

**CODIFIED ORDINANCES**  
**OF**  
**MINERVA PARK**  
**OHIO**

Local legislation current through December 31, 2002  
State legislation current through June 25, 2003  
(Includes State legislation effective January 1, 2004)

CODIFIED ORDINANCES OF MINERVA PARK  
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(Cont.)

- Chap. 1266. Limited Industrial District.
- Chap. 1267. Planned Industrial Park District.
- Chap. 1268. General Industrial District.
- Chap. 1270. Office, Laboratory and Research District.
- Chap. 1272. General Development Standards.
- Chap. 1274. Special Permits.
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- Appendix A - Driveway and Intersection Sight Triangles.
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CODIFIED ORDINANCES OF MINERVA PARK  
PART TWELVE - PLANNING AND ZONING CODE

TITLE TWO - Planning  
Chap. 1202. Planning and Zoning Commission.

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CHAPTER 1202  
Planning and Zoning Commission

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| 1202.01 Membership; terms of office;<br>compensation; vacancies. | 1202.06 Submittal of permit applications<br>and related documents; issuance<br>of permits; appeals. |
| 1202.02 Meetings; officers; absences;<br>quorum.                 | 1202.07 Authority re zoning measures.   |
| 1202.03 Powers.  |   |
| 1202.04 Duties.  |   |
| 1202.05 Records.   |   |

- CROSS REFERENCES
- Plat approval required - see Ohio R.C.  
711.09
- Establishment - see Ohio R.C. 713.01
- Powers and duties - see Ohio R.C. 713.02,  
713.06

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**1202.01 MEMBERSHIP; TERMS OF OFFICE; COMPENSATION; VACANCIES.**

(a) The Village Planning and Zoning Commission shall consist of five members, as follows: the Mayor, one member of the legislative authority and three citizens-at-large. All members shall be qualified electors of the Village.

(b) Each citizen-at-large appointment by the Mayor, with the advice and consent of Council, shall be for a term of two years, beginning on January 1 and ending on December 31 of the second year.

(c) In order for the existing terms of citizen-at-large appointments to maintain staggered expirations, the Mayor shall appoint or confirm in office, with the advice and consent of Council, three interim appointments, one each to expire on December 31, 1992, December 31, 1993 and December 31, 1994.

(d) All members shall serve without compensation. Members may hold any other public office and may serve as a member of a county or regional planning commission.

(e) Any vacancy created by the resignation or removal of a citizen member shall be filled by appointment by the Mayor, with the advice and consent of Council, for the unexpired portion of the term in which the vacancy exists.

(f) The representative from Council shall be elected by Council, and the term of his or her service on the Commission shall coincide with his or her term in office.  
(Ord. 5-91. Passed 6-10-91; Ord. 1-94. Passed 5-9-94.)

#### **1202.02 MEETINGS; OFFICERS; ABSENCES; QUORUM.**

(a) The Planning and Zoning Commission shall meet not less than once each quarter during each calendar year and at such other times as matter shall be referred to it for review, approval or disapproval.

(b) At the first meeting of each calendar year, the Commission shall elect a Chairperson and a Vice Chairperson by a majority vote of all members. The Chairperson and Vice Chairperson shall serve in that capacity for one year.

(c) The Mayor shall establish the date, time and place of the first meeting of each calendar year and shall preside at such meeting until a Chairperson and a Vice Chairperson are elected. The first meeting of each calendar year shall be held not later than thirty days after the start of the calendar year, with the exception of the first meeting of 1986.

(d) Any appointed member absent from four consecutive meetings of the Commission shall be removed from membership on the Commission by a majority of the Commission members. The vacancy so created shall be filled by appointment of the Mayor, with the advice and consent of Council, for the unexpired portion of the term in which the vacancy exists.

(e) A majority of the Commission shall constitute a quorum for the official transaction of business. (Ord. 14-85. Passed 11-11-85.)

**1202.03 POWERS.**

The powers of the Planning and Zoning Commission shall be those granted by Ohio R.C. 713.01, 713.27 and 735.15, as well as other sections of the Ohio Revised Code and of the Constitution of the State of Ohio, now in effect or which may hereafter be passed and effective, relating to the Commission, as well as any ordinance passed by Council relating to the Zoning Commission.

(Ord. 14-85. Passed 11-11-85.)

**1202.04 DUTIES.**

The Planning and Zoning Commission shall:

- (a) Conduct studies and surveys relative to overall planning for the growth, development, redevelopment, rehabilitation and renewal of the Village, prepare such plans, reports and maps as are required to support their findings, and make such recommendations to Council as it feels are in the best interests of the Village.
- (b) Continuously review and report to Council its recommendations concerning the Village's capital improvement programs and the Village's subdivision, platting and zoning ordinances and regulations.
- (c) Cooperate with other governmental or private planning agencies, securing such studies, surveys and reports prepared by such agencies to ensure maximum benefits for the Village.
- (d) Review and approve or disapprove all applications for permits to construct, remodel, improve, alter, relocate, tear down or demolish any building or structure or to locate or position any pre-cut or pre-assembled building or storage shed, or to change, relocate, widen, extend or vacate streets, alleys, parks, playgrounds, recreation areas and other public ways and places, including such drawings and data required to be submitted with the application. The Commission is hereby empowered to request and to require such additional data and drawings as are deemed necessary to render a decision on the application submitted.
- (e) Review all requests for rezoning or variances from existing zoning or building regulations. Such applications and the Commission's recommendations shall be forwarded to Council for final approval or disapproval.
- (f) Establish such rules, regulations and procedures as are necessary to ensure the prompt and orderly processing of all matters brought before it, including coordination with the Village Clerk-Treasurer, Engineer, Building Inspector and such other officials as shall be deemed necessary.

(Ord. 14-85. Passed 11-11-85; Ord. 4-89. Passed 4-10-89.)

**1202.05 RECORDS.**

The Chairperson of the Planning and Zoning Commission shall keep or cause to be kept, in the Municipal Building, a complete record of all meetings of the Commission and a detailed record of all transactions and the disposition of matters to come before the Commission. Said records shall be compiled in report form and signed by the Chairperson of the Commission, and copies thereof shall be provided to the Mayor, members of Council and the Building Inspector within thirty days following each meeting.

(Ord. 14-85. Passed 11-11-85; Ord. 9-89. Passed 10-9-89.)

**1202.06 SUBMITTAL OF PERMIT APPLICATIONS AND RELATED DOCUMENTS; ISSUANCE OF PERMITS; APPEALS.**

(a) All applications for permits to construct, remodel, improve, alter, relocate, tear down or demolish any building or structure, or to locate or position any pre-cut or pre-assembled building or storage shed, or to change, relocate, alter, widen, extend or vacate streets, alleys, parks, playgrounds, recreation areas and other public ways and places, required by ordinance or resolution of the Village, now in effect or which may hereafter be passed and effective, shall be submitted to the Planning and Zoning Commission for its review and approval or disapproval.

(b) All applications for permits that require a rezoning or variance action from an existing zoning or building ordinance or regulation shall be held in abeyance pending the submission of a request for such rezoning or variance by the applicant and action taken thereon. The Commission shall forward such applications and requests, with its recommendations thereon, to Council for final approval or disapproval within sixty days of the receipt of the request for rezoning or variance.

(c) All matters pertaining to building permits referred to the Commission shall have action taken upon them within sixty days from the date of referral, except those permits which require rezoning or variance actions. The time period established may be extended by authorization of Council or by mutual agreement between the Commission and the applicant.

(d) Building permit applications involving new construction and repair, alteration or additions to existing buildings and structures shall be reviewed and approved by the Commission before the Building Inspector has reviewed the plans, drawings and related documents and has indicated that such plans, drawings and related documents meet all the requirements of the Building and Housing Code and are therefore approved.

(e) Building permits shall be issued by the Planning and Zoning Clerk. Permits shall be issued only after receipt of a written notification of approval of the application for the permit by the Commission and only after the permit has been signed by the Mayor.

(f) Applicants for building permits may appeal the decisions of the Commission to Council. Such appeals must be filed with the Clerk-Treasurer not later than thirty days from the date of the notification to the applicant of the decision of the Commission.

