To: The Chester Township Community  
Date: July 2, 2020  
From: Chester Township Zoning Commission  
RE: Initiation of Z2020-3

The Chester Township Zoning Commission **initiated proposed amendment Z2020-3 on July 1, 2020.** The public hearing for this proposed amendment is scheduled for **August 5, 2020, 7:00 pm** at Chester Town Hall. The public is invited to attend to voice support or opposition to this amendment.

The following documents are attached:

1. Motion to Initiate an Amendment to the Chester Township Zoning Resolution  
2. Rationale for the justification of the need for this amendment; and  
3. The text of the proposed amendment.
FORM NO. 22
MOTION TO INITIATE AN AMENDMENT TO THE
CHESTER TOWNSHIP ZONING RESOLUTION
O.R.C. SECTION 519.12(A)

Michael Lauro moved the adoption of the following motion:

That an amendment to the Chester Township Zoning Resolution, identified as number 2020-3, consisting of 5 pages, marked Exhibit “A” and attached hereto and incorporated herein as though fully rewritten, be hereby initiated by the Chester Township Zoning Commission this 1st day of July, 2020.

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

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<tr>
<th>Member</th>
<th>Signature</th>
<th>Vote</th>
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</thead>
<tbody>
<tr>
<td>Andrew Chess</td>
<td>Absent</td>
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<tr>
<td>Cathy Cotman</td>
<td></td>
<td>Yes</td>
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<tr>
<td>Michael Lauro</td>
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<td>Yes</td>
</tr>
<tr>
<td>Anthony Nastasi</td>
<td>Absent</td>
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<tr>
<td>Jonathan Oswick</td>
<td></td>
<td>Yes</td>
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Attested to by:

Administrative Assistant, Zoning Commission

Print Name: Kris Crews

July 1, 2020
Date
**Water Management and Sediment Control (WMSC)**

**PURPOSE OF AMENDMENT:** To clarify that the Geauga Soil and Water Conservation District (SWCD) is the regulatory authority for review and approval of WMSC plans and not the township zoning inspector.

**WHAT ARE THE MODIFICATIONS?**
- Deletes Article 14 in its entirety.
- Deletes references to Article 14 throughout the resolution.
- Adds specific applicability requirements, consistent with Geauga SWCD regulations, defining when Geauga SWCD reviews are required for:
  - Application for a conditional zoning certificate
  - Notice of appeal to the Board of Zoning Appeals
  - Application for a zoning certificate
- Requires either an approval or exemption letter for WMSC plans from Geauga SWCD for all applicants that meet the applicability criteria.
- Modifies the applicability criteria for requiring a WMSC plan from 300 square feet of soil disturbing activity to 1) one acre; or 2) any disturbance on land on a sub-lot within a subdivision to mirror the requirements of the Geauga County Water Management and Sediment Control Regulations adopted by the Geauga County Board of Commissioners on 09/19/2017.

**WHY?**
- To align current zoning regulations with current practices. Article 14 requires WMSC plans to be submitted to the zoning inspector for review and approval. Today, the zoning inspector does not perform this function but instead directs applicants to Geauga SWCD to obtain the required approval/exemption letters.

**DIRECTOR REVIEWS**
- The Director of the Geauga Soil and Water Conservation District and the Geauga County Planning Director have reviewed this proposal and have no objections.
ARTICLE 14

WATER MANAGEMENT AND SEDIMENT CONTROL (WMSC)

This article intentionally left blank.

14.00.0 PURPOSE AND INTENT.

A. The purpose of these regulations is to establish technically feasible and reasonable standards to achieve a level of water management and sediment control that will minimize damage to property and degradation of water resources and wetlands, and will promote and maintain the public health and safety.

B. These regulations are intended to:

1. Allow development while minimizing increases in downstream flooding, erosion, and sedimentation.

2. Reduce water quality impacts to receiving water resources and wetlands that may be caused by new development or redevelopment activities.

C. These regulations apply to all of the permitted and conditional buildings, structures and uses set forth in every zoning district in this zoning resolution, except as otherwise provided herein.

14.01.0 WORDS AND TERMS DEFINED. For the purpose of these regulations, the terms used herein shall have the meaning as set forth in the most recently adopted version of the Geauga County Water Management and Sediment Control Regulations. Said terms are adopted and made a part of these regulations as though fully rewritten herein.

14.02.0 REQUIREMENTS AND APPLICATION PROCEDURES.

A. Two (2) sets of a Water Management and Sediment Control (WMSC) Plan shall be included with the application for a zoning certificate for any of the principal permitted, accessory, or conditional buildings, structures, and uses or off-street parking, loading/unloading areas allowed by this resolution and any additions or alterations thereto.

B. WMSC Plans are not required for any principal permitted, accessory, or conditional buildings, structures, or uses or off-street parking, loading/unloading areas allowed by this resolution or any additions or alterations hereto disturbing less than three hundred (300) square feet of land area.
C. The contents of the WMSC Plan shall meet all requirements and recommendations for erosion and sediment control and storm water management contained in the most recent version of the Geauga County Water Management and Sediment Control Regulations.

D. If the lot owner is required to prepare a Storm Water Pollution Prevention Plan (SWP3) in accordance with the Ohio Environmental Protection Agency’s (EPA) NPDES Permit No. OHC0000002, or the most recent version thereof, this SWP3 may be submitted in lieu of a separate WMSC Plan. In situations of conflict between OEPA requirements and these regulations, the most restrictive shall prevail.

