

# **Chester Township**

**Geauga County, Ohio**

## **Zoning Resolution**

(Effective date: June 14, 1997)

**and**

## **Zoning Map**

(Effective date: September 5, 1996)

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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 and morals 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:



1.01        **GENERAL PROVISIONS**

1.01.01        **TITLE.** This resolution shall be known as "The Zoning Resolution of Chester Township, Geauga County, Ohio" and may be hereinafter referred to as "this Resolution".

1.01.02        **JURISDICTION.** This Resolution shall apply to all the unincorporated territory of Chester Township, Geauga County, Ohio.

1.01.03        **PROVISIONS OF RESOLUTION DECLARED TO BE MINIMUM REQUIREMENTS.** In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements for the protection of the public health, safety and morals. This Resolution shall therefore be regarded as remedial, and shall be liberally construed to further its underlying purposes.

1.01.04        **POWERS NOT CONFERRED BY CHAPTER 519 OF THE OHIO REVISED CODE OR THIS RESOLUTION.**

- A.     This Resolution does not prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture and no zoning certificate shall be required for any such building or structure. However, this Resolution shall regulate the use of land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located in accordance with Ohio Revised Code (O.R.C.) 519.21(B).
- B.     This Resolution does not apply in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business. However, subject to R.C. 519.211(B) and Section 11.04 of this Resolution, the provisions of this Resolution shall apply with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a wireless telecommunication facility.
- C.     This Resolution does not prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom or restaurant is permitted by this Resolution.
- D.     This Resolution does not prohibit the use of any land owned or leased by an industrial firm for the conduct of oil or natural gas well drilling or production activities or the location of associated facilities or equipment when such oil or natural gas obtained by the industrial firm is used solely for the operation of its own plants.

- E. This Resolution does not prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for a farm market where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.

1.01.05

**SCHEDULE OF FEES, CHARGES, AND EXPENSES; AND COLLECTION PROCEDURE.**

The Board of Township Trustees shall, by resolution, establish a schedule of fees, charges, and expenses and a collection procedure for zoning certificates, amendments, appeals, conditional zoning certificates, and other matters pertaining to the administration and enforcement of this Resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector and Township Clerk, and may be altered or amended only by resolution of the Board of Township Trustees.

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

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

1.01.06

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

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

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

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

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

1.01.07

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



- 1.01.08 **SPECIFIC PROVISION PREVAILS OVER GENERAL; EXCEPTION.** If a general provision conflicts with a specific provision, they shall be construed, if possible, so that effect is given to both. If the conflict between the provisions is irreconcilable, the specific provision prevails as an exception to the general provision, unless the general provision is the later adoption and the manifest intent is that the general provision prevail.
- 1.01.09 **IRRECONCILABLE AMENDMENTS.** If amendments are enacted at the same or different times, one amendment without reference to another, the amendments are to be harmonized, if possible, so that effect may be given to each. If the amendments are substantively irreconcilable, the latest in date of enactment prevails. The fact that a later amendment restates language deleted by an earlier amendment, or fails to include language inserted by an earlier amendment does not of itself make the amendments irreconcilable. Amendments are irreconcilable only when changes made by each cannot reasonably be put into simultaneous operation.
- 1.01.10 **CONTINUATION OF PRIOR AMENDMENT.** A provision or regulation which is re-enacted or amended is intended to be a continuation of the prior provision or regulation and not a new enactment, so far as it is the same as the prior provision or regulation.
- 1.01.11 **EFFECT OF AMENDMENT.** The amendment of this Resolution does not:
- A. Affect the prior operation of this Resolution or any prior action taken thereunder;
  - B. Affect any validation, cure, right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred thereunder;
  - C. Affect any violation thereof or penalty, forfeiture, or punishment incurred in respect thereto, prior to the amendment or repeal;
  - D. Affect any investigation, proceeding, or remedy in respect of any such privilege, obligation, liability, penalty, forfeiture, or punishment; and the investigation, proceeding, or remedy may be instituted, continued, or enforced, and the penalty, forfeiture, or punishment imposed, as if the Resolution had not been amended.
- 1.01.12 **ANNEXED TERRITORY.** Upon annexation of Township territory to an existing municipal corporation the zoning regulations then in effect shall remain in full force and shall be enforced by the Township Officials until the legislative authority of said municipal corporation shall either officially adopt the existing zoning regulations or new regulations for such territory.
- 1.01.13 **SEVERABILITY.** If any provisions or regulations of this Resolution or an amendment thereof or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions, regulations, applications, or amendments of this Resolution which can be given effect without the invalid provision, regulation, application or amendment; and to this end the provisions, regulations, and amendments are severable.
- 1.01.14 **EFFECTIVE DATE.** This Resolution shall be in full force and effect from and after its passage as provided by law.

## **ARTICLE 2 DEFINITIONS**

2.00 **DEFINITIONS AND INTERPRETATIONS.** For the purposes of this Resolution the following words and terms shall be defined and interpreted in accordance with the provisions set forth in this Article 2.

2.01 **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 text clearly indicates the contrary.
- F. A "building" or "structure" includes any part thereof. A "building or other structure" includes all other structures of every kind, regardless of similarity to buildings.
- G. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
- H. Unless defined in this Resolution, words and phrases shall be given their usual and customary meaning.

2.02 **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.



- 2.03 **AGRICULTURE.** "Agriculture" includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.
- 2.04 **AMUSEMENT DEVICE.** An "amusement device" shall mean a machine or device which operates or may be operated for use as a game, contest or amusement of any description or which may be used for any such game, contest or amusement, the use of which requires payment. Juke boxes and machines vending cigarettes and other products are excluded from this definition.
- 2.04.01 **ANTENNA.** "Antenna" means any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.
- 2.05 **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.
- 2.06 **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.
- 2.06.01 **BASEMENT.** "Basement" means a portion of a building or structure with at least one-half of its floor to ceiling height below the adjoining exterior finished grade level and with its ceiling not covered by earth. Said portion is not a completed building or structure and shall only serve as a substructure or foundation for a building or structure.
- 2.07 **BILLBOARD.** "Billboard" means a free-standing sign or wall sign exceeding eighty-two and five tenths (82.5) square feet of face area. (See Signs, Article 9.)
- 2.08 **BOARD.** The "Board" shall mean the Board of Zoning Appeals of Chester Township.
- 2.09 **BUILDING.** A "building" is any structure which is permanently affixed to the land, and has one or more floors and a roof, and is bounded by either open space or lot lines. A "building" shall not include billboards or radio towers, nor structures with interior surfaces not normally accessible for human use, including gas holders, oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers, and other similar structures.
- 2.10 **BUILDING, COMPLETELY ENCLOSED.** A "completely enclosed building" is a building separated on all sides from adjacent open space or from other buildings or structures by a permanent roof and by exterior or party walls, pierced only by windows and usual doorways.



- 2.11 **BUILDING HEIGHT.** The "building height" shall be the vertical distance measured from the average finished grade level to, in the case of flat roofs, the level of the highest point of the roof or, in the case of pitched roofs, to the mean level between the eaves and the highest point of the roof.
- 2.12 **BUILDING LINE.** A "building line" is a line beyond which no building may extend and is located a minimum horizontal distance, as specified in the district regulations, from and parallel to a lot line.
- 2.13 **BUILDING, PRINCIPAL.** A "principal building" means a building within which the main or primary permitted use is conducted on a lot.
- 2.14 **CHANNEL.** "Channel" means a natural or artificial water course of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.
- 2.14.01 **CHURCH.** A "church" is a building or group of buildings, including customary accessory buildings, designed for public worship; for the purposes of this Resolution, the word "church" shall include temples, cathedrals, synagogues, mosques, chapels, congregations and similar designations.
- 2.15 **CLINIC.** A "clinic" is any building or other structure devoted to the diagnosis, treatment and care of people as out-patients.
- 2.15.01 **COLLOCATION.** "Collocation" means locating wireless telecommunication antenna(s) and associated equipment from more than one provider on a single wireless telecommunication tower site.
- 2.16 **COMMERCIAL PARKING GARAGE.** A "commercial parking garage" shall include any building in the Commercial District which:
- A. Is used for the storage of motor vehicles, and
  - B. Is not accessory to any other use on the same or any other lot, and
  - C. Contains space rented to the general public by the hour, day, week, month, or year.
- However, a "commercial parking garage" shall not include:
- D. Any establishment used for automobile repairs, excepting minor repairs which are solely incidental to the storage of motor vehicles, nor
  - E. Any establishment used exclusively for the storage of commercial or public utility motor vehicles, or for the dead storage of motor vehicles.

- 2.17 **COMMERCIAL PARKING LOT.** A "commercial parking lot" shall include any lot in the Commercial District which:
- A. Is used for the storage of motor vehicles, and
  - B. Is not accessory to any other use on the same or any other lot, and
  - C. Contains space rented to the general public by the hour, day, week, month or year.
- However, a "commercial parking lot" shall not include:
- D. Any establishment used for automobile repairs, excepting minor repairs which are solely incidental to the storage of motor vehicles, nor
  - E. Any establishment used exclusively for the storage of commercial or public utility motor vehicles, or for dead storage of motor vehicles.
- 2.18 **COMMISSION.** The "Commission" shall mean the Zoning Commission of Chester Township.
- 2.19 **CONDITIONAL USE.** "Conditional use" means a use within a zoning district other than a permitted use requiring approval by the Board of Zoning Appeals and the issuance of a conditional zoning certificate.
- 2.20 **CONDITIONAL ZONING CERTIFICATE.** "Conditional zoning certificate" means a certificate issued by the Zoning Inspector upon approval by the Board of Zoning Appeals for a conditional use.
- 2.21 **COUNTY.** "County" means Geauga County, Ohio.
- 2.22 **CUL-DE-SAC.** A "cul-de-sac" means a street or road, one end of which connects with another street or road, and the other end of which terminates in a vehicular turnaround.
- A. **SOLID CUL-DE-SAC.** A "solid cul-de-sac" is a cul-de-sac which is completely paved and shall have an outside pavement radius of fifty-five (55) feet.
  - B. **ISLAND CUL-DE-SAC.** An "island cul-de-sac" is a cul-de-sac which has landscaped green space in the center and shall have an outside pavement radius of eighty (80) feet.
- 2.23 **DENSITY.** "Density" means a unit of measurement representing the number of people, buildings, structures, or dwelling units per acre of land.
- 2.24 **DISTRICT.** "District" means a portion of the Township shown on the Zoning Map within which zoning regulations apply as specified in this Resolution.
- 2.25 **DWELLING.** "Dwelling" means space within a building comprising living and/or dining and sleeping rooms; and space for cooking, bathing, and toilet facilities; all of which are used by only one (1) family for residential occupancy.



- 2.26 **DWELLING, ONE FAMILY.** A "one-family dwelling" means a dwelling consisting of one (1) detached dwelling unit to be occupied by one (1) family only.
- 2.27 **DWELLING UNIT.** See "dwelling".
- 2.27.01 **EARTH DISTURBING ACTIVITY.** "Earth disturbing activity" means any grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed and which may result in or contribute to erosion and sediment pollution.
- 2.27.02 **EQUIPMENT BUILDING OR SHELTER, TELECOMMUNICATIONS.** "Telecommunications equipment building or shelter" means the structure in which the electronic receiving and relay equipment for a wireless telecommunication facility is housed.
- 2.27.03 **EROSION.** "Erosion" means the process by which the land surface is worn away by the action of water, wind, ice or gravity.
- 2.28 **FAMILY.** A "family" is any one of the following when occupying a dwelling unit and maintaining a common household in which all members of such "family" have use and access to all parts of the dwelling unit:
- A. One (1) person and not more than two (2) lodgers, or
  - B. Two (2) or more persons related by blood, marriage or adoption and not more than two (2) lodgers, or
  - C. Not more than four (4) unrelated persons.
- 2.29 **FINISHED GRADE LEVEL.** "Finished grade level" means the elevation of the finished grade of the ground adjacent to a building or structure.
- 2.30 **FLOOR AREA.** The "floor area" of a building is the sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of exterior walls. "Floor area" shall not include:
- A. Basement space and crawl space
  - B. Attic space
  - C. Terraces, breezeways and open porches
  - D. Uncovered steps
  - E. Garages.
- 2.31 **FLOOR AREA, GROSS.** The "gross floor area" of a building is the total area of all floors in a building or structure, excluding basement space used for storage or utilities, measured from the exterior faces of exterior walls.

- 2.31.01 **FLOOR AREA, NET.** The "net floor area" of a building is the sum of the horizontal area of a floor or of the several floors of the building measured from the interior faces of exterior walls. Interior walls within the horizontal area shall be included in the calculation for the net floor area.
- 2.32 **GAME AREA.** A "game area" means that portion of the net floor area of a gameroom which is devoted for the use of amusement devices and the required aisles, walkways and open spaces.
- 2.33 **GAMEROOM.** A "gameroom" means any premises other than a residence upon or within which there is located more than three (3) billiard tables, pinball machines, electronic or mechanical games or other amusement devices, or any combination thereof.
- 2.34 **GASOLINE FILLING STATION.** A "gasoline filling station" is any building, structure or lot used only for the sale of motor vehicle fuels, oils, lubricants and automobile accessories directly to the consumer, and may include minor repairs incidental to such use.
- 2.35 **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 a country club. Such club shall be subject to the regulations set forth in Section 6.08.02
- 2.35.01 **GOLF CLUB, PUBLIC.** A "public golf club" is a recreational facility whose principal recreational activity is golf, and is available to the public. Accessory facilities may include a swimming pool, tennis courts, club house and maintenance buildings. Such club shall be subject to the regulations set forth in Section 6.08.02.
- 2.35.02 **GREEN SPACE.** "Green space" is the percent of lot area that is not included under lot coverage.
- 2.36 **GROUND FLOOR AREA.** The "ground floor area" is the horizontal area of the foundation under the living area measured from the exterior faces of exterior walls.
- 2.37 **HOME OCCUPATION.** A "home occupation" is an occupation conducted on residential property.
- 2.38 **HOSPITAL.** A "hospital" is any building or other structure containing beds for patients and devoted to the medical diagnosis, treatment, and care of human ailments by licensed physicians and other medical staff.
- 2.39 **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 as an animal clinic or veterinary clinic.



2.40 **HOTEL.** A "hotel" is a commercial building, or any part of a commercial building which:

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

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

2.40.02 **INOPERABLE VEHICLE.** "Inoperable vehicle" means any "motor vehicle" which:

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

2.41 **JUNK.** "Junk" means waste, discarded or salvaged materials such as scrap metals, building materials, lumber, glass, paper, plastic, rags, cordage, barrels, machinery and vehicles.

2.41.01 **JUNK VEHICLE.** Refer to "Inoperable Vehicle".

2.41.02 **JUNK YARD.** A "junk yard" is a lot with or without buildings or structures where waste, discarded or salvaged materials such as scrap metals, building materials, lumber, glass, paper, plastic, rags, cordage, barrels, machinery and vehicles are sold, bought, exchanged, baled, packed, sorted, stored, disassembled, or handled.

2.42 **LANDSCAPING.** "Landscaping" is the planting, care and maintenance of lawns, trees, shrubs and plants for ornamental or decorative purposes.

2.43 **LANDSCAPING BUSINESS.** "Landscaping business" is a commercial use which provides:

- A. Landscaping services, or the sale at retail of sod, trees, shrubs, plants or other materials for landscaping purposes, and/or
- B. Facilities for the maintenance and storage of equipment and material used for landscaping.

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



- 2.43.02 **LOADING/UNLOADING SPACE.** "Loading/unloading space" means space provided for pick-ups and deliveries for commercial and industrial uses.
- 2.44 **LOT.** A "lot" is a piece, parcel, tract, or plot of land which shall be a lot of record.
- 2.45 **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.
- 2.46 **LOT, CORNER.** A "corner lot" is any lot which adjoins two (2) or more intersecting or intercepting streets where the interior angle of such intersection does not exceed one hundred thirty-five (135) degrees.
- 2.47 **LOT COVERAGE.** "Lot coverage" means the percentage of the total lot area that is occupied by the total horizontal area of all buildings, structures, driveways and parking area on a lot.
- 2.48 **LOT, INTERIOR.** An "interior lot" is any lot other than a corner lot.
- 2.49 **LOT LINE.** "Lot line" means the boundary of a lot which separates it from adjoining lots of record; public land; private land; common, public or private open space; and public or private roads.
- 2.50 **LOT LINE, FRONT (FRONTAGE).** "Front lot line (frontage)" means the boundary of a lot which abuts a public or private road. In the case of a corner lot or a multiple frontage lot in a Residential District, the front lot line shall be designated by the lot owner.
- 2.51 **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 lot line or within forty-five (45) degrees of being parallel to the front lot line.
- 2.52 **LOT LINE, SIDE.** A "side lot line" is any lot line which is not a front lot line nor a rear lot line.
- 2.53 **LOT OF RECORD.** "Lot of record" means a parcel of land shown as a separate unit on the last preceding tax roll of the county, and either as a separate lot on a subdivision plat recorded in the office of the county recorder or as a lot described by metes and bounds on a deed or instrument of conveyance, the description of which has been so recorded.
- 2.54 **LOT, THROUGH.** A "through lot" is any lot that is not a corner lot and has frontage on two (2) streets. Both street lines shall be deemed front lot lines.
- 2.55 **LOT WIDTH.** The "lot width" shall be the horizontal distance between the side lot lines of a lot measured at the building line.

2.56

**MANUFACTURED HOME.** "Manufactured home" means a structure, transportable in one or more sections and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which conforms to all applicable federal construction and safety standards and has certification to that effect, in the form of a label or tag permanently affixed to such manufactured home in the manner required by 42 U.S.C. Section 5415 and 24 C.F.R. Section 3280.8 as amended.

2.56.01

**MANUFACTURED HOME PARK.** "Manufactured home park" means any lot upon which two (2) or more manufactured homes are located.

2.56.02

**MEMORIAL PARK.** A "memorial park" means a burial place for human beings in which above-surface monuments, tombstones, and grave markers are prohibited and where the natural setting of the land so developed is retained.

2.57

**MOBILE HOME.** "Mobile home" means a structure or nonself-propelled vehicle, transportable in one or more sections, which is built on a chassis or is designed to be built on a chassis, and designed to be used as a dwelling with or without a permanent foundation, and which does not conform to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 as amended. A "mobile home" does not mean an "industrialized unit", "manufactured home" or "recreational vehicle" as defined herein. A structure or nonself-propelled vehicle is a "mobile home" whether or not axles, chassis, hitch, wheels, or other appurtenances of mobility have been removed and regardless of the nature of the foundation provided.

2.57.01

**MOBILE HOME PARK.** Refer to "Trailer Camp/Park".

2.57.02

**MONOPOLE.** "Monopole" means a single, slender and typically cylindrical, vertical structure to which antennas or antenna support structures are affixed.

2.58

**MOTEL.** A "motel" is a commercial building containing sleeping accommodations for transient occupancy for compensation with direct access to each such room from the outside.

2.59

**MOTOR VEHICLE.** A "motor vehicle" as defined in the Ohio Revised Code.

2.60

**NONCONFORMING BUILDING.** A "nonconforming building" is any building or other structure that does not conform to the applicable area, yard, height and similar regulations of the District in which such building is located, either on the effective date of this Resolution or as a result of subsequent amendments.

2.61

**NONCONFORMING USE.** A "nonconforming 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 "nonconforming use" is located, either at the effective date of this Resolution or as a result of subsequent amendments.

2.62

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



- 2.62.01 **PARKING LOT.** "Parking lot" means an off-street area designed for parking of vehicles, including driveways and aisles.
- 2.62.02 **PARKING SPACE.** "Parking space" means an off-street space designed for parking of vehicles in association with a specific use.
- 2.62.03 **PERSONAL WIRELESS SERVICES.** "Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by 47 U.S.C. 332(c)(7).
- 2.62.04 **PLACE OF WORSHIP.** Refer to "Church".
- 2.63 **PLANS, DEVELOPMENT.** "Development plan" means a drawing prepared by or for a developer, which may include explanatory exhibits and text, submitted to the designated authority for the purpose of study of a proposed development of land, or a preliminary plan of land and buildings of a development area which, if approved by the designated authority, provides the basis for proceeding with the preparation of the final plan of a development or development area.
- 2.64 **PRIVATE ROAD OR STREET.** "Private road or street" means a road, street or easement of access not accepted for maintenance by the state, county, or township.
- 2.64.01 **PUBLIC ROAD OR STREET.** "Public road or street" means a federal, state, county or township road as defined in the Ohio Revised Code.
- 2.64.02 **RADIO.** "Radio" means the communication of impulses, sounds, and pictures through space by electromagnetic waves.
- 2.65 **RECREATIONAL FACILITIES.** "Recreational facilities" shall include tennis courts, skating rinks, and above-ground swimming pools.
- 2.65.01 **RECREATIONAL VEHICLE.** "Recreational vehicle" means a vehicular portable structure designed and constructed to be used as a temporary dwelling and including travel trailers, motor homes, and truck campers as defined in Ohio Revised Code 4501.01.
- 2.66 **RESIDENCE OR RESIDENTIAL.** A "residence" (or "residential") shall include a building, or any part of a building, which contains a dwelling unit for permanent occupancy. "Residences" therefore include all one-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.

- 2.67 **RIGHT-OF-WAY.** "Right-of-way" means all land included within an area dedicated to public use as a road or street, or land reserved as an easement for private use as a road or street, for ingress and egress.
- 2.68 **ROAD.** See "Street".
- 2.69 **SCHOOL.** "School" means any school chartered by the Ohio Board of Regents or conforming to minimum standards prescribed by the state board of education and any private or parochial school certified by the Ohio Department of Education which offers state approved courses of instruction.
- 2.70 **SCREENING.** A strip of land planted with shrubs or trees which shall form a year-round dense screen.
- 2.70.01 **SEDIMENT.** "Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity, or ice, and has come to rest on the earth's surface.
- 2.70.02 **SEDIMENT CONTROL.** "Sediment control" means the limiting of sediment transport by controlling erosion, filtering sediment from water, or detaining sediment-laden water allowing sediment to settle.
- 2.70.03 **SEDIMENT POLLUTION.** "Sediment pollution" means failure to use management or conservation practices to abate wind or water erosion of the soil or to abate the degradation of the waters of the state by soil sediment in conjunction with land grading, excavating, filling, or other soil disturbing activities on land used or being developed or built upon for commercial, industrial, residential, or other non-agricultural purposes.
- 2.70.04 **SERVICE STATION.** See "Gasoline Filling Station".
- 2.71 **SETBACK.** A "setback" is a line parallel to and measured from a lot line and representing the area in which no building or structure shall be located, except as otherwise provided.
- 2.72 **SIGNS.** A "sign" means any device which is designed to inform or attract the attention of persons whether on or off the premises on which the sign is located. (See "Signs" Article 9.)
- 2.73 **STORY.** "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the surface of any floor and the ceiling next above it. A basement shall be deemed to be a story only when more than one-half (1/2) of its height is located above the finished grade level of the adjacent ground.
- 2.74 **STREET.** A "street" is a public or private thoroughfare which affords the principal means of access to abutting property.
- 2.74.01 **STREET, PRIVATE.** See "Private Road or Street".



- 2.74.02 **STREET, PUBLIC.** See "Public Road or Street".
- 2.75 **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.
- 2.76 **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.
- 2.77 **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.
- 2.77.01 **SUBSTANTIAL EVIDENCE.** "Substantial evidence" means more than a mere scintilla of evidence. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.
- 2.77.02 **SWIMMING POOL.** "Swimming pool" means a permanent open tank or other structure designed to contain a depth of at least two (2) feet of water at any point for the purpose of swimming or wading.
- 2.77.03 **TECHNICALLY SUITABLE.** "Technically suitable" means the location of a wireless telecommunication antenna(s) reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna(s) has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss of communication capability with in the developed areas of the Township.
- 2.77.04 **TELECOMMUNICATION(S).** "Telecommunication(s)" means technology permitting the passage of information from the sender to one or more receivers in a usable form by means of an electromagnetic system and includes the term "personal wireless services".
- 2.77.05 **TOWER.** "Tower" means any ground or roof mounted pole, spire, structure, or combination thereof taller than fifteen (15) feet, including support lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.
- 2.78 **TRAILER CAMP/PARK.** A "trailer camp/park" 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.
- 2.79 **TRAILER, HOUSE.** A "house trailer" is a vehicle used for living or sleeping purposes and standing on wheels or on rigid supports. See "Mobile Home".
- 2.80 **TRUSTEES.** The "Trustees" shall mean the Board of Township Trustees of Chester Township.



