

May 1-17 File copy

ZONING RESOLUTION

OF

CHESTER TOWNSHIP • GEAUGA COUNTY

OHIO

AMENDED TO MAY 1, 1961

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ZONING BOARD OF APPEALS

Donald Stuart, Chairman

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Eugene Painter

Frank Downer

Mrs. Isabelle Kochert, Sec'y.

ZONING INSPECTOR

William E. Bebout

2420 Mayfield Rd.

PArk 9-7997

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INDEX ON PAGE 18

ZONING RESOLUTION

A resolution providing for the zoning of the unincorporated area of Chester Township by regulating the location, size, height, and use of buildings and structures, the area and dimension of lots and yards, and the use of lands and for such purposes dividing the unincorporated area of the township into zones or districts of such number, sizes and shapes as are deemed best suited to carry out said purposes, providing a method of administration, and prescribing penalties and proceedings for the administration and enforcement of this resolution.

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

There is hereby created a Township Zoning Commission of five (5) members who shall be residents of the unincorporated area of the township included in area zoned. The term of each member shall be five (5) years beginning January 1st, and the terms of the members shall be so arranged that the term of one member will expire each year. Vacancies shall be filled by the board of township trustees and shall be for the unexpired term.

The Commission shall organize, adopt rules for the transaction of its business and keep a record of its action and determinations. Members of the Zoning Commission shall serve without compensation. No township trustee shall be employed by the Zoning Commission of his township.

The Township Zoning Commission shall meet quarterly.

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

SECTION I. PURPOSE

For the purpose of promoting the public health, safety, and morals, the board of township trustees may in accordance with a comprehensive plan regulate by resolution the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas which may be occupied, set back building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of such township, and for such purposes may divide all or any part of the unincorporated territory of the township into districts or zones of such number, shape, and area as the board determines. All such regulations shall be uniform for each class or kind of building or other structure or use throughout any district or zone, but the regulations in one district or zone may differ from those in other districts or zones.

SECTION II. DISTRICTS

For the purpose of carrying out the provisions of this resolution, the unincorporated area of the township is hereby divided into the following districts:

1. Residential, which shall be designated as "R" districts.
2. Business and commercial, which shall be designated as "B" districts.
3. Industrial and manufacturing, which shall be designated as "I" districts.

The districts as shown on the map hereto attached are hereby established and said map is made a part of this resolution. No building or premises shall be used and no building shall be erected except in conformity with the regulations prescribed herein for the district in which it is located.

SECTION III. AGRICULTURE

Land in any district may be used for agricultural purposes. No zoning certificate shall be required for the construction of buildings incident to the use for agricultural purposes of the land on which such buildings shall be located, but such buildings shall conform to the regulations contained in this resolution. For the purpose of this resolution, "agriculture" shall include agriculture, farming, dairying, pasturage, apiculture, floriculture, viticulture, and animal and poultry husbandry.

SECTIONS IV. CLASSIFICATION OF USES.

For the purposes of this resolution, the various uses of buildings and premises shall be classified as follows:

R District (Residential)

The following uses and no other shall be deemed Class R uses and permitted in all R districts:

1. Single or two-family dwellings and buildings accessory thereto, but excluding tents, cabins, and trailer coaches.
2. Tourist homes, rooming houses and boarding homes accepting not more than four (4) guests at any one time.
3. Church, school, college, university, children's home, public library, public museum, community center, fire station, township hall, publicly-owned park, publicly-owned playground.
4. Any person may maintain an office or may carry on a customary home occupation in the dwelling house used by him as his private residence providing such use does not involve any extension or modification of said dwelling which will alter its outward appearance as a dwelling and providing such use does not involve any outward evidence of such use other than a sign as authorized in other sections of this resolution and provided such occupation does not involve the selling of goods, merchandise, groceries, or commodities to the transient public, or cause undue traffic upon such premises.

The above uses shall be permitted only providing such use is not noxious, dangerous or offensive by reason of odor, dust, smoke, gas, noise, fumes, flame or vibration.

B District (Business and Commercial) Map designates depth of Commercial zones.

The following uses and no other shall be deemed Class B uses and permitted in all B districts:

1. Any use permitted in an R district shall be permitted in a B district.
2. Apartment house, rooming house, hotel, living quarters over business establishment, restaurant, lunchroom, garage.
3. Retail store or shop, repair shop, beauty parlor, funeral home, mercantile establishment, bank, office, office building, or studio.
4. Hospital or rest home other than for contagious diseases, insane, mental cases, drug or liquor addicts.
5. Lodge hall.
6. Gasoline filling and service station, bulk fuel oil stations providing storage tanks are under ground.
7. Indoor theater, bowling alley, dance hall.
8. Job printing, newspaper printing plant.
9. Coal yard, builders' supply, ice storage and sales, plumbing and heating supply.
10. Dairy.
11. Cabins and/or Motels for transient use on Mayfield Road Business Districts only and shall have a minimum floor space per living unit of 192 square feet.

The above uses shall be permitted only providing such is not noxious, dangerous or offensive by reason of emission of odor, dust, smoke, gas, noise, fumes, flame or vibration.

I District (Industrial and Manufacturing)

The following uses and no other shall be deemed Class I uses and permitted in all I districts:

1. Any use permitted in an R district or a B district shall be permitted in an I district.
2. Any normal industrial or manufacturing use, providing such use is not noxious, dangerous, or offensive by reason of emission of odor, dust, smoke, gas, noise, flame, or vibration, except uses specifically prohibited in this resolution.

SECTION V. PROHIBITED USES

The following uses shall be deemed to constitute a nuisance and shall not be permitted in any R, B, or I districts:

1. Amusement Park.
2. Commercial Aviation Field.
3. Brewery.
4. Metallic powder works.
5. Bulk petroleum station with tanks above ground.
6. Chemical plant.
7. Crematory.
8. Distilling of bones, fat or glue, glue or gelatin manufacturing.
9. Manufacturing or storage of explosives, gun powder, or fireworks.
10. Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap

metal, rubbish, offal or dead animals, except such as result from the normal use of premises, unless such dumping is done at a place provided by the township trustees for such specific purpose.

