

GEAUGA COUNTY PLANNING COMMISSION AGENDA
NOVEMBER 8, 2022 REGULAR MEETING
12611 Ravenwood Drive
Conference Room A334, 3rd Floor
7:30 A.M.
Revised November 7, 2022

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES:
 - A. OCTOBER 13, 2022 REGULAR MEETING MINUTES
4. FINANCIAL REPORT AND APPROVAL OF EXPENSES
5. DIRECTOR'S REPORT
6. TOWNSHIP AMENDMENTS TO BE REVIEWED:
 - A. CHESTER TOWNSHIP
TEXT AMENDMENT NO. ZC 2022-04
INITIATED OCTOBER 19, 2022
BY ZONING COMMISSION
 - B. CHESTER TOWNSHIP
TEXT AMENDMENT NO. ZC 2022-05
INITIATED OCTOBER 19, 2022
BY ZONING COMMISSION
 - C. CLARIDON TOWNSHIP
TEXT AMENDMENT NO. ZC 2022-01
INITIATED OCTOBER 24, 2022
BY ZONING COMMISSION - **WITHDRAWN ON 11-7-22**
 - D. HAMB DEN TOWNSHIP
TEXT AMENDMENT NO. ZC 2022-02
INITIATED OCTOBER 3, 2022
BY ZONING COMMISSION
 - E. CHARDON TOWNSHIP
TEXT AMENDMENT NO. ZC 2022-2
INITIATED OCTOBER 24, 2022
BY ZONING COMMISSION
7. CORRESPONDENCE:
 - A. LETTER FROM REALTOR REGARDING LARGE LOTS/SEPTIC EVALUATIONS
8. OLD BUSINESS:
 - A. NOACA/CEDS (NO NEW MATERIAL)
 - B. PAY GRADE UPDATE
 - C. DERCHAR SUBDIVISION (NO NEW MATERIAL)
 - D. MODEL ZONING (NO NEW MATERIAL)

9. NEW BUSINESS:

- A. COUNTY SUBDIVISION REGULATIONS UPDATE: EASEMENTS
- B. GEAUGA COUNTY GENERAL PLAN ANNUAL REVIEW

10. ADJOURNMENT

Per Article 4, Section 2 of the Bylaws of the Geauga County Planning Commission,
this agenda is subject to modification.



Geauga County Planning Commission

12611 Ravenwood Drive, Suite #380, Chardon, OH 44024

Phone: (440) 279-1740

www.co.geauga.oh.us/Departments/Planning-Commission

NOVEMBER 8, 2022 MEETING MINUTES

1. Pledge of Allegiance

Chairperson Caterina Cocca-Fulton called the November 8, 2022 regular meeting of the Geauga County Planning Commission to order at 7:31 a.m. at 12611 Ravenwood Drive, Suite A334, Chardon, Ohio. A quorum was obtained. Following the Pledge of Allegiance, the roll call was called by Ms. Irizarry, and the following members were present:

2. Roll Call

Members present: Caterina Cocca-Fulton, Commissioner Jim Dvorak, Gary Neola, Walter Claypool, Jim McCaskey, Nick Gorris, and John Oros.

Members absent: Commissioner Lennon, Commissioner Ralph Spidalieiri, Dennis Bergansky and Dan Miller.

Staff present: Linda Crombie (Director,) Allyson Kobus (Planner II), and Pamela Irizarry (Administrative Assistant). Anthony Nastasi, Kathleen McCarthy (Chester Township), and Richard Acquaviva (Hambden Township) and others interested in the discussion.

Mr. McCaskey left meeting at 8:30 a.m. Commissioner Dvorak left meeting at 8:41 a.m.

3. Approval of Minutes for the October 13, 2022 Regular Meeting

Mr. Oros made a motion to approve the October 13, 2022 regular meeting minutes and Mr. McCaskey seconded the motion, Mr. Neola abstained, and upon a call for the vote, the motion passed.

4. Financial Report and Approval of Expenses

Ms. Irizarry provided the financial report as of November 7, 2022 attached hereto and the expenses marked as Exhibit "A" totaling \$626.85. Mr. Claypool made a motion to approve the financial report and the summary of expenses, marked exhibit "A" totaling \$626.85. Mr. Neola seconded the motion, and upon a call for the vote, the motion carried unanimously.

See Exhibit 4A

Ms. Cocca-Fulton let the board know item 7C, Claridon Township text amendment No. ZC 2022-01, has been withdrawn and will not be discussed today.

5. Director's Report

1. Geauga Soil and Water Conservation District Annual Meeting: Ms. Crombie said she and Ms. Kobus attended this meeting to learn about the different activities over the past year. The winners of the Healthy Soil, Healthy Life conservation poster contest were presented and they announced the theme for next year's contest will be "One Water" and students K-12 can participate.

2. Cybersecurity training: Ms. Crombie said that staff participated in online cybersecurity training presented by KnowBe4. This is required by the State Auditor's Office every year.

3. CORSA training: Ms. Crombie said she attended this management training offered through CORSA, the county's risk sharing authority. The topics covered were discrimination/harassment, employee discipline, social media, FMLA, bullying and professionalism.

4. Work Summary, October 2022:

a. Planning/Zoning/Subdivision Administration: Ms. Crombie said that during October there were 21 lot splits/consolidations, 67 different planning/zoning inquiries, lot inquiries, and 2 easements. Ms. Crombie briefly reviewed the various points of contact the Planning Commission had with Chester and Claridon townships.

Mr. Claypool said there is a lot of construction activity throughout the County asked about it being reported on. Ms. Crombie said she is not actively tracking it but could obtain it from the Building Department. Mr. Claypool said it would be nice to know what is going on in Geauga County and look at how it goes along with our General Plan. Ms. Cocca-Fulton agreed this would be good to know and asked if the Department of Economic Development would have a report of this. Mr. McCaskey commented that the Building Department should have a report. Ms. Cocca-Fulton asked Ms. Crombie if she could get a report showing the development in the county and give it to the board.

See Exhibit 5A

6. Township Amendments to be Reviewed:

- A. Chester Township
Text Amendment No. ZC 2022-04
Initiated October 19, 2022
By Zoning Commission

Ms. Crombie said Chester Township submitted a text amendment related to Article V, District Regulations, proposing to modify accessory buildings. Currently, a 1,280 square foot accessory building is allowed for any lot size, with a height of 15 feet. The proposed changes would keep the 1,280 square feet and increase the size of allowable accessory buildings to 500 square feet per acre with a maximum size of 2,500 square feet. Also, the height is proposed to be increased from 15 feet to 20 feet. Ms. Crombie said her only comment is 20 feet is fine for a detached garage but a little high for structures such as a storage building or outdoor fireplace. She recommends the township consider keeping the 15 foot height for lesser type accessory structures.

Ms. Cocca-Fulton asked if putting a height limit on this, would the township be violating a fire code. Mr. McCaskey commented that he feels 20 feet is low. Mr. Gorris asked if there is a maximum ground area for accessory buildings? Ms. Cocca-Fulton commented said if we put a limit on ground coverage, would that limit ever be reached. Mr. Claypool questioned limiting the height to 20 feet and asked if there is a fire code or building code; why not 35 feet? Ms. Crombie said 35 feet is the maximum height for a principal home, not an accessory building. An accessory building should be smaller than a house to be proportional. Twenty feet is what was proposed by the township, which is fine for a detached garage. Mr. Claypool asked according to who? Ms. Crombie said for traditional storage buildings, whether it is

purchased or stick-built, 20 feet is high. Mr. McCaskey said he supports what the township proposes. Mr. Gorris commented an owner could apply for a variance, if needed.

Motion made by Mr. Claypool to approve Chester Text Amendment ZC 2022-04 as proposed, and seconded by Mr. McCaskey, and upon a call for the vote, the motion carried.

See Exhibit 6A

B. Chester Township
Text Amendment No. ZC 2022-05
Initiated October 19, 2022
By Zoning Commission

Ms. Crombie discussed Chester Township also submitted a text amendment related to Article V, add additional language to section 5.00.01 Prohibited Uses, Section A. This language is from the Model Zoning Resolution and is proposed to be added to allow for a variance request. Currently the Township's language only states if the use is not specifically listed, no zoning certificate can be issued unless a zoning amendment to provide for such a use has been adopted. Ms. Cocca-Fulton feels this added language covers the fact if you obtain a use variance.

Mr. Claypool said he challenges this clause. He brought a court case that he received the day before regarding Jones v. Auburn Township. Auburn Township said this paragraph prohibited the Jones' from building. Mr. Claypool said you cannot use this paragraph to stop someone from building and asked if we could set this aside and hire some outside counsel to do a legal review. Mr. McCaskey asked Mr. Claypool if he had the court case. Mr. Claypool said yes, and he will submit it to the board members. Mr. Neola wanted clarification that there is a court case to say this language is bad. Mr. Claypool said if zoning wants to outlaw something, they need to zone it properly and stick to that zoning plan. Ms. Cocca-Fulton said if something exists, it doesn't mean that it is always right.

Ms. Cocca-Fulton said there are Chester Township representatives here and asked if they wanted to comment. Anthony Nastasi, Chester Township, said there was previously an amendment for congregate care and Lori Benza Sass helped with the legal review. Ms. Benza Sass recommended that the amendment align with the Ohio Revised Code and the township Model Zoning. He explained the existing language was the applicant's reasoning on why they could not pursue a variance for the congregate care.

Mr. McCaskey said to approve this and look into it. Mr. Nastasi said if this is in place, there would be no need to go to the zoning commission; it could go right to the Board of Zoning Appeals (BZA). Mr. Claypool commented that this is an improper use of zoning.

Diane Jones, Jones v. Auburn Township, asked if she could comment and said the Auburn BZA and Zoning Commission do not have the right to legislate. They violated property rights.

Ms. Cocca-Fulton said we are not opposed to the proposed language presented. The caveat is the potential constitutional issues and she feels it needs to be looked into. If this something is not a permitted use in zoning, how would someone go about it?

Motion made by Mr. Neola to approve Chester Text Amendment ZC 2022-05 as proposed, and seconded by Mr. Oros, and upon a call for the vote, the motion carried.

See Exhibit 6B

D. Hambden Township
Text Amendment No. ZC 2022-02
Initiated October 3, 2022
By Zoning Commission

Ms. Crombie said Hambden Township submitted a text amendment related to Article II, Definitions and Article IV, District Regulations to add a definition of cargo container, also known as shipping container, ISO container, and intermodal container. The amendment is proposing to prohibit the use in all zoning districts. Ms. Crombie reviewed the various exhibits showing cargo containers added to list of prohibited uses.

Ms. Crombie noted that cargo containers could be a permitted use in the Industrial District and that the township consider this as an option. Mr. Gorris asked does this eliminate temporary pods people have in their driveways. Ms. Crombie said that is not the intent.

Mr. Gorris said some cargo containers are turned into modern day homes, will this proposal eliminate someone from doing this. Mr. Claypool commented that he understood the intent of these proposals, as many cargo containers are used as a foundation. Mr. Neola commented he understands that cargo containers could be used as a building material, but it becomes a different use. He also commented that the language "shall be prohibited" is missing in the one section. Ms. Cocca-Fulton said if a lot of residents are using this, they might be grandfathered in. Mr. Acquaviva commented that some things are grandfathered in, but the issue is that cargo containers were never listed; we are working on putting an exception in for the Pods containers.

Mr. Acquaviva said the intent of adding this to the amendment is to address those containers sitting in front yards rusting away. Mr. Claypool asked Mr. Acquaviva if there has been many of these? Mr. Acquaviva said they are seeing more of them; one business has ten (10) of them. Mr. Claypool asked if someone buys a storage container and puts it in their driveway, is there some potential enforcement issue that could make people take them off their property. Ms. Cocca-Fulton said Mr. Claypool brings up a good point. She feels having a definition of cargo containers certainly helps; zoning is concerned whether would this go towards an accessory use.

Mr. Oros said the nature of the definition needs to be long term; he asked Mr. Acquaviva what is his take on allowing cargo containers in the Industrial district as a permitted use? Mr. Acquaviva said it is a small industrial district and they could use it. Mr. Oros asked Mr. Acquaviva if long term storage would be a better use and he replied that the industrial district is very small and some of it is adjacent to a residential district. Mr. Oros asked is it fair to say that in that industrial zone you could have long term storage, and Mr. Acquaviva said "sure".

Mr. Claypool asked Mr. Acquaviva if there was a way to set standards for cargo containers such as planting bushes or painting them. Mr. Acquaviva replied they tried to work out that language for about six (6) months and they couldn't make it work. Ms. Crombie commented that is an aesthetic issue and

while a cargo container could be covered by a roof or sided, that cannot be required as you would have to treat all accessory structures the same way.

Ms. Cocca-Fulton reviewed the items discussed: consider the impact the definition may have on temporary containers, need to add the missing language as mentioned, consider allowing cargo containers in the Industrial district, and address the issue of change of use when cargo containers are used as building material.

Motion made by Mr. McCaskey to approve Hambden Text Amendment ZC 2022-02 with modifications, and seconded by Mr. Dvorak, and upon a call for the vote, the motion carried.

See Exhibit 6D

E. Chardon Township
Text Amendment No. ZC 2022-02
Initiated October 24, 2022
By Zoning Commission

Ms. Crombie said Chardon Township submitted a text amendment related to Article II, Definitions, and Article V, R-1 and R-2 Residential Districts. Under Article V, Residential Districts, 500.01, reference to modular homes is being added for clarity. A modular home is a form of industrialized unit, but can also include other non-dwelling structures, such as guard houses, and portable enclosed restroom facilities. Under 500.11, currently titled Manufactured Homes, this is changing to Manufactured Homes and Modular Homes. She also said reference to both the requirements of state and local building codes is being added. Under item, Industrialized Unit, in the definition section, a section reference was corrected and one was deleted as it was repealed; and a Modular Home definition was added.

Mr. Oros thanked all the township people who attended today's meeting.

Motion made by Mr. Neola to approve Chardon Text Amendment ZC 2022-02, and seconded by Mr. Oros, and upon a call for the vote, the motion carried.

See Exhibit 6E

Mr. McCaskey left the meeting at 8:30 a.m.

7. Correspondence:

A. Letter from Realtor regarding Large Lot/Septic Evaluations: Ms. Crombie said at last month's meeting the topic of large lot/septic evaluations was discussed. She received a letter from a Realtor asking that Geauga County consider changing their subdivision regulations. The letter included a list of what neighboring counties require as well as their regulations. It also went into detail of the financial hardship home owners endure.

See Exhibit 7A

8. Old Business:

A. NOACA/CEDS (No New Material): Ms. Cocca-Fulton said at our last meeting the board agreed to have Mr. Claypool draft a letter to be submitted to the Board of County Commissioners (BOCC) on why Geauga County needs to leave the CEDS. She received the draft letter and asked Mr. Claypool to provide some highlights. Mr. Claypool said the letter has not been sent out to the full Board but said we as a board need to understand that NOACA/CEDS has little understanding of Geauga County values and there is a difference in Geauga County's voice being heard as compared to Cuyahoga County and other counties. NOACA is overreaching its charter by doing economic development. We do not have the same core values as an urban area and planning would be very different. He said that Ms. Crombie has regularly attended the CEDS meetings and updated the board on topics discussed. He gave a brief history of NOACA and why the extension of CEDS came about. Mr. Claypool feels Geauga County is not benefiting from being part of the CEDS anymore and the rural character is very important.

Ms. Cocca-Fulton read from the letter and asked the board to review the draft letter, especially the bullet points and add their insight; are there other points that need to be addressed. Mr. Neola commented how he feels it is important to address this to the BOCC; we need to form our own Metropolitan Planning Organization (MPO) with other counties. He agrees with Mr. Claypool's draft letter and bullet points discussed. Ms. Cocca-Fulton said as chair, she would be submitting this to the BOCC and is open to any suggestions. Mr. Gorris asked if there was going to be some way to review this letter before it goes to the BOCC as many members are not here. He went on to say that if we want to get out of NOACA, data needs to be changed in the General Plan. The General Plan makes references to data from NOACA. He feels the board needs to review all this first.

Mr. Dvorak left the meeting at 8:41 a.m.

Mr. Claypool said there is no benefit to being part of their CEDS. Ms. Cocca-Fulton thanked everyone but said as we no longer have a quorum, the meeting will adjourn.

9. Adjournment

Chairperson Ms. Cocca-Fulton adjourned the meeting at 8:44 a.m.



Caterina Cocca-Fulton, Chairman



Gary Neola, Secretary/Treasurer

COUNTY PLANNING COMMISSION FINANCIAL REPORT
Summary

Budget – November 7, 2022



| <u>Account</u> | <u>Appropriation</u> | <u>Expenditure</u> | <u>Balance</u> |
|------------------------|----------------------|---------------------|--------------------|
| Salaries | \$140,589.00 | \$120,529.99 | \$20,059.01 |
| Supplies | \$3,848.00 | \$823.20 | \$3,024.80 |
| Hosp. | \$25,604.00 | \$20,730.00 | \$4,874.00 |
| Medicare | \$2,090.00 | \$1,703.69 | \$386.31 |
| OPERS | \$19,780.00 | \$16,031.84 | \$3,748.16 |
| Worker's Comp. | \$252.00 | \$0.00 | \$252.00 |
| Other Expenses | 5,018.00 | \$1,193.74 | 3,824.26 |
| Equipment | \$8,451.00 | \$6,839.12 | \$1,611.88 |
| Contracted Services | \$0.00 | \$0.00 | \$0.00 |
| Covid -19 Expenses | \$0.00 | \$0.00 | \$0.00 |
| Copier Usage Services | \$1,000.00 | \$55.48 | \$944.52 |
| Travel | \$2,600.00 | \$1,438.85 | \$1,161.15 |
| Advertising | \$160.00 | \$0.00 | \$160.00 |
| Training | \$300.00 | \$0.00 | \$300.00 |
| Member, Dues, Lic. Sub | \$900.00 | \$653.00 | \$247.00 |
| Total | \$210,592.00 | \$169,998.91 | \$40,593.09 |

**SUMMARY RESOLUTION FOR EXPENSES
GEAUGA COUNTY PLANNING COMMISSION**

Mr. Clivpool MOVED THE ADOPTION OF THE FOLLOWING RESOLUTION,
WHICH MOTION WAS SECONDED BY Mr. Neola.

WHEREAS, THE EXPENSES LISTED HEREIN HAVE BEEN INCURRED BY THE GEAUGA COUNTY PLANNING COMMISSION IN ORDER FOR THE COMMISSION TO PERFORM ITS DUTIES; AND

WHEREAS, THESE EXPENSES HAVE BEEN REVIEWED BY THE MEMBERS OF THE COMMISSION AT ITS NOVEMBER 8, 2022 MEETING;

NOW THEREFORE, BE IT RESOLVED, THAT THE GEAUGA COUNTY PLANNING COMMISSION HEREBY AUTHORIZES PAYMENT OF THE FOLLOWING BILLS OR CLAIMS:

| <u>P.O.</u> | <u>ACCOUNT</u> | <u>DATE</u> | <u>VENDOR</u> | <u>AMOUNT</u> |
|-------------|----------------|-------------|--|---------------|
| 2790 | TRAVEL | 10/25 | LINDA CROMBIE (MILEAGE REIMBURSEMENT) | 63.00 |
| 1230 | EQUIPMENT | 10/25 | MNJ TECHNOLOGIES (MONITORS & IPS TRIPP LITE PORT CABLE) | 563.85 |
| TOTAL | | | | \$ 626.85 |


Caterina Cocca-Fulton, Chairman


Gary Neola, Secretary/Treasurer



Geauga County Planning Commission
 12611 Ravenwood Drive, Suite 380, Chardon, Ohio 44024
 Phone (440) 279-1740
www.co.geauga.oh.us/Departments/Planning-Commission

November 1, 2022

Prepared for the November 8, 2022 Geauga County Planning Commission meeting

Director's Report

1. Geauga Soil and Water Conservation District Annual Meeting

Ms. Kobus and I attended the above referenced annual meeting to learn about their various programs, collaboration, and activities over the past year. They presented the winners of the Healthy Soil: Healthy Life conservation poster contest and announced the theme of next year's contest as "One Water". As students K-12 can participate, if you know of someone who may be interested, contact Geauga Soil and Water for more information.

2. Cybersecurity training

The staff participated in online cybersecurity training presented by KnowBe4, a leading consultant in the field. The training is required by the State Auditor each year for anyone with access to the county network.

3. CORSA training

I attended management training offered through CORSA, the county's risk sharing authority and it covered discrimination/harassment, employee discipline, social media, bullying and professionalism, and FMLA/ADA.

