cleaning pick-up services
Locksmiths
Lodges, clubrooms, meeting halls, and party facilities
Mailing services, shipping and packaging
Pet services
Power equipment repair
Shoe and leather repair shops
Tailor, dressmaker, sewing and furrier shops
Towing service
Water delivery

C. The following buildings and/or businesses not listed above: provided that all services shall be provided within completely enclosed buildings and in accordance with the regulations in this resolution.

Churches/places of worship

Museums

Copying and printing service – including sale of stationery and office supplies and reproduction of written, printed and digital material.

D. The following buildings and/or businesses not listed above and in accordance with the regulations in this resolution.

Canopies over order boards

Buildings, structures and uses permitted in Section 501.1E.

503.3 PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES

Permitted accessory buildings, structures and uses which are on the same lot with and incidental or subordinate to the principal permitted building, structure or use are:

A. Loading/unloading spaces as regulated by the provisions of this resolution
B. Parking spaces as regulated by the provisions of this resolution

C. Signs as regulated by the provisions of this resolution
D. Solar Energy Systems in accordance with Article 8.

503.4 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 U.S. 322 (Mayfield Road) or S.R. 306 (Chillicothe Road) shall have a minimum front yard of one hundred forty-five (145) feet measured from the centerline or one hundred fifteen (115) feet from the right-of-way, whichever is greater. The minimum front yard on any other street shall be one hundred (100) feet from the centerline or seventy (70) feet from the right-of-way, whichever is greater. However, parking spaces may be located within the front yard in accordance with the provisions of Section 503.11.

D. MINIMUM SIDE YARDS. Interior side yards shall not be required except as may be necessary for driveways and access. Where a side lot adjoins a Residential District, there shall be a side yard of at least one hundred (100) feet.

On a corner lot, the side yard along the side street shall be no less than twenty-five (25) feet from the side street right-of-way line. However, parking spaces may be located within the side yard in accordance with the provisions of Section 503.11.

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 a Residential District, there shall be a rear yard of at least one hundred (100) feet. Where a rear yard adjoins a street, there shall be a minimum rear yard of fifty (50) feet. However, parking spaces and loading/unloading docks may be located within the rear yard in accordance with the provisions of Sections 503.11 and 503.13.

F. MAXIMUM HEIGHT. The maximum height of any building or structure, except as otherwise provided in this resolution, shall not exceed thirty- five (35) feet. The maximum height of any accessory building shall not exceed fifteen (15) feet.

G. SPECIAL MAXIMUM HEIGHTS.

1. Belfries, church spires, clock towers, cupolas, chimneys, monuments and water towers: no maximum height requirement.
2. Flagpoles shall have a maximum height of thirty-five (35) feet. See Section 904.0 E.

3. Wireless telecommunications towers and appurtenant facilities shall be in accordance with Article 11.
4. Fences and walls shall not exceed eight (8) feet in height measured from the natural ground level, excepting fences enclosing tennis courts which shall not exceed twelve (12) feet and baseball backstops which shall not exceed sixteen (16) feet.

503.5 DRIVEWAYS TO PARKING AND LOADING/UNLOADING SPACES

The location, width and number of entrance and exit driveways servicing accessory parking facilities shall be designed to interfere as little as possible with the use of adjacent properties and the flow of traffic on the streets to which they connect.

A. LOCATION OF DRIVEWAYS. The location of driveways shall be consistent with this subsection.
1. The minimum distance between a driveway and the right-of-way line of the nearest roadway parallel to that driveway shall be not less than sixty (60) feet.
2. The minimum distance between a driveway and the right-of-way line of a parallel street other than a state or federal highway shall be not less than forty (40) feet.
3. The minimum distance between a driveway and an adjacent lot line shall be not less than twenty (20) feet as measured along the pavement edge.
4. No lot having less than two hundred (200) feet of frontage shall have more than one (1) two-way driveways or two (2) one-way driveways.
5. The minimum distance between driveways on the same lot shall be forty (40) feet as measured along the pavement edge.

B. ENTRANCE AND EXIT DRIVEWAYS. Entrance and exit driveways shall not exceed three (3) lanes in width, or four (4) lanes divided and shall be designed so that all cars can be driven forward into the street. The width of such driveways, measured at the right-of-way, shall conform with the following schedule:
1. 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

Four lane divided driveways shall be no more than 54 feet including a 6-foot median

2. 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.

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

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

E. ACCESS WAYS: Access ways shall be in accordance with Section 500.6C

503.6 PERMITTED BUILDINGS, STRUCTURES AND USES IN REQUIRED YARDS

Permitted buildings, structures and uses in required yard areas shall be as set forth in Section 502.5.

503.7 MAXIMUM LOT COVERAGE

The maximum lot coverage shall not exceed sixty percent (60%) of the lot area. The minimum green space on a lot shall be forty percent (40%).

503.8 SPACING BETWEEN BUILDINGS ON THE SAME LOT

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

A. The minimum allowable distance is forty (40) feet, and

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

503.9 CORNER SIGHT CLEARANCE

On every corner lot within the triangle formed by the street lines on such a 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, wall, nor any other obstruction to vision, higher than three (3) feet.

503.10 SIGN REGULATIONS

Signs shall be regulated in accordance with the requirements set forth in this resolution.

503.11 PARKING

Parking shall be regulated in accordance with the requirements set forth in this resolution.

503.12 IMPROVEMENTS

The parking spaces, maneuvering areas, access driveways and loading/unloading spaces 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.

503.13 LOADING/UNLOADING SPACES

See Section 703.0.

503.14 SCREENING FOR SHOPPING CENTER

Where a Shopping Center District adjoins or faces a Residential District, there shall be a buffer zone in accordance with Section 500.2 E.

503.15 OUTDOOR DINING

A. Definition. Outdoor Dining means a use in the Commercial or Shopping Center District which is not enclosed and is an accessory use, used only in conjunction with, and under the same management and exclusive control of, a restaurant, lunchroom, cafeteria, bar or tavern located on the same or contiguous lot.

B. Regulations.

1. The arrangement of the outdoor dining area shall facilitate pedestrian traffic patterns and not unreasonably impede exit from the principal building or access to adjacent businesses or residences. Low fences and/or plants in containers around the perimeter of the outdoor dining area are required. Prior to issuance of a zoning certificate, the applicant shall provide the zoning inspector with letters from the Chester Township Police and Fire Departments indicating approval of the site plan for the outdoor dining area and that it poses no ingress/egress or other safety issues.
2. The outdoor dining area shall be kept clear of litter and maintained in a safe, sanitary and first-rate condition, including tables, chairs, umbrellas and any screening.
3. No part of the outdoor dining area may be within one hundred (100) feet of any residential district.
4. No cooking utilities, including grills, shall be permitted in the outdoor dining area. Cooking facilities shall be contained within the principal building.
5. Signs shall be in compliance with Article 9 of this resolution, however signs on umbrellas and other items in the outdoor dining area are permitted.
6. The seating capacity of the outdoor dining area shall not exceed the approved seating capacity of the indoor dining area.
7. Lighting of the outdoor dining area shall be in compliance with the regulations in this resolution.
8. All outdoor dining equipment, including tables, chairs and umbrellas shall be stored indoors or off the premises when the outdoor dining area is closed for the season.

9. The outdoor dining area shall meet all applicable setbacks.
10. Off-street parking shall be in compliance with Article 7 of this resolution.
11. The outdoor dining use shall meet all appropriate governmental regulations, including all provisions of O.R.C. 4301.62 Ohio Department of Commerce, Division of Liquor Control.

503.16 DIMENSIONAL REQUIREMENTS IN AN SC DISTRICT

SC District Uses (See Section 503.2) All Uses Permitted in an SC District		
Minimum Floor Area	1,000 square feet	
Maximum Height	35 feet Accessory Buildings: 15 feet	
Coverage	Minimum Green Space: 40 % Maximum Lot Coverage: 60%	
Minimum Lot Area	Five (5) Acres	
Minimum Lot Frontage and Width	500 feet	500 feet
Minimum Front Yard	145 feet from centerline or 115 feet from right-of-way, whichever is greater	100 feet from centerline, or 70 feet from right-of-way, whichever is greater
Minimum Side Yard	None if interior except for driveways and access 100 feet, if adjoining an R, R3A or R5A District Corner lots: 25 feet from side street right-of-way	Same as on US 322 and SR 306
Minimum Rear Yard	50 feet 100 feet if adjoining an R, R3A or R5A District	Same as on US 322 and SR 306
Space Between Buildings	40 feet	40 feet

504.0 I-RESTRICTED INDUSTRIAL DISTRICT (I DISTRICT)

The following regulations shall apply in an I District and said I District shall not be less than twenty-five (25) acres.

504.1 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 listed in Section 504.14.

A. Manufacturing, fabricating and/or assembling of the following, but excluding operations involving reduction, refining or chemical conversion of primary raw materials:
Advertising and display products
Bakers and baked goods
Bookbinding
Cabinet making
Canvas products such as tents and awnings
Cosmetics and toiletries
Doors, windows, and trim
Electrical and electronic products, components and equipment
Furniture
Glass and optical products from previously manufactured glass
Iron (custom, decorative wrought iron shops)
Jewelry, clocks and watches
Luggage
Medical equipment
Models and pattern making
Paper products
Photographic equipment
Plastic products
Scientific and other precision instruments
Sheet metal (custom fabrication for heating and ventilating)
Sign fabrication
Sporting goods
Window coverings

B. The following services and repair:

Agricultural implements
Automobile seat coverings and/or convertible tops
Automotive repair and painting
Bulk building material sales and storage
Building trade contractors' establishments
Business machines
Burglar alarm systems (installation)
Cabinet repair and installation
Carpet cleaning establishments
Dry cleaning plants
Electrical appliances and equipment
Enameling and painting
Engraving
Farm Markets, *subject to regulations set forth in Article 500.8.*
Fencing
Frozen food processing

Furnace maintenance
Household and office equipment repair shops
Laboratories, experimental and testing
Lawn equipment
Lithography
Metal doors, screens and windows
Moving services (move-out, move-in, set-up services)
Office furniture and equipment
Packing and crating
Photographic development and printing
Printing and publishing
Research facilities
Restaurant equipment installation
Roofing
Sawmills
School equipment suppliers
Silver plating, soldering or welding
Vending machines (rental and service)
Water delivery (bulk)
Water well drilling
Window cleaners
Window coverings
Window display

C. The following additional uses:

Machine shops excluding punch presses with a rating of over twenty (20) tons and drop hammers
Storage and warehousing within wholly enclosed buildings

D. The following buildings and/or businesses not listed above and in accordance with the regulations in this resolution.

Buildings, structures and uses permitted in Section 501.1E.

504.2 PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES

Permitted accessory buildings, structures and uses which are on the same lot with and incidental or subordinate to the principal permitted building, structure or use are:

A. Loading/unloading spaces as required by the provisions of the resolution.
B. Parking spaces as required by the provisions of this resolution.
C. Signs as required by the provisions of this resolution.
D. Solar Energy Systems in accordance with Article 8.

504.3 AREA, YARD AND HEIGHT REGULATIONS

The regulations set forth on the table in Section 504.16 shall apply as indicated to each use permitted in an I District unless otherwise specifically provided. Buildings shall be designed and constructed, and land shall be used and improved for permitted uses only in accordance with the following regulations:

A. FRONT YARDS. A landscaped yard shall be provided in front of all buildings, parking areas, and permitted outdoor uses and shall extend from the street right-of-way to at least one hundred fifty (150) feet from the centerline or one hundred twenty (120) feet from the 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. SIDE YARD ADJOINING OR WITHIN AN "I" OR "C" DISTRICT. Each lot or separate development shall have a side yard of not less than fifty (50) feet on each side.

C. YARDS ADJOINING A RESIDENTIAL DISTRICT. Where the boundary line of an I District adjoins the boundary line of any Residential 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 any Residential District, and no loading ramp shall be less than a hundred (100) feet from said boundary. This yard shall have a buffer zone in accordance with Section 500.2 E.

D. REAR YARDS. The minimum distance from any rear Industrial District boundary line, or rear lot line within the Industrial District that does not coincide with the rear Industrial District boundary line, to any parking area, drive or permitted open use shall not be less than sixty (60) feet.

E. MAXIMUM HEIGHT. The maximum height of any building or structure, except as otherwise provided in this resolution, shall not exceed thirty- five (35) feet. The maximum height of any accessory building shall not exceed fifteen (15) feet.

F. SPECIAL MAXIMUM HEIGHTS.

1. Belfries, church spires, clock towers, cupolas, chimneys, monuments and water towers: no maximum height requirement.
2. Flagpoles shall have a maximum height of thirty-five (35) feet. See Section 904.0 E.
3. Wireless telecommunications towers and appurtenant facilities shall be in accordance with Article 11.
4. Fences and walls shall not exceed eight (8) feet in height measured from the natural ground level, excepting fences enclosing tennis courts which shall not exceed twelve (12) feet and baseball backstops which shall not exceed sixteen (16) feet.

504.4 GENERAL AREA REGULATIONS

Subject to the provisions of Article 4 and Article 5, 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 principal and accessory uses.

B. 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 504.3, 504.9, or 504.16. The landscaped areas shall be developed and maintained as lawns along with trees and shrubs, or maintained in an orderly natural state.

C. Lot coverage. See Section 504.7.

504.5 DRIVEWAYS TO PARKING AND LOADING/UNLOADING SPACES

The location, width and number of entrance and exit driveways servicing accessory parking facilities shall be designed to interfere as little as possible with the use of adjacent properties and the flow of traffic on the streets to which they connect.

A. LOCATION OF DRIVEWAYS. The location of driveways shall be consistent with this subsection.
   1. The minimum distance between a driveway and the right-of-way line of the nearest roadway parallel to that driveway shall be not less than sixty (60) feet.
   2 The minimum distance between a driveway and the right-of-way line of a parallel street other than a state or federal highway shall be not less than forty (40) feet.
   3. The minimum distance between a driveway and an adjacent lot line shall be not less than twenty (20) feet as measured along the pavement edge.
   4. No lot having less than two hundred (200) feet of frontage shall have more than one (1) two-way driveways or two (2) one-way driveways.
   5. The minimum distance between driveways on the same lot shall be forty (40) feet as measured along the pavement edge.

B. ENTRANCE AND EXIT DRIVEWAYS. Entrance and exit driveways shall not exceed three (3) lanes in width, or four (4) lanes divided and shall be designed so that all cars can be driven forward into the street. The width of such driveways, measured at the right-of-way, shall conform with the following schedule:

1. 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

Four lane divided driveways shall be no more than 54 feet including a six-foot median.

2. 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.

C. The entrance and exits to an I District 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 twenty-five (125) feet from the intersection of two (2) or more streets.

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

E. Access ways shall be in accordance with Section 500.6C.

504.6 PERMITTED BUILDINGS, STRUCTURES AND USES IN REQUIRED YARDS

Permitted buildings, structures and uses in required yard areas shall be as set forth in Section 502.5

504. 7 MAXIMUM LOT COVERAGE

The maximum lot coverage shall not exceed twenty-five percent (25%) of the lot area. The minimum green space on a lot shall be seventy-five percent (75%) of which a minimum of twenty-five percent (25%) shall be landscaped.

504.8 SPACING BETWEEN BUILDINGS ON THE SAME LOT

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

A. The minimum allowable distance is forty (40) feet, and

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

504.9 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.

504.10 SIGN REGULATIONS

Signs shall be regulated in accordance with the requirements set forth in this resolution.

504.11 PARKING

Except as provided in this section, parking spaces shall comply with the requirements of Article 7. All parking facilities shall be located on the same lot as the principal building and use served and shall in no case be located between any street line and its parallel building line.

504.12 IMPROVEMENTS

The parking spaces, maneuvering areas, access driveways and loading/unloading areas 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.

504.13 LOADING/UNLOADING

Loading/unloading spaces shall be provided in accordance with the regulations set forth in this resolution for each of the uses permitted in an I District. Wherever possible, the loading/unloading spaces and vehicular access thereto shall be provided at the rear of the building or structure providing such space.

504.14 PERFORMANCE STANDARDS

Every performance standard set forth herein, if deemed applicable by the zoning inspector, 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 Article 3.

A. ENCLOSURE. Unless otherwise provided in this resolution, all permitted principal 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. All activities involving the manufacturing, storage, handling or 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 automatic fire-fighting and suppression equipment and devices standard to the operation involved. The latest edition of the National Fire Protection

Agency (NFPA) Life Safety Code is hereby established as a guide in determining the adequacy of safety and protective devices.

C. WASTE MATERIAL. No discharge shall be permitted at any point, into any private sewage disposal system, or stream, or into or on the ground, of any materials in such a way or of such nature or temperature as can contaminate or affect the quality or quantity of any water supply, or otherwise cause the emission of dangerous or objectionable elements, except in accord with standards approved by Ohio State Department of Health, Geauga County General Health District, or Department of Water Resources. Garbage, rubbish, empty containers and/or solid wastes shall be stored inside structures pending disposal and no accumulation of solid wastes conducive to the breeding of rodents or insects shall be permitted. Covered metal commercial bins, regularly serviced, shall be allowed on a lot if screened from street view.

