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CHESTERLAND, OHIO

CHESTER TOWNSHIP  
Geauga County, Ohio

ZONING RESOLUTION

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Including Zoning Map of  
Chester Township

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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 indicated 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 as regulated by the provisions of this resolution.  
(Amend. Z-74-1, effective date 1-11-75)
- (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. (Refer to Z-84-2: effective date 1-25-85 in back of book)

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

Section 2.4.5 ARCHITECTURAL REVIEW BOARD

(Amend. Z-72-2, Effective Date, 5-5-72, Deleted. Amend. Z-77-4, Effective Date, 11-22-77)

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

Section 2.6. AVERAGE FINISHED GRADE LEVEL. The "average finished grade" is the average of the grade of the ground at all corners of a building or other structure.

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

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

A "building" shall not include such structures as billboards, radio towers, etc., nor structures with interior 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. \*This paragraph was deleted by Amend. Z-92-2, Effective Date 2-11-93)

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

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. (Deleted Amend. Z-92-2; Effective Date 2-11-93)

Section 2.18 DWELLING, MULTI-FAMILY. (Deleted Amend. Z-92-2; Effective Date 2-11-93)

Section 2.19. DWELLING, ONE FAMILY. A "one-family dwelling" is a buijlding containing one (1) dwlling unit and to be occupied by only one (1) family.

Section 2.20. DWELLING, TWO FAMILY. (Deleted Amend. Z-92-2; Effective Date 2-11-93)

Section 2.21. DWELLING UNIT. (Deleted Amend. Z-92-2; Effective Date 2-11-93)

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, chiropractist, 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. (Refer to Z-85-3: effective date 10-3-85 in back of book)

Section 2.47A. RECREATIONAL FACILITIES. Recreational facilities shall include tennis courts, skating rinks, and above the ground pools. (Amend. Z-74-1, Effective date, 1-11-75)

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 dwellings. \*(two-family and multi-family) 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.

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

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

Section 2.50 SIGNS. (Refer to Z-84-2: effective date 1-25-85 in back of book)

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 2.66. CUL-DE-SAC. 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.  
(Amend. Z-74-1, Effective date, 1-11-75)

\*Section 2.66 (a). LANDSCAPING. The planting, care and maintenance of lawns, trees, shrubs and plants for ornamental or decorative purposes.

Section 2.66 (b). LANDSCAPING BUSINESS.

1. Providing landscaping services, or the sale at retail of sod, trees, shrubs or plants or other materials for landscaping purposes.
2. Facilities for the maintenance and storage of equipment and material used for landscaping.
3. Landscaping Business shall not include trucking or hauling of materials.

From \*, Amend. Z-73-4, Effective date, 1-19-74)

Section 2.67. 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.  
(Amend. Z-74-2, Effective date, 3-21-75)

SECTION 3  
GENERAL PROVISIONS

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

\*Section 3.1. ESTABLISHMENT OF DISTRICTS. In order to carry out the provisions of this Resolution, Chester Township is hereby divided into the following districts.

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

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

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

Section 3.3. DISTRICT BOUNDARY LINES. An area enclosed by a district boundary line shall be in the district designated therein.

Section 3.4. IN CASE OF UNCERTAINTY. Where uncertainty exists as to the precise location of the boundaries of any of the aforesaid districts, as shown on zoning maps, the following rules shall apply:

- a. Where a boundary line appears within a street or other right-of-way, the boundary lines shall be deemed to be the center-line of the street or other right-of-way.
- b. Where a boundary line appears to follow a lot line, such a lot line shall be deemed to be the boundary line.

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

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

Section 3.5. REGULATIONS OVER USE, AREA, YARDS, AND HEIGHT. After the effective date of this Resolution and subject to the provisions of Section 5 (non-conforming uses) for existing uses, and all other applicable regulations of this Resolution for all uses,

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

Section 3.6. REQUIRED STREET FRONTAGE. Except as otherwise provided in this Resolution each lot shall adjoin a street.

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

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

(From \*, Amend. Z-73-2, Effective date, 5-25-73)

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 front and side yards in an R District\*, R2 District<sup>2</sup>, R3A District, and RSA 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.

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

Section 3.9 BUILDING HEIGHT EXCEPTIONS. The height limitations specified in the several district regulations of this Resolution shall not apply to the following:

Chimneys.

Church spires.

Clock towers.

Belfries.

Water towers.

Flag poles.

Monuments.

Transmission towers or cables.

Radio or television towers or antennas.

Silos.

Elevator machinery space.

Grain elevators.

Windmills.