- 2.80.01 **UNLICENSED WIRELESS SERVICE.** "Unlicensed wireless service" means the offering of telecommunication services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services.
- 2.81 **USED CAR LOT.** A "used car lot" is any commercial lot on which two (2) or more motor vehicles in operating condition are offered for sale or displayed to the public.
- 2.82 **VARIANCE.** A "variance" is a modification or departure from the terms of this Zoning Resolution, authorized by the Board of Zoning Appeals.
- 2.82.01 **VEHICLE.** See "Motor Vehicle".
- 2.83 **WELLS, GAS AND OIL.** See "Extraction of Oil, Natural Gas and Hydrocarbons" Article 8.
- 2.83.01 **WIRELESS TELECOMMUNICATION ANTENNA.** "Wireless telecommunication antenna" means an antenna designed to transmit or receive telecommunications as authorized by the Federal Communications Commission (FCC), excluding amateur radio operator antennas.
- 2.83.02 **WIRELESS TELECOMMUNICATION EQUIPMENT BUILDING.** "Wireless telecommunication equipment building" means the structure in which the electronic receiving and relay equipment for a wireless telecommunication facility is housed.
- 2.83.03 **WIRELESS TELECOMMUNICATION FACILITY.** "Wireless telecommunication facility" means a facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land based telephone lines.
- 2.83.04 **WIRELESS TELECOMMUNICATION TOWER.** "Wireless telecommunication tower" means a tower including but not limited to self-supporting lattice or monopole which elevates the wireless telecommunication antenna and may include accessory transmission and receiving equipment.
- 2.84 **YARD.** A "yard" is that portion of the open space 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.
- 2.85 **YARD, FRONT.** A "front yard" is a yard extending along the full length of the front lot line between the side lot lines, and from the front lot line to the front of the principal building.
- 2.86 **YARD, REAR.** A "rear yard" is a yard extending along the full length of the rear lot line between the side lot lines, and from the rear lot line to the rear of the principal building.

2.87

**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.

2.88

**ZONING CERTIFICATE.** "Zoning certificate" means a permit issued by the Township Zoning Inspector in accordance with the regulations specified in this Resolution.

2.89

**ZONING INSPECTOR.** The "Zoning Inspector" shall mean the Zoning Inspector of Chester Township.

2.90

**ZONING MAP.** "Zoning map" means the most recent official zoning map of the Township which shows the boundaries of the zoning districts established in this Resolution.

**ARTICLE 3**  
**ADMINISTRATION, ENFORCEMENT AND AMENDMENTS**

**3.00 ADMINISTRATION**

**3.00.01 TOWNSHIP ZONING INSPECTOR**

**3.00.01.1 POSITION OF TOWNSHIP ZONING INSPECTOR ESTABLISHED**

For the purpose of enforcing these Zoning Regulations the position of Township Zoning Inspector is hereby established; and the Board of Township Trustees may establish the position(s) of Assistant Zoning Inspector(s).

The Board of Township Trustees shall fill the position of Township Zoning Inspector, together with such assistants as the Trustees deem necessary, fix the compensation for such positions, and make disbursements for them.

**3.00.01.2 ZONING INSPECTOR'S BOND**

The Township Zoning Inspector, before entering upon the duties of his office, shall give bond in accordance with the Ohio Revised Code.

**3.00.01.3 DUTIES OF THE TOWNSHIP ZONING INSPECTOR**

It shall be the duty of the Township Zoning Inspector to enforce the Zoning Resolutions contained in this Resolution, and thus in order to fulfill said duty, the Township Zoning Inspector shall:

- A. Provide applications for zoning certificates to those persons who wish to apply for a zoning certificate;
- B. Receive and act upon applications for zoning certificates in accordance with Sections 3.01.03 and 3.01.04;
- C. Issue zoning certificates as permitted by the terms of this Resolution;
- D. Revoke zoning certificates as permitted by the terms of this Resolution;
- E. Receive and act upon complaints regarding violations of this Resolution in accordance with Section 3.01.06;
- F. Make inspections as required to fulfill his/her duties;
- G. Upon finding that any provision of this Resolution is being violated, the Zoning Inspector shall notify, in writing, the person responsible for such violation, ordering the action to correct such violation;



- H. Take any other action authorized by this Resolution or by law to ensure compliance with or to prevent violations of this Resolution;
- I. Safely keep an official record of all actions taken in fulfillment of the duties imposed by him/her by this Zoning Resolution; and, safely keep all documents, including applications, complaints, zoning certificates, reports and inspections which are received, issued or made in connection with his/her duties as Zoning Inspector. All such records and documents shall be indexed by name, address, date received, and date acted on. They shall be kept in an orderly fashion on Township premises and shall be open to public inspection. Copies of any of these records and documents shall be provided to any member of the public upon payment of a copying fee as established by the Board of Township Trustees. None of the records or documents so kept shall be destroyed except upon compliance with the Ohio Revised Code ( O.R.C.) 149.42;
- J. Receive for filing and note the date of filing of notices of appeal to the Board of Zoning Appeals as provided in O.R.C. 519.15. Notices of appeal, with the date of filing thereon, shall be safely kept in the official records of the Township Zoning Inspector;
- K. Upon receipt of a notice of appeal to the Board of Zoning Appeals, the Zoning Inspector shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken;
- L. Shall safely keep and deposit all fees and monies received by him/her with the Township Clerk within twenty-four (24) consecutive hours of receipt pursuant to O.R.C. 117.17.

3.00.02 **TOWNSHIP ZONING COMMISSION**

3.00.02.1 **TOWNSHIP ZONING COMMISSION CREATED**

Pursuant to O.R.C. 519.04, the Board of Township Trustees shall appoint a Township Zoning Commission for Chester Township, composed of five (5) members who shall be residents of Chester Township.

The terms of all members of the Township Zoning Commission shall be for five (5) years and so arranged that the term of one (1) member will expire each year.

Each member shall serve until his/her successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term.

**3.00.02.2 RECOMMENDATIONS OF TOWNSHIP ZONING COMMISSION;  
ORGANIZATION, POWERS AND COMPENSATION FOR COMMISSION.**

- A. The Zoning Commission may, within the limits of the moneys appropriated by the Board of Township Trustees for the purpose, employ or contract with such planning consultants and executive and other assistants as it deems necessary. The Zoning Commission shall organize, adopt rules for the transaction of its business and keep a record of its actions and determinations. Members of the Zoning Commission may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide. No Chester Township Trustee shall be employed by the Zoning Commission.
- B. The Zoning Commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies and such officials, departments, and agencies having information, maps, and data pertinent to township zoning and shall make them available for the use of the Zoning Commission.
- C. The Zoning Commission may initiate and/or review proposed amendments to this Resolution and make recommendations on same to the Board of Township Trustees as specified in Section 3.02.

**3.00.03 TOWNSHIP BOARD OF ZONING APPEALS**

**3.00.03.1 TOWNSHIP BOARD OF ZONING APPEALS CREATED**

Pursuant to O.R.C. 519.13, the Board of Township Trustees shall appoint a Township Board of Zoning Appeals for Chester Township, composed of five (5) members who shall be residents of Chester Township.

The terms of all members of the Board of Zoning Appeals, shall be for five (5) years and so arranged that the term of one (1) member will expire each year.

Each member shall serve until his/her successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. The members may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide.

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

**3.00.03.2 POWERS OF TOWNSHIP BOARD OF ZONING APPEALS**

- A. The Township Board of Zoning Appeals may:
  - 1. Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of Sections 519.02 to 519.25 of the Ohio Revised Code or of this Resolution;



2. Authorize, upon appeal, in specific cases, such variance from the terms of this Zoning Resolution as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, or, where applicable, practical difficulties, and so that the spirit of this Resolution shall be observed and substantial justice done;
  3. Grant conditional zoning certificates for the use of land, buildings, or other structures in accordance with this Resolution;
  4. Revoke an authorized variance or conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated;
  5. 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 the Zoning Inspector. Such questions of interpretation may include:
    - a. A determination of the meaning of any portion of the text of this Resolution, or any condition or requirement made under the provisions of this Resolution; or
    - b. A determination of whether or not a proposed nonconforming use is of a more restricted nature than an existing nonconforming use which is proposed to be replaced by said nonconforming use, as provided in Article 10 of this Resolution;
  6. 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 Article 1 on all appeals or application for certificates under this Section. The Board shall not approve any application or appeal under any of the provisions of Sections 3.00.03.2 and 3.00.03.4 of this Resolution unless it finds, in each case, that the proposed use of the property or the erection, alteration, or maintenance of the proposed building or structure:
    - a. Will not create a hazard to health, safety or morals; and
    - b. Will not be detrimental to the neighborhood or to the residents, thereof; and
    - c. Will not otherwise be detrimental to the public convenience, welfare and environment.
- B. The Township Board of Zoning Appeals shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under 3.00.03.2A4 of this section and of his/her right to a hearing before the Township Board of Zoning Appeals, within thirty (30) days of the mailing of this notice, if he/she so requests. If the holder requests a hearing, the Township Board of

Zoning Appeals shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he/she may present his/her position in writing. He/she may present evidence and examine witnesses appearing for or against him/her. If no hearing is requested, the Township Board of Zoning Appeals may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

- C. In exercising the above-mentioned powers, the Township Board of Zoning Appeals may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all the powers of the Township Zoning Inspector from whom the appeal is taken.

#### 3.00.03.3

### **RULES, ORGANIZATION, AND MEETINGS OF BOARD OF ZONING APPEALS**

- A. The Township Board of Zoning Appeals shall organize and adopt rules in accordance with this Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the chairperson, and at such other times as the Board of Zoning Appeals determines. The Chairperson, or in his/her absence the acting chairperson, may administer oaths, and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees and be a public record.
- B. The attendance of three (3) members of the Board of Zoning Appeals is required for a quorum.

All decisions, motions, and actions of the Board of Zoning Appeals shall be by the affirmative vote of at least three (3) members of the Board.

#### 3.00.03.4

### **PROCEDURES OF BOARD OF ZONING APPEALS**

- A. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision of the Zoning Inspector by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds of appeal. The Zoning Inspector shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.



- B. Written notices of appeal shall be made on forms provided by the Township Zoning Inspector and shall be signed and dated by the appellant (here and after applicant) or his authorized legal representative attesting to the truth and accuracy of all information supplied on the notice of appeal.

All notices of appeal shall contain the following language:

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

All completed notices of appeal shall be filed with the Township Zoning Inspector and the Board of Zoning Appeals and shall include, at a minimum, the following information:

1. The name, address and telephone number of the applicant;
2. The name, address and telephone number of the owner of record;
3. The address of the property, if different from the applicant's current address;
4. The names and addresses of all parties in interest from the County Auditor's current tax list (all properties adjacent to and directly across the street from the subject property);
5. Documentation as to authority to file notice of appeal (e.g. deed, power of attorney, lease or purchase agreement);
6. A legal description of the property, as recorded with the Geauga County Recorder;
7. The current zoning district in which the property is located;
8. A description of the existing use of the property;
9. A description of the proposed use of the property;
10. Two (2) copies of a plan or map, drawn to scale, with a north arrow and date showing the following information:
  - a. The dimensions (in feet) of all property lines and the total acreage of the property;
  - b. The dimensions (in feet) of existing buildings or structures on the property, if any;

- (3) The location of the sign on the building, structure, or property including dimensions (in feet) from the front and side lot lines;
  - (4) The height (in feet) of the sign;
  - (5) The method of illumination, if any;
  - (6) The content of the sign;
13. For notices of appeal alleging error by the Zoning Inspector, a written statement shall be made by the applicant or his/her authorized representative relative to the alleged error made by the Zoning Inspector in his/her determination of the application for the zoning certificate;
14. For notices of appeal requesting a variance, the applicant or his/her authorized representative shall provide the following:
- a. A statement relative to the exact nature of the variance requested;
  - b. The specific zoning regulation(s) shall be cited from which variance is requested;
  - c. Written justification for a variance shall be made by the applicant and the Board of Zoning Appeals shall determine if the proposed variance involves an "area" variance or a "use" variance;
- (1) Standards for an "area" variance: The practical difficulties standard shall apply to an area variance and the factors to be considered include, but are not limited to, the following:
    - (a) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
    - (b) Whether the variance is substantial;
    - (c) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
    - (d) Whether the variance would adversely affect the delivery of governmental services;
    - (e) Whether the property owner purchased the property with the knowledge of the zoning restriction;



- (f) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
  - (g) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;
  - (h) Such other criteria which the Board believes relates to determining whether the zoning regulation is equitable;
- (2) Standards for a "use" variance: The unnecessary hardship standard shall apply to a use variance and the factors to be considered include, but are not limited to, the following:
- (a) Why the variance from the terms of the Zoning Resolution will not be contrary to the public interest;
  - (b) Because of what special conditions will an unnecessary hardship result from a literal enforcement of the Zoning Regulations;
  - (c) What the unnecessary hardship is which will result from a literal enforcement of the Zoning Resolution owing to the special conditions set forth in subparagraph "(b)" above;
  - (d) How the spirit of the Zoning Resolution will be observed if the variance is granted;
  - (e) Why substantial justice will be done if the variance is granted;

15. The appeal fee. See Schedule of Fees, Charges, and Expenses; and Collection Procedure, Section 1.01.05.

- C. The Board of Zoning Appeals shall fix a reasonable time for public hearing of the appeal which shall commence not later than sixty (60) days from the date the notice of appeal has been filed with the Board. The public hearing on the appeal may be continued from day to day for good cause shown.

The Board of Zoning Appeals shall give at least ten (10) days notice in writing to the parties in interest, give such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time

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

- D. 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.

- E. Hearings before the Board of Zoning Appeals shall be conducted in accordance with the following:

1. Any person may appear in person or by an authorized representative;
2. All testimony and evidence received by the Board shall be given under oath or affirmation administered by the Chairperson or in his/her absence the acting Chairperson of the Board of Zoning Appeals;
3. A party in interest shall be allowed:
  - a. To present his/her position, arguments and contentions;
  - b. To offer and examine witnesses and present evidence in support thereof;
  - c. To cross-examine witnesses purporting to refute his/her position, arguments and contentions;
  - d. To offer evidence to refute evidence and testimony offered in opposition to his/her position, arguments and contentions;
  - e. To proffer any such evidence into the record, if the admission thereof is denied by the officer or body appealed from;
4. The Board of Zoning Appeals shall be provided with the original plus two (2) copies of all exhibits submitted by a party in interest. All exhibits submitted shall be marked for identification by the Board and safely kept on Township premises;
5. An accurate record of the proceedings shall be kept and preserved by the Board of Zoning Appeals.



F. Decisions of the Board of Zoning Appeals shall be in accordance with the following:

1. All decisions shall include conclusions of fact of the Board in support of the decision;
2. A decision of the Board and the adoption of conclusions of fact shall be made at a public hearing of the Board. The decision and the conclusions of fact of the Board shall be in writing and signed at a public meeting of the Board by all members voting affirmatively thereon no later than thirty (30) days from the last public hearing;
3. The original written decision and conclusions of fact of the Board of Zoning Appeals and all applications, notices of appeal, documents, exhibits and evidence relating to the proceeding shall be filed by the Board of Zoning Appeals with the Township Clerk within five (5) days of the signing of the written decision and conclusions of fact by the Board of Zoning Appeals;
4. Copies of the written and signed decision of the Board of Zoning Appeals shall be sent by ordinary mail, within two (2) days of the signing of the written decision, to the Township Zoning Inspector, the applicant and all parties in interest;
5. The date of the signing of the written decision by the Board of Zoning Appeals shall be the date of entry as provided in O.R.C. 2505.07 for the purposes of appeal to the court of common pleas pursuant to O.R.C. chapter 2506.

### 3.01 ENFORCEMENT

#### 3.01.01 ZONING CERTIFICATE REQUIRED

- A. No person shall locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure, nor shall any building, structure, or real property be changed in use within the territory included in this Zoning Resolution without obtaining a zoning certificate and no such zoning certificate shall be issued unless the plans for the proposed building, structure or other use fully comply with this Zoning Resolution.
- B. No person shall locate, erect, construct, reconstruct, enlarge or structurally alter any building or structure:
  - 1. To provide for greater height or bulk; or
  - 2. To accommodate or house a greater number of families; or
  - 3. To occupy a greater percentage of lot area; or
  - 4. To have narrower or smaller front yards, side yards, rear yards, or other open spaces;than herein required, or in any other manner be contrary to the provisions of this Resolution.
- C. No lot or yard existing at the time of the effective date of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Lots or yards created after the effective date of this Resolution shall meet at least the minimum requirements set forth herein.
- D. No home occupation shall be operated without obtaining a zoning certificate and no such zoning certificate shall be issued unless the operation of such home occupation fully complies with this Zoning Resolution.

#### 3.01.02 CONTENTS OF APPLICATION FOR A ZONING CERTIFICATE

Written application for a zoning certificate shall be made on forms provided by the Township Zoning Inspector and shall be signed and dated by the owner, the applicant, or his authorized representative attesting to the truth and accuracy of all information supplied in the application.

All applications for zoning certificates shall contain the following language:

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



All completed applications for a zoning certificate shall be submitted to the Township Zoning Inspector and shall include, at a minimum, the following information:

- A. The name, address and telephone number of the applicant;
- B. The name, address and telephone number of the owner of record;
- C. The address of the property, if different from the applicant's current address;
- D. Documentation as to authority to make application (e.g. deed, power of attorney, lease, or purchase agreement);
- E. A legal description of the property, as recorded with the Geauga County Recorder;
- F. The current zoning district in which the property is located;
- G. A description of the existing use of the property;
- H. A description of the proposed use of the property;
- I. Two (2) copies of a plan or map, drawn to scale, with a north arrow and date showing the following information:
  - 1. The dimensions (in feet) of all property lines and the total acreage of the property;
  - 2. The dimensions (in feet) of all existing buildings or structures on the property, if any;
  - 3. The setback (in feet) from all property lines of existing buildings or structures on the property, if any;
  - 4. The dimensions (in feet) of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures;
  - 5. The total amount of square feet of floor space for each floor of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures;
  - 6. The setback (in feet) from all property lines of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures;
  - 7. The height (in feet) of existing buildings or structures on the property;
  - 8. The height (in feet) of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures;

9. The name and location of the existing road(s), public and private, adjacent to the property;
  10. The number of dwelling units existing (if any) and proposed for the property;
  11. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed;
  12. For commercial and industrial uses: The location, dimensions (in feet), and number of loading/unloading spaces;
  13. The location and dimensions (in feet) of any existing or proposed easements on the property;
- J. Provide the type and design of any sign(s);
1. Two (2) copies of a drawing or map, drawn to scale with a north arrow and date showing:
    - a. The dimensions (in feet) of the sign;
    - b. The area of the sign (per sign face) in square feet;
    - c. The location of the sign on the building, structure, or property including dimensions (in feet) from the front and side lot lines;
    - d. The height (in feet) of the sign;
    - e. The method of illumination, if any;
    - f. The content of the sign;
- K. Two (2) copies of an erosion control plan as required by Section 5.00.06 of this Resolution or written documentation of plan approval from the Geauga Soil and Water Conservation District.
- L. The application fee. See Schedule of Fees, Charges, and Expenses; and Collection Procedure, Section 1.01.05.

3.01.03

**ACTION BY TOWNSHIP ZONING INSPECTOR ON APPLICATION FOR ZONING CERTIFICATE.**

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



In case of disapproval of an application, the applicant shall be informed of such disapproval in writing by the Township Zoning Inspector. The zoning regulation(s) violated shall be cited, as well as the applicant's right to appeal to the Township Board of Zoning Appeals in accordance with this Resolution.

One (1) copy of the plans submitted with the application shall be returned to the applicant by the Township Zoning Inspector, after the Zoning Inspector has marked said application either approved or disapproved and attested to the same by his signature and date on said copy. One (1) copy of the plans so marked shall be retained on Township premises by the Zoning Inspector for his/her permanent records.

3.01.04

**SUBMISSION TO DIRECTOR OF OHIO DEPARTMENT OF TRANSPORTATION**

Upon receipt of an application for a zoning certificate or a conditional zoning certificate affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to the Board of Township Trustees and Township Zoning Inspector by the Director of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered or certified mail to the Director of Transportation.

The Zoning Inspector shall not issue a zoning certificate for one hundred twenty (120) days from the date the notice is received by the Director. If the Director of Transportation notifies the Zoning Inspector that he/she has purchased or has initiated proceeding to appropriate the land which is the subject of the application, then the Zoning Inspector shall refuse to issue the zoning certificate. If the Director notifies the Zoning Inspector that he/she has found acquisition at that time not to be in the public interest, or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director and the property owner, the Zoning Inspector shall act upon the application in accordance with the provisions of this Resolution.

3.01.05

**REVOCATION OF ZONING CERTIFICATE**

A zoning certificate shall be revoked by the Zoning Inspector if:

- A. The zoning certificate has been issued in error by the Zoning Inspector or was issued for whatever reason, not in conformance with the terms of this Zoning Resolution or any Amendment thereto; or
- B. The zoning certificate was issued based upon a false statement by the applicant; or
- C. The construction or use described in the zoning certificate has not begun within six (6) months from the date of issuance or if construction has begun within six (6) months and said construction has not been completed within two (2) years from the date of issuance; or

- D. The terms and conditions contained in the zoning certificate are not performed;  
or
- E. The zoning certificate is being used by a person, individual, partnership, trust or corporation other than the applicant. Zoning certificates are not transferrable.

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

#### 3.01.06 COMPLAINTS REGARDING VIOLATIONS

Whenever an alleged violation of this Resolution occurs any person may file a written complaint with the Zoning Inspector. Such complaint shall state the nature of the complaint and the regulation violated. The Zoning Inspector shall keep records of such complaints and shall investigate within thirty (30) days from the date such complaint was filed or within such extended time period as may be necessary to fulfill the requirements of this Resolution.

#### 3.01.07 PROHIBITION AGAINST VIOLATING ZONING RESOLUTION

No building or structure shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of this Resolution, or any amendment to this Resolution -- whether or not a zoning certificate has been issued. Each day's continuation of a violation of this Resolution may be deemed a separate offense.

#### 3.01.08 ACTION TO PREVENT VIOLATIONS OF ZONING REGULATIONS

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of Sections 519.01 to 519.99 inclusive of the Ohio Revised Code or of any regulation or provision adopted by the Board of Township Trustees under such sections, such Board, the Prosecuting Attorney of the County, the Township Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Trustees may employ special counsel to represent it in any proceeding or to prosecute any action.



## 3.02 AMENDMENTS

### 3.02.01 PROCEDURE FOR AMENDMENTS TO ZONING RESOLUTION

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

### 3.02.02 CONTENTS OF APPLICATION FOR A ZONING AMENDMENT

Application forms for amendments to the Zoning Resolution shall be provided by the Township Zoning Commission or its secretary. All applications shall contain the following language:

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

Such application shall include the following information:

- A. The name, address and telephone number of the applicant;
- B. The address of the property, if different from the applicant's current address;
- C. Describe the present use of the property;
- D. Describe the present zoning classification of the property;
- E. The text of the proposed amendment;
- F. The proposed zoning district, if applicable;
- G. A legal description of the real property subject of the proposed amendment. If the applicant does not have title to the property, attach a copy of a power of attorney, lease, or purchase agreement as well;
- H. A map drawn to scale, with a north arrow, showing the boundaries and dimensions (in feet) of the property;
- I. A copy of the most recent Official Township Zoning Map with the area proposed to be changed fully delineated and the proposed zoning district designation shown thereon, if applicable;
- J. A statement relative to the reason(s) for the proposed amendment and how it relates to the Township land use plan;

- K. A list of the addresses from the County Auditor's current tax list of all owners of property within and contiguous and directly across the street from the area to be rezoned or redistricted, if the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list;
- L. The date of application for the zoning amendment.
- M. The application fee. See Schedule of Fees, Charges, and Expenses; and Collection Procedure, Section 1.01.05.

3.02.03

**SUBMISSION TO DIRECTOR OF OHIO DEPARTMENT OF  
TRANSPORTATION.**

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

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

3.03

**NONCONFORMING USES.**

3.03.01

The Board shall have the power to permit the extension or change of certain nonconforming uses as provided in Article 10 of this Resolution.