D. AIR POLLUTION. No activity shall emit any smoke, fly ash, dust, fumes, vapors, mists, gases in such quantities 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. All emissions shall meet the Primary and Secondary standards of the National Ambient Air Quality Standards as enforced by the Ohio EPA and copies of emission reports shall be submitted to the township in a timely period.

E. NOISE. The sound pressure level of any permanent operation on a lot, other than the operation of auto-calls, bells, motor vehicles, sirens or whistles maintained and utilized for public purposes, shall not exceed the average intensity of local street traffic noise at the nearest residential lot line. All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.

F. VIBRATION. No vibration shall be permitted which is discernible to the human sense of feelings without instruments, beyond the lot line.

G. 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.

H. 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 and shall meet all U.S. EPA requirements.

I. 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

J. 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 is hazardous to vehicle drivers or is objectionable to owners of adjacent property and shall comply with section 500.2.1 of this resolution.

504.15 CONDITIONAL BUILDINGS, STRUCTURES AND USES

Conditional buildings, structures and uses may be allowed in accordance with this resolution with the approval of the Board. (See Article 6.) The following are conditional uses in the industrial district:

A. Adult-oriented businesses

B. Billboards

504.16 DIMENSIONAL REQUIREMENTS IN AN I RESTRICTED INDUSTRIAL DISTRICT

I District Uses (See Section 504.1) All Uses Permitted in an I District	
Minimum Floor Area	2,500 square feet
Maximum Height	35 feet Accessory Buildings: 15 feet
Coverage	Minimum Green Space: 75 %, of which a minimum of 25% will be landscaped Maximum Lot Coverage: 25%
Minimum Lot Area	25 acres minimum for each I District 5 acres for each lot
Minimum Lot Frontage and Width	300 feet
Minimum Front Yard	150 feet from centerline or 120 feet from right-of-way, whichever is greater
Minimum Side Yard	50 feet if adjoining an I or C District 250 feet if adjoining an R, R3A, or R5A District See Section 504.3
Minimum Rear Yard	60 feet if adjoining or within an I or C District 250 feet if adjoining an R, R3A or R5A District See Section 504.3
Space Between Buildings	40 feet

ARTICLE 6 - CONDITIONAL USES

600.0 CONDITIONAL ZONING CERTIFICATE REQUIRED

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

B. Pursuant to O.R.C. 519.14 (C), the board of zoning appeals shall only consider applications for conditional uses specifically set forth in this resolution.

600.1 CONTENTS OF APPLICATION FOR A CONDITIONAL ZONING CERTIFICATE

Written application for a conditional zoning certificate shall be made on a form provided by the township zoning inspector and shall be the most current version approved by the board of trustees at the time of application. The zoning inspector may deem information not applicable. The township zoning inspector or the board of zoning appeals may require the submission of such supplemental information as may be necessary to ensure compliance with the regulations contained in this resolution. Such application shall be signed and dated by the owner, the applicant or his/her authorized representative attesting to the truth and accuracy of all information supplied in the application.

600.2 TRANSMITTAL OF APPLICATION TO BOARD OF ZONING APPEALS

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

601.0 MEETING OF BOARD OF ZONING APPEALS

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

The board of zoning appeals shall give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by one (1) publication in one (1) or more

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

601.1 ACTION BY BOARD OF ZONING APPEALS

A. Hearings and decisions before the board of zoning appeals shall be conducted in accordance with Section 1202.4 of this resolution.

B. One (1) copy of the plans submitted with the application shall be returned to the applicant by the board of zoning appeals after said copy has been marked approved or disapproved, dated and attested to by the signature of the chairman or the secretary of the board of zoning appeals. One (1) copy of the plans so marked shall be retained by the board of zoning appeals for its permanent records.

C. The date of the signing of the written decision by the board of zoning appeals shall be the date of entry as provided in O.R.C. 2505.07 for purposes of appeal to the court of common pleas pursuant to O.R.C. Chapter 2506.

602.0 ISSUANCE OF CONDITIONAL ZONING CERTIFICATE

Upon receiving written notice of the approval of an application for a conditional zoning certificate as provided by Section 601.1, the zoning inspector shall issue a conditional zoning certificate to the applicant.

603.0 GENERAL CONDITIONS FOR CONDITIONAL ZONING CERTIFICATE

All conditional zoning certificates may contain the following conditions, in addition to those specifically required by other sections of this zoning resolution and those required by the board of zoning appeals.

A. A conditional zoning certificate shall not be transferred or assigned.

B. A conditional zoning certificate for any of the uses provided herein, or those legally permitted at the time of original issue, shall be valid for a period not to exceed five (5) years from the date of issuance.

C. Application for review and a new conditional zoning certificate shall be made by the applicant not less than sixty (60) days prior to the expiration of the existing certificate.

604.0 REVOCATION OF CONDITIONAL ZONING CERTIFICATE

A conditional zoning certificate shall be revoked by the board of zoning appeals, if:

A. The conditional zoning certificate has been issued in error.

B. The conditional zoning certificate was issued based upon a false statement by the applicant.
C. The construction or use described in the conditional zoning certificate has not begun within six (6) months from the date of issuance or if construction has begun within six (6) months and said construction has not been completed within two (2) years from the date of issuance.
D. The conditional use described therein is voluntarily discontinued for a period of two (2) years or more.
E. Any of the conditions set forth in the conditional zoning certificate are violated.

604.1 PROCEDURE FOR REVOCATION OF CONDITIONAL ZONING CERTIFICATE

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

605.0 GENERAL STANDARDS FOR CONDITIONAL USES

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

A. The location, size and intensity of the proposed use shall be considered in relationship to the size and location of the site.
B. The proposed roads and other means of ingress and egress are of adequate width and condition to accommodate expected vehicular traffic to be generated by the proposed use and are reasonably constructed to permit access by firefighting, police, ambulance and other safety vehicles and will not interfere with traffic on adjacent thoroughfares. A traffic impact study by a qualified traffic engineer may be required.
C. The spacing between buildings on the same lot, measured perpendicularly from any exterior wall, shall have a minimum allowable distance of forty (40) feet unless modified elsewhere in this resolution and a building must be so arranged that any building is readily accessible by an emergency vehicle.
D. The size and number of proposed off-street parking spaces and loading/unloading spaces (if applicable) are adequate and are in accordance with the provisions of Article 7 of this resolution.

E. The type, size, location and number of proposed signs are in accordance with the provisions of Article 9 of this resolution.
F. The proposed use will be compatible with the township land use plan.
G. The proposed use will not be hazardous or disturbing to existing neighboring uses.
H. The proposed use will be served adequately by essential public facilities including roads, police and fire protection, drainage structures, refuse disposal, water and sewage disposal facilities, and schools, or that the applicant shall be able to adequately provide such services. Proof of compliance with applicable codes and regulations pertaining to the protection of public health and safety including fire, sanitary sewage, water supply, erosion control, and stormwater runoff may be required.
I. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
J. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare.
K. The proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
L. The proposed use will not obstruct light and air from adjacent buildings to a greater extent than would result from applications of the regulations prescribed for the districts in which such use is located.
M. The proposed use will be examined to determine the necessity for landscaping, fences, walls and buffer zones designed to further the purposes of this resolution.
N. Proof of compliance with the rules and regulations of the county building department, county water resources department, county general health district, fire prevention office or fire department, and such other state and federal codes as may be applicable shall be provided.
O. Except as otherwise provided, the proposed use shall comply with all the regulations for the zoning district in which it is located.

606.0 CONDITIONAL BUILDINGS, STRUCTURES AND USES IN RESIDENTIAL DISTRICTS

606.1 CHURCHES

Subject to the provisions of Article 6, churches may be permitted by the board of zoning appeals as a conditional use in any residential district, 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 non-church

related activities, with the exception of farm markets in accordance with Article 500.8.

B. LOCATION. No church shall be located closer than one-quarter (1/4) 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 three hundred fifty (350) feet, except for a corner lot where the minimum front and side lot lines shall be four hundred twenty-five (425) feet each.

D. DRIVEWAYS. The driveways used to provide ingress and egress to such facilities shall be so located and arranged to minimize traffic congestion. Therefore, the centerline of such driveways shall be at least three hundred (300) feet from any intersecting right-of-way as measured from the right-of-way.

E. YARDS. The minimum side and rear yards setback line of any church shall be one hundred (100) feet. The minimum front yard setback line shall be two hundred (200) feet or 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 building height exceptions.

G. LOT AREA. The minimum church lot size and coverage shall be the same as is specified for the district in which the church is proposed to be located.

H. PARKING. Except as otherwise provided in this section, parking spaces shall comply with the requirements of Article 7.

1. The required parking spaces for each church shall be one (1) space per six (6) seats located in the main assembly hall or sanctuary.
2. Parking spaces shall be screened as required in Section 700.0 K.
3. No parking shall be permitted on a lot in the required minimum front, side or rear yard as required in Section 700.0 C.

I. BUFFER ZONE. A buffer zone of not less than sixty (60) feet in width measured from the lot line and the nearest edge of the parking area shall be required wherever a church abuts a single family detached dwelling. No structure, building, accessory building, parking area, driveway or sign shall be permitted in a buffer zone. The buffer zone shall be part of the lot on which the church is located. All buffer zones abutting along the side or rear lot lines shall be landscaped and maintained in an appropriate manner. In addition, the buffer zone shall be screened as required in Section 700.0 K.

606.2 GOLF CLUBS

A 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 golf course and one hundred sixty (160) acres for an 18-hole golf course.

B. PARKING. Except as otherwise provided in this section, parking spaces shall comply with the requirements of Article 7.
   1. The required parking spaces shall be one and one-half (1 ½) for each green.
   2. Parking spaces shall be screened as required in Section 700.0 K.
   3. No parking shall be permitted on a lot in the required minimum front, side or rear yard as required in Section 700.0 C.

C. DRIVEWAYS. The driveways used to provide ingress and egress to such facility shall be so located and arranged to minimize traffic congestion. Therefore, the centerline of such driveway shall be at least sixty (60) feet from the right-of-way line of the nearest parallel state or federal highway and at least forty (40) feet from the right-of-way line of a parallel street other than a state or federal highway.

D. FENCING. The entire premises upon which such club is located shall be fenced on the lot lines by suitable wire fencing.

E. MODIFICATION OF SCREENING AND FENCING BY THE BOARD. The board of zoning appeals may modify the provisions of Section 700.0 K and this paragraph D in those cases where there is no development of uses permitted in any residential district that immediately adjoins such club. However, the required screening and fencing shall be installed by the golf club at the time development of the residential district use takes place.

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. Such pools shall meet the requirements of Section 501.13 E.3.c through 6 inclusive.
   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 this zoning resolution.

H. DISTANCES FROM LOT LINES. All buildings, structures, driveways, parking areas, edges of fairways, and outdoor activities shall be at least one hundred (100) feet from all lot lines. The board of zoning appeals 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. Whenever possible such club shall front upon a major thoroughfare as specified in the "Geauga County Township Thoroughfare Plan".

K. 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.

606.3 MEMORIAL PARKS

A memorial park may be established and operated subject to the following conditions:

A. DRIVEWAYS. 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. Therefore:

1. The centerline of such driveway shall be at least sixty (60) feet from the right-of-way line of the nearest parallel state or federal highway and at least forty (40) feet from the right-of-way line of a parallel street other than a state or federal highway.
2. There shall be no more than two (2) driveways on any one street.

B. PARKING. Except as otherwise provided in this section, parking spaces shall comply with the requirements of Article 7.

1. One (1) 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 parking only if they are of sufficient width to accommodate moving traffic and parked vehicles.
2. Parking spaces shall be screened as required in Section 700.0 K.
3. No parking shall be permitted on a lot in the required minimum front, side or rear yard as required in Section 700.0 C.

C. BUFFER ZONE AND SCREENING. A buffer zone of not less than sixty (60) feet in width measured from the lot line and the nearest edge of the parking area shall be required wherever a memorial park abuts a single family detached dwelling. No structure, building, accessory building, parking area, driveway or sign shall be permitted in a buffer zone. The buffer zone shall be part of the lot on which the memorial park is located. All buffer zones abutting along the side or rear lot lines shall be landscaped and maintained in an appropriate manner. In addition, the buffer zone shall be screened as required in Section 700.0 K.

D. MODIFICATION OF SCREENING. The board of zoning appeals 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.

E. LOCATION OF STRUCTURE. Fences and gates shall be erected or located at least twenty-five (25) feet from the street right-of-way and may be located on the side or rear lot lines. Mausoleums, memorial walls and other structures shall be erected or located at least one hundred fifty (150) feet from all lot lines.

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. SITE PLAN. The applicant shall furnish the board of zoning appeals 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 structure are to be located. These plans shall indicate the proposed planting treatment 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 a traffic impact study by a qualified traffic engineer.

H. FISCAL PLAN. Neglected memorial parks become problems and nuisances for the township. Therefore, to preserve the township's tax base and the general welfare of its people, the applicant shall furnish the board of zoning appeals with a fiscal plan which documents the applicant's financial responsibility to insure maintenance of the memorial park. Toward this end, the board of zoning appeals may require the establishment of a perpetual care trust fund having sufficient capital to insure proper maintenance.

606.4 MUSEUMS

Subject to the provisions of Article 6, museums may be permitted by the board of zoning appeals as a conditional use in any residential district, subject to the following conditions:

A. BUILDING OR PREMISES USE. No part of any building or land shall be used for non-museum related activities.

B. LOCATION. No museum shall be located closer than one-quarter (1/4) mile from any other museum.

C. FRONTAGE. The minimum front lot line of a museum shall be three hundred fifty (350) feet, except for a corner lot where the minimum front and side lot lines shall be four hundred twenty-five (425) feet each.

D. DRIVEWAYS. The driveways used to provide ingress and egress to such facilities shall be so located and arranged to minimize traffic congestion.

Therefore, the centerline of such driveway shall be at least sixty (60) feet from the right-of-way line of the nearest parallel state or federal highway and at least forty (40) feet from the right-of-way line of a parallel street other than a state or federal highway.

E. YARDS. The minimum side and rear yards setback line of any museum shall be one hundred (100) feet. The minimum front yard setback line shall be two hundred (200) feet or 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 museum building height shall be the same as is specified for the district in which the museum is proposed to be located, subject to the building height exceptions.

G. LOT AREA. The minimum museum lot size and coverage shall be the same as is specified for the district in which the museum is proposed to be located.

H. PARKING. Except as otherwise provided in this section, parking spaces shall comply with the requirements of Article 7.

1. The required parking spaces shall be one (1) space for each employee plus one (1) for each two hundred (200) square feet of floor area.
2. Parking spaces shall be screened as required in Section 700.0 K.
3. No parking shall be permitted on a lot in the required minimum front, side or rear yard as required in Section 700.0 C.

I. BUFFER ZONE. A buffer zone of not less than sixty (60) feet in width measured from the lot line and the nearest edge of the parking area shall be required wherever a museum abuts a single family detached dwelling. No structure, building, accessory building, parking area, driveway or sign shall be permitted in a buffer zone. The buffer zone shall be part of the lot on which the museum is located. All buffer zones abutting along the side or rear lot lines shall be landscaped and maintained in an appropriate manner. In addition, the buffer zone shall be screened as required in Section 700.0 K.

606.5 OUTDOOR HYDRONIC HEATERS (OHH) IN RESIDENTIAL DISTRICTS

A. PURPOSE. The purpose of these conditions is to protect the public health, safety and general welfare; and, to safeguard the health, comfort, living conditions, safety and general welfare of the residents of Chester Township due to the potential air pollution and fire hazards of Outdoor Hydronic Heaters (OHH) without infringing on the rights of the homeowner and the neighbors.

Outdoor Hydronic Heaters typically burn seasoned hardwood to heat water that is piped underground resulting in heat for a nearby building. With smoldering fires and short smokestacks an OHH may create heavy smoke that is released close to the ground, where it is not only a nuisance but unhealthy to breathe. Wood smoke contains a complex mixture of gases and soot particles. The gases include carbon monoxide, nitrogen and sulfur

oxides, volatile organic compounds, and others associated with deleterious health effects. The soot particles (also called particulate matter or PM) are small enough to enter a person's lungs and can lead to serious respiratory problems. Therefore, these Outdoor Hydronic Heaters shall be subject to the conditions herein.

B. CONDITIONAL USE. An Outdoor Hydronic Heater shall only be permitted in Residential Districts as a conditional use and shall be subject to the following definitions and conditions contained in paragraphs C and D.

C. DEFINITIONS.

"OUTDOOR HYDRONIC HEATER (OHH)" means any fuel burning structure, equipment, device, or apparatus or any part thereof which is installed and situated outside of the envelope for the building to be heated for the primary purpose of combustion to produce heat energy or energy used as a component of a heating system providing heat for any interior space or water source via the distribution of water heated in the device through pipes. An OHH may also be referred to as an outdoor wood-fired boiler (OWB), or an outdoor wood-fired hydronic heater (OWHH).