**1202.07 AUTHORITY RE ZONING MEASURES.**

(a) Before any zoning ordinance, resolution or amendment thereto, authorized by Ohio R.C. 713.07 to 713.11, inclusive, may be passed, Council shall hold a public hearing thereon and shall give at least thirty days notice of the time, place and purpose of such meeting, in accordance with Ohio R.C. 713.12.

(b) The Planning and Zoning Commission is hereby authorized to hold such public hearings as are necessary before any ordinance, resolution or amendment thereto, authorized by Ohio R.C. 713.07 to 713.11, inclusive, being considered by the Commission, is forwarded to Council with the recommendations of the Commission. Such public hearings shall be processed in accordance with Ohio R.C. 713.12. Public hearings held by the Commission shall not be substituted for required public hearings on the part of Council.

(c) Each ordinance, resolution or regulation establishing, amending, revising, changing or repealing a zoning classification, district, use or regulation shall be referred to the Commission for approval, disapproval or recommendation, except any ordinance, resolution or regulation which the Commission has recommended and forwarded to Council. Within sixty days of such referral, the Commission shall cause such ordinance, resolution or regulation to be returned to the Clerk-Treasurer, together with the written recommendations of the Commission, concurred in by a majority of the Commission. If the Commission should fail to make a recommendation within sixty days, Council may act thereon as if it had received a recommendation of approval for such ordinance, resolution or regulation.

(d) No ordinance, resolution or regulation which violates, differs from, or departs from the plan or report submitted by the Commission shall take effect, unless passed and approved by not less than three-fourths of the membership of Council.

(e) No ordinance, resolution or regulation which is in accordance with recommendations, plans or reports submitted by the Commission shall be deemed to pass or take effect without concurrence of at least a majority of the members elected to Council.  
(Ord. 14-85. Passed 11-11-85.)



TITLE FOUR - Subdivision Regulations

- Chap. 1210. General Provisions and Definitions.
- Chap. 1212. Administration, Enforcement and Penalty.
- Chap. 1214. Preliminary Plats.
- Chap. 1216. Final Plats.
- Chap. 1218. Design Standards.
- Chap. 1220. Improvements.

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CHAPTER 1210  
General Provisions and Definitions

- 1210.01 Jurisdiction.
- 1210.02 Definitions.
- 1210.03 Amendments.

CROSS REFERENCES

- Plat and subdivision defined - see Ohio R.C. 711.001
- Authority to adopt subdivision regulations - see Ohio R.C. 711.101
- Violation of regulations - see Ohio R.C. 711.102
- Vacating plats - see Ohio R.C. 711.17 et seq.
- Revision of plats - see Ohio R.C. 711.28 et seq.

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**1210.01 JURISDICTION.**

The rules and regulations governing plats and the subdivision of land contained herein shall apply within the corporate limits of the Village.  
(Ord. 5-89. Passed 5-8-89.)

**1210.02 DEFINITIONS.**

As used or found in these Subdivision Regulations:

- (1) "Average daily traffic (ADT)" means the estimated daily average number of vehicular movements over the paved portions of a street or section thereof. The ADT for streets associated with planned unit developments shall be determined on the following basis:

<u>Housing Type</u>	<u>ADT (per dwelling unit)</u>
Single-family detached	7.0
Group or townhouse	6.0
Garden apartment	5.0
Elevator apartment	4.0

The ADT for through streets shall be considered individually.

- (2) "Building setback line" means a line established in the Zoning Code, parallel with a street, to give the public access to light and air by requiring that structures be set back a minimum fixed distance from the front lot line.
- (3) "Channel" means a natural or artificial watercourse, with a definite bed and banks to confine water, which continuously or periodically contains moving water or which forms a connecting link between two bodies of water.
- (4) "Channel flow" means the water flowing within the limits of a channel.
- (5) "Commission" means the Planning and Zoning Commission of the Village.
- (6) "County Engineer" means the County Engineer of Franklin County.
- (7) "Developer" means any person who acts in his or her own behalf or as the agent of an owner of property and engages in the alteration of land or vegetation in preparation for or in the undertaking of a construction activity.
- (8) "Development" means any activity which results in an alteration of either land or vegetation.
- (9) "Ditch" means an open channel, either dug or natural, used for the purpose of drainage or irrigation, with intermittent flow. (See "drainageway," "grassed waterway" and "stream.")
- (10) "Drainageway" means a route or course along which water moves or may move to drain an area.
- (11) "Driveway" means a private road, giving access from a public way to a detached single-family dwelling on abutting ground or to a group of multifamily or commercial buildings, which is not dedicated to the Village and for the maintenance of which the Village shall be responsible, and which, for those reasons, is not subject to these Subdivision Regulations.
- (12) "Easement" means a grant by a property owner for the use of a strip of land for a specific purpose.

- (13) "Emergency flow way" means the flow routes and drainageways necessary to convey a 100-year storm.
- (14) "Engineer" means the Village Engineer.
- (15) "Final plat" means the map of all or a portion of a subdivision which is submitted to the Planning and Zoning Commission for action.
- (16) "Flood" means the temporary inundation of any land not normally covered by water, due to heavy rainfall or runoff or due to a temporary rise in the level of rivers, streams, watercourses or lakes.
  - A. "Average annual flood" means a flood equal to the mean of discharges of all the maximum annual floods during the period of record.
  - B. "Regional flood" means the term applied to the 100-year flood in flood plain information reports. The 100-year flood has a one percent probability of being equaled or exceeded in a period of 100 years.
  - C. "Maximum probable flood" means the largest flood discharge believed possible, considering meteorologic conditions and snow cover on the watershed.
- (17) "Floodway" means the channel of a watercourse and those portions of the adjoining flood plain which are used to convey a regional flood.
- (18) "Grassed waterway" means a broad and shallow natural course or constructed channel, covered with erosion-resistant grasses or similar herbaceous cover, which is used to conduct surface water.
- (19) "Hydrologic and hydraulic study" means an engineering study to determine the rate, volume and distribution of storm runoff and its collection, storage and conveyance.
- (20) "Improvement" means any addition to the natural state of land which increases its value or utility, including buildings, street pavements with or without curbs and gutters, sidewalks, crosswalks, water mains, sanitary sewers, storm sewers, street trees, street lighting, public utilities and other appropriate items.
- (21) "Lot" means a portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for building development, together with the required open spaces, and having frontage on a public or private street.
- (22) "Park plan" means the plan of parks, playgrounds or other open public grounds adopted by the Planning and Zoning Commission.
- (23) "Parking space, off-street" means an area adequate for parking a motor vehicle with room for opening doors on both sides, together with property-related access to a public street or alley and maneuvering room, but located totally outside of any street or alley right of way.

- (24) "Planned unit development" means an area of land in which a variety of housing types and/or related commercial and industrial facilities are clustered in an imaginative, preplanned fashion to permit the development of the land in an orderly, coordinated and comprehensive manner by preserving the natural quality and beauty of the land and providing a more livable housing environment. The planned unit development is for the purpose of conserving land through a more efficient allocation of private lots, multifamily dwelling units, common grounds and nonresidential uses, promoting greater efficiency in providing public and utility services and securing the benefits of new techniques of community development and renewal. Within a planned unit residential development district or zone, Zoning Code regulations need not be uniform, but may vary in order to promote the public health, safety and morals and the other purposes, as aforesaid. Adopted regulations may require developers to obtain conditional or final certification of compliance with the Zoning Code at specified stages of development. "Planned unit development" includes a development which is planned to integrate residential use with collateral uses, and in which lot size, setback lines, yard areas and dwelling types may be varied and modified to achieve particular design objectives and to make provisions for open spaces, common areas, utilities, public improvements and collateral nonresidential uses.
- (25) "Plat" means a map of a tract or parcel of land made by a licensed land surveyor.
- (26) "Preliminary plat" means the drawing indicating the proposed layout of a subdivision, which drawing is submitted to the Planning and Zoning Commission and which, if approved, authorizes preparation of the final plat.
- (27) "Right of way" means a strip of land lying between the property lines of a street, parkway, alley or easement, dedicated or otherwise acquired for use by the public.
- (28) "Roadway" means the portion of a street available for vehicular traffic.
- (29) "Runoff" means the portion of rainfall, melted snow or irrigation water that flows across the ground surface and eventually is returned to streams.
- A. "Accelerated runoff" means an increased runoff due to a less permeable surface area caused primarily by urbanization.
- B. "Peak rate of runoff" means the maximum rate of runoff for any storm.
- C. "Runoff volume" means the total quantity or volume of runoff during a specified time period. "Runoff volume" may be expressed in acre-feet, in inches-depth of the drainage area or in other units of volume.
- (30) "Sidewalk" means a paved area intended principally for the use of pedestrians.

