

R-1 — Residential District

Article V. **R-1 — Residential District**Section 5.00 *Purpose*

To provide for low-density residential development and thereby protecting the quality of the limited natural resources available in the township, maximum density shall be no more than one single-family detached dwelling unit per each three (3) acres.

Section 5.01 *Permitted Principal Buildings, Structures, and Uses*

Single family detached dwellings, including manufactured buildings (other than mobile homes). There shall be no more than one (1) single family detached dwelling on a lot.

Section 5.02 *Permitted Accessory Buildings, Structures, and Uses*

- A. The following permitted accessory buildings, structures, and uses which are incidental or subordinate to the principal permitted building, structure, or use shall require the issuance of a Zoning Certificate.
1. Wind system devices.
 2. Off-street parking spaces in accordance with Article XI and shall have a minimum setback of sixty- (60) feet from the edge of the road right-of-way and ten (10) feet from a side lot line.
 3. Private garages designed and used for the storage of motor vehicles owned and/or operated by the occupants of the principal building or structure and in accordance with the following regulations:
 - a. Attached garage(s) shall not exceed fifty (50%) percent of the total floor area of the principal building or structure.
 - b. A detached garage shall not exceed twelve hundred eighty (1280) square feet or five hundred (500) square feet per acre per lot, whichever is greater. There shall be only one (1) detached garage per lot.
 4. Radio antenna, television antenna or dish antennas in accordance with Section 5.07.
 5. Storage buildings designed and used for the storage of tools and equipment owned by the occupants of the principal building or structure. The floor area of a storage building shall not exceed twelve hundred eighty (1280) square feet or 500 sq. ft per acre, whichever is larger. There shall be only one (1) storage building per lot.

6. Swimming pools, in accordance with the following regulations:
 - a. 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.
 - b. A swimming pool shall not be located closer than forty (40) feet to any property line.
 - c. A swimming pool shall be completely enclosed by a fence at least four (4) feet in height. Portable swimming pools with a diameter less than eight (8) feet or with an area of less than fifty (50) square feet are exempt from the requirements of this section.

7. Class I Home Occupations: This section of the resolution is designed to accommodate home occupations that are deemed to be of minimal impact to the residential area where they are located.

The following uses are permitted, subject to the regulations listed below:

- Accounting
- Appraiser
- Architect
- Art, dance and music lessons
- Artist and home crafters
- Attorney
- Authors
- Baking/Confections
- Clerical and administrative services
- Computer and software design
- Engineer
- Financial services
- Home and office cleaning services
- Insurance agent
- Internet sales and consulting
- Personal training
- Photographer
- Realtor
- Sales person
- Seamstress and tailoring
- Surveyor
- Teacher/tutor
- Telemarketer

Regulations for permitted home occupations: variations from these regulations may be obtained by applying for a conditional use under § 5.03:

1.
 - a. A home occupation may be established only within a dwelling unit or existing permitted accessory building or structure in conjunction with the dwelling unit. The occupation shall be carried on wholly within the dwelling unit or existing building. Only one (1) home occupation may be established on a lot.
 - b. No home occupation may be established unless the person(s) conducting the home occupation resides on the premises. 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.

- c. There shall be no change in the exterior appearance of a dwelling unit or existing permitted accessory building or structure in conjunction with 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, Section 12.05(A)(3);
 - d. Off-street parking spaces shall be provided in accordance with Article XI.
 - e. No offensive noise, vibration, smoke, dust, odors, heat, glare, or vehicular traffic in variance with the residential character of the neighborhood shall be permitted.
 - f. The dwelling unit or existing permitted accessory building or structure in conjunction with 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.
 - g. No more than one (1) person outside the family may be employed or engaged in a home occupation.
 - h. Articles offered for sale on the premises shall be limited to those produced in the dwelling unit or existing permitted accessory building or structure in conjunction with the dwelling unit.
 - i. No outside storage is permitted.
 - j. There shall be no more than 2 (two) clients, customers, students or vendors at a time and no more than one truck pickup or delivery a day.
- B. Adult Family Home [R.C. 3722.01 (A)(7)] and Licensed Residential Facility [R.C. 5123.19 (A) (1) (a)].
- 1. Requirements for an adult family home as defined in R.C. 3722.01 (A)(7) or a Licensed Residential Facility as defined in R.C. 5123.19 (A) (1) (a) shall include the following:
 - a. The area, height, and yard requirements for the residential district in which it is located shall be met.
 - b. Proof of compliance with applicable state regulations regarding licensing of the facility shall be provided.
 - c. In order to limit excessive concentration, no Adult Family Home or Licensed Residential Facility shall be located within a 1 mile radius of another such Adult Family Home or Licensed Residential Facility.
 - d. The number of persons allowed in an adult family home or Licensed Residential Facility shall be as regulated by R.C. 5123.19 or R.C. 3722.01.