"CHIMNEY" means any vertical flue or flues that carry off smoke or exhaust from an OHH.

"CLEAN WOOD" means natural seasoned hardwood that has no paint, stains, or other types of coatings, and natural hardwood that has not been pressure treated with preservatives, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol, and does not contain resins or glues as in plywood or other composite wood products.

D. CONDITIONS FOR AN OUTDOOR HYDRONIC HEATER.

1. Accessory Conditional use: An OHH shall be classified as an accessory conditional use and shall be connected to the principal dwelling and/or permitted accessory buildings, structure and uses only on a lot.
2. The OHH shall be a United States Environmental Protection Agency (USEPA) Outdoor Hydronic Heater (OHH) Phase 2 Program qualified model that is in compliance with USEPA OHH Phase 2 emission limit of 0.32 lb/MMBtu heat output and has the proper qualifying label and hangtag (or any other applicable USEPA phase subsequently approved).
3. Number per lot: There shall be no more than one (1) OHH on a lot.
4. Minimum setback: An OHH shall be setback a minimum of fifty (50) feet from any rear and side lot line and a minimum distance of twenty (20) feet from the principal dwelling or any other permitted accessory building, structure or use
5. Location: An OHH shall be located completely outside of the envelope of any building or structure. An OHH shall be located to the rear of the principal permitted dwelling on a lot, not in any required front yard and side yards for the applicable zoning district. On a corner lot, the OHH shall not be closer to any road right-of-way than the principal dwelling. Further, the OHH shall be placed on the lot in compliance with all

manufacturer's recommendations and/or testing and listing requirements for clearance to combustible materials.

6. An OHH shall be located outside of the envelope of the dwelling or permitted accessory building, structure or use to be heated.
7. Chimney height: An OHH shall have a chimney height as required by the manufacturer of the approved OHH, but not less than eight (8) feet as measured vertically from the top of the OHH not including the spark arrestor.
8. Spark arrestor: The OHH shall have a spark arrestor securely attached to the chimney to prevent the passage of sparks and ashes to the outside atmosphere.
9. Base: The OHH shall be installed on a concrete pad with a minimum thickness of four (4) inches.
10. Other codes: The OHH shall be in compliance with all applicable county building codes, fire codes and other relevant codes, including, but not limited to, UL and ANSI. The OHH shall be constructed, established, installed, operated and maintained in conformity with the manufacturer's instructions and requirements and the conditions herein.
11. Fuel: The fuel used in the OHH shall be only clean, natural seasoned hardwood, wood pellets, shelled corn products, biomass pellets or such other listed fuels specifically permitted by the manufacturer's instructions. Burning any other material shall be prohibited, such as, but not limited to:
    a. Rubbish or garbage, including but not limited to food wastes, food wraps, packaging, animal carcasses, agricultural waste and debris, vegetative debris, paint or painted materials, furniture, composite or wood shingles, demolition debris or other household or business wastes, including paper and cardboard.
    b. Waste oil or other oily wastes.
    c. Asphalt and products containing asphalt
    d. Driftwood, treated or painted wood, including but not limited to, plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
    e. Any plastic material, including but not limited to, nylon PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, films and containers.
    f. Rubber including tires and synthetic rubber-like products.
    g. Any material that is not recommended for burning by the manufacturer of the OHH.
12. Application: In addition to the other requirements relating to an

application for a conditional use in accordance with Article 6, Sections 603.0 and 605.0, the applicant shall submit a scale drawing showing the OHH location, lot lines, setbacks, location of the dwelling and accessory buildings, structures and uses to be connected to the OHH; chimney height; existing buildings; and changes in elevation within a radius of 300 feet of the OHH. A copy of the owner's manual and manufacturer's installation instructions, shall be provided and such other information as may be necessary for the zoning inspector to insure compliance with this resolution.

13 Decommissioning: The OHH shall be completely removed within twelve (12) months from discontinuance of use, due to the addition of an alternate heating source and/or obsolescence and the affected lot shall be fully restored to its preconstruction condition.

14. Other regulations: The OHH shall comply with all other applicable regulations for the zoning district in which it is located and the general conditions pertaining to conditional uses in Article 6.

15. Additional conditions: The OHH shall comply with any additional conditions required by the board of zoning appeals as a part of the conditional zoning certificate.

607.0 CONDITIONAL BUILDINGS, STRUCTURES AND USES IN COMMERCIAL DISTRICTS

607.1 GOLF DRIVING RANGES AND MINIATURE GOLF COURSES

Subject to the provisions of Article 6, golf driving ranges and miniature golf courses may be permitted by the board of zoning appeals as a conditional use in any commercial district, subject to the following conditions:

A. The entire premises shall be fenced by suitable wire fencing.

B. PARKING. Except as provided in this section, parking shall comply with the requirements of Article 7.

1. The required parking spaces shall be two (2) for each driving tee, plus one (1) for each operator, and one (1) for each employee.
2. Parking spaces shall be screened as required in Section 700.0 K.
3. No parking shall be permitted on a lot in the required minimum front, side or rear yard as required in Section 700.0 C.

607.2 LIMOUSINE AND TAXI SERVICES

Subject to the provisions of Article 6, limousine and taxi services may be permitted by the board of zoning appeals as a conditional use in any commercial district, subject to the following conditions:

A. Exclusive of parking regulations, no more than three (3) vehicles shall be parked outside of a completely enclosed building or structure and no vehicles shall be parked in any required yard.

B. No vehicle shall be parked for display within one hundred five (105) feet of the road right-of-way or one hundred thirty-five (135) feet of the centerline whichever is greater.

C. PARKING. Except as provided in this section, parking shall comply with the requirements of Article 7.

1. There shall be five (5) parking spaces required.
2. Parking spaces shall be screened as required in Section 700.0 K.
3. No parking shall be permitted on a lot in the required minimum front, side or rear yard as required in Section 700.0 C.

607.3 BILLBOARDS

A. Conditional Zoning Certificate Required

A billboard is an off-premises outdoor advertising sign and shall be classified as a conditional use and shall be subject to the procedures and general conditions set forth in Article 6 and Article 9. No billboard shall be located, erected, constructed, reconstructed, enlarged or altered without first obtaining a conditional zoning certificate in accordance with this resolution. Alteration shall not include changing the content or elements of the sign face, or ordinary maintenance of structural components such as painting, and shall not require the issuance of a conditional zoning certificate.

A billboard shall be classified as a business use and may be allowed in any Commercial District and I-Restricted Industrial District, or on lands used for agricultural purposes as defined in this resolution. Billboards shall be prohibited in all other zoning districts.

B. Conditions

No application for a conditional zoning certificate shall be approved for a billboard and a conditional zoning certificate issued unless it complies with all of the following conditions. Each billboard shall be subject to the issuance of a separate conditional zoning certificate.

1. There shall be no more than two (2) faces or advertising surfaces on a billboard structure. Each face of a billboard shall be considered a separate sign. The face shall be the readable copy area or panel devoted to advertising purposes visible to traffic proceeding along a road in one direction. There shall not be more than one (1) billboard structure with a maximum of two (2) sign faces on a lot.
2. A billboard shall be the principal use of the lot on which it is located.
3. The sign face area of a billboard shall be included in determining the maximum allowable signage for the zoning district in which it is located.
4. Billboards shall be spaced a minimum of one thousand (1,000) feet apart. Such spacing shall be measured in all directions from the nearest

portion of the proposed billboard to the nearest portion of the next billboard, whether on the same or opposite side of the road right-of-way. The measurement shall not be limited to the boundaries of the township, where the affected road extends beyond such boundaries.

5. A billboard shall be setback a minimum of three hundred (300) feet from any residential zoning district boundary. The setback shall be measured from the nearest zoning district boundary line to the nearest portion of the billboard.
6. A billboard shall be setback a minimum of three hundred (300) feet from an existing residential dwelling, a church or place of worship, a cemetery, a school, a public park or playground, a public library or a day care center. The setback shall be measured from the nearest lot line to the nearest portion of the billboard.
7. A billboard shall be setback a minimum of fifty (50) feet from any front lot line. The setback shall be measured from the front lot line to the nearest portion of the billboard.
8. A billboard shall be setback a minimum of one hundred (100) feet from any side lot line. The setback shall be measured from the nearest side lot line to the nearest portion of the billboard.
9. A billboard shall be setback a minimum of one hundred (100) feet from any rear lot line. The setback shall be measured from the nearest rear lot line to the nearest portion of the billboard.
10. A billboard shall be setback a minimum of five hundred (500) feet from the intersection of any public roads, measured from the edge of the nearest road right-of-way to the nearest portion of the billboard.
11. A billboard shall be setback a minimum of two hundred (200) feet from any building on a lot. The setback shall be measured from the nearest portion of a building to the nearest portion of the billboard.
12. The maximum height of a billboard shall be fifteen (15) feet measured vertically from the average finished grade within ten (10) feet of the support base or pole(s) supporting the billboard to its highest point, including any structural members.
13. The maximum sign face of a billboard shall be two hundred (200) square feet.
14. No billboard shall be located on top, cantilevered, or otherwise suspended from or attached to any building.
15. A billboard projecting over a driveway shall have a minimum clearance of thirteen feet six inches (13’ 6”) between the lowest point of the sign and the finished driveway grade.
16. A billboard may be illuminated, provided such illumination is concentrated on the sign face and is so shielded as to prevent glare or reflection onto any portion of an abutting road, oncoming vehicles, or a contiguous lot. Any lighting device shall employ light of a constant intensity. Flashing, rotating, or oscillating lighting shall be prohibited.

Illumination shall not interfere with the effectiveness or obscure an official traffic sign, device or signal. (Also, see Section 500.2.1)

17. A billboard shall not employ any elements which revolve, whirl, spin or otherwise make use of motion.
18. All wiring, fittings and materials used in the construction, connection and operation of a billboard shall comply with the applicable provisions of the building and electrical codes enforced by the Geauga County Building Department. Proof of compliance with such codes shall be provided by the applicant.
19. The applicant shall demonstrate that the billboard complies with all of the applicable provisions of O.R.C. Chapter 5516 and O.A.C. Chapter 5501.
20. A billboard shall be included in determining the maximum coverage of buildings and structures on a lot for the zoning district in which it is located.
21. A billboard shall not be located within a regulatory floodplain per the latest version of the Federal Emergency Management Agency's Insurance Rate Maps of Geauga County.
22. A billboard shall not be located within a jurisdictional wetland as defined by the U.S. Army Corps of Engineers.
23. The name, telephone number, and address of the owner or lessee shall be permanently shown on a billboard.
24. Billboard sign faces shall be neatly painted or posted at all times and the billboard structure shall be kept in a safe state of repair. (Also, see Section 901.0A)

608.0 CONDITIONAL BUILDINGS, STRUCTURES AND USES IN I-RESTRICTED INDUSTRIAL DISTRICTS

608.1 ADULT-ORIENTED BUSINESSES

Subject to the provisions of Article 6, adult-oriented businesses may be permitted by the board of zoning appeals as a conditional use in any Restricted Industrial District, with the following conditions:

A. **DEFINITIONS**. For the purposes of this section, the following definitions of terms shall apply.
   1. **ADULT ARCADE** means an "establishment" where coin operated or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing or image-transmitting devices are maintained to show images to no more than one (1) person per machine at any one time, and where images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas". See also video "viewing booth" or "arcade booth".
   2. **ADULT BATHHOUSE OR SAUNA** means a steam bath or heated bathing

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

3. **ADULT CABARET** means a building or portion thereof including a nightclub, bar, restaurant or similar “establishment” which features dancing or live entertainment, provided that the dancing or live entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the observation by patrons of:
   a. Persons who appear in a state of “nudity”, or
   b. The exhibition of “specified anatomical areas” or “specified sexual activities”.
4. **ADULT MASSAGE BUSINESS** means an “establishment” where, for any form of consideration, manipulation of human muscles or tissue by rubbing, stroking, kneading or other treatment of the body is practiced which is characterized by emphasis on matters related to "specified sexual activities" or "specified anatomical areas", unless such massage treatment is practiced by a licensed medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional practitioner licensed by the State of Ohio.
5. **ADULT MEDIA** means books, newspapers, magazines, movies, videos, sound recordings, cd-roms, digital video discs, other magnetic media, and undeveloped pictures that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “hard- core material”, but shall not necessarily be limited to the foregoing items.
6. **ADULT MEDIA STORE** means an “establishment” that rents and /or sells media and that meets any of the following:
   a. Twenty-five percent (25%) or more of the gross public floor area is devoted to “adult media”.
   b. Twenty-five percent (25%) or more of the stock in trade consists of “adult media”.
   c. It advertises or markets itself in any forum as “X rated”, “adult”, “sex”, or otherwise as a sexually or “adult-oriented business”, other than an “adult media store”, “adult motion picture theater”, or “adult cabaret”.
7. **ADULT MOTEL OR HOTEL** means an “establishment” which:
   a. Offers accommodations to the public for any form of consideration that provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, compact or digital discs, slides or other photographic reproductions and transmitted or recorded visual presentations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas";

b. Rents, leases, or offers sleeping rooms or suites for a period of time that is less than ten (10) hours;
c. Allows an occupant or tenant to sublet a room or suite for less than ten (10) hours; or
d. Rents, leases or lets any single room or suite more than twice in a twenty-four (24) hour period.

8. **ADULT MOTION PICTURE THEATER** means an “establishment” where, for any form of consideration, films, motion pictures, video cassettes, compact or digital discs, slides, similar photographic reproductions or previously recorded visual presentations are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas”.
9. **ADULT-ORIENTED BUSINESS** means an “establishment” which is designed and used to sell, rent, or show sexually explicit or “hard-core materials”, paraphernalia, machines, equipment, services, performances, and such other uses distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" as herein defined and is more particularly, but not exclusively, defined as meaning an “adult arcade”, “adult bathhouse or sauna”, “adult cabaret”, “adult massage business”, “adult motel or hotel” (motels and hotels are not a permitted or conditional use in any zoning district in Chester Township), “body-painting studio”, “lingerie or adult modeling studio”, “nude photography studio”, “adult media store”, “adult motion picture theater”, “adult theater”, “adult sexual paraphernalia business”, and an “adult sexual encounter business”.
10. **ADULT SEXUAL ENCOUNTER BUSINESS** means an “establishment” that offers, for any form of consideration, a place where persons or patrons may congregate, associate or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of “nudity”. An “adult sexual encounter business” may include an “adult cabaret”, a “lingerie or adult modeling studio”, a “nude photography studio”, an “adult bathhouse or sauna”, a “body-painting studio”, an “adult massage business”, an “adult hotel or motel”. It shall not include an “establishment” operated by a state licensed medical practitioner, psychologist, psychiatrist, or other person engaged and licensed in sexual therapy.
11. **ADULT SEXUAL PARAPHENALIA BUSINESS** means an “establishment” which devotes twenty-five percent (25%) or more of its gross public floor area to the sale or rental of “adult media” or “sexually oriented devices, toys or novelties”.
12. **ADULT THEATER** means an “establishment” such as a playhouse, arena, amphitheater, auditorium or concert hall which features persons who appear in a state of “nudity” or live performance characterized by the exposure of "specified anatomical areas" or by "specified sexual

activities".

13. **BODY-PAINTING STUDIO** means an "establishment" wherein paint or similar materials or substances are applied to "specified anatomical areas" of patrons who are in a state of "nudity".
14. **COVERING** means any clothing or wearing apparel, including opaque pasties, but does not include any substance that can be washed off the skin, such as paint or make-up, or any substance designed to simulate the appearance of the anatomical area beneath it.
15. **DISPLAY PUBLICLY** means the act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a road, a public sidewalk, from an adjoining lot line, or from any portion of the premises where items and materials other than "adult media" are on display to the public.
16. **ESTABLISHMENT** means any business regulated by this section.
17. **EXPLICIT SEXUAL MATERIAL** means any "hard-core material".
18. **GROSS PUBLIC FLOOR AREA** means the total area of a building accessible or visible to the public including showrooms, merchandise display areas, service areas, behind-counter areas, storage areas, stage areas, screen areas, and arcades; including the aisles, hallways, and entryways serving such areas.
19. **HARD-CORE MATERIAL** means media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.
20. **LINGERIE OR ADULT MODELING STUDIO** means an "establishment" that provides the services of live models to model lingerie to patrons and who engage in "specified sexual activities" or expose "specified anatomical areas" while being observed, painted, painted upon, sketched, drawn, photographed, or otherwise depicted by patrons.
21. **NUDE PHOTOGRAPHY STUDIO** means an "establishment" that takes still or motion pictures for any form of consideration of models or patrons who engage in "specified sexual activities" or expose "specified anatomical areas" while being photographed.
22. **NUDITY** means the showing of either of the following:
    a. The human male or female genitals, pubic area, or buttocks with less than a fully opaque "covering"; or
    b. The female breast with less than a fully opaque "covering" on any part of the areola.
23. **SEXUALLY ORIENTED DEVICES, TOYS OR NOVELTIES** means, without limitation, any artificial or simulated "specified anatomical area" or

other device, novelty, toy or paraphernalia that is designed principally for "specified sexual activities" or to stimulate human genital organs, but shall not mean any contraceptive device.