- (31) "Storage" means the control, retention or detention of runoff.
- A. "Detention storage" means storm runoff collected and stored for a short period of time and then released at a controlled rate (dry pond).
  - B. "Retention storage" means storm runoff collected and stored for a short period of time and then released at a controlled rate, leaving in the facility a minimum pool of water. This facility is often associated with water-related recreational or aesthetic uses (wet pond).
- (32) "Storage facility" means any facility used to store, retain or detain storm runoff, which shall include, but not be limited to, retention and detention storage facilities, rooftop or parking lot ponds, basins, depressions and pools.
- (33) "Storm drainage system" means the surface and subsurface system for the removal of water from the land, including both the natural elements of streams, gullies, ravines, marshes, swales and ponds, whether of an intermittent or continuous nature, and man-made elements, which include conduits and appurtenant features, culverts, ditches, channels, storage facilities, streets and the storm sewer system.
- A. "Initial drainage system" means that part of a storm drainage system which is used regularly for collecting, transporting and disposing of storm runoff, snow melt and miscellaneous minor flows. The capacity of the "initial drainage system" should be equal to the maximum rate of runoff to be expected from a designated storm which may have a frequency of occurrence of once in five years. The "initial drainage system" is also termed the "convenience system," the "minor system" or the "storm sewer system" and may include features ranging from curbs and gutters to storm sewer pipes and open drainageways.
  - B. "Major drainage system" means that storm drainage system which carries the runoff from a storm having a frequency of occurrence of once in 100 years. The "major drainage system" will function whether or not improvements are situated wisely in respect to it. The "major drainage system" is also termed the "emergency flow way" and usually includes many features such as streets, ravines and major drainage channels. Storm sewer systems may reduce the flow in many parts of the major drainage system by storing and transporting water underground.
- (34) "Storm frequency" means the average period of time in which a storm of a given duration and intensity can be expected to be equalled or exceeded.
- (35) "Stormwater Design Manual" means the technical design manual prepared by the Stormwater Management Advisory Committee of the Mid-Ohio Regional Planning Commission, as adopted by the Village.
- (36) "Stream" means a course of running water usually flowing in a particular direction in a definite channel and discharging into some other stream or body of water.

- (37) "Street" means any avenue, boulevard, road, lane or parkway for vehicular traffic shown upon a plat duly approved, filed and recorded in the office of the County Recorder, including the land within the right of way, whether improved or unimproved. Streets shall be classified as follows:
- A. "Arterial street" means a street which carries the vehicular traffic of a State or Federal highway route, or a highway primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route.
  - B. "Boulevard" means a divided street which carries large or small amounts of vehicular traffic, depending upon parking regulations and lot access, intended to serve as a collector, local or private street.
  - C. "Collector street" means a street which carries or is expected to carry large amounts of vehicular traffic, usually not of origin or destination primarily in the properties abutting upon the street, intended to serve and to provide access to neighborhoods or subneighborhoods. Collector streets carry traffic from the local streets to the arterial street system, including the principal entrance and circulation routes within residential subdivisions.
  - D. "Cul-de-sac" means a short, local street having only one end open for motor vehicular traffic and the other end terminated by a vehicular turnaround.
  - E. "Local street" means a street which carries vehicular traffic usually originating or ending in the properties abutting the street.
  - F. "Minor street" means a short street, sometimes referred to as a "place" or "lane," the use of which is subject to approval by the Planning and Zoning Commission.
  - G. "Private street" means a strip of privately owned land providing access to abutting properties. Private streets shall be so indicated on the plat. Improvements of private streets shall conform to the minimum street standards and street sections contained in these Subdivision Regulations. In PUD-zoned areas, private driveways and parking areas within commercial, industrial and multifamily areas shall not be construed to mean private streets.
  - H. "Service road" means a street that is parallel to a limited access highway and that affords abutting property owners access to such highway at permitted points, the use of which is subject to Planning and Zoning Commission approval.

- (38) "Subdivision" means the division of any parcel of land, shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres, for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres, not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional sites and where the lots resulting are not reduced below minimum sizes required by law, shall be exempted. "Subdivision" also means 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 street or streets, except private streets serving industrial structures, and 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 sewer, water, storm drainage or other public facilities.
- (39) "Subdivision Regulations" means Ordinance 5-89, passed May 8, 1989, as amended, codified herein as Title Four of Part Twelve of these Codified Ordinances.
- (40) "Thoroughfare Plan" means the comprehensive plan adopted by the Planning and Zoning Commission indicating the general location recommended for arterial, collector and local streets within the corporate limits of the Village and/or unincorporated areas within three miles thereof.
- (41) "Walkway" means either a private or public right of way designated for pedestrian, bicycle or other forms of traffic.
- (42) "Watercourse" means a channel in which a flow of water occurs either continuously or intermittently in a definite direction. "Watercourse" applies to either natural or artificially constructed channels.
- (43) "Zoning" means the regulation and limitation, by districts, of the height, bulk and location, including the percentage of lot occupancy, building setback lines and the area and dimensions of yards, courts and other open spaces, and the uses of buildings and other structures and of the premises in such districts.  
(Ord. 5-89. Passed 5-8-89.)

### **1210.03 AMENDMENTS.**

Council may, by ordinance, after a public hearing, amend, supplement or change these Subdivision Regulations. The proposed amendment or amendments shall be on file in the office of the Clerk-Treasurer for public examination for fifteen days prior to the hearing. (Ord. 5-89. Passed 5-8-89.)

CHAPTER 1212  
Administration, Enforcement and Penalty

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| 1212.01 Plat approval required.                                | 1212.04 Conflict of interest of Village Engineer. |
| 1212.02 Restriction on issuance of building or repair permits. | 1212.05 Variances.                                |
| 1212.03 Restriction on public improvements.                    | 1212.99 Penalty.                                  |

CROSS REFERENCES

- Approval or rejection; rules to govern plats - see Ohio R.C. 711.05  
 Violations of regulations - see Ohio R.C. 711.102  
 Transfer of land before recording; forfeiture - see Ohio R.C. 711.13  
 Planning and Zoning Commission - see P. & Z. Ch. 1202  
 Authority of Council - see P. & Z. 1210.03

**1212.01 PLAT APPROVAL REQUIRED.**

No plat of any subdivision shall be entitled to be recorded in the County Recorder's office or to have any validity until it has been approved in the manner prescribed in these Subdivision Regulations.  
 (Ord. 5-89. Passed 5-8-89.)

**1212.02 RESTRICTION ON ISSUANCE OF BUILDING OR REPAIR PERMITS.**

No building or repair permit shall be issued for any structure located on a lot in any subdivision plat which has been prepared after the date of the adoption of these Subdivision Regulations and which has not been approved in accordance with the provisions of these Regulations.  
 (Ord. 5-89. Passed 5-8-89.)



**1212.03 RESTRICTION ON PUBLIC IMPROVEMENTS.**

Council shall not permit any public improvement, over which it has any control, to be made, or permit any money to be expended for improvements, in any area that has been subdivided or upon any street that has been platted, after the date of the adoption of these Subdivision Regulations, unless such subdivision or street has been approved in accordance with the provisions of these Regulations.

(Ord. 5-89. Passed 5-8-89.)

**1212.04 CONFLICT OF INTEREST OF VILLAGE ENGINEER.**

Whenever a plat for a subdivision is offered on behalf of an owner of real estate and the engineer and surveyor for the owner who is preparing the plat is the same person as the Village Engineer, the Village shall employ a different engineer to examine or review such plat and to take action on behalf of the Village with respect to such plat.

(Ord. 5-89. Passed 5-8-89.)

**1212.05 VARIANCES.**

Whenever the strict enforcement of these Subdivision Regulations would entail unusual, real and substantial difficulties or hardships, and where the overall design relationships can be justified, the Planning and Zoning Commission and Council may vary or modify the terms in such a way that the subdivider is allowed to plan and develop his or her property, record a plat of the same and make necessary improvements thereto without unjust difficulties and hardships, if, at the same time, the public interests of the Village are fully protected and the general intent and purpose of these Subdivision Regulations are preserved.

