

# **CHESTER TOWNSHIP**

GEAUGA COUNTY, OHIO

## **ZONING RESOLUTION**

AMENDED TO APRIL 1, 1969

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INCLUDING ZONING MAP OF  
CHESTER TOWNSHIP

PRICE \$4.00

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**ZONING RESOLUTION of CHESTER TOWNSHIP  
GEAUGA COUNTY, OHIO**

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

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

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

## SECTION 1 PURPOSE

### Section 1. Purpose.

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

- a. The protection of the community against, fire, explosion, air pollution, vibration and other hazards to their health, safety, comfort or welfare.
- b. The prevention of vehicular traffic congestion on the streets by the appropriate classification of uses for each type of zoning district and the provision for off-street parking and loading facilities.
- c. To provide sufficient space in appropriate locations for the integrated development of residence, business and industry and those related uses supplying essential services, in accordance with a comprehensive plan, thus promoting the most desirable and appropriate use and development of all land in order to better stabilize the value of land and buildings and thus protect the tax base of the Township and the public health, safety, prosperity, comfort, convenience and welfare of said Township and its residents.
- d. Protect residential areas by limiting the density of population in order to avoid water pollution because of the difficulties in providing adequate sewage disposal and to protect the limited supply of water; by providing for access of light and air to windows and also for privacy, by means of controls over the spacing and relative height of buildings and other structures; and by providing for open space on the same lot with residential development.
- e. The prevention of overcrowding and blight of residential, commercial and industrial areas by regulating the area and height of buildings, yards and other open spaces in order to provide light, air and privacy and thus to protect the public health, safety, morals, comfort, convenience, prosperity and welfare.
- f. Secure the most appropriate use of land, to promote the beneficial development of all land, to promote stability, to protect the character and established pattern of desirable development in each area, to facilitate adequate but economical provision of public improvements, to conserve the value of buildings and to enhance the value of land; all in accordance with a comprehensive plan.

## SECTION 2 DEFINITIONS

### Section 2. Definitions and Interpretations.

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

Section 2. 1. Rules of Interpretation. The following general rules of interpretation shall apply:

- 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 and not directory. The word "may" is permissive.
- d. Words used in the present tense include the future, unless the context clearly indicates the contrary.
- e. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
- 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. Unless defined in this Resolution, words and phrases shall be given their usual and customary meaning.

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

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

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

- (1) Sleeping accommodations for servants and caretakers.
- (2) A non-commercial greenhouse.
- (3) A barn, shed, tool room, or other similar building or other structure for domestic or agricultural storage.
- (4) Keeping of domestic animals, but only for personal enjoyment, for household use, or for cultivation of the soil, and not including a commercial stable or kennel. No building or structure in which livestock and/or poultry are kept, or the storage of manure or odor - or dust - producing substance or use, shall be located less than one-hundred (100) feet from any lot line.
- (5) Incinerators incidental to residence and public or private institutions.
- (6) Home occupations.
- (7) Storage of merchandise normally carried in stock, on the same lot with any retail, service or commercial use, unless such storage is excluded by the district regulations.
- (8) Storage of goods used in or produced by manufacturing activities, on the same lot with

such activities, unless such storage is excluded by the district regulations.

- (9) The removal for sale of sod, loam, clay, sand, gravel or stone in connection with the construction of a building or other structure on the same lot.
- (10) Private swimming pools.
- (11) Off-street parking spaces as required by the provisions of this Resolution.
- (12) Off-street loading spaces as required by the provisions of this Resolution.
- (13) Fall-out or bomb shelters.

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

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

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

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

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

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

A "building" shall not include such structures as bill-boards, radio towers, etc., nor structures with interior surfaces not normally accessible for human use, such as gas holders, oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers, and other similar structures.

A "building" may consist, for example, of a one-family dwelling, a two-family dwelling, a row of garden apartments with individual entrances, or an

apartment house; of a single store or a row of stores (depending on location of lot lines); or of a factory.

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

**Section 2.10. Building Height.** The "building height" shall be the vertical distance measured from the average finished grade level to, in the case of flat roofs, the level of the 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.

**Section 2.11. Business Sign.** A "business sign" is a sign which directs attention to the principal business or profession conducted or to the principal products sold upon the premises. A "For Sale" or "For Rent" sign relating to the premises on which such sign is displayed shall be deemed a business sign.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



units" within a single building.

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

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

**Section 2.23. Floor Area.** The "floor area" of a building is the sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of exterior walls or from the center line of walls separating two (2) buildings. "Floor area" shall not include:

- a. Basement space.
- b. Attic space.
- c. Terraces, breezeways and open porches.
- d. Uncovered steps.
- e. Garages.

**Section 2.23A. Ground Floor Area.** The horizontal area of the foundation under the living area measured from the outside walls.

**Section 2.24. Gasoline Filling Station.** A "gasoline filling station" is any building, structure or lot used only for the sale of motor vehicle fuels, oils, lubricants and automobile accessories directly to the consumer, and may include minor repairs incidental to such use.

**Section 2.25. Golf Club, Private.** A "private golf club" is a recreational facility whose principal recreational activity is golf, and is available only to a limited number of members. Accessory facilities may include a swimming pool, tennis courts, club house and maintenance buildings. A "private golf club" includes every type of similar establishment designated country club, swimming club, etc. Such club shall be subject to the regulations set forth in Section 4. 3.

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

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

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

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

However, a home occupation shall not be interpreted to include the following:

- a. Barber shop.
- b. Beauty parlor.
- c. Commercial stable or kennel.
- d. Restaurant.
- e. Dancing studio.

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

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

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

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

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

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

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

**Section 2.33. Lot.** A "lot" is a piece, parcel, tract, or plot of land in one ownership which may include one (1) or more lots of record occupied or to be occupied by a principal building and accessory buildings, or utilized for a principal use and uses

accessory thereto, and including such open spaces as required by this Resolution.

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

**Section 2.35. Lot, Corner.** A "corner lot" is any lot bounded entirely by streets, or a lot which adjoins two (2) or more intersecting or intercepting streets where the interior angle of such intersection does not exceed one hundred and thirty-five (135) degrees.

**Section 2.36. Lot, Interior.** An "interior lot" is any lot other than a corner lot.

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

**Section 2.38. Lot Line, Front.** For an interior lot, a "front lot line" is a street line. On a corner lot, the owner or developer may elect either street line as the "front lot line" subject to the approval of the Commission. The Commission shall approve such choice if it finds that such "front lot line" will not be injurious to existing or desirable future development of adjacent properties.

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

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

**Section 2.41. Lot, Through.** A "through lot" is any lot not a corner lot, that has frontage on two (2) streets. Both street lines shall be deemed front lot lines.

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

**Section 2.43. Motel.** A "motel" is a building or group of buildings containing living or sleeping accommodations for transient occupancy, and providing an off-street parking space on the lot for each sleeping room, and with direct access to each such room from the outside. A "motel" includes



every type of similar establishment designated auto court, tourist cabins, etc.

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

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

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

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

- a. Transient accommodations, as in transient hotels, motels, tourist cabins, and trailer camps, and
- b. 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
- c. Institutional uses, as in rest homes, nursing homes, homes for the aged, orphanages, and other institutional residential uses.

**Section 2.48. School.** A "school" is any institution, public or private, which gives regular instruction in the several branches of learning at least five (5) days a week for a normal school year and which conforms to the requirements of the Ohio State Department of Education.

**Section 2.49. Setback.** A "setback" is the area that is within an existing or proposed public right-of-way.

**Section 2.50. Sign.** A "sign" is any structure or part thereof, or any device attached to a structure or painted or represented on a structure on which lettered, figured, or pictorial matter is displayed or used for the purpose of bringing the subject thereof to the attention of the public. A "sign" includes any neon tubing, string of lights, string of pennants, or similar device, but does not include any flag, badge, or insignia of any government or governmental agency or of any charitable, religious, educational, or similar organization.

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

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

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

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

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

**Section 2.56. Tourist Home.** A "tourist home" is a dwelling unit in which sleeping accommodations for more than three (3) and less than ten (10) persons are offered for transient occupancy and for compensation. A "tourist home" shall include a rooming house.

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

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

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

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

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

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

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

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

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

**Section 2.65. Yard, Side.** A "side yard" is a yard extending along one side lot line from the required front yard to the required rear yard. Where no front yard or rear yard is required, the side yard shall extend along the side lot line from the front lot line to the rear lot line as the case may be. In the case of a corner lot, any yard which is not a front yard shall be considered a side yard.

## SECTION 3 GENERAL PROVISIONS

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

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

- R. One and Two Family Districts
- R 2. Multi Family Residence Districts
- C. General Commercial District
- S.C. Shopping Center District
- I. Restricted Industrial District

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

by incorporated into and made a part of this Resolution.

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

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

- a. Where a boundary line appears within a street or other right-of-way, the boundary line shall be deemed to be the center-line of the street or other right-of-way.
- b. Where a boundary line appears to follow a lot line, such a lot line shall be deemed to be the boundary line.
- c. In the case of parks and cemeteries, the boundary shall be deemed to coincide with the boundary line of the park or cemetery.



- d. Where a street, watercourse, or other right-of-way has been vacated, the abutting zoning classification on each side thereof shall automatically be extended to the center-line of said vacated street, watercourse, or right-of-way.

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

- a. No building, structure or lot shall be used, located, erected, constructed, reconstructed, enlarged, or structurally altered except in conformity with the applicable regulations of the district in which such building, structure, or lot is located unless such lot was designated on a recorded plat or separately owned at the time this Resolution became effective and cannot be practicably enlarged to conform to the applicable regulations.
- b. No yard or other open space existing about any building or structure shall be so reduced in area or dimension as to make it less than the minimum required by this Resolution.
- c. No yard or other open space provided about any building or structure for the purpose of complying with the provisions of this Resolution shall be considered as providing a yard or open space for any other building or structure and no yard or other open space on one lot shall be considered as providing a yard or open space for a building or structure on any other lot.
- d. No lot held under one ownership at the time of the effective date of this Resolution shall be reduced or subdivided in any manner below the minimum area and yard provisions required by this Resolution.

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

**Section 3.7. Measurement of Distances and Yards.** Except as otherwise provided, all prescribed distances shall be measured in a straight line. The depth and width of all yards shall be measured perpendicular to and from lot lines. However, where

a setback has been established along any street, the yard dimensions shall be measured perpendicular to and from such setback.

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

**Section 3.8. Permitted Obstructions in Yards.** Unless otherwise specifically provided, the following shall not be considered as obstructions when located within required yards:

Roadside stands, as provided in Section 4.1.

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

Terraces.

Steps.

Air conditioning units.

Awnings and canopies.

Recreational and drying yard equipment.

Arbors and trellises.

Flagpoles.

Uncovered gas tanks, gasoline pumps, or oil tanks.

Fences.

Underground tanks.

Walls not exceeding eight (8) feet in height.

In required front and side yards in C Districts:

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

In required side and rear yards in an R District:

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

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

Chimneys.

Church spires.

Clock towers.



Belfries.

Water towers.

Flag poles.

Monuments.

Transmission towers or cables.

Radio or television towers or antennae.

Silos.

Elevator machinery space.

Grain elevators.

Windmills.

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

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

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

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

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

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

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

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

## SECTION 4 DISTRICT REGULATIONS

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

**Section 4.1. Permitted Uses.** Only the following uses shall be permitted in an R 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:

One-family dwellings plus two (2) roomers.

Two-family dwellings plus two (2) roomers per family.

Places of worship.

Schools.

Libraries.

Museums.

Public parks, public playgrounds, and other public recreation facilities.

Public utilities.

Township and other governmental buildings.

Agriculture and accessory uses thereto, provided that (1) no building or structure in which livestock and/or poultry are kept, or the storage of manure or odor and/or dust producing substance or use, shall be located less than one hundred (100) feet from any lot line; (2) no commercial greenhouse shall be located less than one hundred (100) feet from any lot line; and (3) livestock or poultry raising or breeding for commercial purposes shall not be permitted on a lot less than five (5) acres in area.

Roadside stands constructed of removable members for the display and sale of farm products produced in Chester Township. Such stands shall be at least fifteen (15) feet from the street right-of-way line and shall maintain adequate off-street parking spaces for customers' vehicles.

Accessory uses.

Signs, as regulated in Section 4.5.

Private golf clubs, as regulated in Section 4.3.

Off-street parking and loading, as regulated in Sections 4.6 and 4.7.

Quarries, as regulated in Section 4.2A.

**Section 4.2. Conditional Uses.** Subject to the

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

**Section 4.2A. Quarry.** A Quarry may be established and operated subject to the following conditions.

a. **Minimum Lot Area.** There shall be provided a minimum lot area of ten (10) acres.

b. **Off-Street Parking.** One (1) off-street parking space shall be provided for each employee. Private roads within the lot shall be used for off-street parking only if they are of sufficient width to accommodate moving traffic and parked vehicles.

c. **Access.** Ingress and egress to and from the quarry shall be from a major thoroughfare as shown on the official "Geauga County Thoroughfare Plan". The entrances and exits shall be planned at places that will cause the least amount of traffic congestion and hazard. No such access point shall be located closer than one hundred twenty-five (125) feet from the intersection of two (2) or more street lines. There shall be no more than two (2) access points established by the Board on any one street. In no case shall the distance between the centerline of any access point and any side or rear lot line be less than fifty (50) feet. Access points and routes for truck movement in and out of any quarry shall be established by the Board in such a way as to minimize the wear on public streets and prevent hazards and damage to adjoining property.

d. **Fencing.** The quarry shall be entirely enclosed by a fence or wall at least six (6) feet, but not exceeding eight (8) feet, in height. Fences or walls shall be adequate to prevent trespassing and shall be placed between the screening and the excavation, but no closer than ten (10) feet from any lot line.

e. **Screening.** Where a quarry adjoins or faces residential property, a ten (10) foot strip of land planted with shrubs or trees which may be expected to form a year-round dense screen, shall be planted and maintained in good con-



dition at all times along the lot lines. Such screening shall be at least five (5) feet in height. Any screening located within twenty-five (25) feet of an intersection of two (2) or more streetlines or the intersection of an access driveway and a streetline shall have a maximum height of three (3) feet. No signs shall be permitted to be attached to or hung from any required screening. The Board may modify the provisions of this paragraph temporarily only in those cases where there is no residential development immediately adjoining the quarry. However, the required screening shall be installed at the time residential development takes place.

- f. Appearance and Distance from Lot Lines. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, individual or the community in general. No quarry excavation, building, scale, scale house or other structure of any kind shall be located less than two-hundred (200) feet from any lot line.
- g. Rehabilitation of Worked Areas. All areas within any single quarry shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blending with the general surrounding ground form so as to appear reasonably natural. Areas shall be completely and continually drained of water when in use. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration. In no case shall any rehabilitated slope exceed a horizontal angle of thirty (30) degrees.
- h. Lighting. All lighting fixtures and devices shall be so designed and constructed to prevent the emission of light upon adjoining lots or streets, and shall be provided from a concealed light source only. Flashing lights shall be prohibited.
- i. Time of Operation. No quarry shall be open or operated between 5:30 P.M. and 7:30 A.M.
- j. All uses shall comply with the performance standards specified in Section 4. 60 and regulations applicable to these standards.
- k. A Performance Bond in an amount to be determined by the Board shall be tendered to

Chester Township to insure compliance with the conditions stated in Section 4. 2A.

- l. Conditional Zoning Certificate. A conditional zoning certificate shall be issued for a period not to exceed five (5) years. Application for the renewal of such certificate shall be made sixty (60) days prior to the expiration of such certificate.
  - 1. A conditional zoning certificate shall become void upon a change of ownership or lease of the premises and shall be revoked unless a new application for such certificate is made by the new owner or lessee within fifteen (15) days of the date of transfer or lease.
  - 2. Any failure to comply with the conditions approved by the Board for the issuance of a conditional zoning certificate shall constitute a revocation of such certificate.