**ZONING DISTRICTS AND SPECIAL ZONINGS**

**4300-31 ZONING DISTRICTS:** A reference to any of the provisions of the Resolution, Chapter 1 covering zoning, hereby adopted, including zoning districts, shall

mean:

- 1. **General District**
- 2. **One and One-half Acres District**

- 3. **Small Lot District**
- 4. **Neighborhood Center District**

- 5. **Office District**
- 6. **Neighborhood Center District**

- 7. **General District**

- 8. **Neighborhood Center District**

and

**4300-32 DISTRICTS:** The following shall be the zoning districts of the municipality of the Township of New York, New York, as established by the Board of Zoning Adjustment, and shall be subject to the provisions of the

**4300-33 BY CHAPTER 1, NEW YORK CITY:** The provisions of the Resolution, Chapter 1 covering zoning, hereby adopted, including zoning districts, shall

**A** mean:

- 1. **General District**
- 2. **One and One-half Acres District**

- 3. **Small Lot District**
- 4. **Neighborhood Center District**

- 5. **Office District**
- 6. **Neighborhood Center District**

- 7. **General District**
- 8. **Neighborhood Center District**

**4300-34 OPTION A:** The provisions of the Resolution, Chapter 1 covering zoning, hereby adopted, including zoning districts, shall be subject to the provisions of the



4.01.01 **LOCATION OF OFFICIAL ZONING MAP.** The official township zoning map shall be located in the office of the Township Clerk, who shall be responsible for its custody and safe-keeping, and shall not be removed therefrom except by Township officials for the purpose of conducting township business.

4.01.02 **INCORPORATION OF OFFICIAL ZONING MAP.** The location and boundaries of the districts established by this Resolution are shown upon the most recent official zoning map entitled "Chester Township Zoning Map". Said official map and all notations, dimensions, designations, references, data, and other information shown thereon are hereby incorporated into and made part of this Resolution.

4.01.03 **AMENDMENTS TO OFFICIAL ZONING MAP.** No amendments shall be made to the official township zoning map except in conformity with the procedure set forth in Article 3 (Administration, Enforcement and Amendments) of this Resolution.

All Amendments to the official township zoning map shall be made by adopting a new official township zoning map which shall be identified by the signatures of the Township Trustees and attested to by the Township Clerk together with the date of its adoption and its effective date. Said map shall be located in the office of the Township Clerk and kept together with the original township zoning map and all other amended zoning maps in the manner provided in Section 4.01.01.



## **ARTICLE 5 DISTRICT REGULATIONS**

### **5.00 GENERAL REGULATIONS.**

- A. The uses set forth as principal uses in each zoning district shall be permitted by right as the principal building, structure, or use of a lot.
- B. The uses set forth as accessory uses in each zoning district shall be permitted by right as buildings, structures, or uses which are subordinate and incidental to principal buildings, structures and uses.
- C. The uses set forth as conditional uses in each zoning district shall not be permitted by right. Such buildings, structures and uses may be permitted only under specific conditions and in accordance with the provisions of this Resolution

### **5.00.01 PROHIBITED USES IN ALL ZONING DISTRICTS.**

- A. Any use not specifically listed in this Resolution shall not be permitted, nor shall any zoning certificate be issued therefor, unless and until a zoning amendment to provide for such use has been adopted in accordance with Section 3.02 of this Resolution.
- B. Lighting fixtures and devices which are arranged to reflect lights on adjoining roads or property shall be prohibited. Flashing lights shall be prohibited.
- C. Mobile homes shall be prohibited except in the existing mobile home park located at 8701 Mayfield Road (U.S. 322), listed as parcel number 11-257500 in 1995.
- D. No inoperable vehicle shall be stored or located except in accordance with the provisions of Section 5.00.05 of this Resolution.
- E. Junk yards and the storage of junk shall be prohibited.
- F. Automotive wrecking and automotive wrecking yards shall be prohibited.
- G. Manufactured home parks shall be prohibited.

### **5.00.02 REGULATIONS OVER USE, AREA, YARDS, AND HEIGHT.** After the effective date of this Resolution and subject to the provisions of Article 10 (Nonconforming Uses) for existing uses, and all other applicable regulations of this Resolution for all uses:

- A. No building, structure or lot shall be used, located, erected constructed, reconstructed, enlarged or structurally altered except in conformity with the applicable regulation of the district in which such building, structure, or lot is located unless such lot was designated on a recorded plat or separately owned at

the time this Resolution became effective and cannot be practicably enlarged to conform to the applicable regulations.

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

5.00.03 **REQUIRED STREET FRONTAGE.** Except as otherwise provided in this Resolution each lot shall have full frontage on and abut a street.

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

5.00.05 **INOPERABLE MOTOR VEHICLE.**

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

- A. If it is kept in a permitted, fully enclosed building; or
- B. If it is concealed from view from the road or surrounding property by appropriate screening. The appropriate screening shall consist of opaque/solid fences, walls, or densely planted evergreen landscaping, all of which shall be maintained in good condition and be free of all advertising and other signs. Said screening shall be of such density as to shield from view, year round, any and all inoperable vehicles located on a lot in Chester Township. Fences and walls shall be a minimum height of six (6) feet and a maximum height of eight (8) feet measured from ground level. (The use of tarpaulins, plastic or other similar materials shall not be considered as appropriate screening.)



- C. No inoperable motor vehicle shall be stored in a front yard.

#### 5.00.05.2 EXCEPTIONS

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

#### 5.00.06 EROSION CONTROL REGULATIONS IN ALL DISTRICTS.

In all zoning districts, an erosion control plan shall be included with an application for a zoning certificate for the construction of all principal permitted, accessory and conditional buildings, structures, uses, and off-street parking or loading/unloading areas allowed by this Resolution and any additions thereto on lots less than five (5) acres in size; provided, however, an erosion control plan shall not be required for any principal permitted, accessory, or conditional buildings, structures, and off-street parking or loading/unloading areas or any additions thereto containing less than three hundred (300) square feet in area. If the lot is five (5) acres or more in area, the applicant shall include with an application for a zoning certificate written documentation from the Geauga Soil and Water Conservation District (SWCD) that an erosion control plan has been submitted and approved for the subject lot.

- A. An erosion control plan shall be prepared by the applicant, a professional engineer registered with the state of Ohio, a soils scientist, or a private contractor and must address temporary and permanent measures for controlling erosion during and following construction. The content of the plan and such temporary and permanent measures to control erosion shall meet all requirements for sediment and erosion control contained within the Geauga Soil and Water Conservation District regulations.
- B. An erosion control plan shall be submitted by the applicant to the Zoning Inspector. The Zoning Inspector shall advise the applicant that the plan may be forwarded by the Zoning Inspector to the Geauga Soil and Water Conservation District for technical assistance and review.
- C. All areas affected by earth disturbing activities on a lot shall be permanently seeded and mulched pursuant to the erosion control plan within one hundred twenty (120) days after the date an occupancy permit has been issued by the Geauga County Building Department. If said permit is issued between the time period of November 1 to April 15 of the following calendar year, temporary stabilization measures pursuant to the erosion control plan shall be utilized.

5.01

**RESIDENCE DISTRICTS (R, R3A, R5A DISTRICTS).** Subject to the provisions of Article 4 and Article 5, the following regulations shall apply in an R District, R3A District and R5A District:

5.01.01

**PERMITTED PRINCIPAL BUILDINGS, STRUCTURES AND USES.**

- A. Libraries owned by a political subdivision, or schools meeting the requirements herein
- B. Parks owned by a political subdivision
- C. Schools meeting the requirements herein
- D. Single family detached dwellings. There shall be no more than one single family detached dwelling on a lot.
- E. Township and other governmental buildings

5.01.02

**PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES.** Permitted accessory buildings, structures and uses which are on the same lot with and incidental or subordinate to the principal permitted building, structure or use and subject to the provisions of 5.01.03 of this Resolution are:

- A. Gazebos
- B. Home occupations as regulated by Section 5.01.12 of this Resolution
- C. Off-street parking spaces as required by the provisions of this Resolution
- D. Off-street loading/unloading spaces as required by the provisions of this Resolution
- E. Residential recreational facilities as regulated by Section 5.01.13 of this Resolution
- F. Sheds, tool rooms, or other similar building or other structures for domestic storage
- G. Signs in accordance with Article 9

5.01.03

**ACCESSORY BUILDINGS.** The minimum distance from an accessory building to any dwelling shall be not less than twenty (20) feet. The maximum floor area of an accessory building shall be fifty percent (50%) of the ground floor area of the principal building. The height of any accessory building shall not exceed fifteen (15) feet.

In required front and side yards, accessory buildings shall be located to the rear of the principal building. Such accessory buildings may not encroach more than five (5) feet into a side yard and shall be at least ten (10) feet from the rear lot line.



5.01.04 **AREA, YARD AND HEIGHT REGULATIONS.** The regulations set forth in the table in Section 5.01.15 shall apply as indicated to each use permitted in all residential districts unless otherwise specifically provided.

5.01.05 **STRUCTURE HEIGHT EXCEPTIONS.** Belfries, church spires, clock towers, monuments, residential radio/television antennas, and water towers: no maximum height imposed.

5.01.06 **PERMITTED BUILDINGS, STRUCTURES AND USES IN REQUIRED YARDS.** Unless otherwise specifically provided the following are permitted when located in required yards and do not require zoning certificates:

- A. Above ground surface sand filters for septic system
- B. Air conditioning units/ heat pumps
- C. Arbors
- D. Awnings and canopies
- E. Clothes lines and stanchions
- F. Driveways
- G. Fences and walls in accordance with the following regulations:
  - 1. Fences and walls shall be erected outside of the right-of-way of any public or private road.
  - 2. Fences and walls shall not block or impede clear sight distance of vehicle operators at the intersection of any public or private road.
  - 3. Fences and walls shall not exceed eight (8) feet in height.
- H. Flagpoles
- I. Student bus shelters
- J. Terraces
- K. Uncovered residential fuel tanks
- L. Uncovered patios
- M. Uncovered steps

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

**5.01.08 CORNER SIGHT CLEARANCE.** On every corner lot within the triangles formed by the street lines on such lot and a line drawn between two (2) points, each twenty (20) feet from the point of intersection of such street lines, there shall be no fence or wall higher than three (3) feet, 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.

**5.01.09 SIGN REGULATIONS.** Signs shall be regulated in accordance with the regulations set forth in Article 9, for each of the uses permitted in all residential districts.

**5.01.10 OFF-STREET PARKING.** Off-street parking space shall be provided in accordance with the regulations set forth in Article 7, for each of the uses permitted in all residential districts.

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

A buffer zone of not less than sixty (60) feet in width measured from the lot line and the nearest edge of the parking area shall be required wherever a permitted principal building, structure or use other than a single family detached dwelling abuts a single family detached dwelling. No structure, building, accessory building, parking area, driveway or sign shall be permitted in a buffer zone. The buffer zone shall be part of the lot on which the permitted principal building, structure or use other than a single family detached dwelling is located.

All buffer zones abutting along the side or rear lot lines shall be landscaped and maintained in an appropriate manner. In addition, appropriate screening shall be required which shall consist of opaque/solid fences, walls, or a densely planted evergreen landscaping at least four (4) feet wide, all of which shall be maintained in good condition and be free from all advertising and other signs. Fences and walls shall be a minimum height of six (6) feet and a maximum of eight (8) feet measured from ground level. Screening consisting of planted evergreen landscaping shall have a minimum height of six (6) feet.

**5.01.11 OFF-STREET LOADING/UNLOADING.** Off-street loading/unloading space shall be provided in accordance with the regulations set forth in Article 7, for each of the uses permitted in all residential districts.

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



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

- A. A home occupation is an accessory use which is clearly incidental and subordinate to the use of the lot as a dwelling and residence and is conducted entirely within the dwelling unit, without any adverse effect upon the surrounding neighborhood.
- B. A home occupation includes the following:
  - 1. Tailoring
  - 2. Professional office of a medical or osteopathic physician, dentist, podiatrist, chiropractist, lawyer, engineer, artist, architect, accountant, consultant, insurance agent, typist, computer operator, surveyor, sales person, telemarketer, bookkeeper, or transcriber
  - 3. Teaching, with musical instruction limited to two (2) pupils at a time.
  - 4. Answering service
- C. A home occupation SHALL NOT be interpreted to INCLUDE the following:
  - 1. Barber shop, beauty salon or hair stylist
  - 2. Exterminator
  - 3. Restaurant, food service or catering
  - 4. Dance studio
  - 5. Photographic developing and/or processing
- D. Regulations for home occupations:
  - 1. A home occupation may be established only within a dwelling unit. Only one (1) home occupation may be established on a lot.
  - 2. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than two hundred fifty (250) square feet of net floor area shall be used in the conduct of a home occupation.
  - 3. There shall be no change in the exterior appearance of a dwelling unit or other visible evidence of conduct of a home occupation therein with the exception of one (1) sign, erected in accordance with Article 9. There shall be no exterior display, no exterior storage of materials, no more than one commercial vehicle or other equipment, and no other indications of the home occupation, or variation of the residential character of the principal building.

4. No offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects shall be produced and no equipment or process shall be used which interferes with the residential occupancy of neighbors or the character of the neighborhood.
5. Off-street parking spaces shall be provided in accordance with Article 7.
6. The width of a driveway for ingress and egress to a home occupation shall be between ten (10) and twenty (20) feet. Such driveway shall be constructed with an all-weather surface.
7. The dwelling unit in which a home occupation is conducted shall conform with all the regulations for the zoning district in which it is located.
8. No more than one (1) person, other than the occupants of the dwelling unit, shall be employed or engaged in the home occupation.
9. Articles offered for sale shall be limited to those produced in the dwelling unit, if sold on the premises.
10. A home occupation shall be owned or operated by a resident of the property.
11. Written evidence shall be provided that the appropriate governmental agency has approved the health conditions, water and sewage facilities for a home occupation.

5.01.13

**RESIDENTIAL RECREATIONAL FACILITIES.**

- A. Residential recreational facilities include tennis courts, skating rinks, swimming pools, volleyball courts and baseball backstops.
- B. Residential recreational facilities shall be located in the rear yard, and shall be located more than twenty-five (25) feet from the rear lot line, and shall not encroach into either required side yard.
- C. Tennis courts that do not exceed seven thousand two hundred (7200) square feet do not require a zoning certificate.
- D. Skating rinks that do not exceed one thousand two hundred (1200) square feet do not require a zoning certificate.
- E. Swimming pools as governed by the following regulations:
  1. Swimming pools shall be used solely by the occupants of the principal use, or their guests, of the property on which it is located.



2. The installation of above-ground pools shall not be required to have a zoning permit in a residential zoning district provided that such facility does not exceed one thousand two hundred (1200) square feet.
3. The installation of all above-ground pools that exceed one thousand two hundred (1200) square feet and all in-ground pools shall be required to have a zoning permit.
4. FENCING. All pools greater than one hundred (100) square feet in area shall be completely enclosed by fencing or a structure to prevent unauthorized access. Such fencing or structure shall be no farther away from the perimeter of the pool than one hundred (100) feet. The fencing shall extend not less than four (4) feet above the ground. All gates shall be self-closing and self-latching.

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

5.01.14

**CONDITIONAL BUILDINGS, USES AND STRUCTURES.** Conditional buildings, structures and uses may be allowed in accordance with this Resolution with the approval of the Board. The following are conditional uses:

- A. Churches/Places of Worship
- B. Private or Public Golf Clubs
- C. Memorial Parks
- D. Museums

**Minimum Building  
Size  
Per Dwelling Unit**

District Uses	Minimum Lot Area	Minimum Lot Width and Frontage	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Ground Floor Area	Total Floor Area	Maximum Building Height	Coverage
1- Family Dwelling  See Section 5.01.01	R District: 1 1/2 Acres  R3A District: 3 Acres  R5A District: 5 Acres	R District: 150 feet  R3A District: 200 feet  R5A District: 250 feet  Exception: cul-de-sac: arc not less than 100 feet, See Section 5.00.04	70 feet from right- of-way or 100 feet from centerline, which-ever is greater  Exceptions: Lots on Ward Dr. between Mayfield Rd. & Maple Dr., and on Opalocka Rd. between Mayfield Rd. & Cottrell Dr.: 10 feet from right- of-way or 40 ft. from centerline, whichever is greater  Lots on: Harold Dr., Marilyn Rd., Cherry Ln., Dorothy Rd., Lynn Dr., ValleyView Dr., Birchwood Dr., and on Caves Rd. from Mayfield Rd. to Birchwood Dr. on east side only: 50 feet from right-of- way or 80 ft. from centerline, whichever is greater	Two required, 25 feet each  Corner lots: same as front yard on side street  Exceptions: Lots less than 150 feet in width: two required, 15 feet each  Lots on Opalocka Road: two required, 8 feet each	50 feet  Exceptions: Lots with less than 1 1/2 acres of lot area: 30 feet, for lawfully existing nonconforming lots of record	1,000 sq. ft.	0-2 bedrooms: 1200 sq. ft.  3 bedrooms: 1350 sq. ft.  4 bedrooms: 1500 sq. ft.  5 or more bedrooms: 1650 sq. ft.	35 feet	R District Minimum Green Space: 75%  R District Maximum Lot Coverage: 25%  R3A, R5A Districts Minimum Green Space: 85%  R3A, R5A Districts Maximum Lot Coverage: 15%
Accessory Buildings	See Section 5.01.03	See Section 5.01.03	Prohibited	See Section 5.01.03	See Section 5.01.03	See Section 5.01.03		15 feet	



5.02 **COMMERCIAL DISTRICT (C DISTRICT).** Subject to the provisions of Article 4 and Article 5, the following regulations shall apply in a C District. Commercial property where presently shown on The Official Chester Township Zoning Map, depth shall be as shown, but not to exceed five hundred (500) feet from the center line for lots fronting U.S. 322 (Mayfield Road).

5.02.01 **PERMITTED PRINCIPAL BUILDINGS, STRUCTURES, AND USES.** Within any C District, no building, structure, lot or land shall be used for other than one or more of the following uses provided such uses do not emit or create any danger to health and safety in the surrounding area, and do not create any offensive noise, vibration, smoke, dust, heat, glare, flame, air pollutants or other objectionable influences:

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

- Antique shops
- Artists' supply stores
- Automobile supply stores
- Bakeries
- Bicycle and supply stores
- Book and newspaper stores
- Building material and supply store
- Card stores
- Clothing and apparel shops
- Drapery, linen and fabric stores
- Drug and pharmaceutical stores
- Electronic stores
- Floor and wall covering stores
- Florist and gift shops
- Food and beverage stores
- Furniture, household goods and appliance stores
- Hardware and paint stores
- Hobby and craft shops
- Jewelry, silverware and watch stores
- Lamp and lighting fixture stores
- Luggage and leather goods stores
- Lunchrooms, bars, taverns, restaurants and cafeterias
- Medical, surgical, dental, and optical instrument and supply stores
- Musical instruments and supply stores
- Office supply and stationery stores
- Pet stores
- Photographic equipment, supplies and processing stores
- Power and equipment sales store
- Record, tape and supply stores
- Seed, plant, lawn, garden equipment and supply stores
- Sporting goods, clothing and equipment stores
- Toy stores
- Variety home items and consumable stores
- Video tape sale and rental stores

Photocopying, printing and letter shop service - including 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 shall be permitted.

5.02.02

**PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES.** Permitted accessory buildings, structures and uses which are on the same lot with and incidental or subordinate to the principal permitted building, structure or use are:

- A. Off-street parking spaces as required by the provisions of this Resolution
- B. Off-street loading/unloading spaces as required by the provisions of this Resolution
- C. Signs in accordance with Article 9

5.02.03

**AREA, YARD, AND HEIGHT REGULATIONS.** The regulations set forth in the table in Section 5.02.15 shall apply as indicated for each use permitted in a C District unless otherwise specifically provided. Buildings shall be designed and constructed, and land shall be used and improved for permitted uses only in accordance with the following yard regulations:

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

- 1. **FRONT YARDS.** Lots that have property lines on U.S. 322, S.R. 306, or Mulberry Rd. shall front on those roadways. A landscaped front yard shall be provided in front of all buildings, parking areas, and permitted outdoor uses and shall extend from the street right-of-way to at least one hundred thirty-five (135) feet from the centerline or one hundred five (105) feet from the right-of-way, whichever is greater.

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

- 2. **BUILDING SETBACK.** Where no parking area is to be provided in front of a structure, the minimum setback shall be not less than one hundred thirty-five (135) feet from the centerline, or one hundred five (105) feet from the right-of-way, whichever is greater.

Where parking is proposed in front of a structure, the minimum setback shall be not less than two hundred fifty-five (255) feet from the centerline, or two hundred twenty-five (225) feet from the right-of-way, whichever is greater.



3. SIDE YARD WITHIN DISTRICT. Each lot or separate development shall have a side yard of not less than twenty (20) feet of green area on each side unless a property has a lot width of less than one hundred (100) feet in which case the on-site circulation parking and loading may be coordinated with adjoining developments and set forth in a joint agreement.
4. SIDE YARDS ON SECONDARY STREETS. Where a lot fronts on U.S. 322, S.R. 306 or Mulberry Rd. and abuts a secondary street, there shall be a landscaped yard extended from the secondary street right-of-way to at least fifty (50) feet from the centerline, or twenty (20) feet from the right-of-way, whichever is greater. There shall be no parking between the twenty (20) foot landscaped yard and any building.
5. REAR YARDS. The minimum distance from any rear Commercial District Boundary Line, or rear lot line within the Commercial District that does not coincide with the rear Commercial District boundary line, to any parking area, drive, or permitted open use shall be not less than sixty (60) feet. Such yards shall be landscaped and maintained in an appropriate manner. In addition, appropriate screening shall be required which shall consist of opaque/solid fences, walls, or a densely planted evergreen landscaping at least four (4) feet wide, all of which shall be maintained in good condition and be free from all advertising and other signs. Fences and walls shall be a minimum height of six (6) feet and a maximum height of eight (8) feet measured from ground level. Screening consisting of planted evergreen landscaping shall have a minimum height of six (6) feet.
6. BUILDINGS. The minimum distance from any rear Commercial District Boundary Line to any building shall be not less than seventy (70) feet.

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

1. FRONT YARDS. A landscaped front yard shall be provided in front of all buildings and permitted outdoor uses and shall extend from such permitted use to the street right-of-way.
2. BUILDING SET BACK. The minimum setback for a structure shall be the same as that for the Residential District on the same street. There shall be no parking areas between the right-of-way and the front of a structure.
3. SIDE YARDS. Each lot shall have minimum side yards of not less than twenty (20) feet of green area in width.

4. **REAR YARDS.** The minimum distance from any rear Commercial District Boundary Line 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 an appropriate manner. In addition, appropriate screening shall be required which shall consist of opaque/solid fences, walls, or a densely planted evergreen landscaping at least four (4) feet wide, all of which shall be maintained in good condition and be free from all advertising and other signs. Fences and walls shall be a minimum height of six (6) feet and a maximum height of eight (8) feet measured from ground level. Screening consisting of planted evergreen landscaping shall have a minimum height of six (6) feet.

C. **HEIGHT REGULATIONS.** The height of any building or structure in a Commercial District shall not exceed thirty-five (35) feet. The height of any accessory building shall not exceed fifteen (15) feet.

D. **STRUCTURE HEIGHT EXCEPTIONS.** Belfries, church spires, clock towers, monuments and water towers: no maximum height imposed.

5.02.04

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

A. **LOCATION OF DRIVEWAYS.** The location of driveways shall be consistent with this subsection.

1. The minimum distance between a driveway and the right-of-way line of the nearest parallel State or Federal highway shall be not less than sixty (60) feet.
2. The minimum distance between a driveway and the right-of-way line of a parallel street other than a State or Federal highway shall be not less than forty (40) feet.
3. The minimum distance between a driveway and an adjacent property line shall be not less than twenty (20) feet from the point of radii as measured along the pavement edge.
4. No lot having less than two hundred (200) feet of frontage shall have more than one (1) two-way drive or two (2) one-way drives.
5. The minimum distance between driveways on the same property shall be forty (40) feet from the point of radii as measured along the pavement edge.



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

1. **WIDTH OF DRIVEWAY**

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

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

2. The angle of intersection between the driveway and the street shall be between seventy (70) and ninety (90) degrees. The radii of the edge of the driveway apron shall be at least fifteen (15) feet.