(Ord. 5-89. Passed 5-8-89.)

**1212.99 PENALTY.**

Whoever violates or fails to comply with, or permits or causes any person in his or her employ to violate or fail to comply with, any provision of these Subdivision Regulations shall be subject to a fine of not more than fifty dollars (\$50.00) for each and every offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(Ord. 5-89. Passed 5-8-89.)

CHAPTER 1214  
Preliminary Plats

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| <p>1214.01 Consultation.<br/>1214.02 Filing.<br/>1214.03 Filing fee.<br/>1214.04 Contents.<br/>1214.05 Minimum dimensions.<br/>1214.06 Approval by Planning and Zoning<br/>Commission.</p> | <p>1214.07 Disapproval by Planning and<br/>Zoning Commission;<br/>applicability.<br/>1214.08 Approval by Council.</p> |
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CROSS REFERENCES

- Original plats - see Ohio R.C. 711.01 et seq.  
Vacating plats - see Ohio R.C. 711.17 et seq.  
Revision of plats - see Ohio R.C. 711.28 et seq.

**1214.01 CONSULTATION.**

Before preparing and submitting a preliminary plat to the Planning and Zoning Commission, the subdivider or his or her engineer shall consult with the Commission, while the plat is in sketch form, to ascertain the location of proposed streets, parkways, parks, playgrounds, school sites and other planned developments, to acquaint himself or herself with the Commission's requirements and to familiarize himself or herself with the Comprehensive Plan, the Thoroughfare Plan, the Parks and Open Space Plan, the Zoning Code and the drainage, sewerage and water systems of the Village. (Ord. 5-89. Passed 5-8-89.)

**1214.02 FILING.**

The subdivider shall prepare a preliminary plat of the proposed subdivision, which shall conform to the requirements of this chapter, and shall file with the Clerk-Treasurer an application in writing for the approval of such plat, accompanied by eight black-line or blue-line prints, accurately drawn to a scale of not less than 100 feet to the inch on a sheet or sheets not larger than twenty-four inches by thirty-six inches, at least ten working days prior to the meeting of the Planning and Zoning Commission at which action is desired.

(Ord. 5-89. Passed 5-8-89.)

**1214.03 FILING FEE.**

Upon filing a preliminary plat for a subdivision, the subdivider shall pay a fee of ten dollars (\$10.00) for a subdivision containing not more than two lots and twenty dollars (\$20.00) for a subdivision containing three to five lots. For a subdivision containing six or more lots, the fee shall be twenty dollars (\$20.00), plus two dollars (\$2.00) for each lot over five in the proposed subdivision. Such fee shall be applicable as the land subdivision permit fee required by these Subdivision Regulations. The fee shall not be returned to the subdivider if he or she fails to meet the requirements of these Regulations or fails to submit a final plat in proper form. Such fee shall be used for the purpose of providing funds for the administrative costs incidental to the processing of the plat by Council, the Planning and Zoning Commission and their officers or employees.

(Ord. 5-89. Passed 5-8-89.)

**1214.04 CONTENTS.**

(a) Preliminary plats shall include all of the following:

- (1) A vicinity map showing the general location of the subdivision.
- (2) The name under which the proposed subdivision is to be recorded and the names and addresses of the subdivider, the owners and the registered engineer or registered surveyor platting the tract. The proposed name of the subdivision shall not duplicate the name of any subdivision already in use in Franklin County.
- (3) The location of present property, section and Congressional Township lines, U.S. Survey lines and lines of incorporated areas, streets, buildings, watercourses, sinkholes, tree masses and other similar existing features within the area to be subdivided and a description of how these lines relate to the overall area.
- (4) The names and boundaries of all adjoining subdivisions and the names of the record owners of adjoining parcels of unsubdivided land.
- (5) The zoning district or districts that affect the property to be subdivided.
- (6) The north point, scale and date.

- (7) Existing contours with intervals of five feet where the slope is greater than ten percent, and not more than one foot where the slope is less than ten percent. Elevations shall be based upon sea level datum. The location of bench marks and their elevations and all other monuments shall also be shown.
- (8) Proposed locations, names and dimensions of all streets, alleys, lots, building lines and easements and the approximate area of lots, in square feet. Streets that are in obvious alignment with streets already existing and named shall bear the names of the existing streets. Street names shall not be duplicated within the County. The subdivider may be required to continue certain adjoining streets through the area being subdivided, when necessary, to provide for legal vehicular movement or to enable adjoining property to be properly subdivided.
- (9) The location, invert elevation and size of existing sanitary storm sewers, water mains, culverts, street lights and other utilities and underground structures within the tract or immediately adjacent thereto.
- (10) Parcels of land intended to be dedicated to, or temporarily reserved for, public use, or reserved by deed covenant. The conditions proposed for such covenants and for the dedications shall be shown on, or attached to, the preliminary plat.

(b) The following information shall be supplied in addition to the requirements of subsection (a) hereof:

- (1) A statement of the proposed use of the lots, giving the type and number of dwelling units and the type of business or industry, if known.
- (2) The location and approximate dimensions of all existing buildings.
- (3) For commercial and industrial development, the location, dimensions and approximate grade of proposed parking and loading areas, alleys, pedestrian walks, streets and points of vehicular ingress and egress to the development.

(c) In a letter accompanying the request for approval of the preliminary plat, the subdivider shall state the type of sewage disposal he or she proposes to use if public facilities are not available. If the type of sewage disposal is other than a treatment plant, such letter shall be accompanied by a letter from the County Health Department and the Ohio Environmental Protection Agency stating what type of sewage disposal will be approved for the soil conditions encountered in the area of the proposed subdivision. At least one percolation test shall be made for each lot area being platted and each test shall be located in close proximity to the proposed individual sewage disposal unit, shall be numbered and shall have its location shown on the preliminary plat. All percolation tests shall be performed in accordance with the requirements of the County Board of Health. If a central plant is to be used, such letter shall be accompanied by a letter from the Ohio Environmental Protection Agency stating what type of sewage disposal will be approved. (Ord. 5-89. Passed 5-8-89.)

**1214.05 MINIMUM DIMENSIONS.****(a) Street Widths.**

(1) The width of streets shall conform to the width designated on the Thoroughfare Plan and on any subsequent amendments thereto.

(2) Streets shall have the following minimum right-of-way widths:

<u>Type of Street</u>	<u>Width (ft.)</u>
Boulevard	100
Arterial	80
Collector	60
Local	60
Cul-de-sac	60
Minor	50

Right-of-way widths in PUD-zoned areas shall be subject to the approval of the Planning and Zoning Commission and shall be not less than fifty feet. An additional ten feet of width shall be required where parking is provided on both sides of the street, except for minor streets.

(3) Whenever any subdivision or resubdivision provides lots in the interior of existing blocks, such lots shall front upon, or have proper access to, a permanently dedicated street which connects with one of the streets bounding the block. All dead-end streets shall have adequate provision for the turning of vehicles in the interior portions of the block. Such turning area shall be a circular drive having an overall diameter of not less than 110 feet to the right-of-way lines.

(4) Whenever there exists a dedicated or platted portion of a street adjacent to the tract to be subdivided, the remaining portion of the street shall be platted or dedicated to provide a minimum right of way of sixty feet or a right of way as shown on the Thoroughfare Plan.

(5) Property lines at street intersections shall be rounded to a minimum radius of twenty-five feet.

**(b) Blocks and Lots.**

(1) No block shall be longer than 1,500 feet between street lines.

(2) Where blocks are over 750 feet in length, the Planning and Zoning Commission may require a crosswalk near the center of the block. The right of way for any such walk shall be not less than ten feet in width and such walk space shall be improved with at least a four-foot wide walk.

(3) All side lines of lots shall be at right angles to straight street lines or radial to curved street lines, unless a variation to this rule will give a better street and lot plan. Lots with double frontage should be avoided, if possible.

- (4) Corner lots shall have extra width to permit the maintenance of building lines on both front and side streets, as required by the Zoning Code.
- (5) The minimum area and width of all lots shall conform to the area regulations of the zoning district in which the lot is located.