11. Junk yards, automobile graveyards, or places for the collection of scrap metal, paper, rags, glass or junk for salvage or storage purposes. The storage of three or more unlicensed or abandoned motor vehicles shall be deemed to constitute an automobile graveyard.
12. Outdoor theaters.
13. Slaughter houses.
14. Trailer parks.
15. Hospitals and sanitariums for contagious diseases, insane, mental cases, drug or liquor addicts.
16. Veterinary hospital.
17. Commercial Breeding or Boarding Kennel.
18. Basements, wholly or partially below the grade of the lot upon which it is located for dwelling purposes.

SECTION VI. NON-CONFORMING USES

A. A non-conforming use existing at the time this resolution takes effect may be continued, except that if it is voluntarily discontinued for (2) years or more, it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such district.

B. Any building arranged, intended or designed for a non-conforming use, the construction of which has been started at the time of the passage of this resolution, but not completed may be completed and put to such non-conforming use, providing it is done within one (1) year after this resolution takes effect.

C. Any building or structure, existing as a non-conforming use at the time this resolution takes effect, which is destroyed by fire or the elements, may be reconstructed and restored providing the same is done within two (2) years from the date of said destruction.

D. A building or structure devoted to a non-conforming use at the time this resolution takes effect may not be altered or enlarged so as to extend the floor area devoted to such non-conforming use more than 10%.

Any non-conforming use of land at the time this resolution takes effect may not be extended more than 10% in area.

E. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted or non-conforming use.

SECTION VII. OUTDOOR ADVERTISING

For the purpose of this resolution, outdoor advertising shall be classified as a business use and shall be permitted in all B and I districts and on all lands used for agricultural purposes, subject to the regulations contained in this resolution:

1. Signs not larger than three square feet in area are permitted in any district when the use of the sign is in direct relation to the use of the premises.

- 1A Signs not larger than six (6) square feet in area are permitted in B and I Districts when the top of the sign is no higher than four (4) feet from the ground and provided the sign is in direct relation to the use of the premises.
- 1B Signs larger than six (6) square feet in area, but not larger than eighteen (18) square feet in area are permitted in B and I Districts when the bottom of the sign is no less than eight (8) feet from the ground and provided that the sign is in direct relation to the use of the premises.
- 1C Temporary signs for the sale of land and/or buildings are permitted in all districts, provided that they do not exceed eighteen (18) square feet in area, the bottom of the sign to be no less than six (6) feet from the ground. These signs must be in direct relation to the use of the property on which they are located. Signs shall have a minimum setback of twenty-five (25) feet from the sideline of the road right of way including intersecting roads. Only one (1) such sign shall be permitted on road frontages up to seven hundred and fifty (750) feet of road frontage on the same property. Such signs shall require a Zoning Certificate before being erected, constructed, altered or replaced. The Zoning Certificate shall be renewable every six (6) months.
2. An outdoor advertising sign or billboard, other than those mentioned in paragraph 1 of this section, shall be deemed a structure and shall require a zoning certificate before being erected, constructed or replaced.
3. No outdoor advertising sign other than those mentioned in paragraphs 1, 1A and 1B of this section shall be placed nearer any street or road than the minimum set-back building line.
4. No outdoor advertising sign except those mentioned in paragraphs 1, 1A and 1B shall be located within one hundred and fifty (150) feet of any intersection unless affixed to a building and not extending beyond or above the same more than three (3) feet.
5. Any illuminated sign shall be so shaded as not to interfere with the vision of persons on the highway or to annoy neighbors.

SECTION VIII.

PUBLIC UTILITIES AND RAILROADS

This resolution shall not apply to public utilities or railroads.

SECTION IX. MINIMUM LOT AREA PER FAMILY

1. No single family dwelling shall be erected or building altered to accommodate one family as a residence on less than one and one-half (1½) acres of lot area unless such lot was designated on a recorded plat or separately owned at the time this resolution took effect and cannot practically be enlarged to conform with this requirement.
2. No two-family dwelling shall be erected or building altered for dwelling purposes to accom-

modate more than one (1) family on less than three-fourths (¾) acre per family.

3. No apartment house or living quarters over a business establishment shall be erected or building altered into apartments to accommodate more than one family for each twenty-five hundred (2500) square feet of lot area.

4. In computing lot areas, not to exceed one-half of the width of the road or street right-of-way be included if the lot owner holds title to the same.

SECTION X. MINIMUM LOT WIDTH

No dwelling shall be erected in any district on a lot having a frontage of less than one hundred and fifty (150) feet on a public thoroughfare except as provided for in Section XV of these regulations unless lot was designated on a recorded plat or separately owned at the time this resolution took effect and cannot practically be enlarged to comply with this requirement. No minimum lot width shall be required in a B or I District for uses other than dwellings except such as is necessary to comply with the requirements for yard and lot areas or parking facilities.

SECTION XI. SET-BACK BUILDING LINES

No building or structure or any portion thereof, except steps and uncovered porches less than ten (10) feet in width, shall be erected within seventy (70) feet of the right-of-way side line of any road or street. If there is no established right-of-way side line for any road or street, said side line shall be deemed to be thirty (30) feet from the center of the road. Provided, however, that the set-back on Ward Drive, north from Mayfield to Maple Drive, and that part of Opalocka Drive, as recorded in the Merlyn Heights subdivision plot, shall be a minimum of 40 feet from the right-of-way side line, and provided, however, that in subdivisions plotted and recorded on or before the date this amendment becomes effective, no building or structure or any portion thereof, other than steps and uncovered porches less than ten (10) feet in width, shall be erected within eighty (80) feet of the centerline of any road or street or within fifty (50) feet of the right-of-way side line of any road or street.