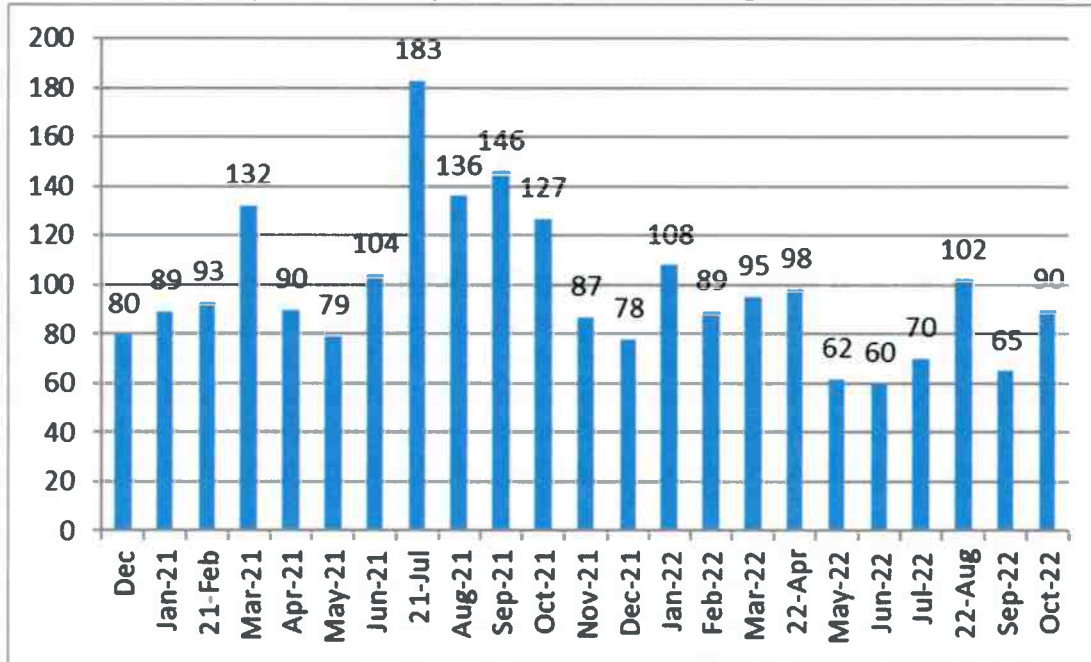
4. Work Summary, October 2022

a. Planning/Zoning/Subdivision Administration

| | # Reviewed October 2022 |
|---|----------------------------|
| Lot Splits/Subdivisions | |
| Re-plat | 0 |
| Major Subdivision | 1 (informal review) |
| Minor Subdivisions (5 acres and less) | 7 |
| Large Lot Subdivisions (Between 5-20 acres) | 1 |
| Exempt Lots (Transfer to Adjacent Owner) | 4 |
| Exempt Lots (Over 20 acres) | 1 |
| Lot consolidations | 7 |
| Total | 21 |
| Zoning | |
| Informal text or map amendment reviews | 1 |
| Formal text or map amendment reviews | 5 |

| | |
|--|-----------|
| Preliminary Lot split inquiries | 10 |
| Miscellaneous planning/zoning inquiries | 51 |
| Total | 67 |
| Miscellaneous | |
| Easements (roadway, septic, utility, etc.) | 2 |

Monthly Totals, Lot Split/Subdivisions, Zoning, Miscellaneous



The following is a summary of various points of contact with the townships:

Chester:

- Informal review of text amendment

Claridon

- Assisted with question regarding a BZA meeting

RECEIVED

OCT 7 2022

Geauga County Planning Commission

Chester Township

Z-2022-4

Exhibit 1:

Modifications to size and height of Accessory Buildings for Chester Township Zoning Resolution.

PURPOSE OF AMENDMENT:

To allow residents the ability to build larger accessory buildings as it relates to lot size. Currently, a 1,280 square foot accessory building is allowed for any and all lot sizes. To accommodate snow load of a larger building, height was increased from 15' to 20'.

WHAT ARE THE MODIFICATIONS?

Keep the 1,280 square foot size for accessory buildings for smaller lots and increasing the size of allowable accessory buildings to be 500 square feet/acre with a maximum size of a 2,500 square foot structure. Height was also increased from 15' to 20'.

WHY?

The Chester Township Board of Zoning Appeals identified the size of Accessory Buildings for larger lots may not be in line with building size allowed for smaller lots. Through recent Zoning Commission Public Hearings, it was determined the public was receptive to larger building sizes for larger lots. Those same Public Hearings also identified a need to increase garage door height to accommodate higher vehicle heights such as for an RV or sailboat. A height increase will also accommodate potential snow loads.

BACKGROUND:

After studying a sample of other Geauga County Township Zoning Resolutions, the Chester Township Zoning Commission determined that a sliding scale based on acreage was a reasonable approach.

Z-2022-4

Additions are highlighted in yellow
Deletions are in red text and ~~strikeout~~.

VI

Existing Zoning Regulations:

5.01.03 **ACCESSORY BUILDINGS.** The minimum distance from a detached accessory building to any dwelling shall be not less than twenty (20) feet, however breezeways, decks, patios and open-sided porches may be attached to or less than twenty (20) feet from the principal building. The maximum combined total ground floor area of all accessory buildings on a lot shall not exceed one thousand two hundred eighty (1,280) square feet, not including breezeways, decks, patios and open-sided porches.

Recommended Changes ~~and redactions suggested:~~

5.01.03 **ACCESSORY BUILDINGS.** The minimum distance from a detached accessory building to any dwelling shall be not less than twenty (20) feet, however breezeways, decks, patios and open-sided porches may be attached to or less than twenty (20) feet from the principal building. The maximum combined total ground floor area of all accessory buildings on a lot shall not exceed one thousand two hundred eighty (1,280) square feet or five hundred (500) square feet of ground floor area per acre, up to a maximum of 2,500 square feet of total ground area, whichever is greater, not including breezeways, decks, patios and open-sided porches.

Existing Zoning Regulations:

5.01.05 **MAXIMUM HEIGHTS.**

- A. Except for the uses listed in paragraph B herein and Section 5.00.08, the maximum height of all principal buildings, structures, and uses shall be thirty-five (35) feet, and the maximum height for all accessory buildings, structures, and uses shall be fifteen (15) feet.

Recommended Changes ~~and redactions suggested:~~

5.01.05 **MAXIMUM HEIGHTS.**

- A. Except for the uses listed in paragraph B herein and Section 5.00.08, the maximum height of all principal buildings, structures, and uses shall be thirty-five (35) feet, and the maximum height for all accessory buildings, structures, and uses shall be ~~fifteen (15)~~ twenty (20) feet.

Section 5.01.17 – Dimensional Requirements in an R District, R3A District, and R5A District (Table)
(read Columns Down)

| | | | | | | | Minimum Floor Area 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 or Structure Height | Lot Coverage |
| 1-Family Dwelling | R District: 1 ½ Acres | R District: 150 feet | 70 feet from right-of-way or 100 feet from centerline, whichever is greater | Two required, 25 feet each | 50 feet | 1,000 sq. ft. | 0-2 Bedrooms: 1200 sq. ft. | 35 feet | R District, Minimum Green Space: 75% |
| See Section 5.01.01 | R3A District: 3 Acres R5A District: 5 Acres | R3A District: 200 feet R5A District: 250 feet | Exceptions: Lots on Ward Dr. between Mayfield Rd. & Maple Dr., and on Opalocka Rd. between Mayfield Rd. & Cottrell Dr.: 10 feet from right-of-way or 40 feet from centerline whichever is greater | Corner lots: same as front yard on side street Lots on Opalocka Rd.: two required, 8 feet, each | Exceptions: Lots with less than 1 ½ acres of lot area: 30 feet, for lawfully existing nonconforming lots of record | See Section 5.01.03 | 3 Bedrooms: 1350 sq. ft. 4 Bedrooms: 1500 sq. ft. | R District, Maximum Lot Coverage: 25% | R3A, R5A Districts, Minimum Green Space: 85% |
| 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 | See Section 5.01.03 | 15 feet | R3A, R5A Districts, Maximum Lot Coverage: 15% |

Existing Zoning Regulations

Section 5.01.17 – Dimensional Requirements in an R District, R3A District, and R5A District (Table)
(Read Columns Down)

| | | | | | | | Minimum Floor Area 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 or Structure Height | Lot Coverage |
| 1-Family Dwelling | R District: 1 ½ Acres | R District: 150 feet | 70 feet from right-of-way or 100 feet from centerline, whichever is greater | Two required, 25 feet each | 50 feet | 1,000 sq. ft. | 0-2 Bedrooms: 1200 sq. ft. | 35 feet | R District, Minimum Green Space: 75% |
| See Section 5.01.01 | R3A District: 3 Acres | R3A District: 200 feet | Exceptions: Lots on Ward Dr. between Mayfield Rd. & Maple Dr. and on Opalocka Rd. between Mayfield Rd. & Cottrell Dr.: 10 feet from right-of-way or 40 feet from centerline whichever is greater | Corner lots: same as front yard on side street | Exceptions: Lots with less than 1 ½ acres of lot area: 30 feet, for lawfully existing nonconforming lots of record | | 3 Bedrooms: 1350 sq. ft. | | R District, Maximum Lot Coverage: 25% |
| | R5A District: 5 Acres | R5A District: 250 feet | Exception: cul-de-sac: arc not less than 100 feet. See Section 5.00.04 | Exceptions: Lots less than 150 feet in width: two required, 15 feet each | | | 4 Bedrooms: 1500 sq. ft. | | R3A, R5A Districts, Minimum Green Space: 85% |
| Accessory Buildings | See Section 5.01.03 | See Section 5.01.03 | Prohibited | Lots on Opalocka Rd.: two required, 8 feet, each | | See Section 5.01.03 | 5 or more Bedrooms: 1650 sq. ft. | 16-20 feet | R3A, R5A Districts, Maximum Lot Coverage: 15% |

FORM NO. 30
TRANSMISSION OF A COPY OF THE (RESOLUTION)
(MOTION) (APPLICATION) FOR A PROPOSED AMENDMENT TO THE
CHESTER TOWNSHIP ZONING RESOLUTION
TOGETHER WITH THE TEXT ~~(AND THE MAP)~~
PERTAINING THERETO TO THE COUNTY
PLANNING COMMISSION
O.R.C. SECTION 519.12(E)

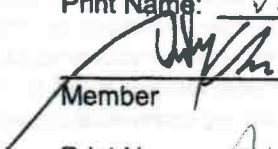
The CHESTER Township Zoning Commission hereby submits the attached copy of the ~~(resolution)~~ (motion) (application) for a proposed amendment, identified as number 2-2022-4 to the CHESTER Township Zoning Resolution together with the attached text ~~(and the map)~~ pertaining thereto to the Geauga County Planning Commission this 20TH day of OCTOBER, 2022.

CHESTER Township Zoning Commission



Member

Print Name: Jon Oswick




Member

Print Name: ANDY CHESS



Member

Print Name: ANTHONY NASTASI



Member

Print Name: MICHAEL LAURO



Member

Print Name: ANTHONY PETO

Attested to by:



Secretary, Township Zoning Commission

Print Name: KATHLEEN MCCARTHY

Received by the Geauga County Planning Commission this 21 day of October, 2022.

Linda M. Crombie
Signature of Planning Commission
Member or Employee

Print Name: Linda M. Crombie

Note: Within five (5) days after the adoption of the motion or the certification of the resolution or the filing of the application for a proposed zoning amendment, the township zoning commission shall transmit a copy thereof together with text and map pertaining thereto to the county planning commission.

The county planning commission shall recommend the approval or denial of the proposed amendment or the approval 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.

FORM NO. 22


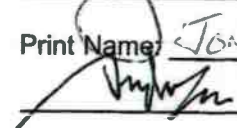
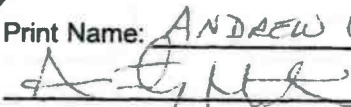
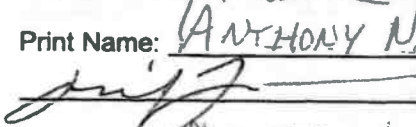
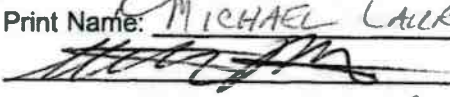
MOTION TO INITIATE AN AMENDMENT TO THE
CHESTER TOWNSHIP ZONING RESOLUTION

O.R.C. SECTION 519.12(A)


ANTHONY PETO moved the adoption of the following motion:

That an amendment to the CHESTER Township Zoning Resolution, identified as number 2022-4 consisting of 3 pages, marked Exhibit 1 and attached hereto and incorporated herein as though fully rewritten, be hereby initiated by the CHESTER Township Zoning Commission this 19TH day of OCTOBER, 2022.

TOW OSWICK seconded said motion. Upon the roll being called, the vote of the members of the zoning commission was as follows:

| <u>Member</u> | <u>Yes or No</u> |
|---|------------------|
|  _____ Print Name: <u>TOW OSWICK</u> | <u>YES</u> |
|  _____ Print Name: <u>ANDREW CHESO</u> | <u>Yes</u> |
|  _____ Print Name: <u>ANTHONY NASTASI</u> | <u>YES</u> |
|  _____ Print Name: <u>MICHAEL LAURO</u> | <u>YES</u> |
|  _____ Print Name: <u>ANTHONY PETO</u> | <u>YES</u> |

Attested to by:



Secretary, Township Zoning Commission
Print Name: KATHLEEN MCCARTHY
10-19-22

Date

Note: Existing text, in the attached exhibit, to be deleted shall be in strike-through and proposed text shall be highlighted.

FORM NO. 27

MOTION TO SET A DATE

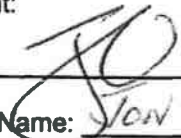
FOR A PUBLIC HEARING ON A


PROPOSED AMENDMENT TO THE

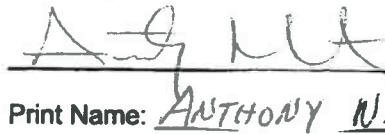
CHESTER TOWNSHIP ZONING RESOLUTION

O.R.C. SECTION 519.12(A) or (E)

The CHESTER Township (~~Board of Township Trustees~~) (Zoning Commission),
Geauga County, Ohio, met in REGULAR session on the 19TH day of OCTOBER,
2022, at CHESTER with the following members present:
TOWN HALL


Print Name: JON OSWICK


Print Name: ANDY L'HESS


Print Name: ANTHONY NASTASI


Print Name: MICHAEL LAURO


Print Name: ANTHONY PETO

ANTHONY PETO moved the adoption of the following motion:

That the CHESTER Township (~~Board of Township Trustees~~) (Zoning Commission)
conduct a public hearing on the proposed amendment, identified as number 2-2022-11 to the
CHESTER Township Zoning Resolution as attached hereto on the 16TH day of
NOVEMBER, 2022 at 7:00 o'clock p.m. at the CHESTER TOWN HALL.

Replacement Page 5/1/06

MICHAEL LAURO seconded the motion and the roll being called, the vote of the CHESTER Township (~~Board of Township Trustees~~) (Zoning Commission) was as follows.

| <u>Member</u> | <u>Yes or No</u> |
|--|--------------------|
| <u>[Signature]</u> Print Name: <u>JOE OSWICK</u> | <u>YES</u> |
| <u>[Signature]</u> Print Name: <u>ANDY CHES</u> | <u>[Signature]</u> |
| <u>[Signature]</u> Print Name: <u>ANTHONY NASTASI</u> | <u>YES</u> |
| <u>[Signature]</u> Print Name: <u>MICHAEL LAURO</u> | <u>YES</u> |
| <u>[Signature]</u> Print Name: <u>ANTHONY PETO</u> | <u>YES</u> |

Adopted the 19th day of OCTOBER, 2022

Attested to by:

[Signature]
(Township Fiscal Officer)
(Secretary, Township Zoning Commission)

Print Name: KATHLEEN MCCARTHY

Note: Upon the adoption of the motion, or the certification of the resolution, or the filing of the application for a proposed zoning amendment, the township zoning commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the adoption of such motion, or the certification of such resolution, or the filing of such application.

The board of township trustees shall, upon receipt of the recommendation of the township zoning commission on a proposed zoning amendment, set a time for a public hearing on such proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of the recommendation from the township zoning commission.

Replacement Page 5/1/06

FORM NO. 29

NOTICE OF A PUBLIC HEARING

ON (MOTION) (~~RESOLUTION~~) (~~APPLICATION~~)

PROPOSING TO AMEND THE

CHESTER TOWNSHIP ZONING RESOLUTION

O.R.C. SECTION 519.12(D)

Notice is hereby given that the CHESTER Township Zoning Commission will conduct a public hearing on a ~~(m)~~ (motion) (~~resolution~~) (~~application~~) which is an amendment, identified as number 2-2022-4 to the CHESTER Township Zoning Resolution at the CHESTER TOWN HALL at 7:00 o'clock p.m. on NOVEMBER 16, 2022.

The (motion) (~~resolution~~) (~~application~~) proposing to amend the zoning resolution will be available for examination at the CHESTER TOWN HALL from 9:00 o'clock a.m. to 3:00 o'clock p.m. from NOVEMBER 14, 2022 through ALL PUBLIC HEARINGS 2022.

After the conclusion of the public hearing, the matter will be submitted to the board of township trustees for its action.

Kathleen McCarthy

Name of person responsible for giving notice of public hearing

Print Name: KATHLEEN MCCARTHY

Publish: CHESTER NEWS 10-26-20 22
MAPLE LEAF 10-27-2022

Note: This notice should be used only if the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the county auditor's current tax list.

The date of the public hearing shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of the resolution or the date of adoption of the motion or the date of the filing of the application.

This notice of publication shall be given by the township zoning commission by one (1) publication in one (1) or more newspapers of general circulation in the township at least ten (10) days before the date of the hearing.

The motion, resolution, or application proposing to amend the zoning resolution must be available for examination for a period of at least ten (10) days prior to the public hearing.

RECEIVED
OCT 2 2022
Geauga County Planning Commission

Z – 2022-5 Chester Township Zoning Amendment

Exhibit A:

Additional phrase to end of section 5.00.01 Prohibited Uses, Section A.

PURPOSE OF AMENDMENT:

To add phrase in Section 5.00.01 A, to also allow for a Use Variance request to be in compliance with ORC 519.12.

WHAT ARE THE MODIFICATIONS?

Adding the phrase, “or a variance has been granted in accordance with Article 12.” to the last part of section 5.00.01 A

WHY?

To align with Ohio Revised Code 519.12.

BACKGROUND:

Recently a property owner in Chester Township submitted an application for a Zoning Amendment seeking to change the entire General Commercial Zoned district. Inserting this phrase into the Zoning Resolution would have clearly allowed the property owner (or any future property owners) to submit a Use Variance to the Board of Zoning Appeals.

Exhibit A

Existing Zoning Code:

ARTICLE 5 – DISTRICT REGULATIONS

5.00.01 PROHIBITED USES.

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

Recommended additions are highlighted in yellow

5.00.01 PROHIBITED USES.

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

FORM NO. 29

NOTICE OF A PUBLIC HEARING

ON (MOTION) (RESOLUTION) (APPLICATION)

PROPOSING TO AMEND THE

CHESTER TOWNSHIP ZONING RESOLUTION

O.R.C. SECTION 519.12(D)

Notice is hereby given that the CHESTER Township Zoning Commission will conduct a public hearing on a(n) (motion) (resolution) (application) which is an amendment, identified as number 2-2022-5 to the CHESTER Township Zoning Resolution at the CHESTER TOWN HALL at 7:00 o'clock p.m. on NOVEMBER 14, 2022.

The (motion) (resolution) (application) proposing to amend the zoning resolution will be available for examination at the CHESTER TOWN HALL from 9:00 o'clock a.m. to 3:00 o'clock p.m. from NOVEMBER 4TH, 2022 through END OF ALL PUBLIC HEARINGS 2022.

After the conclusion of the public hearing, the matter will be submitted to the board of township trustees for its action.

Kathleen McCarthy
Name of person responsible for giving notice of public hearing

Print Name: KATHLEEN MCCARTHY

Publish: CHESTER NEWS OCT 26 20 22
MILLE LEAF OCTOBER 27 2022

Note: This notice should be used only if the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the county auditor's current tax list.

The date of the public hearing shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of the resolution or the date of adoption of the motion or the date of the filing of the application.

This notice of publication shall be given by the township zoning commission by one (1) publication in one (1) or more newspapers of general circulation in the township at least ten (10) days before the date of the hearing.

The motion, resolution, or application proposing to amend the zoning resolution must be available for examination for a period of at least ten (10) days prior to the public hearing.

Z – 2022-5 Chester Township Zoning Amendment

Exhibit A:

Additional phrase to end of section 5.00.01 Prohibited Uses, Section A.

PURPOSE OF AMENDMENT:

To add phrase in Section 5.00.01 A, to also allow for a Use Variance request to be in compliance with ORC 519.12.

WHAT ARE THE MODIFICATIONS?

Adding the phrase, “or a variance has been granted in accordance with Article 12.” to the last part of section 5.00.01 A

WHY?

To align with Ohio Revised Code 519.12.

BACKGROUND:

Recently a property owner in Chester Township submitted an application for a Zoning Amendment seeking to change the entire General Commercial Zoned district. Inserting this phrase into the Zoning Resolution would have clearly allowed the property owner (or any future property owners) to submit a Use Variance to the Board of Zoning Appeals.