5.02.05

**PERMITTED BUILDINGS, STRUCTURES AND USES IN REQUIRED YARDS.**

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

- A. Above ground surface sand filters for septic system
- B. Air conditioning units/heat pumps
- C. Fences and walls in accordance with the following regulations:
  - 1. Fences and walls shall be erected outside of the right-of-way of any public or private road.
  - 2. Fences and walls shall not block or impede clear sight distance of vehicle operators at the intersection of any public or private road.
  - 3. Fences and walls shall not exceed eight (8) feet in height.
- D. Flagpoles
- E. Uncovered steps

5.02.06

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

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

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

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

5.02.09 **SIGN REGULATIONS.** Signs shall be regulated in accordance with the regulations set forth in Article 9, for each of the uses permitted in a C District.

5.02.10 **OFF-STREET PARKING.** Off-street parking shall be provided in accordance with the regulations set forth in Article 7 for each of the uses permitted in a C District. A distance of ten (10) feet measured from the street right-of-way line shall remain unobstructed.

5.02.11 **IMPROVEMENTS.** All off-street parking and loading/unloading 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.

5.02.12 **OFF-STREET LOADING/UNLOADING.** Off-street loading/unloading space shall be provided in accordance with the regulations set forth in Article 7 for each of the uses permitted in a C District. The loading/unloading space and vehicular access thereto, shall be provided at the rear of the building or structure providing such space.

5.02.13 **SCREENING FOR LANDSCAPE BUSINESS.**

- A. Landscaping materials other than plants, trees and shrubs are to be kept in an area surrounded by screening.
  - 1. This screened area shall be located within the required building lines; however, in no instance shall said screened area be located in front of the closest existing building on subject lot to the street.
  - 2. The screening shall be of sufficient height to screen the materials from view of the road in front of the property and at abutting property lines.
    - a. Screening consisting of a opaque/solid wall or a opaque/solid fence shall have a minimum height of six (6) feet and a maximum height of eight (8) feet, and may only be erected at or within the building lines.



- b. Screening consisting of planted shrubs or trees shall have a minimum height of six (6) feet. Landscape inventory of balled and burlapped or potted shrubs and trees may be substituted for planted trees and shrubs. Said screening may extend to side and rear lot lines.
  - c. The height of all screening shall be measured from ground level.
- 3. The screening shall be of sufficient density to shield from view all non-living landscape materials. Said screening, if living materials, may extend to the lot lines.
- 4. The required screening shall be maintained in good condition at all times.
- 5. No signs shall be permitted to be attached to or hung from the required screening.
- 6. Any trees, shrubs, plants or materials offered for sale located within twenty-five (25) feet of an intersection of two (2) or more streets or the intersection of any access driveway and a street shall have a maximum height not to exceed three (3) feet, all measurements from road right-of-way boundaries.
- B. All vehicles, machinery and equipment shall be stored within buildings or the screened area when not in use.
- C. A buffer area of twenty-five (25) feet in width, planted with evergreen-type trees, to form a year-round dense screen, shall be maintained along a lot line which is a boundary of all R Districts.

5.02.14

**CONDITIONAL BUILDINGS, STRUCTURES AND USES.** Conditional buildings structures and uses may be allowed in accordance with this Resolution with the approval of the Board. The following are conditional uses:

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

## Section 5.02.15 Dimensional Requirements in a C District (Table)

C District Uses	Minimum Building Size	Maximum Height	Coverage	Minimum Lot Area	Location	Minimum Lot Frontage and Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Space Between Buildings
All Uses Permitted in a C District  See Section 5.02.01	1,000 square feet	35 feet  Accessory Buildings: 15 feet	Minimum Green Space: 40%  Maximum Lot Coverage: 60%	With on-site sewage treatment: 2 acres (87,120 square feet)  With Sanitary Sewers Installed: 3/4 Acres (32,670 square feet)	Lots on U.S. 322 S.R. 306 Mulberry Road	200 feet	135 feet from centerline	20 feet	60 feet	40 feet
					Lots on all other roads	100 feet	Same as "R" District requirements for said road	20 feet	50 feet	40 feet



5.03 **SHOPPING CENTER DISTRICT (S.C.).** Subject to the provisions of Article 4 and Article 5, the following regulations shall apply in an S.C. District:

5.03.01 **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/unloading, and motor vehicle access points are regulated.

5.03.02 **PERMITTED USES.** Only the following uses shall be permitted in an S.C. District provided such uses do not emit or create any danger to health and safety in the surrounding area, and do not create any offensive noise, vibration, smoke, dust, heat, glare, flame, air pollutants or other objectionable influences.

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

- Antique shops
- Artists' supply stores
- Bakeries
- Book and newspaper stores
- Card stores
- Clothing and apparel shops
- Drapery, linen and fabric stores
- Drug and pharmaceutical stores
- Electronic stores
- Floor and wall covering stores
- Florist and gift shops
- Food and beverage stores
- Furniture, household goods and appliance stores
- Hardware and paint stores
- Hobby and craft shops
- Jewelry, silverware and watch stores
- Lamp and lighting fixture stores
- Luggage and leather goods stores
- Lunchrooms, bars, taverns, restaurants and cafeterias
- Musical instruments and supply stores
- Office supply and stationery stores

Pet Stores  
Photographic equipment, supplies and processing stores  
Record, tape and supply stores  
Sporting goods, clothing and equipment stores  
Toy stores  
Variety home items and consumable stores  
Video tape sale and rental stores

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

Banks, financial and other lending institutions  
Barber, beauty and hair-styling shops  
Bowling alleys  
Commercial schools, business, trade or vocational; also classes of instruction involving art, cooking, dance, drama, exam preparation, exercise and fitness, gymnastics, martial arts, and music.  
Dry cleaning and clothes pressing, provided that no inflammable, toxic or odorous cleaning agents are used.  
Household appliance, service and repair shops  
Indoor theaters  
Interior decorating shops  
Jewelry, clock and watch repair shops  
Laundry and dry cleaning pick-up stores  
Locksmiths  
Mailing services  
Offices, professional, business and philanthropic  
Pet grooming  
Photographic and art studios  
Picture framing shops  
Shoe and leather repair shops  
Tailor, dressmaker, sewing and furrier shops  
Tanning salons  
Travel bureaus

5.03.03

**PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES.** Permitted accessory buildings, structures and uses which are on the same lot with and incidental or subordinate to the principal permitted building, structure or use are:

- A. Off-street parking spaces as required by the provisions of this Resolution
- B. Off-street loading/unloading spaces as required by the provisions of this Resolution
- C. Signs in accordance with Article 9



5.03.04

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

- A. **MINIMUM LOT AREA.** Every shopping center development shall have a minimum lot area of five (5) acres.
- B. **MINIMUM LOT WIDTH.** Every shopping center development shall have a minimum lot width on its major street frontage of five hundred (500) feet.
- C. **MINIMUM FRONT YARD.** Every building, structure, and use of land on U.S. 322 (Mayfield Road) or S.R. 306 (Chillicothe Road) shall have a minimum front yard of one hundred forty-five (145) feet measured from the center line or one hundred fifteen (115) feet from the right-of-way, whichever is greater. The minimum front yard on any other street shall be one hundred (100) feet from the center line or seventy (70) feet from the right-of-way, whichever is greater. However, off-street parking spaces may be located within the front yard in accordance with the provisions of Section 5.03.11.
- D. **MINIMUM SIDE YARDS.** Interior side yards shall not be required except as may be necessary for driveways and access. Where a side lot adjoins a Residential District, there shall be a side yard of at least one hundred (100) feet.

On a corner lot, the side yard along the side street shall be no less than twenty-five (25) feet from the side street right-of-way line. However, off-street parking spaces may be located within the side yard in accordance with the provisions of Section 5.03.11.

- E. **MINIMUM REAR YARD.** Every building, structure, and use of land shall have a minimum rear yard of fifty (50) feet. Where a rear lot line adjoins a Residential District, there shall be a rear yard of at least one hundred (100) feet. Where a rear yard adjoins a street, there shall be a minimum rear yard of fifty (50) feet. However, off-street parking spaces and off-street loading/unloading docks may be located within the rear yard in accordance with the provisions of Sections 5.03.11 and 5.03.13.
- F. **MAXIMUM HEIGHT OF BUILDING.** The height of any building or structure shall not exceed thirty-five (35) feet. The height of any accessory building shall not exceed fifteen (15) feet.
- G. **STRUCTURE HEIGHT EXCEPTIONS.** Belfries, church spires, clock towers, monuments and water towers; no maximum height imposed.

5.03.05

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

- A. LOCATION OF DRIVEWAYS. The location of driveways shall be consistent with this subsection.
1. The minimum distance between a driveway and the right-of-way line of the nearest parallel State or Federal highway shall be not less than sixty (60) feet.
  2. The minimum distance between a driveway and the right-of-way line of a parallel street other than a State or Federal highway shall be not less than forty (40) feet.
  3. The minimum distance between a driveway and an adjacent property line shall be not less than twenty (20) feet from the point of radii as measured along the pavement edge.
  4. No lot having less than two hundred (200) feet of frontage shall have more than one (1) two-way drive or two (2) one-way drives.
  5. The minimum distance between driveways on the same property shall be forty (40) feet from the point of radii as measured along the pavement edge.
- B. ENTRANCE AND EXIT DRIVEWAYS. Entrance and exit driveways shall not exceed three (3) lanes in width, or four (4) lanes divided and shall be designed so that all cars can be driven forward into the street. The width of such driveways, measured at the right-of way, shall conform with the following schedule:
1. WIDTH OF DRIVEWAY
 

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

Four lane divided driveways shall be no more than 54 feet including a 6-foot median
  2. The angle of intersection between the driveway and the street shall be between seventy (70) and ninety (90) degrees. The radii of the edge of the driveway apron shall be at least fifteen (15) feet.
- C. The entrance and exits to a shopping center development shall be planned at places that will cause the least amount of traffic congestion. No such access point shall be located closer than one hundred twenty-five (125) feet from the intersection of two (2) or more streets.
- D. There shall be no more than two (2) access points on any one street.



5.03.06

**PERMITTED BUILDINGS, STRUCTURES AND USES IN REQUIRED YARDS.**

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

- A. Above ground surface sand filters for septic system
- B. Air conditioning units/ heat pumps
- C. Fences and walls in accordance with the following regulations:
  - 1. Fences and walls shall be erected outside of the right-of-way of any public or private road.
  - 2. Fences and walls shall not block or impede clear sight distance of vehicle operators at the intersection of any public or private road.
  - 3. Fences and walls shall not exceed eight (8) feet in height.
- D. Flagpoles
- E. Uncovered steps

5.03.07

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

5.03.08

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

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

5.03.09

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

5.03.10

**SIGN REGULATIONS.** Signs shall be regulated in accordance with the regulations set forth in Article 9, for each of the uses permitted in an S.C. District.

5.03.11

**OFF-STREET PARKING.**

- A. All off-street parking spaces shall be provided on the premises and within four hundred (400) feet of the principal buildings as follows:
  - 1. Indoor theaters - One (1) space for each two (2) seats.
  - 2. Bowling alleys - Five (5) spaces for each alley plus one (1) space for each two (2) employees.
  - 3. Restaurants - One (1) space for each two (2) seats of seating capacity.
  - 4. Medical and dental offices - Five (5) spaces for each physician or dentist plus one (1) space for each two (2) other employees.
  - 5. All other retail sales and service establishments - Six (6) spaces for each one thousand (1,000) square feet of gross floor area.
- B. **SIZE OF SPACE.** Each off-street parking space shall have an area of not less than two hundred (200) square feet, exclusive of passageways, driveways and other maneuvering area appurtenant thereto and giving access thereto. Each such space shall have direct accessibility to a street or driveway. Where driveways are required to provide accessibility to the parking space, they shall have an unobstructed width of at least twenty (20) feet.
- 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 any Residential District.
- D. **ACCESS.** Access shall be consistent with Driveway Regulations in Section 5.03.05.
- 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.

5.03.12

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



5.03.13

**OFF-STREET LOADING/UNLOADING.** There shall be provided suitable off- street facilities for the loading and unloading of trucks and other motor freight vehicles. Such facilities shall provide at least one (1) unloading dock for each ten thousand (10,000) square feet, or fraction thereof, of floor space devoted to retail sales use, and at least one (1) loading dock for each forty thousand (40,000) square feet of floor space devoted to other uses, and at least one (1) loading dock for each separate unit.

No such loading facilities shall be placed in any setback or side yard. The design of all loading/unloading facilities 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 of ingress or egress to the lot. Whenever possible, the loading/unloading space and vehicular access thereto shall be provided at the rear of the building or structure providing such space.
- B. The area of the lot required to be used for off-street loading/unloading docks shall not be used to compute the amount of area required for off-street parking space.

5.03.14

**SCREENING FOR SHOPPING CENTER.**

- A. Where a Shopping Center District adjoins or faces a Residential District, an opaque/solid wall, a uniformly painted opaque/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 eight (8) feet in height. Screening consisting of planted evergreen landscaping shall have a minimum height of six (6) feet.
- B. 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.
- C. The required screening shall be maintained in good condition at all times.
- D. No signs shall be permitted to be attached to or hung from the required screening.

5.03.15

**CONDITIONAL BUILDINGS, STRUCTURES AND USES.** Conditional buildings, structures and uses may be allowed in accordance with this Resolution with the approval of the Board. The following are conditional uses: Gamerooms.

Section 5.03.16 Dimensional Requirements in an SC District (Table)

SC District Uses	Minimum Building Size	Maximum Height	Coverage	Minimum Lot Area	Location	Minimum Lot Frontage and Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Space Between Buildings
All Uses Permitted in an SC District  See Section 5.03.02	1000 square feet	35 feet	Minimum Green Space: 40%	Five (5) Acres	Lots on U.S. 322 or S.R. 306	500 feet	145 feet from centerline or 115 feet from right-of-way, whichever is greater	None if interior except for driveways and access  100 feet, if adjoining an R, R3A or R5A District  Corner lots: 25 feet from side street right-of-way	50 feet  100 feet if adjoining an R, R3A or R5A District	40 feet
		Accessory Buildings: 15 feet	Maximum Lot Coverage: 60%		Lots on all other roads	500 feet	100 feet from centerline, or 70 feet from right-of-way, whichever is greater	Same as on U.S. 322 and S.R. 306	Same as on U.S. 322 and S.R. 306	40 feet



**I-RESTRICTED INDUSTRIAL DISTRICT (I DISTRICT).** Subject to the provisions of Article 4 and Article 5, the following regulations shall apply in an I District and said I District shall not be less than twenty-five (25) acres.

**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 5.04.14.

A. 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

B. The following services:

- Agricultural implements (repair and service)
- 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

C. The Assembly and processing of the following:

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

D. The following additional uses:

Maintenance, storage and warehousing within wholly enclosed buildings



5.04.02

**PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES.** Permitted accessory buildings, structures and uses which are on the same lot with and incidental or subordinate to the principal permitted building, structure or use are:

- A. Off-street parking spaces as required by the provisions of this Resolution
- B. Off-street loading/unloading spaces as required by the provisions of this Resolution
- C. Signs in accordance with Article 9

5.04.03

**AREA, YARD AND HEIGHT REGULATIONS.** The regulations set forth on the table in Section 5.04.16 shall apply as indicated to each use permitted in an I District unless otherwise specifically provided. Buildings shall be designed and constructed, and land shall be used and improved for permitted uses only in accordance with the following regulations:

- A. **FRONT YARDS.** a landscaped yard shall be provided in front of all buildings, parking areas, and permitted outdoor uses and shall extend from the street right-of-way to at least one hundred fifty (150) feet from the centerline or one hundred twenty (120) feet from the right-of-way, whichever is greater.

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

- B. **SIDE YARD ADJOINING OR WITHIN AN "I" OR "C" DISTRICT.** Each lot or separate development shall have a side yard of not less than fifty (50) feet of green area on each side.
- C. **YARDS ADJOINING A RESIDENTIAL DISTRICT.** Where the boundary line of an I District adjoins the boundary line of an R District, R3A District, R5A District, the side or rear yard, as the case may be, shall be two hundred fifty (250) feet. No parking or paved area, roadway, lighting or other similar development shall be less than thirty (30) feet from any adjoining boundary of an R District, R3A District, R5A District, and no loading ramp shall be less than a hundred (100) feet from said boundary. An opaque/ solid wall not exceeding eight (8) 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 six (6) feet in height, except as provided in Section 5.04.09. All required screening shall be maintained in good condition at all times.
- D. **REAR YARDS.** The minimum distance from any rear Industrial District boundary line, or rear lot line within the Industrial District that does not coincide with the rear Industrial District boundary line, to any parking area, drive or permitted open use shall not be less than sixty (60) feet.

- E. **HEIGHT REGULATIONS.** The height of any building or structure in an Industrial District shall not exceed thirty-five (35) feet. The height of any accessory building shall not exceed fifteen (15) feet.
- F. **STRUCTURE HEIGHT EXCEPTIONS.** Belfries, church spires, clock towers, monuments and water towers: no maximum height imposed.

5.04.04

**GENERAL AREA REGULATIONS.** Subject to the provisions of Article 4 and Article 5, the following regulations shall apply in an I District:

- A. The lot area shall be the area of any lot, or lots, comprising a development, excluding the right-of-way of an existing, or planned and duly approved future street, or planned street widening, and it shall be construed to encourage larger parcels for each development so as to provide space for expansion of principal and accessory uses. If an industrial development of not less than twenty-five (25) acres is planned and submitted for approval as provided in Section 5.04.15, the lot areas set forth in Section 5.04.16 may be construed as average lot areas and up to twenty percent (20%) of the lots may be less than the minimum lot area set forth, provided all other regulations are complied with.
- B. The landscaped areas shall be that part of any lot which is not covered by buildings, parking areas, driveways or similar permitted outdoor use, and it shall be construed that it may be necessary to further increase the landscaped areas in providing the yards required under Sections 5.04.03, 5.04.09, or 5.04.16. The landscaped areas shall be developed and maintained as lawns along with trees and shrubs, or maintained in an orderly natural state.

5.04.05

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

- A. **LOCATION OF DRIVEWAYS.** The location of driveways shall be consistent with this subsection.
  - 1. The minimum distance between a driveway and the right-of-way line of the nearest parallel State or Federal highway shall be not less than sixty (60) feet.
  - 2. The minimum distance between a driveway and the right-of-way line of a parallel street other than a State or Federal highway shall be not less than forty (40) feet.
  - 3. The minimum distance between a driveway and an adjacent property line shall be not less than twenty (20) feet from the point of radii as measured along the pavement edge.



4. No lot having less than two hundred (200) feet of frontage shall have more than one (1) two-way drive or two (2) one-way drives.
5. The minimum distance between driveways on the same property shall be forty (40) feet from the point of radii as measured along the pavement edge.

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

1. **WIDTH OF DRIVEWAY**

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

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

2. The angle of intersection between the driveway and the street shall be between seventy (70) and ninety (90) degrees. The radii of the edge of the driveway apron shall be at least fifteen (15) feet.

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

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

5.04.06

**PERMITTED BUILDINGS, STRUCTURES AND USES IN REQUIRED YARDS.**

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

- A. Above ground surface sand filters for septic system
- B. Air conditioning units/heat pumps
- C. Fences and walls in accordance with the following regulations:
  1. Fences and walls shall be erected outside of the right-of-way of any public or private road.

2. Fences and walls shall not block or impede clear sight distance of vehicle operators at the intersection of any public or private road.
3. Fences and walls shall not exceed eight (8) feet in height.

D. Flagpoles

E. Uncovered steps

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

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

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

5.04.09 **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.

5.04.10 **SIGN REGULATIONS.** Signs shall be regulated in accordance with the regulations set forth in Article 9, for each of the uses permitted in an I District.

5.04.11 **OFF-STREET PARKING.** Off-street parking space shall be provided in accordance with the regulations set forth in Article 7 for each of the uses permitted in an I District. All parking facilities shall be located on the same lot as the principal building and use served and shall in no case be located between any street line and its parallel building line.

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

5.04.13 **OFF-STREET LOADING/UNLOADING.** Off-street loading/unloading space shall be provided in accordance with the regulations set forth in Article 7 for each of the uses permitted in an I District. Wherever possible, the loading/unloading space and vehicular access thereto shall be provided at the rear of the building or structure providing such space.



**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 Article 3. 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 principal and accessory uses and operations shall be performed wholly within an enclosed building or buildings. All raw materials, finished products, mobile and other equipment shall be stored within buildings, with the exception that outdoor overnight parking of cargo carriers in the process of loading or unloading shall be permitted.
- B. **FIRE AND EXPLOSIVE HAZARDS.** The storage, handling and use of flammable or explosive materials shall be permitted only in structures having incombustible exterior walls, and all operations in connection therewith shall be provided with adequate safety and protective devices against hazards or fire and explosion as well as with adequate fire-fighting and suppression equipment and devices standard to the operation involved. The latest edition of the American Insurance Association "Fire Prevention Code" is hereby established as a guide in determining the adequacy of safety and protective devices.
- C. **WASTE MATERIAL.** 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 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 percent (50%) excess air.
- F. NOISE. The sound pressure level of any operation on a lot, other than the operation of auto-calls, bells, motor vehicles, sirens or whistles, shall not exceed the average intensity of street traffic noise at the nearest residential lot line, and no sound shall be objectionable due to intermittence, beat frequency, or shrillness.
- G. VIBRATION. No vibration shall be permitted which is discernible to the human sense of feelings for three (3) minutes more duration in any one (1) hour of the day between the hours of 7 a.m. and 7 p.m. or thirty (30) seconds or more duration in any one hour between the hours of 7 p.m. and 7 a.m. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, U.S. Bureau of Mines Bulletin No. 442, "Seismic Effects of Quarry Blasting", on any structure. The methods and equations of said bulletin No. 442 shall be used to compute all values for the enforcement of this standard.
- H. HEAT, COLD, MOVEMENT OF AIR OR DAMPNESS. No activities shall be permitted which shall produce any material effect on the temperature, motion, or humidity of the atmosphere at the lot line or beyond.
- I. RADIOACTIVE OR ELECTRICAL DISTURBANCE. No activities which emit dangerous radioactivity shall be permitted at any point. Radioactive or electrical disturbances shall not be created which would adversely affect any equipment at or beyond the boundaries of the lot occupied by the use.
- J. ODOR. No emission of odorous gases or other odorous matter in such quantities as to be offensive at or beyond the boundaries of the lot occupied by the use shall be permitted. Any process which may involve the creation of emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors Table 111 (Odor Thresholds) in Chapter 5, "Air Pollution Abatement Manual", copyright 1951 by Manufacturing Chemists' Association, Washington, D.C.
- K. GLARE. No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, so as to create a public nuisance at or beyond the boundaries of the lot occupied by the use shall be permitted. All sources of illumination of the exterior of buildings or grounds shall be shielded so as not to cause glare which would be hazardous to auto drivers or would be objectionable to users of adjacent property.



**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 Zoning Inspector for review and approval in accordance with the following regulations.

- A. Plans for development shall be drawn at a scale no smaller than one hundred (100) feet to the inch and shall include:
1. SURVEY: property and topography, showing land owned and proposed for development, surrounding streets and the adjoining lots.
  2. BUILDINGS: locations, size, height and use of all proposed principal and accessory buildings; the general design, materials and color; and the nearest buildings on adjoining lots.
  3. TRAFFIC: proposed system of on-site vehicular circulation, details for access-ways to streets, methods for control of traffic and type of pavement.
  4. PARKING AREAS: layout and estimate of number of spaces, landscaping and other design features and type of pavement.
  5. UTILITIES: location, size and grade for all utility installations and connections to present or proposed facilities.
  6. OTHER SITE DEVELOPMENTS: including grading and drainage, design of landscaped yards, planting areas and buffers and adjoining residential areas; and the size, locations and type of all outdoor signs and exterior lighting.
- B. Approval of Plans. The preliminary Development Plan shall be submitted to the Zoning Inspector 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 Zoning Inspector 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 Zoning Inspector 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 Zoning Inspector. 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 Zoning Inspector. Within thirty (30) days of receiving the Zoning Inspector'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.