The minimum set-back for any building on Mayfield Road shall be one hundred (100) feet from the center line of the road except that the minimum set-back for any building in business and commercial districts on Mayfield Road shall be 145 feet from the center-line of Mayfield Rd.

SECTION XII. SIDE YARDS

For every building erected in an R district or for every dwelling erected in any district, there shall be a minimum side lot clearance on each side of said building of not less than fifteen (15) feet, except on Opalocka Drive where the minimum side lot clearance on each side of said building shall be not less than eight (8) feet, which space shall remain open and unoccupied by any building or structure. Attached garages or accessory buildings connected with the main building by a breeze-

way or other permanently constructed connection shall be construed to be part of the main building for the purposes of this section. All other accessory buildings shall be at least twenty (20) feet distant from any dwelling.

Provided, however, that an accessory building located not less than twenty (20) feet to the rear of the main building may be erected not less than five (5) feet from a side lot line, except on corner lots, provided that it will be not less than twenty (20) feet distant from any existing residence. An accessory building is a subordinate building customarily incident to and located on the same lot with the main building.

SECTION XIII. CORNER LOTS

The set-back building line on a corner lot shall be in accordance with the provisions governing the road or street on which the building faces. If possible, the sideyard clearance on the side street should conform to the set-back line or an inside lot on said road or street, but in no event shall said sideyard clearance be less than twenty-five (25) feet.

SECTION XIV. REAR YARDS

For every building erected in an R district and for every dwelling erected in any district, there shall be a minimum rear lot clearance at the rear of said building of at least five (5) feet provided it is twenty (20) feet from an existing dwelling, which space shall remain open and unoccupied by any building or structure.

SECTION XV. REAR HOUSES

No dwelling or apartment house shall be erected or altered or used unless the same shall have access to a public street and, if located in the rear of another building and has no immediate street frontage, then a permanent easement for access shall be provided over an unoccupied strip of land at least sixty (60) feet in width and such reserved strip may not form a part of any lot width or lot yard or lot area required by this resolution. Said easements shall be executed with the requirements provided by law for deeds and shall be filed with the Recorder in this county for record. Each additional said rear house shall be subject to the same requirement for frontage on the easement for access and other requirements for lot and yard areas as though said dwelling was located on a public street.

SECTION XVI.

MAXIMUM HEIGHT OF BUILDINGS

No building shall be erected in any B or I district to a height in excess of two and one-half (2½) stories or in excess of thirty-five (35) feet, measured from the natural grade at the building line to the highest point on the roof, except that these provisions shall not apply to the height of a church spire, belfry, clock tower, wireless tower, chimney, water tank, elevator bulk head, stage tower, scenery loft or other mechanical appurtenances when erected upon and as integral part of such building.

SECTION XVII. MINIMUM SIZE OF DWELLINGS

A single family single story dwelling shall have a ground floor area of not less than 1050 square feet, exclusive of porches, garages, breezeways or terraces.

A single family single dwelling with living floor space on the second floor accessible by a built-in stairway shall have a ground floor area of not less than 800 square feet exclusive of porches, garages, breezeways or terraces.

Two-family dwellings shall have not less than 800 square feet of floor space per family designed and used for living quarters exclusive of basements, porches, garages, breezeways, terraces, attics or partial stories.

Apartment houses shall have not less than 720 square feet of floor space per family unit designed and used for living quarters exclusive of basements, porches, garages, breezeways, terraces, attics or partial stories.

SECTION XVII-A. MINIMUM SIZE OF BUSINESS-COMMERCIAL BUILDINGS

Every Business-Commercial Building shall have a minimum ground floor area of one thousand (1000) square feet exclusive of loading docks or garages.

SECTION XVII-B. MINIMUM SIZE OF INDUSTRIAL BUILDINGS

Every Industrial Building shall have a minimum ground floor area of fifteen hundred (1500) square feet exclusive of loading docks or garages.

SECTION XVIII. PARKING FACILITIES

1. All dwellings and apartment houses shall provide parking space off the road or street and outside of the public right-of-way, together with means of ingress and egress thereto, for not less than one motor vehicle per dwelling unit or apartment. Not less than two hundred (200) square feet of area shall be deemed necessary for each vehicle.
2. All Class B uses shall provide parking space off the road or street, outside of the public right-of-way and not more than three hundred (300) feet distant from an entrance to said establishment of an area of not less than two hundred (200) square feet for each one hundred (100) square feet of area of the first floor of said establishment which it serves.
3. Every theatre, auditorium, stadium, arena, building or grounds used for the assembling of persons to attend theatrical performances, shows, exhibitions, contests, concerts, lectures, entertainment and similar activities shall provide off the street or road and outside of the public right-of-way not less than two hundred (200) square feet of space, suitable for parking automobiles and other vehicles, for every four persons to be accommodated. Such parking space shall be within four hundred (400) feet of the main entrance to such use, shall pro-

vide adequate means of ingress and egress and shall be available for the use of such patrons.

4. All Class B and Class I uses shall provide adequate parking space off the road or street and outside of the public right-of-way for vehicles delivering to, loading or taking away from said user, goods, unloading materials, supplies, or waste in connection with said business or use.
5. All Class B and I uses shall provide off street parking space off the road or street and outside of the public right of way for vehicles of employees of not less than 200 square feet suitable for parking automobiles and other vehicles for every two employees.

SECTION XIX. ZONING CERTIFICATE

The position of Township Zoning Inspector is hereby created. The Township Clerk or any other person appointed by Township Trustees shall serve as the Township Zoning Inspector and shall receive as compensation the fees to be determined by the Township Trustees. He shall keep records of all applications for zoning certificates and the action taken thereon.