Section 3.10. AGRICULTURE. 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 structure 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 provisions of this Resolution, or any provision in any other law, ordinance, resolution, rule or regulation of any kind, contain any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern. All uses and all area, height, and yard provisions permitted under the terms of this Resolution shall be in conformity with all other provisions of law.

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

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

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

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

## 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\*, R2 District<sup>2</sup>, R3A District, and RSA District<sup>1</sup>:

Section 4.1 PERMITTED USES.\* Only the following uses shall be permitted in R districts, R3A districts, and RSA 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) (This paragraph deleted Amend. Z-92-2; Effective Date 2-11-93)

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 the 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. (Refer to Z-84-2: effective date 1-25-85 in back of book)

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

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

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

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\*, R2 District<sup>2</sup>, R3A District, and R5A District<sup>1</sup> with the approval of the Board.

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

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

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

Section 4.3. GOLF CLUB, PRIVATE. A private golf club may be established and operated but subject to the following conditions:

- a. Minimum Lot area. There shall be provided a minimum lot area of eighty (80) acres for a 9-hole and one hundred and sixty (160) acres for an 18-hole golf course.
- b. Off-street Parking. Except as otherwise provided in this paragraph, off-street parking spaces shall be provided in accordance with the requirements of Section 6.4 through 6.11.

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

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

1. The center line of such driveway shall be at least thirty (30) feet from the right-of-way line of any intersecting street where the driveways and intersecting street are on the same side of a street.

2. The minimum width of such driveway shall be twenty-four (24) feet and the maximum width shall be thirty (30) feet measured at right angles to the angle of the driveway entrance. Such driveway shall have an apron of six (6) feet radius at the curb to provide a means for motor vehicles to enter and leave the parking facilities without obstructing traffic.
  3. The driveways from the highway to the club house or parking area shall be surfaced with concrete, asphaltic concrete, or asphalt.
- c. Fencing. The entire premises upon which such club is located shall be fenced on the lot lines by suitable wire fencing.
- d. Modification of Screening and Fencing by Board. The Board may modify the provisions of Section 6.11 and paragraph c in those cases where there is no development of uses permitted in an R district\*, R2 District<sup>2</sup>, R3A District, and RSA District<sup>1</sup> that immediately adjoins such club. However, the required screening and fencing shall be installed by the golf club at the time development of the R District\*, R2 District<sup>2</sup>, R3A District, and RSA District<sup>1</sup> uses takes place.  
\*(<sup>1</sup>Amend, Z-74-1, Effective date, 1-11-75. <sup>2</sup>Deleted: Amend. Z-75-4, Effective date, 2-21-76)
- e. Signs. (Refer to Z-84-2: effective date 1-25-85 in back of book)
- f. Accessory Facilities. Accessory recreation facilities may be permitted, but shall be limited in size so that they do not become the principal use of the premises. Therefore,
1. An accessory swimming pool shall not exceed one thousand, five hundred (1,500) square feet in area, and an accessory wading pool five hundred (500) square feet in area. All pools shall be completely enclosed with a woven wire fence at least four (4) feet high.
  2. Tennis facilities shall not exceed ten thousand (10,000) square feet in area.
  3. There shall be no picnics or picnicking facilities.

4. A club house, maintenance buildings, and sheds and shelters may be permitted. Retail sales and services may be permitted but shall be limited to members only. Such sales and services may include a restaurant, snack bar, and the sale and repair of athletic equipment associated with the golf club.
- g. Dwellings to Conform. No building shall be used as a dwelling that does not conform completely to the requirements of the Zoning Resolution.
- h. Distances from Lot Lines. All buildings, structures, edges of fairways, and outdoor activities shall be at least one hundred (100) feet from all lot lines. The Board may modify this provision in cases of unnecessary hardship or to insure a more appropriate site layout, but in no case less than seventy-five (75) feet from all lot lines.
- i. Membership Limit. Membership shall be limited to one thousand (1,000) members.
- j. Frontage on Thoroughfare. Wherever possible such club shall front upon a major thoroughfare as specified in the "Geauga County Thoroughfare Plan".
- k. Dates and Times of Operation. Such club may be open or operated from March 1 to December 1 of each year and only during the hours of 5:00 a.m. to 12:01 a.m. each day.
- l. Construction Schedule. At least the construction of the club house and the required off-street parking spaces shall be completed within two (2) years, and at least nine (9) holes of the golf course within three (3) years of the date of issuance of the conditional zoning certificate.
- m. Conditional Zoning Certificate. A conditional zoning certificate shall be issued for a period not to exceed five (5) years. Application for the renewal of such certificate shall be made sixty (60) days prior to the expiration of such certificate.
  1. A conditional zoning certificate shall become void upon a change of ownership or lease of the premises, and shall be revoked unless a new application for such certificate is made by the new owner or lessee within fifteen (15) days of the date of transfer or lease.
  2. Any failure to comply with the conditions approved by the Board for the issuance of a conditional zoning certificate shall constitute a revocation of such certificate.