(c) Easements. Easements shall be provided where required and necessary.  
 (Ord. 5-89. Passed 5-8-89.)

**1214.06 APPROVAL BY PLANNING AND ZONING COMMISSION.**

The preliminary plat shall be deemed submitted to the Planning and Zoning Commission at its first regular meeting scheduled not less than thirty days following the filing of the plat with the Clerk-Treasurer, as provided. The Commission shall forward a copy of the preliminary plat to the Village Engineer for review and report. The Commission shall approve, with modifications, or disapprove the plat at its next regular meeting. The failure of the Commission to approve or disapprove a plat within the time fixed herein, or within such further time as the applying party may agree to, shall constitute approval of the plat by the Commission, and a certificate from the Secretary of the Commission, as to the date of the submission of the plat for approval and the failure of the Commission to take action thereon within such time, shall be issued on demand and shall be sufficient in lieu of the written endorsement of approval required by this section.

(Ord. 5-89. Passed 5-8-89.)

**1214.07 DISAPPROVAL BY PLANNING AND ZONING COMMISSION;  
 APPLICABILITY.**

(a) If the Planning and Zoning Commission disapproves a preliminary plat, it shall enter in its minutes the reason for such disapproval. The subdivider may thereafter make such changes as are necessary to conform the plat to these Subdivision Regulations and may resubmit the same, as revised, to the Commission for approval or disapproval. The revised plat shall be processed within the times and in the manner provided in this chapter.

(b) This section is not applicable to PUD-zoned areas.  
 (Ord. 5-89. Passed 5-8-89.)

**1214.08 APPROVAL BY COUNCIL.**

(a) Upon approval of a preliminary plat, the Planning and Zoning Commission shall certify one copy thereof to Council for approval or disapproval. Failure of Council to approve or disapprove the preliminary plat at the next regular meeting occurring more than ten days following certification of the plat to Council shall be deemed to constitute approval of the preliminary plat by Council, unless a further delay is agreed

to by the subdivider. Approval by Council of the preliminary plat shall constitute approval of the layout of the streets and public grounds shown thereon and shall evidence Council's intention to accept the dedication of the same upon approval by the Commission of the final plat. The approval of the preliminary plat shall be effective for a maximum period of twelve months, unless an extension is granted by the Commission.

(b) The approval of the preliminary plat does not constitute an acceptance of the subdivision, but merely authorizes the developer to proceed with work on the final plat. One copy of the approved preliminary plat, signed by the Chairperson of the Planning and Zoning Commission and the Mayor, shall be retained in the office of the Clerk-Treasurer. One signed copy shall be given to the subdivider and one signed copy shall be given to the Village Engineer.

(c) Receipt of such signed copy is authorization for the subdivider to proceed with the preparation of detailed plans and specifications for the minimum improvements required by these Subdivision Regulations and with the preparation of the final plat. Prior to the construction of any improvements required or to the submission of any bond, the subdivider shall furnish to Council all plans, information and data necessary for such improvements. These plans shall be examined by Council and shall be approved if they are in accordance with the requirements of these Subdivision Regulations. Following such approval, construction may be started or the amount of a bond determined, as provided.

(Ord. 5-89. Passed 5-8-89.)

CHAPTER 1216  
Final Plats

- |  |   |
|--|---|
| 1216.01 Filing.  | 1216.06 Acceptance by Council.                        |
| 1216.02 Open space requirements.                                   | 1216.07 Required statements and signatures.           |
| 1216.03 Land dedication for public recreational facilities.        | 1216.08 Submittals to Planning and Zoning Commission. |
| 1216.04 Review by Village Engineer.                                | 1216.09 Contents.                                     |
| 1216.05 Approval or disapproval by Planning and Zoning Commission. | 1216.10 Approval by Council.                          |

CROSS REFERENCES

- Original plats - see Ohio R.C. 711.01 et seq.  
 Vacating plats - see Ohio R.C. 711.17 et seq.  
 Revision of plats - see Ohio R.C. 711.28 et seq.

**1216.01 FILING.**

Upon completion of all improvements or posting of appropriate bonds, as required by these Subdivision Regulations, the subdivider shall file the final plat at least ten working days before the next Planning and Zoning Commission meeting. The final plat of any portion of a larger subdivision, the preliminary plat of which has been approved by the Commission, may be submitted for approval. Completion of improvements, or the giving of security therefor, need only cover that portion of the plat for which final approval is requested.

(Ord. 5-89. Passed 5-8-89.)



**1216.02 OPEN SPACE REQUIREMENTS.**

(a) Land Dedication. The basic land dedication requirement shall be that two percent of the total gross site area, plus 0.03 acres per dwelling unit proposed, shall be set aside as open space, except that in no case shall the open space requirement exceed twenty-five percent of the total gross site area. Such area shall constitute ground suitable for public parks and playground facilities, as reviewed and approved by the Planning and Zoning Commission.

(b) Private Recreational Facilities. If the resulting land dedication is determined to be of insufficient size or inappropriately located, or if public ownership and operation of such recreational areas are not feasible, the Village may request that an applicant plan for the provision of privately financed and owned recreational facilities. Such private park areas shall be not less than sixty-five percent of the land area otherwise required under subsection (a) hereof, provided that such park areas shall be privately developed for recreational uses. The applicant shall be required to indicate:

- (1) The proposed size and location of the park area;
  - (2) The proposed recreational facilities and site improvements to be made;
  - (3) A schedule indicating how actual construction of the proposed park and improvements is to be phased in, in relationship to overall project phasing; and
  - (4) How both ownership and maintenance of such park areas are to be undertaken.
- (Ord. 5-89. Passed 5-8-89.)

**1216.03 LAND DEDICATION FOR PUBLIC RECREATIONAL FACILITIES.**

(a) Area to be Dedicated. In addition to the land dedicated for parks and playground facilities, under Section 1216.02, for a residential subdivision, planned unit development or a subdivision containing residential living units, an amount of land equal to 0.025 acres per residential or dwelling unit proposed shall be dedicated as a site for the purposes set forth in subsection (b) hereof, except that in no case shall the site exceed twenty-five percent of the total gross site area.

(b) Permitted Use of Land. The Village shall use property acquired under this section for parks, playgrounds, gymnasiums, swimming pools, indoor recreation centers or other public purposes. Such property may be used in connection with a school building or school premises operated by the Board of Education of the Westerville School District and shall be dedicated on a case-by-case basis. Nothing in this section shall prevent any such park or recreational facility from being jointly acquired, operated and maintained by the Village and the Westerville Board of Education, if both parties so agree.

(c) Prohibited Use of Land. Under no condition shall any land obtained under this section that is used jointly with any school district be used for the erection of an educational building, storage site, bus terminal, administration facility or other such use. (Ord. 5-89. Passed 5-8-89.)

#### **1216.04 REVIEW BY VILLAGE ENGINEER.**

Within five days after the final plat has been filed, a copy thereof shall be transmitted to the Village Engineer, who will check the plat to determine if it conforms to the preliminary plat as approved. If the final plat does so conform, the Engineer shall, within ten working days after the plat has been transmitted to him or her, return the plat to the Planning and Zoning Commission Chairperson together with a two-fold certificate showing:

- (a) That the technical details of the plat have been checked and that the final plat conforms in all essential respects to the preliminary plat; and
- (b) That all required improvements have been satisfactorily completed, or that security has been given for the making of such improvements, as provided by these Subdivision Regulations.

The Planning and Zoning Commission shall thereupon certify to Council that the plat has met all requirements of these Subdivision Regulations.

(Ord. 5-89. Passed 5-8-89.)

#### **1216.05 APPROVAL OR DISAPPROVAL BY PLANNING AND ZONING COMMISSION.**

At the first meeting of the Planning and Zoning Commission after a copy of the final plat, together with the Village Engineer's certificate, has been received by the Commission, the Commission shall approve the final plat and the Chairperson of the Commission shall endorse such approval on the plat. Failure of the Commission to approve or disapprove the plat within the time fixed, or within such further time as the applying party may agree to, shall constitute approval of the plat, and the certificate of the Secretary of the Commission as to the date of submission of the plat for approval, and as to the failure of the Commission to take action thereon, shall be issued on demand and shall be sufficient in lieu of the written endorsement of approval. If the Commission disapproves the final plat, it shall enter in its minutes the reason for such disapproval. (Ord. 5-89. Passed 5-8-89.)