Section 4.3. <sup>1</sup>/<sub>1</sub> Golf Club, Private. A private golf club may be established and operated but subject to the following conditions:

- a. Minimum Lot Area. There shall be provided a minimum lot area of eighty (80) acres for a 9-hole and one hundred and sixty (160) acres for an 18-hole golf course.
- b. Off-Street Parking. Except as otherwise provided in this paragraph, off-street parking spaces shall be provided in accordance with the requirements of Sections 6.4 through 6.11. Accessory off-street parking spaces, driveways, and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt, crushed slag or washed gravel, or similar surfacing material, and maintained in good condition and free of debris and trash. The driveways used to provide accessibility to such club shall be so located and arranged to minimize traffic congestion. Therefore,
  - 1. The center line of such driveway shall be at least thirty (30) feet from the right-of-way line of any intersecting street where the driveways and intersecting street are on the same side of a street.
  - 2. The minimum width of such driveway shall be twenty-four (24) feet and the maximum width shall be thirty (30) feet measured at right angles to the angle of the driveway

entrance. Such driveway shall have an apron of six (6) feet radius at the curb to provide a means for motor vehicles to enter and leave the parking facilities without obstructing traffic.

3. The driveways from the highway to the club house or parking area shall be surfaced with concrete, asphaltic concrete, or asphalt.

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

6. ↑ d. Modification of Screening and Fencing by Board. The Board may modify the provisions of Section 6.11 and paragraph c in those cases where there is no development of uses permitted in an R district that immediately adjoins such club. However, the required screening and fencing shall be installed by the golf club at the time development of the R District uses takes place.

6. ↑ e. Signs. One business sign may be permitted which shall not exceed ten (10) square feet in area and shall be located at least twenty-five (25) feet from any lot line or street right-of-way line. Such sign may be lighted by continuous reflected illumination only and so erected that the light source is not visible from outside the premises, and that no glare is projected on to adjoining properties or streets.

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

1. An accessory swimming pool shall not exceed one thousand, five hundred (1500) square feet in area, and an accessory wading pool five hundred (500) square feet in area. All pools shall be completely enclosed with a woven wire fence at least four (4) feet high.

2. Tennis facilities shall not exceed ten thousand (10,000) square feet in area.

3. There shall be no picnics or picnicking facilities.

- ↓
4. A club house, maintenance buildings, and sheds and shelters may be permitted. Re-

tail sales and services may be permitted but shall be limited to members only. Such sales and services may include a restaurant, snack bar, and the sale and repair of athletic equipment associated with the golf club.

- g. Dwellings to Conform. No building shall be used as a dwelling that does not conform completely to the requirements of the Zoning Resolution.

h. Distance from Lot Lines. All buildings, structures, edges of fairways, and outdoor activities shall be at least one hundred (100) feet from all lot lines. The Board may modify this provision in cases of unnecessary hardship or to insure a more appropriate site layout, but in no case less than seventy-five (75) feet from all lot lines.

- i. Membership Limit. Membership shall be limited to one thousand (1,000) members.

j. Frontage on Thoroughfare. Wherever possible such club shall front upon a major thoroughfare as specified in the "Geauga County Thoroughfare Plan".

- k. Dates and Time of Operation. Such club may be open or operated from March 1 to December 1 of each year and only during the hours of 5:00 A.M. to 12:01 A.M. each day.

l. Construction Schedule. At least the construction of the club house and the required off-street parking spaces shall be completed within two (2) years, and at least nine (9) holes of the golf course within three (3) years of the date of issuance of the conditional zoning certificate.

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

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



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

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

- a. **Access.** Ingress and egress to and from the memorial park shall be from a major thoroughfare as shown on the official "Geauga County Thoroughfare Plan." The entrances and exits shall be planned at places that will cause the least amount of traffic congestion and hazard. No such access point shall be located closer than one hundred twenty-five (125) feet from the intersection of two (2) or more streets. There shall be no more than two (2) access points on any one street.

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

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

- b. **Off-Street Parking.**

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

2. Each off-street parking space shall have an area of not less than two hundred (200) square feet, exclusive of passageways, driveways, and other maneuvering area appurtenant thereto and giving access thereto. Each such space shall have direct accessibility to a street or driveway. Where drive-

ways are required to provide accessibility to the parking spaces, they shall have an unobstructed width of at least twenty (20) feet.

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

- c. **Screening.** Where a memorial park adjoins or faces residential buildings, a solid wall, a uniformly painted solid fence of fire resistant material, or a ten (10) foot strip of land planted with shrubs or trees which may be expected to form a year-round dense screen, shall be erected or planted and maintained along the lot lines. Such wall, fences, or shrubs shall be at least six (6) feet in height. However, such wall or fence shall not be more than eight (8) feet in height.

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

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

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

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

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

- e. **Corner Sight Clearance.** On every corner lot within the triangle formed by the street lines on such lot and a line drawn between two (2) points, each twenty (20) feet from the point of intersection of such street lines, there shall



be no fence or wall higher than three (3) feet nor any other obstruction to vision between a height of three (3) feet and a height of ten (10) feet above the established grade of either street.

- f. **Maximum Height of Structures.** The height of any structure shall not exceed twenty (20) feet, measured from the average finished grade level at the building line to, in the case of flat roofs, the highest point on the roof, or, in the case of a pitched roof, to the mean level between the eaves and the highest point of the roof.
- g. **Lighting.** All lighting fixtures and devices shall be so designed and constructed to prevent the emission of light upon adjoining lots or streets, and shall be provided from a concealed light source only. Flashing lights shall be prohibited.
- h. **Site Plan.** The applicant shall furnish the Board with:
  - 1. A site plan indicating the location, size and height of all buildings and structures, including fences, walls, gates and signs.
  - 2. Architectural plans for all proposed buildings and structures.
  - 3. *Landscaping plans for the premises upon which the buildings and structures are to be located.* These plans shall indicate the planting treatment proposed at the boundary of the memorial park and the planting treatment between the parking lanes. This plan shall also show the design features and layout of the land to be used for off-street parking, the type of pavement to be used, the type of lighting fixtures proposed, and a grading and drainage plan for the memorial park.
  - 4. A proposed system of vehicular traffic circulation within the memorial park, access points from adjoining streets, and estimates of traffic volumes for the proposed memorial park.
- i. **Fiscal Plan.** Neglected memorial parks become townshipwide problems and nuisances. Therefore, to preserve the Township's tax base and the general welfare of its people, the applicant shall furnish the Board with a fiscal plan which documents the applicant's financial responsibility to insure the maintenance of the memorial park. Toward this end, the Board may require the establishment of a perpetual care

trust fund having sufficient capital to insure proper maintenance.

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

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

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

**Section 4. 5 Sign Regulations.** Except as otherwise specifically provided, the following signs are permitted in an R District, but only in accordance with the regulations set forth in this Section.

a. **Type and Size.**

- 1. **Residential Building.** One permanent sign on which may be displayed the name and address of the occupant thereof, and the practice of a profession or home occupation therein. The area of such sign shall not exceed three (3) square feet.
- 2. **Roadside Stands.** One permanent sign on which may be displayed the name and address of the proprietor and goods sold on the premises. The area of such sign shall not exceed eighteen (18) square feet.
- 3. **Building Construction.** One sign denoting the Architect, Engineer and/or Contractor is permitted, but only during the period of construction. The area of such sign shall not exceed eighteen (18) square feet.
- 4. **Temporary Signs.**
  - a. "For Sale" or "For Rent". One sign not exceeding twelve (12) square feet in area is permitted.
  - b. **Model Home, Real Estate Developments or Subdivisions.** One sign on which may be displayed the name of the developer, or sales agency, or subdivision, is permitted. Such sign shall not exceed

twenty-five (25) square feet in area, and shall be placed only on the premises being sold or developed. One such sign is permitted for each seven hundred and fifty (750) feet of street frontage. Such sign(s) shall be removed or zoning permit renewed not later than one year after the date the permit is issued, and shall be removed by the Owner or his agent within thirty (30) days after the last lot or building is first rented or sold.

5. Legal-Nonconforming Use. For all other uses permitted, and for a legal non-conforming use, a sign limited to displaying the name and address of an occupant thereof, or proprietor and goods or services sold on the premises is permitted. The area of such sign shall not exceed eighteen (18) square feet, if attached to a building, or limited to an area not exceeding six (6) square feet if free standing.

b. Location.

1. Shall be located at least ten (10) feet from any lot line and street right-of-way lines except for signs permitted by paragraph a. 1. of this Section.
2. A free standing sign shall not extend more than twenty (20) feet above the average finished grade level.

- c. Illumination. All signs in an R District may be lighted by continuous illumination only, and shall be so designed, arranged or used that the light source is not visible from outside the premises, and so that no glare is projected on to the adjacent properties or streets.

- d. Flashing, Intermittent illumination, revolving, oscillating, or otherwise moving signs or animated representation of a sign shall not be permitted

- e. A single flat sign designed to be read from two opposite directions shall be considered as one sign when computing the area of such sign.

- f. Strings of banners or pennants shall be permitted for ten days only during the opening of a new subdivision, or model home.

- g. Nothing in these sign regulations shall be deemed to authorize the erection of a sign which by reason of its size, location, design, color, illumination or construction shall con-

stitute a traffic hazard to motorists or pedestrians, although such sign might otherwise conform to these regulations.

Refer also to Sections 2.11, 2.3 and 2.50.

**Section 4. 6. Off-Street Parking.** Off-street parking space shall be provided in accordance with the regulations set forth in Section 6, Sections 6. 4 through 6. 11, for each of the uses permitted in an R District.

Only one (1) commercial vehicle other than a private passenger automobile that is used in connection with a permitted use or by an occupant of a permitted use, may be stored on a lot in an R District. In no case shall unlicensed or abandoned motor vehicles be stored on a lot in an R District except in a permitted, enclosed structure.

**Section 4. 7. Off-Street Loading.** Off-street loading space shall be provided in accordance with the regulations set forth in Section 6, Sections 6. 1 through 6. 3, for each of the uses permitted in an R District.

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

**Section 4. 8. Area, Yard and Height Regulations.** The regulations set forth in the table in Section 4. 9 shall apply as indicated to each use permitted in an R District unless otherwise specifically provided.



**Section 4.9 Dimensional Requirements in an R-District (Table)**

						MINIMUM BUILDING SIZE Per Dwelling Unit (Sq./Ft.)		
R-District Uses	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard (4)	Minimum Side Yard (5)	Minimum Rear Yard (6)	Ground Floor Area	Floor Area	Maximum Building Height
1-Family Dwelling	1½ Acres	150 Feet	70 feet from Right-of-Way or 100 feet from Center Line whichever is greater	Two re- quired, 25 feet each	50 Feet	1,000	0-2 Bedrooms 1200 3 Bedrooms 1350 4 Bedrooms 1500 5 or more 1650	30
2-Family Dwelling	3 Acres	300 Feet	Same as above	Same as above	Same as above	Same as above	Same as above	30
Accessory Buildings	(2)	(2)	(2)	20 feet from any Dwelling	20 feet from any Dwelling	—	Maximum 50 Percent of Ground Floor Area of Main Building	15
Rear Houses	(3)	(3)	(3)	(3)	(3)	(3)	(3)	30
Hospitals, Sanitariums, Rest Homes	5 Acres	500 Feet	100 Feet	100 Feet	100 Feet	—	—	30

- (1) See Section 2.34 definition of Lot Area.
- (2) See Section 3.8.
- (3) See Section 4.10.
- (4) Lots on Ward Drive between Mayfield Road and Maple Drive and on Opalocka Drive between Mayfield Road and Cottrell Road: 40 feet from Right-of-way: Lots on Lynn, Marilyn, Dorothy, Harold, Valley View, Beechwood and Cherrylane Drives and Caves Road from Mayfield Road to Beechwood Drive, east side only, 50 feet from Right-of-way. All other lots: 70 feet from Right-of-way, or 100 feet from center line: whichever is greater.
- (5) Lots less than 150 feet in width: two required, 15 feet each: Lots on Opalocka Drive: Two required, eight feet each: corner lots: same as front yard on side street. All other lots: two required, 25 feet each.
- (6) Lots with 1½ acres or more of lot area: 50 feet. All other lots: 30 feet.

**Section 4. 10 Rear Houses.** Any one or two-family dwelling that does not have frontage upon a public street shall provide a permanent easement for access over an unoccupied strip of land at least sixty (60) feet in width. Such strip of land shall not be used in computing required lot width, yards, or lot area. Such easement shall be executed according to the requirements provided by law for deeds and shall be filed with the Geauga County Recorder.

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

No zoning certificate shall be issued until a site plan, drawn to scale, is submitted and approved by

the Commission. Such plan shall show complete compliance with the provisions of this Resolution.

**Section 4. 11 Corner Sight Clearance.** On every corner lot within the triangle formed by the street lines on such lot and a line drawn between two (2) points, each twenty (20) feet from the point of intersection of such street lines, there shall be no fence or wall higher than three (3) feet, nor any other obstruction to vision between a height of three (3) feet and a height of ten (10) feet above the established grade of either street.

**Section 4. 110. R-2 Multi-Family District.** Subject to the provisions of Section 3, the following regulations shall apply in an R-2 District:



**Section 4.111. Permitted Uses.** Only the following uses shall be permitted in an R-2 District provided such uses do not 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. Uses permitted and as regulated in R Districts.
- b. Multi-Family dwellings including apartments, garden apartments and townhouses.
- c. The following uses, as regulated in Section 4.117: Hospitals, sanitariums, nursing, convalescent homes, rest homes for other than the mentally ill, as regulated in Section 4.9, institutions for the aged and for children that are not penal or correctional institutions and day nurseries.
- d. Accessory uses.
- e. Signs, as regulated in Section 4.113.
- f. Off-street parking and loading, as regulated in Sections 4.114 and 4.115.

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

**Section 4.113. Sign Regulations.** Except as otherwise specifically provided, the following signs are permitted in an R-2 District, but only in accordance with regulations set forth in this Section.

- a. Type and Size.
  1. Residential Buildings. One permanent sign on which may be displayed the name and address of a multi-family dwelling building. The area of such sign shall not exceed nine (9) square feet. One permanent sign on which may be displayed the name and address of the occupant of a single or two-family dwelling, and the practice of a profession or home occupation therein. The area of such a sign shall not exceed three (3) square feet.
  2. Roadside Stands. One permanent sign on which may be displayed the name and address of the proprietor and goods sold on the premises. The area of such sign shall not exceed eighteen (18) square feet.
  3. Building Construction. One sign denoting the Architect, Engineer, and/or

Contractor is permitted, but only during the period of construction. The area of such sign shall not exceed eighteen (18) square feet.

4. Temporary Signs.

- a. "For Sale" or "For Rent". One sign not exceeding twelve (12) square feet in area is permitted.
- b. Model Homes, Real Estate Developments or Subdivisions. One sign on which may be displayed the name of the developer, or sales agency, or sales agency, or subdivision, is permitted. Such sign shall be limited to twenty-five (25) square feet in area, and shall be placed only on the premises being sold or developed. One such sign is permitted for each seven hundred and fifty (750) feet of street frontage. Such sign(s) shall be removed or zoning permit renewed not later than one year after the date the permit is issued and shall be removed by the Owner or his agent within thirty (30) days after the last lot or building is first rented or sold.

5. Legal-Nonconforming Use. For all other uses permitted, and for a legal non-conforming use, a sign limited to displaying the name and address of an occupant thereof, or proprietor and goods or services sold on the premises is permitted. The area of such sign shall be limited to eighteen (18) square feet, if attached to a building or limited to an area not exceeding six (6) square feet, if free standing.

b. Location.