Before constructing, changing the use of, or altering any building, including accessory buildings, or changing the use of any premises, application shall be made to the Chester Township Zoning Inspector for a zoning certificate. The application shall indicate the exact location of the proposed construction, alteration or change of use and shall include a plot plan, showing the proposed location and dimensions, height of the building and the proposed use. Within ten (10) days after receipt of the application, the Zoning Inspector shall issue a zoning certificate if the application is accompanied by the proper fee.

The following fees shall be paid to the Township Zoning Inspector prior to the issuance of a Zoning certificate. Such fees are for the purpose of defraying the cost of inspection, certification, enforcement and maintaining necessary records—Minimum Fee \$3.00.

Building containing 600 to 800 square feet of floor space as defined in these regulations—fee \$5.00.

Building containing 801 to 1000 square feet of floor space as defined in these regulations—fee \$10.00.

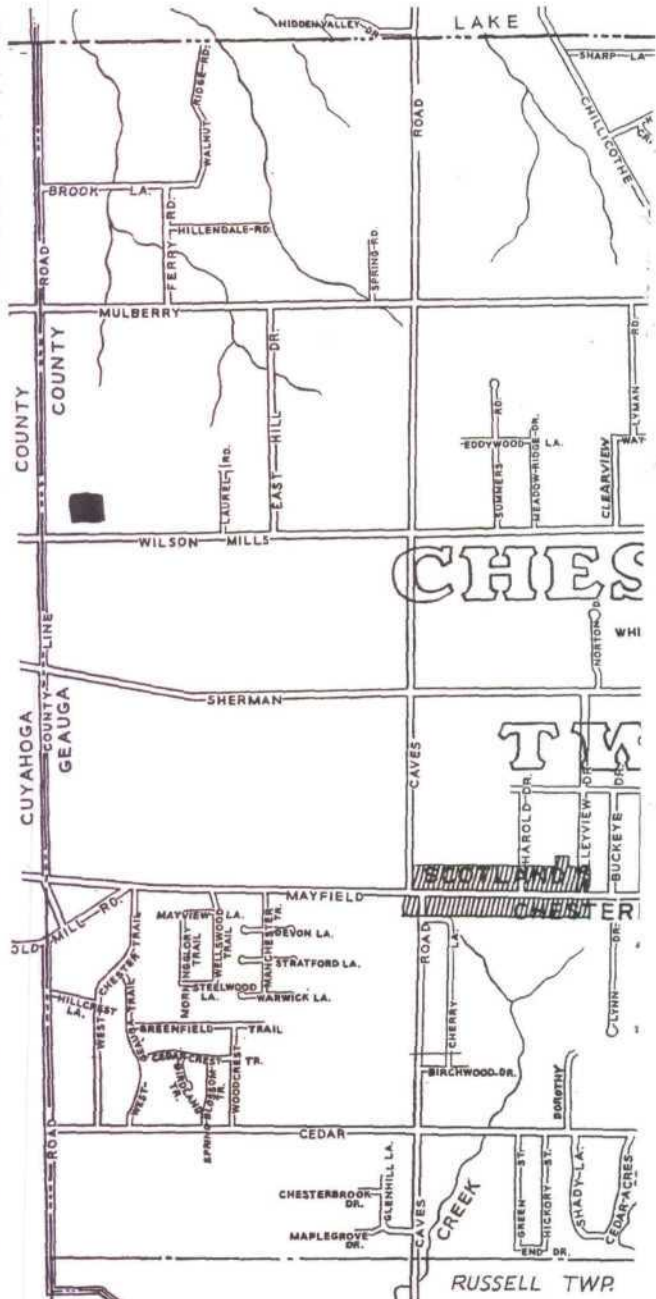
Building containing more than 1000 square feet of floor space as defined in these regulations—fee \$15.00.

Commercial or Industrial Building containing more than 1500 square feet floor space the fee shall be \$15.00 plus \$1.00 for each additional 100 square feet of floor space.

Appeal made to the Chester Township Board of Zoning Appeals \$10.00 payable upon application by appellant.

A zoning certificate shall be null and void if within six months of the date of issue no appreciable start of construction has been made.

RESIDENTIAL—BUSINESS—COMMERCIAL AND



/// BUSINESS COMMERCIAL (B) DISTRICTS ■ INDUSTRIAL (I) DISTRICTS

INDUSTRIAL ZONES—CHESTER TOWNSHIP



INDUSTRIAL (I) DISTRICTS □ RESIDENTIAL (R) DISTRICTS

SECTION XX. BOARD OF ZONING APPEALS

There is hereby created a Township Board of Zoning Appeals of five (5) members, who shall be residents of the unincorporated area of the township included in the area zoned. The terms of each member shall be five (5) years beginning January 1st, except that the terms of the original members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees for the respective unexpired term. The members of the Board of Zoning Appeals shall serve without compensation.

The Township Board of Zoning Appeals shall have the following power:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning laws or of this resolution or any amendments thereto.
2. To 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 the provisions of the resolution or any amendments thereto will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done.

In exercising the above-mentioned powers, such board may, in conformity with the provisions of law and this resolution and amendments thereto, 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 shall have all powers of the officer from whom the appeal is taken.

The Township Board of Zoning Appeals shall organize, and adopt rules in accordance with the provisions of this zoning resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, in his absence, the acting chairman, may administer oaths and the Township 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 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 shall be a public record.

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the township effected by any decision of the administrative officer. Such appeal shall be taken within (20) days after the decision by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals a

notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Township Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

The Township Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give ten (10) days notice to the parties in interest, including legal advertisement in a paper of general circulation within the Township, and decide the same within thirty (30) days after it is submitted. Upon the hearing, any party may appear in person or by attorney. Any person adversely affected by a decision of a Township Board of Zoning Appeals may appeal to the Court of Common Pleas of this county on the ground that such decision was unreasonable or unlawful.