Exhibit A

Existing Zoning Code:

ARTICLE 5 – DISTRICT REGULATIONS

5.00.01 PROHIBITED USES.

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

Recommended additions are highlighted in yellow

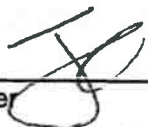
5.00.01 PROHIBITED USES.

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

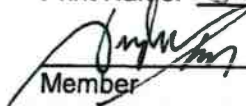
FORM NO. 30
TRANSMISSION OF A COPY OF THE (RESOLUTION)
(MOTION) (APPLICATION) FOR A PROPOSED AMENDMENT TO THE
CHESTER TOWNSHIP ZONING RESOLUTION
TOGETHER WITH THE TEXT (~~AND THE MAP~~)
PERTAINING THERETO TO THE COUNTY
PLANNING COMMISSION
O.R.C. SECTION 519.12(E)

The CHESTER Township Zoning Commission hereby submits the attached copy of
the (resolution) (motion) (application) for a proposed amendment, identified as number 2-2022-5
to the CHESTER Township Zoning Resolution together with the attached text (~~and the map~~)
pertaining thereto to the Geauga County Planning Commission this 20th day of
OCTOBER 2022.

CHESTER Township Zoning Commission

Member 

Print Name: JON OSWICK

Member 

Print Name: ANDREW CHESSIC

Member 

Print Name: ANTHONY NASTASI


Member 

Print Name: MICHAEL LARO

Member 

Print Name: ANTHONY PETO

Attested to by:


Secretary, Township Zoning Commission

Print Name: KATHLEEN MCCARTHY

Received by the Geauga County Planning Commission this 21 day of October, 2022

Linda M. Crombie
Signature of Planning Commission
Member or Employee

Print Name: Linda M. Crombie

Note: Within five (5) days after the adoption of the motion or the certification of the resolution or the filing of the application for a proposed zoning amendment, the township zoning commission shall transmit a copy thereof together with text and map pertaining thereto to the county planning commission.

The county planning commission shall recommend the approval or denial of the proposed amendment or the approval 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.

FORM NO. 22

MOTION TO INITIATE AN AMENDMENT TO THE
CHESTER TOWNSHIP ZONING RESOLUTION

O.R.C. SECTION 519.12(A)

ANTHONY NASTAEI moved the adoption of the following motion:

That an amendment to the CHESTER Township Zoning Resolution, identified as number 2-2022-03 consisting of 1 pages, marked Exhibit A and attached hereto and incorporated herein as though fully rewritten, be hereby initiated by the CHESTER Township Zoning Commission this 19~~th~~ day of OCTOBER, 20 22

ANTHONY PETO seconded said motion. Upon the roll being called, the vote of the members of the zoning commission was as follows:

| Member | Yes or No |
|--|------------|
| <u>[Signature]</u> Print Name: <u>TONY OSWICK</u> | <u>YES</u> |
| <u>[Signature]</u> Print Name: <u>ANDREW GHESS</u> | <u>Yes</u> |
| <u>[Signature]</u> Print Name: <u>ANTHONY NASTAEI</u> | <u>YES</u> |
| <u>[Signature]</u> Print Name: <u>MICHAEL LAURO</u> | <u>YES</u> |
| <u>[Signature]</u> Print Name: <u>ANTHONY PETO</u> | |

Attested to by:

Kathleen McElrath
Secretary, Township Zoning Commission
Print Name: KATHLEEN McELRATH
OCTOBER 19, 2022
Date

Note: Existing text, in the attached exhibit, to be deleted shall be in strike-through and proposed text shall be highlighted.

FORM NO. 27

MOTION TO SET A DATE


FOR A PUBLIC HEARING ON A

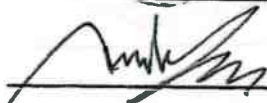
PROPOSED AMENDMENT TO THE

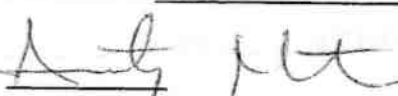
CHESTER TOWNSHIP ZONING RESOLUTION

O.R.C. SECTION 519.12(A) or (E)


The CHESTER Township (~~Board of Township Trustees~~) (Zoning Commission),
Geauga County, Ohio, met in REGULAR session on the 19TH day of OCTOBER,
20 22, at CHESTER with the following members present:
TOWN HALL


Print Name: JON OSWICK


Print Name: ANDREW CRESS


Print Name: ANTHONY NASTASI


Print Name: MICHAEL LALLO

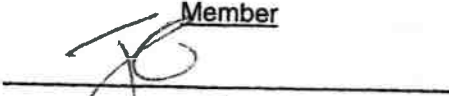
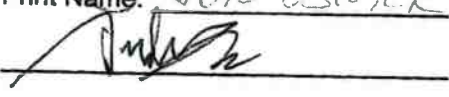
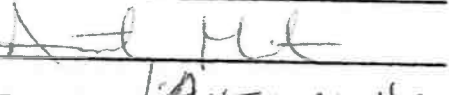
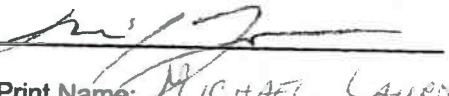


Print Name: ANTHONY PETO

ANTHONY PETO moved the adoption of the following motion:

That the CHESTER Township (~~Board of Township Trustees~~) (Zoning Commission)
conduct a public hearing on the proposed amendment, identified as number 2022-5, to the
CHESTER Township Zoning Resolution as attached hereto on the 16TH day of
NOVEMBER 2022 at 7:00 o'clock p.m. at the CHESTER TOWN HALL.


Replacement Page 5/1/06

MICHAEL LAURO seconded the motion and the roll being called, the vote of the ~~MUSIC~~ Township (Board of Township Trustees) (Zoning Commission) was as follows.

| <u>Member</u> | <u>Yes or No</u> |
|---|------------------|
|  Print Name: <u>JON OSIORAK</u> | <u>YES</u> |
|  Print Name: <u>ANDREW CHESS</u> | <u>Yes</u> |
|  Print Name: <u>ANTHONY NASTASI</u> | <u>YES</u> |
|  Print Name: <u>MICHAEL LAURO</u> | <u>YES</u> |
|  Print Name: <u>ANTHONY PETO</u> | <u>YES</u> |

Adopted the 19th day of OCTOBER 20 22.

Attested to by:


(Township Fiscal Officer)
(Secretary, Township Zoning Commission)

Print Name: KATHLEEN MCCARTHY

Note: Upon the adoption of the motion, or the certification of the resolution, or the filing of the application for a proposed zoning amendment, the township zoning commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the adoption of such motion, or the certification of such resolution, or the filing of such application.

The board of township trustees shall, upon receipt of the recommendation of the township zoning commission on a proposed zoning amendment, set a time for a public hearing on such proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of the recommendation from the township zoning commission.

FORM NO. 29

NOTICE OF A PUBLIC HEARING

ON (MOTION) (RESOLUTION) (APPLICATION)

PROPOSING TO AMEND THE

CHESTER TOWNSHIP ZONING RESOLUTION

O.R.C. SECTION 519.12(D)

Notice is hereby given that the CHESTER Township Zoning Commission will conduct a public hearing on a ~~(m)~~ (motion) (resolution) (application) which is an amendment, identified as number 2-2022-5 to the CHESTER Township Zoning Resolution at the CHESTER TOWN HALL at 7:00 o'clock pm. on NOVEMBER 16, 2022.

The (motion) (resolution) (application) proposing to amend the zoning resolution will be available for examination at the CHESTER TOWN HALL from 9:00 o'clock a.m. to 3:00 o'clock pm. from NOVEMBER 4TH, 2022 through END OF ALL PUBLIC HEARINGS 2022.

After the conclusion of the public hearing, the matter will be submitted to the board of township trustees for its action.

Kathleen McParthy
Name of person responsible for giving notice of public hearing

Print Name: KATHLEEN MCCARTHY

Publish: CHESTER NEWS OCT 26 2022
MARLE LEAF OCTOBER 27 2022

Note: This notice should be used only if the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the county auditor's current tax list.

The date of the public hearing shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of the resolution or the date of adoption of the motion or the date of the filing of the application.

This notice of publication shall be given by the township zoning commission by one (1) publication in one (1) or more newspapers of general circulation in the township at least ten (10) days before the date of the hearing.

The motion, resolution, or application proposing to amend the zoning resolution must be available for examination for a period of at least ten (10) days prior to the public hearing.

Exhibit 2 of 5

ARTICLE IV DISTRICT REGULATIONS

Section 400.0: General (Adopted 02-15-2012)

- 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 building, structures, and uses may be permitted only under specific conditions and in accordance with the provisions of Article V.
- D. The permitted principal, accessory, and conditional buildings, structures, and uses set forth in this resolution shall comply with Article XV and Article XVI.

Section 401.0: Buildings, Structures, and Uses in all Zoning Districts (Adopted 02-15-2012)

- A. Permitted Buildings, Structures, and Uses in all Zoning Districts
 1. All accessory buildings shall be a minimum of ten (10) feet from the principal building, and any other accessory building on a lot.
 2. Only one principal building shall be permitted on a lot of record except within the manufactured home park zoning districts.
 3. Porches, platforms, decks and patios shall be considered a part of the building or structure to which attached and shall not project into the required minimum front, side or rear yard setbacks.
 4. Wind Driven Aeration Systems or Aeration Windmills shall be classified as an accessory structure and shall be subject to the following regulations: (Adopted 05-07-2014)
 - a. Only one (1) per pond or lake.
 - b. Minimum setback: The setback from all lot lines shall be a minimum of twenty (20) feet or the maximum height of the windmill, whichever is greater.
 - c. Maximum height: Thirty-five (35) feet.
- B. Prohibited Buildings, Structures, and Uses in all Zoning Districts
 1. Any building, structure, or use not specifically listed in this resolution shall not be permitted, nor shall any zoning certificate be issued therefore, unless and until a zoning amendment to provide for such use has been adopted and is in effect in accordance with Article XII or a variance has been granted in accordance with Article X.
 2. Lighting fixtures and devices from which direct glare is visible on adjoining roads or property shall be prohibited. Flashing lights shall be prohibited.
 3. Mobile homes shall be prohibited.
 4. Junk vehicles stored or located outside of a fully enclosed building shall be prohibited. A tarp, fitted cover, tent, or any other temporary cover shall not constitute a building for purposes of this

section.

5. Automotive wrecking shall be prohibited.
6. Junk yards shall be prohibited.
7. Manufactured home parks shall be prohibited except within manufactured home park zoning districts.
8. Private road(s) shall be prohibited.
9. Outdoor wood fired boiler shall be prohibited. (Adopted 05-07-2014)

10. Cargo Containers

Exhibit 3 of 5 (page 4.9 only)

Section 402.0: R-1 Residential District

Section 402.1: Permitted Principal Buildings, Structures, and Uses

- A. Adult family homes and licensed family homes subject to the regulations set forth in **Section 402.14**.
- B. Cemeteries
- C. Churches
- D. Governmental offices
- E. Police and fire stations
- F. Public parks
- G. Public schools
- H. Single family detached dwellings including industrialized units and manufactured homes subject to the regulations set forth in Section 402.12. There shall be no more than one single family detached dwelling on a lot.

Section 402.2: Permitted Accessory Buildings, Structures, and Uses [Adopted 09-06-03]

- A. Permitted accessory buildings, structures, and uses which are incidental or subordinate to the principal permitted buildings, structure, or use shall be on the same lot as the principal permitted building, structure or use. [Adopted 09-06-03]
- B. Farm markets, shall be permitted in a district zoned for manufactured home park, industrial, residential or commercial uses where fifty per cent (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.
- 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 road.
 - 2. Fences and walls shall not block or impede clear sight distance of vehicle operators at the intersections of any public road.
 - 3. Fences and walls shall not be constructed in any manner likely to cause physical injury.
 - 4. Fences and walls shall be maintained in a safe condition.
 - 5. The maximum height requirement shall be as set forth in **Section 402.8 (B) (5)** except as may otherwise be provided in this Resolution.
 - 6. Electrically charged fences and barbed wire fences shall be prohibited (subject to R.C. 971.03). Note: any fence that is incidental to agriculture is exempt from this regulation and no zoning certificate is required.

7. Fences: finished/unfinished.
 - a. Along lot lines the unfinished side of a fence, including the structural supports and posts, should face the property upon which the fence is constructed.
- D. Off-street parking spaces in accordance with **Article VI**.
- E. Private garages designed and used for the storage of vehicles owned and/or operated by the occupants of the principal building or structure.
- F. Radio, television or dish antennas designed for the private use of residents in accordance with Section 402.8.
- G. Sanitary and drinking water facilities.
- H. Storage buildings designed and used for the storage of tools and equipment owned by the occupants of the principal building or structure.
- I. Signs in accordance with **Article VII**.
- J. Minor structures:
 1. Any single story accessory building measuring eighty (80) square feet or less not exceeding ten (10) feet in any dimension, and not permanently attached to the ground.
 2. A minor structure shall conform to front yard setback.
- K. Swimming pools, exclusive of portable swimming pools with a diameter less than eight (8) feet or with an area of less than fifty(50) square feet, in accordance with the following regulations:
 1. A swimming pool shall be used solely for the enjoyment of the occupants of the principal use, or their guests, of the property on which it is located.
 2. A swimming pool shall not be located closer than twenty (20) feet to any side or rear lot line, and shall not be located in any front yard.
 3. All in-ground swimming pools shall be completely enclosed by a fence at least four (4) feet in height; constructed in a manner that entry must be through a latchable gate. A wall of a building may be considered a section of the fence. [Adopted 09-06-03]
- L. Tennis courts:
 1. A tennis court shall be used solely for the enjoyment of the occupant(s) of the principal use, or their guests, of the property on which it is located.
 2. The height of any fence surrounding a tennis court shall not exceed twelve (12) feet.
- M. Roof mounted and freestanding solar panels and solar panel arrays shall be in accordance with Article VIII. (Adopted 05-07-2014)
- N. Breezeways shall: (Adopted 05-07-2014)
 1. Be fully enclosed with side walls and a roof on a permanent foundation.
 2. Consist of a permanent connection between a dwelling unit and an accessory building or between an accessory building and another such building on a lot.
 3. Not connect two (2) or more dwelling units on a lot.

Section 402.3: Conditional Buildings, Structures, and Uses

Conditional buildings, structures, and uses may be allowed in accordance with Article V and the following conditions:

A. Home Occupations

1. A home occupation is an accessory use which is an activity, profession, occupation, service, craft, or revenue enhancing hobby 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.
2. Conditions for home occupations:
 - a. A home occupation may be established only within a dwelling unit. Only one (1) home occupation may be established on a lot.
 - b. 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 25 percent (25%) of the total usable floor area of a dwelling unit, not to exceed five hundred (500) square feet, shall be used in the conduct of a home occupation. Usable floor area of a dwelling unit shall be determined by measuring its interior dimensions, in accordance with section 402.10.
 - c. There shall be no change in the exterior appearance of a dwelling unit or other visible evidence of the conduct of a home occupation therein with the exception of one (1) sign, erected in accordance with **Article VII**.
 - d. Off-street parking spaces shall be provided in accordance with **Article VI**.
 - e. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood.
 - f. The minimum width of a driveway for ingress and egress to a home occupation shall be twenty (20) feet. Such driveway shall be constructed with an all-weather surface.
 - g. 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.
 - h. No more than one (1) person, other than the members of the family residing on the premises, may be employed or engaged in a home occupation.
 - i. Articles offered for sale on the premises shall be limited to those produced in the dwelling unit.
 - j. A home occupation shall be owned and operated by the owner or resident of the property or his immediate family.
 - k. Written evidence shall be provided that the appropriate governmental agency has approved the water and sewage facilities for a home occupation.
 - l. Local Fire Department shall be notified by the Zoning Inspector to insure compliance with the State fire and safety regulations.

- m. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference, detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- B. Adult Group Home, herein after referred to as the "facility", as defined in **Section 201.0** of this Resolution. All adults to whom the facility provides accommodations shall be considered as one group in determining the total number of residents in the adult group home. The adult group home must meet the following minimum conditions:
1. The facility must be licensed in accordance with **Chapter 3722 of the Ohio Revised Code** and **Chapter 3701-20 of the Ohio Administrative Code**.
 2. The application for a Conditional Zoning Certificate shall be accompanied by the license application submitted to the State of Ohio Director of Health, as required by **Section 3701-02 of the Ohio Administrative Code**.
 3. The plans for the facility must initially be reviewed and approved by the Hambden Volunteer Fire Department in order to show compliance with the requirements of Section 3701-20-11 of the Ohio Administrative Code and all other applicable building and safety codes. In addition, the Adult Group Home shall include the following:
 - a. Supervised alarm system with manual pull stations. Alarm shall go to the Hambden Volunteer Fire Department.
 - b. Hood suppression system in cooking area.
 - c. Illuminated exit signs with battery backup.
 - d. Emergency lighting.
 - e. Smoke detectors.
 - f. A means of egress door in the sleeping area. This exit shall be equipped with panic hardware.
 - g. Adequate fire extinguishers located in appropriate location.
 4. The facility must initially be inspected by the appropriate governmental agency or department in order to show compliance with Section 3701-20-11 (building, plumbing, and interim fire safety requirements for adult group homes) and Section 3701-20-12 (water, sewage, plumbing, and electrical inspection requirements for all adult care facilities) of the Ohio Administrative Code and all other applicable building and safety codes. Future inspections shall show continued compliance with said Sections and the Board of Zoning Appeals may request the applicant or the appropriate governmental agency or department to provide proof of such compliance.
 5. The adult group home shall have received approval from the Ohio Environmental Protection Agency (EPA) for the sanitary sewage facility to serve the home and proof of said approval shall be submitted to the Board of Zoning Appeals from the Ohio EPA.
 6. The facility shall be allowed only in those areas of the township with ground water availability of 25 GPM or more. The Board of Zoning Appeals may require a report concerning ground water availability for the facility from a hydrologist or a private water system contractor registered with the Ohio Department of Health.

7. The number of resident beds in the facility may not exceed 1.5 times the number of resident bedrooms.
8. The bedroom space provided for each resident shall meet all of the minimum criteria outlined in **Section 3701-20-22(D) of the Ohio Administrative Code.**
9. No adult group home shall be located within 10,560 feet of another adult group home licensed under **Chapter 3722 of the Ohio Revised Code.**
10. One (1) parking space shall be made available per bedroom plus one (1) parking space per staff, per shift, and shall be located to the rear of the facility.
11. The exterior of the facility shall be compatible in character with other residential dwellings in the area.
12. A minimum of two (2) environmental options shall be provided, such as a landscaped yard, gardening, patio or screened porch, which shall be approved by the Board of Zoning Appeals for adequacy and safety.
13. The facility shall be established on a lot with a minimum of five (5) acres.
14. The facility shall be located in the residential district (R-I).
15. The facility shall comply with all other zoning requirements imposed by the Hambden Township Zoning Resolution, including but not limited to the signage requirements contained in Article VII.
16. The facility shall be required to reapply for a conditional zoning certificate every three (3) years, ninety (90) days prior to the anniversary date of the original conditional zoning certificate.

C. Conditions for a Bed and Breakfast Inn

1. The Bed and Breakfast Inn must be owner-operated; it must be the principal residence of the owner, and occupied by the owner. There shall be no more than one Bed and Breakfast Inn on a lot.
2. The use of a dwelling for a Bed and Breakfast Inn shall be clearly incidental and subordinate to its use for residential purposes by its owner-occupant(s).
2. One (1) individual not residing in the Bed and Breakfast Inn may be employed in its operation.
3. No more than three (3) rooms shall be offered for rent. A minimum of one (1) full bathroom shall be designated for guest(s) use only. At no time during the operation as a Bed and Breakfast Inn shall more than eight (8) guests be accommodated during any one night.
4. Neither any rented room nor the owner's dwelling space shall be located in an accessory structure or building.
5. No cooking facilities of any type shall be permitted in the rented rooms. The only meal that may be served at the property for guests is breakfast, and all such breakfast service shall be completed by 11:30 a.m.
6. A minimum of one (1) on-site parking space per room offered for rent and two (2) spaces for the owner shall be required. All parking shall be located to the rear or side of the dwelling. Such

parking spaces shall not be located in any front yard setback or in the front of the dwelling on a lot.