- C. The following permitted accessory buildings, structures and uses which are incidental or subordinate to the principal building, structure or use shall not require the issuance of a Zoning Certificate.
1. Storing and utilization of trees and logs which are used exclusively by the occupants of the lot strictly for firewood consumption, construction, and woodworking hobbyists' activities.
 2. Swing sets and recreational equipment
 3. Chimneys
 4. Uncovered steps.
 5. Awnings or canopies over windows and doors.
 6. Sheds
 - a. There shall be only two (2) sheds per lot.
 - b. Sheds shall only be located in side or rear yards of the principal building.

Section 5.03 *Conditional Buildings, Structures and Uses*

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

A. Class II Home Occupation:

This section of the resolution is designed to accommodate home occupations deemed to have the potential for adverse impact on the surrounding residential area and, therefore, require Board of Zoning Appeals (BZA) review and approval.

1. Class II Home Occupations are limited to the following:
 - Cabinet Making/Woodworking
 - Catering
 - Day Care
 - Doctors/Dentists
 - Gun Repair
 - Home Electronics/Small Appliance Repair
 - Licensed Medical Provider/Health Care
 - Mail Order Sales
 - Pet Grooming Beauty Salon/Barber

- Taxidermy
- Veterinarian

2. Conditions for Class II Home Occupations:

- a. A home occupation may be established only within a dwelling unit or existing permitted accessory building or structure in conjunction with the dwelling unit. The occupation shall be carried on wholly within the dwelling unit or existing building. Only one (1) home occupation may be established at a residence.
- b. No home occupation may be established unless the person(s) conducting the home occupation resides on the premises. 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.
- c. There shall be no change in the exterior appearance of a dwelling unit or existing permitted accessory building or structure in conjunction with 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, Section 12.05(A)(3);
- d. Off-street parking spaces shall be provided in accordance with Article XI.
- e. No offensive noise, vibration, smoke, dust, odors, heat, glare, or vehicular traffic in variance with the residential character of the neighborhood shall be permitted.
- f. The dwelling unit or existing permitted accessory building or structure in conjunction with 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.
- g. No more than one (1) person outside the family may be employed or engaged in a home occupation.
- h. Articles offered for sale on the premises shall be limited to those produced in the dwelling unit or existing permitted accessory building or structure in conjunction with the dwelling unit.
- i. No outside storage is permitted.
- j. There shall be no more than 2 (two) clients, customers, or vendors at the business at a time.

B. Conditions for Churches

1. No part of any building or lot shall be used for business, commercial, or non-church sponsored activities.
2. A church shall conform with all of the regulations for the zoning district in which it is located.
3. The number of off-street parking spaces shall be in accordance with Article XI.
4. There shall be no parking in the road right-of-way.
5. Signs shall be in accordance with Article XII.
6. Lot coverage shall not exceed forty (40) percent.

C. Conditions for Schools, Township and other governmental buildings

1. Buildings or land shall only be used for school, township, or other governmental related activities.
2. Schools, township and other governmental buildings shall conform with all of the regulations for the zoning district in which they are located.
3. The number of off-street parking spaces shall be in accordance with Article XI.
4. Signs shall be in accordance with Article XII.

D. Conditions for Conservation Open Space (COS)

1. Purpose: The purpose of COS Development shall be to allow for a more flexible arrangement of lots compared to conventional subdivision development that will: (a) provide a safety buffer between major thoroughfares and residential areas, (b) afford through design flexibility the opportunity to offset any existing or potential adverse impacts of adjacent nonresidential land uses, utilities, and major thoroughfares, and (c) maximize preservation of natural resources of the township such as jurisdictional wetlands, flood plains, ponds, lakes, waterways, and groundwater recharge areas, steep slopes, wildlife habitat, prime farmland, and other environmentally sensitive lands. COS Development shall be limited to real property with frontage along a major thoroughfare.
2. Conditions for Conservation Open Space (COS) Development: In order to satisfy the purpose of this section, a COS Development shall comply with the following conditions as well as the general conditions set forth in Section 10.08 of this Resolution.
 - a. COS Development shall be limited to real property with frontage along a major thoroughfare.