24. **SPECIFIED ANATOMICAL AREAS** means less than completely and opaquely covered human genitals, pubic region, buttocks, and the female breast at a point immediately above or below the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.
25. **SPECIFIED SEXUAL ACTIVITIES** means any of the following:
    a. Human genitals in a state of sexual stimulation or arousal;
    b. The fondling or other erotic touching of the human genitals, pubic region, buttocks, anus or female breast;
    c. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
    d. Masturbation, actual or simulated; or
    e. Excretory functions as part of, or in connection with, any of the activities set forth herein above.
26. **VIDEO VIEWING BOOTH OR ARCADE BOOTH** means any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including, but not limited to, film, video tape, laser disc, cd-rom, books, magazines or periodicals) for observation by patrons therein. A "video viewing booth" or "arcade booth" shall not mean a theater, motion picture theater, playhouse, or a room or enclosure within a building or portion thereof that contains more than five hundred (500) square feet of floor area.

B. **CONDITIONS**. An "adult-oriented business" shall be classified as a Conditional Use and is only allowed in Restricted Industrial Districts. As such, all "adult-oriented businesses" are subject to the procedure for conditional zoning certificates as set forth in Section 600.0 of this resolution, the general standards for conditional uses as provided in Section 605.0 of this resolution, and the following specific conditions. No person, proprietorship, partnership, corporation or any other legal entity shall establish, operate or cause the establishment or operation of any "adult-oriented business" in violation of the provisions of this resolution.

The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented material protected by the First Amendment of the Constitution of the United States, or to deny access by the distributors and exhibitors of adult-oriented entertainment to the adult market. Nothing in this resolution shall be construed to prohibit or limit the display, sale or

rental of descriptive, printed, film, video or other form of media or material or any live performance which, taken as a whole, contains serious literary, artistic, political, medical, educational or scientific value.

1. An "adult- oriented business" shall be located more than five hundred (500) feet from the boundaries of a lot having situated on it a public or private school, place of worship, public library, governmental office, public playground, active or passive public park or child day care center. For the purposes of this condition, measurement shall be made in a straight line, without regard to intervening buildings, structures or objects, from the nearest portion of the building or structure used as a part of the premises where an "adult-oriented business" is conducted, to the nearest lot line of the premises of a public or private school, or place of worship, or public library, or governmental office, or public playground, or active or passive public park or child day care center.
2. An "adult-oriented business" shall be located more than three hundred (300) feet from any boundary of a residential district, general commercial district, or shopping center district as established by the Chester Township Zoning Resolution, the lot line of a lot devoted to residential uses, any boundary of a residential district in a local political subdivision abutting Chester Township, or any building that contains a residence. For the purposes of this condition, measurement shall be made in a straight line, without regard to intervening buildings, structures or objects, from the nearest portion of the building or structure used as a part of the premises where an "adult-oriented business" is conducted, to the nearest affected lot line of a residential district, or general commercial district, or shopping center district, or a lot devoted to residential use or possession of a building that contains a residence.
3. No "adult- oriented business" shall be located closer than one-quarter (1/4) mile from any existing "adult-oriented business", whether by permit or other means of establishment. For the purposes of this condition, the distance between any two "adult-oriented businesses" shall be measured in a straight line, without regard to intervening buildings, structures or objects, from the closest external wall of the structure in which each business is located.
4. An "adult-oriented business" shall be conducted within a fully enclosed building.
5. Management personnel shall be present at all times when an "adult-oriented business" is open for operation.
6. All viewing booths and viewing areas in an "adult arcade", "adult media store", "adult motion picture theater", or adult theater must be visible from an adjoining and continuous main aisle and must not be obscured by any curtain, door, wall or other enclosure or means of cover.
7. As amended, any "adult-oriented business" lawfully operating on the

effective date of this resolution that is in violation of that section of the resolution shall be deemed a nonconforming use. An "adult-oriented business" lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a public or private school, place of worship, public library, governmental office, public playground, active or passive public park, or child day care center within five hundred 500) feet, or a residential district, general commercial district, or shopping center district within three hundred (300) feet, of the "adult-oriented business". When a nonconforming "adult-oriented business" use of a building or premises is voluntarily discontinued or abandoned two (2) years or more, the building, or premises shall not thereafter be used except in conformity with the uses allowed for the zoning district in which it is located.

608.2 BILLBOARDS

See Section 607.3.

609.0 CONDITIONAL BUILDINGS, STRUCTURES AND USES IN ALL DISTRICTS

609.1 GROUND-MOUNTED SOLAR ENERGY SYSTEMS

Subject to the provisions of Article 6, Ground-Mounted Solar Energy Systems may be permitted as an accessory use by the board of zoning appeals as a conditional use in any zoning district, subject to the following conditions:

A. A Ground-Mounted Solar Energy System shall not exceed an aggregate stated capacity of 100 kilowatts.

B. Any Ground-Mounted Solar Energy System shall comply with all applicable noise restrictions set forth within the township, including, but not limited to, those applicable to the zoning district where located. In the event there are no applicable provisions regarding noise, no such system shall emit sound to an adjacent lot.

C. Location

1. Any Ground-Mounted Solar Energy System shall comply with the setback requirements applicable to the zoning district where it is located.
2. Any Ground-Mounted Solar Energy shall be located at least fifty (50) feet from any lot line.
3. No Ground-Mounted Solar Energy System shall be located on the front façade of any structure or on any façade facing a public right-of-way.
4. No Ground-Mounted Solar Energy System shall be located in front of a principal building or structure. The Ground-Mounted Solar Energy System shall be located entirely in the rear yard. In the case of corner lots, no

Ground-Mounted Solar Energy System shall be located between a principal building or structure and a public right-of-way.

D. The maximum height of any Ground-Mounted Solar Energy System at any point shall not exceed eight (8) feet from existing grade.

E. Ground-Mounted Solar Energy Systems shall be included as part of any lot/tract/ground coverage calculation applicable to the zoning district where they are located.

F. Any Ground-Mounted Solar Energy System shall be situated on the property such that it can be adequately served by the appropriate safety services and response personnel and vehicles can safely reach and service the property, including the area where the Ground-Mounted Solar Energy System is located.

G. A Ground-Mounted Solar Energy System shall have a visual buffer of natural vegetation, plantings, and/or fencing designed to do and that does all of the following:

1. Provides reasonable visual screening to minimize view of and glare and/or noise from the Ground-Mounted Solar Energy System to adjacent lots and from any public right-of-way; and
2. Is not less in height than the panels being proposed or installed.

H. Ground-Mounted Solar Energy Systems located on corner lots shall comply with the applicable requirements (including, but not limited to, those for yards, buffering, and screening) for lots in the zoning district where they are located.

I. The solar panels in any Ground-Mounted Solar Energy System shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.

J. The Ground-Mounted Solar Energy system shall meet any conditions or other requirements as determined by the board of zoning appeals in connection with the issuance of a Conditional Use Permit.

ARTICLE 7 – PARKING AND LOADING/UNLOADING SPACES

700.0 GENERAL REQUIREMENTS FOR PARKING AND LOADING/UNLOADING SPACES IN ALL ZONING DISTRICTS

Parking and loading/unloading spaces shall be provided in accordance with the following provisions except as otherwise provided in this resolution:

A. No building, structure, or use shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, enlarged or structurally altered unless permanently maintained parking and loading/unloading spaces shall be provided as required and in accordance with the provisions of this resolution.

B. All parking and loading/unloading spaces shall be located totally outside of the right-of-way of any public or private road and shall not be permitted within ten (10) feet of any such right-of-way.

C. All parking and loading/unloading spaces shall be located on the same lot as the use to be served. Unless otherwise provided in this resolution, no parking and loading/unloading spaces shall be permitted on a lot in the required minimum front, side or rear yards.

D. All parking and loading/unloading spaces shall provide for the proper drainage of surface water to prevent the drainage of such water onto adjacent properties, walkways and roads.

E. All parking and loading/unloading spaces together with driveways, aisles and other circulation areas shall be improved with such material to provide a durable all weather and dust-free surface, such as concrete or asphalt.

F. The owner of the property used for parking and loading/unloading spaces shall maintain such areas in good condition without holes and free of all dust, trash, and other debris.

G. All parking and loading/unloading spaces intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot or loading/unloading area shall be so arranged as to reflect the light away from the adjoining property or roads and shall be in accordance with the lighting regulations for the zoning district in which located. Flashing lights are prohibited.

H. All parking lots with a capacity over ten (10) vehicles shall be striped or otherwise delineated between spaces to facilitate the movement into or out of parking spaces.

I. All parking lots and loading/unloading spaces shall be designed in such a manner that any vehicle entering or leaving such parking lots and loading/unloading spaces from or into a public or private road shall be traveling in a forward motion. Access driveways for parking lots and loading/unloading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access driveway from a public or private road.

J. Parking lots shall be designed based upon the following criteria:

Parking Angle (degrees)	Stall Width (measured on a perpendicular between the parallel lines)	Stall Length	Aisle Width
45	10.0’	20.0’	13.0’
60	10.0’	20.0’	18.0’
90	10.0’	20.0’	22.0’

K. Whenever a parking lot and/or loading/unloading space is located in or adjacent to a residential district it shall be effectively screened on all sides that adjoin or face any property used for residential purposes, by a buffer zone as required in accordance with Section 500.2E. Any screening device located within twenty (20) feet from the point of the intersection of two (2) or more such 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 and there shall be no 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 or driveway

L. For any non-residential building or structure hereafter erected, loading/unloading space shall be provided in such amount and manner that all loading/unloading operations will be conducted entirely within the lot lines of the lot concerned.

701.0 NUMBER OF PARKING SPACES REQUIRED

In all zoning districts, the minimum number of parking spaces provided shall be in accordance with the following requirements:

A. For the purpose of determining the number of parking spaces required, gross floor area shall be the total area of all floors in a building or structure, excluding basement space used for storage or utilities, measured from the exterior faces of exterior walls

B. Each use listed in the left-hand column of this section shall provide the number of spaces in an amount in the corresponding right-hand column.

USES	REQUIRED PARKING SPACES
RESIDENTIAL USES AND RESIDENTIAL BUSINESS USES	
1. Dwelling	Two (2) for each dwelling unit.
2. Home occupation	Two (2) in addition to the required two (2) for each dwelling unit.
3. Farm Markets	Three (3) spaces
COMMUNITY, CIVIC & INSTITUTIONAL USES	
4. Schools	Elementary and Middle Schools: One (1) for each staff member and other employees.
	Senior High Schools: See above plus one (1) for each twelve (12) seats in a classroom based on planned classroom capacity.
	Trade, Vocation Business, Commercial and Private Schools; classes of Instruction: See above plus one (1) for each eight (8) seats in a classroom based on planned classroom capacity.
	All schools and classes of instruction, see also auditoriums, gymnasiums and stadiums.
5. Libraries	One (1) for each employee, plus one (1) for each two hundred (200) square feet of gross floor area.
6. Lodges, Clubrooms, Meeting Halls	Total parking area equal to one-half (1/2) the gross floor area.
7. Auditoriums, Stadiums, Gymnasiums	One (1) for each six (6) seats or the total parking area equal to three (3) times the gross floor area, whichever is greater.
8. Day Care, Pre-school	One (1) for each three (3) children on the premises at any one time plus one (1) for each employee on duty at any one time.
9. Community and Recreation Centers	One for each one hundred fifty (150) square feet of gross area, plus one (1) for each employee.
RECREATIONAL OR ENTERTAINMENT	
10. Lunchroom, Restaurants, Taverns, Cafeterias, Bars	For establishments having less than two thousand (2,000) square feet of gross floor area, one (1) for each give hundred (500) square feet of gross floor area.
	For establishments have 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 those (4,000) square feet of gross floor area, one (1) for each one hundred twenty-five (125) square feet of gross floor area.

OFFICE, BUSINESS AND COMMERCIAL USES	
11. Medical or Dental	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.
12. Permitted Office Use Other Than Medical or Dental	One (1) for each three hundred (300) square feet of gross floor area.
13. Banks, Financial & Other Lending Institutions	One (1) for each three hundred (300) square feet of gross floor area.
14. Funeral Homes	One (1) for each seventy-five (75) square feet of floor area used for assembly or service rooms, plus one (1) for each employee, plus one (1) for each vehicle maintained on the premises.
15. Seed, Plant, Lawn, Garden Equipment & Supply Stores	One (1) for each employee, plus one (1) for each one hundred fifty (150) square feet of gross floor area.
16. Landscaping Business	One (1) for each employee, plus eight (8) for each acre of lot area.
17. Temporary Enclosed Storage Facilities	Two (2) for each building.
18. Food and Beverage 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.
19. All other Permitted Uses listed in Sections 502.1 and 503.2	One (1) for each two hundred fifty (250) square feet of gross floor area, plus one (1) for each employee, plus one (1) for each vehicle maintained on the premises.
INDUSTRIAL	
20. Storage or Warehouse Uses	One (1) for each two (2) employees on the premises during the largest work shift period, or total parking area equivalent to ten percent (10%) of the gross floor area, whichever is greater.
21. All other Permitted Uses listed in Section 504.1	One (1) for each two (2) employees on the premises during the largest work shift period or total parking area equivalent to twenty five percent (25%) of the gross floor area, whichever is greater

CONDITIONAL USES
See Article 6 for required parking and loading/unloading spaces

702.0 SIZE OF PARKING SPACES

The width of a parking space shall be a minimum of ten (10) feet and the length shall be a minimum of twenty (20) feet. The total area of a parking space shall be a minimum of two hundred (200) square feet.

703.0 NUMBER OF LOADING/UNLOADING SPACES REQUIRED

For Commercial, Shopping Center and Industrial District uses permitted by this resolution, one (1) loading/unloading space shall be provided for each use with a minimum floor area of eight thousand (8,000) square feet. One (1) additional loading/unloading space shall be provided for each twenty thousand (20,000) square feet of floor area above the minimum of eight thousand (8,000) square feet.

No such loading/unloading spaces shall be placed in any setback or side yard. The design of all loading/unloading spaces shall be subject to the following regulations:

A. No motor or conveyance shall in any manner use public streets, sidewalks, or rights-of-way for loading/unloading operations except as a means of ingress or egress to the lot. The loading/unloading 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/unloading spaces shall not be used to compute the amount of area required for parking space.

704.0 SIZE OF LOADING/UNLOADING SPACES

The width of a loading/unloading space shall be a minimum of twelve (12) feet and the length shall be a minimum of sixty (60) feet. The total area of a loading/unloading space shall be a minimum of seven hundred twenty (720) square feet.

705.0 DETERMINATION OF THE NUMBER OF PARKING AND LOADING/UNLOADING SPACES REQUIRED

A. The collective provision of parking and loading/unloading spaces for two (2) or more uses may be permitted, provided that the total number of such spaces shall not be less than the sum of the spaces required for such uses computed separately, in accordance with this resolution.
B. Whenever a lawfully existing building, structure or use is enlarged, reconstructed, or structurally altered so as to increase its floor area, number of employees, seating capacity or otherwise so as to create a need for an increase in the number

of existing parking and loading/unloading spaces, additional spaces shall be provided on the basis of such change, enlargement, reconstruction, or structural alteration in accordance with the requirements of this resolution.

C. If fractional spaces result, the number of spaces required shall be determined to be the next highest whole number, if the fraction is one-half (1/2) or more.

706.0 DRIVEWAYS

A. For driveways in a Residential District, see Section 501.6F.
B. For driveways in a Commercial District, see Section 502.4.
C. For driveways in a Shopping Center District, see Section 503.5.
D. For driveways in a Restricted Industrial District, see Section 504.5.

707.0 HANDICAPPED PARKING

Off-street parking spaces serving buildings and uses required to be accessible to the physically handicapped shall have conveniently located designated spaces provided in accordance with applicable federal, state, or local codes.

ARTICLE 8 – SOLAR ENERGY

801.0 PURPOSE

The purpose of this article is to thoughtfully regulate certain solar energy production, recognize the need for certain solar harvesting operations where specific conditions are met, and promote the public health, safety and general welfare of the township in accordance with O.R.C. 519.213.

801.1 PERMITTED SOLAR ENERGY SYSTEMS IN ALL DISTRICTS

A. The following Solar Energy Systems shall be permitted as an accessory use in all Zoning Districts, in accordance with the regulations contained in this Article.

1. Integrated Solar Energy Systems

2. Rooftop Solar Energy Systems

801.2 REGULATIONS FOR PERMITTED SOLAR ENERGY SYSTEMS

A. An Integrated or Rooftop Solar Energy System installed on a roof shall not extend vertically beyond the highest point of the roof to which it is affixed.