1. Shall be located at least ten (10) feet from any lot line and street right-of-way lines except for signs permitted by paragraph a. 1. of this Section.
  2. A free standing sign shall not extend more than twenty (20) feet above the average finished grade level.
- c. Illumination. All signs in an R-2 District may be lighted by continuous illumination only, and shall be so designed, arranged or

used that the light source is not visible from outside the premises, and so that no glare is projected on to adjacent properties or streets.

- d. Flashing, intermittent illumination, revolving, oscillating, or otherwise moving signs or animated representation of a sign shall not be permitted.
- e. A single flat sign designed to be read from two opposite directions, shall be considered as one sign when computing the area of such sign.
- f. Strings of banners or pennants shall be permitted for ten days only during the opening of a new subdivision, but shall not be used for special sales promotion.
- g. Nothing in these signs regulations shall be deemed to authorize the erection of a sign which by reason of its size, location, design, color, illumination or construction shall constitute a traffic hazard to motorists or pedestrians, although such sign might otherwise conform to these regulations. Refer also to Sections 2.11, 2.3 and 2.50.

**Section 4. 114. Off-Street Parking.** Off-street parking space shall be provided in accordance with the regulations set forth in Section 6, Sections 6.4 through 6. 11, for each of the uses permitted in an R-2 District.

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

**Section 4. 115. Off-Street Loading.** Off-street loading space shall be provided in accordance with the regulations set forth in Section 6, Sections 6. 1 through 6. 3, for each of the uses permitted in an R-2 District.

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

**Section 4. 116. Area, Yard and Height Regulations.** The regulations set forth in the table in Section 4. 117 shall apply as indicated to all uses permitted in an R-2 District unless otherwise specifically provided.

**Section 4.117. Dimensional Requirements in an R-2 District (Table)**

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



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

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

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

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

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

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

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

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

- a. Uses permitted and as regulated by Sections 4.1 through 4.11 and Sections 4.111 through 4.120.
- b. The following retail establishments, provided that all products for sale or rent, or manufactured on the premises shall be sold or rented on the premises directly to the consumer:

Antique shops.  
Artists' supply stores.  
Automobile supply stores, with no installation or repair.  
Bakeries.  
Book, newspaper and record shops.  
Clothing and apparel stores.  
Drapery and fabric stores.  
Drugstores.  
Florist shops.  
Food and beverage stores, such as supermarkets, grocery stores, meat markets and delicatessens.  
Furniture, household goods and appliance stores.  
Gift and stationery stores.  
Hardware and paint stores.  
Luggage and leather goods stores.  
Lunchrooms, bars, taverns, restaurants and cafeterias.  
Music and musical instrument stores.  
Office supply stores.  
Photographic supply stores.  
Plumbing and heating supplies, sales only.  
Seed or garden supply stores.  
Sporting goods stores.  
Tobacco stores.  
Toy stores.

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

Animal Hospitals and Kennels, provided that  
(1) all buildings are of approved masonry construction and so ventilated that all noise and

odor are confined within the building: (2) there are no outside pens, exercise runways or storage of materials; three-fourth (3/4) acres are provided as a minimum lot area; and (3) no building shall be less than twenty-five (25) feet from any lot line.

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

Automobile laundries, subject to the provisions of Section 7.9, paragraph d.

Automobile sales and service, repair and service garages only if accessory and immediately adjacent to buildings used for the sale of new automobiles, or subject to the provisions of section 7.9, paragraph d.

Banks and other lending institutions.

Barber shops.

Beauty parlors.

Boarding, rooming and tourist homes.

Bowling alleys.

Caterers.

Commercial parking garages and parking lots.

Commercial schools, such as dancing, business, trade or vocational.

Clinics.

Dry cleaning and clothes pressing, provided that (1) such establishments do not service other retail outlets, and (2) no inflammable, toxic or odorous cleaning agents are used.

Frozen food lockers.

Funeral homes.

Gasoline filling stations, provided that (1) all gasoline storage tanks are completely underground, (2) all pump islands, pumps and other structures except signs, are located at least twenty (20) feet from all street right-of-way lines, and (3) lubrication, washing, and other incidental servicing of motor vehicles and all supply storage is completely within an enclosed building, subject to the provisions of Section 7.9, paragraph d.

Greenhouses.

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

Household appliances, service and repair.

Indoor theatres.

Interior decorators.

Jewelry, clock and watch repair shops.

Laundry and dry cleaning pick-up stores.

Lending libraries.

Locksmiths.

Lodges, club rooms and meeting rooms.

Medical and orthopedic appliance stores.

Offices - professional, business and philanthropic.

Photographic studios.

Picture framing shops.

Portable equipment, repair and service.

Self-service laundries.

Shoe and hat repair.

Signs, as permitted and regulated in Section 4.22.

Skating rinks.

Tailor and furrier.

Travel bureaus.

Used car lots, provided that (1) all lighting fixtures and devices shall be so designed and constructed to prevent the emission of light upon adjoining lots or streets. When provided, illumination shall be provided from a concealed light source only. Flashing lights shall be prohibited; (2) the premises used for the parking and storage of automobiles, including driveways, shall be properly graded for drainage so that all water is drained within the premises, and no water shall be permitted to flow on to adjoining streets or other property. Such premises shall be surfaced with concrete, asphaltic concrete, asphalt, or similar all-weather surface, and maintained in good condition and free of debris and trash; (3) the driveway used to provide accessibility to the premises shall be so located and arranged to minimize traffic congestion. Therefore:

(a) Not more than two (2) such driveways shall be permitted.

(b) The center line of each such driveway shall be at least fifty (50) feet from the right-of-way line of any intersecting street where the driveways and intersecting street are on the same side of a street.

(c) The maximum width of each such driveway shall be thirty (30) feet measured



at right angles to the angle of the driveway entrance. Each such driveway shall have an apron of six (6) feet radius at the curb, to provide a means for motor vehicles to enter and leave the parking facilities without obstructing traffic; and

(4) structurally sound wheel or bumper guards shall be provided and so located that no part of a parked or stored automobile shall extend into a required yard area.

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

I. R District Signs. Signs permitted and as regulated by Section 4.5 or Section 4.113.

II. In lieu of Signs permitted by Sections 4.5 or 4.113, the following signs shall be permitted:

a. Type and size.

1. One (1) permanent Business Sign attached to the front wall of a building, not extending above the coping or cornice, whichever is higher, and limited to advertising the name of the proprietor, goods sold, or services rendered on the premises. The area of such sign for any single business enterprise shall be limited according to the width of the building or part of the building occupied by such enterprise. For the purposes of this Section "Width" shall be measured along the building face nearest parallel to the street line. In the case of a corner lot, either frontage may be used in determining "Width", but the frontage selected shall be considered the front wall of the building for the purposes of this Section.

The maximum area of such a sign shall be one and one-half square foot of sign area for each lineal foot of width of a building or part of a building but not over 125 sq. feet of sign area in all. The above maximum sign area may be increased by 40% for a business enterprise in a building or portion of building separated by at least 100 feet from the next adjoining building (but only so long as such condition continues) or for a corner business enterprise having two or more frontages on public streets. Such additional 40% of sign area shall be used only upon the additional street or open space frontage.

2. In addition to the sign permitted in Section 1, above, one free-standing accessory Business Sign not exceeding 25 square feet in area. For a corner lot, one free-standing sign on each street frontage is permitted. The total area of such free-standing signs, if used, shall be deducted from the maximum sign areas permitted in paragraph a.1. The maximum height of the top of such sign shall be 20 feet measured from the finish grade level.

3. One identification sign over the rear doorway of any building or portion of building occupied by any single business enterprise of a maximum size of four square feet for a single door or eight square feet for a double door. The proprietor or any business enterprise may designate any such front entrance thereto his front entrance and the wall containing such front entrance shall then be the front wall of the building, and the opposite entrance shall be considered the rear entrance. Provided that where the rear entrance is designed and used for customer access and opens to at least 30% of a required off-street parking area, one permanent business sign over said rear entrance not exceeding 50% of the allowable sign area for the front wall of the building or part of the front wall of a building occupied by such business enterprise may be used in lieu of such identification sign.

4. For a business enterprise which consists solely of office functions, the foregoing permitted signs shall not apply. Instead there shall be permitted one sign, limited to 2% of the floor area, for a single business enterprise which occupies first or second floor office or offices. Such sign need not be less than two (2) square feet in area, but it shall not exceed fifty (50) square feet in area.

5. Strings of banners or pennants shall be permitted for ten days only, during the opening of a new business, new subdivision, or new model home, but such strings of banners or pennants shall not be used for special sales promotions, except as noted above.

6. Flashing, intermittent illumination, revolving, oscillating, or otherwise moving signs, or animated representation on a sign, shall not be permitted.

7. One side of a single flat sign designed to be read from two opposite directions shall be considered as one sign in computing the area of such sign.

8. For any sign consisting of silhouette letters or other irregular shapes, the area of the sign shall be taken as the area of the circumscribing rectangle, triangle, or circle.

b. Location. Except as otherwise specifically provided in Section 4.5 and 4.113 (R District Signs) all signs permitted in a C District shall:

1. Be located at least ten (10) feet from any lot line and street right-of-way lines if a business sign. A permitted Advertising Sign shall be located behind the building line (front yard), and at least one hundred fifty (150) feet from the intersection of two (2) or more streets measured from the right-of-way.

2. Not project more than three (3) feet in any direction if attached to a permitted building or structure.

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

c. Illumination. All signs permitted in a C District may be lighted by continuous illumination only, and shall be so designed, arranged, or used that the light source is not visible from outside the premises, and so that no glare is projected onto adjoining properties or streets.

d. The then existing business signs relating to any business which is discontinued for any reason shall be removed by the building Owner or his agent, within a period not exceeding thirty (30) days after a building or property, or portion thereof, has been vacated.

e. Nothing in these sign regulations shall be deemed to authorize the erection of a sign which by reason of its size, location, design, color, illumination, or construction shall constitute a traffic hazard to motorists or pedestrians, although such sign might otherwise conform to these regulations. Refer also to Sections 2.11, 2.3, and 2.50.

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

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

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

Section 4.26. Dimensional Requirements in a C District (Table)

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



**Section 4.27. Yards Adjoining an R or R-2 District.** Where the boundary line of a C District adjoins the boundary line of an R District, the side or rear yard, as the case may be, shall be fifty (50) feet. A solid wall or uniformly painted fence of fire resistant material, or a strip of land at least four (4) feet wide and densely planted with shrubs or trees which may be expected to form a year-round dense screen, shall be erected or planted and maintained along such boundary line. Such wall or fence shall be at least five (5) feet, but not more than six (6) feet, in height except as provided in Section 4.30 (Corner Sight Clearance.)

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

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

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

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

**Section 4.29. Rear Houses.** Any one - or two-family dwelling that does not have frontage upon a public street shall provide a permanent easement for access over an unoccupied strip of land at least sixty (60) feet in width. Such strip of land shall not

be used in computing required lot width, yards or lot area. Such easement shall be executed according to the requirements provided by law for deeds and shall be filed with the Geauga County Recorder.

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

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

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

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

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

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

- a. A site plan indicating the location, size, and height of all buildings and structures.
- b. Architectural plans for all proposed buildings and structures.



c. Landscaping plans for the premises upon which the buildings and structures are to be located. These plans shall indicate the planting treatment proposed at the boundary of the Shopping Center District and the planting treatment between the parking lanes. This plan shall also show the design features and layout of the land to be used for off-street parking, the type of pavement to be used, the type of lighting fixtures proposed, and a grading and drainage plan for the shopping center.

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

**Section 4. 43. Standards.** In making its determinations, the Commission shall require conformance with the requirements of this Resolution. The Commission shall be satisfied that the proposed development plans will provide maximum safety to the users of the shopping center as well as those using the adjoining streets, and further, that any adjoining residentially developed land will be adequately protected from the nuisances inherent in a shopping center.

In its review of the required plans set forth in Section 4. 42, the Commission shall examine the architectural design, the exterior surface treatment, the arrangement and location of the buildings and structures on the site in question as well as their relationship to other buildings and structures within and in the adjoining Districts, and all other factors that affect the functions and appearance of the District. The landscaping to be provided should blend with landscaping within the District.

The Commission shall endeavor to assure that the site plan, the architectural plan, and the landscaping plan will (1) enhance the attractiveness and desirability of the District in keeping with its purpose and intent, (2) encourage the orderly and harmonious development of the District, (3) improve residential amenities in any adjoining residential neighborhood, and (4) enhance and protect the public and private investment and the value of all land and improvements within the adjoining district.

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

**Section 4. 44. Permitted Uses.** Only the following uses shall be permitted in an S. C. District provided

such uses do not emit or create any danger to health and safety in the surrounding area, and do not create any offensive noise, vibration, smoke, dust, heat, glare, flame, air pollutants or other objectionable influences:

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

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

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

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



Household appliance, service and repair shops.  
 Commercial schools, dancing, business, trade or vocational.  
 Lending libraries.  
 Photographic studios.  
 Lodges, clubrooms and meeting halls.  
 Offices, professional, business and philanthropic.  
 Travel bureaus.  
 Bowling alleys.  
 Commercial parking garages and parking lots.  
 Clinics.  
 Indoor theaters.  
 Locksmiths.  
 Medical and orthopedic appliance stores.  
 Picture framing shops.

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

1. Type and size.

One (1) illuminated, non-flashing and non-animated sign, on which sign is displayed the name of the shopping center, may be located within a required yard or setback area consistent with a conditional zoning permit obtained by application on appeal to the Board of Zoning Appeals. Such sign shall have an area not to exceed two hundred (200) square feet. The maximum height of the top of such sign shall be thirty-five (35) feet measured from the finish grade level. However, no such sign shall be located within twenty-five (25) feet of a lot line or street right-of-way line.

2. For a corner lot or where the shopping center is accessible from more than one street, one additional sign on which is displayed the name of the shopping center, may be located as above. The area of such additional sign shall not exceed forty (40) square feet.

3. All other signs in an S C District shall conform to the applicable regulations set forth in Section 4. 22. Refer to Sections 2.11, 2.3 and 2. 50.

**Section 4. 45. Off-Street Parking.** All off-street parking spaces shall be provided on the premises and within four hundred (400) feet of the main buildings as follows:

Indoor Theaters - One (1) space for each two (2) seats.  
 Bowling Alleys - Five (5) spaces for each alley plus one (1) space for each two (2) employees.  
 Restaurants - One (1) space for each two (2) seats of seating capacity.  
 Medical and Dental Offices - Five (5) spaces for each physician or dentist plus one (1) space for each two (2) other employees.  
 All other Retail Sales & Service Establishments - Six (6) spaces for each one thousand (1,000) square feet of gross floor area.

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

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

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

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

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

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

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

- a. No motor vehicle or conveyance shall in any manner use public streets, sidewalks, or rights-of-way for loading or unloading operations except as a means for ingress or egress to the lot. Wherever possible, the loading space and vehicular access thereto shall be provided at the rear of the building or structure providing such space.
- b. The area of the lot required to be used for loading or unloading operations shall be surfaced with a concrete, asphaltic concrete, asphalt, or similar all-weather surface and graded for proper drainage.
- c. The area of the lot required to be used for off-street loading docks shall not be used to compute the amount of area required for off-street parking space.

**Section 4. 47. Area, Yard and Height Regulations.** The following area, yard and height regulations shall apply in an S. C. District:

- a. **Minimum Lot Area.** Every shopping center development shall have a minimum lot area of five (5) acres.
- b. **Minimum Lot Width.** Every shopping center development shall have a minimum lot width on its major street frontage of five hundred (500) feet.

- c. **Minimum Front Yard.** Every building, structure, and use of land on Mayfield Road (Route 322) shall have a minimum front yard of one hundred and forty-five (145) feet measured from the center line. The minimum front yard on any other street shall be seventy (70) feet from the right-of-way line, or one hundred (100) feet from the center line, whichever is greater. However, off-street parking spaces may be located within the front yard in accordance with the provisions of Section 4. 45.