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I District Uses	Minimum Building Size	Maximum Height	Coverage	Minimum Area	Minimum Lot Frontage and Width	Minimum Front Yard	Minimum Side and Rear Yard	Space Between Buildings
All Uses Permitted in an I District  See Section 5.04.01	2,500 square feet	35 feet	Minimum Green Space: 75%, of which a minimum of 25% will be landscaped	25 acres minimum for each I District  5 acres for each lot	300 feet	150 feet from centerline	Side yard: 50 feet if adjoining or within an I or C District  Rear yard: 60 feet if adjoining or within an I or C District	40 feet
		Accessory Buildings: 15 feet	Maximum Lot Coverage: 25%				Side and rear yard: 250 feet if adjoining an R, R3A or R5A District  See Section 5.04.03	

## ARTICLE 6 CONDITIONAL USES

### 6.00      **CONDITIONAL ZONING CERTIFICATE REQUIRED.**

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

### 6.01      **CONTENTS OF APPLICATION FOR A CONDITIONAL ZONING CERTIFICATE.**

Written application for a conditional zoning certificate shall be made on forms provided by the Township Zoning Inspector and shall be signed and dated by the owner, the applicant, or his authorized representative, attesting to the truth and accuracy of all information supplied in the application.

All applications for conditional zoning certificates shall contain the following language

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

All completed applications for a conditional zoning certificate shall be submitted to the Township Zoning Inspector and shall include, at a minimum, the following information:

- A.    The name, address and telephone number of the applicant;
- B.    The name, address and telephone number of the owner of record;
- C.    The address of the property, if different from the applicant's current address;
- D.    The names and addresses of all parties in interest from the County Auditor's current tax list (all properties adjacent to and directly across the street from the subject property);
- E.    Documentation as to authority to make application (e.g. deed, power of attorney, lease or purchase agreement);
- F.    A legal description of the property, as recorded with the Geauga County Recorder;
- G.    The current zoning district in which the property is located;
- H.    A description of the existing use of the property;



- I. A description of the proposed use of the property;
- J. Two (2) copies of a plan or map, drawn to scale, with a north arrow and date showing the following information:
  - 1. The dimensions (in feet) of all property lines and the total acreage of the property;
  - 2. The dimensions (in feet) of all existing buildings or structures on the property, if any;
  - 3. The setback (in feet) from all property lines of existing buildings or structures on the property, if any;
  - 4. The dimensions (in feet) of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures;
  - 5. The total amount of square feet of floor space for each floor of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures;
  - 6. The setback (in feet) from all property lines of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures;
  - 7. The height (in feet) of existing buildings or structures on the property;
  - 8. The height (in feet) of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures;
  - 9. The name and location of the existing road(s), public and private, adjacent to the property;
  - 10. The number of dwelling units existing (if any) and proposed for the property;
  - 11. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed;
  - 12. For commercial and industrial uses: The location, dimensions (in feet), and number of loading/unloading spaces;
  - 13. The location and dimensions (in feet) of any existing or proposed easements on the property;

- K. Provide the type and design of any sign(s);
1. Two (2) copies of a drawing or map, drawn to scale with a north arrow and date showing:
    - a. The dimensions (in feet) of the sign;
    - b. The area of the sign (per sign face) in square feet;
    - c. The location of the sign on the building, structure, or property including dimensions (in feet) from the front and side lot lines;
    - d. The height (in feet) of the sign;
    - e. The method of illumination, if any;
    - f. The content of the sign;
- L. Two (2) copies of an erosion control plan as required by Section 5.00.06 of this Resolution or written documentation of plan approval from the Geauga Soil and Water Conservation District.
- M. The application fee. See Schedule of Fees, Charges, and Expenses; and Collection Procedure, Section 1.01.05.

6.02

**TRANSMITTAL OF APPLICATION TO BOARD OF ZONING APPEALS.**

Within seven (7) days after the receipt of a completed application for a conditional zoning certificate, the Township Zoning Inspector shall transmit said application to the secretary of the Board of Zoning Appeals or to the chairperson of the Board of Zoning Appeals, if the secretary is unavailable.

6.03

**MEETING OF BOARD OF ZONING APPEALS.**

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

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



6.03.01

**ACTION BY BOARD OF ZONING APPEALS.**

- A. Hearings and decisions before the Board of Zoning Appeals shall be conducted in accordance with Section 3.00.03.4 (Procedures of the Board of Zoning Appeals) of this Resolution.
- B. One (1) copy of the plans submitted with the application shall be returned to the applicant by the Board of Zoning Appeals after said copy has been marked either approved or disapproved, dated, and attested to by the signature of the chairperson or the secretary of the Board of Zoning Appeals. One (1) copy of the plans so marked shall be retained by the Board of Zoning Appeals for its permanent records.
- C. The date of the signing of the written decision by the Board of Zoning Appeals shall be the date of entry as provided in R.C. 2505.07 for purposes of appeal to the court of common pleas pursuant to R.C. Chapter 2506.

6.04

**ISSUANCE OF CONDITIONAL ZONING CERTIFICATE.**

Upon receiving written notice of the approval of an application for a conditional zoning certificate as provided by Section 6.03.01, the Zoning Inspector shall issue a conditional zoning certificate to the applicant.

6.05

**GENERAL CONDITIONS FOR CONDITIONAL ZONING CERTIFICATES.**

All conditional zoning certificates may contain the following conditions, in addition to those specifically required by other sections of this Zoning Resolution and those required by the Board of Zoning Appeals.

- A. A conditional zoning certificate shall not be transferred or assigned without prior notification to the Zoning Inspector of such transfer or assignment.
- B. A conditional zoning certificate for any of the uses provided herein shall be valid for a period not to exceed five (5) years from the date of issuance.

6.06

**REVOCATION OF CONDITIONAL ZONING CERTIFICATE.**

A conditional zoning certificate shall be revoked by the Board of Zoning Appeals if:

- A. The conditional zoning certificate has been issued in error.
- B. The conditional zoning certificate was issued based upon a false statement by the applicant.
- C. The construction or use described in the conditional zoning certificate has not begun within six (6) months from the date of issuance or if construction has begun within six (6) months and said construction has not been completed within two (2) years from the date of issuance.

- D. The conditional use described therein is voluntarily discontinued for a period of two (2) years.
- E. Any of the conditions set forth in the conditional zoning certificate are violated.

6.06.01

**PROCEDURE FOR REVOCATION OF CONDITIONAL ZONING CERTIFICATE.**

The Board of Zoning Appeals shall notify the holder of the conditional zoning certificate by certified mail of its intent to revoke said certificate and his/her right to a hearing before the Board, within thirty (30) days of the mailing of the notice, if he/she so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his/her attorney or other representative, or he/she may present his/her position in writing. He/she may present evidence and examine witnesses appearing for or against him/her. If no hearing is requested, the Board may revoke the certificate without a hearing. The authority to revoke a certificate is in addition to any other means of zoning enforcement provided by law.

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

6.07

**GENERAL STANDARDS FOR CONDITIONAL USES.**

In addition to the specific requirements for conditional uses specified in this Resolution, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards:

- A. The location, size and intensity of the proposed use shall be considered in relationship to the size and location of the site.
- B. The proposed roads and other means of ingress and egress are of adequate width and condition to accommodate expected vehicular traffic to be generated by the proposed use and are reasonably constructed to permit access by firefighting, police, ambulance and other safety vehicles and will not interfere with traffic on adjacent thoroughfares.
- C. The size and number of proposed off-street parking spaces and loading/unloading spaces (if applicable) are adequate and are in accordance with the provisions of Article 7 of this Resolution.
- D. The type, size, location and number of proposed signs are in accordance with the provisions of Article 9 of this Resolution.



- E. The proposed use will be compatible with the Township Land Use Plan.
- F. The proposed use will not be hazardous or disturbing to existing or future neighboring uses.
- G. The proposed use will be served adequately by essential public facilities including roads, police and fire protection, drainage structures, refuse disposal, water and sewage disposal facilities, and schools, or that the applicant shall be able to adequately provide such services.
- H. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- I. The proposed use will not involve uses, activities, processes, materials, equipment and conditions that will be detrimental to any persons, property or the general welfare.
- J. The proposed use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance.
- K. The proposed use will not obstruct light and air from adjacent buildings to a greater extent than would result from the applications of the regulations prescribed for the districts in which such use is located.
- L. The proposed use will be examined to determine the necessity for landscaping, fences, and walls designed to further the purposes of this Resolution.

6.08

## **CONDITIONAL BUILDINGS, STRUCTURES AND USES IN RESIDENTIAL DISTRICTS.**

6.08.01

**CHURCHES.** Subject to the provisions of Article 6, churches may be permitted by the Board of Zoning Appeals as a conditional use in the R, R3A, and R5A Residential Districts, subject to the following conditions:

- A. **BUILDING OR PREMISES USE.** No part of any building or land used for church purposes shall be used for business, commercial use or nonchurch related activities.
- B. **LOCATION.** No church shall be located closer than one-quarter mile from any other place of assembly as defined in the Ohio Basic Building Code.
- C. **FRONTAGE.** The minimum front lot line of a church shall be three hundred fifty (350) feet, except for a corner lot where the minimum front and side lot lines shall be four hundred twenty-five (425) feet each.
- D. **DRIVEWAYS.** No church entrance or exit driveway shall be located within three hundred (300) feet of any intersecting right-of-way as measured from the right-of-way. Only ingress and/or egress drives shall be permitted in the front, side or rear yard.

- E. **YARDS.** The minimum side and rear yard setback line of any church shall be one hundred (100) feet. The minimum front yard setback line shall be two hundred (200) feet or the line joining the front building lines of adjoining properties, whichever is the greater distance. Required front, side and rear yards shall be landscaped and maintained in a satisfactory condition.
- F. **HEIGHT.** The maximum church building height shall be the same as is specified for the district in which the church is proposed to be located, subject to the building height exceptions.
- G. **LOT AREA.** The minimum church lot size and coverage shall be the same as is specified for the district in which the church is proposed to be located.
- H. **PARKING.** The minimum required off-street parking spaces for each church shall be one space per six seats located in the main assembly hall or sanctuary. Off-street parking spaces shall be screened as required in Section 7.11. No parking shall be permitted in the required minimum front, side or rear yard.
- I. **BUFFER ZONE.** A buffer zone of not less than sixty (60) feet in width measured from the lot line and the nearest edge of the parking area shall be required wherever a church abuts a single family detached dwelling. No structure, building, accessory building, parking area, driveway or sign shall be permitted in a buffer zone. The buffer zone shall be part of the lot on which the church is located.

All buffer zones abutting along the side or rear lot lines shall be landscaped and maintained in an appropriate manner. In addition, appropriate screening shall be required which shall consist of opaque/solid fences, walls, or a densely planted evergreen landscaping at least four (4) feet wide, all of which shall be maintained in good condition and be free from all advertising and other signs. Fences and walls shall be a minimum height of six (6) feet and a maximum of eight (8) feet measured from ground level. Screening consisting of planted evergreen landscaping shall have a minimum height of six (6) feet.

- J. **OHIO E.P.A.** Applicant must show proof of compliance with applicable regulations of the Ohio E.P.A.
- K. **COMPLIANCE.** Except as otherwise provided, churches shall comply with all the regulations for the zoning district in which they are located.

#### 6.08.02

**GOLF CLUBS, PRIVATE OR PUBLIC.** 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 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 7.04 through 7.11.

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 THE BOARD. The Board may modify the provisions of Section 7.11 and this paragraph C in those cases where there is no development of uses permitted in an R District, R3A District, and R5A 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, R3A District, and R5A District uses takes place.

- E. SIGN REGULATIONS. See Article 9.

- 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, driveways, parking areas, 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 Township Thoroughfare Plan".
- K. DATES AND TIMES OF OPERATION. Such club may be open or operate 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.



- N. OHIO E.P.A. Applicant must show proof of compliance with applicable regulations of the Ohio E.P.A.
- O. COMPLIANCE. Except as otherwise provided, public or private golf courses shall comply with all the regulations for the zoning district in which they are located.

6.08.03

**MEMORIAL PARK.** 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.

4. **BUFFER ZONE.** A buffer zone of not less than sixty (60) feet in width measured from the lot line and the nearest edge of the parking area shall be required wherever a memorial park abuts a single family detached dwelling. No structure, building, accessory building, parking area, driveway or sign shall be permitted in a buffer zone. The buffer zone shall be part of the lot on which the memorial park is located.

All buffer zones abutting along the side or rear lot lines shall be landscaped and maintained in an appropriate manner. In addition, appropriate screening shall be required which shall consist of opaque/solid fences, walls, or a densely planted evergreen landscaping at least ten (10) feet wide, all of which shall be maintained in good condition and be free from all advertising and other signs. Fences and walls shall be a minimum height of six (6) feet and a maximum of eight (8) feet measured from ground level. Screening consisting of planted evergreen landscaping shall have a minimum height of six (6) feet.

- C. **SCREENING.** Where a memorial park faces residential buildings, an opaque/solid wall, a uniformly painted opaque/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.
- L. **OHIO E.P.A.** Applicant must show proof of compliance with applicable regulations of the Ohio E.P.A.
- M. **COMPLIANCE.** Except as otherwise provided, a memorial park shall comply with all the regulations for the zoning district in which it is located.

6.08.04

**MUSEUMS.** Subject to the provisions of Article 6, museums may be permitted by the Board of Zoning Appeals as a conditional use in the R, R3A, and R5A Residential Districts, subject to the following conditions:

- A. **BUILDING OR PREMISES USE.** No part of any building or land used for museum purposes shall be used for business, commercial use or nonmuseum related activities.
- B. **LOCATION.** No museum shall be located closer than one-quarter mile from any other place of assembly as defined in the Ohio Basic Building Code.
- C. **FRONTAGE.** The minimum front lot line of a museum shall be three hundred fifty (350) feet, except for a corner lot where the minimum front and side lot lines shall be four hundred twenty-five (425) feet each.
- D. **DRIVEWAYS.** No museum entrance or exit driveway shall be located within three hundred (300) feet of any intersecting right-of-way as measured from the right-of-way. Only ingress and/or egress drives shall be permitted in the front, side or rear yard.
- E. **YARDS.** The minimum side and rear yard setback line of any museum shall be one hundred (100) feet. The minimum front yard setback line shall be two hundred (200) feet or the line joining the front building lines of adjoining properties, whichever is the greater distance. Required front, side and rear yards shall be landscaped and maintained in a satisfactory condition.
- F. **HEIGHT.** The maximum museum building height shall be the same as is specified for the district in which the museum is proposed to be located, subject to the building height exceptions.
- G. **LOT AREA.** The minimum museum lot size and coverage shall be the same as is specified for the district in which the museum is proposed to be located.
- H. **PARKING.** Off-street parking spaces shall be screened as required in Section 7.11. No parking shall be permitted in the required minimum front, side or rear yard.



- I. **BUFFER ZONE.** A buffer zone of not less than sixty (60) feet in width measured from the lot line and the nearest edge of the parking area shall be required wherever a museum abuts a single family detached dwelling. No structure, building, accessory building, parking area, driveway or sign shall be permitted in a buffer zone. The buffer zone shall be part of the lot on which the museum is located.

All buffer zones abutting along the side or rear lot lines shall be landscaped and maintained in an appropriate manner. In addition, appropriate screening shall be required which shall consist of opaque/solid fences, walls, or a densely planted evergreen landscaping at least four (4) feet wide, all of which shall be maintained in good condition and be free from all advertising and other signs. Fences and walls shall be a minimum height of six (6) feet and a maximum of eight (8) feet measured from ground level. Screening consisting of planted evergreen landscaping shall have a minimum height of six (6) feet.

- J. **OHIO E.P.A.** Applicant must show proof of compliance with applicable regulations of the Ohio E.P.A.
- K. **COMPLIANCE.** Except as otherwise provided, museums shall comply with all the regulations for the zoning district in which they are located.

6.09

## **CONDITIONAL BUILDINGS, STRUCTURES AND USES IN COMMERCIAL DISTRICTS.**

6.09.01

### **GOLF DRIVING RANGES AND MINIATURE GOLF COURSES.**

Conditions for golf driving ranges and miniature golf courses:

- A. The entire premises shall be fenced by suitable wire fencing.
- B. The number of off-street parking spaces shall be in accordance with Article 7.
- C. Signs shall be in accordance with Article 9.
- D. **OHIO E.P.A.** Applicant must show proof of compliance with applicable regulations of the Ohio E.P.A.
- E. **COMPLIANCE.** Except as otherwise provided, golf driving ranges and miniature golf courses shall comply with all of the regulations for the zoning district in which they are located.

6.09.02

### **LIMOUSINE AND TAXI SERVICES.**

Conditions for limousine and taxi services:

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

- B. No vehicle shall be parked for display within one hundred five (105) feet of the road right-of-way or one hundred thirty-five (135) feet of the centerline whichever is greater.
- C. The number of off-street parking spaces shall be in accordance with Article 7.
- D. Signs shall be in accordance with Article 9.
- E. OHIO E.P.A. Applicant must show proof of compliance with applicable regulations of the Ohio E.P.A.
- F. COMPLIANCE. Except as otherwise provided, limousine and taxi services shall comply with all of the regulations for the zoning district in which they are located.

6.10 **CONDITIONAL BUILDINGS, STRUCTURES AND USES IN SHOPPING CENTER DISTRICTS.** Subject to the provisions of Article 6, the following Conditional Uses may be permitted in a Shopping Center District with the approval of the Board.

6.10.01 **GAMEROOMS.** A gameroom may be established and operated subject to the following conditions:

- A. No more the twenty-five percent (25%) of the net floor area of gameroom(s) or game area(s) shall be occupied by tables, machines, games, or amusement devices. The remaining seventy-five percent (75%) of the net floor area shall be devoted to aisles, walkways and open spaces.
- B. SUPERVISION. Each operator of a gameroom shall provide one or more responsible adults, twenty-one (21) years of age or older, as a supervisor(s) who shall be readily identifiable and on duty at all times when the gameroom equipment is operated in operating condition or otherwise opened for business. Such supervisor shall maintain the decorum of the gameroom and keep the aisles free for passage throughout the gameroom.
- C. OHIO E.P.A. Applicant must show proof of compliance with applicable regulations of the Ohio E.P.A.
- D. COMPLIANCE. Except as otherwise provided, a gameroom shall comply with all of the regulations for the zoning district in which it is located.



**ARTICLE 7**  
**OFF-STREET LOADING AND OFF-STREET PARKING**

- 7.00 **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:
- 7.01 **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.
- 7.02 **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.
- 7.03 **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.
- 7.04 **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 floors in a building or structure, excluding basement space used for storage or utilities, measured from the exterior faces of exterior walls.

**USES**

**REQUIRED SPACES**

**A. RESIDENTIAL USES AND  
RESIDENTIAL-BUSINESS USES:**

- |                     |                                 |
|---------------------|---------------------------------|
| 1. Dwelling         | Two (2) for each dwelling unit  |
| 2. Home occupations | Four (4) for each establishment |

## USES

## REQUIRED SPACES

### 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; College 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. Clinics   | One (1) for each one hundred (100) square feet of gross floor area.  |
| 2. Institutions for Children & the Aged, Convalescent Homes, Rest Homes, Nursing Homes and 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. |

### D. PLACES OF PUBLIC ASSEMBLY:

- |  |   |
|--|---|
| 1. Arenas, Armories, Assembly Halls, Auditoriums, Concert Halls, Dance Halls, Exhibition Halls, Gymnasiums, and similar indoor amusement or recreation uses and Stadiums | One (1) for each six (6) seats or total parking area equal to three (3) times the gross floor area, whichever is greater. |
| 2. Clubs and Lodges  | Total parking area equal to one-half (1/2) the gross floor area.  |
| 3. Golf Clubs  | Eight (8) for each green.   |



## USES

4. Golf Driving Ranges
5. Archery Ranges
6. Libraries & Museums
7. Churches,  
Places of Worship
8. Community Centers

## REQUIRED SPACES

- Two (2) for each driving tee, plus one (1) for each operator, and one (1) for each employee.
- Two (2) for each target, plus one (1) for each operator, and one (1) for each employee.
- One (1) for each employee, plus one (1) for each two hundred (200) square feet of gross floor area.
- One (1) for each six (6) seats.
- 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, 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 thousand (1,000) 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.

## USES

## REQUIRED SPACES

4. Food Stores

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

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

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

5. Garden Supplies and  
other outdoor retail  
sale uses

Minimum five percent (5%) of lot size,  
Maximum twenty-five percent (25%) of lot  
size.

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  
percent (25%) 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. Car Wash

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



## USES

## REQUIRED SPACES

- |    |                                       |  |
|----|---------------------------------------|--|
| 4. | Funeral Homes                         | Four (4) for each slumber room, chapel, or parlor, or one (1) for each fifty (50) square feet of floor area of assembly rooms, whichever is greater, plus one (1) for each vehicle maintained on the premises. |
| 5. | Automobile Repair and Service Garages | One (1) for each five hundred (500) square feet of gross floor area.   |
| 6. | Bowling Alleys                        | Seven (7) for each lane.   |
| 7. | Indoor Theaters                       | One (1) for each six (6) seats or total parking area equal to three (3) times the gross floor area, whichever is greater.  |
| 8. | Other Indoor Amusement 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 & Fire Stations,<br>Sewage Treatment Plants,<br>Static Transformer Stations,<br>Telephone Exchanges,<br>Water Filtration Plants,<br>Water Reservoirs, and<br>other Public Utilities | Two (2) for each three (3) employees.                                 |
| 2. | Township and other<br>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<br>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 percent (10%) of the gross floor area, whichever is greater. |
|----|------------------------------|--|

## USES

## REQUIRED SPACES

- |    |  |  |
|----|--|--|
| 2. | Coal, Lumber, Contractors,<br>or other open storage uses | One (1) for each employee plus space equal to fifteen percent (15%) of the gross lot area.   |
| 3. | Other Permitted<br>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 percent (25%) of the gross floor area, whichever is greater. |

- 7.05 **SIZE OF SPACE.** Each off-street parking space shall have an area of not less than two hundred (200) square feet, exclusive of passageways, driveways, and other maneuvering area appurtenant thereto and giving access thereto. Each such space shall have direct accessibility to the parking spaces. Each parking space shall have an unobstructed area that measures at least ten (10) feet by twenty (20) feet.
- 7.06 **SURFACING.** The off-street parking spaces, maneuvering area 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 street or other property.
- 7.07 **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.
- 7.08 **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.
- 7.09 **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.
- 7.10 **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.



- 7.11 SCREENING. Where five (5) or more accessory off-street parking spaces are provided, and are located on a lot that is adjacent to a residential district or that adjoins a building containing dwelling units, such parking spaces shall be screened from all adjoining lots in the residential 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.

Article 8

AMENDMENT TO ZONING RESTRICTIONS  
CHESTER TOWNSHIP  
Z-91-1

Certified by the Board of Elections on June 18, 1992  
Extraction of Oil, Natural Gas and Hydrocarbons

Exploration for Such Substances

CHESTER TOWNSHIP

Section 8:

For the purpose of this Resolution, the following words and terms shall be defined and interpreted in accordance with the provisions set forth in this Section 8.

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

Section 8:1 Gas and Oil Wells:

(a) **Well:** Means any bore hole, whether drilled or bored, for production, extraction or injection of any gas or liquid mineral, including potable water to be used as such but including mineral or artificial brines and oil filled waters.

(b) **Oil:** Means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form or contained in production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir.

(c) **Gas:** Means all natural gas and other fluid hydrocarbons not defined herein as oil, including condensate.

(d) **Condensate:** Means liquid hydrocarbons that were originally in the gaseous phase in the reservoir.

(e) **Oil and Gas Wells:** Shall mean all wells as defined herein for the production or extraction of oil and/or gas.



(f) Brine: Means all saline geological formation water resulting, obtained, or produced in connection with the exploration, drilling or production of oil and gas wells.

(g) Dormant Well: An oil and gas well that meets all of the following criteria: (i) The owner of the well has received a permit under existing law to drill, re-open convert the well or plug it back to a new source of supply from the Chief of the Division of Oil and Gas in the Department of Natural Resources. (ii) Drilling on the well has been completed. (iii) The well is capable of production. (iv) The Well has been out of production for at least six months and (v) the owner has not applied to the Chief for a permit to plug and abandon the well under existing law.

(h) Oil and Gas: Means oil or gas or both.

(i) Producer: Means the owner of a well capable of or producing oil or gas or both or a person intending to produce an oil and gas well. Production shall include transmission of oil and gas within pipelines when used in the Zoning Code.

(j) Owner: Means the person who has the right to drill on a tract or drilling unit and to drill into and produce from a pool and to appropriate the oil or gas that is produced therefrom either for themselves or for others.

(k) Contractor: Means any third party engaged by an owner or producer to conduct drilling, producing and other operations.

(l) Division: Means Division of Oil and Gas, Department of Natural Resources for the State of Ohio.

(m) Applicant: Means record owner of the real property, and owner is different than record owner and producer, it being the intent that the record owner, owner and producer shall comply with all laws and regulations and shall be treated as jointly and severally responsible for all acts performed in the drilling, production and abandonment of oil and gas wells.