B. An Integrated or Rooftop Solar Energy System shall not exceed an aggregate stated capacity of 100 kilowatts.

C. Any Integrated or Rooftop Solar Energy Systems shall comply with all applicable noise restrictions set forth within the township, including, but not limited to, those applicable to the zoning district where located. In the event there are no applicable provisions regarding noise, no such system shall emit sound to an adjacent lot at a level exceeding sixty (60) decibels.

D. Any Integrated or Rooftop Solar Energy Systems shall be maintained in good working order at all times.

E. All Integrated or Rooftop Solar Energy Systems shall obtain all applicable required Building Permits from the State of Ohio and County or other local building jurisdictions.

801.3 CONDITIONAL USE SOLAR ENERGY SYSTEMS IN ALL ZONING DISTRICTS

A. The following Solar Energy systems may be allowed in accordance with the conditions set forth in Article 6 of this resolution and subject to approval by the board of zoning appeals:

1. Ground-Mounted Solar Energy Systems

ARTICLE 9 – SIGN REGULATIONS

900.0 SIGN DEFINITIONS

ANIMATED SIGN. Any sign that uses flashing lights or movement of the sign or some element thereof, to depict action or create a special effect or scene.

BANNER. Any sign of lightweight fabric or similar material that is mounted to a pole, building, or any other structure at one or more edges.

BILLBOARD. An outdoor advertising device which advertises an activity, service or product located on a lot other than a lot at which such activity or service occurs or which product is sold or manufactured, or an advertising device erected by a company or individual for the purpose of selling advertising for profit. A billboard is an "off-site" or "off- premises" sign.

BULLETIN BOARD SIGN. ***See Changeable Copy Sign***.

CANOPY OR AWNING SIGN. Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee shall not be considered a canopy.

CHANGEABLE COPY SIGN (ALSO BULLETIN BOARD SIGN, VARIABLE MESSAGE SIGN). A sign or portion thereof with characters, letters, or graphics that are not permanently affixed to the structure, framing, or background allowing the letters, characters, or graphics to be modified manually from time to time as situations change, such as a bulletin board or announcement board.

CHANGEABLE COPY SIGN A sign designed to display multiple or changing messages whether by manual, or electronic means. Such signs are characterized by changeable letters, symbols or numerals that are not permanently affixed to the structure, framing or background allowing the letters, characters, or graphics to be modified from time to time manually or by electronic or mechanical devices. Electronically changed signs may include either electronic message boards or digital displays (which both may be referred to as "electronic display").

COMMERCIAL MESSAGE. Any sign wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

DIRECTORY SIGN. A sign on which the names and locations of occupants and/or use of the building is given.

FLAG. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

GOVERNMENTAL SIGN. A sign located or erected by a political subdivision pursuant to law and serving an official function such as traffic control.

GROUND SIGN. Any sign supported by one (1) or more uprights, poles, braces, or a permanent foundation and which is entirely independent of any building for support.

INSTRUCTIONAL SIGN. A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered instructional.

(However, menu boards, pre-order boards and drive-thru signs which are not legible from a position off-site may be considered instructional.)

MARQUEE. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MARQUEE SIGN. A sign attached to a structure, other than an awning or canopy sign, projecting from a wall of a building above an entrance and extending over a street, sidewalk, or part thereof.

MESSAGE FLAG. A temporary sign of lightweight fabric or similar material which contains a non-commercial informational message related to the use of the lot on which it is located; such as "open".

MOBILE SIGN. A temporary sign that is on wheels, runners, casters, or has a frame to which wheels, runners, or casters may be affixed, or other mobile devices, including tethered and/or anchored balloons. See also Portable Signs.

NAMEPLATE. Any sign identifying the name and/or address of the occupant of the premises.

NONCONFORMING SIGN. Any sign that does not conform to the requirements of this resolution.

OFF-SITE, OFF-PREMISES OR BILLBOARD. See ***Billboard***.

PENNANT. Any lightweight plastic, fabric, or other material suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PORTABLE SIGN. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed

to be transported by means of wheels; signs converted to A- or T-frames; sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way.

PROJECTING SIGN. Any sign extending twelve (12) inches or more beyond the vertical surface or plane of the exterior wall of a building to which such sign is attached.

REAL ESTATE DIRECTIONAL SIGN. A temporary offsite sign which conveys directions to a specific real estate property for sale, rent or lease, such as a residential subdivision, home for sale, or any other real estate property for sale, rent or lease.

REAL ESTATE SIGN. A temporary sign advertising the sale, rent or lease of the property on which it is located.

RESIDENTIAL SIGN. Any sign located in a Residential District that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such services at such location conforms with all the requirements of this resolution.

ROOF SIGN. Any sign, all surfaces of which are located above the roof surface and that does not project beyond the roof edge of the building on which it is located.

ROOF SIGN, INTEGRAL. Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

SIGN. Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol, or writing to attract, advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

SIGN FACE. That portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed. The sign face may be composed of two (2) or more modules on the same surface that are separated or surrounded by portions of a sign structure not intended to contain any advertising message or idea and are purely structural.

TEMPORARY SIGN. A sign that is intended to be used only temporarily and is not intended to be permanently attached to a building, structure or permanently installed in the ground. Any sign that is intended to draw attention to a particular event or occurrence including but not limited to elections, sales and festivals.

VEHICLE SIGN. Any sign exceeding ten square feet in area mounted, painted, placed on, attached or affixed to a trailer, watercraft, truck, automobile or other form of vehicle so parked or placed so that the sign thereon is discernable from a public street or right-of- way as means of communication and which by its location, size, and manner of display is reasonably calculated to exhibit commercial advertising identifying an on-site business or supplying directional information to an off-site business.

WALL OR FLAT SIGN. Any sign painted on or attached to and erected parallel to the face of, and erected and confined within the limits of, the outside wall of a building and supported by such wall and which displays only one (1) advertising surface or face.

WINDOW SIGN. Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, sale, or service that is placed inside a window or upon the inside of the window panes or glass and is visible from the exterior of the window.

901.0 GENERAL REQUIREMENTS FOR ALL SIGNS.

No sign shall be allowed within the township, except as provided herein. All signs shall be posted on private property only with the permission of the owner or agent of such property. The following regulations shall apply to all signs in all zoning districts:

A. No zoning certificate shall be required for the change of content or subject matter of a sign provided that there is no structural or design alteration of said sign.
B. All signs except temporary signs shall be constructed of durable material and kept in good condition and repair. Electric wiring shall be installed and maintained in accordance with local electrical codes. Signs and supports shall be structurally designed to withstand a wind force of seventy-five (75) miles per hour. Written verification of compliance with the foregoing shall be submitted to the zoning inspector.
C. Should any sign be or become unsafe or be in danger of falling, the owner of the real property upon which the sign is located shall, upon receipt of written notice from the zoning inspector, proceed at once to put such sign in a safe and secure condition or remove the sign.
D. Billboards in accordance with the conditions in Sections 607.3 and 608.2, shall be posted on private property only with permission of the owner or agent of such property.
E. Abandoned signs and supporting components relating to any use which has moved or discontinued operations shall be removed by the property or building owner or his agent within ninety (90) days after such vacation or discontinuance.
F. Vehicle signs. The following provisions shall apply for all vehicle signs:

1. The vehicle on which the sign is displayed must be parked in a lawful or authorized location or must be parked in a manner that is in conformity with the identified parking spaces on the lot; and
2. The vehicle on which the sign is displayed must be regularly used for transportation associated with the use it advertises; and
3. The vehicle on which the sign is displayed cannot be a junk vehicle as defined by this resolution.

G. Only permanent signs shall be illuminated. Except as permitted for electronic changeable copy signs in 906.0 A. 2. a. Any illuminated sign or lighting device shall employ only light emitting a constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed upon a public or private road or adjacent lots so as to cause glare or reflection that may constitute a traffic hazard, nuisance or distraction.

H. Signs shall not include any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. Signs shall not emit smoke, visible vapors, particles, or sound. See partial exemption in Section 906.0 A. 6.a.ii.

I. Signs, other than exit signs, shall not be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window providing access to any fire escape or exit.

J. Signs or parts thereof shall not contain or consist of banners (except as noted for banners in Sections 905.0 A.7 and 906.0 A.3), posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention.

K. Signs shall not be placed within any public right-of-way unless otherwise permitted by this resolution. Signs shall not be permitted which are posted, stapled or otherwise permanently or temporarily attached to public utility poles or trees within a public right- of-way

L. Signs shall not project beyond any lot line. Signs or parts thereof shall not be less than ten (10) feet from any lot line or right-of–way. When a side lot line coincides with a residential district boundary line or a lot used for residential purposes, the minimum setback of any sign or part thereof shall be no less than thirty (30) feet.

M. Signs which are lighted shall not be constructed or maintained within one hundred (100) feet of any single family detached dwelling district.

902.0 PROHIBITED SIGNS IN ALL DISTRICTS

The following signs shall be prohibited in all districts:

A. Signs which prevent the driver of a vehicle from having a clear and unobstructed view of approaching or merging traffic.

B. Signs which interfere with, obstruct the view of, imitate or resemble an official governmental sign, signal, or device.

C. Signs illuminated so as to interfere with the effectiveness of or which obscure an official governmental sign, signal, or device.

D. Roof signs and integral roof signs.

E. Portable or mobile signs.

F. Projecting signs.

G. Electronic reader boards.

H. Animated signs

903.0 EXEMPTIONS

The following signs shall be exempt from the provisions of this Article: Signs erected and maintained pursuant to or required by any law or governmental regulation.

904.0 SIGNS NOT REQUIRING A ZONING CERTIFICATE THAT ARE PERMITTED IN ALL DISTRICTS

The following types and designs of signs may be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered in all zoning districts without a zoning certificate, provided all other regulations in this Section shall apply including, but not limited to, location requirements and sign prohibitions; no such sign shall be illuminated; and shall be subject to the following limitations:

A. One (1) nameplate sign per lot, dwelling unit, or use shall have a maximum area of three (3) square feet per sign face.

B. Security signs shall be limited to a maximum area of one (1) square foot per sign face and two (2) signs per lot.

C. Trespassing signs, signs indicating the private nature of a road, driveway, or premises; and signs controlling fishing or hunting on the premises. No such sign shall have an area greater than four (4) square feet per sign face.

D. Instructional signs, other than pre-order boards, menu boards, and drive-thru signs, shall have a maximum area of three (3) square feet per sign face and a maximum three (3) feet in height and containing information that is secondary to the use of the lot on which it is located, such as directional information.

E. Flags of the United States, the state and political subdivisions thereof, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided such flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than thirty-five (35) feet in height. Any flag not meeting any one or more of these regulations, other than a message flag, shall be considered a banner sign and shall be subject to this resolution.

F. Real estate directional signs shall have a maximum area of four (4) square feet per sign face and shall be removed within five (5) days after the sale of the property.

G. One (1) real estate sign per street frontage of a lot, dwelling unit, or use which advertises the sale, lease, or rental of the premises upon which such sign is located. The sign shall not exceed an area of six (6) square feet per sign face and shall be removed within five (5) days of the closing or consummation of an agreement for the sale, rental, or lease of the property advertised.

H. Signs of contractors, developers, architects, engineers, builders, and artisans upon a property where such persons are conducting work. No sign shall have a face area exceeding six (6) square feet per sign face. No such sign shall have more than two sign faces. Such signs shall not be placed before work commences and shall be removed within three (3) days after completion of the work.

I. Temporary Window signs. Window signs that do not require any external and/or internal illumination

J. Weekend directional signs.

   1. Weekend directional signs shall be limited to the following residential uses: garage sales, yard sales, antique sales, barn sales, and estate sales.

   2. Such signs shall be allowed in all zoning districts from Thursday evening through Sunday evening.

   3. Signs shall not exceed an area of four (4) square feet per sign face.

K. Temporary signs intended to draw attention to a particular event or occurrence, such as sales and festivals, sponsored by a church, school, community group, or other non-profit group, shall be erected not more than thirty (30) days prior to the advertised event and shall be removed within seven (7) days following the advertised event. Not more than one (1) on-site sign which shall not exceed an area of thirty-six (36) square feet per sign face, and four (4) off-site signs which shall not exceed an area of sixteen (16) square feet per sign face each, shall be permitted.

L. Temporary signs, not previously mentioned in this Section, shall be erected only with permission of the owner of the lot, and shall be erected for no more than thirty (30) days without replacement or removal. No temporary sign shall be posted or erected in any place or in any manner which is destructive to property upon erection or removal. No temporary sign shall be erected within a public right-of-way, nor shall any such sign be posted on a utility pole.

905.0 SIGNS PERMITTED IN A RESIDENTIAL ZONING DISTRICT. (See also Section 904.0)

A. Only the following types and designs of signs may be located, erected, moved, constructed, reconstructed, extended, enlarged, converted, or structurally altered in a residential zoning district upon issuance of a zoning certificate and fee, provided however, that all other regulations in this Section shall apply to such signs, including but not limited to location requirements and sign prohibitions; and subject to the following limitations:

1. Notwithstanding the other provisions of this Section, each residential dwelling may be permitted only one (1) of the following non-commercial signs on the lot, wall or ground.

    a. Wall signs shall have a maximum area of three (3) square feet per sign face.

    b. Ground signs shall have a maximum area of three (3) square feet per sign face.

2. One (1) temporary real estate development sign per subdivision which advertises the sale of lots in the subdivision upon which such sign is located. The sign shall not exceed an area of thirty-six (36) square feet per sign face and shall be removed when the last available lot is conveyed or within three (3) years of final plat recording, whichever comes first.

3. One (1) permanent ground sign with a maximum of two sign faces shall be permitted for each entrance to a subdivision. The area of such sign shall not exceed an area of thirty-six (36) square feet per sign face. Such sign shall be maintained by the owner of the real property upon which the sign is located.

4. Only one (1) home occupation sign for uses permitted on the lot. The area of such sign shall not exceed an area of three (3) square feet per sign face. Any such sign shall be erected only on the lot wherein the home occupation is located.

5. Only one (1) permanent ground sign with a maximum thirty-six (36) square feet per sign face for each church, school, memorial park, golf club, museum, or other residential conditional use

6. Each lot designated for agricultural use shall be allowed two (2) permanent off-site directional signs, and four (4) temporary seasonal directional signs, each with a maximum area of three (3) square feet per sign face and a maximum height of six (6) feet. The temporary signs shall be removed within three (3) days after the conclusion of the sale or season.

7. Holiday and decorative banners that have no commercial logos or commercial message on them. Such banners shall not require a zoning certificate.

B. No sign shall be illuminated by electricity, gas, or other artificial light, including reflecting or phosphorescent light, in any residential zoning district. However, nameplate signs, not denoting a home occupation, and identification signs for a church, school, memorial park, golf club, museum or other conditional residential use, may be illuminated as required by this resolution.

906.0 SIGNS PERMITTED IN THE COMMERCIAL AND SHOPPING CENTER ZONING DISTRICTS. (See also Section 904.0)

A. Only the following types and designs of signs may be located, erected, moved, constructed, reconstructed, extended, enlarged, converted, or structurally altered in the commercial and shopping center districts upon the issuance of a zoning certificate and fee, provided however, that all other regulations in this Section shall apply to such signs, including but not limited to location requirements and sign prohibitions; and subject to the following limitations:

1. Each commercial or shopping center lot may be permitted only:

a. One (1) wall sign per building occupant with a maximum area of three-fourths (.75) square feet per sign face for each lineal foot or part thereof of building frontage occupied, but not exceeding a maximum of seventy-five (75) square feet per sign face, or;
b. One (1) sign on a mansard centered in the area with a height not greater than one-fourth the mansard height, with a maximum area of three-fourths (.75) square feet per sign face for each lineal foot or part thereof of building frontage occupied but not exceeding a maximum of seventy-five (75) square feet per sign face, or;
c. One (1) canopy sign per business with a maximum of eight (8) square feet per sign face and a minimum clear height of eight (8) feet.

2. In addition to the regulations in Section 906.0 A.1., there shall be permitted one (1) ground sign with a maximum of thirty-six (36) square feet per face area per business lot or combination of lots or portions thereof combined to form one (1) parcel with a street frontage of four hundred (400) feet or less. One additional primary ground sign shall be permitted for lots that have street frontage greater than four hundred (400) feet. For corner lots, each street frontage shall be calculated separately and shall not be combined. Ground signs on the same lot shall be separated by a minimum of two hundred (200) feet, as measured along the street right-of-way line.

   a. Electronic changeable copy sign (s) shall conform to the following regulations:

      i. Each message or copy shall remain fixed for at least twelve (12) seconds. Messages shall not flash, include moving video displays or animation, or emit intermittent light.

      ii. The entire message, copy, or image shall change to the next message at once.

      iii. Each such sign must be capable of regulating the digital display intensity and the light intensity level of the display must automatically adjust to natural ambient light conditions in order to avoid excessive glare.

      iv. No such sign shall be of such intensity as to create a distraction or nuisance for motorists, as determined by Chester Township Zoning Department and/or Chester Township Safety Forces.

      v. Displays shall not emulate traffic control devices.

      vi. Such signs shall contain a default design that will freeze the sign in one position or display a black screen if a malfunction occurs.

vii. The changeable copy portion of any free-standing ground sign shall not exceed seventy-five percent (75%) of the area in each sign face.

