

## CHAPTER 161

### GENERAL PROVISIONS

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#### 161.01 COMPLIANCE WITH REGULATIONS.

The regulations for each district set forth by this Zoning Resolution shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except hereinafter provided:

- (a) There shall be no more than one single family detached dwelling on a lot of record.  
[Adopted 1/26/2004 - Z-2003-6]

(b) No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located. (See Section 165.10 for exceptions.) [Adopted 9/24/1994 - Z-1994-3] [Adopted 8/2/2004 - Z-2004-2]

- (c) No building or other structure shall be erected or altered:
- (1) To provide for greater height or bulk;
  - (2) To accommodate or house a greater number of families;
  - (3) To occupy a greater percentage of lot area; or
  - (4) To have narrower or smaller rear yards, front yards, side yards or other open spaces; than required herein, or in any other manner be contrary to the provision of this Zoning Resolution.(See Section 165.10 for exceptions.) [Adopted 9/24/1994 - Z-1994-3] [Adopted 8/2/2004 - Z-2004-2]

- (d) No yard or lot existing at the time of passage of this Zoning Resolution shall be reduced in dimension or area below the minimum requirements set forth herein, nor shall any yard about any building or structure be considered as providing a yard for any other building or whether located on the same or another lot. Yards or lots created after the effective date of this Zoning Resolution shall at least meet the minimum requirements set forth herein.

**161.02 MEASUREMENT OF DISTANCES.**

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

In the case of all lots except in residential districts, the minimum lot width shall be required at the building line as well as the front lot line, except any lot fronting on a cul-de-sac need not have one hundred fifty (150) feet at the front lot line but shall have an arc on the front lot line of not less than 100 feet.

**161.03 TEMPORARY BUILDINGS AND CONSTRUCTION TRAILERS.**

Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work shall be permitted in any district only during the actual progress of construction work and shall immediately be removed upon completion of construction. Such buildings shall not be used for dwelling purposes.

**161.04 REQUIRED STREET FRONTAGE.**

Except as may be otherwise specifically provided for in this Zoning Resolution, each lot shall abut a street.

**161.05 ACCESSORY BUILDING CONSTRUCTION.**

No accessory building or structure shall be erected, installed or relocated prior to completion of construction of the main or principal building.

**161.06 ARCHITECTURAL PROJECTIONS.**

Open structures such as porches, canopies, balconies, platforms, carports, covered patios and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard.

#### **161.07 HEIGHT LIMIT EXCEPTIONS.**

The height limitations contained in this Zoning Resolution do not apply to spires, belfries, cupolas, flagpoles, water tanks, windmills, silos, grain elevators, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

#### **161.08 SETBACK FOR CORNER BUILDINGS.**

On a corner lot the principal building and its accessory buildings or structures shall be required to have the same setback distance from all street right-of-way lines as is required for the front yard in the district in which such buildings or structures are located.

#### **161.09 VISIBILITY AT INTERSECTIONS.**

On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of three (3) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along such street lines twenty-five (25) feet from the point of intersection.

#### **161.10 FENCES AND WALLS.**

Fences and walls may be erected in compliance with the following:

- (1) No part of any fence or wall shall extend beyond the boundary lines of the property being enclosed.
- (2) Structural posts and supports and other devices used to mark or establish boundary lines shall be erected within the side facing the property being enclosed.
- (3) No fence or wall materials, exposed projections, nor the location or manner of construction shall constitute a hazard to the safety and welfare of the general public.
- (4) Electrical and barbed wire fencing shall be limited to agricultural use.
- (5) Fences and walls in Residential, Professional Office and Convenience Business (CB) Zoning Districts shall not exceed eight (8) feet in height, subject to lot visibility limitations and provided that in any required front yard, no fence or wall shall exceed four feet in height or materially impede vision of a driver.  
**[Adopted 11/9/1998 - Z-1998-2]**

- (6) The height of a fence or wall in Industrial or Mixed Use Planned Unit Development Zoning Districts may exceed four feet in height above the finished grade level provided the fence or wall is decorative in nature, such as wrought iron or board on board. Chain link fences are not permitted. The maximum height of a fence or wall shall not exceed 10 feet above the finished grade level. **[Adopted 11/9/1998 - Z-1998-2]** and **[Adopted 6/8/2015 – Z-2015-1]**
- (7) Fences or walls deemed unsafe, insecure or in disrepair so as to constitute a nuisance or safety hazard, as determined by the Zoning Inspector, shall be repaired, replaced or taken down on order of the Zoning Inspector.