- d. **Minimum Side Yards.** Interior side yards shall not be required except as may be necessary for driveways and access. Where a side lot line adjoins an R District 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, off-street parking spaces may be located within the side yard in accordance with the provisions of Section 4. 45.

- e. **Minimum Rear Yard.** Every building, structure, and use of land shall have a minimum rear yard of fifty (50) feet. Where a rear lot line adjoins an R District there shall be a rear yard of at least one hundred (100) feet. Where a rear yard adjoins a street, there shall be a minimum rear yard of fifty (50) feet. However, off-street parking spaces and off-street loading docks may be located within the rear yard in accordance with the provisions of Sections 4. 45 and 4. 46.
- f. **Maximum Height of Building.** The height of any building or structure shall not exceed thirty-five (35) feet.

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

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



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

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

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

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

**Section 4.51. Permitted Uses.** Only the following uses shall be permitted in an I District provided that such uses do not emit or create any danger to health and safety in the surrounding area, and do not create any offensive noise, vibration, smoke, dust, heat, glare, flame, air pollutants or other objectionable influences as defined in Section 4.60:

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

b. Light manufacturing and assembling of the following:

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

c. The following services:

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

d. The assembly and processing of the following:

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

e. The following additional uses:

Maintenance, storage and warehousing within wholly enclosed buildings  
Signs as regulated in Section 4.52  
Off-street parking and loading facilities as regulated in Section 4.53 and 4.54

Section 4.52. Sign Regulations. Except as otherwise specifically provided, the following signs are permitted in an I District, but only in accordance with the regulations set forth in this Section.

a. R or R-2 District signs permitted and as regulated by Section 4.

b. In lieu of signs permitted by Section 4., the following signs shall be permitted:

1. One (1) permanent business sign attached to the front wall of a building, not extending above the coping or cornice, whichever is higher, and limited to displaying the name of the proprietor, goods sold, or manufacturer, or services rendered on the premises. The area of such sign for any single industrial enterprise shall be limited according to the width of the building or part of the building occupied by such enterprise. For the purpose of this Section, "Width" shall be measured along the building face nearest parallel to the street line. In the case of a corner lot, either frontage may be used in determining "Width", but the frontage selected shall be considered the front wall of the building for the purposes of this Section. The maximum area of such a sign shall be one and one-half square foot of sign area for each lineal foot of width of a building or part of a building but not over one hundred twenty-five (125) square feet of sign area in all. The above maximum sign area may be increased by forty (40) per cent for a business enterprise in a building or portion of building separated by at least one hundred (100) feet from the next adjoining building (but only so long as such condition shall continue), or for a corner business enterprise having two or more frontages on public streets. Such additional sign area shall be used only upon the addition street or open space frontage.

2. One (1) free-standing accessory Business Sign not exceeding twenty-five (25) square feet in area. For a corner lot, one free-standing sign on each street frontage is permitted. The total area of such free-standing signs, if used, shall be deducted from the maximum sign areas permitted in paragraph b.1. of this Section. The maximum height of the top of the sign shall be twenty (20) feet measured from the finish grade level.

3. One (1) identification sign over the rear doorway of any building or portion of building occupied by any single business enterprise of a maximum size of four (4) square feet for a single door or eight (8) square feet for a double door. The proprietor of any business enterprise may designate any entrance thereto his front entrance and the wall containing such front entrance shall then be considered the front wall of the building and the opposite entrance shall be considered the rear entrance.

4. Strings of banners or pennants shall be permitted for ten days only, during the opening of a new business, new subdivision, or new model home, but such strings of banners or pennants shall not be used for special sales promotions, except as noted above.

5. Flashing, intermittent illumination, revolving, oscillating, or otherwise moving signs, or animated representation on a sign, shall not be permitted.

6. One (1) side of a single flat sign designed to be read from two opposite directions, shall be considered as one sign in computing the area of such signs.

7. For any sign consisting of silhouette letters or other irregular shapes, the area of the sign shall be taken as the area of the circumscribing rectangle, triangle, or circle.

c. Location. Except as otherwise specifically provided in Section 4, all signs permitted in an I District shall:

1. Be located at least ten (10) feet from any lot line and street right-of-way lines if a Business Sign. A permitted Advertising Sign shall be located behind the building line (front yard), and at least one hundred fifty (150) feet from the intersection of two (2) or more streets measured from the right-of-way lines;

2. Not project more than three (3) feet in any direction if attached to a permitted building or structure.

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



- d. Illumination. All signs permitted in an I District may be lighted by continuous illumination only, and shall be so designed, arranged, or used that the light source is not visible from outside the premises, and so that no glare is projected onto adjoining properties or streets.
- e. The then existing business signs relating to a business which is discontinued for any reason shall be removed by the building owner or his agent within a period not exceeding thirty (30) days after a building or property or portion thereof has been vacated.
- f. Nothing in these sign regulations shall be deemed to authorize the erection of a sign which by reason of its size, location, design, color, illumination, or construction shall constitute a traffic hazard to motorists or pedestrians, although such sign might otherwise conform to these regulations.

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

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

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

**Section 4.56. Area, Yard and Height Requirements  
in an I Restricted Industrial District (Table)**

Requirement	C District Uses	All Other I District Uses
<b>LOT AREA:</b>		
Minimum Lot Area	See Section 4.26	3 acres
Minimum Lot Width	"	300 feet
<b>LOT COVERAGE:</b>		
Maximum Lot Coverage	See Section 4.26	25%
Minimum Landscaped Area	"	25%
<b>BUILDING:</b>		
Minimum Building Size	See Section 4.26	2500 square feet of usable ground floor area
Maximum Building Height	"	35 feet
<b>FRONT YARDS:</b>		
Lots on Mayfield or Chillicothe Roads	See Section 4.26	150 feet from center line
Lots on all other roads	"	70 feet from right-of-way or 100 feet from center line, whichever is greater
<b>SIDE AND REAR YARDS:</b>		
Lots Adjoining R or R-2 Districts	See Section 4.27	See Section 4.58
Lots Adjoining or Within C or I Districts	See Section 4.26	50 feet

**Section 4.57. General Area Regulations.** Subject to the provisions of Section 2 and 4.56, the following regulations shall apply in an I District.

- a. The lot area shall be the area of any lot, or lots, comprising a development, excluding the right-of-way of an existing, or planned and duly approved future street, or planned street widening, and it shall be construed to encourage larger parcels for each development so as to provide space for expansion of main and accessory uses. If an industrial development of not less than twenty-five (25) acres is planned and submitted for approval as provided in Section 4.61, the lot areas set forth in Section 4.56 may be construed as average lot areas and up to twenty (20) per cent of the lots may be less than the minimum lot area set forth, provided all other regulations are complied with.
- b. The lot width shall be the minimum distance any lot abuts a street line or the average width of any lot, whichever is less, and it shall be construed to encourage wider lots for each development.
- c. The lot coverage shall be the total ground floor area of all proposed and future buildings that cover any lot, and it shall be construed to encourage lower coverage initially so that the establishment may expand.
- d. The landscaped areas shall be that part of any lot which is not covered by buildings, parking areas, driveways or similar permitted outdoor use, and it shall be construed that it may be necessary to further increase the landscaped areas in providing the yards required under Sections 4.56, 4.58, or 4.59. The landscaped areas shall be developed and maintained as lawns along with trees and shrubs, or maintained in an orderly natural state.

**Section 4.58. Yards Adjoining an R or R-2 District.** Where the boundary line of an I District adjoins the boundary line of an R or R-2 District, the side or rear yard, as the case may be, shall be two hundred-fifty (250) feet. No parking or paved area, roadway, lighting or other similar development shall be less than thirty (30) feet from any adjoining boundary of an R or R-2 District, and no loading ramp shall be less than 100 feet from said boundary. A solid wall not exceeding six (6) feet in height or a strip of land at least ten (10) feet wide and densely planted with shrubs or trees which may be expected to form a year-round dense screen, shall be erected or planted and maintained along such boundary line. Such wall or planting shall be at least five (5) feet

in height, except as provided in Section 4.59. All required screening shall be maintained in good condition at all times.

**Section 4.59. Corner Sight Clearance.** On every corner lot within the triangle formed by the street lines on such lot and a line drawn between two (2) points, each twenty (20) feet from the point of intersection of such street lines, there shall be no wall, planting or fence higher than three (3) feet, nor any other obstruction to vision between a height of three (3) feet and a height of ten (10) feet above the established grade of either street.

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

- a. Enclosure. All permitted main and accessory uses and operations shall be performed wholly within an enclosed building or buildings. All raw materials, finished products, mobile and other equipment shall be stored within buildings, with the exception that outdoor overnight parking of cargo carriers in the process of loading or unloading shall be permitted.
- b. Fire and Explosive Hazards. The storage, handling and use of flammable or explosive materials shall be permitted only in structures having incombustible exterior walls, and all operations in connection therewith shall be provided with adequate safety and protective devices against hazards of fire and explosion as well as with adequate fire-fighting and suppression equipment and devices standard to the operation involved. The latest edition of the American Insurance Association "Fire Prevention Code" is hereby established as a guide in determining the adequacy of safety and protective devices.
- c. Waste Materials. No discharge shall be permitted at any point, into any private sewage disposal system, or stream, or into the ground, of any materials in such a way or of such nature or temperature as can contaminate any water supply, or otherwise cause the emission of dangerous or objectionable elements, except in accord with standards approved by



the Ohio State Department of Health, Geauga County Board of Health, Water Pollution Control Board, or, in the event that these agencies have no jurisdiction over the particular use involved, then standards equivalent to those approved by such agencies for similar uses shall apply. Solid wastes shall be stored in structures pending disposal and no accumulation of solid wastes conducive to the breeding of rodents or insects shall be permitted.

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

- d. Smoke. No emission shall be permitted at any point, from any chimney or otherwise, of visible grey smoke of a shade darker than No. 1 on the Ringelmann Smoke Chart as published by the U.S. Bureau of Mines (Power's Micro-Ringelmann Chart, McGraw-Hill Publishing Company, 1954, may be used), except that visible grey smoke of a shade not darker than No. 2 on said Chart may be emitted for not more than four (4) minutes in any thirty (30) minutes. These provisions, applicable to visible grey smoke, shall also apply to visible smoke of a different color but with an equivalent apparent opacity.
  - e. Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. No emission shall be permitted which can cause any damage to health, to animals or vegetation, or other forms of property, or which can cause any excessive soiling at any point, and in no event any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas or air at any point. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of five hundred (500) degrees Fahrenheit and fifty (50) per cent excess air.
  - f. Noise. The sound pressure level of any operation on a lot, other than the operation of auto-calls, bells, motor vehicles, sirens or whistles, shall not exceed the average intensity of street traffic noise at the nearest residential lot line, and no sound shall be objectionable due to intermittance, beat frequency, or shrillness.
  - g. Vibration. No vibration shall be permitted which is discernible to the human sense of feeling for three (3) minutes or more duration in any one (1) hour of the day between the hours of 7 AM and 7 PM. or of thirty (30) seconds or more duration in any one hour between the hours of 7 PM and 7 AM. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, U.S. Bureau of Mines Bulletin No. 442, "Seismic Effects of Quarry Blasting", on any structure. The methods and equations of said Bulletin No. 442 shall be used to compute all values for the enforcement of this standard.
  - h. Heat, Cold, Movement of Air or Dampness. No activities shall be permitted which shall produce any material effect on the temperature, motion, or humidity of the atmosphere at the lot line or beyond.
  - i. Radioactive or Electrical Disturbance. No activities which emit dangerous radioactivity shall be permitted at any point. Radioactive or electrical disturbances shall not be created which would adversely affect any equipment at or beyond the boundaries of the lot occupied by the use.
  - j. Odors. No emission of odorous gases or other odorous matter in such quantities as to be offensive at or beyond the boundaries of the lot occupied by the use shall be permitted. Any process which may involve the creation of emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors Table 111 (Odor Thresholds) in Chapter 5, "Air Pollution Abatement Manual", copyright 1951 by Manufacturing Chemists' Association, Washington, D.C.
  - k. Glare. No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, so as to create a public nuisance at or beyond the boundaries of the lot occupied by the use shall be permitted. All sources of illumination of the exterior of buildings or grounds shall be shielded so as not to cause glare which would be hazardous to auto drivers or would be objectionable to users of adjacent property.
- Section 4.61. Development Plans. A preliminary and final Development Plan shall be prepared by

the developer, or his agent, for all land development proposed in an I District and submitted to the Commission for review and approval in accordance with the following regulations.

a. Plans for a development shall be drawn at a scale no smaller than one hundred (100) feet to the inch and shall include:

1. **Survey:** property and topography, showing land owned and proposed for development, surrounding streets and the adjoining lots.
2. **Buildings:** locations, size, height and use of all proposed main and accessory buildings; the general design, materials and color; and the nearest buildings on adjoining lots.
3. **Traffic:** proposed system of on-site vehicular circulation, details for accessways to streets, methods for control of traffic and type of pavement.
4. **Parking Areas:** layout and estimate of number of spaces, landscaping and other design features and type of pavement.
5. **Utilities:** location, size and grade for all utility installations and connections to present or proposed facilities.
6. **Other Site Developments:** including grading and drainage, design of landscaped yards, planting areas and buffers adjoining residential areas; and the size, location and type of all outdoor signs and exterior lighting.