E. The Zoning Inspector shall review the WMSC Plans submitted under this resolution and approve for compliance or return for revisions with comments and recommendations for revision within thirty (30) working days after receipt of the Plan. The Zoning Inspector shall advise applicants that the WMSC Plan may be forwarded to the Geauga SWCD for technical assistance and review. A disapproved Plan shall receive a narrative report citing specific problems and procedures violated and the procedures for filing a revised Plan to ensure compliance with the Geauga County Water Management and Sediment Control Regulations. At the time the Zoning Inspector receives a revised Plan, another thirty (30) day review period shall begin.

F. Soil disturbing activities shall not begin and zoning certificates or conditional zoning certificates shall not be issued without a WMSC Plan approved by the Zoning Inspector in accordance with these regulations.

G. Any addition or alteration to the site design as shown on the approved WMSC Plan may require the resubmission of said Plan in accordance with these regulations. In making a determination regarding such resubmission, the Zoning Inspector may consult with the Geauga SWCD. The Zoning Inspector shall determine if addition or alteration requires the issuance of a new zoning certificate or conditional zoning certificate.

14.03.0 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS.

A. Approvals issued in accordance with these regulations do not relieve the site owner of responsibility for obtaining all other necessary permits and/or approvals from federal, state and/or county agencies. Such permits and/or approvals shall be obtained before any zoning certificate or conditional zoning certificate is issued. If requirements vary, the most restrictive shall prevail.

B. Soil disturbing activities regulated under these regulations shall not begin until proof of compliance with all necessary state and federal permits as detailed below have been provided. These permits may include, but are not limited to, the following:

1. Ohio EPA NPDES Permits authorizing storm water discharges associated with construction activity or the most current version thereof. Proof of compliance with these requirements shall be a copy of the Ohio EPA Director’s Authorization Letter for the NPDES Permit, or a letter from the lot owner explaining why the NPDES Permit is not applicable.
2. **Section 401 of the Clean Water Act:** Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification approval, public notice, or a letter from a qualified professional who has surveyed the lot explaining why Section 401 of the Clean Water Act is not applicable. Such a letter shall be noted on site plans submitted to the Zoning Inspector. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the Ohio EPA and U.S. Army Corps of Engineers at the time an application is made under this regulation.

3. **Ohio EPA Isolated Wetland Permit:** Proof of compliance shall be a copy of Ohio EPA’s Isolated Wetland Permit approval or letter from a qualified professional who has surveyed the lot explaining why the Ohio EPA Isolated Wetland Permit is not applicable. Such letter shall be noted on site plans submitted to the Zoning Inspector. Isolated wetlands shall be delineated by protocols accepted by the Ohio EPA at the time an application is made under these regulations.

4. **Section 404 of the Clean Water Act:** Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit approval. If an Individual Permit is not required, the lot owner shall submit proof of compliance with the U.S. Army Corps of Engineers’ Nationwide Permit Program. This shall include one of the following:

a. A letter from a qualified professional who has surveyed the site explaining why Section 404 of the Clean Water Act is not applicable. Such a letter shall be noted on site plans submitted to the Zoning Inspector.

b. A site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under these regulations.

5. **Ohio Dam Safety Law:** Proof of compliance shall be a copy of the Ohio Department of Natural Resources (ODNR) Division of Water permit application, a copy of the project approval letter from the ODNR Division of Water, or a qualified professional explaining why the Ohio Dam Safety Law is not applicable.
ARTICLE 6—CONDITIONAL USES

Section 6.00.01 CONTENTS OF APPLICATION FOR A CONDITIONAL ZONING CERTIFICATE.

N. Provide two (2) copies of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the stormwater management and erosion control plan as required by Article 14. For all construction 1) of any size (including septic systems) occurring on a sub-lot within a subdivision; or 2) disturbing over 1 acre of land, a letter from the Geauga Soil and Water Conservation District approving a Water Management and Sediment Control (WMSC) Plan or a letter of exemption shall be required.

Section 6.06.05 OUTDOOR HYDRONIC HEATERS (OHH) IN RESIDENTIAL DISTRICTS

D. CONDITIONS FOR AN OUTDOOR HYDRONIC HEATER.

D 14. Other regulations: The OHH shall comply with all other applicable regulations for the zoning district in which it is located, and the general conditions pertaining to conditional uses in Article 6, and the WMSC regulations in Article 14.

ARTICLE 12—ADMINISTRATION

Section 12.02.04 PROCEDURES OF BOARD OF ZONING APPEALS

B. 15. Provide two (2) copies of the Water Management and Sediment Control (WMSC) Plan as required by Article 14, and two copies of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the WMSC Plan. For all construction 1) of any size (including septic systems) occurring on a sub-lot within a subdivision; or 2) disturbing over 1 acre of land, a letter from the Geauga Soil and Water Conservation District approving a Water Management and Sediment Control (WMSC) Plan or a letter of exemption shall be required.
ARTICLE 13 – ENFORCEMENT

Section 13.00.01 CONTENTS OF APPLICATION FOR A ZONING CERTIFICATE

M. Provide two (2) copies of the Water Management and Sediment Control (WMSC) Plan as required by Article 14, and two copies of the approval letter or permit, as applicable, from the Geauga Soil and Water Conservation District concerning the WMSC Plan. For all construction 1) of any size (including septic systems) occurring on a sub-lot within a subdivision; or 2) disturbing over 1 acre of land, a letter from the Geauga Soil and Water Conservation District approving a Water Management and Sediment Control (WMSC) Plan or a letter of exemption shall be required.