SECTION XXI. AMENDMENTS

Amendments or supplements to the zoning resolution may be initiated *by motion of the township rural zoning commission*, by the passage of a resolution therefor by the board of township trustees or by the filing of an application therefor by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the township zoning commission. The board of township trustees shall upon the passage of such resolution certify it to the township zoning commission.

Upon the adoption of such motion, or the certification of such resolution or the filing of such application the township zoning commission shall set a date for a public hearing thereon, which date shall not be less than **** twenty nor more than forty* days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the township zoning commission by one publication in one or more newspapers of general circulation in the township at least **** fifteen* days before the date of such hearing.

Written notice of the hearing shall be mailed by the zoning commission to all owners of property within and contiguous to the area proposed to be reclassified or redistricted by certified mail fifteen days before such hearing to the addresses of such owners appearing on the current tax roll, list or duplicate of the county or to the address of the property. The failure of delivery of such notice shall not invalidate any amendment or supplement.

Within **** five* days after the adoption of such motion or the certification of such resolution or the filing of such application the township zoning commission shall transmit a copy thereof together with text and map pertaining thereto to the county or regional planning commission, if there is such a commission.

The county or regional planning commission shall recommend the approval or denial of the proposed amendment or supplement or the ap-

proval of some modification thereof and shall ***** submit such recommendation to the township zoning commission. Such recommendation shall be considered at the public hearing held by the township zoning commission on such proposed amendment or supplement.

The township zoning commission shall, *within thirty days* after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the county or regional planning commission thereon to the board of township trustees.

The board of township trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall not be **** more* than thirty days from the date of the receipt of such recommendation from the township zoning commission. Notice of such public hearing shall be given by the board by one publication in one or more newspapers of general circulation in the township, at least **** fifteen* days before the date of such hearing.

Written notice of the hearing shall be mailed by the zoning commission to all owners of property within and contiguous to the area proposed to be reclassified or redistricted by certified mail fifteen days before such hearing to the addresses of such owners appearing on the current tax roll, list or duplicate of the county or to the address of the property. The failure of delivery of such notice shall not invalidate any amendment or supplement.

Within twenty days after such public hearing the board shall either adopt or deny the **** recommendations of the zoning commission* or adopt some modification thereof. In the event the board denies or modifies the recommendation of the township zoning commission the unanimous vote of the board shall be required.

Such amendment or supplement adopted by the board shall become effective in thirty days after the date of such adoption unless within thirty days after the adoption of the amendment or supplement there is presented to the board of township trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan **** equal* to not less than eight per cent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the board of **** township trustees* to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the board of elections that the amendment has been approved by the voters it shall take immediate effect.

SECTION XXII. ENFORCEMENT

- A. It shall be unlawful to construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any regulation or any provision of this resolution or any amendment thereto. Any person, firm or corporation violating this resolution or any regulation, provision or amendment thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than One Hundred Dollars (\$100.00). Each day and every day during which such illegal erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.
- B. 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 law or of this resolution or any amendment thereto, the Board of Township Trustees, 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, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

SECTION XXIII. INTERPRETATION

In interpretation and application, the provisions of this resolution shall be held to the minimum requirements adopted for the promotion of public health, safety, morals, comfort and general welfare.

Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with any provision of law or any rules or regulations, other than zoning regulations, adopted or issued pursuant to law relating to the construction and use of buildings or premises.

Where this Resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards than are imposed or required by other provisions of law, rules, regulations, covenants or agreements, the provisions of this resolution shall control, but nothing herein shall interfere with, abrogate or annul any easements, covenants, deed restrictions or agreements between parties which impose restrictions greater than those imposed by this resolution.

SECTION XXIV. VALIDITY

Each section, sub-section, provision, requirement, regulation or restriction established by this resolution or any amendment thereto, is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid or inef-

fective for any cause shall not affect nor render invalid the resolution or amendments thereto as a whole or any other part thereof, except the particular part so declared to be invalid.

DESCRIPTION and DEPTH of BUSINESS and INDUSTRIAL ZONES

As recorded on Chester Township's
Map dated March 1, 1948

(1) MAYFIELD ROAD ROUTE 322 (SCOTLAND AREA)

The Business Zone on Mayfield Road includes all property on the North side of Mayfield Road from the East line of the Josh Morrow property West to the East side of Caves Road North to a depth of 500 feet from the center line of Mayfield Road except that the South line of the Manning property be the depth at that point and except that the depth of the business zone of property owned by Nancy M. Hamann and Norman Moss, and the adjacent property owned by the Moss Farm Dairy Inc., be 1000 feet from the center line of Mayfield Road.

All property on the South side of Mayfield Road from the East line of the Moss property West to a point opposite the West side line of Caves Road North as presently located to a depth of 500 feet from the center-line of Mayfield Road.

(2) CHILLICOTHE (ROUTE 306) & MAYFIELD (ROUTE 322) INTERSECTION

The North side of Mayfield Road from the West line of the R. L. Kochert Property East to Chillicothe Rd. and from the East line of the Public Park to the West line of the Cleveland Electric Illuminating Company property and from the East line of the C. and J. Violett property to a point 400 feet East to a depth of 500 feet North from the center line of Mayfield Road, except the J. and I. Arp property where the North line of the Arp property is the depth of the Business Zone. The depth of the Business Zone on the Forrest Bond property of 15 acres immediately West of the Illuminating Co. property to be the full depth of the property which is approximately 1,135 feet from the center line of Mayfield Rd.

The South side of Mayfield Road from the West line of the Lucy Hall property East to the East line of property owned by Guy Mansfield to a depth of 500 feet, South from the center line of Mayfield Road except A. Hill, Cottrell, Shanower, Klouda, George Painter, H. Reinold and J. Inkster properties where the depth of the business zone is the South property lines of these parcels. The depth of the Business Zone on the Linda Beech property on the South side of Mayfield Road to be 1,129 feet instead of 500 feet from the center line of Mayfield Rd.