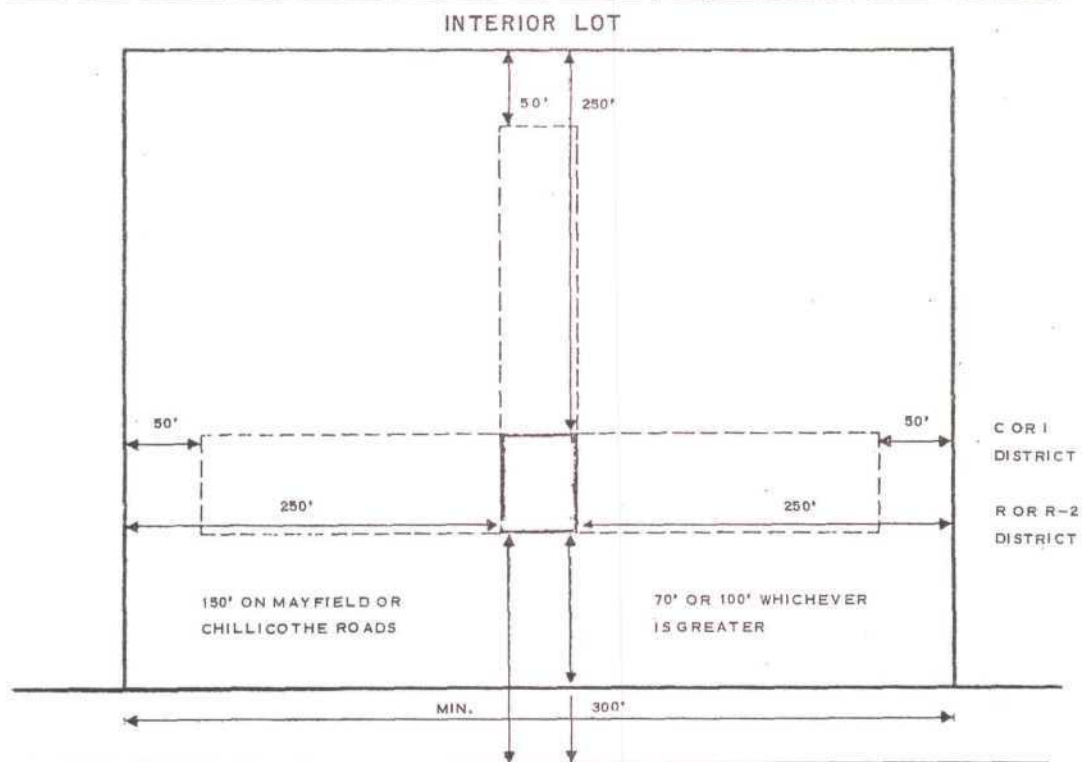
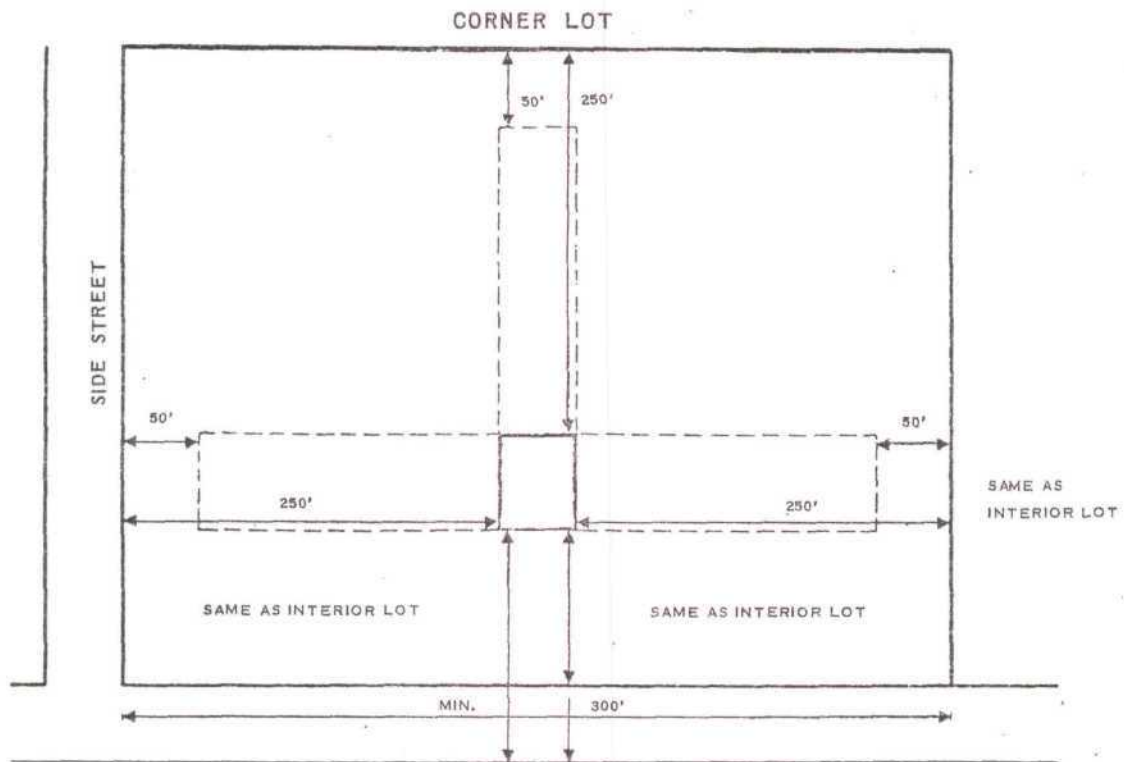
b. **Approval of Plans.** The preliminary Development Plan shall be submitted to the Commission for study and review to determine whether the plan conforms with the provisions of the regulations set forth in this Section, or how it may be revised to conform therewith.

1. If the preliminary Development Plan, together with any modifications thereof proposed by the developer, or his agent, is found by the Commission to be in accord with the requirements of this Section, it shall approve such preliminary Development Plan within two (2) months from the date of the meeting when all required plans and data were received; if not found to be in agreement therewith, the Commission shall recommend revisions to be made by the developer, or his agent.

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

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





LANDSCAPED AREA, NO PARKING PERMITTED

ILLUSTRATION OF I-DISTRICT YARD REQUIREMENTS

## SECTION 5 NON-CONFORMING USES

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

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

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

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

- a. If a building or structure occupied by a non-conforming use is damaged or destroyed by any cause, and the cost of repair or replacement exceeds fifty (50%) percent of the replacement cost of the building or structure on the date of such damage or destruction, the right to maintain and operate such non-conforming use shall terminate immediately.
- b. If a non-conforming building or structure is damaged or destroyed by any cause, and the cost of repair or replacement exceeds seventy-five (75%) percent of the replacement cost of the non-conforming building or structure, the right to maintain such building or structure shall terminate immediately.

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

- d. In determining the cost of repair or replacement of any building or structure, the zoning inspector shall not consider the cost of the land or any items other than the building or structure itself.

- e. The repair of such obsolete or substandard building or structure shall be completed within one (1) year of the date of the actual damage and destruction, or of the date such building or structure is lawfully determined to be obsolete or substandard.

**Section 5.4. Extension.** The Board of Zoning Appeals may permit, after public hearing, the extension of the floor area or the land area of a non-conforming use or of a non-conforming building but not of any other non-conforming structure, to the amount not to exceed 10% of the floor area or land area presently in non-conforming use. Only one such extension shall be granted.

Before granting such permission the Board shall find that (a) such extended non-conforming use will not be more harmful or objectionable to the surrounding area, nor impair the orderly development of the Township and (b) the extension conforms to the area, yard and height regulations of the district in which it is located, and (c) the applicable off-street parking and the off-street loading requirements are complied with for the entire use and not only the extended portion.

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



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

- a. When required by law.
- b. Pursuant to the provisions of Section 5.4.
- c. To convert to a conforming use.
- d. A building or other structure containing residential non-conforming uses may be so altered as to improve interior livability.

However, no structural alterations shall be made in excess of the area, height or yard regulations of the district in which such building is located.

**Section 5.6. Completion of a Non-Conforming Building or Structure.** When at the time of the passage of this Resolution, construction has begun on a non-conforming building or structure, such building or structure may be completed and used as contemplated at the time construction commenced, provided such construction is completed within one (1) year after the effective date of this Resolution.

## SECTION 6 OFF-STREET LOADING AND OFF-STREET PARKING

**Section 6. Off-Street Loading and Off-Street Parking Space Requirements.** Off-street loading and off-street parking spaces shall be provided in accordance with the following provisions except as otherwise provided in this Resolution:

**Section 6.1. Off-Street Loading for Non-Residential Buildings.** For any non-residential building or structure hereafter erected with a ground floor area of more than five thousand (5,000) square feet, off-street loading space shall be provided in such amount and manner that all loading and unloading operations will be conducted entirely within the lot lines of the lot concerned. This Section shall not apply to agricultural buildings or structures.

**Section 6.2. Use of Streets for Loading Prohibited.** No motor vehicle or conveyance shall in any

manner use public streets, sidewalks or rights-of-way, for loading or unloading operations, other than for ingress or egress to or from the lot.

**Section 6.3. Surfacing.** The area of the lot used for loading or unloading operations shall be surfaced with an impervious all-weather material, such as concrete, asphaltic concrete, asphalt or other similar hard-surfaced all-weather material.

**Section 6.4. Off-Street Parking Space Requirements.** Each use listed in the left hand column of this Section shall provide off-street parking spaces in an amount listed in the corresponding right-hand column.

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

### Uses

#### a. Residential Uses and Residential-Business Uses:

1. Dwellings
2. Dormitories, Fraternity and Sorority Houses
3. Hotels

### Required Spaces

Two (2) for each dwelling unit.

One (1) for each four (4) beds, plus one (1) for the owner, operator or manager living on the premises, plus one (1) for each other employee expected on premises.

One (1) for each dwelling unit, plus one (1) for each four (4) guest rooms, plus one (1) for each three (3) employees.

Uses	Required Spaces
4. Motels	One (1) for each guest room, plus one (1) for each operator and one (1) for each employee.
5. Tourist Homes	One (1) for each guest room, plus one (1) for each two (2) employees.
6. Home Occupations	Four (4) for each establishment.
b. Schools:	
1. Elementary and Junior High Schools	One (1) for each two (2) staff members and other employees. See also requirements for Auditoriums, Gymnasiums and Stadiums.
2. Senior High Schools	One (1) for each two (2) staff members and other employees, plus one (1) for each twelve (12) seats in a classroom based on planned classroom capacity. See also requirements for Auditoriums, Gymnasiums and Stadiums.
3. Trade, Vocational, Business, Dancing Schools; Colleges and Universities	One (1) for each two (2) employees, plus one (1) for each eight (8) seats in a classroom based on planned classroom capacity. See also requirements for Auditoriums, Gymnasiums, and Stadiums.
c. Institutional Uses:	
1. Hospitals and Sanitariums	One (1) for each bed, plus one (1) for each doctor, plus one (1) for each three (3) other employees.
2. Clinics	One (1) for each one hundred (100) square feet of gross floor area.
3. Institutions for Children and the Aged, Convalescent Homes, Rest Homes, Nursing Homes, Day Nurseries	One (1) for each staff member including doctors and nurses, plus one (1) for each three (3) other employees, plus one (1) for each six (6) beds.
4. Penal and Correctional Institutions	One (1) for each three hundred (300) square feet of gross floor area.
d. Places of Public Assembly:	
1. Arenas, Armories, Assembly Halls, Auditoriums, Concert Halls, Dance Halls, Exhibition Halls, Gymnasiums, and similar indoor amusement or recreation uses and Stadiums	One (1) for each six (6) seats or total parking area equal to three (3) times the gross floor area, whichever is greater.



Uses	Required Spaces
2. Clubs and Lodges, including Fraternity and Sorority Houses without sleeping accommodations.	Total parking area equal to one-half ( $\frac{1}{2}$ ) the gross floor area.
3. Golf Clubs	Eight (8) for each green.
4. Golf Driving Ranges	Two (2) for each driving tee, plus one (1) for each operator, and one (1) for each employee.
5. Archery Ranges	Two (2) for each target, plus one (1) for each operator, and one (1) for each employee.
6. Libraries and Museums	One (1) for each employee, plus one (1) for each two hundred (200) square feet of gross floor area.
7. Places of Worship	One (1) for each six (6) seats.
8. Community Centers	One (1) for each one hundred fifty (150) square feet of gross floor area, plus one (1) for each employee.
e. Retail Sales Uses:	
1. Bars, Taverns, Restaurants, Luncheonettes, Cafeterias, Boarding Houses, and other eating places	One (1) for each employee, plus one (1) for each one hundred (100) square feet of floor area devoted to patron use or one (1) for each four (4) seats based on maximum seating capacity, whichever is greater.
2. Establishments for the sale of Boats, Farm Implements, Furniture, Gymnasium Supplies, Hospital Supplies, Office Supplies, Machinery	For establishments having less than two thousand (2,000) square feet of gross floor area, one (1) for each one thousand (1,000) square feet of gross floor area.  For establishments having two thousand (2,000) square feet of gross floor area or more, one (1) for each seven hundred (700) square feet of gross floor area.
3. Establishments for the sale of China, Floor Coverings, Hardware, Household Equipment, Paint, Small Appliances, Wallpaper, and other retail sales items	For establishments having less than two thousand (2,000) square feet of gross floor area, one (1) for each seven hundred (700) square feet of gross floor area.  For establishments having two thousand (2,000) square feet of gross floor area or more, one (1) for each five hundred (500) square feet of gross floor area.

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



Uses	Required Spaces
7. Indoor Theaters	One (1) for each six (6) seats or total parking area equal to three (3) times the gross floor area, whichever is greater.
8. Other Indoor Amusements Uses	One (1) for each six (6) seats or total parking area equal to three (3) times the gross floor area, whichever is greater.
9. Other Retail Service Uses	One (1) for each three hundred (300) square feet of gross floor area.
g. Public Service Uses:	
1. Police and Fire Stations, Sewage Treatment Plants, Static Transformer Stations, Telephone Exchanges, Water Filtration Plants, Water Reservoirs, and other Public Utilities	Two (2) for each three (3) employees.
2. Township and other Governmental Buildings	One (1) for each three hundred (300) square feet of gross floor area.
h. For All Uses Which Are Permitted in Industrial Districts Only:	
1. Storage or Warehouse Uses	One (1) for each two (2) employees expected to be on the premises during the largest work shift period, or total parking area equivalent to ten (10%) percent of the gross floor area, whichever is greater.
2. Coal, Lumber, Contractors, or other open storage uses	One (1) for each employee plus space equal to fifteen (15%) percent of the gross lot area.
3. Other Permitted Industrial Uses	One (1) for each two (2) employees expected to be on the premises during the largest work shift period, or total parking area equivalent to twenty-five (25%) percent of the gross floor area, whichever is greater.

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

**Section 6.5. Size of Space.** Each off-street parking space shall have an area of not less than two hundred (200) square feet, exclusive of passage-ways, driveways, and other maneuvering area appurtenant thereto and giving access thereto. Each such space shall have direct accessibility to a street or driveway. Where driveways are required to provide accessibility to the parking spaces, they shall have an unobstructed width of at least twenty (20) feet.

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

**Section 6.7. Lighting.** Where lighting is provided for accessory off-street parking spaces, it shall be so designed and constructed to prevent the emission of light upon adjoining lots or streets, and shall be provided from a concealed light source only. Flashing lights shall be prohibited.

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

**Section 6.9. Sale of Fuel and Repairs.** The sale of automotive fuels and accessories and the furnishing of repairs or services of any kind for motor vehicles shall not be permitted.

**Section 6.10. Location and Maintenance.**

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

**Section 6.11. Screening.** Where five (5) or more accessory off-street parking spaces are provided, and are located on a lot that is adjacent to a residence district or that adjoins a building containing dwelling units, such parking spaces shall be screened from all adjoining lots in the residence district or a building containing dwelling units, including such districts and buildings across a street, by an opaque wall, a uniformly painted fence of fire resistant material, or a strip of land at least four (4) feet wide and densely planted with shrubs that form a dense year-round screen. Such wall, fence or shrubs shall be at least four (4) feet in height. However, such wall or fence shall not be more than six (6) feet in height. Any screening device located within twenty-five (25) feet of the intersection of two (2) or more streets or the intersection of an access driveway and a street, shall have a maximum height of three (3) feet and a minimum height of two (2) feet.

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

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

## SECTION 7 ADMINISTRATIVE PROVISIONS

**Section 7. Amendments and Supplements.**

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

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

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

Notice of the public hearing shall be given by the Commission by one (1) publication in one (1) or more newspapers of general circulation in the

Township at least fifteen (15) days before the date of such hearing. Where the proposed amendment reclassifies ten (10) or less parcels of land, the Commission shall also send written notice of such hearing by first-class mail to all property owners within and contiguous and directly across the street from the area proposed to be re-zoned at the addresses listed on the current County tax list or Treasurer's mailing list or other list specified by the County Commissioners at least twenty (20) days before the public hearing. The failure of delivery of such written notice shall not invalidate any amendment or supplement. The published and mailed notice shall state the time and place of the hearing, the nature of the proposed amendment and a statement that the proposal has been referred to the County Planning Commission and will be referred to the Trustees for further determination after the conclusion of the Commission's public hearing.



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

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

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

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

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

**Section 7.1. Enforcement.** This Resolution shall be enforced as specified in Sections 7.2 through 7.7.

**Section 7.2. Zoning Inspector.** The position of zoning inspector is hereby created. The zoning inspector and his assistants shall be appointed by the Trustees who shall fix their tenure of office and compensation. The zoning inspector shall be bonded in accordance with the provisions of Section 519.161 of the Ohio Revised Code.

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

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

**Section 7.3. Zoning Certificate.** A zoning certificate shall be required before:

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

A zoning certificate shall not be required for:

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

**Section 7.4. Application for Zoning Certificates.** Written applications for zoning certificates as set forth above shall be made to the zoning inspector and shall include information and dimensions with respect to:

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

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

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

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

**Section 7.5. Fees for Zoning Certificates.** The following fees shall accompany each application for a zoning certificate:

- a. For the construction of each new dwelling unit with
  - 1,150 square feet of floor area or less, \$10.00
  - 1,151 to 1,300 square feet of floor area, \$12.00;
  - 1,301 to 1,450 square feet of floor area, \$15.00;
  - 1,451 square feet of floor area or more, \$18.00.
- b. \$5.00 for the alteration or addition to each dwelling unit where the cost of such alteration or addition does not exceed an estimated cost of \$2,500.