- b. Except as otherwise provided herein, all buildings, structures, and uses shall comply with the regulations set forth in Article V of this Resolution.
- c. The maximum overall density of dwelling units within a COS Development shall not exceed one unit per three acres. The maximum number of housing units permitted in a COS shall be calculated by the following:

(Total Site Area x 95%) / 3; rounded down to the nearest whole number.

Total Site Area shall be based upon a survey of the premises. A factor of 95% is used to account for public or private right of ways in a development. There shall be no more than one single family detached dwelling unit on each lot.

- d. The COS Development shall be subdivided into lots and each lot shall have frontage on an existing or proposed dedicated public road right-of-way. There shall be no private road right of ways. There shall be only one access road allowing ingress and egress to and from the affected main route. Proposed dedicated public road right of ways shall be constructed in accordance with the rules, regulations, and standard specifications for subdivision roads enforced by the Geauga County Engineer and adopted by the Geauga County Board of Commissioners pursuant to R.C. 711.101. The proposed dedicated public road right of way should be setback one hundred (100) feet from adjacent or abutting B-1 or M-1 districts located on the same side of the a major thoroughfare.
- e. Each lot shall not be less than 2.75 acres in area, provided however, a 2.25-acre minimum lot area is allowed for 15% of the lots in the total development. This reduction in lot area shall in no way increase the maximum overall density of one single family detached dwelling unit per three acres pursuant to Section 5.05 of this Zoning Resolution.
- f. The minimum front, side, rear, and corner side yards shall be in accordance with Section 5.05 Residential District R-1 except whenever a side yard, a rear yard, or corner side yard is adjacent to a commercial or industrial district or to a lot line of a lot used for commercial or industrial purposes the applicable minimum set back shall be not less than one hundred fifty (150) feet.
- g. The minimum lot width for a COS Development shall be as specified in Section 5.08.
- h. No building, structure, driveway or use except for decorative fencing, landscaping, and identification signage shall be located within a common buffer zone area having a minimum depth of 200 feet measured from the edge of the road right of way. All common areas and buffer zones shall be fully landscaped within 18 months from the date of issuance of conditional Zoning Certificate. Existing buildings, structures, driveways and uses within

the two hundred (200) feet common buffer zone must be removed within eighteen (18) months from the date of issuance of the Conditional Use Permit. If a buffer zone contains an earthen mound it shall be a minimum of eight (8) feet in height from existing grade with mow able side slopes, and contain densely planted vegetation thereon providing an effective year-round visual screen. Existing vegetation within the common buffer zone and open space shall be preserved to the maximum possible extent pursuant to the site plan. Landscaping shall be continuously maintained and promptly restored as necessary. Any proposed open space areas shall be reviewed by the Board of Zoning Appeals to ensure that wetlands, floodplains, ponds, lakes, waterways, prime farmland, groundwater recharge areas, steep slopes, wildlife habitat locations, and similar environmentally sensitive land is preserved and protected.

- i. Where a COS Development abuts developed lot(s) within a B-1 Commercial/Business District or an M-1 Industrial District, a strip of land densely planted with trees or mounded shall be maintained along the boundary line, as to form a year round dense visual screen. The visual screen shall have a minimum height of eight (8) feet from existing grade to effectively screen the view of the residential district from the adjacent B-1 or M-1 Districts.
- j. All sewage and water facilities serving COS Development shall be in accordance with the rules and regulations according to applicable governmental agency and proof of compliance with said rules or regulations shall be provided with the submission of an application for a conditional Zoning Certificate pursuant to Section 10.01 of this Resolution. The site plan for the premises required by Section 10.01 of this Resolution shall include the location of the dwelling unit, the on-site sewage disposal system, and the water well on each lot.
- k. Off-street parking spaces and driveways shall be in accordance with Article XI of this Resolution.
- l. Signage shall be accordance with Article XII of this Resolution.
- m. Ponds or lakes within a COS Development shall be equipped with dry fire hydrants, in accordance with Section 5.06 (G)
- n. Zoning Certificate required: Prior to the location construction or reconstruction of any building or structure or change in use within a COS Development, the affected lot owner or legal representative shall first apply for a Zoning Certificate from the Newbury Zoning Inspector. Such Zoning Certificate shall be issued if the inspector determines that the proposed building, structure, or use complies with the conditional Zoning Certificate issued for the COS Development and this Resolution.