3. One (1) temporary event sign or banner with a maximum of twenty-four (24) square feet per face area per commercial or shopping center occupant. Such signs or banners shall require a separate zoning permit per event. Signs or banners shall be displayed a maximum of twice per year per commercial or shopping center occupant. Signs or banners may be displayed a maximum of fourteen (14) days per event.
4. One (1) permanent illuminated window sign which shall not exceed forty percent (40%) of the total glass area of the ground floor windows for ground floor occupants, and not to exceed six (6) square feet or twenty-five percent (25%) of the window in which the sign is to be placed for upper story occupants.
5. One (1) identification sign per rear door limited to a maximum area of six (6) square feet per sign face for a public rear entrance and limited to a maximum area of three (3) square feet per sign face for a service entrance.
6. Instructional signs for a drive-thru service:
   a. For food service:
      i. Only one (1) sign for a pre-order board with a maximum of eighteen (18) square feet per sign face, and a maximum height of eight (8) feet.
      ii. Only one (1) sign for a menu board with a maximum of thirty-six (36) square feet per sign face and a maximum height of eight (8) feet. One set of two-way speakers shall be permitted as long as the sound cannot be heard beyond any lot lines.
   b. Only one (1) sign for a drive-thru pick-up service with a maximum of four (4) square feet per sign face and a maximum height of eight (8) feet.

B. Each business shall be allowed one (1) temporary message flag, having dimensions not exceeding three (3) feet by five (5) feet. Such sign shall not require a zoning certificate.

C. All signs in the Commercial and Shopping Center 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 permanent signs may be illuminated and have changeable, commercial, or directory copy.

907.0 SIGNS PERMITTED IN THE RESTRICTED INDUSTRIAL DISTRICTS. (See also Section 904.0)

A. Only the following types and designs of signs may be located, erected, moved, constructed, reconstructed, extended, enlarged, converted, or structurally altered in the restricted industrial districts upon the issuance of a zoning certificate and fee, provided however, that all other regulations in this Section shall apply to such signs, including but not limited to location requirements and sign prohibitions; and subject to the following limitations:

1. Each industrial lot may be permitted only:

   a. One (1) wall sign per building occupant with a maximum area of three-fourths (.75) square feet per sign face for each lineal foot or part thereof of building frontage occupied, but not exceeding a maximum of seventy-five (75) square feet per sign face, or

   b. One (1) sign on a mansard placed in the center one-third at a height not greater than one-fourth the mansard height, with a maximum area of three- fourths (.75) square feet per sign face for each lineal foot or part thereof of building frontage occupied but not exceeding a maximum of seventy-five (75) square feet per sign face, or

2. In addition to the regulations in Section 907.0 A.1., there shall be permitted only one (1) ground sign with a maximum of thirty-six (36) square feet per face area per industrial lot or combination of lots or portions thereof combined to form one (1) parcel with a street frontage of four hundred (400) feet or less than four hundred (400) feet. One additional primary ground sign shall be permitted for lots that have street frontage greater than four hundred (400) feet. For corner lots, each street frontage shall be calculated separately and shall not be combined. Ground signs on the same lot shall be separated by a minimum of two hundred (200) feet, as measured along the street right-of-way line.

3. One (1) permanent illuminated window sign which shall not exceed forty percent (40%) of the total glass area of the ground floor windows for ground floor occupants, and not to exceed six (6) square feet or twenty-five percent (25%) of the window in which the sign is to be placed for upper story occupants.

4. One (1) identification sign per rear door limited to a maximum area of six (6) square feet per sign face for a public rear entrance and limited to a maximum area of three (3) square feet per sign face for a service entrance.

5. Temporary hiring signs for use in the Industrial District with a maximum area of four (4) square feet per sign face and a maximum height of six (6) feet. Such signs shall not require a zoning certificate.

B. All signs in the Restricted Industrial Zone 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, commercial or directory copy.

908.0 FARM MARKET SIGNS

Pursuant to Ohio Revised Code O.R.C. 519.21 (C), in order to adequately protect and provide for the health and safety of Chester Township residents, the following regulations shall apply to signs pertaining to farm markets:

A. The General Requirements stated in Section 901.0 of this Article.

B. The total signage, not including temporary signs, unrelated to agriculture or farm markets, shall not exceed thirty-six (36) square feet of sign face and the regulations for that district shall apply.

C. See also Sections 904.0 and 905.0 A.6.

909.0 FRONTAGE AND BUILDING UNIT

For the purposes of these sign regulations, the length of the building wall that faces a public street or that contains a public entrance to the uses therein shall be considered the building frontage.

A. The building frontage shall be measured along such building wall between the exterior faces of the exterior side walls.
B. In the case of an irregular wall surface, a single straight line extended along such wall surface shall be used to measure the length.
C. A building shall have only one building frontage except as otherwise set forth herein. A building shall have two frontages whenever the lot fronts on two or more streets, or the building has a public entrance on a wall other than the wall that faces the street. The address shall determine which wall shall be the primary

building frontage and which wall shall be the secondary building frontage. Only one outside wall of any business shall be considered its primary frontage and only one additional wall considered its secondary frontage. For multi-occupant buildings, the portion of a building that is owned or leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

910.0 MEASUREMENT OF SIGN AREA

A. The surface or face area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not displaying advertising matter shall not be included in computation of surface area. Such frames and structural members shall not be in excess of forty percent (40%) of the area of the sign.

1. For a sign comprised of individual letters, figures or elements on a wall or similar surface of a building or structure, or an irregular shaped ground sign, the area of the sign shall be the area of one (1) rectangular shape that encompasses the perimeter of all the elements in the display.

2. When separate elements are organized to form a single sign, but the elements are separated by open space, the area shall be the area of one (1) rectangular shape that comprises all the display areas, including the space between the elements.

B. For ground signs:

1. The sign area shall be computed by the measurement of one (1) of the faces when two (2) identical display faces are joined, are parallel, or within thirty (30) degrees of being parallel to each other and are at no point separated by a distance that exceed two (2) feet apart.

2. Not more than two (2) display faces shall be permitted.

3. The portion of a solid sign base that is mostly screened by landscaping, up to a maximum height of two (2) feet shall not be calculated as sign or support area.

4. Air under a ground sign between supporting posts, and lighting fixtures and associated brackets shall not be included in the calculation of sign area.

911.0 MEASUREMENT OF SIGN HEIGHT

The height of a sign shall be measured from the average finished grade at the base of the sign or support structure to the tallest element of the sign including frames and structural members. A ground sign on a man-made base, including a graded earth mound, shall be measured from the average finished grade prior to addition of the sign base.

912.0 MAXIMUM HEIGHT REQUIREMENTS

A. Wall and marquee signs shall not exceed the height of the wall face to which such signs are attached.
B. Ground signs shall have a maximum height of eight (8) feet.

913.0 LANDSCAPING

Ground signs shall be erected in a landscaped setting with all-season planting or ground cover, extending a minimum distance equal to half the height of the sign around the sign support perimeter and not on sidewalks, drives or in parking lots. Neither the landscaping nor the ground signs shall obstruct the view of vehicles entering or exiting the lot. There shall be landscaping around the base of the ground sign and the landscaping shall be continuously maintained.

914.0 WINDOW AREA

The window area of a building shall be the total glass area of windows on the building frontage. For the purpose of determining window area for ground floor occupants, the ground floor shall be considered to be no more than fifteen (15) feet in height above grade.

915.0 NONCONFORMING SIGNS. See Article 10, Nonconforming Uses

A nonconforming sign shall immediately lose its legal nonconforming status, and shall be brought into conformance with this Article or removed, when any of the following occur:

A. The size or shape of the sign is changed;
B. The sign structure is altered;
C. If the property upon which the sign is located ceases to be used for a period of ninety (90) days or more.

916.0 BILLBOARDS

A. Conditional Zoning Certificate Required

A billboard is an off-premises outdoor advertising sign and shall be classified as a conditional use and shall be subject to the procedures and general conditions set forth in Article 6 and Article 9. No billboard shall be located, erected, constructed, reconstructed, enlarged or altered without first obtaining a conditional zoning certificate in accordance with this resolution. Alteration shall not include changing the content or elements of the sign face, or ordinary maintenance of structural components such as painting, and shall not require the issuance of a conditional zoning certificate.

B. A billboard shall be classified as a business use and may be allowed in any Commercial District and I-Restricted Industrial District, or on lands used for agricultural purposes as defined in this resolution. Billboards shall be prohibited in all other zoning districts.

917.0 DIMENSIONS OF SIGNS BY ZONING DISTRICT

Maximum area per Sign	**All Districts 904.0**	**Residential District 905.0**	**Commercial and Shopping Center District 906.0**	**Industrial District 907.0**	**Farm Market**
1 SQ. FT.	Security signs				
3 SQ. FT.	Name plate Instructional other than pre-order, menu-board, and drive-thru signs.	Wall signs. Ground signs. Permanent off-site directional and temporary seasonal directional agricultural signs. Home Occupation signs	Rear door service entrance signs.	Rear door service entrance signs.	Directional signs. Maximum height six (6) feet. 905.0 (A) 6.
4 SQ.FT.	Trespass, private road, hunting and fishing. Real estate directional. Weekend directional. Other off-site signs for particular events such as festivals, etc.		Drive-thru pick-up window sign, maximum height eight (8) feet	Temporary hiring signs. Maximum height six (6) feet. 907.0 (A) 5.	
6 SQ. FT.	Temporary Signs for sale, lease, rental of real estate, contractors, developers, architects, artisans, etc.	Election signs with total area 36 sq. ft. See 904.0 J	Rear door public entrance sign.	Rear door public entrance sign.	

8 SQ. FT.			Canopy sign, minimum clear height eight (8) feet.		
16 SQ. FT.	Temporary off-site signs for particular events such as festivals, etc.				One (1) onsite roadside sign. 905.0 (A) 6.
18 SQ. FT.			Pre-order board.		
24 SQ. FT.			Temporary event sign or banner.		
36 SQ. FT.	Election signs See 904.0 J Other on-site temporary signs for particular events such as festivals etc.	Temporary signs for sale of subdivision lots. Ground sign for subdivision entrance, schools, conditional uses (church, memorial park, etc.)	Ground sign. Menu board.	Ground sign.	Total signage 36 sq. ft. See Section 908.0
OTHER - see referenced Sections	Flags 904.0 E Temporary window signs 904.0I. Farm market signs 908.0.	Holiday and decorative banners with no commercials 905.0 (A) 7	Wall signs 906.0 (A) 1. a. and b. Permanent window sign 906.0 (A) Billboard (conditional use commercial only) 607.3	Wall sign or sign on mansard 907.0 (A) 1. 1. or 907.0 (A) 1.b.	

ARTICLE 10 - NONCONFORMING BUILDINGS, STRUCTURES, AND USES

1000.0 NONCONFORMING USE OF BUILDINGS AND LAND NOT AFFECTED BY ZONING

The lawful use of any dwelling, building or structure and of any land or premises, as existing and lawful at the time of the effective date of this resolution or any amendment thereto, may be continued, although such use does not conform with this resolution or amendment, but if any such nonconforming use is voluntarily discontinued for two (2) years or more, any future use of said land shall be in conformity with the provisions of this resolution or amendment thereto.

1001.0 COMPLETION OF NONCONFORMING BUILDINGS OR STRUCTURES

The construction of any dwelling, building, or structure which commenced prior to the effective date of this resolution or amendment thereto which rendered the property nonconforming, and for which a zoning certificate has been lawfully obtained, may be continued and completed, although such use does not conform with this resolution or amendment. Construction is hereby defined as the placing of construction materials in permanent position and fastened in a permanent manner. Construction must be completed within two (2) years of the effective date of this resolution or amendment thereto for the building or structure to be a lawful nonconforming use as provided in Section 10.00.0 of this resolution. A building or structure shall be deemed complete for purposes of this section only upon issuance of an occupancy permit by the appropriate building authority.

1002.0 CHANGE OF USE

A nonconforming use may be changed to a conforming use. A lawful nonconforming use may be changed to another lawful nonconforming 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 restrictive nature than the existing lawful nonconforming use.

1003.0 REPAIR AND REPLACEMENT

On any nonconforming building or structure containing a nonconforming use, repair and replacement shall be regulated as follows:

A. If a building or structure occupied by a nonconforming use is damaged or destroyed by any cause, and the cost or repair or replacement exceeds fifty percent (50%) of the replacement cost of the building or structure on the date of such damage or destruction, the right to maintain and operate such nonconforming use shall terminate immediately.
B. If a nonconforming building or structure is damaged or destroyed, including an exterior lighting fixture, or otherwise becomes obsolete or substandard, as determined by any applicable provisions of the County Building Code, and the cost of repair, replacement, or of bringing the building or structure into conformity with such Code exceeds fifty percent (50%) of the replacement cost of such building or structure on the date it is lawfully determined to be damaged or destroyed or otherwise becomes obsolete or substandard by the zoning inspector, the right to repair or replace such nonconforming building or structure shall terminate immediately.
C. 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.
D. The repair or replacement of such obsolete, substandard, damaged, or destroyed building or structure shall be completed within two (2) years 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 by the zoning inspector.

1004.0 RECONSTRUCTION OF NONCONFORMING USES

A. Should a nonconforming building or structure or nonconforming portion of a building or structure be totally destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this resolution.
B. Should a building or structure be moved for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

1005.0 EXTENSION

The board of zoning appeals may permit, after public hearing, some extensions of nonconforming uses, nonconforming buildings or structures, or nonconforming buildings or structures and land in combination, but before granting such permission the Board shall find that the extension conforms to the area, yard and height regulations of the district in which it is located; the applicable loading/unloading requirements are complied with for the entire use and not only the extended portion; and, such extended nonconforming use will not be

more harmful or objectionable to the surrounding area, not impair the orderly development of the township.

A. Any building or structure, or building or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
B. Any nonconforming use may be extended throughout any parts of a building or structure which were manifestly arranged or designed for such use at the time of the effective date of this resolution or any amendment thereto which rendered the property nonconforming, but no such use shall be extended to occupy any land outside such building or structure without the grant of a variance by the board of zoning appeals.
C. No lawful nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the time of the effective date of this resolution or any amendment thereto which rendered the uses nonconforming without the grant of a variance by the board of zoning appeals.
D. No lawful nonconforming uses shall be moved in whole or in part to any portion of the lot or property other than that occupied by such uses at the time of the effective date of this resolution or any amendment thereto which rendered the property nonconforming without the grant of a variance by the board of zoning appeals.
E. No lawful nonconforming building or structure may be enlarged, altered or relocated in a way which increases its nonconformity without the grant of a variance by the board of zoning appeals, but any building, structure or portion thereof, may be altered or relocated to decrease its nonconformity.
F. No additional building or structure not conforming to the requirements of this resolution or any amendment thereto shall be erected in connection with such nonconforming use of land without the grant of a variance by the board of zoning appeals.
G. No existing building or structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located or by the grant of a variance by the board of zoning appeals.
H. These provisions, A – G, shall not apply to the extension of the floor area of a nonconforming residential building where such extension conforms in every other respect, except minimum lot size, frontage and setback regulations, to applicable

yard and height regulations of the district in which it is located. In this case, a public hearing by the Board may not be required.

1006.0 MAINTENANCE AND STRUCTURAL ALTERATIONS

Nothing in this Article shall be deemed to prevent normal maintenance and repair of a building or structure containing a nonconforming use, or of a nonconforming building or structure. Maintenance and structural alterations shall be regulated as follows:

A. Work may be done on ordinary repairs, or on repair or placement of non- bearing walls, fixtures, wiring, or plumbing, provided that the square footage existing when it became nonconforming shall not be increased. Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building, structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

B. Work may be done to convert the nonconforming use to a conforming use.

C. Work may be done pursuant to Section 1005.0.

D. Without the grant of a variance by the board of zoning appeals, no structural alterations shall be made in excess of the area, height or yard regulations of the district in which such building or structure is located.

1007.0 SUBSTITUTION OF NONCONFORMING USES

A nonconforming use may be substituted for a lawful nonconforming use provided that such use is of the same kind and character as the prior lawful nonconforming use and does not result in an increase in noise, pollution, traffic, or in the number of persons using the property.