- a. The driveway shall be constructed of asphalt, chip and seal, or concrete.
 - b. Parking spaces shall be a minimum of 10 feet from any side or rear lot line in a residential district.
 - c. All sources of illumination of the exterior of buildings or grounds shall be shielded so as not to cause direct glare and shall be directed away from any lot lines and toward the principal building and parking area on a lot.
To minimize light trespass, all lighting fixtures with lamps rated at maximum of two-foot candles with cut-outs if necessary, and a full cut-off light switch. For purposes of this regulation, a full cutoff light fixture is defined as one which emits no light above a horizontal plane drawn through the lowest part of the fixture.
 - d. Exterior lighted signs shall utilize shielded light fixtures from which direct light is not emitted beyond the boundaries of the sign.
7. Applicant shall arrange for all guest parking to be in an orderly manner on the lot that will permit emergency vehicle access and maneuverability.
 8. There shall be no change to the exterior appearance of a dwelling or other visible evidence of the conduct of a bed and breakfast inn therein with the exception of one sign, not exceeding six (6) square feet per sign face.
 9. There shall be no flags or banners flown on the lot except the flag of the United States or any other governmental entity.
 10. The Bed and Breakfast Inn will comply with all federal, state, county, and township regulations including the regulations for the zoning district in which it is located.
 11. Renewal of the conditional zoning certificate is pursuant to Article V of the Hambden Township Zoning Resolution.
 12. In order to promote public health and safety, the Zoning Board of Appeals may require any other reasonable conditions or safeguards.
 13. A new Conditional Zoning Certificate must be applied for within thirty (30) days after change of ownership in order to continue to operate the bed and breakfast inn. A conditional zoning certificate is non-transferable.
 14. Copies of all completed inspections by the Geauga County General Health District relative to septic system, appropriate plumbing, and food service issues; and by the Geauga County Building Department relative to acceptable wiring and fire protection shall be provided at the time of application.
- D. Conditions for Small Wind Energy Conversion Systems (SWECS) shall be in accordance with Article VIII. (Adopted 05-07-2014)

Section 402.4: Prohibited Buildings, Structures, and Uses

The following buildings, structures, and uses shall be prohibited:

- A. Surface Mining.

- B. Any use of property that limits or creates any danger to health and safety in the surrounding area, or creates any offensive noise, vibration, smoke, dust, heat, glare, fume, air pollutants or objectionable effluents.
- C. Storage of explosive, flammable or toxic wastes unless in accordance with **Section 406.2 Performance Standards.**
- D. Vehicle repairs conducted on a continuing, successive and/or repeated basis outside of a fully enclosed building.
- E. Mobile homes.
- F. Manufactured home parks.
- G. Storage or parking of Construction Equipment and Other Large Vehicles
 - 1. The storage or parking of backhoes, bulldozers, well rigs, and other similar construction equipment, other than equipment temporarily used for construction upon the lot.
 - 2. The storage or parking of any commercial tractor, as defined in this resolution, and the storage or parking of a commercial trailer, as defined in this resolution on a lot, excluding vehicles making temporary service or delivery calls.

H. Cargo Containers

Section 402.5: Minimum Lot Area

- A. The minimum lot area shall be three (3) acres.
- B. There shall be no more than one (1) single family detached dwelling per lot.

Section 402.6: Minimum Lot Frontage and Width (Adopted 05-07-2014)

The minimum lot frontage and width shall be two hundred (200) feet, except for lots located on a permanent cul-de-sac road turnaround and rear lots. (See section 402.13) (Adopted 05-07-2014)

- A. For any lot located on a permanent cul-de-sac road turnaround, the minimum lot width shall be sixty (60) feet at the front lot line and two hundred (200) feet at the building setback line.
- B. For a rear lot, the minimum lot width shall be sixty (60) feet at the front lot line and two hundred (200) feet at the building setback line. (See section 402.13)

Section 402.7: Minimum Yards [Adopted 3-16-2011]

For the purpose of determining yard requirements on corner lots and through lots, all lot lines adjacent to roads shall be considered frontage and the front yard set forth herein shall apply

- A. The minimum yards for all buildings, structures, and uses, except accessory buildings, structures, and uses shall be as follows:
 - 1. Front yard: 100 feet
 - 2. Each side yard: 30 feet
 - 3. Rear yard: 50 feet
- B. The minimum yards for all accessory buildings, structures, and uses shall be as follows:
 - 1. Front yard: 100 feet

2. Each side yard: 20 feet
3. Rear yard: 20 feet

Section 402.8: Maximum Height

- A. The maximum height of all buildings, structures and uses except those listed in paragraph B herein shall be thirty-five (35) feet or two and one half (2½) stories, whichever is lesser.
- B. Special maximum heights:
 1. Belfries, church spires, clock towers, cupolas, chimneys and flagpoles: no maximum height requirement.
 2. Radio and/or television antennas shall not exceed ten (10) feet in height above the roofline if attached to the building or structure, or forty-five (45) feet if mounted in the ground. Dish antennas shall be in the rear yard, shall be a maximum of twelve (12) feet in diameter and shall not exceed sixteen (16) feet in height.
 3. Small Wind Energy Conversion Systems (SWECS) shall not exceed the maximum height set forth in Article VIII of this resolution. (Adopted 05-07-2014)
 4. The base of any structure beyond thirty-five (35) feet in height shall not be closer to the lot line than the height of the structure.
 5. All fences located in the front yard of a residential district shall be a maximum of four (4) feet in height and fences located in the side or rear yard shall be a maximum height of six (6) feet.
 6. Gates and decorative entryways to private driveways shall have a maximum height of six (6) feet.
 7. Telecommunications towers and appurtenant shall not exceed the maximum height set forth in **Article XIII** of this resolution.

Section 402.9: Maximum Lot Coverage

The maximum lot coverage shall be ten (10) percent.

Section 402.10: Minimum and Maximum Floor Area [Adopted 3-16-2011]

- A. The minimum floor area for a principal permitted building or structure shall be as follows:
 1. Per single family dwelling
 - a. One (1) story with or without basement:
Net floor area - 1500 square feet
 - b. More than one (1) story:
Ground floor area - 1000 square feet
Net floor area - 1600 square feet

In calculating the minimum floor area, the following area shall not be included: basements, attics, garages, enclosed or unenclosed porches and/or decks, exterior balconies, breezeways, and crawl spaces. (Adopted 05-07-2014)

- B. The maximum floor area for a permitted accessory building shall be one thousand five hundred

(1500) square feet or five hundred (500) square feet per acre, whichever is greater.

Section 402.11: Permitted Buildings, Structures, and Uses in Required Yards

- A. Awnings or canopies over windows and doors
- B. Chimneys
- C. Fences
- D. Flagpoles
- E. Mailboxes and newspaper tubes
- F. Off-street parking spaces in accordance with Article VI.
- G. Ornamental and security lighting fixtures
- H. Ponds and ornamental pools
- I. Signs in accordance with Article VII
- J. Student bus shelters (provided that school-age children are residents)
- K. Swimming pools shall require a front yard setback of 100 feet
- L. Swing sets and recreational equipment shall require a front yard setback of 100 feet.
- M. Television, radio and dish antennas shall require a front yard setback of 100 feet.
- N. Uncovered porches, patios, steps, and decks
- O. Arbors, trellises and gazebos
- P. Recreational vehicles for residence use limited to not more than thirty (30) cumulative days when occupied by a non-resident of the Township. Such trailer may be so used when located on occupied property.
- Q. Minor structures shall require a front yard setback of 100 feet.

Section 402.12: Manufactured Homes

Manufactured homes shall conform with all of the following regulations.

A Regulations for a manufactured home

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

1. Conform to the Federal Manufactured Housing Construction and Safety Standards Act of 1974 and have a certification to that effect, in the form of a label or tag permanently affixed to such manufactured home in the manner required by 42 U.S.C.A. Section 5415, and; be manufactured after January 1, 1995; and
2. Have all hitches, axles, wheels, running lights and other indicia of mobility removed from the home; and

3. Exclusive of any addition, have a width of not less than 22 feet at one point, a length of not less than 22 feet at one point, and a minimum floor area in accordance with the residential district in which it is located; and
 4. Have a minimum "A" roof pitch of 3:12, conventional residential siding, and a minimum 6 inch eave overhang, including appropriate guttering; and
 5. Be permanently installed upon and properly attached to a foundation system that meets the manufacturer's installation requirements and applicable state and county building regulations and connected to appropriate facilities; and
 6. Conform to all residential district regulations for the district in which it is located.
- B. In addition to the above requirements the owner shall surrender the title to the manufactured home to the county auditor upon its placement on a permanent foundation and such surrender shall be notice to the county auditor to tax the manufactured home as real property.

Section 402.13: Rear Lot

- A. The rear lot shall conform to all the regulations of the residential zoning district in which it is located except as otherwise specified in the Resolution. There shall be only (1) rear lot to the rear of another front lot; said front lot shall have the minimum lot width specified in Section **402.6(A)**.
- B. The access strip shall be a minimum of sixty (60) feet wide along its entire length. The access strip shall be straight from the road to the rear lot. The maximum length of an access strip measured from its point of intersection with a road, along its centerline to its point of termination, shall be nine hundred (900) feet. The access strip shall contain one (1) driveway and shall not be included in calculating minimum lot area and shall not be a part of the yard requirements included in this Resolution. The access strip shall remain unoccupied and unobstructed by any building(s) or structure(s).
- C. There shall be no more than two (2) adjacent access strips and there shall be at least two (2) lots with two hundred (200) feet of width (measured both at the front lot line and at the building setback line) between the aforementioned access strips and any other access strip.
- D. The driveway length and width shall be in accordance with **Section 607.0**. The grade of the driveway shall not exceed eighteen percent (18%). There shall be no parking on the access portion of the driveway. The driveway shall be maintained clear of snow or other obstructions.
- E. There shall be minimum yard setback of one hundred (100) feet measured from the rear lot line of the front lot to any structure,
- F. There shall be a vertical address marker, using no less than four (4) inch high numerals on a minimum four (4) inch by four (4) inch pole extending five (5) feet above the ground, clearly visible, adjacent to the driveway at the road. All of the preceding dimensions in the previous sentence are minimums. No zoning certificate is required for the address marker.

Section 402.14: Adult Family Homes [O.R.C. Section 5119.70 (A) (7)] and Licensed Residential Facilities [O.R.C. Section 5123.19 (A) (1) (a)] (Adopted 05-07-2014)

- A. Requirements for an adult family home as defined herein and in O.R.C. 5119.70(A)(7) or a licensed residential facility as defined in O.R.C. Section 5123.19(A)(1)(a) and which is operated pursuant to O.R.C. Section 5123.19(O) shall include the following:

1. The area, height, and yard requirements for the residential zoning district in which the adult home or licensed residential facility is located shall be met.
2. Proof of compliance with applicable state regulations regarding licensing of the adult family home or licensed residential facility shall be provided.
3. In order to limit excessive concentration, no adult family home shall be located within a 10,560 foot radius of another such home.
4. There shall be no more than one (1) detached adult family home or licensed residential facility on a lot.

Exhibit 4 of 5 (page 4.19 & 4.21)

Section 403.0: Commercial District (C)

Section 403.1: Permitted Principal Buildings, Structures, and Uses:

Abstractors
Advertising
Antique Shops
Appraisers
Arborist
Architect
Artists
Artists Supply Store
Astrologers
Attorney
Auctioneers
Auditors
Automobile Sales Rooms

Bakeries
Banks and other lending institutions
Barber Shop
Beauty Parlors
Biochemist
Bookkeepers
Bowling Alleys
Brokers
Builders

Cartographer
Chaplain
Child care center [Adopted 09-06-03]
Chiropractor
Churches
Clinics
Clothing and Apparel Stores
Commercial Schools including dancing, business, trade, vocational or riding
Computer Programmer
Consultants
Court Reporter
Copywriter

Daycare [Adopted 09-06-03]
Dentist
Designer
Drapery and Fabric Shops
Drugstores

Excavators
Engineer
Florist Shops
Food and beverage stores, including supermarkets, grocery stores, meat markets and delicatessens

Furniture household goods and appliance store

Gas Station Mini-mart

Gift and Stationary Stores

Governmental and administrative offices and or buildings

Greenhouses

Hardware and Paint Stores

Hypnotist

Interior Decorators

Investigator

Investment Counselor

Landscapers

Lending Libraries

Locksmiths

Luggage and leather goods store

Lunchrooms, restaurants and cafeterias

Magician

Marriage Counselors

Market Research Analyst

Medical and orthopedic appliance stores

Musician

Music and musical instrument stores

Office supply stores

Opticians

Optometrist

Pet/Pet supply stores

Photographer/Photographic studios

Plumbing and heating supplies

Physical Therapist

Physician

Picture framing shops

Psychiatrists

Psychologists

Real Estate Agent

Schools

School child care center [Adopted 09-06-03]

Seed or garden supply stores

Signs

Skating rinks

Sporting goods stores

Surveyors

Teacher/tutor

Travel Bureaus

Toxicologist

Toy stores

Veterinarian

Section 403.2: Permitted Accessory Buildings, Structures, and Uses (which are on the same lot with, and incidental or subordinate to the principal permitted building, structure or use).

- A. Off-street parking areas pursuant to **Article VI**.
- B. Signs pursuant to **Article VII**.
- C. Storage within completely enclosed buildings.
- D. Customary accessory uses and buildings provided such are clearly incidental to the principal use.
- E. Radios, television or dish antennas in accordance with **Section 402.8**.
- F. Fences and walls.
- G. Roof mounted and freestanding solar panels or solar panel arrays shall be in accordance with Article VIII. (Adopted 05-07-2014)
- H. Breezeways shall: (Adopted 05-07-2014)
 - 1. Be fully enclosed with side walls and a roof on a permanent foundation.
 - 2. Consist of a permanent connection between a dwelling unit and an accessory building or between an accessory building and another such building on a lot.
 - 3. Not connect two (2) or more dwelling units on a lot.

Section 403.3: Conditional Buildings, Structures, and Uses

Conditional buildings, structures, and uses may be allowed in accordance with **Article V** and the following conditions:

- A. Hospitals and veterinary hospitals
 - 1. Conditions for hospitals and veterinary hospitals.
 - a. A hospital or a veterinary hospital shall conform with all of the regulation for which it is located.
 - b. The number of off-street parking spaces shall be in accordance with **Article VI**.
 - c. Signs shall be in accordance with **Article VI**.
- B. Service stations
 - 1. Uses allowed:
 - a. Sales and services of spark plugs, batteries, and distributor parts.
 - b. Tire servicing and repair, but not recapping or regrooving.
 - c. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, and

mirrors.

- d. Washing, polishing and sale of washing and polishing materials.
- e. Greasing and lubrication.
- f. Providing and repairing fuel pumps, oil pumps, and lines.
- g. Minor servicing and repair of carburetors.
- h. Adjusting and repairing brakes.
- i. Minor motor adjustments not involving removal of the head or crankcase.
- j. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations.
- k. Provision of road maps and other informational materials to customers; and the provision of restroom facilities.

2. Prohibited Uses:

- a. Uses permissible at a service station do not include:
 - 1. Major mechanical and bodywork
 - 2. Straightening of body parts
 - 3. Painting
 - 4. Welding
 - 5. Storage of automobiles not in operable condition
 - 6. Sale of motor vehicles.

3. Conditions:

- a. All fuel storage tanks shall be completely underground.
- b. Pumps shall be a minimum of 50 feet from the road right-of-way margin.
- c. All repairs or servicing of motor vehicles shall be within completely enclosed buildings or structures.
- d. All storage of supplies shall be within completely enclosed buildings during non-business hours.
- e. No more than two (2) vehicles may be stored outside of an enclosed building or structure.
- f. The number of off-street parking spaces shall be in accordance with Article VI.
- g. Signs shall be in accordance with Article VII.
- h. A service station shall comply with all of the regulations for the zoning district in which it is located.

C. Mini-storage [Adopted 02-15-2012]

1. Conditions for mini-storage

- a. The maximum size of each individual single building shall not exceed three thousand (3000) square feet.
- b. Maximum building height shall be eighteen (18) feet.
- c. One (1) driveway for ingress/egress in accordance with Article VI shall be allowed.
- d. The loading/unloading spaces and driveway access aisles shall be a minimum width of twenty-four (24) feet.
- e. A driveway with a minimum width of forty (40) feet shall be required between buildings, and between the front or rear fence.
- f. A buffer zone shall be part of the lot on which the permitted mini-storage unit is located. All buffer zones abutting 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 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. Screening consisting of planted evergreen landscaping shall have a minimum height of six (6) feet.
- g. Mini-storage shall comply with Ohio Basic Building Code (OBBC) for S-1 storage.
- h. The owner shall include in the language of the lease or rental agreement that the fire department shall have access to the rental unit annually for the purpose of inspection. The owner is to have a master key for the inspection.
- i. The owner shall purchase and install a Knox Box system or similar system outside the gate for entry upon the premises by emergency personnel for emergency purposes.
- j. A fire alarm system with 24-hour monitoring is required.
- k. All buildings and/or outside storage area shall be a minimum of forty (40) feet apart.
- l. Outdoor storage is only permitted when in conjunction with mini storage buildings that meets conditions set forth in section 403.3 (C).
- m. A 20lb ABC extinguisher shall be required, enclosed in a weatherproof box, at the ends of each building.
- n. The Fire Department shall review and approve the plans prior to a conditional zoning certificate being granted.
- o. Security lights shall be required around each building. All outdoor lights shall be shielded to direct the light and glare only onto the mini-storage premises. Said lighting and glare shall be deflected, shaded, and focused away from all adjoining property.
- p. If electrified, the interior of each unit shall utilize ceiling mounted fluorescent lighting.
- q. All outdoor storage shall be located to the rear of the mini-storage buildings within the fenced area.
- r. The maximum area devoted to outdoor storage shall not exceed fifty (50%) percent of the total square footage of existing or proposed mini-storage units on a lot.
- s. The surface area on which outside storage is kept shall be constructed of aggregate stone, asphalt, chip and seal, or concrete.
- t. Owner initiated auctions of delinquent rental units or properties are limited to one per quarter.
- u. Signs
 1. One ground sign shall be permitted, not to exceed sixteen (16) square feet with no

more than two advertising faces for business identification.

2. The height of the sign shall not exceed six (6) feet.
3. All signs shall be in accordance with Section 701.0.
- v. A minimum of six-foot high security fence shall completely enclose the perimeter of the compound with one gated egress and ingress. The minimum entrance gate opening width shall be twenty (20) feet.
- w. Area regulations:
 1. The area bounded by security fencing shall not exceed 3 acres.
 2. Total lot coverage shall be limited to 50% of the total lot area.
 3. Mini-storage shall comply with all of the other regulations for the zoning district in which it is located.

2. Prohibited Uses

- a. Activities other than lease or rental of mini-storage units and pick-up and deposit of dead storage on the lot. The following activities shall be prohibited on any lot used for mini-storage units:
 1. Commercial auctions, commercial wholesale or retail sales or miscellaneous or garage sales.
 2. The servicing, repair, or fabrication of vehicles, watercraft, trailers, mechanical equipment, appliances, or other similar equipment.
 3. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
 4. The establishment of a "transfer and storage business".
 5. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
 6. Any storage of hazardous, explosive, or flammable materials and other noxious or dangerous materials.
- b. Electrical outlets for customer use.
- c. Outdoor advertising display(s) that do not identify the nature of the mini-storage.
- d. No fencing shall be permitted in the required minimum front yard setback.
- e. Outdoor storage, collection, or accumulation of any "junk" or salvaged materials is prohibited.
- f. Outdoor storage outside of fenced in area.
- g. Overnight vehicle parking
- h. Outdoor storage exceeding fourteen (14) feet in height.
- i. Storage of Cargo Containers

D. Conditions for a Bed and Breakfast Inn

1. The Bed and Breakfast Inn must be owner-operated; it must be the principal residence of the owner, and occupied by the owner. There shall be no more than one Bed and Breakfast Inn on a lot.
 - a. The use of a dwelling for a Bed and Breakfast Inn shall be clearly incidental and subordinate to its use for residential purposes by its owner-occupant(s).

2. One (1) individual not residing in the Bed and Breakfast Inn may be employed in its operation.
3. No more than three (3) rooms shall be offered for rent. A minimum of one (1) full bathroom shall be designated for guest(s) use only. At no time during the operation as a Bed and Breakfast Inn shall more than eight (8) guests be accommodated during any one night.
4. Neither any rented room nor the owner's dwelling space shall be located in an accessory structure or building.
5. No cooking facilities of any type shall be permitted in the rented rooms. The only meal that may be served at the property for guests is breakfast, and all such breakfast service shall be completed by 11:30 a.m.
6. A minimum of one (1) on-site parking space per room offered for rent and two (2) spaces for the owner shall be required. All parking shall be located to the rear or side of the dwelling. Such parking spaces shall not be located in any front yard setback or in the front of the dwelling on a lot.
 - a. The driveway shall be constructed of asphalt, chip and seal, or concrete.
 - b. Parking spaces shall be a minimum of 25 feet from any side or rear lot line in a commercial district.
 - c. All sources of illumination of the exterior of buildings or grounds shall be shielded so as not to cause direct glare and shall be directed away from any lot lines and toward the principal building and parking area on a lot.

To minimize light trespass, all lighting fixtures with lamps rated at maximum of two-foot candles with cut-outs if necessary, and a full cut-off light switch. For purposes of this regulation, a full cutoff light fixture is defined as one which emits no light above a horizontal plane drawn through the lowest part of the fixture.