- o. As a part of an application for a conditional Zoning Certificate the applicant shall provide documentation as to the formation of a non-profit homeowners' association or similar acceptable legal entity that will ultimately take title to the common buffer area and open space areas within the COS development upon recording of the plat thereof. All of the lot owners within the development shall belong to the association. The homeowners' association or similar acceptable legal entity shall be solely responsible for the care and maintenance of the common buffer zone and open space areas. A declaration of covenants and restrictions shall also be prepared and submitted with the conditional Zoning Certificate application for the COS Development and ultimately recorded. The declaration shall also ensure that common buffer zone and open space areas are not subdivided or changed in use. The Board of Zoning Appeals may refer the articles of incorporation relating to the homeowners' association and the declaration to its legal counsel for review.

- p. The site plan required pursuant to Section 10.01 (I) and Section 10.01 (J) of this Resolution shall also show: existing soil conditions based upon an on-site investigation of the premises by a qualified soils scientist or an engineer, driveways, common areas, existing and proposed easements, the configuration of landscape buffers and earthen berms, topographical and drainage features and facilities, and existing and proposed vegetation and tree cover. The Board of Zoning Appeals shall request and review any proposed visual screens or earthen mounds which are meant for the purpose of providing visual or sound barriers between the COS Development and adjacent existing commercial and industrial buildings, structures and uses. The Board of Zoning Appeals may recommend visual screen or earthen mounds to offset any perceived or potential adverse impacts of adjacent nonresidential buildings and structures.

Section 5.04 *First Dwelling area in a split-level of more than one level dwelling.*

The first floor living area in a split-level or more than one level dwelling shall be the total area of two adjacent levels not separated by more than four (4) feet.

Section 5.05 *Minimum Yards, Lot Area, Lot Width and Residential Floor Area; for Buildings, Structures and Uses, including Accessory Buildings, Structures and Uses*

The specific requirements for the residential district are contained in the following tables:

Residential District R-1					
Front Yard Setback from edge of right of way	Side Yard	Rear Yard	Corner Lot Side Yard	Lot Width	Minimum Lot Area
100	30	50	100	200	3 acres

Total Minimum Floor Area In Square Feet For A Single Family Dwelling			
One Story	1 ½ Story	Two Stories	Over two Stories
1200	1800	2200	2400

Pre-existing Non-conforming Lake Communities

Hickory Dale, Punderson Lake Allotment #1 & Development					
Front Yard Setback from edge of right of way	Side Yard	Rear Yard	Corner Lot Side Yard	Lot Width	Minimum Lot Area
40	8	30	40	80	[8000]

Minimum Floor Area in Square Feet			
One Story	1 ½ Story	Two Stories	Over two Stories (*n.r)
900	400/900	600/900	600/900

Kiwanis Lake Subdivision 1 & 2, Restful Lake Allotment					
Front Yard Setback from edge of right of way	Side Yard	Rear Yard	Corner Lot Side Yard	Lot Width	Minimum Lot Area
40	16	30	40	160	[16000]*

* Incl. minimum 100 foot lot depth

Minimum Floor Area in Square Feet			
One Story	1 ½ Story	Two Stories	Over two Stories

			(*n.r)
1100	400/900	600/900	600/900

Section 5.06 *Permitted Buildings, Structures, and Uses in Required Yards*

The following buildings, structures, and uses shall be permitted in the minimum yards set forth in this resolution without a Zoning Certificate, unless otherwise indicated.

- A. Fences and walls in accordance with the following regulations:
 - 1. Fences and walls shall be erected outside of the right-of-way of any public or private road.
 - 2. Fences and walls shall not block or impede clear sight distance of vehicle operators at the intersection of any public or private road.
 - 3. Fences and walls shall not be constructed in any manner likely to cause physical injury.
 - 4. Fences and walls shall not be unsafe, unsightly, or be in danger of falling.
- B. Flagpoles
- C. Mailboxes and newspaper tubes
- D. Ornamental and security lighting fixtures
- E. Signs in accordance with Article XII.
- F. Student bus shelters
 - 1. The maximum floor area for a student bus shelter shall not exceed twelve (12) square feet.
 - 2. There shall be no more than one (1) school bus shelter per lot.
- G. Ponds and fire protection

Any lot owner in the township desiring to construct a pond shall do so in accordance with the following regulations.

- 1. Regulations for construction of ponds

- a. Prior to the construction of any pond the owner shall consult with the Newbury Volunteer Fire Department concerning the need for the installation of a dry fire hydrant.
- b. All ponds shall be a minimum of 100 feet from septic system lines and leach beds and shall be a minimum of 10 feet from any lot lines or road right away.
- c. All ponds shall conform to the guidelines and recommendations of the Geauga Soil and Water Conservation District.