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

\$10.00 for garages accessory to a dwelling unit.

- d. For the new construction or the addition or alteration of existing non-residential buildings with
  - 1,500 square feet of floor area or less, \$15.00;
  - 1,500 square feet of floor area or more, \$15.00, plus
  - \$1.00 for each 100 square feet of floor area over 1,500 square feet of floor area.
- e. For the construction of accessory buildings or structures with 120 square feet of floor area or less, \$1.00.
- f. \$10.00 for the establishment of a home occupation and for all other required zoning certificates.
- g. Schedule of fees for signs

Profession or home occupation in an R or

R-2 District . . . . .	\$3.00
Roadside Stands . . . . .	\$10.00
Building Construction Signs . . . . .	\$12.00
"For Sale" or "For Rent" signs by	
Owner . . . . .	no fee
"For Sale" or "For Rent" signs by	
Realtor or others . . . . .	\$25.00
Flat fee, per calendar year	
for Realty signs permit	

Model Homes, Real Estate Developments, or Subdivisions . . . . \$25.00

Signs in "C" District as defined in Section 4.22:

"a.1" and "a.2" . . . . .	\$20.00
"a.3", if identification sign . . . . .	\$3.00
"a.3", if a business sign . . . . .	\$10.00
"a.4", for signs less than 12	
square feet . . . . .	\$6.00
"a.4", for signs over 12 square	
feet . . . . .	\$10.00
"a.5", strings of banners or	
pennants . . . . .	\$5.00

Signs in an S.C. District as defined in Section 4.44:

"d.1" . . . . .	\$25.00
"d.2" . . . . .	\$15.00

All other fees same as signs in a "C" District.



Signs in an I District as defined in Section 4.52:

"a.1" and "a.2"	\$20.00
"a.3"	\$3.00
"a.4"	\$5.00

The provisions of this Section shall not apply to any official agency of Chester Township. Such fees shall be collected by the Zoning Inspector and deposited with the Trustees and become part of the general funds of the Township.

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

**Section 7.6. Void Certificates.** A zoning certificate shall be void if:

- a. Issued because of an error by a Township official or was issued for whatever reason, not in conformance with the terms of this Zoning Resolution or any applicable amendment thereto.
- b. The terms and conditions contained in the certificate are not performed, or
- c. The certificate was issued upon a false statement of any fact material to the issuance thereof, or
- d. After the expiration of six (6) months no substantial construction has taken place in accordance with the terms and conditions contained in the certificate. When such non-performance or false statement shall be established to the satisfaction of the zoning inspector, the zoning certificate shall be revoked.
- e. Zoning certificates are not transferable.

Written notice of such revocation shall be either by personal delivery to the holder of the void certificate upon the premises concerned, or by posting the notice in a conspicuous place upon said premises. All work upon or use of the premises not in conformity with the provisions of this Resolution shall cease and shall be deemed a violation of this Resolution and shall be removed or restored at the expense of the violator.

**Section 7.7 Prohibition Against Violating Zoning Resolution.** No building or structure may be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land may be used in

violation of this Resolution or any amendment or supplement thereto — whether or not a zoning certificate has been issued.

- a. If any building or structure is or is proposed to be located, erected, constructed, reconstructed, enlarged, maintained or used, or any land is or is proposed to be used in violation of this Resolution, the Trustees, the County Prosecuting Attorney, the Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged may institute injunction, mandamus, abatement or any other appropriate action or proceeding, in addition to other remedies provided by law, to prevent any violation of this Resolution. The Trustees may employ special counsel to represent it in any proceeding or to prosecute any action.
- b. Any person, firm or corporation violating or failing to comply with any provision of this Resolution or any amendment or supplement thereto, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than one hundred (\$100.00) dollars. Each and every day of violation may be deemed a separate offense.

**Section 7.8. Board of Zoning Appeals.** The Board shall consist of five (5) members, appointed by the Trustees, who shall be residents of Chester Township. The terms of all members of the Board shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed. Vacancies shall be filled by the Trustees for the unexpired term. The members of the Board may be allowed their expenses or compensation or both as the Trustees may approve and provide. The Board may hire such professional or technical assistants as are necessary within the limits of the monies appropriated by the Trustees for that purpose.

**Section 7.9. Powers of the Board.** The Board shall have all the power and duties prescribed by law. Such powers shall be exercised in accordance with the following procedure:

- a. **General Considerations.** In addition to observing the standards specifically set forth in this Section, the Board shall act in harmony with the comprehensive plan embodied in this Resolution and in furtherance of the purposes set forth in Section 1 on all appeals and applications for certificates under this Section. The Board shall not approve any application or appeal under any of the provisions of Section 7.9 unless it finds

in each case that the proposed use of the property or the erection, alteration, or maintenance of the proposed building or structure (a) will not create a hazard to health, safety, morals or general welfare; (b) will not be detrimental to the neighborhood or to the residents thereof; and (c) will not otherwise be detrimental to the public convenience and welfare.

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

**b. Interpretation of the Resolution.** The Board may hear and decide any question involving the interpretation of any provision of this Resolution on appeal from an order, requirement, decision or determination made by an administrative official, or a request by any official or agency of the Township. Such question of interpretation may include:

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

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

1. Exceptionally shaped, narrow or shallow, or
2. Where topographic or other extraordinary conditions exist.

Such variance may be granted by the Board only where, because of the above conditions, a strict application of the requirements of this Resolution would result in practical difficulty or unnecessary hardship that would deprive the

other case. No such variance shall be granted by the Board unless the following findings are made:

(a) There exist special circumstances or conditions, fully described in the findings of the Board, which are applicable to the land or building involved, and such circumstances or conditions are peculiar to such land or building and not generally applicable to land or buildings in the neighborhood and is not a result of any act of the applicant subsequent to the effective date of this Resolution.

(b) The variance granted by the Board is the minimum variance that will not deprive the applicant of substantial property rights.

(c) The granting of the variance will be in harmony with the general purposes and intent of this Resolution, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

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

1. The Board shall consider the accessibility of the lot in question for fire protection, access of light and air to the lot and to adjoining lots, traffic generating capacity, the size and kind of buildings in the vicinity, and the safety and convenience of traffic movement in relation to the proposed use.

2. Every application for such certificates shall be accompanied by a site plan drawn to scale showing full details of the layout of the site with respect to the location of buildings, off-street parking areas, and access drive-ways on the site, the layout and nature of landscaping, and such other information as the Board may require.

3. In acting on any such application the Board may require that landscaping, fences, and walls designed to further the purpose of this Resolution be provided and maintained as a condition to the establishment of any use to



which they are appurtenant.

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

- (a) Light and air shall not be obstructed from adjacent buildings to a greater extent than would result from the application of the regulations prescribed for the district in which such lot or building is located;
- (b) The proposed location and arrangement of buildings will not be otherwise detrimental to adjacent buildings or to the general neighborhood.

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

**Section 7.10. Procedure.** The procedure of the Board shall be as follows:

- a. The Board shall organize and adopt rules of procedure which are in harmony and accordance with this Resolution. All meetings of this Board shall be open to the public and shall be held at the call of the chairman or as the Board determines. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.
- b. All official proceedings of the Board shall be recorded and shall fully set forth the circumstances of the case and the findings of fact on which the decision is based. Such record shall be recorded by the secretary or recording secretary, and shall not necessarily be verbatim, but any party, at his own expense shall be permitted at any hearing to take and furnish a verbatim record to the Board, which if certified as correct by the Board, shall, together with all other documents, evidence and written or re-

corded decisions of the Board, constitute the record of such proceedings. The vote, abstention or absence of each member on all questions shall also be recorded. The records and all documents pertaining to any official decision or act of the Board shall be immediately filed with the Trustees and shall become a public record.

- c. Any aggrieved person or Township officer affected by any decision of the administrative officer may take an appeal to the Board by filing a notice of appeal and fee of ten (\$10.00) dollars with the Board and the officer from whom an appeal is taken. All appeals and applications made to the Board shall be in writing, on forms prescribed and made available by the Board. Each appeal or application, in addition to compliance with the rules and forms adopted by the Board, shall set forth the full circumstances of the case referring to the specific provision of the Resolution that is involved, and shall exactly set forth either the interpretation that is claimed, or the details of the variances applied for and the grounds relied upon or all pertinent facts to the use or authorization for which the zoning certificate is sought, as the case may be. A copy of each appeal or application shall be sent to the Commission by the Board at least ten (10) days before the public hearing on said appeal or application and the Commission shall be considered a party in interest with respect to any such hearing before the Board. All appeals shall be taken within twenty (20) days after the decision of the administrative officer, and such officer shall transmit all the papers constituting the record to the Board.
- d. The Board shall fix a reasonable time for the hearing of the appeal or application for a conditional zoning certificate and give at least ten (10) days written notice to the parties in interest. The Board shall also give notice by one publication in at least one newspaper having general circulation in the County at least ten (10) days before the date of the hearing. The Board shall render a decision within thirty (30) days. A party may appear in person or be represented by an attorney.
- e. The Board may impose any conditions that may be deemed necessary to accomplish the purpose of this Resolution in granting any variance or certificate. The Board may condition the issuance of any certificate by requiring that it shall be periodically renewed; or the Board may grant a temporary certificate.

Any such renewal or extension of a certificate shall be subject to the same procedure as specified herein for the original granting of the certificate.

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



**AMENDMENT Z-70-1, Adopted December 2, 1970  
to become law on January 1, 1971**

Change from Residential to Commercial use Lot 17, 8553 Herrick Drive, owned by Carl and Hattie E. Metz. Beginning at the northwest corner of Lot 17, which joins the present commercially zoned area on the South side of Herrick Drive, East 222.3 feet, then South 180.39 feet, then West 191.4 feet, then North 66.0 feet, then West 30.9 feet, then North 115 feet to the place of the beginning, and containing .875 acres.

**AMENDMENT Z-71-2, Adopted August 18, 1971  
to become law on September 17, 1971**

1. **Section 4.117 Dimensional Requirements in an R-2 District (Table) Minimum Lot Area - Multi-family Dwellings** change 10,000 square feet per dwelling unit to 3/4 acre per dwelling unit.
2. Add new section to Resolution.  
**Section 4.121. Development Plans.** A zoning certificate shall not be issued in an R-2 District for any proposed development which includes multi-family dwelling until the Commission has approved the plans for such development. The development plans shall include:
  - a. A site plan indicating the location, size and height of all buildings and structures; and the type and location of water supply, sanitary sewerage, and storm drain facilities.
  - b. Architectural plans for all proposed buildings and structures.
  - c. Landscaping plans for the premises upon which the buildings and structures are to be located. These plans shall indicate the planting treatment proposed at the boundary of the R-2 District and the planting treatment between the parking lanes. This plan shall also show the design features and layout of the land to be used for off-street parking, the type of pavement to be used, type of lighting fixtures proposed, and a grading and drainage plan for the proposed development.
  - d. A proposed system of vehicular traffic circulation within the proposed development and access points from adjoining streets.

In its review of the required development plans, the Commission shall examine the architectural design, the exterior surface treatment, the arrangement and location of the buildings and structures on the site in question as well as their relationship to other buildings and structures within and in the adjoining Districts and all other factors that affect the functions and appearance of the District. The landscaping to be provided should blend with landscaping within the District.

In making its determination, the Commission shall endeavor to assure that the proposed development plans will (1) enhance the attractiveness and desirability of the District, (2) encourage the orderly and harmonious development of the District, (3) improve residential amenities in the District and any adjoining residential neighborhood, and (4) enhance and protect the public and private investment and the value of all land and improvements within the adjoining districts.

**AMENDMENT Z-71-3, Adopted November 23, 1971  
to become law January 1, 1972**

**Section 4.21. Permitted Uses.**

- b. delete "or manufactured on the premises"
- b. would then read:

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

**Section 4.44. Permitted Uses.**

- a. delete "or made on the premises"
- a. would then read:

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.

Delete Section 7.5 in its entirety and substitute the following for all of Section 7.5.

**Section 7.5. Fees for Zoning Certificates.** The following fees shall accompany each application for a Zoning Certificate:

- a. \$25.00 for the construction of each new dwelling unit.
- b. \$10.00 for the alteration or addition to each dwelling unit where the cost of such alteration or addition does not exceed an estimated cost of \$2,500.00.
- c. \$20.00 for the alteration or addition to each dwelling unit where such alteration or addition exceeds an estimated cost of \$2,500.00.
- d. \$20.00 for garages accessory to a dwelling unit.
- e. \$30.00 for the new construction or the addition or alteration of existing non-residential buildings plus \$2.00 for each 100 square feet of floor area over 1,500 square feet.
- f. \$5.00 for the construction of accessory buildings or structures with 100 square feet of floor area or less.

- g. \$25.00 for establishment of a home occupation.  
\$20.00 for all other required zoning certificates.

h. Schedule of fees for signs:

\$5.00 for profession or home occupation in an R or R-2 District.

\$20.00 for Roadside Stands

\$25.00 for Building Construction Signs

\$30.00 for "For Sale" or "For Rent" signs by Realtor or others.— Flat fee, per calendar year for Realty signs permit.

\$50.00 for Model Home, Real Estate Development, or Subdivision.

No fee for "For Sale" or "For Rent" sign by owner.

Signs in "C" District as defined in Section 4.22:

\$40.00 for "a.1" and "a.2"

\$5.00 for "a.3", if identification sign

\$20.00 for "a.3", if a business sign

\$10.00 for "a.4", for signs less than 12 square feet

\$20.00 for "a.4", for signs over 12 square feet

\$10.00 for "a.5", for strings of banners or pennants

Signs in an S.C. District as defined in Section 4.44:

\$50.00 for "c.1"

\$30.00 for "c.2"

All other fees same as signs in a "C" District.

Signs in an I District as defined in Section 4.52:

\$40.00 for "b.1" and "b.2"

\$5.00 for "b.3"

\$10.00 for "b.4"

Above fees shall be collected by the Zoning Inspector and deposited with the Trustees and become part of the general funds of the Township. The provisions of this section shall not apply to any official agency of Chester Township.

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

**Section 7.10. Procedure.**

- c. Substitute for first sentence which should now read:

Any aggrieved person or Township officer affected by any decision of the administrative officer may take an appeal to the Board by filing a notice of appeal with the Board and the officer from whom the appeal is taken and paying to the Board the fees as prescribed in Section 7.10 g.

**Section 7.10. Procedure.**

- g. Fees for Appeals:

\$20.00 for variance or non-conforming use — Residential

\$50.00 for variance or non-conforming use — Non-Residential

\$50.00 for Conditional Use Appeal plus a \$450.00 deposit to be used as determined by the Board for professional expenses incurred by the Board related to the Appeal and including such services as surveyors, planners, engineers, legal stenographers and transcript. Balance of deposit to be returned following decision.

No fee shall be charged for an Appeal solely for a determination of the meaning of any portion of the text of the Zoning Resolution.



## RIGHT-OF-WAY REGULATIONS CHESTER TOWNSHIP, OHIO

The following list of regulations shall apply to all road right-of-ways within Chester Township, Ohio which are designated as township roads and under the jurisdiction of the Chester Township Board of Trustees. These regulations shall be in effect immediately after adoption by the Board of Trustees and shall supersede any and all conflicting regulations previously adopted

### 1. Tiling Roadside Ditches:

Roadside ditches may be tiled with vitrified sewer pipe, concrete pipe, or corrugated metal pipe. Vitrified sewer pipe shall have a minimum earth cover of one foot.

Where ditches are tiled, there shall be a swale or depression over and lengthwise to the pipe. The swale or depression shall drain into inlet basins spaced not more than 150 feet apart. At all drive-ways there shall be an inlet basin on the high side of the drive pipe so that water does not flow across the drive.