#### **1216.06 ACCEPTANCE BY COUNCIL.**

Within five days after the Planning and Zoning Commission has approved the final plat, the plat shall be transmitted to Council, together with all certificates and endorsements required by this chapter. Council shall approve or disapprove the plat at its next regular meeting, occurring not less than five days following the Commission approval. Approval of the plat by Council shall be deemed to constitute acceptance of the public way or space shown on the plat. Failure of Council to act within the prescribed time, unless an extension of time is agreed to by the subdivider, shall constitute approval of the plat. (Ord. 5-89. Passed 5-8-89.)

**1216.07 REQUIRED STATEMENTS AND SIGNATURES.**

The following statements shall be affixed on the subdivision plat required by these Subdivision Regulations:

Situated in Section \_\_\_\_\_, Township \_\_\_\_\_, Range \_\_\_\_\_, Franklin County, Village of Minerva Park, Ohio, containing \_\_\_\_\_ acres and being the same tract as conveyed to \_\_\_\_\_ and described in the deed recorded in Deed Book \_\_\_\_\_, Franklin County, Ohio.

The undersigned, \_\_\_\_\_, hereby certify that the attached plat correctly represents their \_\_\_\_\_, a subdivision of Lots \_\_\_\_\_ to \_\_\_\_\_, inclusive, and that they do hereby accept the plat of the same and dedicate to public (private) use as such all or parts of the roads, boulevards, cul-de-sacs, parks, planting strips, etc., shown herein and not heretofore dedicated.

The undersigned further agree that any use of improvements made on this land shall be in conformity with all existing valid zoning, platting, health or other lawful rules and regulations, including the applicable off-street parking and loading requirements of the Village of Minerva Park, Ohio, for the benefit of themselves and all other subsequent owners or assigns taking title from, under or through the undersigned.

In witness whereof we have hereunto subscribed our names this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

Witness \_\_\_\_\_ Signed \_\_\_\_\_

We do hereby certify that we have surveyed the premises and prepared the attached plat and that said plat is correct.

By \_\_\_\_\_

STATE OF OHIO;

VILLAGE OF MINERVA PARK, OHIO

Before me, a Notary Public in and for the Village, personally came \_\_\_\_\_, who acknowledged the signing of the foregoing instrument to be their voluntary act and deed for the purposes therein expressed.

In witness whereof I have hereunto set my hand and affixed my official seal this \_\_\_\_\_, 19\_\_.

By \_\_\_\_\_

(Ord. 5-89. Passed 5-8-89.)

#### **1216.08 SUBMITTALS TO PLANNING AND ZONING COMMISSION.**

The final plat, in ink, on mylar material, and five black-line or blue-line prints thereof, and two copies of certified plans showing the improvements that are to be constructed within the subdivision, and a bond assuring construction of such improvements, in accordance with plans previously approved, shall be submitted to the Planning and Zoning Commission.

(Ord. 5-89. Passed 5-8-89.)

#### **1216.09 CONTENTS.**

(a) The final plat shall show the following:

- (1) The boundaries of the property, with accurate distances and bearings and the lines and the extent of all proposed streets, with their widths and names, and any other areas intended to be dedicated to public use.
- (2) The lines of adjoining streets and alleys, with their widths and names.
- (3) All lot lines and easements, with their dimensions.
- (4) All dimensions, both linear and angular, necessary for locating boundaries of the subdivided area, including lots, streets, alleys, easements and building line setbacks, and any other similar public or private areas. Linear dimensions shall be expressed in feet and decimals of a foot.
- (5) Radii, arcs, points of tangency and central angles for all curvilinear streets, and radii for all rounded corners.
- (6) All lot lines and an identification system for all lots and blocks.
- (7) An accurate outline of any property which is offered for dedication for public use.
- (8) All survey monuments and bench marks, together with their descriptions.
- (9) The title and description of the property subdivided, showing its location and extent, point of compass, scale of the plan and name of the subdivider.

(b) A certificate from a registered land surveyor, stating that the plan represents a survey made by sand surveyor, that the results of the survey are correctly shown thereon, and that the monuments shown actually exist, shall accompany the final plat.

(c) A certificate from the owner of the land, stating that all taxes due have been previously paid, shall accompany the final plat, and a certificate of title, or a photocopy thereof, shall be submitted for inspection.

(d) A certificate from the owner of the land, stating that he or she has caused the land to be platted and that he or she dedicates to public use the streets, parks and other land indicated on the plat as intended for public use, shall accompany the final plat.

(e) There shall be submitted with each plat a tabulation showing the exact area of each lot, reserve or other parcel on the plat (other than streets and alleys), such area to be computed inclusive of, and after the extensions of, lot or parcel lines to the centerline of contiguous public ways, such as streets or alleys. The purposes of this requirement is to facilitate calculation of the trunk sanitary benefit charges for each lot and parcel and not for conveyance purposes.

(f) The final plat is to be drawn at a scale of 100 feet or less to the inch from an accurate survey and on one or more sheets whose maximum dimensions are twenty-four by thirty-six inches. In certain unusual instances, where the subdivided area is of unusual size or shape, the Planning and Zoning Commission may permit a variation in the scale or size of the final plat.

(g) Space for approval of the final plat by the Franklin County Department of Health, as required, shall be provided on the final plat.

(Ord. 5-89. Passed 5-8-89.)

#### **1216.10 APPROVAL BY COUNCIL.**

If the Planning and Zoning Commission disapproves a final plat, it shall transmit its reasons therefor to Council, which may then approve the plat only by a five-sixths vote of its membership.

(Ord. 5-89. Passed 5-8-89.)

CHAPTER 1218  
Design Standards

- |   |   |
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| 1218.01 Compliance required.                        | 1218.11 Storm drainage.   |
| 1218.02 Standards for improvements.                 | 1218.12 Sewer connections.                                      |
| 1218.03 Submittal of plans.                         | 1218.13 Street signs.   |
| 1218.04 Permits for improvements.                   | 1218.14 Construction plans.                                     |
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| 1218.07 Construction of buildings.                  | 1218.17 Acceptance of streets by Village.                       |
| 1218.08 Time for construction of improvements.      | 1218.18 Sidewalks.  |
| 1218.09 Street construction.                        | 1218.19 Electric, telephone and cable television installations. |
| 1218.10 Water supply.                               |   |

CROSS REFERENCES

- Cornerstones and permanent markers - see Ohio R.C. 711.03, 711.14
- Change of name, vacating and narrowing streets - see Ohio R.C. 723.04 et seq.
- Surface treatment of streets - see Ohio R.C. 723.23, 723.31
- Notice to construct or repair sidewalks - see Ohio R.C. 729.03

**1218.01 COMPLIANCE REQUIRED.**

The design of all improvements, including grades of streets, types of pavement, drainage, sidewalks, sanitary sewers, storm sewers, water distribution facilities, street lighting facilities and electric telephone and cable television facilities, shall conform to the requirements set forth in these Subdivision Regulations.

(Ord. 5-89. Passed 5-8-89.)

**1218.02 STANDARDS FOR IMPROVEMENTS.**

(a) Before Council will officially accept any street improvements, water distribution facilities, sidewalks, street lighting facilities or storm and sanitary sewer facilities in any subdivision, and become responsible for their maintenance, supervision and repair, such improvements shall be constructed in accordance with the Construction and Material Specifications of the Village. Monuments shall be placed at angle points, points of curves in streets and at such other points as required by the Village Engineer.

(b) Monuments shall be one-fourth inch steel rods set in, and running through, concrete, at least four inches in diameter and at least thirty inches long. The bottom of such block shall be set at least thirty inches below the finished grade in the subdivision. (Ord. 5-89. Passed 5-8-89.)

**1218.03 SUBMITTAL OF PLANS.**

Detailed plans and specifications for all improvements shall be submitted to the Village Engineer and shall meet his or her approval before any construction shall proceed. Such plans shall be prepared by an engineer licensed in the State. The Village shall maintain a competent inspector on the job when improvements are being constructed. Approvals from the Ohio Environmental Protection Agency, the City of Columbus and other regulatory agencies may be required. (Ord. 5-89. Passed 5-8-89.)