- d. Exterior lighted signs shall utilize shielded light fixtures from which direct light is not emitted beyond the boundaries of the sign.
7. Applicant shall arrange for all guest parking to be in an orderly manner on the lot that will permit emergency vehicle access and maneuverability.
8. There shall be no change to the exterior appearance of a dwelling or other visible evidence of the conduct of a Bed and Breakfast Inn therein with the exception of one sign, not exceeding ten (10) square feet per sign face.
9. There shall be no flags or banners flown on the lot except the flag of the United States or any other governmental entity.
10. The Bed and Breakfast Inn will comply with all federal, state, county, and township regulations including the regulations for the zoning district in which it is located.
11. Renewal of the conditional zoning certificate is pursuant to Article V of the Hambden Township Zoning Resolution.
12. In order to promote public health and safety, the Zoning Board of Appeals may require any other reasonable conditions or safeguards.
13. A new Conditional Zoning Certificate must be applied for within thirty (30) days after change of ownership in order to continue to operate the bed and breakfast inn. A conditional zoning certificate is non-transferable.
14. Copies of all completed inspections by the Geauga County General Health District relative to septic system, appropriate plumbing, and food service issues; and by the Geauga County

Building Department relative to acceptable wiring and fire protection shall be provided at the time of application.

E. Conditions for a Billboard [Adopted 01-02-2008]

1. Billboards in accordance with Section 713.0.

F. Conditions for Small Wind Energy Conversion Systems (SWECS) (Adopted 05-07-2014)

1. Small Wind Energy Conversion Systems (SWECS) shall be in accordance with the conditions set forth in Article VIII.

Section 403.4: Prohibited Buildings, Structures, and Uses [Adopted 01-02-2008]

The following buildings, structures, and uses shall be prohibited:

- A. Residential development or the construction of residential dwelling on existing lots of record or portions of lots of record zoned commercial.
- B. Storage of hazardous or flammable waste.
- C. Any use of property that limits or creates any danger to health and safety in the surrounding area, or creates any offensive noise, vibration, smoke, dust, heat, glare, flame, air pollutants or objectionable effluents.
- D. The residential use of any portion of a commercial building.

E. Cargo Containers

Section 403.5: Minimum Lot Area

- A. The minimum lot area shall be two (2) acres.

Section 403.6: Minimum Lot Frontage and Width (Adopted 05-07-2014)

- A. The minimum lot frontage and width shall be 200 feet. (Adopted 05-07-2014)

Section 403.7: Minimum Yards [Adopted 3-16-2011]

For the purpose of determining yard requirements on corner lots and through lots, all lot lines adjacent to roads shall be considered frontage and the front yard set forth herein shall apply.

- A. The minimum yards for all buildings, structures, and uses except accessory buildings, structures and uses shall be as follows:

1. Front yard: 100 feet
2. Each side yard: 20 feet
3. Rear yard: 50 feet

- B. The minimum yards for all accessory buildings, structures, and uses shall be as follows:

1. Front yard: 100 feet
2. Each side yard: 20 feet

3. Rear yard: 50 feet

Section 403.8: Maximum Height

The maximum height requirement shall be as set forth in **section 402.8.**

Section 403.9: Maximum Lot Coverage

The maximum lot coverage shall be 40 percent

Section 403.10: Minimum Floor Area

- A. The minimum floor area for a principal permitted building or structure shall be four hundred (400) square feet.

In calculating the floor area of non-residential buildings, the following areas shall not be included: stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms and similar areas.

Section 403.11: Permitted Buildings, Structures, and Uses in Required Yards

Permitted buildings, structures, and uses in required yard areas shall be as set forth in section 402.11 with the exception of swimming pools, school bus shelters, and recreational vehicles. (Adopted 05-07-2014)

Section 403.12: Buffer Zone

A buffer zone of fifty (50) feet shall be required wherever a residential district abuts a commercial, industrial or manufactured home park district. No structure, building, accessory building, driveway, parking area or sign shall be permitted in a buffer zone. The purpose of a buffer zone shall be to eliminate traffic, noise, and visual annoyances from traveling across two different abutting districts. The buffer zone shall be a part of the commercial district.

A buffer zone shall be part of the lot on which the permitted principal building, structure or use other than a single family detached dwelling is located. All buffer zones abutting along the side or rear lot lines shall be landscaped and maintained in an appropriate manner. In addition, appropriate screening shall be required which shall consist of opaque/solid fences, wall, 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 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 except in the case of maintenance of corner sight clearance.

Section 403.13: All Commercial Buildings shall follow the Ohio Basic Building Codes and the Ohio State Fire Codes.

Exhibit 5 of 5 (page 4.26 only)

Section 404.0: Industrial District (I)

Section 404.1: Permitted Principal Building, Structures, and Uses

Agricultural products

Automobile seat covers or convertible tops

Boat building and the repair of boats less than 100 ft.

Bottling plants

Building trade contractors establishments

Cabinet and carpenter and craft shops

Canvas products, such as tents and awnings

Carpet cleaning establishments

Cement and cinder blocks

Ceramic products

Child care center [Adopted 09-06-03]

Clay products

Cold storage plants

Cosmetic and toiletries

Daycare [Adopted 09-06-03]

Dry cleaning plants

Electronic research and manufacturing

Enclosed storage and warehousing

Excavating

Food products, except slaughtering or the preparation of fish, meats and poultry for packing

Furniture products

Furniture repair and upholstering shops

Glass and optical products from previously manufactured glass

Household and office equipment repair shops

Ice storage and sales

Jewelry, clocks and watches

Laundry, linen and diaper supply establishments

Lunch rooms

Luggage

Machine shops, excluding punch presses with a rated capacity of over twenty (20) tons, drop hammers
and automatic screw machines

Motor vehicle and machinery repair

Office and business machine

Packing and crating establishments

Pharmaceutical products

Photographic development and printing establishments

Photographic equipment
Printing and publishing

Saw Mills

School child care center [Adopted 09-06-03]

Scientific and other precision instruments

Sign manufacturing shops

Silver plating, soldering or welding

Small wood and metal products, such as radios, lighting fixtures and television equipment

Toys and novelties

Venetian blinds, window shades and awnings

Wholesale businesses

Section 404.2: Permitted Accessory Buildings, Structures, and Uses (which are on the same lot with, and of a nature customarily incidental or subordinate to the principal permitted building, structure or use).

- A. Off-street parking facilities pursuant to **Article VI**.
- B. Signs pursuant to **Article VII**.
- C. Restaurants, cafeterias or recreational facilities for employees only.
- D. Retail business or service incidental to the principal permitted use.
- E. Accessory uses and structures to permitted manufacturing uses.
 - 1. Storage buildings, garages and tool sheds.
- F. Radio, television, dish, antennas in accordance with **Section 402.8**.
- G. Roof mounted and freestanding solar panels and solar panel arrays shall be in accordance with Article VIII. (Adopted 05-07-2014)
- H. Breezeways shall: (Adopted 05-07-2014)
 - 1. Be fully enclosed with side walls and a roof on a permanent foundation.
 - 2. Consist of a permanent connection between a dwelling unit and an accessory building or between an accessory building and another such building on a lot.
 - 3. Not connect two (2) or more dwelling units on a lot.

Section 404.3: Conditional Buildings, Structures, and Uses

Conditional buildings, structures, and uses may be allowed in accordance with **Article V** and upon application to the Board of Zoning Appeals for a conditional use certificate.

- A. Retail sales in accordance with **Article VI**, and **Article VII**.
- B. Mini-storage
 - 1. Conditions for mini-storage
 - a. The maximum size of each individual single building shall not exceed three thousand (3000) square feet.

- b. Maximum building height shall be eighteen (18) feet.
- c. One (1) driveway for ingress/egress in accordance with **Article VI** shall be allowed.
- d. The loading/unloading spaces and driveway access aisles shall be a minimum width of twenty-four (24) feet.
- e. A driveway with a minimum width of forty (40) feet shall be required between buildings, and between the front or rear fence.
- f. A buffer zone shall be part of the lot on which the permitted mini-storage unit is located. All buffer zones abutting 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 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. Screening consisting of planted evergreen landscaping shall have a minimum height of six (6) feet.
- g. Mini-storage shall comply with Ohio Basic Building Code (OBBC) for S-1 storage.
- h. The owner shall include in the language of the lease or rental agreement that the Fire Department shall have access to the rental unit annually for the purpose of inspection. The owner is to have a master key for the inspection.
- i. The owner shall purchase and install a Knox Box system or similar system outside the gate for entry upon the promises by emergency personnel for emergency purposes.
- j. A fire alarm system with 24-hour monitoring is required.
- k. All buildings shall be a minimum of forty (40) feet apart.
- l. A 20lb ABC extinguisher shall be required, enclosed in a weatherproof box, at the ends of each building.
- m. The Fire Department shall review and approve the plans prior to a conditional zoning certificate being granted.
- n. Security lights shall be required around each building. All outdoor lights shall be shielded to direct the light and glare only onto the mini-storage premises. Said lighting and glare shall be deflected, shaded, and focused away from all adjoining property.
- o. The interior lighting of each unit shall utilize ceiling mounted fluorescent lighting.
- p. All storage on the property shall be kept within a fully enclosed building.
- q. Signs
 - 1. One ground sign shall be permitted, not to exceed sixteen (16) square feet with no more than two (2) advertising faces for business identification.
 - 2. The height of the sign shall not exceed six (6) feet.
 - 3. All signs shall be in accordance with **Section 701.0**.
- r. An eight-foot high security fence shall completely enclose the perimeter of the compound with one gated egress and ingress.
- s. Area regulations:
 - 1. The area bounded by security fencing shall not exceed 3 acres.
 - 2. Total lot coverage shall be limited to 50% of the total lot area.
 - 3. Mini-storage shall comply with all of the other regulations for the zoning district in which it is located.

2. Prohibited Buildings, Structures, and Uses [Adopted 01-02-2008]

The following buildings, structures, and uses shall be prohibited: [Adopted 01-02-2008]

- a. Activities other than lease or rental of mini-storage units and pick-up and deposit of dead storage on the lot. The following activities shall be prohibited on any lot used for mini-storage units:
 1. Auctions, commercial wholesale or retail sales or miscellaneous or garage sales.
 2. The servicing, repair, or fabrication of motor vehicles, boats, trailers lawn mowers, appliances, or other similar equipment.
 3. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
 4. The establishment of a "transfer and storage business".
 5. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
 6. Any storage of hazardous, explosive, or flammable materials and other noxious or dangerous materials.
- b. Electrical outlets.
- c. Outdoor advertising display(s) that do not identify the nature of the mini- storage.
- d. No fencing shall be permitted in the required minimum front yard setback.

C. Conditions for a Billboard [Adopted 01-02-2008]

1. Billboards in accordance with Section 713.0.

D. Conditions for Adult Oriented Business (Adopted 2-15-2012)

1. Adult Oriented Businesses in accordance with Article XIV.

E. Conditions for Small Wind Energy Conversion Systems (SWECS) (Adopted 05-07-2014)

1. Small Wind Energy Conversion Systems (SWECS) shall be in accordance with the conditions set forth in Article VIII.

Section 404.4: Prohibited Uses

- A. Residential development or the construction of residential dwellings on existing lots of record or portions of lots of record zoned industrial.
- B. Storage of hazardous or flammable waste.
- C. Any use of property that limits or creates a danger to health and safety in the surrounding area, or creates any offensive noise, vibration, smoke, dust, heat, glare, flame, air pollutants or objectionable effluents.
- D. The manufacturing, storage or packaging of explosive or explosive materials.

E. Cargo Containers

Section 404.5: Minimum Lot Area

The minimum lot area shall be three (3) acres.

Section 404.6: Minimum Lot Frontage and Width (Adopted 05-07-2014)

- A. The minimum lot frontage and width shall be 300 feet, except for lots located on a permanent cul-de-sac road turnaround. (Adopted 05-07-2014)
- B. For any lot located on a permanent cul-de-sac road turnaround, the minimum lot width shall be 60 feet at the front lot line and 300 feet at the building setback line.

Section 404.7: Minimum Yards [Adopted 3-16-2011]

For the purpose of determining yard requirements on corner lots and through lots, all lot lines adjacent to roads shall be considered frontage and the front yard set forth herein shall apply.

- A. The minimum yards for all buildings, structures, and uses except accessory buildings, structures and uses shall be as follows:
 - 1. Front yard: 100 feet
 - 2. Each side yard: 50 feet
 - 3. Rear yard: 50 feet
- B. The minimum yards for all accessory buildings, structures, and uses shall be as follows:
 - 1. Front yard: 100 feet
 - 2. Each side yard: 50 feet
 - 3. Rear yard: 50 feet

Section 404.8: Maximum Height

The maximum height requirement shall be set forth in **Section 402.8**.

Section 404.9: Maximum Lot Coverage

The maximum lot coverage shall be 50 percent.

Section 404.10: Minimum Floor Area

- A. The minimum floor area for any building or structure shall be 1000 feet.

Floor area shall be calculated in accordance with **Section 403.10**.

Section 404.11: Permitted Buildings, Structures, and Uses in Required Yards

Permitted buildings, structures, and uses in required yard areas shall be as set forth in **Section 402.11** with the exception of swimming pools, school bus shelters, and recreational vehicles. (Adopted 05-07-2014)

Section 404.12: Buffer Zone

A buffer zone of fifty (50) feet shall be required wherever a residential district abuts a commercial, industrial or manufactured home park district. No structure, building, accessory building, driveway, parking area or sign shall be permitted in a buffer zone. The purpose of a buffer zone shall be to eliminate traffic, noise, and visual annoyances from traveling across two different abutting districts. The buffer zone shall be a part of the industrial district.

A buffer zone shall be part of the lot on which the permitted principal building, structure or use other than a single family detached dwelling is located. All buffer zones abutting along the side or rear lot lines shall be landscaped and maintained in an appropriate manner. In addition, appropriate screening shall be required which shall consist of opaque/solid fences, wall, 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 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 except in the case of maintenance of corner sight clearance.

Section 404.13: All Industrial Buildings shall follow the Ohio Basic Building Codes and the Ohio State Fire Codes.

FORM NO. 30
TRANSMISSION OF COPY OF
MOTION FOR PROPOSED
AMENDMENT TO ZONING RESOLUTION
TOGETHER WITH TEXT
PERTAINING THERETO TO COUNTY
PLANNING COMMISSION
R. C. 519.12 (E)

The Chardon Township Zoning Commission hereby submits the attached copy of the motion for a proposed amendment, identified as number 2022-2 to the Chardon Township Zoning Resolution together with attached text pertaining thereto to the Geauga County Planning Commission this 24th day of October, 2022.

Member

Ted Gdovichin

Print Name: Ted Gdovichin

Scott Barna

Print Name: Scott Barna

Ed Slusarski

Print Name: Ed Slusarski

Sandy Smith

Print Name: Sandy Smith

Attested to by:

Linda Kerry
Secretary, Township Zoning Commission

Print Name: Linda Kerry

Received by Geauga County Planning Commission this 27 day of October, 2022.

Pamela Dwyer
Signature of Planning Commission
Member or Employee

Print Name: Pamela Dwyer

FORM NO. 22

MOTION TO INITIATE AMENDMENT

TO CHARDON TOWNSHIP ZONING RESOLUTION

R. C. 519.12 (A)

Sandy Smith moved the adoption of the following motion:

That an amendment to the Chardon Township Zoning Resolution, identified as number 2022-2, consisting of 33 pages, marked Exhibit 1 and attached hereto and incorporated herein as though fully rewritten, be hereby initiated by the Chardon Township Zoning Commission this 24th day of October, 2022.

Ed Slusarki seconded said motion. Upon the roll being called, the vote of the members of the zoning commission was as follows:

| <u>Member</u> | <u>Yes or No</u> |
|--|------------------|
| <u>Ted Gdovichin</u> Print Name: <u>Ted Gdovichin</u> | <u>Yes</u> |
| <u>Scott Barna</u> Print Name: <u>Scott Barna</u> | <u>Yes</u> |
| <u>Ed Slusarki</u> Print Name: <u>Ed Slusarki</u> | <u>YES</u> |
| <u>Sandy Smith</u> Print Name: <u>Sandy Smith</u> | <u>Yes</u> |

Attested to by:

Linda Kerry
Secretary, Township Zoning Commission

Print Name: Linda Kerry

Date: October 24, 2022

Redlined

ARTICLE V

R-1 AND R-2 RESIDENTIAL DISTRICTS

Section

500.00 General

500.01 Permitted Principal Buildings, Structures, and Uses Which Require a Zoning Certificate
(Amended 11/6/2009)

- A. One single family detached dwelling per lot, including ~~industrialized units~~ modular homes and manufactured homes (other than mobile homes). (Amended 8/4/2000)
- B. One Single Detached Adult Family Home per lot. Requirements for an adult family home as defined in R.C. 3722.01(A)(7) shall include the following: (Added 11/6/2009)
 - 1) Conforms to all residential district regulations. (Added 11/6/2009)
 - 2) Proof of compliance with applicable state regulations regarding licensing of the facility shall be provided. (Added 11/6/2009)
 - 3) In order to limit excessive concentration, no adult family home or licensed family home shall be located within five thousand two hundred eighty (5,280) feet of another such home. (Added 11/6/2009)
- C. Township buildings, structures, and uses pertaining to administrative functions and maintenance. (Added 3/15/2012)
- D. No other uses are permitted unless specifically exempted by Section 104.00 of this resolution. (Amended 12/19/2003) (Amended 3/15/2012)

500.02 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 which require a Zoning Certificate) (Amended 1/16/2009)

- A. Wind energy conversion systems, in accordance with Article XVI. (Amended 6/15/2017)
- B. Private garages designed and used for the storage of motor vehicles owned and/or operated by the occupants of the principal building or structure.
- C. Signs in accordance with Article X. (Amended 12/19/2003)

500.04 Minimum Lot Area

The minimum lot area shall be the acreage reflected in the R-1/R-2 District Chart per Section 500.03. **(Amended 8/4/2000) (Amended 3/15/2012)**

500.05 Minimum Front Lot Line

Unless otherwise provided in this resolution each lot shall adjoin a road. The minimum road frontage for a lot shall be sixty (60) feet as measured at the road right-of-way line.

500.06 Minimum Lot Width

The minimum lot width per single family detached dwelling shall be the footage as reflected in the R-1/R-2 District Chart per Section 500.03 at the building line and a minimum of sixty (60) feet at the road right-of-way and continuously a minimum of sixty (60) feet at every point to the building line. One driveway is required per lot. Said driveway shall be within the minimum sixty (60) foot of road frontage. **(Amended 11/6/2009) (Amended 3/15/2012)**

500.07 Minimum Yards

The minimum yards for all buildings, structures, and uses, including accessory buildings, structures, and uses shall be as reflected in the R-1/R-2 District Chart per Section 500.03 **(Amended 3/15/2012)**

- A. Rear, back, or flag lots – minimum front yard shall be measured from the rear lot line of the lot immediately to the front of the rear lot and the minimum side and rear yard regulations for the zoning district in which the rear lot is located shall apply. **(Added 11/6/2009) (Amended 3/15/2012)**
- B. The minimum side yard contiguous with the road right-of-way for all buildings, structures, and uses on corner lots shall be the same as the minimum front yard. **(Added 11/6/2009) (Amended 3/15/2012)**

500.08 Maximum Height

- A. The maximum height of all buildings, structures, and uses excluding those listed in paragraph B herein shall be thirty-five (35) feet or two and one-half stories, whichever is less.
- B. Special Maximum Heights
 - 1. Belfries, church spires, clock towers, cupolas, chimneys and flagpoles: no maximum height requirement.
 - 2. Radio and/or television antennas shall not exceed forty-five (45) feet in height above finished ground level. Dish antennas shall be in the rear yard, shall not exceed a diameter of twelve (12) feet and shall not exceed fifteen (15) feet in height above ground level.