The builder or owner shall contact the Road Superintendent for the size of pipe and detail of inlet basins. The minimum pipe size shall be 12 inches.

The furnishings of the pipe, installation, and backfill is the responsibility of the owner. No installations shall be made prior to the approval of the plans by the Township Road Superintendent and notification shall be made to the Road Superintendent at least one (1) day prior to the time of installation so that necessary inspection and approval of the installation can be made.

### 2. Drive Pipe:

Drive pipe shall be reinforced concrete or corrugated metal having a minimum diameter of 12 inches and length of 20 feet. The builder or owner shall contact the Road Superintendent for the drive pipe size. The owner shall purchase the pipe and the Township Road Superintendent will have the pipe installed upon notification that the pipe is at the job site.

### 3. Drives:

All drives sloping downward from the property to the road shall be constructed so that all surface water will drain into the ditches and not onto the traveled portion of the road.

### 4. Trees and Obstructions:

No trees shall be planted and no decorative fence or other obstruction shall be installed within the road right-of-way without the consent of the Township Road Superintendent. Installation of mail boxes is not included in this regulation.

### 5. Dams:

No dam or portion thereof shall be installed within the road right-of-way.

### 6. Hauling Earth and Construction Materials:

In hauling excavated earth and construction materials, the builder or owner shall use care not to track or drop dirt and mud on the road. The Road Superintendent may require the builder or owner to clean such dirt and mud off the road.

### 7. Grading:

In general, when grading is done it should diminish the amount of surface water run-off from the property to the road right-of-way. No grading shall be done to increase the surface water run-off onto the road right-of-way over that which existed previous to the grading.

### 8. Drainage Channels:

No drainage channel carrying water, at any time of the year, away from the road shall be filled or otherwise obstructed so as to cause a back-up of water into the roadway or roadside ditch.

The County Engineer and the Township Road Superintendent are hereby authorized to take immediate steps necessary to correct existing conditions which are in conflict with these regulations where such conditions are contributing to existing and/or potential roadway damage.





AMENDMENT Z-72-1  
CHESTER TOWNSHIP ZONING RESOLUTION  
Adopted May 25, 1972

Addition to Permitted Uses - Section 4.C General Commercial District.

Letter Shop Service, including the sale of stationery and office supplies and the reproduction of written material, provided that equipment on the premises is limited to not more than two (2) of any of the following reproducing equipment - mimeographs, duplicators, and photocopiers - and only that other equipment that is necessary for the preparation and finishing of the reproductions produced through those limited processes, and further provided that no printing equipment or printing processes of any kind shall be permitted.

No single piece of permitted equipment shall weigh in excess of 1800 pounds.

AMENDMENT Z-72-2  
CHESTER TOWNSHIP ZONING RESOLUTION  
Adopted April 5, 1972

Section 2

Add the following definition as Section 2.4.5:

"Architectural Review Board means the Architectural Review Board of Chester Township."

Section 7.4

Application for Zoning Certificates:

Strike "and" after subparagraph (e).

Add "and" after subparagraph (f).

New subparagraph (g) added: (g) all data required by the Architectural Review Board as provided in Section 7.32(c).

The third paragraph shall be changed to read as follows:

"Upon receipt of an application for a zoning certificate, the zoning inspector shall recommend its acceptance or rejection and note his action on the application, and then refer it to the Architectural Review Board. Each application for a zoning certificate involving any non-residential use shall be referred by the Architectural Review Board with its recommendations to the Commission. Each application for a zoning certificate involving an R-District use shall be referred by the Architectural Review Board with its recommendations to the Commission only (a) in the event the applicant does not accept all the recommendations of the Architectural Review Board or (b) as required by Section 4.10. All other applications for an R-District use shall be referred back to the zoning inspector after review and action by the Architectural Review Board. The Commission shall authorize the issuance of a zoning certificate within thirty-one (31) calendar days after the receipt of the application from the Architectural





Add new Sections 7.30, 7.31 and 7.32 as follows:

Section 7.30 Architectural Review Board

The Architectural Review Board shall consist of three (3) to five (5) members appointed by the Trustees. One or more members of the Architectural Review Board shall be a registered architect. The other members shall be selected from the professions of landscape architecture, city planning, civil engineering or the fine arts. The terms of all members of the Architectural Review Board shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed. Vacancies shall be filled by the Trustees for the unexpired term. The Trustees may hire such professional or technical assistants as are necessary within the limits of the monies appropriated by the Trustees to assist the Architectural Review Board. No member of the Architectural Review Board shall participate in the review of any application in which he, or any partner, or professional associate, is the author, or in which he or they have any direct or indirect financial interest.

Section 7.31 Function of Architectural Review Board

The Architectural Review Board shall advise the Commission on the design, amenities, quality, relationships to natural features, existing structures and all other aspects of proposed structures and development which relate to the appearance of such structures, development and their surroundings. The Zoning Inspector shall not issue a Zoning Certificate; and the Commission shall not approve an application until the Architectural Review Board has completed its review of an application and, where required by Section 7.4, submitted its recommendation to the Commission. The Architectural Review Board need not submit an application involving a residential use to the Commission, except as noted in Section 7.4. The recommendations of the Architectural Review Board shall be in accordance with the following intent and standards.

- a. Intent: All recommendations by the Architectural Review Board shall be in harmony with the Comprehensive Plan and in the furtherance of the purposes of this Resolution. Such recommendations shall be made to protect property from the impairment or destruction of value and to maintain attractive community development. All structures proposed to be erected, altered or moved in whole or in part, and all proposed development, shall be evaluated by the Architectural Review Board according to proper architectural and design principles. The Architectural Review Board shall provide constructive criticism and helpful suggestions to applicants when initial applications are submitted. The Architectural Review Board, however, will not provide free architectural design service to applicants.

b. Standards: The following standards are established to guide the Architectural Review Board in its review and recommendations on proposed structures and development.

1. Materials shall be appropriate for the use of proposed structures, weathering and the relationship to other materials including those used on adjacent structures.
2. Colors and textures shall be appropriate for the size and scale of proposed structures, weathering and the relationship to other colors and textures including those used on adjacent structures.
3. Architectural details and ornaments shall be meaningful to the overall design and appropriate for the size and scale of proposed structures, weathering and the relationship to other architectural details and ornamentation including those used on adjacent structures.
4. Mechanical equipment shall be of appropriate size and scale in relation to rooftop appearance, sidewall openings sound levels, smoke and other nuisances. Mechanical equipment shall also be properly related to overhead wires, gas and electric meter stations and any other visible appurtenances.
5. Approaches, drives and parking areas shall be of appropriate size and scale in relation to the appearance of the proposed development from public rights-of-way, adjacent property and the site itself. The relationship of paving to proposed structures and development shall also be appropriate considering factors such as safety, drainage and landscaping.
6. Grading shall be appropriate in relation to the appearance of all structures and development from public rights-of-way, adjacent property and the site itself. Natural contours and features such as trees shall be preserved as an integral part of a proposed development.
7. The orientation of proposed structures shall be appropriate in relation to proposed grading, natural features and existing structures on, and adjacent to, the site, as well as sunlight, predominant winds, traffic and parking areas.
8. Landscaping shall be appropriate for the size, scale and use of proposed structures and development, and the relationship between such structures and development and existing structures and development, public rights-of-way, parking areas, walks and natural features.
9. Lighting shall be appropriate in relation to the illumination of proposed structures and development, parking areas, rights-of-way, walks and the affect upon surrounding areas.



10. Signs shall be of an appropriate size, scale, shape, color and illumination in relation to proposed structures and development as well as adjacent property.
11. Other structural features and appurtenances such as fences, walls, paved areas, light standards, displays and storage areas shall be appropriate in relation to other proposed or existing structures or development. Waste storage shall be carefully screened from adjacent property.

#### Section 7.32 Procedure

The procedure of the Architectural Review Board shall be as follows:

- a. Organization: The Architectural Review Board shall organize and adopt rules of procedure which are in harmony and accordance with this Resolution. All meetings of the Architectural Review Board shall be open to the public and shall be held at the call of the chairman or as the Architectural Review Board determines.
- b. Proceedings: All official proceedings of the Architectural Review Board shall be recorded and shall fully set forth the circumstances of the case and the findings of fact on which the decision is based. The vote, abstention or absence of each member on all questions shall also be recorded. The records and all documents pertaining to any official decision or act of the Architectural Review Board shall be immediately filed with the Trustees and shall become a public record.
- c. Applications: All applications for Zoning Certificates received and accepted for review by the Zoning Inspector, including Preliminary Subdivision Plans, shall be submitted to the chairman of the Architectural Review Board. Upon receipt of such an application the chairman shall place it on the agenda of the next regular meeting of the Architectural Review Board. The application shall contain the following additional data:
  1. Architectural drawings describing the materials, color, texture, architectural detail including ornamentation, and external mechanical equipment of any proposed structure,
  2. Plot plans showing existing and proposed grading on the building site, abutting lots, and roadside ditches, surface treatments, landscaping, lighting, signs and other site features or appurtenances,
  3. Perspective drawings, elevation renderings or models including proposed and existing adjacent structures and natural features, and
  4. Samples of major building materials.

- d. Architectural Review Board & Action: The official date of filing an application with the Architectural Review Board shall be the date at which a complete application for a zoning certificate is filed with the zoning inspector. Within twenty-one (21) days after this official filing date, the Architectural Review Board shall recommend to the zoning inspector, approval, disapproval, or approval with modifications of each application for an R-District use. Action by the Architectural Review Board shall be by a majority of those present at any meeting, but not less than two (2) members.
- e. Commission Action: Upon receipt of a recommendation from the Architectural Review Board, the Secretary of the Commission shall place it on the agenda of the next regular meeting of the Commission. After considering the recommendation, the Commission may approve, disapprove, or approve with modification, the application in accordance with Commission procedures for such action.



**AMENDMENT Z-74-1, Adopted Dec. 12, 1974  
to become law on January 11, 1975**

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

- R. One and Two Family Districts —  
1½ Acre Minimum 1 Family  
3 Acre Minimum 2 Family
- R2. Multi Family Residence Districts
- R3A. One Family Districts — 3 Acre Minimum  
lots
- R5A. One Family Districts — 5 Acre Minimum  
lots
- C. General Commercial District
- S.C. Shopping Center District
- I. Restricted Industrial District

**Section 4.1. Permitted Uses.** Only the following uses shall be permitted in R districts, R3A districts, and R5A districts provided such uses do not emit or create any danger to health and safety in the surrounding area, and do not create any offensive noise, vibration, smoke, dust, heat, glare, flame, air pollutants, or other objectionable influences:

- One-family dwellings plus two (2) roomers
- Two-family dwellings plus two (2) roomers per family. (R Districts only)
- Places of worship.
- Schools.
- Libraries.
- Museums.
- Public parks, public playgrounds, and other public recreation facilities.
- Public utilities.
- Township and other governmental buildings.
- Agriculture and accessory uses thereto, provided that (1) no building or structure in which live-stock and/or poultry are kept, or the storage of manure or odor and/or dust producing substance or use, shall be located less than one hundred (100) feet from any lot line; (2) no commercial greenhouse shall be located less than one hundred (100) feet from any lot line; and (3) livestock or poultry raising or breeding for commercial purposes shall not be permitted on a lot less than five (5) acres in area.
- Roadside stands constructed of removable members for the display and sale of farm products produced in Chester Township. Such stands shall be at least fifteen (15) feet from the street right-of-way line and shall maintain adequate off-street parking spaces for customers' vehicles.

Accessory uses.

Signs, as regulated in Section 4.5.

Private golf clubs, as regulated in Section 4.3.

Off-street parking and loading, as regulated in Sections 4.6 and 4.7.

Quarries, as regulated in Section 4.2A.

**Section 4.8. Area, Yard and Height Regulations.**

The regulations set forth in the table in Section 4.9 shall apply as indicated to each use permitted in R Districts, R3A Districts, and R5A Districts unless otherwise specifically provided.

**Section 4.9. Dimensional Requirements in an R District, R3A District, and R5A District.**  
(see Table on other side)

**BE IT FURTHER RESOLVED** that Sections 3.8, 4, 4.2, 4.3, 4.5, 4.6, 4.7, 4.111 a, 4.22, 4.26, 4.27, 4.45, 4.47, 4.48, 4.51, 4.52, 4.56, 4.58, 7.5, 7.32, and in the illustration entitled "Illustration of I - District Yard Requirements" following Section 4.61, be amended so that each reference in those sections to an R District be changed to refer to "R District, R2 District, R3A District, and R5A District."

**BE IT FURTHER RESOLVED** that the Zoning map of Chester Township be and is hereby amended, in accordance with Exhibit B, attached hereto and made a part hereof, so as to change the land use classification of lands designated on the said Exhibit B as "3A," from R Districts to R3A Districts and so as to change the land use classification of lands shown thereon as "5A," from R Districts to R5A Districts. and

**Section 2.2. Accessory Use.**

(10) would then read:

Private swimming pools as regulated by the provisions of this resolution.

**Section 4.12. Private Swimming Pools** shall conform to the requirements of Section 4.3 f.1.

**Section 2.66. Under Definitions.** A cul-de-sac is a circle terminating a street or roadway with a radius not exceeding 50-0 feet for the purpose of determining zoning and lot size requirements.

**Section 2.47A. Recreational Facilities.** Recreational facilities shall include tennis courts, skating rinks, and above the ground pools.

**Section 4.1. Recreation Facilities.** The installation of tennis courts, skating rinks, and above the ground pools located on the property shall not be required to have a zoning permit in a residential area provided such facility does not exceed 1200 square feet in area and is located in the rear yard, shall be located more than twenty-five (25) feet from the rear lot line, and shall not encroach into either side yard.

**Section 4.9 Dimensional Requirements in an R-District (Table)**

						MINIMUM BUILDING SIZE Per Dwelling Unit (Sq./Ft.)		
R-District Uses	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard (4)	Minimum Side Yard (5)	Minimum Rear Yard (6)	Ground Floor Area	Floor Area	Maximum Building Height
1-Family Dwelling	1½ Acres	150 Feet	70 feet from Right-of-Way or 100 feet from Center Line whichever is greater	Two re- quired, 25 feet each	50 Feet	1,000	0-2 Bedrooms 1200 3 Bedrooms 1350 4 Bedrooms 1500 5 or more 1650	30
2-Family Dwelling	3 Acres	300 Feet	Same as above	Same as above	Same as above	Same as above	Same as above	30
Accessory Buildings	(2)	(2)	(2)	20 feet from any Dwelling	20 feet from any Dwelling	—	Maximum 50 Percent of Ground Floor Area of Main Building	15
Rear Houses	(3)	(3)	(3)	(3)	(3)	(3)	(3)	30
Hospitals, Sanitariums, Rest Homes	5 Acres	500 Feet	100 Feet	100 Feet	100 Feet	—	—	30

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

						MINIMUM BUILDING SIZE Per Dwelling Unit (Sq./Ft.)		
District Uses	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard (4)	Minimum Side Yard (5)	Minimum Rear Yard (6)	Ground Floor Area	Floor Area	Maximum Building Height
1-Family Dwelling	R District 1½ acres. R3A District 3 acres. R5A District 5 acres.	R District 150 Feet. R3A District 200 Feet. R5A District 250 Feet.	70 feet from Right-of-Way or 100 feet from Center Line whichever is greater	Two re- quired, 25 feet each	50 Feet	1,000	0-2 Bedrooms 1200 3 Bedrooms 1350 4 Bedrooms 1500 5 or more 1650	30
2 - Family Dwelling (R District only)	R District 3 acres. R3A District Prohibited R5A District Prohibited	R District 300 Feet. R3A District Prohibited R5A District Prohibited	70 feet from Right-of-Way or 100 feet from Center Line whichever is greater	Two re- quired, 25 feet each	50 Feet	1,000	0-2 Bedrooms 1200 3 Bedrooms 1350 4 Bedrooms 1500 5 or more 1650	30
Accessory Buildings	(2)	(2)	(2)	20 feet from any Dwelling	20 feet from any Dwelling	—	Maximum 50 Percent of Ground Floor Area of Main Building	15
Rear Houses	(3)	(3)	(3)	(3)	(3)	(3)	(3)	30
Hospitals, Sanitariums, Rest Homes	5 Acres	500 Feet	100 Feet	100 Feet	100 Feet	—	—	30



**AMENDMENT Z-74-2. Effective March 21, 1975.**

**SECTION 4.20C - GENERAL COMMERCIAL DISTRICT**

**Section 4.20 C - Remains the same.**

**Section 4.21. Permitted Uses.** Amend to read as follows:

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

- 4.21 - 10 Retail Store, restaurant, tavern
- 4.21 - 20 Personal Service store, Funeral Home
- 4.21 - 30 Bank, Savings and Loan Association
- 4.21 - 40 New Automobile Sales with accessory service and used care facilities subject to the provisions of Section 7.9, paragraph d.
- 4.21 - 50 Business, Vocational School or Private School
- 4.21 - 60 Professional - Business
- 4.21 - 70 Gasoline Filling Station subject to the provisions of Section 7.9, paragraph d.
- 4.21 - 80 Movie Theater (Shopping Center District Only)
- 4.21 - 90 Governmental Office Building
- 4.21 - 100 Church, Fraternal Organization
- 4.21 - 120 Multi-family
- 4.21 - 130 Public utility building or structure, township fire house, township garage
- 4.21 - 140 Letter Shop Service - including the sale of stationery and office supplies and reproduction of written material, provided that equipment - mimeographs, duplicators, and photocopiers - and only that other equipment that is necessary for the preparation and finishing of the reproductions produced through those limited processes, and further provided that no printing equipment or printing processes of any kind shall be permitted. No single piece of permitted equipment shall weigh in excess of 1300 pounds.
- 4.21 - 150 The following sales and/or service establishments dealing with a consumer on or off the premises.  
  