(3) CHILLICOTHE ROAD (ROUTE 306)

The West side of Chillicothe Road from the South Line of the A. Hill property North to the North Line of the Isaac Welk property to a depth of 500 feet from the center of Chillicothe Road, except that the depth at the North Line of the M. Hovey property is approximately 810 feet West to the East Line of the L. and M. Saben property, and the depth at the South Line of the Baptist Church property is approximately 587 feet West to the East line of the K. and L. Switzer property.

The East side of Chillicothe Road from the South line of the Lena Cottrell property North to Mayfield Road to a depth of 500 feet. From the North line of the Public Park North to the South line of the Donald Wyatt property to a depth of 300 feet, and from the South line of the Donald Wyatt property North to Seminary Lane to a depth of 350 feet.

(4) MULBERRY ROAD and ROUTE 306

The east side of Chillicothe Road from the

south line of Milan Jacobs Property south to the north line of the Mattie Battles Property to a depth of 500 ft., except to east line of Butler Property on the north and east line of F. Betts Property on the south. The west side from the south line of Milan Jacobs Property south to the south line of L. F. Whitmer Property to a depth of 500 ft.

INDUSTRIAL ZONE

Schoenfeld Property (Chesterland Realty) beginning 700 ft. north of Wilson Mills Road, 1122 ft. deep on the north and south lines of the property and 191 ft. wide on the east and west lines of the property, containing approximately 4.9 acres.

Nine and thirty-two hundredths (9.32) acres rezoned from Residential to Industrial, north off Wilson Mills Road bounded on the south by F. & F. McCreary, on the east by C. & E. Adams, on the north by F. H. Schoenfeld, and on the west by Chesterland Realty Company with a 60 foot easement to Wilson Mills Road.

AMENDMENTS SINCE JANUARY 1, 1959

Amend Section IV. "CLASSIFICATION OF USES"
by adding the following to Paragraph 5:

MEMORIAL PARK:

A memorial park shall be defined as a burial place for human beings in which above-surface monuments, tombstones and grave markers are prohibited and where the natural setting of the land so developed is retained. A memorial park may be established and opened 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 Thorofare 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 a bituminous, concrete, 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) 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.

Off-street parking spaces, driveways and maneuvering areas shall be properly graded

for drainage so that all water is drained within the lot and they shall be surfaced with concrete, asphaltic concrete, asphalt, crushed slag, washed gravel or similar surfacing material and maintained in good condition and free of debris or trash.

c. Screening. Where a memorial park adjoins or faces residential buildings, a solid wall, a uniformly painted solid fence of fire resistant material, or a ten (10) foot strip of land planted with shrubs or trees which may be expected to form a year-round dense screen, shall be erected or planted and maintained along the lot lines. Such wall, fence 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 of Zoning Appeals may modify this provision temporarily only in those cases where there is no residential development immediately adjoining such use.

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

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

f. Maximum Height of Structures. The height of any structure shall not exceed twenty (20) feet, measured from the average finished grade level at the building line to, in the case of flat roofs, the highest point on the roof, or, in the case of a pitched roof, to the mean level between the eaves and the highest point of the roof.

AMENDMENTS SINCE JANUARY 1, 1959

The height regulations shall not apply to chimneys, water towers, flagpoles, or radio or television receiving antennae.

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 of Zoning Appeals with:

1. A site plan indicating the location, size and height of all buildings and structures, including fences, wall, 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 and the planting treatment between the parking lanes. The 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 esti-

mates of traffic volumes for the proposed memorial park.

i. Fiscal Plan. Neglected memorial parks become township-wide 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 of Zoning Appeals for the issuances of a conditional zoning certificate shall constitute a revocation of such certificate.

**Amendments effective April 11, 1959:
DESCRIPTION and DEPTH of BUSINESS
and INDUSTRIAL ZONES, PAGE 9**

Item (2) Chillicothe (Route 306) and Mayfield (Route 322) intersection:

Include the C. & J. Violet property in the Business, Industrial Zone to a depth of 500 feet from the center line of Mayfield Road.

SECTION IX, Page 4, Paragraph 2, to read:

No two-family dwelling shall be erected or building altered for dwelling purposes to accommodate more than one (1) family, on a lot containing less than two acres with a minimum frontage of 200 feet on a public thoroughfare.

SECTION XVIII, Page 5, Paragraph 1, to read:

All dwellings and apartment houses shall provide parking space off the road or street and outside of the public right-of-way, together with means of ingress and egress thereto, for not less than two motor vehicles per dwelling unit or apartment. Not less than four hundred (400) square feet of area shall be deemed necessary for each vehicle (excluding garages and carports).

B DISTRICT USES, Page 3, add Paragraph 12

Golf driving and archery ranges, provided that the area to be used for this purpose be fenced in on sides and rear, lights must be screened so as not to be obnoxious to surrounding property, with off the street parking as established in Section 18, Paragraphs 2, 3, 4, and 5 of the Chester Township Zoning Resolution, and a buffer strip of 25 feet on side lines and rear line when adjacent to residential areas, to consist of shrubbery and tree plantings and a 10 foot wide planted buffer strip of shrubbery and trees at the road right of way.

Amendments effective June 27, 1959:

SECTION IX, Page 4, Paragraph 3, to read:

No apartment house or living quarters over a business establishment shall be erected or building

altered into apartments to accommodate more than one family for each ten thousand (10,000) square feet of lot area.

SECTION XIV, Page 5, to read:

For every building erected in an R district and for every dwelling erected in any district, there shall be a minimum rear lot clearance at the rear of said building of at least ten (10) feet provided it is twenty (20) feet from an existing dwelling, which space shall remain open and unoccupied by any building or structure.