1008.0 NONCONFORMING LOT OF RECORD

In any zoning district, a building, structure, or use, as permitted herein, shall be allowed on any lot of record with a lot area or lot width less than the minimum prescribed herein, which meets all of the following:

A. It was a lot of record prior to the enactment of the zoning resolution or amendment thereto which resulted in the nonconformity;

B. It is in conformity with all of the regulations of the zoning resolution or amendment thereto which were in effect at the time it became a lot of record;

C. The amount of nonconformity has not increased since it became nonconforming; and

D. The building, structure, or use complies with all other regulations set forth herein, except minimum lot area and minimum width.

ARTICLE 11 - WIRELESS TELECOMMUNICATIONS FACILITIES

1100.0 PURPOSE

1100.1

The purpose of this Article of the Chester Township Zoning Resolution is to regulate wireless communication facilities in order to promote public health, safety and general welfare and in accordance with a comprehensive plan. Accordingly, the regulations and conditions set forth herein are warranted and necessary, inter alia, to:

A. Protect residential districts and land uses from potential adverse impacts of wireless telecommunication facilities;

B. Accommodate the directives of the federal Telecommunications Act of 1996, Public Law,104-104, to enhance telecommunication services and

C. Promote collocation of wireless telecommunication antennae as an alternative to siting new telecommunication towers and appurtenances and to maximize the use of existing and approved towers and buildings to collocate new wireless telecommunication antenna(s);

D. Consider the public health and safety issues surrounding wireless telecommunication towers and appurtenances; and.

E. Protect adjacent properties from potential damage from wireless telecommunication tower failure through careful siting of such structures.

1100.2

This resolution shall not unreasonably discriminate among providers of functionally equivalent services nor shall it prohibit or have the effect of prohibiting the provision of personal wireless services. Any requests for authorization to place, construct, or modify personal wireless service facilities shall be acted upon within a reasonable period of time after the request has been duly filed with the zoning inspector. Any decision to deny a request to place, construct, or modify wireless telecommunication facilities shall be in writing and supported by substantial evidence contained in a written record. This resolution shall not regulate the placement, construction, and modification of wireless telecommunication facilities on the basis of the environmental effects of radio frequency

emissions to the extent that such facilities comply with the Federal Communications Commission's (FCC) regulations concerning such emissions.

1101.0 LOCATION

1101.1 PROHIBITED

Subject to Section 1104.0, wireless telecommunication facilities in locations not specifically listed in this Article shall not be permitted, nor shall any zoning certificate be issued therefor.

1101.2 PERMITTED USES

A wireless telecommunication facility may be located in the following areas, under the following circumstances and requirements of this Article 11 and upon application for a zoning certificate and issuance of such certificate from the zoning inspector.

A. The erection, construction or replacement of a wireless telecommunication antenna(s) on a lawfully existing tower and with the necessary equipment building may be a permitted use as a collocation on such existing wireless telecommunication tower and facility.

B. A wireless telecommunication tower facility may be located in the Restricted Industrial District (I District).

C. A wireless telecommunication tower facility may be located on designated property, other than park land, owned or controlled by the board of trustees or the Geauga County Board of Commissioners on the effective date of this Article, June 14, 1997.

D. A wireless telecommunication tower facility may be located within a recorded electric high tension power line easement. A tower located within such an easement shall not be subject to the standards set forth in Section 1102.0, B, G, L and Y.

1101.3 CONDITIONAL USES

A wireless telecommunication facility may be located on park land owned or controlled by the board of trustees, the Geauga County Board of Commissioners, or the Geauga County Park District, or on property owned by a public school district, provided such park land or school district property is owned or controlled by such governmental entities on the effective date of this resolution, but such facility may only be permitted as a conditional use

upon approval of the board of zoning appeals and provided the applicant demonstrates compliance with the following standards:

A. There is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available on an existing tower or structure within the geographic area to be served, including the areas set forth in Section 1101.2. With the zoning certificate application, the applicant shall list the location of every tower, building or structure and all of the areas set forth in Section 1101.2 that could support the proposed antenna(s) so as to allow it to serve its intended function. The applicant must demonstrate that a technically suitable location is not reasonably available on an existing tower, building or structure or a technically suitable location is not available in any area set forth in Section 1101.2. If another tower, building or structure, or an area set forth in Section 1102.2 is technically suitable, the applicant must show that it has requested to collocate on the existing tower and the collocation was rejected by the owner of the tower, building or structure or that it has requested all property owners with technically suitable locations within a two (2)-mile radius to permit it to locate a tower facility in all technically suitable area(s) set forth in Section 1101.2 under reasonable terms and that each request was rejected. In all circumstances, owners of existing towers shall promptly respond to requests for collocation, but in no event shall they respond more than thirty (30) days from the receipt of a written request for collocation. If another telecommunication tower is technically suitable, the applicant must further show that it has offered to allow the owner of that other tower to collocate an antenna(s) on another tower within the township, if such a tower exists and space is available on the tower for collocation, which is owned or controlled by the applicant on reasonably reciprocal terms and the offer was not accepted. In all cases, the township shall use its best efforts to encourage collocation; and

B. As a condition of issuing a conditional zoning certificate to construct and operate a tower in the township, the owner/operator of the telecommunication tower is required to allow collocation until said tower has reached full antenna capacity, but in no event fewer than two (2) additional antenna platforms of equal loading capacity to the owner's/operator's antenna platform for two (2) additional providers unrelated to the owner/operator. Agreement to this provision must be included in the applicant's lease with the landowner, if different from the owner/operator of the tower. Written documentation must be presented to the zoning inspector

evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of this Subsection as well as all other applicable requirements, regulations and standards set forth in Article 11.

C. The minimum setback from the nearest lot line to the base of the telecommunication tower shall be one hundred ten percent (110%) of the height of the tower.

1102.0 GENERAL REGULATIONS

The regulations and conditions set forth in this resolution shall apply with respect to the location, erection, construction, reconstruction change, alteration, removal, or enlargement of a telecommunication tower and all appurtenances thereto. Except as otherwise provided in this Article, all wireless telecommunication tower facilities shall comply with the following standards:

A. All towers shall be of a monopole design, as opposed to a lattice design. Lattice towers existing on the effective date of this provision, however, may be rebuilt as lattice towers of the same height and volume for the purpose of increasing the structural loading capacity of the tower in order to provide for collocation of additional antennas.

B. Only one (1) wireless telecommunication tower shall be located on a lot.

C. No telecommunication facility shall be located within a designated one hundred (100) year flood plain as depicted on the maps published by the Federal Emergency Management Agency for Geauga County.

D. No telecommunication facility shall be located within a wetland as defined by federal law.

E. A telecommunication facility shall not be mounted on a building or structure listed on the National Register of Historic Places.

F. A report shall be prepared and submitted by a qualified and licensed professional engineer and shall provide proof of compliance with all applicable federal, state, and county regulations. The report shall include a detailed site plan as required by Section 301.0 of this resolution; a detailed description of the telecommunication tower, antenna(s), equipment building, and appurtenances as well as the tower's structural loading capacity to support at least three (3) antenna platforms of equal loading capacity; and shall verify that radio frequency (electromagnetic) emissions are within

compliance with the regulations of the Federal Communications Commission (FCC).

G. For applications for wireless telecommunication towers and related facilities, as opposed to applications for collocation of antennas and related equipment building(s), the applicant shall demonstrate that the proposed site is the most appropriate location for a telecommunication tower, equipment building, and appurtenances. The applicant shall submit a study by a qualified and licensed professional engineer comparing all potential host sites for the proposed facility to the subject site. The study shall include a description of such sites and a discussion of the ability or inability of the alternative sites to host a facility. Reasons for excluding an alternative site from consideration may include, but are not limited to, the following:

1. Written documentation of the property owner's refusal to locate a telecommunication facility on the site.
2. Topographic limitations on the site.
3. Adjacent impediments that would obstruct transmission.
4. The physical constraints on the site that would preclude construction.
5. Other technical limitations including a violation of federal, state, or county regulations.

H. The shared use (i.e. collocation) of pre-existing telecommunications towers and antenna facilities shall be preferred to the construction of new towers and antenna facilities. For applications for wireless telecommunication towers and related facilities, as opposed to applications for collocation of antennas and related equipment building(s), the applicant shall submit a report by a qualified and licensed professional engineer inventorying existing telecommunication facility sites within a two (2)-mile radius of the proposed site outlining the reasons each existing site may or may not be used as an alternative for collocation. The applicant shall demonstrate that collocation is not feasible for the following reasons:

1. Written documentation of the owner's refusal to allow co-location on the existing tower;
2. The proposed equipment would exceed the structural capacity of existing and approved towers and facilities, considering the existing and currently planned uses for those facilities, and the existing or approved tower cannot be reinforced, modified, or replaced to

accommodate currently planned or equivalent equipment at a reasonable cost;

3. The proposed equipment would cause interference materially impacting the usability of other existing or currently planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at reasonable cost;
4. Existing or approved towers and buildings cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer;
5. The location of existing towers or buildings are not technically suitable; and/or
6. Collocation would violate federal, state, or county regulations.

I. The applicant shall submit a plan documenting how the telecommunication facility will be maintained on the site in an ongoing manner that meets industry standards.

J. Except as required by law, an antenna or a tower shall not be illuminated and lighting fixtures or signs shall not be attached to the antenna or tower. If lighting is required by Federal Aviation Administration (FAA) regulations, white strobe lights shall not be permitted at night unless no other alternative is permitted by the FAA.

K. A security fence not less than eight (8) feet in height shall fully enclose the base of the telecommunication facility including anchors for guy wires. Gates shall be locked at all times.

L. A landscaped buffer area of not less than fifteen (15) feet in depth shall be placed between the security fence surrounding the wireless communication facilities and the public rights-of- way and any adjacent properties from which a direct view can be had of the facilities, other than the tower itself. The fifteen (15)-foot landscaped buffer shall have a tight screen fence of hardy evergreen shrubbery not less than six (6) feet in height. The landscaping shall be continuously maintained and promptly restored, if necessary.

M. No advertising sign(s) shall be permitted anywhere on a telecommunication tower, equipment building, and appurtenances or on the site.

N. A permanent warning sign with a minimum size of two (2) square feet and a maximum size of six (6) square feet shall be posted on the site as well as the

emergency telephone number of the owner/operator of each platform. The owner/operator shall also provide the Chester Township fire department, the Chester Township police, and the county emergency management agency with information on who to contact, an address, and a telephone number in the event of an emergency.

O. There shall be no outdoor storage of equipment or other items on the site except during the facility construction period and to supply emergency power to the facility only during a power outage.

P. The access driveway to the wireless telecommunication facility shall, whenever feasible, be provided along with the circulation driveways of the existing use on the lot, if any. Where use of an existing driveway is not feasible, the driveway to the site shall be a minimum of fifteen (15) feet in width with a minimum overhead clearance of eleven (11) feet and shall be setback a minimum of twenty (20) feet from the nearest side or rear lot line. This driveway shall meet the load limitations for fire equipment. A turnaround shall be provided for emergency vehicles at the site. A by-pass, adequate for emergency vehicles, with an approachable access shall be provided for each one thousand five hundred (1,500) feet of driveway. There shall be a minimum f one (1) parking space.

Q. A telecommunication tower shall be painted a neutral color to minimize its visibility unless otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

R. The minimum distance between a telecommunication tower and structures located off the lot the tower is located on shall be one hundred ten percent (110%) of the height of the tower.

S. If at any time the use of the telecommunication facility is discontinued for one hundred eighty (180) consecutive days, said facility shall be deemed abandoned. The zoning inspector shall notify the applicant in writing and advise that the facility must be reactivated within sixty (60) days or it must be dismantled and removed from the site and the site restored to a condition reasonably similar to the condition at the time of the issuance of the zoning certificate. This shall be done at the cost of the owner/operator. The owner/operator of the telecommunication facility shall, on no less than an annual basis from the date of issuance of the zoning certificate, file a

declaration with the zoning inspector as to the continuing operation of every facility which is subject to Article 11.

T. The owner/operator of a wireless telecommunication tower shall notify the township fire department by certified mail of the location and height of the proposed tower as a condition of issuance of a zoning certificate.

U. After issuance of a zoning certificate to construct a wireless telecommunication facility, the applicant shall commence construction within one hundred eighty (180) days and shall complete construction within one (1) year or the zoning certificate shall expire.

V. The height of a free-standing telecommunication tower, antenna, and appurtenances shall be less than two hundred (200) feet.

W. The maximum cumulative total size of all equipment buildings accessory to a telecommunication tower or antenna on a lot shall be six hundred (600) square feet and its maximum height shall be fifteen (15) feet from building grade. Only one (1) equipment building, or the configuration of more than one (1) building to appear that there is one (1) building, shall be permitted on a lot.

X. A telecommunication tower, shall be setback a minimum of one hundred ten percent (110%) of the height of the tower to a dwelling.

Y. There shall be no tower erected between a public road and the principal building on a lot which is nearest to the public right-of-way.

Z. A telecommunication tower, antenna, equipment building, and appurtenances shall comply with all of the regulations for the zoning district in which it is located, except as may otherwise be specified in Article 11 of this resolution.

1103.0 FEES

A. Application Fee. The fees for application for zoning certificates as required by this Section shall be as specified by the board of trustees. See Schedule of Fees, Charges, and Expenses; and Collection Procedure, Section 105.0.

B. Reimbursement of Expenses. The applicant for a wireless communication tower and/or antenna facility shall be responsible for all expenses incurred by the township for any technical and/or engineering services deemed necessary by the zoning inspector, the board of zoning appeals, or the board of trustees

to perform the reviews and/or inspections set forth in this Article which are not covered by the application fee established by the board of trustees.

1104.0 PUBLIC UTILITY EXEMPTION

A. In the event a wireless telecommunications tower facility is to be owned or principally used by a public utility engaged in the provision of telecommunication services, the regulations of this Article 11 do not apply when the proposed location of the tower facility is in an area of the township which is not residentially zoned. The proponent of such tower facility must file a written application with the zoning inspector supported in writing by substantial evidence that the tower will be owned or principally used by a public utility engaged in the provision of telecommunication services. The applicant must also demonstrate by substantial evidence that it possesses a sufficient degree of the following attributes associated with being a public utility to be considered a "public utility" for purposes of this exemption:

1. Whether the applicant devotes an essential good or service to the general public which has a legal right to demand or receive this good or service;
2. Whether the applicant provides its good or service to the public indiscriminately and reasonably;
3. Whether the applicant has an obligation to provide the good or service which cannot be arbitrarily or unreasonably withdrawn;
4. Whether the applicant conducts its operations in such a manner as to be a matter of public concern;
5. Whether the good or service is vital;
6. Whether there is a lack of competition in the local marketplace for the good or service;
7. Whether there is regulation by a government authority and the extent of that regulation;
8. Whether the applicant possesses the power of eminent domain.

B. No single factor set forth above is controlling as to whether the applicant is a "public utility engaged in the provision of telecommunications services". Each factor should be considered and weighed according to the factual circumstances presented and, in specific circumstances, some factors may be given more weight than others.

C. If the zoning inspector determines to deny the applicant such "public utility" status, the Inspector shall do so in writing, and state the reasons therefor. Such decision of denial by the zoning inspector shall not be a final decision by the township on this issue. Any determination by the zoning inspector

that the applicant is not a public utility engaged in the provision of telecommunications services shall be appealable to the board of zoning appeals pursuant to the procedures set forth in this zoning resolution. The decision of the board of zoning appeals shall be the final decision of the township on this issue.

D. In the event a wireless telecommunications tower facility is proposed to be located in an unincorporated area of the township, in an area zoned for residential use, and is to be owned or principally used by a public utility engaged in the provision of telecommunications services, the public utility shall be exempt from the requirements of this zoning resolution if it meets all of the criteria in 1, 2, and 3 below, as follows:

1. All of the requirements of Subsection 11.4 A through C are met;
2. The public utility provides both of the following by certified mail:
   a) Written notice to each owner of property, as shown on the County Auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language:
      (1) The public utility's intent to construct the tower; and
      (2) A description of the property sufficient to identify the proposed location; and
      (3) That no later than fifteen (15) days after the date of mailing of the notice, any such property owner may give written notice to the board of trustees requesting that the provisions of this zoning resolution apply to the proposed location of the tower. If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice; and
   b) Written notice to the board of trustees of the information specified in Subsection D.2.a. of this Section; and
3. If the board of trustees receives notice from a property owner under Subsection D.2.a.(3) of this Section within the time specified in that Subsection, or if a Trustee makes an objection to the proposed location of the telecommunications tower within fifteen (15) days after the date of mailing of the notice sent under Subsection D.2.b. of this Section, the board of trustees shall request that the fiscal officer of the township send the person proposing to construct the tower written notice that the tower is subject to the regulations of this zoning resolution. The notice shall be

sent no later than five (5) days after the earlier of the date the board of trustees first receives such a notice from a property owner or the date upon which a Trustee makes an objection. Upon the date of mailing of the notice to the person, the provisions of this zoning resolution shall apply to the tower without exception. If the board of trustees, however, receives no notice under Subsection D.2.a. of this Section within the time prescribed by that Subsection or no Trustee has an objection as provided under this Subsection D.3. within the time prescribed by this Subsection, the applicant will be exempt from the regulations of this zoning resolution.