Landscaping Business - subject to the provisions of Section 4.211 and Section 4.212.

**Section 4.25. Yardage Regulations.** Building shall be designed and constructed and land shall be used and improved for permitted uses only in accordance with the following yard regulations.

**a. Front Yards.**

A landscaped front yard shall be provided in front of all buildings, parking areas, circulations drives and permitted outdoor uses and shall extend from street right-of-way to at least one hundred thirty-five (135) feet from the center-

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

**b. Building Setback.**

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

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

b. Where any building is proposed within two hundred (200) feet of a Residential District or on the opposite side of any Residential District, the minimum building setback shall be not less than one hundred forty-five (145) feet from the centerline of a State or Federal highway or one hundred (100) feet from the centerline of all other streets, whichever is greater.

**c. Side Yard Within District.**

Each lot or separate development shall have at least at each side not less than twenty (20) feet green area in width unless the on-site circulation parking and loading are coordinated with adjoining developments and set forth in a joint agreement. Where buildings are not built along the property line the minimum yard shall be twenty (20) feet.

**d. Side Yards Adjacent to Residential Districts.**

**1. Parking drives and open uses.**

Whenever the property to develop abuts the side property line of any lot located in any Residential District, the minimum distance from the side lot line and any drive parking area or permitted open use shall be not less than forty (40) feet between the building setback line in the adjacent Residential District and the street right-of-way, and not less than sixty (60) feet between the building line and the rear property line. Such yard shall be landscaped and maintained in a satisfactory manner to the Commission. In addition, a solid wall or uniformly painted fence of fire resistant material, or a strip of land at least four (4) feet wide and densely planted with shrubs or trees which may be expected to form a year-round dense screen, may be required by the Commission to be erected or planted and maintained along such boundary line. Such wall or fence shall be at least five (5) feet but no more than six (6) feet in height.

**2. Buildings**



district to any commercial building shall be not less than seventy (70) feet.

e. Rear Yards Adjacent to Residential Districts.

1. Parking drive and open uses.

Whenever the property to be developed abuts any Residential District along the rear property line, the minimum distance from any rear property line of any lot located in a Residential District to any parking area, drive, or permitted open use shall be not less than sixty (60) feet. Such yards shall be landscaped and maintained in a manner satisfactory to the Commission. In addition, a solid wall or uniformly painted fence of fire resistant material, or a strip of land at least four (4) feet wide and densely planted with shrubs or trees which may be expected to form a year-round screen, may be required by the Commission to be erected or planted and maintained along such boundary line. Such wall or fence shall be at least five (5) feet, but not more than six (6) feet, in height.

2. Building.

The minimum distance from any rear property line to any building shall be not less than seventy (70) feet.

**Section 4.251. Driveways to Parking and Loading Areas.** The location, width and number of entrance and exit driveways serving accessory parking facilities other than those required for one and two-family dwellings, shall be designed to interfere as little as possible with the use of adjacent property and the flow of traffic on the streets to which they connect.

a. Location of Driveways.

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

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

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

The minimum distance between two driveways connected to an arterial street shall be not less than two hundred (200) feet and no more than two (2) two-way driveways shall be permitted to any development having a frontage of less than two hundred (200) feet along said street. Where such spacing cannot be obtained the Commission may require a common drive for two or more properties in order that such drives be spaced not less than two hundred (200) feet apart. No property having less than two hundred (200) feet of frontage shall have more than one (1) two-way drive or two (2) one-way drives.

b. Entrance and Exit Driveways.

Entrance and exit driveways shall not exceed

three (3) lanes in width, and shall be designed so that all cars can be driven forward into the street. The width of such driveways, measured at the street property line, shall conform with the following schedule:

**WIDTH OF DRIVEWAY**

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

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

**Section 4.252. Height Regulations.**

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

**Section 4.26. Dimensional Requirements in a C District (See Table next page)**

**Section 4.27. Maximum Lot Coverage.** The maximum lot coverage of buildings, hard surfaced parking and drives or other hard surfaced areas shall not exceed sixty percent (60%) of the lot area.

**Section 4.27A. Site Plan Approval.**

**Section 4.27A-10. Required pursuant to Section 4.42.**

**Section 4.42. Site Plan Approval by Zoning Commission.**

**4.42-10. General.**

In all cases where Site Plan approval is required by this Resolution, said approval shall be necessary not only for all new construction but in addition for any enlargement, exterior alterations, addition to or change of use of any existing structure or use of land.

The following procedures shall be followed by the Zoning Commission:

**4.42-20. Preliminary Site Plan Review.**

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



## Section 4.26. Dimensional Requirements in a C District (Table)

C District Uses	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Yards Adjoining R District	Space Between Buildings	Minimum Building Size	Maximum Height	Maximum Lot Coverage
Uses Permitted in an R District						(See Section 4.9)				
Multi-Family Dwellings	3/4 acre per dwelling unit	300 feet	See Section 4.25	2 Req. 35 feet each	50 feet	See Section 4.25	See Section 4.28	720 sq. feet of habitable floor area per dwelling unit	35 feet See Section 4.25-2	See Section 4.27
Uses Permitted in an R 2 District	See Section 4.117			Corner lots: Same as front yard on side street				1,000 square feet of usable ground floor area		
All Other Uses Permitted in a C District	With on-site sewage treatment 2 acres (87,120 sq. feet)	200'-0								
Minimum with Sanitary Sewers	3/4 acres (32,670 Sq. feet)	100'-0								

Note: Eliminate all Sections on Approval of Plans in Zoning Resolution and refer to this Section.

## 4.42-30. Application for Site Plan Approval.

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

- Title and Development, date, north point, scale, name and address of record owner and of architect, engineer, landscape architect, surveyor, or planner preparing the Site Plan, and lot, block and section number of the property.
- Existing zoning.
- Boundaries of the property building and setback lines, lines of existing streets, lots, easements and areas dedicated to public use.
- Location of existing buildings.

- Existing contours with intervals of two (2) feet, referred to the State of Ohio Coordinate System. Locations of existing water courses, marshes, rock outcrops, wooded areas, trees with eight (8) inch diameter or more, and other significant existing features.
- Locations of all proposed water hydrants.
- Locations and specifications of all proposed exterior site illumination, including lighting for public walkways, parking areas and other public spaces.
- Locations of all parking areas, driveways and access roads, indicating type of pavement, curbs, and drainage.
- The proposed use or uses of land and buildings and proposed locations of buildings including proposed grades.
- All proposed lots, easements and public community areas. All proposed streets with (a) profiles indicating grading and (b) cross sections showing width of proposed sidewalk, and locations and sizes of utility lines and/or pipes and proposed curbs.
- Proposed screening and landscaping, including a planting plan prepared by a Landscape Architect or Architect.
- The application shall be signed by the applicant and the owner of record if the owner is not the applicant.

4.42-40. A Site Plan when approved by the Commission shall be valid for a period of one hun-



the period of one hundred twenty (120) days the approval shall be valid for a period of one (1) year from the date of approval. The Commission shall have the right to extend any period of approval to not more than one (1) year from the expiration date of original approval.

#### Effect of Approval:

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

1. The use, placement and dimensions of all buildings, driveways, sidewalks, parking areas, curbscuts, and recreation areas, and the installation of landscaping; fences and walls shall conform to the approved site plan.
2. A performance bond, or other financial guarantee, in an appropriate amount shall be placed with the Township to assure that the landscaping be installed, that the hard surfacing of the private drives and parking areas be installed, and that the surface water drainage be installed, all in conformance with the approved development plan. The amount of such bond shall be determined by the Commission and approved by the Trustees.
3. Any permit issued under this resolution shall expire, unless substantial completion is achieved within the permit period.

#### Standards and Criteria:

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

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

8. On-site circulation shall be designed to make possible adequate fire and police protection.
9. In large parking areas, visual relief shall be provided through the use of tree planting and landscape dividers, islands and walkways.
10. The provision of ancillary buildings to the principal use, signs and all other development features shall be related to the overall proposed development and in keeping with the surrounding environment.

#### ADD

**Section 4.67. Development Plans.** A drawing prepared by a developer, which may include explanatory exhibits and text, submitted to the designated authority for the purpose of study of a proposed development of land, or a preliminary plan of land and buildings of a development area which, if approved by the designated authority, provides the basis for proceeding with the preparation of the final plan of a development or development area.

REMOVE Section 4.27 and REPLACE WITH:

**Section 4.27. Maximum Lot Coverage.** The maximum lot coverage of buildings, hard surfaced parking and drives, or other hard surfaced areas shall not exceed sixty percent (60%) of the lot area.

#### Section 4.27A. Site Plan Approval.

**Section 4.22b-4.** All Accessory Business Signs shall be erected only on the property being used or developed.

Addition to 4.20 and Map.

Commercial property where presently shown on map, (Official Township Zoning Map) depth shall be as shown, but not to exceed five hundred (500'-0) feet from center line of fronting Highway 322 (Mayfield Road).

**Section 4.231. Improvements.** All off-street parking and loading spaces shall be suitably improved, graded, stabilized and maintained so as to cause no nuisance or danger from dust or from storm water flow onto any street. All off-street parking and loading spaces located within ten (10) feet of any street line shall be separated from such line by a curb, fence, wall, embankment or other barrier and shall be provided with such barrier in such a manner that cars will not overhang the street line.

#### AMEND

**Section 4.23 TO INCLUDE:** In no case shall unlicensed or abandoned motor vehicles be stored on a lot in a "C" District except in a permitted enclosed structure, or when under a permitted use.

Replaces 6.E.5 Page 39:

Revise parking for commercial  
Section 6.E.5 - Minimum five percent (5%)  
of lot size  
Maximum twenty-five percent  
(25%) of lot size

**Section 4.22. Sign Regulations.** Amend Section I,





SCALE IN FEET

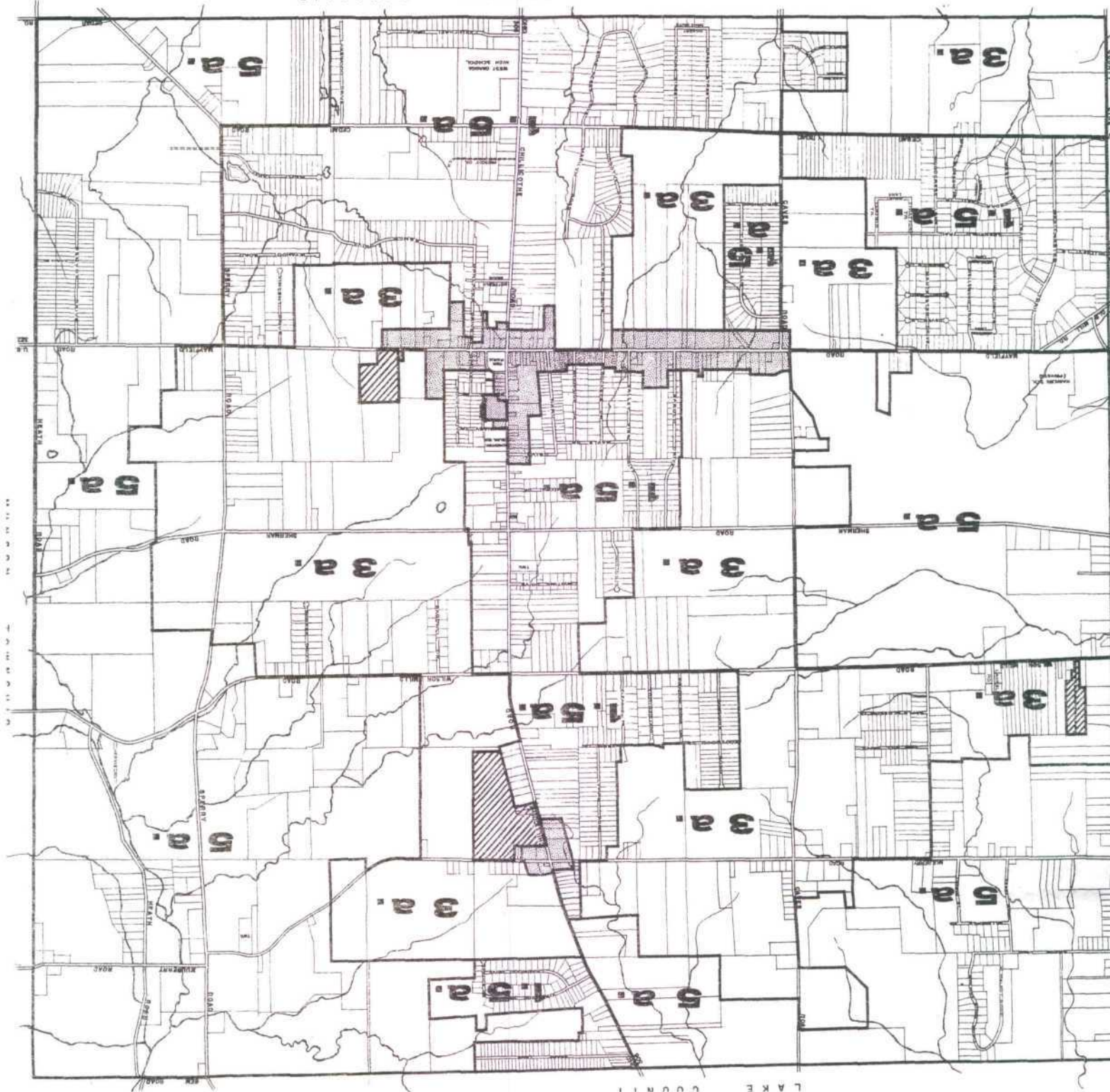
amended through January 20, 1974

- INDUSTRIAL (I) DISTRICT
- SHOPPING CENTER DIST
- COMMERCIAL (C) DISTRICT
- RESIDENTIAL (R) 1.5, 3, 5 ACRES PER DU

# ZONING MAP

C H E S T E R T O W N S H I P

RUSSELL TOWNSHIP



LAKE COUNTY