SECTION XII, Page 4, to read:

For every building erected in an R district or for every dwelling erected in any district, there shall be a minimum side lot clearance on each side of said building, on lots of less than 150 foot frontage, of not less than fifteen (15) feet, except on Opalocka Drive where the minimum side lot clearance on each side of said building shall be not less than eight (8) feet, which space shall remain open and unoccupied by any building or structure. Lots of 150 foot frontage or more shall have a building side lot clearance on each side of said building of not less than twenty-five (25) feet, which space shall remain open and unoccupied by any building or structure. Attached garages or accessory buildings connected with the main building by a breezeway or other permanently constructed connection shall be construed to be part of the main building for the purposes of this section. All other accessory buildings shall be at least twenty (20) feet distant from any dwelling.

Provided, however, that an accessory building located not less than twenty (20) feet to the rear of the main building may be erected not less than ten (10) feet from a side lot line, except on corner lots, provided that it will be not less than twenty (20) feet distant from any existing residence. An accessory building is a subordinate building customarily incidental to and located on the same lot with the main building.

Changes in the CHESTER TOWNSHIP ZONING REGULATIONS to become effective June 12, 1960:

Section IV, Paragraph 4, "CLASSIFICATION OF USES", to be amended to read as follows:

4. Home Occupation—For the purpose of this Resolution a "home occupation" is an accessory use which:

- (a) Is customarily carried on in a dwelling or in an accessory building, in Chester Township, and
- (b) Is carried on by an occupant of the dwelling and
- (c) Is clearly incidental or secondary to the residential use of the dwelling, and
- (d) Conforms to the following additional conditions:

- (1) The home occupation shall be carried on entirely in the dwelling or within an accessory building.
- (2) Not more than one person, other than occupants of the dwelling, shall be employed in the home occupation.
- (3) Not more than 500 square feet of floor area shall be devoted to home occupations in any dwelling or building accessory thereto.
- (4) Articles sold or offered for sale shall be limited to those produced in the dwelling or within the accessory building.

- (5) There shall be no exterior display, no exterior sign (except as permitted by Section VII), no exterior storage of materials, commercial vehicles, trucks, or other equipment, and no other exterior indication of the home occupation, or variations of the residential character of the principal building.
- (6) No offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effects shall be produced.

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

- (a) Dressmaking
- (b) Professional activity of a medical or osteopathic physician, dentist, pediatrician, chiropractor, lawyer, engineer, artist, architect, or accountant.
- (c) Teaching, with musical instruction limited to not more than two pupils at a time.

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

- (a) Barber shop.
- (b) Beauty shop.
- (c) Commercial stable or kennel.
- (d) Restaurant.
- (e) Dancing Studio.

Section XII. "SIDE YARDS", the third sentence be amended to read as follows:

"Attached garages or accessory buildings permanently connected to the main building by a substantial wall or roof shall be construed to be part of the main building for the purposes of this section."

Section XVIII. "PARKING FACILITIES", be amended by adding a new paragraph 6 to read as follows:

"In an R" District only one commercial vehicle may be stored on each parcel of land. This provision shall not apply to land in agricultural use."

Changes in the CHESTER TOWNSHIP ZONING RESOLUTION adopted September 29, 1960; to become Law October 29, 1960:

Section IV. "CLASSIFICATION OF USES", be amended by adding a new paragraph 5 to read as follows:

5. The Board of Appeals may after appropriate notice and public hearing, grant a conditional zoning certificate for the following uses but only in accordance with the requirements specified in this Section and in Section XX:

Golf Club, Private (Members only). A private golf club may be established and operated but subject to the following conditions:

- a. There shall be provided a minimum lot area of eighty (80) acres for a nine-hole and one hundred and sixty (160) acres for an eighteen-hole golf course.
- b. Eight (8) off-street parking spaces shall be provided for each green, plus one (1) space for each employee and operator.
- c. The sale of automotive fuels and accessories and the furnishing of repairs or services of any kind for motor vehicles shall not be permitted.
- d. Each accessory off-street parking space shall have a minimum unobstructed area of three-hundred (300) square feet. Where driveways are required to provide accessibility to the parking spaces, they shall have an unobstructed width of at least twenty-four (24) feet.

e. Accessory off-street parking spaces, service roads 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 stone, slag, or washed gravel, and maintained in good condition and free of dust, debris, and trash.

f. 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.

g. 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 ra-

dus 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 club house and to the parking areas shall be surfaced with concrete, asphaltic concrete, or asphalt.

h. Wherever such club adjoins an R District or any use permitted in an R District or a street, it shall be screened from these 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 screen year-round. Such wall, fence or shrubs shall be at least three (3) feet, but not more than six (6) feet in height. However, such wall, fence, or shrubs 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.

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

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

The Board of Zoning Appeals may modify this provision temporarily in those cases where there is no development of uses permitted in an R District that immediately adjoins such club. However, the required screening shall be installed by the golf club at the time development of the R District uses takes place.

i. Where lighting is provided for accessory off-street parking spaces, it shall be constructed and arranged so as to prevent the direct emission of light upon adjoining lots or the public streets.

j. One identification sign may be permitted which shall not exceed ten (10) square feet in area and shall be located in back of the setback building line.

k. 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 1500 square feet in area, and an accessory wading pool not to exceed 500 square feet in area. Pools to be completely

fenced with woven wire fence at least four (4) feet high.

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

3) There shall be no picnics or picnicking facilities.

l. No building shall be used as a dwelling that does not conform completely to the requirements of this Zoning Resolution.

m. A club house, maintenance buildings and sheds and shelters may be permitted. The following and no other sales and services may be permitted and 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 a golf club.

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

o. Membership shall be limited to 1,000 members.

p. Wherever possible such club shall front upon a major thorofare as specified by the Geauga County Thorofare Plan.

q. Such club may be opened or operated from March 1 to December 1 of each year and only during the hours of 5 a.m. to 12:01 a.m. each day.

r. 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 holes of the golf course within two (2) years of the date of the conditional zoning certificate.

s. A condition 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.