3. The Wind Energy Conversion Systems shall not exceed the height specified in Article XVI, Section 1601.02. **(Amended 6/15/2017)**

500.09 Minimum Floor Area

The minimum floor area for permitted buildings under Section 500.01 in the R-1 and R-2 Districts shall be as follows: **(Amended 3/15/2012)**

Single story buildings shall have a minimum square footage as reflected in the R-1/R-2 District Chart per Section 500.03. **(Amended 3/15/2012)**

Other buildings (multi- story) shall have a minimum of square footage as reflected in the R-1/R-2 District Chart per Section 500.03 on the first floor with a total minimum of square footage as reflected in the R-1/R-2 Districts Chart per Section 500.03. **(Amended 3/15/2012) (Amended 5/17/2013)**

In calculating the minimum floor area, the following areas shall not be included:

Basements, attics, garages, enclosed or unenclosed porches, patios, decks, and breezeways. **(Amended 12/16/2010)**

500.10 Permitted Buildings, Structures, and Uses in Required Yards Not Requiring a Zoning Certificate. (Amended 1/16/2009)

- A. Awnings or canopies over windows and doors
- B. Chimneys
- C. Clothes drying yard equipment (clothesline)
- D. Farm markets, provided that fifty percent (50%) or more of the gross income received from the market is derived in a normal crop year from produce raised on farms owned or operated by the market operator. **(Added 1/16/2009)**
- E. Fences and walls in accordance with the following regulations: **(Added 1/16/2009)**
 1. Fences and walls shall be erected outside of the right-of-way of any public or private road. **(Added 1/16/2009)**
 2. Fences and walls shall not block or impede clear sight distance of vehicle operators at the intersection of any public or private road. **(Added 1/16/2009)**
 3. Fences and walls shall not be constructed in any manner likely to cause physical injury. **(Added 1/16/2009)**
 4. Fences and walls shall not be unsafe, unsightly, or be in danger of falling. **(Added 1/16/2009)**

- F. Flagpoles.
- G. Mailboxes and newspaper tubes.
- H. Mobile tool sheds used in conjunction with a construction project on a temporary basis. Such mobile tool sheds shall be removed within fifteen (15) days after construction is completed. **(Added 1/16/2009)**
- I. Off-street parking spaces in accordance with Article IX.
- J. Ornamental and security lighting fixtures in accordance with Article IV.
- K. Portable swimming pools with a diameter less than eight (8) feet or with an area of less than fifty (50) square feet.
- L. Radio, television, or dish antennas in accordance with Section 500.08.
- M. Sanitary and drinking water facilities. **(Added 1/16/2009)**
- N. Signs in accordance with Article X.
- O. Solar Panels with 24v or less output in accordance with Article XVI, Section 1600.02. **(Added 12/16/2010; Amended 6/15/2017)**
- P. Wind Energy Conversion Systems (WECS) with 24v or less output in accordance with Article XVI, Section 1601.02. **(Added 6/15/2017)**
- Q. Student bus shelters. **(Amended 12/16/2010) (Amended 6/15/2017)**
- R. Swingsets and recreational equipment. **(Amended 12/16/2010) (Amended 6/15/2017)**
- S. Uncovered porches, patios, and steps. **(Amended 12/16/2010) (Amended 6/15/2017)**
- T. Conducting professional office work remotely. **(Added 5/3/19)**

500.11 500.11 ~~Manufactured Homes and Modular Homes~~

A. ~~Manufactured homes and modular homes~~ shall meet all of the following requirements:

~~**A.** Requirements for a manufactured home~~

~~A manufactured home shall:~~

- ~~1. **Manufactured homes shall** conform to all applicable **state and local building codes, as well as** Federal Construction and Safety Standards and have a certification to that effect, in the form of a label or tag permanently affixed to such manufactured home **or modular home** in the manner required by 42 U.S.C. Section 5415 and 24 C.F.R. Section 3280.8; and~~

4.2. Modular homes shall conform to all applicable state and local building codes, as well as Federal Construction and Safety Standards and have a certification to that effect, in the form of a label or tag permanently affixed to such modular home; and

2.3. Have all hitches, axles, wheels, and other appurtenances of mobility removed from the home; and

3.4. Be permanently installed upon and properly attached to a permanent, perimeter foundation built to county building department specifications that meets the manufacturer's installation requirements and applicable state and local regulations; and

4.5. Conforms to all residential district regulations.

B. In addition to the above requirements, the owner shall surrender the title to the manufactured home or modular home to the county auditor upon its placement on a permanent foundation and such surrender shall be notice to the county auditor to tax the manufactured home or modular home as real property. (Amended 12/16/2010)

500.12 Ponds (Deleted 3/17/1995)

501.00 Conditional Buildings, Structures, and Uses

Conditional buildings, structures, and uses may be allowed in accordance with Article VIII and the following conditions:

501.01 Golf Courses

Golf courses may be allowed as a conditional use within the R-1 and R-2 Residential Districts upon compliance with all other applicable sections of this resolution, including Article VIII. (Amended 3/15/2012)

A. Minimum Lot Area

The minimum lot area shall be one hundred (100) acres for a 9-hole and one hundred and sixty (160) acres for an 18-hole golf course.

B. Off-Street Parking

The facility shall provide off-street parking spaces in accordance with Article IX and the following:

1. Any extremity of such space or area shall be set back one hundred (100) feet from the nearest lot line.
2. Such parking area or spaces shall be maintained in good condition, and treated to avoid dust problems to nearby property owners as needed.

C. Access Roads

Access roads or drives to or from a public road shall be located and constructed so as to minimize impediment to normal traffic flow, and the center of any such access road or drive shall be at least two hundred (200) feet from a lot line or intersecting road. The driveways from the highway to the golf course or parking area shall be surfaced with concrete, asphaltic concrete, or other similar hard all-weather surface. (Amended 3/15/2012)

D. Screening of Golf Course

An opaque wall, a uniformly painted opaque fence, or a strip of land at least four (4) feet wide densely planted with shrubs or trees which will form a year round dense screen shall be erected or planted and maintained along all property lines adjoining "R" Districts. Such wall, fence, or planting shall be at least five (5) feet in height. Barbed wire fences are prohibited for this purpose.

1. Any wall or fence, or any screening device located within twenty-five (25) feet of an intersection of two (2) or more roads or the intersection of an access driveway and a road, shall have a maximum height of three (3) feet and a minimum height of two (2) feet.
2. The required screening shall be maintained in good condition at all times.
3. No signs shall be permitted to be attached to or hung from the required screening.

E. Golf Course Design and / or Use

Design and / or use as a golfing facility shall comply with the following provisions:

1. The edge of a green or fairway shall be set back at least two hundred (200) feet from the center line of any public road or any adjoining property line. The center line of a fairway starting from a tee nearer than two hundred (200) feet to a road or adjoining property line shall be at an angle of not less than forty-five (45) degrees to the road or adjoining property line.
2. Watering of greens, fairways, and tees shall be by use of surface water only. Use of water from dug or drilled wells for watering purposes, either directly or indirectly, is prohibited.

Disposal of water and sewage shall meet the standards set by the Geauga County Board of Health and / or the Environmental Protection Agency.

3. Land used as a golfing facility shall be graded for proper drainage so that all water flows to a properly constructed drainage system within the area to avoid drainage upon roads or adjoining property.
4. Lighting fixtures and devices which direct light on adjoining roads or property shall be prohibited. Flashing lights shall be prohibited.

F. Time of Operation

Such golf course may be open and operated only during the hours of 5:00 A.M. to 10:00 P.M. each day.

G. Permitted Accessory Uses

The following accessory uses are permitted on property for which a conditional zoning certificate has been granted for a golf course:

1. A clubhouse building which may contain amenities customarily associated with a golf course such as locker, shower, health bath, snack-bar, or restaurant facilities for patrons only.
2. A pro-shop for the retail sale of merchandise customarily associated with such use for patrons only.
3. Accessory buildings for the storage and servicing of equipment needed for the operation of a golfing facility.
4. Accessory recreational facilities such as a driving range, tennis, paddle or handball courts, swimming pool, fishing, and cross-country skiing for patrons only.

H. Minimum Setback

The minimum setback for all buildings, structures, or recreational facilities shall be as follows:

Two Hundred Fifty (250) feet measured from the road right-of-way line, and three hundred (300) feet from any other lot line. **(Amended 3/15/2012)**

I. Maximum Height

The maximum height of all buildings shall be thirty-five (35) feet or two and one half (2 ½) stories, whichever is less.

J. Dwellings to Conform

No building shall be used as a dwelling that does not conform completely to the spacing requirements of the zoning district in which it is located.

K. Change of Use

If any part of the golfing facility is sold or used for other than golfing purposes, the portion sold or put to other use shall conform with the zoning requirements applicable to the district in which such parcel is located.

L. Transfer of Ownership

The conditional zoning certificate as a golfing facility shall be void upon change of ownership or lease. A new conditional zoning certificate must be applied for within thirty (30) days after change of ownership or lease.

501.02 Memorial Park, Cemetery, and Graveyard

A memorial park, cemetery, and graveyard (hereafter referred to as a memorial park) may be established and operated subject to the following conditions:

A. Topography

The natural topography of the land so developed shall be retained.

B. Minimum Lot Area

The minimum lot area for all memorial parks shall be fifty (50) acres.

C. Off-Street Parking

Shall be in accordance with Article IX.

D. Access

1. Ingress to and egress from the memorial park shall be planned at places that will cause the least amount of traffic congestion and hazard. No such access point shall be closer than two hundred (200) feet from the intersection of two (2) or more roads. There shall be no more than two (2) access points on any one (1) road.
2. The maximum width of such driveway shall be thirty (30) feet. The minimum width of all driveways shall be twenty (20) feet. 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. 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 roads or other property.

E. Screening of Memorial Park

A wall, fence, or a strip of land at least four (4) feet wide densely planted with shrubs or trees which will form a year-round dense screen shall be erected or planted and maintained along all property lines adjoining "R" Districts. Such wall, fence or planting shall be at least five (5) feet in height. Barbed wire fences are prohibited for this purpose.

1. Any wall or fence, or any screening device located within twenty-five (25) feet of an intersection of two (2) or more roads or the intersection of an access driveway and a

road, shall have a maximum height of three (3) feet and a minimum height of two (2) feet.

2. The required screening shall be maintained in good condition at all times.
3. No signs shall be permitted to be attached to or hung from the required screening.

F. Location of Structure

Ornamental walls, fences, and gates other than for screening as in Section 501.03 (E) shall be erected or located at least one hundred (100) feet from the road right-of-way line or lot line. Mausoleums and other structures shall be erected or located at least one hundred fifty (150) feet from all lot lines. Grave markers shall be flush with ground. Individual and family above-ground lawn crypts are prohibited.

G. Maximum Height

The maximum height of any structure shall be thirty-five (35) feet or two and one-half (2 ½) stories, whichever is less.

H. Lighting

Lighting fixtures and devices which direct light on adjoining roads or property shall be prohibited. Flashing lights shall be prohibited.

I. 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. 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.
3. The proposed system of vehicular traffic circulation within the memorial park, access points from adjoining roads, and estimates of traffic volumes for the proposed memorial park.

J. Change of Use

If any part of the memorial park is sold or used for other than memorial park purposes, the portion sold or put to other use shall conform with the zoning requirements applicable to the zoning district in which such parcel is located.

K. Transfer of Ownership

The conditional zoning certificate for a memorial park shall be void upon change of ownership or lease. A new conditional zoning certificate must be applied for within thirty (30) days after change of ownership or lease.

501.03 Churches / Houses of Worship (Amended 7/24/1992)

A church or other house of worship, such as a synagogue, temple, chapel, congregation or similar designation (hereafter collectively referred to as "Church"), may be established and operated subject to the following conditions:

A. Use of Church Structures

No part of any building or land used for church purposes shall be used for commercial or business activities or purposes. No structure shall be constructed as or used as a dwelling.

B. Minimum Lot Area and Coverage

The minimum lot area for this use shall be the same as that designated in the district in which the church is located. Building coverage, including driveways and parking areas, shall not exceed forty percent (40%) of the lot area.

C. Off Street Parking

1. Parking shall be in accordance with Article IX except as otherwise provided herein.
2. No parking areas shall be located in the front yard of a church.

D. Access

1. Ingress and egress from the church shall be planned in a manner and at locations that will cause the least amount of traffic congestion and hazard. No such access point shall be closer than three hundred (300) feet from any intersection of two (2) or more roads. There shall be no more than two (2) access points on any one (1) road.
2. Driveways shall be surfaced with concrete, asphaltic concrete, asphalt or similar all-weather surface and shall be graded for proper drainage in a manner that ensures that surface water is drained on the premises and does not flow onto adjoining properties.
(Amended 3/15/2012)

3. Driveways shall be a minimum of twenty (20) feet wide and a maximum of thirty (30) feet wide. Each access driveway shall be constructed with an apron on either side having a radius of six (6) feet which shall be surfaced in a manner as set forth in Paragraph D. 2. above. Driveways and parking areas shall be in accordance with Article IX.

4. Access driveways shall be a minimum of ten (10) feet from any property line.

E. Frontage

The minimum front lot line of a church shall be two hundred fifty (250) feet as measured at the road right-of-way. **(Amended 3/15/2012)**

F. Lot Width

Minimum lot width of a church shall be two hundred fifty (250) feet, measured at the building line.

G. Minimum Yards

1. Minimum front yard for all buildings, structures, and uses, including accessory buildings, structures and uses, shall be two hundred (200) feet.

2. Minimum side yards for all buildings, structures and uses, including accessory buildings, structures and uses, shall be one hundred (100) feet.

3. Minimum rear yards for all buildings, structures, and uses including accessory buildings, structures and uses, shall be one hundred (100) feet.

4. Front, side, and rear yards shall be landscaped and maintained in a satisfactory condition. **(Amended 3/15/2012)**

H. Accessory Structures and Buildings

Accessory structures and buildings are permitted for the storage of tools and equipment for the maintenance of the church building and yard. Other accessory structures and buildings are allowed only as set forth in the conditional use permit.

I. Site Plan

In addition to the items required under Section 800.01 of the Zoning Resolution, the applicant shall furnish the board of zoning appeals with the following:

1. A site plan indicating the location, size, and height of all buildings and structures, including fences, walls, gates and signs.

2. Landscaping plans for the property which indicate the general landscape design of the property. These plans shall clearly show the plan for off-street parking and shall include the following specific items: type of pavement; number of parking places; distances from

all lot lines; grading and drainage plans; and lighting fixtures proposed. **(Amended 3/15/2012)**

3. The proposed system of vehicular traffic circulation into the church parking area and within the church parking area, including the plan for all access points showing distance from intersections, width of driveways, traffic flow patterns into and out of the church.

J. Building Height

Height limitations shall be the same as specified for the district in which the proposed use is to be located, except that modification may be made upon variance by the Board of Zoning Appeals in unique and special circumstances, or in order to comply with basic design objectives of the use, provided that such modification will not impair the intent of this resolution or the general safety and welfare.

K. Change of Use

If all or any part of the church building or lot is sold or used for other than church purposes, then that portion put to another use shall conform with the zoning requirements applicable to the zoning district in which such parcel is located.

L. Transfer of Ownership

The conditional zoning certificate for a church shall be void upon change of ownership or lease. An application for a new conditional zoning certificate must be submitted within thirty (30) days of the change in ownership or lease.

M. General Standards and Renewal

1. Churches shall comply with all of the regulations for the zoning district in which it is located except as otherwise specified herein.
2. Churches shall be located, planned, and designed in all aspects so as to be in keeping with the surrounding development pattern and character of the neighborhood and shall not in any way impair the safety or general welfare.
3. The general standards for a conditional use for churches shall be as set forth in Article VIII. The conditional zoning certificate shall be valid for a period of five (5) years from the date of issuance and shall be renewable for successive periods so long as there is compliance with all conditions. **(Amended 5/17/2013)**
4. Signs shall comply with Article X.
5. Evidence shall be provided that the appropriate governmental agency has approved the water and sewage facilities.
6. An erosion and sedimentation control plan, if required, shall be approved by the Geauga Soil and Water Conservation District.

501.04 Bed and Breakfast (Added 2/2/1998)

A. Definition

Bed and Breakfast means an owner-occupied, single-family residential dwelling in which rooms are rented to paying guests on an overnight basis and breakfast only is provided; the entire service to be included in one stated price.

B. Conditions for a Bed and Breakfast

1. The Bed and Breakfast must be owner-operated; it must be the principal residence of the owner, and occupied by the owner. There shall be no more than one Bed and Breakfast on a lot.
2. One (1) individual not residing in the Bed and Breakfast may be employed in its operation.
3. No more than three (3) rooms shall be offered for rent.
4. Each room rented shall contain a minimum of one hundred (100) square feet.
5. Neither any rented room nor the owner's dwelling space shall be located in an accessory structure.
6. No cooking facilities of any type shall be permitted in the rented rooms.
7. A minimum of one (1) on-site parking space per room offered for rent, and two (2) spaces for the owner shall be required.
8. No change to the outside appearance of the dwelling shall occur as a result of the operation of the Bed and Breakfast facility.
9. One (1) sign not exceeding four (4) square feet in area shall be permitted identifying the dwelling as a "Bed and Breakfast". The sign shall conform to Article X.
10. Comply with all federal, state, county, and township regulations including the regulations for the zoning district in which it is located.
11. Renewal is pursuant to Article VIII of the Chardon Township Zoning Resolution. **(Amended 3/15/2012)**
12. Any other condition or safeguard deemed appropriate by the Zoning Board of Appeals.
13. If the foregoing conditions shall have been violated by the owner thereof, the Conditional Zoning Certificate may be revoked after a hearing of the circumstances by the Board of Zoning Appeals.

14. The Conditional Zoning Certificate as a Bed and Breakfast facility shall be void upon change of ownership. A new Conditional Zoning Certificate must be applied for within thirty (30) days after change of ownership.

501.05 Residential Recreational Courts which have exterior lighting or are within a fully enclosed building. (Added 5/17/2007 – entire section)

- A. Definition – See Article II, Section 201.00 (definition section).
- B. Conditions for all Residential Recreational Courts.
 1. The maximum size of a residential recreational court shall be 7,200 square feet. **(Added 3/15/2012)**
 2. The minimum lot area shall be the acreage reflected in the R-1/R-2 District Chart per Section 500.03. **(Added 3/15/2012)**
 3. A residential recreational court shall be an accessory use to the principal permitted dwelling on a lot.
 4. There shall be no more than one (1) residential recreational court on a lot.
- C. Conditions for Residential Recreational Courts with exterior court lighting.
 1. If a residential recreational court is fenced, the fence height shall not exceed a maximum of twelve (12) feet.
 2. Lighting shall meet the following:
 - a. The maximum height of lights shall be twenty (20) feet.
 - b. All lights and light fixtures shall:
 - (1) Be designed, constructed, mounted and maintained such that the light source is cut off when viewed from any point above five (5) feet measured at ten (10) feet from the edge of the court; **(Amended 5/17/2013)**
 - (2) Be designed and constructed with mounted light shields installed and maintained such that the maximum illumination intensity measured at the nearest lot line shall not exceed one-half (1/2) foot candle above ambient light levels.
 - c. The court may be lighted only between the hours of 7:00 a.m. to 11:00 p.m.

501.06 Active Public Recreational Park (Added 1/25/2008—entire section)

An Active Public Recreational Park may be allowed as a permitted use in the R-1 and R-2 Residential Zoning Districts upon compliance with all of the following conditions and all of the other applicable sections of this resolution, including Article VIII. **(Amended 3/15/2012)**

These regulations shall apply only to real property held by a political subdivision of the State of Ohio.

A. Definition – See Article II, Section 201.00 (definition section).

The establishment of an Active Public Recreation Park recognizes that certain buildings, structures, and uses may require the modification and alteration of the natural terrain and disturbance of the natural habitat.

B. Principal Buildings, Structures, and Uses **(Amended 3/15/2012)**

1. Outdoor ball fields and games including hardball, softball, soccer, football, lacrosse, rugby, track, and field. **(Amended 3/15/2012)**
2. Outdoor skating rinks.
3. Outdoor tennis, basketball, horseshoe, volleyball, badminton, bocce ball, shuffleboard courts, and similar activities.
4. Picnic grounds and pavilions.
5. Playgrounds and playground equipment.
6. Walking trails and bicycle trails.

C. Accessory Buildings, Structures, and Uses

1. Bleachers for spectators limited to two (2) per ball field.
2. Outdoor storage of materials.
3. Fences and walls (in accordance with Section 500.10(E)). **(Amended 3/15/2012)**
4. Off-street parking in accordance with Article IX with the exception of Section 901.00(A).
5. Storage buildings shall not exceed nine hundred (900) square feet and thirty-five (35) feet in height.
6. Ornamental and security lighting in accordance with 500.10(J). **(Amended 3/15/2012)**

7. The following uses allowed under 500.10(A), (B), (E), (F), (G), (H), (I), (J), (L), (M), (N), (O), (Q), and (R). **(Amended 3/15/2012)**

D. Prohibited Buildings, Structures and Uses

The following buildings, structures, and uses shall be prohibited:

1. All buildings, structures, and uses set forth in Section 401.00.
2. All-terrain vehicles, four wheelers, dirt bikes, motorcycles, dune buggies, snowmobiles, and other motorized vehicles, except vehicles parked in designated off-street parking areas.
3. Car washing.
4. Dumping of trash, waste or other offensive or hazardous materials of any kind.
5. Overnight camping.
6. The use of firearms or bows and arrows including hunting, skeet shooting, and target shooting.

E. Minimum Lot Area

1. The minimum lot area shall be ten (10) acres.

F. Minimum Lot Frontage

1. The minimum lot frontage shall be two hundred and fifty (250) feet.

G. Minimum Lot Width

1. The minimum lot width shall be four hundred and fifty (450) feet.

H. Setbacks

1. The minimum front yard setback shall be one hundred (100) feet measured from the road right-of-way, excluding parking lots. **(Amended 3/15/2012)**
- 2.a. The minimum side yard setbacks shall be fifty (50) feet along all property lines adjoining a residentially zoned lot. There shall be no buildings, structures or uses except walking trails and driveways. Where the residentially zoned lot has a conditional use certificate for golf courses, memorial parks or cemeteries, the minimum side yard setback shall be reduced to twenty-five (25) feet. **(Amended 3/15/2012)**
- 2.b. The minimum side yard setback shall be the same as specified in 702.04 along all property lines adjoining the C-1 District.