#### Section 8:2

(A) All well drilling, production and transmission operations and facilities for oil and gas shall comply and conform with all requirements of the Zoning Resolution, Ohio Revised Code Chapter 1509, the rules of the Division, and all other Ohio Revised Code Sections and administrative regulations, or requirements of the Ohio and Federal Environmental Protection Agencies and National Pollution Discharge Elimination System Regulations and permit provisions, if applicable, and statutes and regulations promulgated thereunder, all anti-degradation statutes and regulations for the State of Ohio and all other applicable Federal laws and regulations. In case of any conflict between any Local, State or Federal laws, regulations, or standards, the greater restriction or a

more stringent provision shall apply and control. No person, firm, corporation or any other entity shall violate any provision of any law, regulation, or standard applicable to gas and oil well drilling, production and/or transmission.

(B) No gas and oil well shall be drilled unless the owner, producer, or contractor complies with all requirements set forth in the Zoning Resolution. The owner shall have primary responsibility for filing all applications.

(C) The minimum lot area for each gas and oil well shall be no less than the minimum set forth in Ohio Administrative Chapter 1501:9-1-04 and said minimum area shall be deemed to be a drilling unit. The applicant shall submit a legal description of the drilling unit and note the boundary lines of the drilling unit on information to be submitted under this Section.

(D) There shall be no tanks, separators, sumps, pit areas, wells, or other apparatus or equipment erected for or maintained for the drilling, production, transmission, or storage of gas, oil, waste, natural or artificial brines, oil field waters, sewage or any liquid used in or resulting from any drilling or production of an oil or gas well within thirty feet of any side or rear yard or seven hundred and fifty feet of any occupied structure or dwelling or potable water well supplying water to any person or animal. Nor shall any drilling or production equipment be located within 750 feet of any lake, pond, river, stream.

(E) Any applicant for a gas and oil well whose proposed well shall be within 750 feet of any lake or pond, whether natural or man-made, river, stream, creek, or other body of surface water within Chester Township shall indicate the same on their registration application form. It shall be the responsibility of the applicant to assure that any said body of water shall not be exposed to any danger of erosion, siltation, pollution, contamination, or alteration. In addition, the Township of Chester hereby deems Griswald Creek and the East Branch of the Chagrin River within the limits of Chester Township to be an environmentally protected zone as the habitat of aquatic life listed or recognized as endangered species.

(F) An applicant for a gas and oil well shall file a registration application form on Form Z-1 and submit all information set forth and required under the Chester Township Zoning Resolution. The application shall be filed with the Township Zoning Inspector at least thirty days prior to the date upon which any drilling of a gas and oil well or site preparation for the drilling of the gas and oil well shall commence within the Township. The applicant shall file Form Z-1 executed by the record owner of the real property, and owner if different from record owner, and producer if different from record owner, and provide the following information:

i. Applicant shall file a copy of the State permit application as submitted to the Division, including all salt water and waste disposal



plans and surveyor's map. Applicant shall provide the Zoning Inspector with a plan for the handling, storage, removal and disposal of drilling fluids and materials, salt water, frac-water, sludge and any other gas and oil field waste. Applicant shall also submit a copy of the spill prevention control and counter-measure plan when required by Federal laws or regulations. In addition, the applicant shall submit a timetable listing when site preparation is to begin, when drilling is to begin and end, and when drilling equipment is to be removed, when access roads are to be installed and completed, when permanent storage tanks are to be erected, when transmission lines are to be installed, and when production is to commence.

ii. Applicant shall submit a statement naming the land owner and owner if different from record owner, producer, all contractors, and the qualifications and experience of producers and contractors.

iii. Applicant shall submit a schematic drawing of the loading area and measures to be taken for removal of brine and oil from storage tanks in order to confine any spillage of the same. Said schematic drawing shall show an aerial view, and side view, indicating location of separator, tank, sump, and loading area.

iv. Applicant shall submit a site development plan to the Zoning Inspector. Said plan shall include the following, and applicant shall develop the property in accordance with the following requirements:

- (1) North arrows.
- (2) Name, address and telephone number of record owners of property, applicant and driller.
- (3) A vicinity map to a convenient scale showing the following:
  - (a) Property lines, boundary lines of drilling unit, streets, rights-of-way, Township lines and easements adjacent to the site.
  - (b) Well site.
  - (c) Tank battery site.
  - (d) Proposed permanent and construction drive locations.
  - (e) Piping from well to tanks and from tanks to point of connection to existing supply line.
  - (f) Locate by dimension all dwellings, occupied buildings and/or water wells in every quadrant within 2,000 feet of the site.

(g) Show water courses, tree lines, marshes, water impoundments or other significant natural or man-made features within 2,000 feet of the site.

iv. Enlarged details shall be provided at the well site and the tank battery site showing the following:

(a) Well appurtenances: tanks, separators, piping valves, steel pits and dikes.

(b) Fences - to be provided around both the well site and tank battery site. Fence to be a cyclone fence with a minimum of 8 feet height and 3 strands of barbed wire on top. Gates to have provision for padlocking. An additional gate is to be provided at the driveway entrance, outside of right-of-way, to prevent unauthorized vehicles from entering the site. Provide for padlocking. Show detail of gate on plan.

(c) Existing contours, with a minimum interval of two feet, shall be shown within 100 feet of the outer boundaries delineating the area of the proposed well site, steel pits, storage tanks, and all other temporary or permanent fixtures associated with either drilling or production. Maintain positive drainage. Show spoil pile locations.

(d) Drainage structures, sized in accordance with criteria available through the Geauga County Engineer.

(5) Provide details as to width and composition of proposed permanent driveway. Driveway width to be a minimum of 15 feet with a minimum overhead clearance of 11 feet. Minimum requirement for driveway material to be a graded, crushed aggregate of a size, and placed to a thickness, sufficient to prevent displacement under a 20,000 pound axle load. The permanent driveway shall serve both the well and tank sites. Driveway must be a minimum of ten feet from any property line.

Provide details of the temporary construction drive which shall be installed to provide access and a staging area for equipment and materials. This drive shall be not less than 40 feet in width at the street tapering to not less than 30 feet at the right-of-way and extending from the right-of-way a minimum distance of 100 feet onto private property. It shall be constructed of a graded, crushed aggregate of a size, and placed to a thickness, to prevent displacement under the anticipated loading. If required by the County Engineer, a property sized culvert shall be installed at the street (minimum requirement is 12" diameter, 16 gage with annular ends). Unless the temporary drive is incorporated into the permanent drive, it shall be removed along with the culvert and the area restored to its original condition when the well site is restored. Positive drainage shall be maintained around this area at all times.



(6) Access drives exceeding 800 feet in length from a public road shall provide a vehicle turnaround area with a minimum radius of 35 feet for fire access. The location and configuration of the turnaround shall be subject to approval of the Township Zoning Inspector.

(7) Show typical cross-sections through diked areas around tanks. Specify liners and method of securing same. State volume of each diked area (minimum volume to be twice tank capacity). No direct discharge will be permitted from the containment areas. Contents must be pumped out and removed from the site along with the brine.

(8) Include restoration details. All disturbed areas to be fine graded, seeded and mulched on completion of grading operations. Between November 1 and March 1 apply mulch only. Temporary mulch to be removed and areas dressed, seeded and mulched after March 1. Weather permitting, restoration shall be completed within 60 days after drilling is complete.

(9) Provide an equipment list of those items to be installed at the site by manufacturer with model number of specifications, as applicable. Provide a list of all subcontractors to be employed and the work they will perform.

(10) Provide typical trench sections for pipe lines showing depth of line, trench width, backfill, including bedding and encasement details (where applicable).

(11) Give details of steel pit to be provided during the drilling operation, including dimensions and weight of steel pit, capacity, and method of transport of steel pit into the Township and onto the drilling unit.

(12) Add note indicating pressure testing procedures will be performed on all lines transporting gas (minimum requirement is two times anticipated operating pressure).

(13) Within 30 days after commencement of production, submit to the Township Zoning Inspector an "as-built" mylar reproducible of the Site Development Plan for record.

(14) Applicant shall file Form Z-1 and attach to said for all information requested herein and shall also attach a description of the drilling procedures to be followed to include the intended depth of drilling, the method of extraction of oil and gas, and the method for abandonment of said well. Also attached to Form Z-1 shall be a list of all names and addresses of all persons, firms or other entities engaged in the process of site preparation, drilling, production, removal of brine or oil, transmission of gas, or any other activity necessary for the drilling and production of gas and oil on the well under consideration and for

which a registration application form is to be filed. The applicant shall submit a geology report, prepared by and bearing the signature of a qualified geologist which shall include information as to the geological formation to be tapped, total depth of the proposed well, resistivity analysis to locate water aquifers that may be encountered and an analysis to determine the degree, if any, of the subsidence that may result from exploration and/or future extraction of gas and oil and other hydrocarbons.

v. Whenever any well is proposed and the well site is located within 2,000 feet of Griswald Creek and the East Branch of the Chagrin River, the applicant shall submit with Form Z-1 a recommended course of procedure to control spills and reduce the risk of contamination or injury to Griswald Creek, the East Branch of the Chagrin River and its inhabitants.

vi. The applicant shall submit information to the Zoning Inspector with satisfactory proof that applicant has the ability to remove all brine, drilling materials, sludge, and other materials required to be removed and which shall not be disposed of anywhere in the Township of Chester. Applicant shall submit evidence to the Township Inspector that the applicant has available a brine injection well with sufficient capacity to accept all materials to be removed from the Township and that said injection well or wells have been inspected and approved by the State of Ohio.

vii. After submission of Form Z-1 and after providing all information required by Form Z-1 and the Township Zoning Resolution, and in the event that the applicant is in compliance with all applicable Federal, State, County and Township laws, regulations, resolutions and rules, the applicant may commence site preparation for and drilling of a gas and oil well within the Township. The applicant shall at all reasonable hours and at any time during the site preparation and drilling stages allow the Township Zoning Inspector to enter onto the applicant's premises where said gas and oil well will be drilled to ensure that all applicable laws, regulations, resolutions and rules are being complied with by applicant. In the event that the Township Zoning Inspector determines that the applicant is violating any of the terms of the Zoning Resolution, and upon the applicant receiving either oral or written notice of the same, the applicant shall immediately cease all activities in furtherance of the development of the well site until in compliance with the Zoning Resolution.



Section 8:3

(A) Roads to all well sites shall be constructed prior to drilling in accordance with plans submitted to the Township Zoning Inspector. Roads to storage tank sites shall be constructed prior to installation of said tanks and in accordance with plans submitted to the Township Zoning Inspector. All access roads shall be maintained so as to be dust free and passable in all seasons and weather conditions. Access roads shall be adequately fenced with a locked gate to prevent unauthorized entry from public roads. Not more than two access points shall be established from any public road to any well site.

(B) The applicant shall fill and level all areas excavated for steel pits and restore the land to its original condition within seven days after the applicant is ready to commence production. The applicant shall remove all drilling fluids, materials and sludge from the steel pit prior to removing the steel pit from the site and haul the drilling fluids, materials or sludge outside the Township for disposal. The applicant shall notify the Township Zoning Inspector at initiation and upon completion of restoration.

(C) The name, address and telephone number of each person signed on the application, along with each operator and contractor responsible for ownership, operation, and all maintenance of each well site located within the Township shall be conspicuously placed on each tank battery and be furnished to the Zoning Inspector, Chief of Police, and Fire Chief for the Township. The applicant shall provide the location of each well site, separation and storage tanks, and the location and color identity of power and shutoff valves. Before commencing drilling operations and during production of the well, a sign of two square feet, and orange in color, shall be posted at the access road entrance gate showing the street number, owner, operator, lessee, if any, well number, State permit number, and all emergency telephone numbers.

(D) All storage tanks shall be above ground, and shall be lined with a coal-tar based material held with an epoxy to eliminate leakage. Each applicant company shall paint all its storage tanks with a single color. All shutoff valves shall be painted in fluorescent orange. All power, storage and transmission line shutoff valves shall be secured by locks or similar devices to prevent unauthorized access or usage.

(E) Prior to commencing production, all permanent producing and storage facilities shall be enclosed entirely by a cyclone fence to be a minimum of eight feet high, with three strands of barbed wire on the top and adequate to prevent trespassing at all times. A temporary fence shall be constructed prior to commencement of drilling to prevent unauthorized access to drilling equipment and any excavations.

(F) During drilling of wells, casings shall be cemented to a minimum depth of 500 feet below the surface. The applicant shall insure that the cement provided shall be sufficiently adequate to case 500 feet of annular volume and shall fill the annular space entirely for a minimum depth of 500 feet. A record of the depth of the cemented casings shall be filled with the Zoning Inspector for the Township.

(G) The applicant shall provide the Zoning Inspector with a plat of all buried transmission lines. No person shall place any transmission lines within the Township without first obtaining a written easement therefor and recording the same with the Geauga County Recorder. Prior to opening any public street to bury transmission lines, the applicant shall comply with all County regulations and obtain any permits necessary by the County or the State. All buried transmission lines crossing any public street shall be marked by a permanent marker on both sides of the street, in a location and format acceptable to the Township Road Superintendent. At street crossings the line shall be installed to a minimum depth of six feet and to a minimum depth of thirty-six inches beneath ditches. All pipes being installed other than at street crossings shall be buried a minimum of twenty-four inches under the surface or twenty-four inches below a normal river or creek bed. All pipelines used to transport leasehold gas (used for the purpose of transporting gas from the leasehold facilities to points or places where said gas may be utilized on such premises) shall be buried a minimum of twenty-four inches under the surface, all connections to structures on the leasehold premises shall be in accordance with either the Regional Dwelling House Code or the Ohio Basic Building Code, whichever is applicable, and a plat indicating the location and depth of the pipe shall be given to the owner of such structure and a copy to the Zoning Inspector within fifteen days after connecting said pipeline to such structure. No transmission lines intended for burial across public streets shall be covered until the installed line is inspected by the Township Road Superintendent. When required by the Township Road Superintendent, the applicant shall increase or decrease the depth of transmission lines. The applicant shall coordinate the laying of transmission lines with all public utilities servicing the Township.



Section 8:4

During drilling and production of oil and gas wells, the applicant shall comply with the following regulations:

(A) During the drilling phase, all flowback and waste shall be accumulated in containers and no hydrocarbons, waste, water or other such elements shall be permitted to enter the atmosphere at the well site. Upon fracturing of any well, the applicant shall contain flowback entirely within an adequately vented enclosed system.

(B) All storage tanks shall be equipped with a hatch cover. The hatch cover shall be kept locked at all times in such a manner as to enable visual inspection of the tank when open. The oil storage tank shall be equipped with a vent pipe with a safety check valve. Oil storage tanks shall be no larger than that sufficient to contain and store 210 barrels of oil (each barrel capable of holding 42 U. S. gallons).

(C) In the event that any drilling or production of a gas and oil well causes any sour gas, or gas or oil odor deemed to be detrimental to inhabited structures and residents of the Township, as determined by the Township Zoning Inspector, the applicant shall take all necessary steps to eliminate escape of any sour gas and where ordered by the Township Zoning Inspector, shall provide a filter retrofitted on all storage tanks and shall insure during production of any well that said filters are either cleaned or replaced in order to adequately suppress odor. At least once each year, commencing at initial production of a well, the applicant shall test all safety valves used in the production of oil and gas to determine that they are properly functioning and shall report the same to the Zoning Inspector.

(D) The flow line from the well to the separator device shall have a pressure activated shutoff valve system to cut off the flow prior to the opening of the safety valve on the separator.

(E) A pump jack shall be equipped with an automatic shutdown system, to stop fluid spill if the rod packing leaks.

(F) All motor powered equipment intended for permanent use in production of wells or transmission of fluid or gas shall be operated only on electrical power. Any internal combustion engines being utilized during the drilling stage shall have adequate mufflers to suppress sound.

(G) All storage tanks, separators, and distribution pipes shall be surrounded by a minimum of one-inch clay seal on the surface of the ground and shall be contained by a retainer wall with a minimum one-inch clay seal capable of holding two times the capacity of all storage tanks. The applicant shall provide a loading area to the storage tanks with provisions for a ramp so that if any spillage occurs while removing any materials from storage tanks that any spill will go into a sump which can be pumped into a brine removal vehicle. The sump area shall be constructed by excavating a hole that shall be lined with clay and sufficient in size to contain a 55 gallon metal drum that shall be placed in the hole and said drum shall be weighted down with rocks, metal, or other materials in order to keep said drum submerged. Whenever the brine removal vehicle is at the loading area, all fluids in said sump shall be pumped into the brine removal vehicle. Applicant shall not permit the fluids in the sump to overflow at any time. Such areas shall be developed in accordance with Diagram "A", which is attached hereto and made a part hereof and the area of the pit shall be equal to or greater than two times the capacity of all storage tanks at the site.

(H) The maximum sound level of all operations for the exploration, drilling or extraction of oil, natural gas and other hydrocarbons shall be 65 decibels at a distance of 350 feet, to be exceeded no more than 10% of the time during drilling and exploration only. In the event that the Zoning Inspector determines that the decibel limit has been violated, such official shall order the applicant to cease production until adequate measures are taken to reduce the decibel level equal to or less than 65 decibels at a distance of 350 feet.

(I) Prior to drilling, the applicant shall transport steel pits to the site sufficient in size to contain all liquids produced as a result of anticipated drilling procedures. The steel pit shall have a capacity not to exceed 10,000 gallons. Whether or not said steel pits are buried in the ground or entirely on the surface, there shall be a minimum one-inch clay seal underneath said steel pit. During drilling, the drilling fluids, and other materials in said steel pits shall not be permitted to exceed a level of 18 inches from the top of said steel pit. No earthen pits shall be permitted for containment of drilling fluids or materials.

(J) Any liquid or waste, other than water used within the contained flowback process, extracted from a well during drilling or production shall not be re-injected into the ground within the Township. Annular disposal wells shall be prohibited within the Township and annular disposal of any waste or brine from an oil and gas well shall not be permitted within the Township. All such wastes and brines shall be stored in tanks and removed from the Township by haulers who shall be in compliance with any County, State, and Federal laws requiring registration, licensing or other regulations. When requested by Township officials, said hauler shall produce receipts for the location where such wastes or brine are injected.



Section 8:5

(A) During drilling of a well, the applicant shall install a blowout preventer with a remote manual preventer control, to shut down the system. All rotary rigs used in the drilling process must be equipped with a blowout preventer in good working condition of sufficient size and working pressure rating to control normal hydrostatic pressure for the deepest pool to be penetrated. Such blowout preventer must be installed on the surface casing prior to drilling below the surface casing. The applicant shall also install a gas detector meter to the drilling apparatus to determine if a gas pocket has been hit during drilling. The applicant or his agents shall insure that knowledgeable and experienced drillers shall be on site during all phases of drilling.

(B) The applicant, during production of a well, shall make daily fluid level checks of all oil, gas, brine, waste and other elements removed from any well and shall also check on a daily basis the condition of all equipment to ensure that all equipment required to be secured or locked is so secured. Any joint or connection under pressure and above ground which carries fluids or gases under pressure shall be inspected weekly to ensure no leakage. The applicant shall provide a monthly report to the Zoning Inspector of fluid levels indicated herein, the condition of all equipment, the pressure level of all equipment, leaks, if any, and advise the Zoning Inspector of efforts taken to avoid build-up of paraffin on any equipment or apparatus contained at a well site. The Zoning Inspector shall prepare an inspection form to be filled out monthly by the applicant and filed by the 5th of each month.

(C) After conclusion of the drilling stage, and upon the date when notice is required to be given to the Township of the commencement of production, the applicant shall remove all drilling equipment, temporary tanks and other materials not intended to be permanently placed at the well site.

(D) All disturbed areas are to be fine-graded, seeded, and mulched upon completion of drilling operations. Between November 1 and March 1, fine mulch only. Temporary mulch is to be removed in areas dressed, seeded and mulched after March 1. Weather permitting, all grading required herein shall be completed within 14 days after completion of drilling and all landscaping required herein shall be completed within 60 days after completion of drilling. In no event shall grading and landscaping required in this paragraph be completed in excess of 150 days after completion of drilling.

(E) All storage tanks, apparatus and other equipment located above ground at a well site shall be removed and abandonment completed within 180 days after a well stops producing and the ground shall be restored, to the extent possible, to its original condition prior to drilling of said well, within said 180 day period.

(F) The Township may, at any time, test the nearest water well, spring, and downstream surface water at locations selected by the Township to insure that no groundwater or surface water is being contaminated as a result of any oil and gas well operation. In the event that said testing determines that such contamination has occurred, the Zoning Inspector shall order the applicant to cease production until the source of contamination is located and the applicant is able to eliminate the source of contamination to the satisfaction of the Zoning Inspector.

The owner shall before beginning drilling operations test the water in every water well located within a radius of one-quarter mile from the location of the proposed oil and gas well location in order to obtain a base line quality of the water, unless the owner of the water well objects.

#### Section 8:6

(A) In the event an applicant at any time determines to cap a producing well, the applicant shall notify the Zoning Inspector. The applicant shall advise the Zoning Inspector of the length of time said well shall be capped and shall further notify the Zoning Inspector ten (10) days prior to when the well will again be made productive.

(B) The applicant shall not permit any hydrocarbons or brines to enter the Sharon or Berea Sandstone formations during drilling or production of any oil and gas well. In the event that such contamination of either sandstone shall occur, the applicant shall immediately notify the Zoning Inspector.

(C) During the drilling stage, no other improvement or additional use shall be placed on the drilling unit. Following initiation of production, such additional improvements and uses as may conform to the Zoning Resolution may be initiated on the drilling unit subject to the restrictions of all other applicable laws and regulations of the Township, County and State of Ohio. Unless other regulations require a greater distance, no new structure shall be located within 750 feet of any well site area within the drilling unit or any land outside of the drilling unit contiguous thereto and owned by applicant. No new subdivisions shall be developed to place a well site area in any common area nor be developed in such a manner that any well site would cause unreasonable sights, smells, odors, sounds, attractions to minors, or other detriments to the health and safety of the residents and natural resources contained within the Township. No structures or common areas are permitted to be developed in an area that may be unreasonably exposed to dangers associated with production, transmission or abandonment of oil and gas wells. The well site area shall be defined to include the oil and gas well, any storage or separation tanks, compressor station, or pit or containment areas for the storage of brine and other wastes.



(D) Applicant shall be prohibited from accumulating combustible materials in the well site area and upon order of the Township Zoning Inspector or Fire Inspector, shall remove any combustible materials that in the opinion of such Township official may be hazardous. Permanent no smoking signs shall be posted in the entrance gate, on the oil storage tanks and temporary signs shall be posted at the drilling site until production commences. No person shall smoke any cigarette, cigar, pipe or other form of tobacco or have any matches, open flames, or burn any other combustible material at the well site during drilling or when handling or removing gas at the well site. The applicant shall insure that when any welding occurs on the premises that suitable welding screens are utilized to protect any person from injury.

(E) All artificial lighting used during drilling or production of any gas and oil well shall be designed, constructed and located in such a manner to prevent emission upon any property not within the drilling unit.

(F) The applicant and any contractor shall be prohibited from increasing the porosity and permeability of the subsurface by the use of explosives.

(G) No person shall refine or otherwise process for extraction the products of a gas and oil well except when necessary to make gas acceptable to flow through gas transmission lines and in the event that the latter becomes necessary, the applicant shall notify the Zoning Inspector prior to commencement of such processing or production. Any burner unit installed in an oil storage tank shall be properly vented and attended to ensure no excess heating within the tank while in use.

(H) If during drilling, the site will be unattended at any time, the applicant shall cap the assembled sections of the well to avoid any hazard or leakage of hydrocarbons or wastes or other elements.

(I) All pipe and related fittings must be equal to or better than the American Petroleum Institute Code 5-L, Grade B, and consist of prime material with standard coating. Upon completion of construction of all tanks and other apparatus to remain on the well site and laying of pipelines, the applicant shall return all disturbed public or private roads, driveways, walks, or approaches to their original condition before disturbance to the satisfaction of the Township Road Superintendent. Applicant shall backfill to existing grade level in such a manner so as to prevent erosion or siltation and shall complete all of the same within 14 days after completion of the installation of storage tanks and other apparatus and pipelines.