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

Amendments to the CHESTER TOWNSHIP ZONING RESOLUTION adopted February 9, 1961; to become Law March 11, 1961:

Section IV. "CLASSIFICATION OF USES",

by inserting the following under B District:

13. Lots for the sale of used automobiles, trucks, and trailers in operating condition, provided they conform to the following regulations:

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

b. Setback and Yards. The area between the street right-of-way line and the setback building shall be unobstructed and free of all use except landscaping.

The setback building lines are those established by Section XI and XIII of this Resolution.

In the case of corner lots adjoining an R District, the minimum setback building line along the side street shall be the same as that applicable to the R District.

Where such lots adjoin an R District or a building containing dwelling units, the side or rear yard, as the case may be, shall be thirty (30) feet, and shall be unobstructed and free of all use except landscaping.

c. Surfacing. The premises used for the parking and storage of automobiles, including driveways, shall be properly graded for drainage so that all water is drained within the premises, and no water shall be permitted to flow on to adjoining streets or other property. Such premises shall be surfaced with bituminous, concrete, or similar all-weather surface, and maintained in good condition and free of debris and trash.

d. Access. The driveway used to provide accessibility to the premises shall be so located and arranged to minimize traffic congestion. Therefore:

- 1) Not more than two (2) such driveways shall be permitted.
- 2) The center line of such driveway shall be at least fifty (50) feet from the right-of-way line of any intersecting street where the driveways and intersecting street are on the same side of a street.
- 3) The maximum width of such driveway shall be thirty (30) feet measured at right angles to the angle of the driveway entrance. Such driveway shall have an apron of six (6) feet radius at the curb, to provide a means for motor vehicles to enter and leave the parking facilities without obstructing traffic.

e. Barriers. Structurally sound wheel or bumper guards shall be provided and so located that no part of a parked or stored automobile shall extend into a required setback area.

f. Screening. Where such lots adjoin or face an R District, or a building containing dwelling units, a solid wall, or uniformly painted solid fence of fire resistant material, or a four (4) foot strip of land planted with shrubs or trees which may be expected to form a year-round dense screen, shall be erected or planted and maintained along lot lines. 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.

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

g. Signs. In addition to the provisions of Section VII of this resolution, a permitted sign shall be neither flashing nor animated and may be illuminated only from a concealed light source.

h. Off-Street Parking. Notwithstanding the provisions of Section XVIII, off-street parking shall be provided for customers, employees and guests that is equal to twenty-five (25%) per cent of the gross lot area which shall include access driveways and maneuvering area.

Section XX. "BOARD OF ZONING APPEALS"

3. To grant conditional zoning certificates for the use of land, buildings or other structures only for such specific uses that are listed in the Zoning Resolutions as subject to conditional zoning certificates.

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

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

In considering any site plan such board shall endeavor to assure a beneficial relation among the buildings on the site if more than one, appropriate landscaping, and a satisfactory relation between the development of the site and the adjacent neighborhoods. Toward this end, such Board shall have the power to modify the front, rear and side yard requirements of this Zoning

Resolution, the location of accessory buildings and other structures in order to secure the benefit of better site utilization, provided that such modification shall be so applied that:

(a) light and air shall not be obstructed from adjacent buildings to a greater extent than would result from the application of the regulations prescribed for the district in which such lot or building is located.

(b) the proposed location and arrangement of buildings will not be otherwise detrimental to adjacent buildings or to the general neighborhood.

SECTION XXI. Amendments and Supplements.

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

1. By motion of the Commission,
2. By resolution of the Trustees, or
3. By application to the Commission by one or more property owners or lessees of property

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

Notice of the public hearing shall be given by the Commission by one (1) publication in one (1) or more newspapers of general circulation in the Township at least fifteen (15) days before the date of such hearing. Where the proposed amendment reclassifies ten (10) or less parcels of land, the Commission shall also send written notice of such hearing by first-class mail to all property owners within and contiguous and directly across the street from the area proposed to be re-zoned at the addresses listed on the current County tax list or Treasurer's mailing list or other list specified by the County Commissioners at least twenty (20) days before the public hearing. The failure of delivery of such written notice shall not invalidate any amendment or supplement.

The published and mailed notice shall state the time and place of the hearing, the nature of the proposed amendment and a statement that the proposal will be referred to the Trustees for further determination after the conclusion of the Commission's public hearing.

Within five (5) days of the adoption of such a motion, certification of such resolution or the filing date of such application, the Commission shall send a copy thereof including the text and map of the proposed amendment to the County Planning Commission. The recommendation of the County Planning Commission shall be con-

sidered at the public hearing held by the Commission.

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

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

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

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

INDEX

	Page No.		Page No.
Title — Zoning Officials	1	Section XV Rear Houses	5
Zoning Resolution	2	Section XVI Minimum Height of Buildings	5
Section I Purpose	2	Section XVII Minimum Size of Dwellings	5
Section II Districts	2	Section XVII-A Minimum Size of	
Section III Agriculture	2	Business-Commercial Buildings	5
Section IV Classification of Uses	2	Section XVII-B Minimum Size of	
Section V Prohibited Uses	3	Industrial Buildings	5
Section VI Non Conforming Uses	3	Section XVIII Parking Facilities	5
Section VII Outdoor Advertising	3	Zoning Map	6
Section VIII Public Utilities and Railroads	4	Section XIX Zoning Certificate	6
Section IX Minimum Lot Area Per Family	4	Section XX Board of Zoning Appeals	7
Section X Minimum Lot Width	4	Section XXI Amendments	8
Section XI Set-Back Building Lines	4	Section XXII Enforcement	9
Section XII Side Yards	4	Section XXIII Interpretation	9
Section XIII Corner Lots	5	Section XXIV Validity	9
Section XIV Rear Yards	5	Industrial Zone	10

AMENDMENTS SINCE JANUARY 1, 1959 PAGES 10-11-12-13-14-15-16-17-18