501.07 Wind Energy Conversion Systems (WECS) (Added 6/15/2017)

Wind Energy Conversion Systems (WECS) in accordance with the conditions in Article XVI, Section 1601.02.

502.00 Fire Protection Ponds

A platted subdivision shall include a pond for fire protection constructed by the owner when stormwater management is required by the regulations enforced by the Geauga Soil and Water Conservation District and a detention pond is proposed. The pond shall be designed as a retention pond with a dry hydrant in accordance with the standards and specifications for dry hydrants of the Fire Department or any other authorized fire department. The dry hydrant shall also be located as to permit access by fire fighting and emergency vehicles. No zoning certificate shall be required for the installation of a fire protection pond or dry hydrant, however, the township zoning inspector shall not approve and sign a final plat for a subdivision until the standards and specifications of the Fire Department have been met for design and installation of the fire protection pond and the dry hydrant, with access thereto. Submission of the Fire Department's written approval must occur prior to submitting the final plat for approval and signature of the township zoning inspector. **(Added 9/20/2002) (Amended 11/6/2009)**

Redlined

**ARTICLE II
DEFINITIONS**

Section

200.00 **General**

201.00 **Interpretation of Terms or Words**

For the purposes of this resolution, the following rules of interpretation for terms and words shall apply:

- A. The word "person" includes an individual, association, organization, partnership, trust, company, corporation, or any other legal entity.
- B. The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular, unless the context clearly indicates the contrary.
- C. The word "shall" is a mandatory requirement.
- D. The word "may" is a permissive requirement.
- E. The word "should" is a preferred requirement.
- F. Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

Words and terms used in this resolution shall be defined as follows:

"Accessory Use or Structure" - A use or structure incidental and subordinate to the principal use or structure on the lot and serving a purpose customarily incidental and subordinate to the use of the principal building.

"Active Public Recreational Park" - means a facility whose objective is to provide recreational opportunities to the general population within a park-like atmosphere to:

1. Promote certain healthy and beneficial outdoor leisure time activities for the general population which do not present a significant risk of harm to others.
2. Afford reasonable access by the public to outdoor athletic, social, and educational activities.
3. Achieve a balance between the public's need for active outdoor recreational facilities and the preservation of open space, light, and air for the enjoyment of such activities. (Added 1/25/2008-entire definition)

"Adult Family Home" – Adult Family Home means a residence or facility that provides accommodations for three (3) to five (5) unrelated adults and provides supervision and personal care services to at least three (3) of those adults. (Added 11/6/2009)

"Adult Group Home" – Adult Group Home means a residence or facility that provides accommodations for six (6) to sixteen (16) unrelated adults and provides supervision and personal care services to at least three (3) of those adults. (Added 11/6/2009)

"Agriculture" - Agriculture as defined by Section 519.01 of the Ohio Revised Code. (Amended 8/4/2000)

"Agritourism" - as defined in O.R.C. Section 901.80(A)(2), means an agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity. (Added 3/5/21)

"Automotive Repair" - Automotive Repair means the repair, rebuilding, or reconditioning of vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

"Automotive Wrecking" - Automotive Wrecking means the dismantling or wrecking of vehicles, mobile homes, or trailers; or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles, mobile homes, trailers, or their parts.

"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.

"Bed and Breakfast" - Bed and Breakfast means an owner operated, single-family residential dwelling in which rooms are rented to paying guests on an overnight bases and breakfast only is provided: the entire service to be included in one stated price. (Added 2/2/1998)

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

"Building Height" - Building Height means the vertical distance measured from the finished grade level to the highest point of the building.

"Building Line" - Building Line see setback line.

"Building, Principal" - Building, Principal means a building within which the main or primary permitted use is conducted on a lot.

"Church" – Church means a building used for public worship and may include temples, cathedrals, synagogues, mosques, chapels, and congregations. (Added 12/16/2010)

"Conditional Use" - Conditional Use means a use within a zoning district requiring approval by the township board zoning of appeals and the issuance of a conditional zoning certificate. These uses are permitted only after the applicant has followed the procedures outlined in Article VIII.

"Conditional Zoning Certificate" - Conditional Zoning Certificate is a permit authorized by the board of zoning appeals to allow certain specific developments that would not otherwise be allowed in a particular zoning district. These permits are issued only after the applicant has followed the procedures as stated in Article VIII of this resolution.

"County" - County means Geauga County, Ohio.

"Cul-De-Sac" - 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.

"Deck" - Deck means a structure with or without a roof that is attached to a building or is freestanding and is supported by posts. (Added 12/16/2010)

"Density" - Density means a unit of measurement representing the number of buildings, structures, or dwelling units per acre of land.

"Detention Pond" - Detention Pond means a dry pond. Runoff enters an area of detention faster than it leaves. A detention pond can be designed with or without a permanent pool of water. (Added 9/20/2002)

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

"Driveway" - means a private way providing access for vehicles from a road to a dwelling, building, structure, parking space or loading/unloading space. (Added 11/6/2009)

"Drug Paraphernalia" - Drug Paraphernalia means all equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, storing, containing, concealing, injecting, ingesting, inhaling, enhancing the effect of, or otherwise introducing into the human body a controlled substance as defined in Chapter 3719 of the Ohio Revised Code.

"Drug Paraphernalia Establishment" - Drug Paraphernalia Establishment means any place, whether or not operated as a business, within a building, structure or dwelling, or any part thereof, of any parcel located within the township where drug paraphernalia, as defined by this article, is manufactured, distributed, or offered for sale. Drug paraphernalia establishments do not include manufacturers, practitioners, pharmacists, owners of pharmacies, or other persons who conduct a business or profession in accordance with Chapter 3719, 4715, 4731, and 4741 of the Ohio Revised Code.

"Dry Hydrant" - Dry Hydrant means a standpipe connected by means of a pipeline to a water source that permits the withdrawal of water by drafting through the use of the fire fighting equipment. (Added 9/20/2002)

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

"Dwelling, Single Family" - Dwelling, Single Family means a dwelling consisting of one (1) detached dwelling unit with a single electric service to be occupied by one (1) family only. (Amended 6/2/2006)

"Dwelling Unit" - Dwelling Unit means a space within a building comprised of a group of rooms or spaces for living, dining and sleeping and attendant cooking, bathing and toilet facilities, which are arranged, maintained or designed all to be used by only one (1) family for residential occupancy. (Added 6/2/2006)

"Earth Sheltered Dwelling" - Earth Sheltered Dwelling means a completed building or structure containing a dwelling unit, designed to be built underground and not intended as the foundation, substructure, or basement for a subsequent dwelling.

"Easement" - Easement means the right of a person, governmental entity, public utility, or other firm to use public or private land owned by another for a specific purpose as established by an instrument of record in the county recorder's office. (Added 12/16/2010)

"Economically Significant Wind Farm" - Economically Significant Wind Farm means wind turbines and associated facilities, whether publicly or privately owned, on a lot with a single interconnection to the electrical grid and designed for, or capable of five (5) megawatts, or more. See Article I, Section 104.00(F). (Added 6/15/17)

"Exterior Display or Sales Area" - Exterior display or sales area means an open area on a lot used to purvey goods, merchandise, or services sold within the principal building on the same lot. Such goods or merchandise shall be available for direct sale and shall not be within shipping cartons or crates. (Added 12/19/2003)

"Exterior Lighting" - Exterior lighting means the method or equipment used to provide artificial illumination on a premises. (Added 12/19/2003)

"Exterior Storage Area" - Exterior storage area means an open area on a lot used for parking or storage of equipment, materials, machinery or vehicles in connection with the principal building, structure, or use on the same lot for a period of 24 hours or more. (Added 12/19/2003)

"Family" - Family means one (1) or more persons related by blood, adoption, guardianship or marriage, living and cooking together as a single housekeeping unit, exclusive of live-in hired employees. A number of persons but not exceeding two (2) living and cooking together as a single housekeeping unit though not related by blood, adoption, guardianship or marriage shall be deemed to constitute a family, exclusive of live-in hired employees. A family shall not include any society, club, fraternity, sorority, association, lodge, federation, coterie, or a like organization; any group of individuals whose association is temporary or seasonal in nature; and any group of individuals who are in a group living arrangement as a result of criminal offenses. (Amended 6/2/2006)

"Farm Market" - Farm Market means a building from which only produce raised on farms is sold.

"Fence" – Fence means an artificially constructed structure consisting of wood, masonry, stone, wire, metal or other manufactured material or combination of materials erected as a boundary or means of protection to enclose, screen or separate areas on a lot. A "fence" shall not include hedges, shrubs, trees or other natural growth or vegetation. (Added 12/16/2010)

"Finished Grade Level" - Finished Grade Level means the elevation of the finished grade of the ground adjacent to a building or structure.

"Fire Protection Pond" - Fire Protection Pond means a pond of at least 5000 square feet and a depth of at least 6 feet at the center and containing an optimum availability of 125,000 gallons of usable water constructed on a lot in accordance with Section 502.00, R-1 Residential District and 602.00, R-2 Residential District. (Added 9/20/2002)

"Floor Area" - Floor Area means the sum of the horizontal areas of the several floors of a building, measured from the interior faces of the exterior walls.

"Freestanding Solar Panel" – Freestanding Solar Panel means a solar panel or an array of solar panels that is not attached to a building and is mounted on a structure attached to the ground. See Article XVI, Section 1600.01(A). (Added 6/15/17)

"Full Cutoff" - Full Cutoff means a light distribution where no light is permitted at or above a horizontal plane located at the bottom of a light fixture. There will be little or no light at the angles that are usually associated with glare. (Added 12/19/2003)

"Garage" - Garage means a building designed and used for the storage of motor vehicles.

"Glare" – Glare means the sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility. (Added 12/16/2010)

"Glare, direct" – Glare, direct means the glare resulting from the human eye being able to see the light-emitting portion of a light fixture. (Added 12/16/2010)

"Home Occupation" - Home Occupation means an occupation for remuneration which is conducted wholly within a dwelling unit by members of the family residing therein. Use of the dwelling for a home occupation shall be incidental to its primary use for residential purposes. (Amended 6/2/2006)

"Hospice Care Program" Hospice Care Program means a coordinated program of home, outpatient, and inpatient care and services licensed pursuant to Ohio Revised Code Section 3712.04 that is operated by a person or public agency and that provides the following care and services to hospice patients, including services as indicated below to hospice patients' families, through a medically directed interdisciplinary team, under interdisciplinary plans of care established pursuant to section 3712.06 of the Ohio Revised Code, in order to meet the physical, psychological, social, spiritual, and other special needs that are experienced during the final stages of illness, dying, and bereavement:

- (1) Nursing care by or under the supervision of a registered nurse;

- (2) Physical, occupational, or speech or language therapy, unless waived by the department of health pursuant to rules adopted under division (A) of section 3712.03 of the Revised Code;
- (3) Medical social services by a social worker under the direction of a physician;
- (4) Services of a home health aide;
- (5) Medical supplies, including drugs and biologicals, and the use of medical appliances;
- (6) Physician's services;
- (7) Short-term inpatient care, including both palliative and respite care and procedures;
- (8) Counseling for hospice patients and hospice patients' families;
- (9) Services of volunteers under the direction of the provider of the hospice care program;
- (10) Bereavement services for hospice patients' families.

(Added 11/6/2009-entire definition)

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

"Hospital, Veterinary" - Hospital, Veterinary means a building containing accommodations for the diagnosis and treatment of animals by licensed veterinarians and staff.

"Hotel or Motel" - Hotel or Motel means a building in which lodging, or boarding and lodging, are provided and offered to the public for compensation.

"Impervious Surface" - Impervious Surface means any surfaces or materials which prevent or inhibit percolation of storm water runoff into the ground including, but not limited to, roofing, concrete, cement, asphalt, wood, metal, plastic, compacted soil, and aggregates. **(Added 12/19/2003)**

"Industrialized Unit" - Industrialized Unit means a structure, **including but not limited to a modular home, and as further as** defined in Ohio Revised Code ~~3701.10-3781.06(C)(3)~~ 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)~~.

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"Junk" - Junk means an accumulation of old or scrap copper, aluminum, tires, brass, rope, rags, trash, wastes, batteries, paper, rubber, dismantled or wrecked motor vehicles, equipment, machinery, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous materials.

"Junk Vehicle" - Junk vehicle means a motor vehicle that meets all of the following criteria: (1) three model years old, or older; (2) apparently inoperable; and (3) extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission. **(Added 11/6/2009)**

"Junk Yard" - Junk Yard means any land, property, structure, building, or combination of the same, on which junk or junk motor vehicles are stored, processed, or bought or sold.

"Kennel" - Kennel means any building, structure or land where more than four (4) animals over six

(6) months of age are boarded, cared for, trained, bred, or kept for remuneration.

"Lattice Tower" – Lattice Tower means a framework or structure of crossed metal strips typically resting on three (3) or more members constructed vertically. See Article XVI, Section 1601.01(A). (Added 8/15/17)

"Loading / Unloading Space" - Loading / Unloading Space means space provided for pick-ups and deliveries for commercial use.

"Lot" - Lot means a parcel of land which shall be a lot of record.

- A. Corner Lot - A lot located at the intersection of two (2) or more roads.
- B. Lot Coverage - The percentage of the total lot area that is occupied by the total horizontal area of all buildings, structures, and parking area on a lot.
- C. Lot Depth - The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- D. Lot Width - A horizontal distance between the side lot lines of a lot measured at the building set back line.
- E. Lot, Minimum Area - The total area, expressed in acres, included within the boundary lines of a lot computed exclusive of any portion of the right-of-way of any abutting public or private road. (Amended 8/4/2000)
- F. Lot, Multiple Frontage - A lot, other than a corner lot, with lot lines on more than one (1) road. A multiple frontage lot may also be referred to as a through lot.
- G. Lot, Line - The boundary of a lot which separates it from adjoining lots of record; public land; private land; common public, or private open space; and the right-of-way line of public or private roads.
- H. Front Lot Line - The boundary of a lot which abuts the public right-of-way line of a public or private road. In the case of a corner lot or a multiple frontage lot, the front lot line shall be designated by the lot owner.
- I. Rear Lot Line - The boundary of a lot which is parallel or within forty-five (45) degrees of being parallel to the front lot line. If the rear lot line forms a point, then the rear lot line shall be a line ten (10) feet in length within the lot, drawn parallel to and the maximum distance from the front lot line.
- J. Side Lot Line - Any boundary of a lot which is not a front lot line nor a rear lot line.
- K. Lot of Record - A parcel of land listed as a separate unit on the county auditor's tax list, and either as a separate lot on a subdivision plat recorded in the office of the county recorder or as a separate lot described by metes and bounds on a deed or instrument of conveyance recorded in the office of the county recorder.

- L. Non-conforming Lot - A lot, the area, width, or other characteristics of which fail to meet the requirements of the district in which located, but which was of record prior to enactment of a zoning resolution or was in conformance and of record prior to an amendment thereto.
- M. Rear, back, or flag lot – means a lot which is located to the rear of another parcel of land and shall be connected to a public road by one (1) fee simple access strip which is a part of said lot. (Added 11/6/2009)

"Manufactured Home" - Manufactured Home means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards. (Amended 9/20/2002)

~~**"Modular Home"** - Modular Home means Modular-homes-are-houses a type of industrialized unit built off-site, usually in a factory or other an indoor, quality-controlled setting. Modular-homes and which is are-completed fabricated in sections called-modules, according to specific plans. These sections are then transported to the site where they are assembled by builders and installed into upon a the foundations. Modular homes can be governed by local or state building codes.~~

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"Memorial Parks" - Memorial Parks, cemeteries, and graveyards shall be defined as a burial place for human beings.

"Mobile Home" - Mobile Home means a structure or non-self-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 non-self-propelled vehicle is a "mobile home" whether or not axles, chassis, hitch, wheels, or other appurtenances of mobility have been removed and regardless of the nature of the foundation provided.

"Monopole" – Monopole means a single, slender and typically cylindrical, vertical structure. See Article XVI, Section 1601.01(B). (Added 6/15/17)

"Non-Conforming Building or Structure" - Non-Conforming Building or Structure is a building or structure lawfully existing at the time of enactment of this resolution or subsequent amendments, which does not conform to the regulations of the district in which it is situated or other applicable provisions of this resolution.

"Non-Conforming Use" - Non-Conforming Use is a use of land lawfully existing at the time of enactment of this resolution or subsequent amendments, which does not conform to the regulations of the district in which it is situated or other applicable provisions of this resolution.

"Nursing Home" - Nursing Home means a home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care, and of individuals who require personal assistance but not skilled nursing care. A nursing home is licensed to provide

personal assistance and skilled nursing care.

"Open Space" - Open Space means a totally unobstructed area on a lot that does not have any permanent or temporary buildings, structures, or parking lots.

"Parking Lot" - Parking Lot means an off-street area, including driveways and aisles, designed for parking of vehicles.

"Parking Space" - Parking Space means an off-street space designed for parking of vehicles in association with a specific use.

"Patio" - Patio means a structure with a level, surfaced area consisting of concrete, pavers, stone or gravel with or without walls or a roof that is attached or is directly adjacent to a building. (Added 12/16/2010)

"Permanent Foundation" - Permanent Foundation means a footer or foundation consisting of masonry, concrete or such other materials approved by the local building authority in accordance with the applicable building code to which a building or structure shall be affixed. (Amended 9/20/2002)

"Ponds" - (Deleted 3/17/1995)

"Principal Use" - Principal Use means the main use to which the premises are devoted and the main purpose for which the premises exist.

"Private Road or Street" - Private Road or Street means a road that is not a public road or street. (Amended 12/16/2010)

"Produce" - Produce means fresh fruit and vegetables, eggs, grains, herbs, honey, maple syrup, and milk.

"Public Road or Street" - Public Road or Street means a state, county, or township road as defined in O.R.C. Section 5535.01.

"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.

"Residential Recreational Courts" - means an accessory structure within a residential zoning district for tennis, basketball, volleyball, shuffleboard or similar activities including any combination thereof and used or intended to be used solely by the members of the residence and their guests for recreational purposes without payment of any fee. (Added 5/17/2007)

"Retention Pond" - Retention Pond means a conventional wet pond that has a permanent pool of water and may or may not have the capacity of detention or peak-flow storage. (Added 9/20/2002)

"Right-of-Way" - Right-of-Way means all land included within an area dedicated to public use as a road or street, or land recorded as an easement for private use as a road or street, for ingress and egress. (Amended 12/16/2010)

"Roof Mounted Solar Panel" – Roof Mounted Solar Panel means a solar panel or an array of solar panels attached to the roof of a principal or accessory building. See Article XVI, Section 1600.01(B). (Added 6/15/17)

"School" - School means any public school chartered by the Ohio Board of Regents or conforming to minimum standards prescribed by the State Board of Education and any private or parochial school certified by the Ohio Department of Education which offers state approved courses of instruction. (Amended 12/16/2010)

"Seat" - Seat is for the purpose of determining the number of off-street parking spaces for certain uses. The number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

"Self-Service Storage Facility" - "Self-service storage facility" means any real property that is designed and used only for the purpose of renting or leasing individual storage space in the facility under the following conditions:

1. The occupants have access to the storage space only for the purpose of storing and removing personal property;
2. The owner does not issue a warehouse receipt, bill of lading, or other document of title, as defined in division (O) of section 1301.01 of the Ohio Revised Code, for the personal property stored in the storage space.
3. The property has fifty or more individual storage spaces. (Added 12/19/2003)

"Service Station" - Service Station means buildings and premises where fuel, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered and sales made:

- A. Sales and service of spark plugs, batteries, and distributors parts.
- B. Tire servicing and repair, but not recapping or regrooving.
- C. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like.
- D. Radiator cleaning and flushing.
- E. Washing, polishing, and sale of washing and polishing materials.
- F. Greasing and lubrication.
- G. Providing and repairing fuel pumps, oil pumps, and lines.
- H. Minor servicing and repair of carburetors.
- I. Adjusting and repairing brakes.

- J. Minor motor adjustment not involving removal of the head or crankcase.
- K. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations.
- L. Provision of road maps and other informational material to customers; and the provision of restroom facilities.
- M. Warranty maintenance and safety inspections.
(Amended 12/19/2003)

"Setback Line" - Setback Line means a line parallel to and measured from the front lot line and defines the area in which no building or structure shall be located.

- A. Front Setback Line - An imaginary line parallel to the front lot line extending the full width of the lot, representing the minimum distance which all or any part of any structure or building is to be set back from the front lot line.
- B. Side Setback Line - An imaginary line parallel to any side lot line representing the minimum distance which all or any part of any principal building is to be set back from the side lot line.
- C. Rear Setback Line - An imaginary line parallel to any rear lot line representing the minimum distance which all or any part of any principal buildings is to be set back from the rear lot line.

"Sewers, Central" - Central Sewer System means a sewage disposal system which provides a collection network and central treatment facility for a single development, community or region subject to the approval of health and sanitation officials having jurisdiction.