ARTICLE 12 – ADMINISTRATION

1200.0 TOWNSHIP ZONING INSPECTOR

1200.1 POSITION OF TOWNSHIP ZONING INSPECTOR ESTABLISHED

For the purpose of enforcing these zoning regulations the position of township zoning inspector is hereby established; and the board of trustees may establish the position(s) of assistant township zoning inspector(s).

The board of trustees shall fill the position of township zoning inspector, together with such assistants as the board from time to time deems necessary, fix the compensation for such positions, and make disbursements for them.

1200.2 ZONING INSPECTOR'S BOND

The township zoning inspector, before entering upon the duties of his/her office, shall be bonded in accordance with the Ohio Revised Code.

1200.3 DUTIES OF THE TOWNSHIP ZONING INSPECTOR

It shall be the duty of the township zoning inspector to enforce the zoning regulations contained in this resolution, and thus in order to fulfill said duty, the township zoning inspector shall:

A. Provide applications for zoning certificates to those persons who wish to apply for a zoning certificate.

B. Receive and act upon applications for zoning certificates in accordance with Sections 1300.2 and 1300.3.

C. Issue zoning certificates as permitted by the terms of this resolution.

D. Revoke zoning certificates as permitted by the terms of this resolution.

E. Receive and act upon complaints regarding violations of this resolution in accordance with Section 1301.0.

F. Make inspections as required to fulfill his/her duties.

G. Upon finding that any provision of this resolution is being violated, he/she shall notify, in writing, the person responsible for such violation, ordering the actions to correct such violation.

H. Take any other action authorized by this resolution or by law to ensure compliance with or to prevent violations of this resolution.

I. Safely keep an official record of all actions taken in fulfillment of the duties imposed on him/her by this zoning resolution; and, safely keep all documents, including applications, complaints, zoning certificates, reports and inspections which are received, issued or made in connection with his/her duties as zoning inspector. All such records and documents shall be indexed by name, address and date received and date acted on. They shall be kept in an orderly fashion on township premises and shall be open to public inspection. Copies of any of these records and documents shall be provided to any member of the public upon payment of a copying fee as established by the board of trustees. None of the records or documents so kept shall be destroyed except upon compliance with O.R.C. 149.42.

J. Receive for filing and note the date of filing of notices of appeal to the board of zoning appeals as provided in O.R.C. 519.15. Notices of appeal, with the date of filing thereon, shall be safely kept in the official records of the township zoning inspector.

K. Upon receipt of a notice of appeal to the board of zoning appeals, the zoning inspector shall forthwith transmit to the board of zoning appeals all the papers constituting the record upon which the action appealed from was taken.

L. Safely keep and deposit all fees and monies received by him/her with the township fiscal officer within twenty-four (24) consecutive hours of receipt pursuant to O.R.C. 117.17.

M. Review proposed preliminary major subdivision plats and final major subdivision plats pursuant to O.R.C. Section 711.10 and the "Subdivision Regulations of Geauga County, Ohio" and sign and date the original mylar of such plats to ensure proof of compliance with the applicable provisions of this resolution.

N. Review proposed divisions of land that are not subject to platting and consolidations of lots of record pursuant to the "Subdivision Regulations of Geauga County, Ohio" and sign and date the survey plat with the appropriate language thereon to ensure proof of compliance with the applicable provisions of this resolution.

1201.0 TOWNSHIP ZONING COMMISSION

1201.1 TOWNSHIP ZONING COMMISSION CREATED

The board of trustees has created and established a township zoning commission composed of five (5) members who reside in the unincorporated area of the township and the board may appoint two (2) alternate members in accordance with O.R.C. Section 519.4.

The terms of all regular members of the township zoning commission shall be for five (5) years and so arranged that the term of one (1) member will expire each year. Each member shall serve until his/her successor is appointed and qualified. Vacancies shall be filled by the board of trustees and shall be for the unexpired terms.

1201.2 RECOMMENDATIONS OF TOWNSHIP ZONING COMMISSIONS; ORGANIZATION, POWERS AND COMPENSATION OF COMMISSION

A. The zoning commission may, within the limits of the moneys appropriated by the board of trustees for the purpose, employ or contract with such planning consultants and executive and other assistants as it deems necessary. The zoning commission shall organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations. Members of the zoning commission may be allowed their expenses, or such compensation, or both, as the board of trustees may approve and provide. No township trustee shall by employed by the zoning commission of his/her township.

B. The zoning commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies and such officials, departments, and agencies having information, maps, and data pertinent to township zoning shall make them available for the use of the zoning commission.

C. The zoning commission may initiate and/or review proposed amendment to this resolution and make recommendations on same to the board of trustees as specified in Article 3.

1202.0 TOWNSHIP BOARD OF ZONING APPEALS

1202.1 TOWNSHIP BOARD OF ZONING APPEALS CREATED

Pursuant to O.R.C. 519.13, the board of trustees shall appoint a township board of zoning appeals for Chester Township, composed of five (5) members who shall be residents of the unincorporated territory in the township included in the area zoned. The board of trustees may also appoint two (2) alternate members to the board of zoning appeals in accordance with O.R.C. 519.13.

The terms of all regular members of said board of zoning appeals, shall be for five (5) years and so arranged that the term of one (1) member will expire each year.

Each member shall serve until his/her successor is appointed and qualified. Vacancies shall be filled by the board of trustees and shall be for the unexpired term. The members may be allowed their expenses, or such compensation, or both, as the board of trustees may approve and provide.

The board of zoning appeals may, within the limits of the monies appropriated by the board of trustees for the purpose, employ such executives, professional, technical, and other assistants as it deems necessary.

1202.2 POWERS OF TOWNSHIP BOARD OF ZONING APPEALS

The township board of zoning appeals may:

A. 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 519.2 to 519.25 of the Ohio Revised Code or sections of this resolution.
B. Authorize, upon appeal, in specific cases, such variance from the terms of this zoning resolution will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this resolution will result in unnecessary hardship, and so that the spirit of this resolution shall be observed and substantial justice done.
C. Grant conditional zoning certificates for the use of land, buildings, or other structures in accordance with this resolution.
D. Revoke an authorized conditional zoning certificate in accordance with Sections 606 and 606.1 of this resolution.

   In exercising the above-mentioned powers, the township board of zoning appeals may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and

may make such order, requirement, decision, or determination as ought to be made, and to that end has all the powers of the zoning inspector from whom the appeal is taken.

E. In addition to observing the standards specifically set forth in this section, the board of zoning appeals shall act in harmony with the comprehensive plan embodied in this resolution and in furtherance of the purposes set forth in Article I on all appeals or applications for certificates under this section. The Board shall not approve any application or appeal under any of the provisions of this Section and Section 1202.4 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 or morals; and
   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.

1202.3 RULES, ORGANIZATION, AND MEETINGS OF BOARD OF ZONING APPEALS

A. The township board of zoning appeals shall organize and adopt rules in accordance with this zoning resolution. Meetings of the board of zoning appeals shall be held at the call of the chairperson, and at such other times as the board of zoning appeals determines. The chairperson, or in his/her absence the acting chairperson, may administer oaths, and the board of zoning appeals may compel the attendance of witnesses. All meetings of the board of zoning appeals shall be open to the public. The board of zoning appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of trustees and be a public record.

B. The attendance of three (3) members of the board of zoning appeals is required for a quorum.

   All decisions, motions, and actions of the board of zoning appeals shall be by the affirmative vote of at least three (3) members of the board.

1202.4 PROCEDURES OF BOARD OF ZONING APPEALS

A. Appeals to the board of zoning appeals may be taken by any person aggrieved or by any officer of the township affected by any decision of the zoning inspector.

Such appeal shall be taken within twenty (20) days after the decision of the zoning inspector by filing, with the zoning inspector and with the board of zoning appeals, a notice of appeal specifying the grounds of appeal. The zoning inspector shall forthwith transmit to the board of zoning appeals all the papers constituting the record upon which the action appealed from was taken.

B. Written notices of appeal shall be made on a form provided by the township zoning inspector and shall be the most current version approved by the board of trustees at the time of application. The zoning inspector may deem information not applicable. The township zoning inspector or the board of zoning appeals may require the submission of such supplemental information as may be necessary to ensure compliance with the regulations contained in this resolution. Such application 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.

   The appeal fee. See Schedule of Fees, Charges, and Expenses; and Collection Procedure, Section 105.0.

C. The board of zoning appeals shall fix a reasonable time for public hearing of the appeal which shall commence not later than sixty (60) days from the date the notice of appeal has been filed with the board. The public hearing on the appeal may be continued from day to day for good cause shown.

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

D. Any renewal or extension of a zoning certificate shall be subject to the same procedure as specified herein for the original granting of the certificate.

E. Hearing before the board of zoning appeals shall be conducted in accordance with the following:

   1. Any person may appear in person or by attorney.

2. All testimony and evidence received by the board shall be given under oath or affirmation administered by the chairman or in his/her absence the acting chairman of the board of zoning appeals.
3. A party in interest shall be allowed:
    a. To present his/her position, arguments and contentions;
    b. To offer and examine witnesses and present evidence in support thereof;
    c. To cross-examine witnesses purporting to refute his/her position, arguments and contentions;
    d. To offer evidence to refute evidence and testimony offered in opposition to his/her position, arguments and contentions; and
    e. To proffer any such evidence into the record, if the admission thereof is denied by the officer or body appealed from.
4. The board of zoning appeals shall be provided with the original plus two (2) copies of all exhibits submitted by a party in interest. All exhibits submitted shall be marked for identification by the board and safely kept and preserved by the board on township premises.
5. An accurate record of proceedings shall be kept and preserved by the board of zoning appeals.

F. Decisions of the board of zoning appeals shall be in accordance with the following:

1. All decisions shall include findings of fact and conclusions of law of the board in support of the decision.
2. A decision of the board and the adoption of findings of fact and conclusions of law shall be made at a public meeting of the board. The decision and the findings of fact and conclusions of law of the board shall be in writing and signed at a public meeting of the board by all members voting affirmatively thereon no later than thirty (30) days from the last date of public hearing.
3. The original written decision and findings of fact and conclusions of law of the board of zoning appeals and all applications, notices of appeal, documents, exhibits and evidence relating to the proceedings shall be filed by the board of zoning appeals with the township fiscal officer within five (5) days of the signing of the written decision and findings of fact and conclusions of law by the board of zoning appeals.
4. Copies of the written and signed decision of the board of zoning appeals shall be sent by ordinary mail, within two (2) days of the signing of the written decision, to the township zoning inspector and the appellant. All denials of

the board of zoning appeals shall be sent by certified mail (return receipt requested) to the appellant.

5. The date of the signing of the written decision by the board of zoning appeals shall be the date of entry as provided in O.R.C. 2505.07 for purposes of appeal to the court of common pleas pursuant to O.R.C. Chapter 2506.

1202.5 SUPPLEMENTARY CONDITIONS ON VARIANCES

The board of zoning appeals, in deciding to grant any appeal for a variance, may place supplementary conditions which are regulations provided for elsewhere in this resolution and which are reasonable and related to the requested variance and which the board deems necessary to protect the public health, safety, morals, and general welfare. Any such supplementary conditions shall be made a part of the board of zoning appeals' proceedings and shall be incorporated into the final decision by the board approving a variance. Violation of such supplementary conditions, which are made a part of the written decision of the board, shall be deemed a violation of this resolution.

ARTICLE 13 - ENFORCEMENT

1300.0 ZONING CERTIFICATE REQUIRED

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

B. No person shall locate, erect, construct, reconstruct, enlarge or structurally alter any building or structure:

    1. To provide for greater height or bulk;
    2. To accommodate or house a greater number of families;
    3. To occupy a greater percentage of lot area; or
    4. To have narrower or smaller front yards, side yards, rear yards, or other open spaces; than herein required, or in any manner be contrary to the provisions of this resolution.

C. No lot or yard existing at the time of the effective date of this resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Lots or yards created after the effective date shall meet at least the minimum requirements set forth herein.

D. A lot shall have frontage on a road and shall be in conformity with all of the minimum area, frontage, width, setbacks (yards) and other applicable regulations contained in this resolution or any amendment thereto in effect at the time of its recording with the county recorder.

E. No home occupation shall be operated without obtaining a zoning certificate and no such zoning certificate shall be issued unless the operation of such home occupation fully complies with the regulations set forth herein.

1300.1 CONTENTS OF APPLICATION FOR A ZONING CERTIFICATE

Written application for a zoning certificate shall be made on a form provided by the township zoning inspector and shall be the most current version approved by the board of trustees at the time of application. The zoning inspector may deem information not applicable. The township zoning inspector or the board of zoning appeals may require the submission of such supplemental information as may be necessary to ensure compliance with the regulations contained in this resolution. Such application shall be signed and dated by the

owner, the applicant or his/her authorized representative attesting to the truth and accuracy of all information supplied in the application.

The application fee. See Schedule of Fees, Charges, and Expenses; and Collection Procedure, Section 105.0.

1300.2 ACTION BY TOWNSHIP ZONING INSPECTOR ON APPLICATION FOR ZONING CERTIFICATE

Within thirty (30) days after the receipt of an application for a zoning certificate, the township zoning inspector shall either approve the application and issue a zoning certificate or disapprove the application in conformity with the provisions of this zoning resolution.

In case of disapproval of an application, the applicant shall be informed of such disapproval in writing by the township zoning inspector. The zoning regulation(s) violated shall be cited, as well as the applicant's right to appeal to the township board of zoning appeals in accordance with Article 12 of this resolution.

One (1) copy of the plans submitted with the application shall be returned to the applicant by the township zoning inspector, after the zoning inspector has marked said copy either approved or disapproved and attested to the same by his/her signature and date on said copy. One (1) copy of the plans so marked shall be retained by the zoning inspector for his/her permanent records.

1300.3 SUBMISSION TO DIRECTOR OF OHIO DEPARTMENT OF TRANSPORTATION

Upon receipt of an application for a zoning certificate affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to the board of trustees and township zoning inspector by the director of transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the zoning inspector shall give notice, by registered or certified mail to the director of transportation.

The zoning inspector shall not issue a zoning certificate for one hundred twenty (120) days from the date the notice is received by the director. If the director of transportation notifies the zoning inspector that he/she has purchased or has initiated proceeding to appropriate the land which is the subject of the application, then the zoning inspector refuse to issue a zoning certificate. If the director notifies the zoning inspector that he/she has found acquisition at that time not to be in the public interest, or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the director and

the property owner, the zoning inspector shall act upon the application in accordance with the provisions of this resolution.

1300.4 REVOCATION OF ZONING CERTIFICATE

A zoning certificate shall be revoked by the zoning inspector if:

A. The zoning certificate has been issued in error by the zoning inspector; or
B. The zoning certificate was issued based upon a false statement by the applicant; or
C. The construction or use described in the zoning certificate has not begun within six (6) months from the date of issuance or if construction has begun within six (6) months and said construction has not been completed within two (2) years from the date of issuance; or
D. The terms and conditions contained in the zoning certificate are not performed; or
E. The zoning certificate is being used by a person, individual, partnership, trust or corporation other than the applicant. Zoning certificates are not transferable.

When a zoning certificate has been declared revoked by the zoning inspector, written notice of its revocation shall be sent by certified mail (return receipt requested) to the applicant and such notice shall be posted in a conspicuous place on the affected property as described in the zoning certificate. Such notice shall set forth the reason(s) for the revocation of the zoning certificate as well as the applicant's right to appeal to the township board of zoning appeals in accordance with Article 12 of this resolution. Such notice shall also include a statement that all construction upon or use of the building, structure or land described in the zoning certificate shall cease unless and until a new zoning certificate has been issued.

1301.0 COMPLAINTS REGARDING VIOLATIONS

Whenever an alleged violation of this resolution occurs, any person may file a written complaint with the zoning inspector. Such complaint shall state the nature of the complaint and the regulation violated. The zoning inspector shall keep records of such complaints and shall investigate within thirty (30) days from the date such complaint was filed or within such extended time period as may be necessary to fulfill the requirements of this resolution.

1302.0 PROHIBITION AGAINST VIOLATING ZONING RESOLUTION

No building or structure shall be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, and no land shall be used in violation of this resolution, or any amendment to this resolution whether or not a zoning certificate has been issued. Each day's continuation of a violation of this resolution may be deemed a separate offense.

1303.0 ACTION TO PREVENT VIOLATIONS OF ZONING REGULATIONS

In case any building or structure is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of Sections 519.1 to 519.99 inclusive of the Ohio Revised Code or of any regulation or provision adopted by the board of trustees under such sections, such board, the prosecuting attorney of the county, the township zoning inspector, or any adjacent or neighboring property owner who would be especially damaged by such violations, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use. The board of trustees may employ special counsel to represent it in any proceeding(s) or to prosecute any action.

ARTICLE 14

This article intentionally left blank.