**1218.04 PERMITS FOR IMPROVEMENTS.**

Upon approval by Council, the subdivider may secure the necessary permits to proceed with the required street, sanitary, water and drainage improvements. (Ord. 5-89. Passed 5-8-89.)

**1218.05 SECURITY FOR CONSTRUCTION.**

In lieu of constructing improvements, the subdivider may apply for final plat approval by insuring completion of the required improvements in accordance with the following:

- (a) The owner shall have completed, or shall have agreed in writing to complete, all public improvements required by the final development plan within one year from the date of approval of the final plat, or such extension of time as may be granted by Council, and the owner shall have agreed that he or she will maintain such public improvements for a period of one year after their acceptance by the Village.

- (b) The owner has agreed that all construction work and materials used in connection with public improvements in the area platted will conform to the requirements of the Village and be installed under the Village Engineer's general supervision; that he or she will notify the Village Engineer in writing three days or more before any construction has begun on such improvements in order to permit inspection; that he or she will hold the Village free and harmless from any and all claims for damages of every nature arising or growing out of the construction of such improvements and that he or she shall defend, at his or her cost and expense, any suit or action brought against the Village by reason thereof, until the improvement has been accepted by the Village; that in the event of any violation of, or noncompliance with, any of the provisions and stipulations of the agreement, the Village shall have the right to stop work forthwith and complete or cause the completion of such improvements according to the approved plat and agreement; and that in such event the owner shall reimburse the Village for any and all expenses incurred thereby.
- (c) The owner has furnished a subdivision bond and a maintenance bond payable to the Village, with sureties acceptable to Council, conditioned upon performance by the owner of the agreement, or, in lieu of such bonds, some other security satisfactory to Council. The amount of the subdivision bond shall be equal to the estimated costs of constructing the improvements. The maintenance bond shall be in an amount of ten percent of the subdivision bond for the purpose of maintaining the improvements for a period of one year. The subdivision bond shall provide that it cannot be terminated or canceled without approval of the Village, and shall remain in force until such improvements have been accepted by the Village Engineer. The maintenance bond shall become effective on the date the improvements are accepted by the Village Engineer and shall remain in effect for a period of not less than one year and until any and all corrective measures have been accomplished and are approved by the Village Engineer.
- (d) The subdivider may deposit in a bank or savings and loan association in Franklin County, Ohio, a sum of not less than the total estimated improvement cost, to be held in escrow, to guarantee the satisfactory completion of such improvements within the required time. The form of the escrow agreement shall be subject to the approval of the Director of Law and such agreement may provide for the making of payments from such funds, from time to time, upon the filing of certificates from the Village Engineer stating that the balance remaining after such payments will, in his or her opinion, be adequate to pay the remaining costs of the improvements.



- (e) The subdivider may deposit with the Village a certified check, in the amount of the total estimated improvement cost, to be held in escrow until the satisfactory completion of construction, unless there is a default in the completion of such improvements, in which event the check may be cashed by the Clerk-Treasurer and the proceeds thereof used to complete the improvements, to pay claims connected therewith for which the subdivider may be liable or to cure any other default of the subdivider connected with the making of such improvements.  
(Ord. 5-89. Passed 5-8-89.)

**1218.06 COSTS OF REVIEWS, INSPECTIONS AND SERVICES.**

For a subdivision within the Village, the subdivider shall pay to the Village an amount equal to five percent of the estimated cost of the improvements. Such fee is for plan reviews, construction inspections, legal services and administrative expenses incidental to such improvements. This fee shall be paid by the subdivider prior to the start of any construction and prior to obtaining the required signatures on the final plat. (Ord. 5-89. Passed 5-8-89.)

**1218.07 CONSTRUCTION OF BUILDINGS.**

Construction of buildings shall not be permitted until all improvements leading to the lot are completed and accepted by the Village.  
(Ord. 5-89. Passed 5-8-89.)

**1218.08 TIME FOR CONSTRUCTION OF IMPROVEMENTS.**

All required improvements shall be constructed within two years of the acceptance of the final plat by Council, contingent upon unforeseen delays or an extension of time by Council. (Ord. 5-89. Passed 5-8-89.)

**1218.09 STREET CONSTRUCTION.**

Streets shall be graded to the full width of the right of way and shall be fully constructed with all-weather pavements, concrete curbs and gutters with tile underdrain and porous backfill, and proper storm drains and inlets.  
(Ord. 5-89. Passed 5-8-89.)

**1218.10 WATER SUPPLY.**

Where a public water supply main is reasonably accessible, in the judgment of the Planning and Zoning Commission, the subdivider shall provide a complete loop-type water distribution system adequate to serve the area being platted, including a connection for each lot and fire hydrant.  
(Ord. 5-89. Passed 5-8-89.)

**1218.11 STORM DRAINAGE.**

(a) Stormwater Design Manual. The Stormwater Design Manual, as adopted by the Mid-Ohio Regional Planning Commission, is hereby adopted by the Village and the policies, standards, specifications and provisions contained therein shall apply to the development of all subdivisions in the Village.

(b) Hydrologic and Hydraulic Studies. A hydrologic and hydraulic study of any subdivision shall be submitted prior to final plat approval and as part of the construction drawings for such subdivision. These studies shall be used to establish:

- (1) The adequacy of the drainage system of the development site. As part of these studies, the adequacy of the storm drainage facilities necessary to carry the runoff from the initial storm design shall be shown. The flow routes and drainageways necessary to convey the 100-year storm (the emergency flow way) through the development shall also be shown, as shall any necessary easements.
- (2) The adequacy of the drainage system of the proposed development to receive and convey the initial and major storms from dominant (upstream) property; and
- (3) The adequacy of the drainage system of the proposed development so as not to create or worsen drainage problems downstream.

As part of these studies, storage facilities, when used, shall be located and identified by type.

(c) Stormwater Runoff Limitations.

- (1) If the hydrologic and hydraulic studies reveal that the proposed development or subdivision would not increase the total volume of stormwater runoff, the peak rate of runoff after development shall not be greater than the peak rate of runoff before development for all return periods of storms, up to 100 years.
- (2) If the hydrologic and hydraulic studies reveal that the total volume of stormwater runoff is increased, the peak rate of runoff after development, from the critical storm, shall not exceed the predevelopment peak rate of runoff from a one-year frequency storm. The peak rate of runoff for each storm of greater or lesser frequency shall be determined in accordance with the Stormwater Design Manual, provided, however, that the peak rate of runoff after development may not exceed the peak rate of runoff before development.

(d) Subdivision Drainage Systems.

- (1) Storm drainage facilities for the subdivision or development shall be designed to accommodate runoff from the five-year storm frequency. Site design and grading plans shall provide emergency drainageways, in order to avoid both damage to the structure and endangerment of the public safety, which emergency drainageways shall be designed to accommodate runoff from storms exceeding the five-year storm frequency, but not exceeding the 100-year storm frequency.
- (2) The initial drainage system shall be located within the street rights of way whenever practicable. If the collector facilities cannot be located in the street rights of way, then they shall be located adjacent to side or rear lot lines where easements shall be provided to and along the facilities.
- (3) All stormwater flow from the proposed subdivision, including flows from upstream areas passing through and further including increased flows attributable to changes in time of concentration or a change in the former runoff factor (imperviousness), shall be conveyed to the proper outlet for the entire tributary area via a natural channel or an artificial channel, either or both of which shall be improved so as to be of an adequate capacity determined in accordance with the Stormwater Design Manual.

(e) Easements and Access. Access to flood control or storm drainage facilities for emergency, inspection, maintenance and improvement purposes shall be provided as follows:

- (1) Access to flood control or storm drainage ditches, channels and storage facilities shall be by means of easements. Such easements shall be not less than fifteen feet in width, exclusive of the width of the ditch, channel or other facility it is to serve, and an easement of this type shall be provided on one side of a flood control or storm drainage ditch, channel or similar facility.
- (2) Access along flood control or storm drainage ditches and channels shall be by means of easements. Such easements shall be not less than fifteen feet in width, exclusive of the width of the ditch, channel or other facility it is to serve, and an easement of this type shall be provided on both sides of a flood control or storm drainage ditch, channel or similar facility.
- (3) Access along the initial drainage system shall be by means of easements. Such easements shall be not less than fifteen feet in width, with a minimum of five feet in width on each side of the centerline.