"Sewage Disposal System, On-Site" - Sewage Disposal System, On-Site means a septic tank or similar installation on an individual lot which provides for the processing of sewage and disposal of the effluent.

"Shadow Flicker" - Shadow Flicker means the on and off shadow effect caused when the sun passes behind the blades attached to a wind turbine that is cast across the ground, buildings, or structures. See Article XVI, Section 1601.01(C). (Added 6/15/17)

"Sign" - Sign means a structure or part of a building or surface or any device or part thereof which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction, or advertisement.

"Soil Map" - Soil Map is part of the Chardon Township Land Use Plan containing explanatory data consisting of surface geology, soil types, slope classes, and significant features such as rivers, streams, quarries, etc.

"Solar Panel" - Solar Panel means a photovoltaic panel or collector device, including any accessory equipment and mounting structures or hardware, which relies upon solar radiation as an energy source for the generation of electricity or heating. See Article XVI, Section 1600.01(C). (Amended 6/15/17)

"Solar Panel Array" – Solar Panel array means an integrated assembly of solar panels with a support structure or foundation and other components. See Article XVI, Section 1600.01(D). (Added 6/15/17)

"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 of its height is located above the finished grade level of the adjacent ground.

"Street or Road" - Street or Road means a right-of-way dedicated to public use or a private right-of-way in private ownership which provides the principal means of ingress and egress to abutting property.

"Structure" - Structure means anything constructed, the use of which requires location on the ground or attachment to something having location on the ground.

"Structural Alteration" - Structural Alteration means any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

"Swimming Pool" - Swimming Pool means a permanent open tank or other structure designed to contain a depth of at least three (3) feet of water at any point.

"Township" - Township means Chardon Township, Geauga County, Ohio.

"Trustees" - Trustees means the board of trustees of the township.

"Variance" - Variance means a modification of the strict terms of this resolution where such modifications will not be contrary to the public interest and, where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this resolution would result in unnecessary hardship. Variances may be granted only after the applicant has followed the procedures as stated in Article XII.

"Vehicle" - Vehicle means anything which is or has been on wheels, runners or tracks and is customarily used for moving, hauling, digging, and /or transportation of people, animals, equipment, and materials.

"Vehicle Repair" - Vehicle Repair means the repair, rebuilding, and reconditioning of motor vehicles, mobile homes, or farm implements including collision service, painting, and steam cleaning of vehicles.

"Vehicle Sales" - Vehicle Sales means the sale, lease or rental of new or used motor vehicles, mobile homes, or farm implements.

"War Games and / or Survival Games" - War Games and / or Survival Games means activities conducted outdoors which involve simulated military actions using firearms, simulated firearms, explosives, simulated explosives, weapons, and simulated weapons of all kinds.

"Water, Central" - Central Water System means a system having one or more wells or other sources of water supply joined together by pipelines so as to form a water distribution system for a single

development, community, or region subject to the approval of health and sanitation officials having jurisdiction.

"Wind Energy Conversion System (WECS)" – Wind Energy Conversion System (WECS) means equipment that converts and then stores or transforms kinetic energy from the wind into usable forms of energy. Such equipment includes, but is not limited to, an anchor base, airfoil, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wiring, inverter, batteries, or any other components used in the system. A WECS may include equipment that is used for pond aeration and/or pumping water. See Article XVI, Section 1601.01(D). (Added 6/15/17)

"Wind Energy Conversion System Tower" – Wind Energy Conversion System Tower means a monopole that may be freestanding or attached to a building that supports a wind turbine. See Article XVI, Section 1601.01(E). (Added 6/15/17)

"Wind Turbine" – Wind Turbine means the parts of a wind energy conversion system including the blades or airfoils and associated mechanical and electrical conversion components mounted to a wind tower or a building. See Article XVI, Section 1601.01(F). (Added 6/15/17)

"Wireless Telecommunications Facilities Definitions" - See Section 1705.00 (Amended 8/15/1997)

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

- A. Front Yard - A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
- B. Rear Yard - A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
- C. Side Yard - A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

"Zoning Certificate" - Zoning Certificate means a permit issued by the township zoning inspector in accordance with the regulations specified in this resolution.

"Zoning Map" - Zoning Map means the official zoning map of the township which shows the boundaries of the zoning districts established in this resolution.

10/12/2022

Geauga Co. Planning Dept.

Attn: Planning Commission Members

Dear Members,

I ask that you consider a change in your subdivision regulations. Your requirements that any "subdivided lot containing more than 5 acres and up to and including 20 acres shall be submitted to planning commission and Health Dept. for approval" has caused an undue hardship and expense to the property owners in Geauga County. All of our surrounding counties have a 5ac or less rule for Health Dept. approval and planning review. Geauga's rule has been a problem for many landowners especially in the more rural eastern half of the county where an owner may wish to sell a 10-15 acre hayfield to their neighbor. It also tends to cause irregular lot lines being drawn to comply with the 20+ acre rule to avoid the added expense involved in hiring a site planner, a soil scientist, a health dept. permit, and a planning review fee, just to be able to sell a 10 acre hay or corn field. This easily adds an additional \$2500 - \$3000 unnecessary expense per lot when dividing properties. I would ask that you seriously consider returning to the 5 acre rule that Geauga once had and align us with our surrounding counties once again. On behalf of all Geauga County property owners I thank you for your time and consideration of this matter.

Sincerely,



Mark J. Dolezal

M D Realty

Middlefield, Ohio

- d. **Cul-de-sac:** means a local street one end of which connects with another street and the other end of which terminates in a vehicular turnaround the construction of which conforms with the rules, regulations, and standard specifications for road improvements adopted by the board of county commissioners pursuant to R.C. 711.101.
- e. **Local:** means a street used primarily for access to residential or other abutting property and to serve local needs.
- f. **Loop:** means a type of local street each end of which terminates at an intersection with the same arterial, collector, or local street.
- g. **Marginal:** means a local or collector street providing access to abutting properties and protection from arterial or collector streets.

Street or Road Line: means the street or road right-of-way line or margin.

Structure: shall be as defined in the applicable township zoning resolution. If there is no township zoning resolution in effect, "structure" shall mean anything constructed or erected that requires location on the ground or is attached to something having location on the ground.

Subdivision: means either of the following:

- a. The division of any parcel of land shown as a unit or as contiguous units on the last preceding general tax list and duplicate of real and public utility property, into two or more parcels, sites, or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the following are exempt:
 - (1) A division or partition of land into parcels of more than twenty (20) acres not involving any new streets or easements of access;
 - (2) The sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites;
 - (3) The division or partition of land into parcels of more than five (5) acres and up to and including twenty (20) acres not involving any new streets or easements of access, provided it is determined pursuant to these regulations that such parcels are to be used only for agricultural or personal recreational purposes.
- b. The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any public or private street or streets, except private streets serving industrial structures, or involving the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders or as easements for the extension and maintenance of public or private sewer, water, storm drainage, or other similar facilities.

Subdivision, Large Lot: notwithstanding anything to the contrary in sections 711.001 to 711.13 of the Ohio Revised Code and pursuant to section 711.133 of said Code, a proposed division of a parcel of land along an existing public street, not involving the opening, widening, or extension of any street or road and involving the establishment of a lot that contains more than five acres and up to and including twenty (20) acres shall be submitted to the planning commission for approval without plat in accordance with these regulations. Provided, however,

Ashtabula Co.
5 AC.

SUBDIVISION REGULATIONS - page 27

Sections 330 - 349

MINOR SUBDIVISIONS (LOT SPLITS)

- 330 DEFINITION.
- 331 CRITERIA.
- 332 MEETING.
- 334 SUBMISSION REQUIREMENTS.
- 335 ORIGINAL TRACT.
- 336 LIMITATIONS.
- 338 APPROVAL.

Cross References: Old Regs 330 (all); Sec. 310-329, 1999 Regs.; ORC 711.131

330 DEFINITION.

A minor subdivision, also known as a lot split, is an established, regulatory process of review and approval of a division of land into two or more divisions without necessity of platting.

331 CRITERIA.

Following are hereby set forth as required criteria of approval for all minor subdivisions.

- 331.01 **Approval Authority.** Pursuant to Chapter 711 of the Ohio Revised Code, the authority to review and approve applications for minor subdivisions shall be, and is hereby vested in the Ashtabula County Planning Commission. For reasons of technical and effective review in the ordinary course of business, the Ashtabula County Planning Commission hereby names the Director of the Ashtabula County Department of Planning, or the person holding such successor position, as its properly designated planning authority to so review and approve applications for approval of minor subdivisions in accordance with these regulations.
- 331.02 **Application Procedure.** A proposed division of a parcel of land may be submitted to the planning authority acting as the properly designated representative of the Ashtabula County Planning Commission for review and approval without necessity of platting.
- 331.03 **Location.** To qualify for subdivision approval without necessity of platting, a proposed division of a parcel of land shall not involve the opening, widening, or extension of any street or road; nor shall it involve, and be intended to conclude with, more than five lots or other divisions of land after the original tract has been completely subdivided, meaning no more than four new divisions of land and one remainder parcel shall result from approval of a minor subdivision.
- 331.04 **Review Criteria.** A proposed division of a parcel of land shall not be contrary to applicable platting, subdividing, zoning, health, sanitary, or access management regulations, or regulations adopted under Division 307.37 (B) (3) of the Ohio Revised Code regarding existing surface or subsurface drainage, including, but not limited to, rules governing household sewage disposal systems.
- 331.05 **Documentation.** The planning authority acting as the properly designated representative of the Ashtabula County Planning Commission may require the submission of a sketch and other information that may be pertinent to its finding.

April 5, 2007

LOT SPLIT APPLICATION

Name of Applicant _____ Date _____

Address of Property to be Split _____ Township _____

Mailing Address _____

Parcel ID#(s) _____ Phone # _____

Yes No

- Have you contacted your local zoning department? Your local zoning may have rules that prevent a lot split.
- Is the property accessible to sanitary sewers? If yes, no further action needed by this Department, proceed to Planning Commission.
- Is the property residential? If not, no further action needed by this Department, proceed to Planning Commission.
- When split, will all parcels be greater than 5.0 acres? If yes, no further action needed by this Department, proceed to Planning Commission.

If split, will parcel(s) be vacant (no dwelling) or have an existing dwelling(s)?

Vacant Lot

- Submit completed Application for Septic Permit (Blue Card)
- Submit current Site Evaluation Fee
- Stake/Mark 4 corners of the proposed lot (property lines)
- Submit scaled drawing that includes:
 - o Narrative
 - o Acreage of proposed lot(s)
 - o Soil Report
 - o All lots will be sited for three (3) bedroom home unless otherwise noted. This will be a lot restriction.

Existing Dwelling Lot

- Submit completed Application for Septic Permit (Blue Card)
- Submit current Site Evaluation Fee
- Submit scaled drawing that includes:
 - o Narrative
 - o Acreage of proposed lot(s)
 - o Proposed lot lines with detail on site conditions including drainage features, as well as, location of easements, utilities, current septic system, all structures, wells, foundations, roads, and water bodies.

Narrative (Explain Your Plans for the Property)

***** For TCCDH Use Only *****

- Lot split acceptable
- Lot split not acceptable
- Lot unbuildable

Reviewing Sanitarian

Date



PROCEDURES FOR RECORDING MINOR SUBDIVISIONS
(Also known as Administrative Subdivision Approvals)
(Lot splits less than 5 acres)

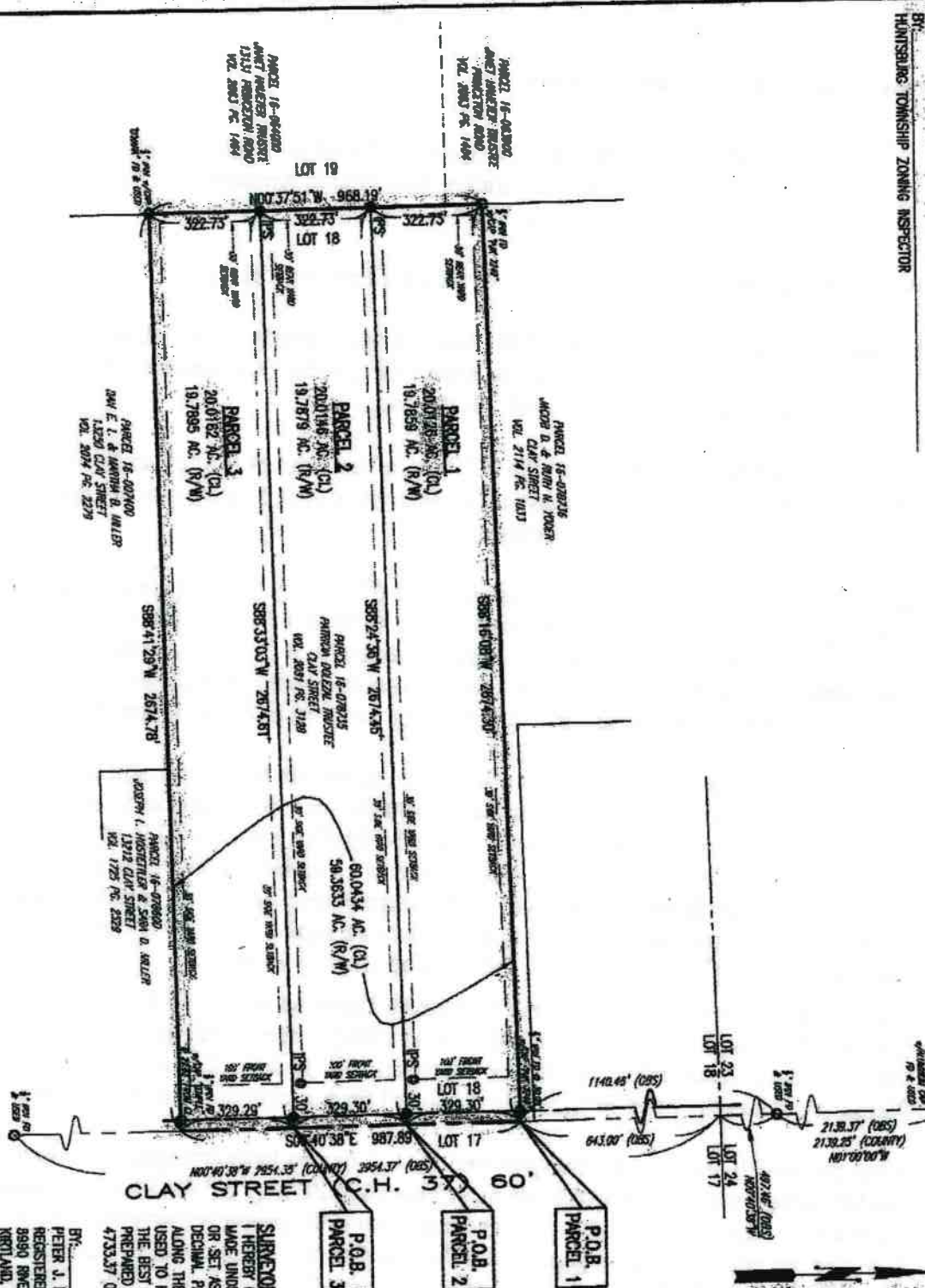
1. Make a file or get a big manila envelope to keep all papers together.
2. Decide the general size and shape of the new parcels. Show your sketch to the Township Zoning Inspector to make sure the parcels meet the zoning requirements. You may want to contact a surveyor to help you work out the boundaries.
3. Go to the Tax Map Department on the 3rd Floor of the County Administration Building, 449 South Meridian Street. Purchase a Tax Map page including the parcels to be split and sketch your new parcel boundaries on it.
4. Go to the Regional Planning Commission on the 6th Floor of the County Administration Building, 449 South Meridian Street and show it to the staff to make sure it complies with the Portage County Subdivision Regulations and to pick up an Application for Administrative Subdivision Approval (also known as a Minor Subdivision). The application form is also available at: <http://pcrpc.org/subdivisionsforms.html>
5. If central sewer is *not available*: Take the sketch to the Health Department at 705 Oakwood, Ravenna, (2nd floor) to get the information needed for approval of a home sewage treatment system (septic system). The Health Department will keep the Tax Map for their records. Every new lot under 5 acres must have the Health Department's approval for a new home sewage treatment system unless central sewer is available. Approval will be provided in the form of a letter or a signature on the 2nd page of Regional Planning's Administrative Subdivision Approval form.

If sewer is *available*: Go to the Water Resources Department at 8116 Infirmary Rd., Shalersville Township, and show them your Tax Map parcel sketch to determine if the lot(s) can tie-in to central sewer. Water Resources will sign the 2nd page of Regional Planning's Administrative Subdivision Approval form if central sewer is available.
6. After the Health Department has approved the lots or you have arranged to tie-in to sanitary sewer and you know the lots meet Township Zoning and the Portage County Subdivision Regulations, make arrangements to have the property surveyed. If the surveyor has any questions regarding the Portage County Subdivision Regulations, have him or her call the Portage County Regional Planning Commission at (330) 297-3613.
7. When the surveyor has finished, get the ORIGINAL MYLAR DRAWING from the surveyor along with the legal description for each new lot. Take the survey drawing to the Zoning Inspector for his or her signature. Have deeds prepared from legal descriptions if you are prepared to transfer the property.
8. Bring the original survey drawing, deeds or legal descriptions, signed application form and fee of \$150.00 + \$25.00 per lot when over 2 lots to the Portage County Regional

#1 Split - Deneck

HUNTSBURG TOWNSHIP INSPECTOR APPROVAL:
 THIS DIVISION OF LAND COMPLES WITH THE APPLICABLE HUNTSBURG
 TOWNSHIP ZONING RESOLUTION, THIS DAY OF 20
 BY: HUNTSBURG TOWNSHIP ZONING INSPECTOR

PIONEER RD (T.R. 116) 60'
 (FORMERLY KNOWN AS HELL RD)



PLAT OF LOT SPLIT 21-175

FOR PATRICIA DOLEZAL TRUSTEE
 SITUATED IN THE TOWNSHIP OF HUNTSBURG, COUNTY OF GEauga,
 AND STATE OF OHIO, AND KNOWN AS BEING A PART OF LOT NO. 18

Scale: 1" = 300'

BASIS OF BEARINGS:
 ARE TO ASSIGNED MERIDIAN ALONG THE CENTRELINE
 OF CLAY STREET, N01°00'00"W
 ALL IRON PINS SET ARE 8"X30" REBAR WITH
 CAP "P.K. 724d"

REFERENCES:
 1.) DEEDS OF RECORD.
 2.) SEPTEMBER 2019 PLAT OF SURVEY (DOLEZAL)
 3.) CLAY STREET T.R. 53 SECTION A GEauga COUNTY
 ENGINEER FIELD BOOK 146.

Survey Plat & Description
 Approved Per O.R. C. 315.251
 George County Engineer
 Stephen M. Deneck, T.S. 04667070

By: S.H. Deneck, JEFFREY
 21-175



SURVEYOR'S CERTIFICATION
 I HEREBY CERTIFY THIS PLAT WAS PREPARED FROM FIELD SURVEY
 MADE UNDER MY DIRECT SUPERVISION. MONUMENTS WERE FOUND
 OR SET AS INDICATED. DIMENSIONS ARE EXPRESSED IN FEET AND
 DECIMAL PARTS THEREOF. BEARINGS REFER TO ASSIGNED MERIDIAN
 ALONG THE CENTRELINE OF CLAY STREET, N01°00'00"W AND ARE
 USED TO INDICATE ANGLES ONLY. ALL OF WHICH ARE CORRECT TO
 THE BEST OF MY KNOWLEDGE AND BELIEF. THIS PLAT WAS
 PREPARED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER
 4733.37 OF THE OHIO ADMINISTRATIVE CODE NOVEMBER 24, 2021.

BY: PETER J. KNEZEVIC
 REGISTERED SURVEYOR #7246
 8990 RIVERWOOD WAY
 KENTLAND, OHIO 44094
 CELL: 440.479.6834

PARCEL 18-020100
 DAN E. L. & MARTHA B. HALLER
 13250 CLAY STREET
 VOL. 2004 FC. 2279

PARCEL 3
 20,0162 AC. (Q/L)
 19,7895 AC. (R/W)

PARCEL 2
 20,0136 AC. (Q/L)
 19,7879 AC. (R/W)

PARCEL 1
 20,0128 AC. (Q/L)
 19,7659 AC. (R/W)

PARCEL 15-020216
 ANDREW D. & JUDITH M. JOHNSON
 VOL. 2114 FC. 1013

PARCEL 15-020215
 PHILIPPA DOLEZAL TRUSTEE
 VOL. 2001 FC. 1189

PARCEL 16-020660
 JOSEPH I. HANSEN & SON D. HALLER
 VOL. 1792 FC. 2329

PARCEL 15-020200
 ANDREW D. & JUDITH M. JOHNSON
 VOL. 2003 FC. 1494

PARCEL 15-020200
 ANDREW D. & JUDITH M. JOHNSON
 VOL. 2003 FC. 1494