(J) A hydrostatic test of all pipeline from the well to the separator and from the separator to transmission lines shall be performed by the applicant prior to placing said line or any section thereof into operation. The test shall consist of a pressure not less than two times the expected maximum operating pressure and shall be recorded over a minimum period of 48 hours. In the event that any drop of pressure is noted within said 48 hour period, the line shall not be made operational

until the line is capable of performing as set forth in this paragraph.

Section 8:7

(A) All gas produced from wells shall be transported from the drill site by means of underground pipeline connected directly with the producing well to the separator or treating facilities by a completely closed system without venting high pressure gas or the products of gas to the atmosphere at the production site. All oil produced from the wells on the well site may be transported from storage tanks by means of underground pipelines or by tank trucks whose holding capacity shall not exceed 100 barrels.

(B) All waste substances such as drilling muds, brine or acids produced or used in connection with drilling operations or production shall be retained in water-tight receptors from which they shall be hauled from the premises for disposal outside of Chester Township within ten days after the completion of drilling and no production shall commence until such removal has occurred.

(C) Truck routes in and out of the well site shall be approved by the Township Road Superintendent. The Superintendent shall require that truck routes through Township roads be limited to roads that can accept the load limits and shall consider routes that will minimize wear on public streets within the Township and which would prevent hazards and damage to other properties in the Township. When a vehicle exceeds load limits on Township roads, the driver shall post any bond which may be required and which is at the time of passage of this resolution \$10,000.00.

(D) The applicant shall be responsible for maintaining the public roads in a debris-free condition at all times and it shall be the responsibility of the applicant to cause the public roads to be free of all debris, mud and other materials that accumulate as a result of drilling, production, transmission, hauling or abandonment proceedings.

(E) The applicant shall provide one off-street parking space for each employee engaged in the drilling process and shall provide at least two permanent off-street parking spaces at the site where production equipment will be located. All trucks, machinery, drilling rigs and other equipment temporarily stored at the site shall be kept within a temporary fenced-in area around the well site when not in use.

Section 8:8

Applicant shall at all times maintain, repair, repaint and replace any storage tank on the drilling unit and shall adequately maintain, repair and replace all fences required under the Zoning Resolution. In the event that the applicant fails to maintain, repair or replace any fence, tank dike, or other structure or apparatus contained on the drilling unit for the purpose of oil and gas well drilling, production or transmission, the same shall be a violation of this Zoning Resolution and the Zoning



Inspector may order the applicant to shut down and cap any producing well or seek any remedies otherwise provided in this Zoning Resolution. (See Sections 3.01.07 and 3.01.08.)

8:9

- A. In the event an oversized or overweight vehicle is used or is to enter the Township and exceeds the classifications set for load limits on streets and roads within the Township, the applicant and vehicle owner, if different than applicant, shall obtain a special permit for overweight vehicles and enter into an agreement to pay for road repairs in accordance with the terms and conditions set forth in the special permit and agreement as more fully set forth in Exhibits B and attached hereto and made a part hereof as if fully rewritten herein, unless the Board of Trustees deems it necessary to provide additional regulations.
- B. In the event that the Zoning Inspector determines that site preparation, drilling operations, or fracturing operations become hazardous, or may cause damage to surrounding properties due to either adverse weather conditions, geologic conditions, or other conditions which become known to said officials, and said drilling or fracturing will adversely affect the health and safety of the residents of the Township, the applicant shall cease drilling or fracturing operations upon oral or written notice from such officials and shall not commence further operations until said hazard or adverse effect on health and safety can be eliminated.

Registration Application Form for:

Form Z-1  
Page 1 of 2 Pages

GAS AND OIL DRILLING

TOWNSHIP OF CHESTER

Application No. \_\_\_\_\_

APPLICANT having filed Registration Application No. \_\_\_\_\_,  
on \_\_\_\_\_, 19\_\_\_\_, hereby provides the following information:

Signature (Record Owner): \_\_\_\_\_

Signature (Owner if different than Record Owner): \_\_\_\_\_

Signature (Producer): \_\_\_\_\_

Date Received: \_\_\_\_\_

Applicants hereby certify that this Application and all data submitted  
herewith is true and correct.

Location of Drilling Unit \_\_\_\_\_

Drilling Unit Frontage \_\_\_\_\_ Depth \_\_\_\_\_ Area \_\_\_\_\_

Existing Use \_\_\_\_\_ Existing Zoning \_\_\_\_\_

Record Owner's Name and Address: \_\_\_\_\_

Owner's Name and Address if different than Record Owner: \_\_\_\_\_

Producer's Name and Address: \_\_\_\_\_

All Contractors to work on Well:

Qualifications:

Experience:

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_



The following materials shall be submitted with the application:

1. Site Development Plan
2. State Application and supporting documentation
3. Spill Prevention Plan
4. Schematic of Loading Area

Applicant proposed to handle drilling fluids in the following manner:

Applicant submits that the timetable for development of the well is as follows:

Applicant submits that the drilling procedures to be employed are as follows:

Applicant is within 2,000 feet of

The location of the proposed injection well for injection of fluids and materials not permitted to be reenacted in Chester Township is located at

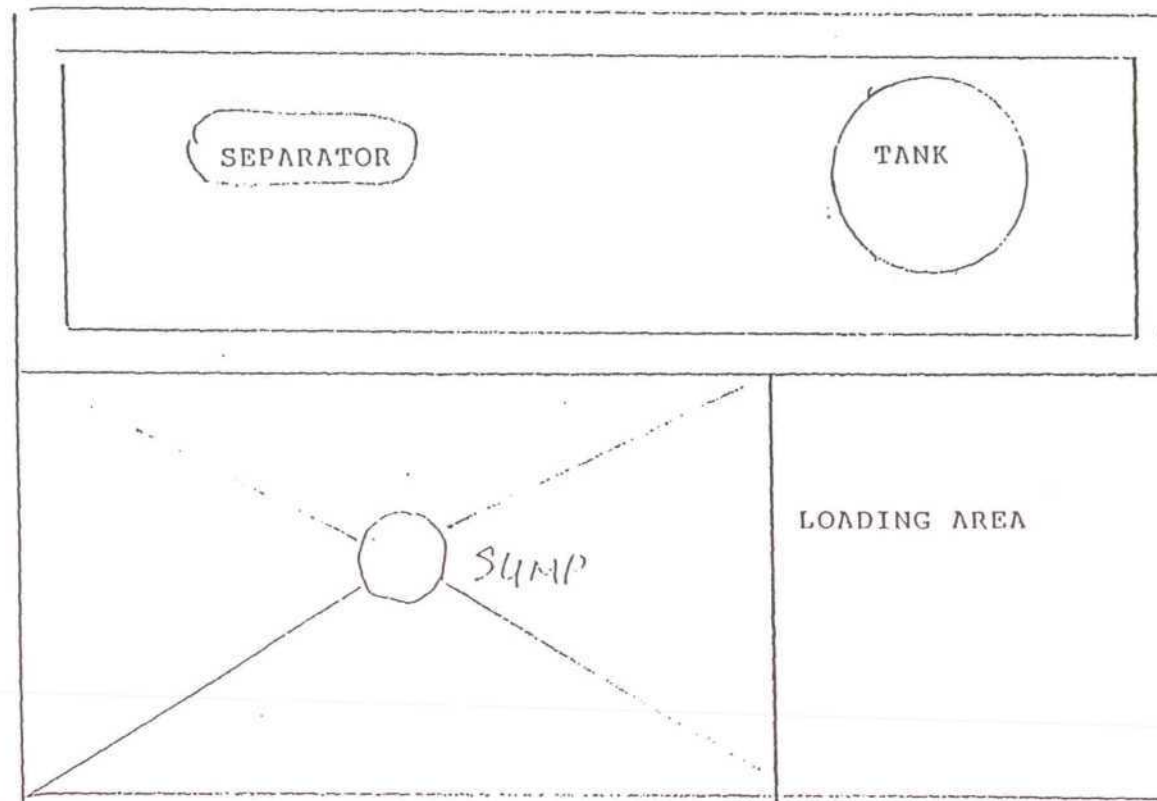
and the State Permit Number is \_\_\_\_\_ and a copy of said State Permit is attached hereto.

\_\_\_\_\_  
Record Owner

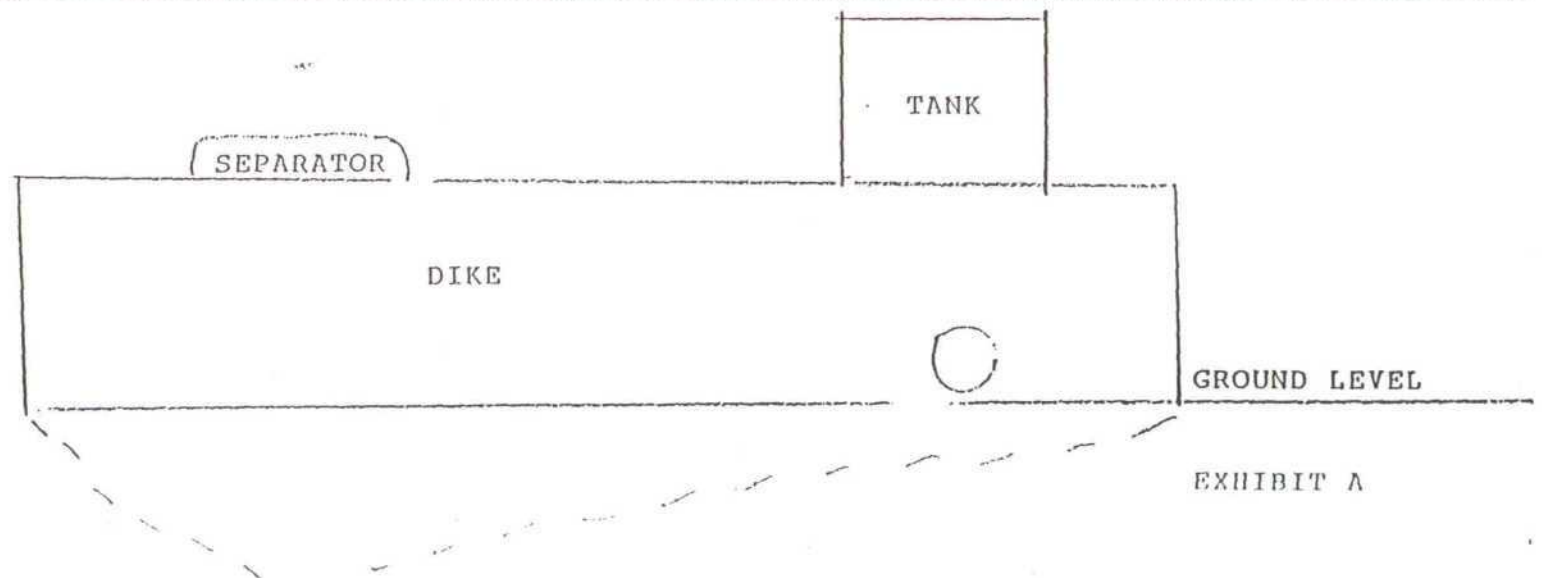
\_\_\_\_\_  
Owner if different from Record  
Owner

\_\_\_\_\_  
Producer

AERIAL VIEW



SIDE VIEW





Chester Township  
12701 Chillicothe Road, Chesterland, Ohio 44025

To: The Board of Township Trustees of Chester Township, Chesterland, Ohio

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

hereby makes application to move the following \_\_\_\_\_

\_\_\_\_\_ to be loaded on \_\_\_\_\_

over and upon the public roads, bridges, and culverts within Chester Township, Ohio, and only on the following described route: \_\_\_\_\_

starting point

(Route)

(Destination)

the same to be done within daylight hours only and we hereby agree to comply with any or all restrictions and conditions hereby imposed, and expressly to save and keep the Township of Chester free and harmless from all damages whatsoever, either to the roads, bridges or culverts and to the traveling public thereon, occasioned by the operation of moving the said \_\_\_\_\_ as noted above.

We further agree, if it becomes necessary to detour traffic from any section of roads covered by the operation of moving the said \_\_\_\_\_, notice to that effect will be given to the traveling public, at ALL POINTS OF DETOUR, by watchmen stationed at such points.

Also, if any road, bridge or culvert is obstructed at night, proper lights and/or flares will be prominently displayed, together with competent watchmen with signal lights, stationed at ALL DETOUR POINTS, giving proper notice to the traveling public of such obstructions, and indicating the detour provided.

We further post with the Township of Chester the following \_\_\_\_\_

\_\_\_\_\_ in the amount of \_\_\_\_\_  
(\$ \_\_\_\_\_) Dollars, as a bond and/or surety, guaranteeing that all imposed conditions herein will be faithfully complied with, and that diligence will be exercised at all times, to protect and save from damage all roads, bridges, culverts and the traveling public.

However, should any damage occur to any roads, bridges or culverts, and/or proper watchmen or flagmen not be maintained during this moving (or parking within the highways), it is hereby agreed that Chester Township may repair such damaged road, bridge or culvert, and/or provide such watchmen or flagmen, and the cost of the same shall be borne by the applicant herein.

The granting of a permit does not guarantee that the load described can be moved without damage to the pavement or structures; although the permit is granted on the assumption that the load can be moved without damage based on the best information available.

Permit Valid From: \_\_\_\_\_ to: \_\_\_\_\_

The above stipulations and conditions have been read and fully understood, and are hereby agreed to and full responsibility assumed by:

Bonding Company (if applicable) \_\_\_\_\_

Operator \_\_\_\_\_

By: \_\_\_\_\_

Address: \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No: \_\_\_\_\_

Phone No: \_\_\_\_\_

ROAD SUPERINTENDENT'S RECOMMENDATION

To: The Board of Trustees of Chester Township, Chesterland, Ohio;

I \_\_\_\_\_ do \_\_\_\_\_ recommend the granting of a moving permit as per above.

subject to the following: \_\_\_\_\_

Covering any and all Permits Issued to principal  
for  
Movement of Excess Loads over Township Roads  
Pursuant to R.C. 4513.34

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, being  
\_\_\_\_\_ of \_\_\_\_\_

as principal, and \_\_\_\_\_ of \_\_\_\_\_  
as surety, are hereby held and firmly bound unto the Township of  
Chester in the penal sum of Ten-Thousand Dollars (\$10,000.00) good and  
lawful money of the United States, for the payment of which well and  
truly to be made, we hereby jointly and severally bind ourselves, our  
heirs, executors, administrators, successors and assigns, by these  
presents.

Whereas, the above-named principal has made application to the  
Township of Chester for a permit to move one or more loads in excess of  
the legal limitation over certain Township Roads and may make further  
applications, and as a condition precedent to granting such applica-  
tions, the Township of Chester has established the requirements of the  
furnishing of a penal bond in the sum of Ten-Thousand Dollars by each  
applicant.

Now, Therefore, the condition of the above obligation is such that  
if the above-named principal shall move the load(s) described in any  
and/or all of the applications filed by the above-named principal on  
and after the date of the execution of this obligation over the  
Township roads, bridges and culverts of Chester Township in the manner  
prescribed in the permit therefore duly issued by the said Township of  
Chester and shall well and truly pay for all damages to said roads,  
bridges and culverts, which are and/or may be caused by the movement  
of such load(s) by the above-named principal over or upon the highways,  
bridges and culverts of this Township, and all other claims for damage  
lawfully accruing in favor of the Township resulting therefrom, and  
any fines or penalties to which the said principal shall become liable  
to pay, and shall save the Township of Chester harmless in and/or from  
any and all suits, claims for damages and/or proceedings arising out  
of the movement or movements of any of said excess load(s) over said  
roads, bridges and culverts, and shall observe all terms and condi-  
tions of the permit or permits or any of them issued to said principal  
on and after the date of this obligation, then this obligation to be  
void, otherwise to remain in full force and effect.

Provided, however, that the said surety may cancel this bond at  
any time by giving fifteen (15) days notice in writing, by registered  
United States mail, addressed to the Board of Chester Township Trustees  
12701 Chillicothe Road, Chesterland, Ohio, 44026, and that fifteen  
(15) days after the actual receipt by the Township of Chester of such  
written notice, there shall be no further liability to the surety for  
defaults hereunder, provided, however, that the service of such



written notice shall not be construed to waive, release or forego any obligation which may have arisen prior to the effective date of such written notice.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19\_\_\_\_\_.

Signed \_\_\_\_\_  
Principal

Name \_\_\_\_\_

Title \_\_\_\_\_

(For use Where Principal is a Corporation)

#### CERTIFICATE

This is to certify that the Board of Directors of \_\_\_\_\_  
\_\_\_\_\_ by resolution duly adopted on the \_\_\_\_\_  
day of \_\_\_\_\_, A.D. 19 \_\_\_\_\_ did authorize \_\_\_\_\_  
\_\_\_\_\_ being \_\_\_\_\_  
of said corporation to sign the name of said corporation to a surety  
bond in the sum of Ten-Thousand Dollars (\$10,000.00) payable to the  
Township of Chester for damage resulting from the movement of excess  
load(s) over the roads, bridges and culverts of said Township.

\_\_\_\_\_  
(Corporation Name)

By \_\_\_\_\_  
Secretary

Signed \_\_\_\_\_  
Surety

By \_\_\_\_\_  
Name

Title \_\_\_\_\_

COUNTY OF GEauga

BOND

Bond No. \_\_\_\_\_

Covering any and all Permits Issued to principal  
for  
Movement of Excess Loads over Township Roads  
Pursuant to R.C. 4513.34

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, being  
\_\_\_\_\_ of \_\_\_\_\_

as principal, and \_\_\_\_\_ of \_\_\_\_\_  
as surety, are hereby held and firmly bound unto the Township of  
Chester in the penal sum of Two-thousand five-hundred (\$2,500.); good and  
lawful money of the United States, for the payment of which well and  
truly to be made, we hereby jointly and severally bind ourselves, our  
heirs, executors, administrators, successors and assigns, by these  
presents.

Whereas, the above-named principal has made application to the  
Township of Chester for a permit to move one or more loads in excess of  
the legal limitation over certain Township Roads and may make further  
applications, and as a condition precedent to granting such applica-  
tions, the Township of Chester has established the requirements of the  
furnishing of a penal bond in the sum of Two-thousand five-hundred  
dollars for each applicant.

Now, Therefore, the condition of the above obligation is such that  
if the above-named principal shall move the load(s) described in any  
and/or all of the applications filed by the above-named principal on  
and after the date of the execution of this obligation over the  
Township roads, bridges and culverts of Chester Township in the manner  
prescribed in the permit therefore duly issued by the said Township of  
Chester and shall well and truly pay for all damages to said roads,  
bridges and culverts, which are and/or may be caused by the movement  
of such load(s) by the above-named principal over or upon the highways,  
bridges and culverts of this Township, and all other claims for damage  
lawfully accruing in favor of the Township resulting therefrom, and  
any fines or penalties to which the said principal shall become liable  
to pay, and shall save the Township of Chester harmless in and/or from  
any and all suits, claims for damages and/or proceedings arising out  
of the movement or movements of any of said excess load(s) over said  
roads, bridges and culverts, and shall observe all terms and condi-  
tions of the permit or permits or any of them issued to said principal  
on and after the date of this obligation, then this obligation to be  
void, otherwise to remain in full force and effect.

Provided, however, that the said surety may cancel this bond at  
any time by giving fifteen (15) days notice in writing, by registered  
United States mail, addressed to the Board of Chester Township Trustees  
12701 Chillicothe Road, Chesterland, Ohio, 44026, and that fifteen  
(15) days after the actual receipt by the Township of Chester of such  
written notice, there shall be no further liability to the surety for  
defaults hereunder, provided, however, that the service of such



written notice shall not be construed to waive, release or forego any obligation which may have arisen prior to the effective date of such written notice.

IN WHITNESS WHEREOF, we have hereunto set our hands and seals this  
\_\_\_\_\_ day of \_\_\_\_\_, A.D. 19\_\_\_\_\_.

Signed \_\_\_\_\_

Principal

Name \_\_\_\_\_

Title \_\_\_\_\_

(For use Where Principal is a Corporation)

#### CERTIFICATE

This is to certify that the Board of Directors of \_\_\_\_\_  
\_\_\_\_\_ by resolution duly adopted on the \_\_\_\_\_  
day of \_\_\_\_\_, A.D. 19\_\_\_\_\_ did authorize \_\_\_\_\_  
being \_\_\_\_\_

of said corporation to sign the name of said corporation to a surety bond in the sum of Two-thousand five-hundred (\$2,500.) payable to the Township of Chester for damage resulting from the movement of excess load(s) over the roads, bridges and culverts of said Township.

\_\_\_\_\_  
(Corporation Name)

By \_\_\_\_\_

Secretary

Signed \_\_\_\_\_

Surety

By \_\_\_\_\_

Name

Title \_\_\_\_\_

Article 9

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

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

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

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

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

9.1 Purposes

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

9.2 Definitions

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

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



## 9.2 Definitions (continued)

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

## 9.3 Exemptions

The following signs are exempt from provisions of this section:

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

## 9.4 Regulations for All Signs

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

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

9.4 Regulations for All Signs (continued)

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

9.5 Residential District Signs

- a. No person shall erect or post any sign in any R, R2A or R5A district except as follows:
  - 1. One (1) permanent nameplate sign for each dwelling unit in a single-family dwelling, ~~\*(two-family)~~ with a maximum three (3) square feet of face area, containing the name of the occupant or property or any home occupation.
  - 2. One (1) permanent or temporary on-site roadside sign for lands used for agricultural purposes with a maximum eighteen (18) square feet of face area for any lot five (5) acres or more and a maximum four (4) square feet of face area for any lot less than five (5) acres, and which advertises only goods sold on the premises. In addition, each agricultural lot shall be allowed two (2) off-site directional signs, each with a maximum one (1) square foot of face area.
  - 3. One (1) temporary building construction sign with a maximum eighteen (18) square feet of face area which may be exhibited only during the construction period.
  - 4. One (1) temporary "for sale" or "for rent" sign with a maximum eight (8) square feet of face area.
  - 5. One (1) temporary subdivision, development or model home sign with a maximum thirty (30) square feet of face area per subdivision. Such sign shall be removed or the permit renewed annually not later than one (1) year after initial issuance.
  - 6. Two (2) temporary political signs each with a maximum four and two-tenths (4.2) square feet of face area may be located on any lot zoned residential which contains an inhabited dwelling. Two (2) temporary political signs each with a maximum six (6) square feet of face

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



## 9.5 Residential District Signs (continued)

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

## 9.6 Commercial and Industrial District Signs

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

9.6 Commercial and Industrial District Signs (continued)

a. continued

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

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

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

9.7 Prohibited Signs

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

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



## 9.7 Prohibited Signs (continued)

### a. continued

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

## 9.8 Construction and Maintenance Standards

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

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

## 9.9 Repair, Restoration and Nonconforming Signs

### a. All sign framing and supports shall be repaired or repainted as required to preclude blight or deteriorating influence. Any conforming sign or support blown down, destroyed or otherwise involuntarily taken down may be rebuilt, restored or relocated upon obtaining a new permit, complying with this Zoning Resolution and subject to approval of the Zoning Inspector.

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

9.9 Repair, Restoration and Nonconforming Signs (continued)

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

9.10 Permit Application, Issuance and Revocation

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



## 9.10 PERMIT APPLICATION, ISSUANCE AND REVOCATION

- c. **ISSUANCE.** It shall be the duty of the Zoning Inspector, upon an application being filed for an erection permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign.

If it appears that the proposed sign is in compliance with all the requirements of this section and other laws, the zoning certificate for a sign shall be issued.

If the work authorized by a zoning certificate for a sign has not been completed within six (6) months after the date of issuance the permit shall become null and void.

- d. **FEES.** Before being granted a zoning certificate for a sign, every applicant shall pay a fee or deposit as required by the Trustees.
- e. **REVOCATION.** The Zoning Inspector is authorized and empowered to revoke any zoning certificate for a sign issued upon failure of the permittee to comply with any provision of this Zoning Resolution.

## 9.11 VARIANCES

- a. The board of Zoning Appeals may grant sign variances as authorized by O.R.C. 519.14, subject to complying with the procedures and affirmatively determining the findings specified in Sections 3.00.03.2 and 3.00.04.4 of this Zoning Resolution, but, however, subject to the following conditions and limitations which are deemed necessary to accomplish the purposes of this section, the current Chester Guide Plan, and the respective districts involved.
1. No variance shall permit any sign in any district if such sign is prohibited in such district by this section.
  2. No variance shall provide for more signs by type or number than is permitted in any district by this section.
  3. No variance shall increase sign face area by more than ten percent (10%) of the maximum face area permitted for such sign by this section.
  4. No variance shall increase the height of any freestanding ground sign by more than twenty percent (20%) of the maximum height permitted by this section.
  5. No variance shall decrease the distance of any sign from any lot line or right-of-way line by more than twenty percent (20%) of the minimum distance required by this section.