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

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

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

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

- b. Off-Street Parking.

1. One (1) off-street parking space shall be provided for each employee. In addition, a minimum of twenty (20) parking spaces shall be provided. The private roads within the memorial park may be used for off-street parking only if they are of sufficient width to accommodate moving traffic and parked vehicles.
2. Each off-street parking space shall have an area of not less than two hundred (200) square feet, exclusive of passageways, driveways, and other maneuvering area appurtenant thereto and giving access thereto. Each such space shall have direct accessibility to a street or driveway. Where driveways are required to provide accessibility to the parking spaces, they shall have an unobstructed width of at least twenty (20) feet.
3. Off-street parking spaces, driveways, and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot and they shall be surfaced with concrete, asphaltic concrete, asphalt, crushed slag, washed gravel or similar surfacing material and maintained in good condition and free of debris or trash.

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

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

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

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

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

- d. Location of Structure. Ornamental walls, fences and gates shall be erected or located at least twenty-five (25) feet from the street right-of-way line and may be located on the side or rear lot lines. Mausoleums and other structures shall be erected or located at least one hundred fifty (150) feet from all lot lines.
- e. Corner Sight Clearance. On every corner lot within the triangle formed by the street lines on such lot and a line drawn between two (2) points, each twenty (20) feet from the point of intersection of such street lines, there shall be no fence or wall higher than three (3) feet nor any other obstruction to vision between a height of three (3) feet and a height of ten (10) feet above the established grade of either street.
- f. Maximum Height of Structures. The height of any structure shall not exceed twenty (20) feet, measured from the average finished grade level at the building line to, in the case of flat roofs, the highest point on the roof, or, in the case of a pitched roof, to the mean level between the eaves and the highest point of the roof.

- g. Lighting. All lighting fixtures and devices shall be so designed and constructed to prevent the emission of light upon adjoining lots or streets, and shall be provided from a concealed light source only. Flashing lights shall be prohibited.
- h. Site Plan. The applicant shall furnish the Board with:
1. A site plan indicating the location, size and height of all buildings and structures, including fences, walls, gates and signs.
  2. Architectural plans for all proposed buildings and structures.
  3. Landscaping plans for the premises upon which the buildings and structures are to be located. These plans shall indicate the planting treatment proposed at the boundary of the memorial park and the planting treatment between the parking lanes. This plan shall also show the design features and layout of the land to be used for off-street parking, the type of pavement to be used, the type of lighting fixtures proposed, and a grading and drainage plan for the memorial park.
  4. A proposed system of vehicular traffic circulation within the memorial park, access points from adjoining streets, and estimates of traffic volumes for the proposed memorial park.
- i. Fiscal Plan. Neglected memorial parks become townshipwide problems and nuisances. Therefore, to preserve the Township's tax base and the general welfare of its people, the applicant shall furnish the Board with a fiscal plan which documents the applicant's financial responsibility to insure the maintenance of the memorial park. Toward this end, the Board may require the establishment of a perpetual care trust fund having sufficient capital to insure proper maintenance.
- j. Conditional Zoning Certificate. A conditional zoning certificate shall be issued for a period not to exceed five (5) years. Application for the renewal of such certificate shall be made sixty (60) days prior to the expiration of such certificate.
- A conditional zoning certificate shall become void upon a change of ownership or lease of the premises, and shall be revoked unless a new application for such certificate is made by the new owner or lessee within fifteen (15) days of the date of transfer or lease.

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

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

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

Only one (1) commercial vehicle other than a private passenger automobile that is used in connection with a permitted use or by an occupant of a permitted use, may be stored on a lot in an R District\*, R2 District<sup>2</sup>, R3A District, and R5A District<sup>1</sup>. In no case shall unlicensed or abandoned motor vehicles be stored on a lot in a R District\*, R2 District<sup>2</sup>, R3A District, and R5A District<sup>1</sup> except in a permitted, enclosed structure. \*<sup>1</sup>Amend. Z-74-1, Effective date, 1-11-75. <sup>2</sup>Deleted: Amend. Z-75-4, Effective date, 2-21-76)

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

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

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

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

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

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

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

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

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

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

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

(Key to Table on preceding page.)