**161.11 PERMITTED YARD OBSTRUCTIONS.**

Unless otherwise specifically provided for and in addition to other permitted encroachments, the following shall not be considered as obstructions when located within required yards, but are still considered obstructions within Riparian Setbacks as defined in Chapter 160: **[Adopted 5/30/2006 - Z-2006-2]**

- (1) Mail boxes and newspaper tubes.
- (2) Student bus shelters.
- (3) Statuary or art objects.
- (4) Arbors and trellises, pergolas and gazebos.
- (5) Swing sets and similar recreational equipment.
- (6) Flag poles.
- (7) Awnings attached to and supported by building walls.
- (8) Free standing air conditioning or heating units, and uncovered porches, steps, terraces and patios, if not located within fifteen (15) feet of any side or rear lot line nor within twenty-five (25) feet of the front lot line.
- (9) Aboveground gas or oil tanks or pumps not exceeding 500 gallons, if not located in the front yard or within 100 feet of any side or rear lot line.
- (10) Public phone facilities.
- (11) Modular, porous and solid pavements, aggregate stone driveways, turnarounds, and sidewalks provided that they are located not less than two (2) feet to any side or rear lot line. **[Adopted 12/9/1996 – Z-1996-8 and 8/4/1997 – Z-1997-6]**
- (12) Detention basins, extended detention basins, retention basins, and constructed wetlands. **[Adopted 8/4/1997 – Z-1997-6]**

**161.12 OUTDOOR LIGHTING.**

All outdoor lighting shall be of constant intensity, and shall be directed, reflected or shielded so as not to be of excessive brightness or cause glare hazardous to pedestrians or drivers, create a nuisance or unreasonably interfere with a neighboring property owner's right to enjoy his property.

- (1) To this end and to minimize light trespass: **[Adopted 6/25/2001 - Z-2001-2]**
- (a) 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. Lighting fixtures and devices from which direct glare is visible on adjoining roads or property shall be prohibited.
  - (b) All sources of illumination of the exterior of buildings or grounds shall be shielded so as not to cause glare which is hazardous to vehicle drivers or is objectionable to owners of adjacent lots.
  - (c) Lighting fixtures with lamps rated at initial lumens of two thousand five hundred (2,500) or greater must be the full cutoff type. 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) Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform, shall use a narrow cone beam of light. Only one fixture with a lamp emitting no more than 1,800 lumens shall be used for each flag, statue, or other object illuminated.
  - (e) Flashing lights shall be prohibited.
  - (f) When used for security purposes or to illuminate walkways, driveways and storage areas, roadways, equipment yards and parking lots, only fully shielded cut-off style light fixtures shall be utilized.
  - (g) All outdoor light pole fixtures shall not exceed a maximum height of thirty (30) feet.
- (2) Exemptions to 161.12 (1).
- (a) All outdoor lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lantern or gas lamps, are exempt from the requirements of 161.12 (1) (f).
  - (b) All low-voltage lighting rated twelve (12) volts or less and seasonal lighting shall be exempt from the requirements of 161.12 (1).
  - (c) All Amusement or Recreation Parks located in a Mixed Use Planned Unit Development District. **[Adopted 6/8/2015 – Z-2015-1]**

**161.13 EXCEPTIONS TO LOT COVERAGE CALCULATIONS. [Adopted 3/26/2001 – Z-2001-1]**

Detention Basins and Extended Detention Basins (hereinafter referred to as "basins") constructed to these regulations provide for increased safety on basin slopes, reduce the use of concrete or other hard structures in the construction of the basin, provide for additional natural recharge of storm water into the aquifer, improve sediment trapping function of the basin, improve the overall surface water quality and reduce downstream erosion.

- A. Detention Basins and Extended Detention Basins installed under the following regulations shall be excluded from the lot area coverage calculations for a structure.
  - (1) The Basin shall be constructed with an 18" depression below the level of the discharge structure that will cover 25% of the total basin area at the overflow elevation. No hard structures, such as channels, headwalls, pipes or conduits shall be permitted within the depressed area.
  - (2) The maximum slope on the sides of the basin shall be 1 foot of elevation rise for every 6 feet of horizontal distance (6:1 slope).
  - (3) The basin shall be maintained as a natural area and planted with native grasses and tree species that thrive in such a setting.
  - (4) Basins constructed under these regulations shall take into consideration the natural geologic and vegetative features and topography, and whenever feasible, retain such natural features and topography.
- B. The installation of a basin with these design regulations shall not be considered for exclusion from the lot area coverage calculations for a structure at the expense of removing other existing environmentally sensitive features, including, but not limited to: floodplains, wetlands, streams, mature stands of trees, or other aquatic or natural geologic or vegetative features which, if removed, would adversely effect water quality.
- C. The zoning inspector may seek the professional advice and assistance of the Geauga Soil and Water Conservation District with respect to enforcing the regulations contained in this section.