For the purpose of protection of public safety, the developers of a major subdivision shall construct a pond with a dry fire hydrant in accordance with the following regulations.

2. Regulations for dry fire hydrant installation

- a. A dry fire hydrant for fire protection purposes shall be constructed of materials and installed in accordance with the drawing entitled "Dry fire hydrant Assembly" prepared by and maintained by the Newbury Volunteer Fire Department.
- b. Location: A dry fire hydrant shall be installed so that the hydrant head is within a range of 6 to 8 feet of the public road serving the subdivision for accessibility of firefighting equipment. The Newbury Volunteer Fire Department shall have the perpetual right of access to the dry fire hydrant.

3. Application, Review, and Approval

- a. Application for the installation of a dry fire hydrant shall be made to the zoning inspector, who shall forward a copy to the Newbury Volunteer Fire Department within 10 days of receipt.
- b. The application shall be made in writing on a form provided by the zoning inspector relating to an application for a Zoning Certificate and shall include the following.
 - i. Owner's name, address, and telephone number. The address(es) of the affected lot(s) if different from the owner's mailing address.
 - ii. A drawing showing the dimensions of the dry fire hydrant and its installation in relation to the ground and water surfaces.
 - iii. A site plan showing the dimensions of the pond, the distance of the pond to the lot lines, septic system lines and leach beds, and the distance of the pond to adjacent road(s) or driveway(s).
- c. The Newbury Volunteer Fire Department shall recommend approving or denying the application within 15 days of receipt.

- H. Below ground sanitary and drinking water facilities plus above ground sanitary and drinking water facilities except for well heads not exceeding three (3) feet in height as measured from the ground level and in accordance with the following regulations;
- a. The area between the above ground sanitary facility and the road right of way shall require a strip of land that is not less than five (5) feet in width and running the length of the side of the sanitary facility and shall be densely planted with trees and shrubs, or mounded to form a year round dense visual screen from the public road.

Section 5.07 *Maximum Height*

- A. The maximum height of all buildings, structures, and uses except those listed in paragraph B herein shall be two and one-half (2.5) stories or thirty-five (35) feet, whichever is less.
- B. Special maximum heights
1. Belfries, church spires, clock towers, cupolas, chimneys and flagpoles no maximum height requirement.
 2. Radio antenna and/or television antennas shall not exceed ten (10) feet in height above the roof line if attached to a building or structure, or forty-five (45) feet if mounted in the ground. Antenna structures which are used exclusively in the Amateur Radio Service by an amateur radio; operator licensed by the Federal Communications Commission are exempt from this height requirement.
 3. Electrical generating wind system devices shall not exceed fifty (50) feet in height.
 4. In all districts, in any building of one and one-half (1.5) stories or more, the minimum ceiling heights on the second and higher floors shall be seven (7) feet.

Section 5.08 *Minimum Lot Width*

- A. The minimum lot width shall be as specified in the tables of Section 5.05 except for lots located on a cul-de-sac road turnaround.
- B. 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.

Section 5.09 *Rear Lots*

A rear lot shall have a minimum of sixty (60) feet of frontage on a public road with a minimum lot width, measured at the building setback line, to be the same as required for the zoning district in which such lot is located. An access strip, in fee simple, shall be a part of the rear lot but not included in calculating minimum lot area, with minimum width of sixty

(60) feet are to be in common ownership and there shall be only one rear lot to the rear of another lot. Said access strip shall remain unoccupied and unobstructed by any buildings or structures and shall not form a part of the yards required by this resolution. Minimum setback required shall be fifty (50) feet from the rear lot line and thirty (30) feet from all other lot lines. A rear lot shall conform to all of the regulations of the zoning district in which it is located. There shall be no more than one (1) single family detached dwelling located on a rear lot in an "R" district.

Section 5.10 *Trucks and Trailers*

Except for and during actual loading and unloading, no truck or trailer shall be parked on any lot for the receipt, storage, or sale of anything.

Section 5.11 *Exterior Lighting*

All sources of exterior illumination of a building, structure, or lot shall be shielded so as not to cause direct glare and shall be directed away from any perimeter lot lines and toward the principal building, structure, or use on a lot. In order to minimize light trespass, all exterior lighting fixtures with lamps rated at 2,500 lumens or more shall be of the full cutoff type. Such exterior lighting fixtures shall be installed so that they operate at all times as full cutoff fixtures as defined in this resolution.