## 9.11 Variances (continued)

### a. continued

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

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

## 9.12 Violations

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

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

## 9.13 Temporary Signs

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



## ARTICLE 10 NONCONFORMING USES

10.00 GENERAL APPLICATION. A nonconforming use of a nonconforming building or structure may be continued but a nonconforming use, building or structure shall not be enlarged or extended, nor shall any structural alteration be made to any such nonconforming building or other structure or to any building or structure in which such nonconforming use is conducted except as provided by this Article 10.

10.01 CHANGE OF USE. A nonconforming use may be changed to any conforming use. A nonconforming use may be change to another nonconforming use by special permission of the Board of Zoning Appeals. Such special permission may be granted only if the Board finds, after public hearing, that such changed use is of a more restricted nature than the existing nonconforming use.

10.02 DISCONTINUANCE OF USE. If active and continuous operations of a nonconforming use are:

- A. Discontinued for a continuous period of two (2) years, or
- B. Exchanged to or replaced by a conforming use,

the building, other structure or land previously devoted to such nonconforming 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.

10.03 DAMAGE AND DESTRUCTION. The repair or replacement of a nonconforming use, building or structure that is damage or destroyed shall be regulated as follows:

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

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

Before granting such permission the Board shall find that:

- A. Such extended nonconforming 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 use of off-street loading requirements are complied with for the entire use and not only the extended portion.

10.05 REPAIRS AND STRUCTURAL ALTERATIONS. Nothing in this Article shall be deemed to prevent normal maintenance and repair of a building or other structure containing a nonconforming use, or of a nonconforming building or structure.

Structural alterations may be made to a nonconforming building or structure or to a structure containing a nonconforming use as follows:

- A. When required by law.
- B. Pursuant to the provisions of Section 10.04.
- C. To convert to a conforming use.
- D. A building or other structure containing residential nonconforming 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.



- 10.06 COMPLETION OF A NONCONFORMING BUILDING OR STRUCTURE. When at the time of passage of this Resolution, construction has begun on a nonconforming 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.

**ARTICLE 11**  
**WIRELESS TELECOMMUNICATIONS FACILITIES**

**11.00 PURPOSE.**

**11.00.01** The purpose of this Article of the Chester Township Zoning Resolution is to regulate wireless communication facilities in order to promote public health, safety and morals and in accordance with a comprehensive plan. Accordingly, the regulations and conditions set forth herein are warranted and necessary, inter alia, to:

- A. Protect residential districts and land uses from potential adverse impacts of wireless telecommunication facilities;
- B. Accommodate the directives of the federal Telecommunications Act of 1996, Public Law, 104-104, to enhance telecommunication services and competition, and particularly wireless telecommunication services;
- C. Promote collocation of wireless telecommunication antennae as an alternative to siting new telecommunication towers and appurtenances and to maximize the use of existing and approved towers and buildings to collocate new wireless telecommunication antenna(s);
- D. Consider the public health and safety issues surrounding wireless telecommunication towers and appurtenances; and.
- E. Protect adjacent properties from potential damage from wireless telecommunication tower failure through careful siting of such structures.

**11.00.02** This Resolution shall not unreasonably discriminate among providers of functionally equivalent services nor shall it prohibit or have the effect of prohibiting the provision of personal wireless services. Any requests for authorization to place, construct, or modify personal wireless service facilities shall be acted upon within a reasonable period of time after the request has been duly filed with the Zoning Inspector. Any decision to deny a request to place, construct, or modify wireless telecommunication facilities shall be in writing and supported by substantial evidence contained in a written record. This Resolution shall not regulate the placement, construction, and modification of wireless telecommunication facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's (FCC) regulations concerning such emissions.

**11.01 LOCATION.**

**11.01.01 PROHIBITED.** Subject to Section 11.04, wireless telecommunication facilities in locations not specifically listed in this Article shall not be permitted, nor shall any zoning certificate be issued therefor.



11.01.02

**PERMITTED USES.** A wireless telecommunication facility may be located in the following areas, under the following circumstances and requirements of this Article 11 and upon application for a zoning certificate and issuance of such certificate from the Zoning Inspector.

- A. The erection, construction or replacement of a wireless telecommunication antenna(s) on a lawfully existing tower and with the necessary equipment building may be a permitted use as a collocation on such existing wireless telecommunication tower and facility.
- B. A wireless telecommunication tower facility may be located in the Restricted Industrial District (I District).
- C. A wireless telecommunication tower facility may be located on designated property, other than park land, owned or controlled by the Board of Township Trustees or the Geauga County Board of Commissioners on the effective date of this Resolution.
- D. A wireless telecommunication tower facility may be located within a recorded electric high tension power line easement. A tower located within such an easement shall not be subject to the standards set forth in Section 11.02, B, G, L and Y.

11.01.03

**CONDITIONAL USES.** A wireless telecommunication facility may be located on park land owned or controlled by the Board of Township Trustees, the Geauga County Board of Commissioners, or the Geauga County Park District, or on property owned by a public school district, provided such park land or school district property is owned or controlled by such governmental entities on the effective date of this Resolution, but such facility may only be permitted as a conditional use upon approval of the Board of Zoning Appeals and provided the applicant demonstrates compliance with the following standards:

- A. There is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available on an existing tower or structure within the geographic area to be served, including the areas set forth in Section 11.01.02. With the zoning certificate application, the applicant shall list the location of every tower, building or structure and all of the areas set forth in Section 11.01.02 that could support the proposed antenna(s) so as to allow it to serve its intended function. The applicant must demonstrate that a technically suitable location is not reasonably available on an existing tower, building or structure or a technically suitable location is not available in any area set forth in Section 11.01.02. If another tower, building or structure, or an area set forth in Section 11.02.02 is technically suitable, the applicant must show that it has requested to collocate on the existing tower and the collocation was rejected by the owner of the tower, building or structure or that it has requested all property owners with technically suitable locations within a two (2)-mile radius to permit it to locate a tower facility in all technically suitable area(s) set forth in Section 11.01.02 under reasonable terms and that each request was rejected. In all circumstances, owners of existing towers shall promptly respond to requests for collocation, but in no event shall they respond more than thirty (30) days from the receipt of a written

request for collocation. If another telecommunication tower is technically suitable, the applicant must further show that it has offered to allow the owner of that other tower to collocate an antenna(s) on another tower within the Township, if such a tower exists and space is available on the tower for collocation, which is owned or controlled by the applicant on reasonably reciprocal terms and the offer was not accepted. In all cases, the Township shall use its best efforts to encourage collocation; and

- B. As a condition of issuing a conditional zoning certificate to construct and operate a tower in the Township, the owner/operator of the telecommunication tower is required to allow collocation until said tower has reached full antenna capacity, but in no event fewer than two (2) additional antenna platforms of equal loading capacity to the owner's/operator's antenna platform for two (2) additional providers unrelated to the owner/operator. Agreement to this provision must be included in the applicant's lease with the landowner, if different from the owner/operator of the tower. Written documentation must be presented to the Zoning Inspector evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of this Subsection as well as all other applicable requirements, regulations and standards set forth in Article 11.
- C. The minimum setback from the nearest lot line to the base of the telecommunication tower shall be one hundred ten percent (110%) of the height of the tower.

#### 11.02

**GENERAL REGULATIONS.** The regulations and conditions set forth in this Resolution shall apply with respect to the location, erection, construction, reconstruction change, alteration, removal, or enlargement of a telecommunication tower and all appurtenances thereto. Except as otherwise provided in this Article, all wireless telecommunication tower facilities shall comply with the following standards:

- A. All towers shall be of a monopole design, as opposed to a lattice design. Lattice towers existing on the effective date of this provision, however, may be rebuilt as lattice towers of the same height and volume for the purpose of increasing the structural loading capacity of the tower in order to provide for collocation of additional antennas.
- B. Only one (1) wireless telecommunication tower shall be located on a lot.
- C. No telecommunication facility shall be located within a designated one hundred (100) year flood plain as depicted on the maps published by the Federal Emergency Management Agency for Geauga County.
- D. No telecommunication facility shall be located within a wetland as defined by federal law.
- E. A telecommunication facility shall not be mounted on a building or structure listed on the National Register of Historic Places.



- F. A report shall be prepared and submitted by a qualified and licensed professional engineer and shall provide proof of compliance with all applicable federal, state, and county regulations. The report shall include a detailed site plan as required by Section 3.01.02 of this Resolution; a detailed description of the telecommunication tower, antenna(s), equipment building, and appurtenances as well as the tower's structural loading capacity to support at least three (3) antenna platforms of equal loading capacity; and shall verify that radio frequency (electromagnetic) emissions are within compliance with the regulations of the Federal Communications Commission (FCC).
- G. For applications for wireless telecommunication towers and related facilities, as opposed to applications for collocation of antennas and related equipment building(s), the applicant shall demonstrate that the proposed site is the most appropriate location for a telecommunication tower, equipment building, and appurtenances. The applicant shall submit a study by a qualified and licensed professional engineer comparing all potential host sites for the proposed facility to the subject site. The study shall include a description of such sites and a discussion of the ability or inability of the alternative sites to host a facility. Reasons for excluding an alternative site from consideration may include, but are not limited to, the following:
1. Written documentation of the property owner's refusal to locate a telecommunication facility on the site.
  2. Topographic limitations on the site.
  3. Adjacent impediments that would obstruct transmission.
  4. The physical constraints on the site that would preclude construction.
  5. Other technical limitations including a violation of federal, state, or county regulations.
- H. The shared use (i.e. collocation) of pre-existing telecommunications towers and antenna facilities shall be preferred to the construction of new towers and antenna facilities. For applications for wireless telecommunication towers and related facilities, as opposed to applications for collocation of antennas and related equipment building(s), the applicant shall submit a report by a qualified and licensed professional engineer inventorying existing telecommunication facility sites within a two (2)-mile radius of the proposed site outlining the reasons each existing site may or may not be used as an alternative for collocation. The applicant shall demonstrate that collocation is not feasible for the following reasons:
1. Written documentation of the owner's refusal to allow co-location on the existing tower;

2. The proposed equipment would exceed the structural capacity of existing and approved towers and facilities, considering the existing and currently planned uses for those facilities, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate currently planned or equivalent equipment at a reasonable cost;
  3. The proposed equipment would cause interference materially impacting the usability of other existing or currently planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at reasonable cost;
  4. Existing or approved towers and buildings cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer;
  5. The location of existing towers or buildings are not technically suitable; and/or
  6. Collocation would violate federal, state, or county regulations.
- I. The applicant shall submit a plan documenting how the telecommunication facility will be maintained on the site in an ongoing manner that meets industry standards.
  - J. Except as required by law, an antenna or a tower shall not be illuminated and lighting fixtures or signs shall not be attached to the antenna or tower. If lighting is required by Federal Aviation Administration (FAA) regulations, white strobe lights shall not be permitted at night unless no other alternative is permitted by the FAA.
  - K. A security fence not less than eight (8) feet in height shall fully enclose the base of the telecommunication facility including anchors for guy wires. Gates shall be locked at all times.
  - L. A landscaped buffer area of not less than fifteen (15) feet in depth shall be placed between the security fence surrounding the wireless communication facilities and the public rights-of-way and any adjacent properties from which a direct view can be had of the facilities, other than the tower itself. The fifteen (15)-foot landscaped buffer shall have a tight screen fence of hardy evergreen shrubbery not less than six (6) feet in height. The landscaping shall be continuously maintained and promptly restored, if necessary.
  - M. No advertising sign(s) shall be permitted anywhere on a telecommunication tower, equipment building, and appurtenances or on the site.



- N. A permanent warning sign with a minimum size of two (2) square feet and a maximum size of six (6) square feet shall be posted on the site as well as the emergency telephone number of the owner/operator of each platform. The owner/operator shall also provide the Chester Township fire department, the Chester Township police, and the county emergency management agency with information on who to contact, an address, and a telephone number in the event of an emergency.
- O. There shall be no outdoor storage of equipment or other items on the site except during the facility construction period and to supply emergency power to the facility only during a power outage.
- P. The access driveway to the wireless telecommunication facility shall, whenever feasible, be provided along with the circulation driveways of the existing use on the lot, if any. Where use of an existing driveway is not feasible, the driveway to the site shall be a minimum of fifteen (15) feet in width with a minimum overhead clearance of eleven (11) feet and shall be setback a minimum of twenty (20) feet from the nearest side or rear lot line. This driveway shall meet the load limitations for fire equipment. A turnaround shall be provided for emergency vehicles at the site. A by-pass, adequate for emergency vehicles, with an approachable access shall be provided for each one thousand five hundred (1,500) feet of driveway. There shall be a minimum of one (1) off-street parking space.
- Q. A telecommunication tower shall be painted a neutral color to minimize its visibility unless otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
- R. The minimum distance between a telecommunication tower and structures located off the lot the tower is located on shall be one hundred ten percent (110%) of the height of the tower.
- S. If at any time the use of the telecommunication facility is discontinued for one hundred eighty (180) consecutive days, said facility shall be deemed abandoned. The Zoning Inspector shall notify the applicant in writing and advise that the facility must be reactivated within sixty (60) days or it must be dismantled and removed from the site and the site restored to a condition reasonably similar to the condition at the time of the issuance of the zoning certificate. This shall be done at the cost of the owner/operator. The owner/operator of the telecommunication facility shall, on no less than an annual basis from the date of issuance of the zoning certificate, file a declaration with the Zoning Inspector as to the continuing operation of every facility which is subject to Article 11.
- T. The owner/operator of a wireless telecommunication tower shall notify the Township fire department by certified mail of the location and height of the proposed tower as a condition of issuance of a zoning certificate.

- U. After issuance of a zoning certificate to construct a wireless telecommunication facility, the applicant shall commence construction within one hundred eighty (180) days and shall complete construction within one (1) year or the zoning certificate shall expire.
- V. The height of a free-standing telecommunication tower, antenna, and appurtenances shall be less than two hundred (200) feet.
- W. The maximum cumulative total size of all equipment buildings accessory to a telecommunication tower or antenna on a lot shall be six hundred (600) square feet and its maximum height shall be fifteen (15) feet from building grade. Only one (1) equipment building, or the configuration of more than one (1) building to appear that there is one (1) building, shall be permitted on a lot.
- X. A telecommunication tower, shall be setback a minimum of one hundred ten percent (110%) of the height of the tower to a dwelling.
- Y. There shall be no tower erected between a public road and the principal building on a lot which is nearest to the public right-of-way.
- Z. A telecommunication tower, antenna, equipment building, and appurtenances shall comply with all of the regulations for the zoning district in which it is located, except as may otherwise be specified in Article 11 of this Resolution.

#### 11.03

#### **FEEES.**

- A. Application Fee. The fees for application for zoning certificates as required by this Section shall be as specified by the Board of Township Trustees. See Schedule of Fees, Charges, and Expenses; and Collection Procedure, Section 1.01.05.
- B. Reimbursement of Expenses. The applicant for a wireless communication tower and/or antenna facility shall be responsible for all expenses incurred by the Township for any technical and/or engineering services deemed necessary by the Zoning Inspector, the Board of Zoning Appeals, or the Board of Township Trustees to perform the reviews and/or inspections set forth in this Article which are not covered by the application fee established by the Board of Township Trustees.

#### 11.04

#### **PUBLIC UTILITY EXEMPTION.**

- A. In the event a wireless telecommunications tower facility is to be owned or principally used by a public utility engaged in the provision of telecommunication services, the regulations of this Article 11 do not apply when the proposed location of the tower facility is in an area of the Township which is not residentially zoned. The proponent of such tower facility must file a written application with the Zoning Inspector supported in writing by substantial evidence that the tower will be owned or principally used by a public utility engaged in the

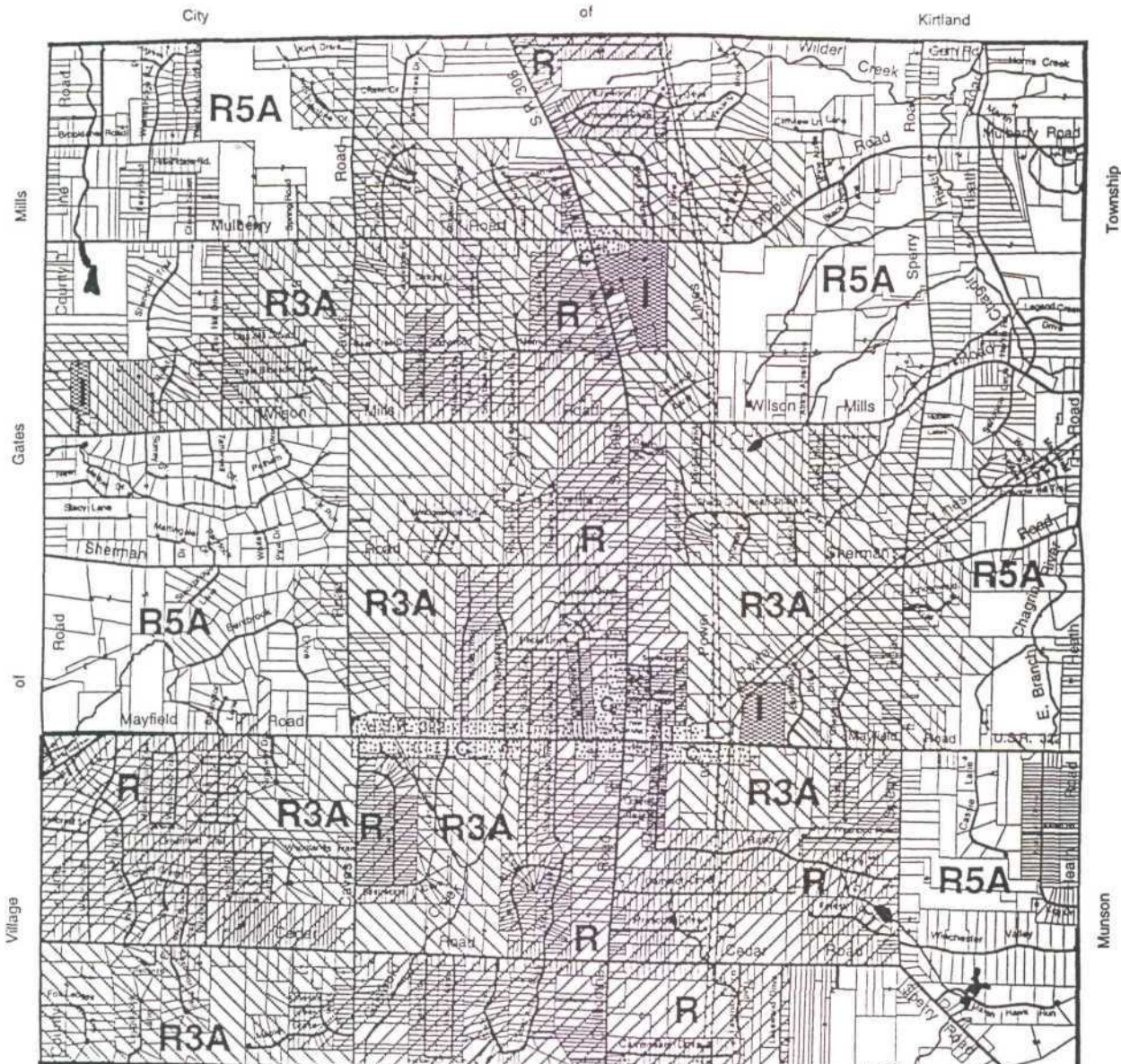


provision of telecommunication services. The applicant must also demonstrate by substantial evidence that it possesses a sufficient degree of the following attributes associated with being a public utility to be considered a "public utility" for purposes of this exemption:

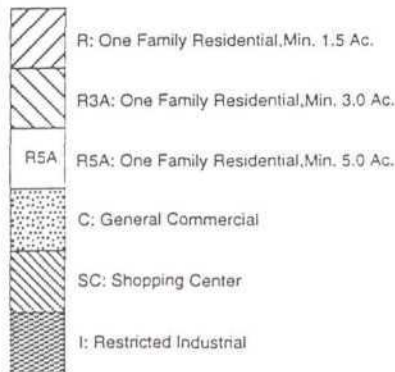
1. Whether the applicant devotes an essential good or service to the general public which has a legal right to demand or receive this good or service;
  2. Whether the applicant provides its good or service to the public indiscriminately and reasonably;
  3. Whether the applicant has an obligation to provide the good or service which cannot be arbitrarily or unreasonably withdrawn;
  4. Whether the applicant conducts its operations in such a manner as to be a matter of public concern;
  5. Whether the good or service is vital;
  6. Whether there is a lack of competition in the local marketplace for the good or service;
  7. Whether there is regulation by a government authority and the extent of that regulation;
  8. Whether the applicant possesses the power of eminent domain.
- B. No single factor set forth above is controlling as to whether the applicant is a "public utility engaged in the provision of telecommunications services". Each factor should be considered and weighed according to the factual circumstances presented and, in specific circumstances, some factors may be given more weight than others.
- C. If the Zoning Inspector determines to deny the applicant such "public utility" status, the Inspector shall do so in writing, and state the reasons therefor. Such decision of denial by the Zoning Inspector shall not be a final decision by the Township on this issue. Any determination by the Zoning Inspector that the applicant is not a public utility engaged in the provision of telecommunications services shall be appealable to the Board of Zoning Appeals pursuant to the procedures set forth in this Zoning Resolution. The decision of the Board of Zoning Appeals shall be the final decision of the Township on this issue.
- D. In the event a wireless telecommunications tower facility is proposed to be located in an unincorporated area of the Township, in an area zoned for residential use, and is to be owned or principally used by a public utility engaged in the provision of telecommunications services, the public utility shall be exempt from the requirements of this Zoning Resolution if it meets all of the criteria in 1, 2, and 3 below, as follows:

1. All of the requirements of Subsection 11.04 A through C are met;
2. The public utility provides both of the following by certified mail:
  - a. Written notice to each owner of property, as shown on the County Auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language:
    - (1) The public utility's intent to construct the tower; and
    - (2) A description of the property sufficient to identify the proposed location; and
    - (3) That no later than fifteen (15) days after the date of mailing of the notice, any such property owner may give written notice to the Board of Township Trustees requesting that the provisions of this Zoning Resolution apply to the proposed location of the tower. If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice; and
  - b. Written notice to the Board of Township Trustees of the information specified in Subsection B.2.a. of this Section; and
3. If the Board of Township Trustees receives notice from a property owner under Subsection D.2.a.(3) of this Section within the time specified in that Subsection, or if a Trustee makes an objection to the proposed location of the telecommunications tower within fifteen (15) days after the date of mailing of the notice sent under Subsection D.2.b. of this Section, the Board of Trustees shall request that the Clérk of the Township send the person proposing to construct the tower written notice that the tower is subject to the regulations of this Zoning Resolution. The notice shall be sent no later than five (5) days after the earlier of the date the Board of Trustees first receives such a notice from a property owner or the date upon which a Trustee makes an objection. Upon the date of mailing of the notice to the person, the provisions of this Zoning Resolution shall apply to the tower without exception. If the Board of Township Trustees, however, receives no notice under Subsection D.2.a. of this Section within the time prescribed by that Subsection or no Trustee has an objection as provided under this Subsection D.3. within the time prescribed by this Subsection, the applicant will be exempt from the regulations of this Zoning Resolution.





### Zoning Districts:



### CHESTER TOWNSHIP

### ZONING MAP

Scale In Feet

1000 0 1000 2000 3000 4000 5000

Amendment No. Z-96-2 Is Hereby Adopted  
By The Chester Township Board Of Trustees  
This 5th Day Of September, 1996

Trustee: *Glen Battles*  
Glen Battles

Trustee: *Patricia M. Mula*  
Patricia M. Mula

Trustee: *James Montague*  
James Montague

Clerk: *Michael W. Spellman*  
Michael W. Spellman

Effective The 5th Day Of October, 1996

Clerk: *Michael W. Spellman*  
Michael W. Spellman

Note: Two Family Residential, Min. 3 Ac.  
Deleted By Amendment Z-92-2 Eff. 2/11/93  
Prepared By: The Gauga County Planning  
Commission October 1989. Lot Lines  
Updated September 1993. Note: The Gauga  
County Planning Commission Does Not  
Warrant The Accuracy Of This Map. It Is  
Not Based Upon A Land Survey. Rev. Sept., 1996