- (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: 10 feet from Right-of-Way: Lots on Lynn, Marilyn, Dorothy, Harold, Valley View, Birchwood and Cherry Lane Drives and Caves Road from Mayfield Road to Birchwood 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 of 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  $1\frac{1}{2}$  acres or more of lot area: 50 feet. All other lots: 30 feet.

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

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

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

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

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

Section 4.110. R-2 MULTI-FAMILY DISTRICT.

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

Section 4.111. PERMITTED USES.

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

Section 4.112. CONDITIONAL USES.

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

Section 4.113. SIGN REGULATIONS.

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

Section 4.114. OFF-STREET PARKING.

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

Section 4.115. OFF-STREET LOADING.

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

Section 4.116. AREA, YARD AND HEIGHT REGULATIONS.

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

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

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

Section 4.118. SPACING BETWEEN BUILDINGS ON THE SAME LOT.

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

Section 4.119. REAR HOUSES.

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

SECTION 4.120. CORNER SIGHT CLEARANCE.

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

Section 4.121. DEVELOPMENT PLANS.

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

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

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

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

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

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

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

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

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

#### Section 4.211. SCREENING FOR LANDSCAPING BUSINESS:

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

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

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

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

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

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

C District Uses	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Yards Adjoining R District	Space Between Buildings	Minimum Building Size	Maximum Height	Maximum Lot Coverage
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Uses Permitted  
in an R District (See Section 4.9)

**\*\*Multi-**

Family

Dwellings

**\*\***

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

Uses Permitted In an R2 District*	See Section 4.117	Corner lots: same as front yard on side street
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All Other Uses Permitted in a C District	With on-site sewage treat- ment, 2 acres (87,120 square feet)	200.0 feet
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Minimum with Sanitary Sewers	3/4 acres (32,670 square feet)	100.0 feet
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\* Deleted per Amend. Z-75-4; effective date, 2-21-74.

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

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

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

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

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

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

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.

Section 2.24. 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 4.25. 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, circulating drives and permitted outdoor uses and shall extend from street right-of-way to at least one hundred thirty-five (135) feet from the centerline of Rt. 322 or 306 or ninety (90) feet from proposed right-of-way, whichever is greater.

Such yards shall be landscaped and maintained in satisfactory condition and except for permitted signs and entrance and exit drive 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 or 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 use.

Whenever the property to develop abuts the side property line of any lot located in any Residential District, the minimum distance from the side lot line and any drive parking area or permitted open use shall be not less than forty (40) feet between the building setback line in the adjacent Residential District and the street right-of-way, and not less than sixty (60) feet between the building line and a rear property line. Such yard shall be landscaped and maintained in a satisfactory manner to the Commission. In addition, a solid wall or uniformly painted fence of fire resistant material, or a strip of land at least four (4) feet wide and densely planted with shrubs or trees which may be expected to form a year-round dense screen, may be required by the Commission to be erected or planted and maintained along such boundary line. Such wall or fence shall be at least five (5) feet but not more than six (6) feet in height.

2. Buildings

The minimum distance from any side property line of any lot located in any residential district to any commercial building shall be not less than seventy (70) feet.

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 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.

(From \*, (Sec. 4.25)

Amend. Z-74-2, Effective date, 3-21-75)

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.

\*(to) Deleted per Amend. Z-92-2;  
Effective Date 2-11-93

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

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

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

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

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

WIDTH OF DRIVEWAY

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

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

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

Section 4.252. HEIGHT REGULATIONS.

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

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

Section 4.28. SPACING BETWEEN BUILDINGS ON THE SAME LOT.  
\*The spacing between buildings on the same lot, measured perpendicularly from any exterior wall, shall meet the following requirements:

- a. The minimum allowable distance is 50 feet.
- b. A building group must be so arranged that any building is readily accessible by emergency vehicle.  
(From \*, Amend. Z-76-2, Effective date 11-20-76)

Section 4.29. REAR HOUSES.

\*Dwelling units under this section which do not have frontage on a publicly dedicated street shall provide a permanent easement for access over an unoccupied strip of land at least 60 feet in width. An easement of 750' or more in length shall provide a cul-de-sac as defined in 2.66 definitions in order to provide ingress and egress for fire fighting equipment, police and emergency vehicles.  
(From \*, Amend. Z-75-2, Effective date 4-29-76)

Such strip of land shall not be used in computing required lot width, yards or lot area. Such easement shall be executed according to the requirements provided by law for deeds and shall be filed with the Geauga County Recorder.

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

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

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

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

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