- (4) Access around storage facilities shall be by a ten-foot easement in the case of detention (dry) basins, and a twenty-five foot easement in the case of retention (wet) basins, measured from the line of the design high water level, and shall include the storage facility itself.
- (5) Easements for emergency flow ways shall be a minimum of fifteen feet in width.
- (6) Flood control or storm drainage easements containing underground facilities shall have a minimum width of ten feet.

(f) Exemptions. An exemption to any of the requirements of this section may be granted if Council and the Village Engineer determine that no downstream flood liability will be incurred. Exemptions to the requirement of access to easements may be granted by Council if the applicant shows adequate access by other means.

(Ord. 5-89. Passed 5-8-89.)

#### **1218.12 SEWER CONNECTIONS.**

(a) Where a public sanitary sewer main is within one mile of a subdivision, the subdivider shall provide a complete sanitary sewer system, including a lateral connection for each lot.

(b) If temporary measures for providing sanitary sewer facilities are approved by the Planning and Zoning Commission, such temporary measures, including, but not limited to, the installation of package sewage treatment plants, lift stations, temporary sewer lines or force mains, which direct flow to sewers not planned to receive such flow, shall be subject to future assessments for relieving the temporary sanitary sewer measures. Proper waivers shall be noted on the subdivision plans and plats and, in the conveyance of such lands, the plans and plats shall indicate such possible future assessments. (Ord. 5-89. Passed 5-8-89.)

#### **1218.13 STREET SIGNS.**

(a) The Village shall install street signs in standard subdivisions.

(b) The subdivider shall reimburse the Village for the cost of street signs.  
(Ord. 5-89. Passed 5-8-89.)

#### **1218.14 CONSTRUCTION PLANS.**

Construction plans for the following improvements shall be prepared by a registered professional engineer, shall be in accordance with the Construction and Material Specifications of the Village and shall receive approval of the Village Engineer and other regulatory agencies before improvements are installed and before approval of the final plat. Construction plans shall include the following:

- (a) A centerline profile of each proposed street, showing proposed grades.
- (b) The plan of each proposed street, showing the width of the pavement, the location and width of sidewalks and the location and size of utility mains.
- (c) Plans and profiles of proposed sanitary sewers and stormwater sewers, showing grades and sizes.
- (d) A plan of the proposed water distribution system, showing pipe sizes and the location of valves, fire hydrants and water services.
- (e) A drainage plan showing all existing and proposed storm sewers, manholes, catch basins, watercourses, culverts and underground structures within the tract and immediately adjacent thereto, with pipe sizes and grades and waterway openings indicated thereon. The drainage plan shall show the method to be used for the adequate disposal of all stormwater, including drainage outlets, and such other data as may be required by the Village Engineer. (Ord. 5-89. Passed 5-8-89.)

#### **1218.15 INSPECTIONS.**

Prior to starting any of the work covered by the construction plans, after approval thereof, arrangements shall be made to provide for inspection of the work by the Village Engineer. (Ord. 5-89. Passed 5-8-89.)

#### **1218.16 MAINTENANCE OF IMPROVEMENTS AFTER APPROVAL.**

For a period of one year from the date the constructed improvements are accepted by the Village, the subdivider shall make such repairs or replacements as determined by the Village Engineer to bring all improvements within the standards required by these Subdivision Regulations. For such purposes, the subdivider shall furnish the Village a bond or other surety acceptable to Council in the amount of ten percent of the subdivision bond for such purpose. Such bond shall be effective from the date of acceptance of the improvements until all maintenance items have been performed and accepted by the Village Engineer. (Ord. 5-89. Passed 5-8-89.)

#### **1218.17 ACCEPTANCE OF STREETS BY VILLAGE.**

The Village Engineer shall, upon written request from the owner of the land upon which a street has been constructed, check the construction, and if the Village Engineer finds that such street has been constructed in accordance with the specifications set forth on the approved plat and that such street is in good repair, then such finding, endorsed on the approved plat, shall constitute an acceptance of the street for public use by the Village, provided that such street has been theretofore duly dedicated.

(Ord. 5-89. Passed 5-8-89.)

**1218.18 SIDEWALKS.**

Sidewalks shall be constructed on both sides of all streets, except as waived by Council. (Ord. 5-89. Passed 5-8-89.)

**1218.19 ELECTRIC, TELEPHONE AND CABLE TELEVISION INSTALLATIONS.**

The installation, construction and expansion of electric, telephone and cable television facilities shall generally be done underground, subject to the following conditions and exceptions:

- (a) Transmission lines are exempted from the provisions of this section. For purposes of this section, "transmission lines" means those lines constructed between generating stations and substations.
- (b) For the standard or typical underground utility installation, equipment that is typically placed above ground, such as transformers and switches affixed on the ground, shall be exempt from the provisions of this section.
- (c) For purposes of this section, underground services adjacent to new subdivisions, commercial uses and industrial uses shall include, but not be limited to:
  - (1) Overhead wires extending across the public right of way from existing overhead service to such new subdivisions, commercial uses and industrial uses.
  - (2) Adjacent overhead services within the property submitted for subdivision approval that existed prior to the filing of a preliminary plat.
- (d) Temporary overhead service of electric and telephone utilities shall be allowed, provided that all permanent electric, telephone and cable television services within and adjacent to new subdivisions, commercial uses and industrial uses shall be underground. For the purposes of this section, "temporary overhead service" means:
  - (1) That service which is necessary for immediate public convenience and necessity and which is constructed to serve only on an interim basis until permanent underground services can be installed.
  - (2) That service which, in order to reach a new subdivision, commercial use or industrial use, must be extended from the existing overhead service through undeveloped parcels of land not included in the subdivision, commercial use or industrial use.
- (e) The owner or developer of new subdivisions, commercial uses and industrial uses shall offer an easement for cable television and cable television equipment within the easement shown on the plat for electric and telephone utilities. The easements shall be granted at no expense to the cable television operator.

- (f) The providers of electric, telephone and cable television services are encouraged to inform the Planning and Zoning Commission as to the nature and location of their services and their plans for increasing service capacity.
- (g) In accordance with Section 1212.05, any aggrieved party shall have the right to seek a variance from the strict enforcement of this section.  
(Ord. 5-89. Passed 5-8-89.)

CHAPTER 1220  
Improvements

1220.01 Minimum pavement widths.	1220.04 Intersections.
1220.02 Street grades.	1220.05 Entrance gates and signs.
1220.03 Curvature of streets.	1220.06 Specifications.

CROSS REFERENCES  
Inspection of construction; acceptance by  
village - see Ohio R.C. 711.091

**1220.01 MINIMUM PAVEMENT WIDTHS.**

(a) Minimum pavement widths, back of curb to back of curb, installed at the subdivider's expense, shall be as follows:

<u>Type of Street</u>	<u>Width (ft.)</u>
Boulevard	48
Arterial	45
Collector	36
Local	32
Cul-de-sac	32
Minor	24

(b) For cul-de-sac streets in standard subdivisions not over 600 feet long, the pavement of a turning circle at the end of a dead-end street shall have a minimum outside diameter of eighty feet.

(c) Conditional to approval by the Planning and Zoning Commission, private streets shall be constructed in accordance with the minimum standards set forth in these Subdivision Regulations. (Ord. 5-89. Passed 5-8-89.)



**1220.02 STREET GRADES.**

(a) The grades of streets shall not exceed the following, except that where unusual or exceptional conditions exist, the Village Engineer may modify these regulations:

<u>Type of Street or Way Grade (percent)</u>	
Arterial	4
Collector and service drives	10
Cul-de-sac and service drives	10
Pedestrian ways or crosswalks	12, unless steps of an acceptable design are to be constructed
Minor (place or lane)	15

(b) In no event shall the minimum grade of any street be less than five-tenths of one percent.

(c) All changes in street grades in excess of one percent shall be connected by vertical curves of a minimum length equal to fifteen times the algebraic difference in the rates of grade.  
(Ord. 5-89. Passed 5-8-89.)

**1220.03 CURVATURE OF STREETS.**

The radius of curvature on the centerline of a street shall be not less than the following:

<u>Type of Street</u>	<u>Curvature (ft.)</u>
Arterial and collector	400
Local	200
Cul-de-sac and service drives	100

(Ord. 5-89. Passed 5-8-89.)

**1220.04 INTERSECTIONS.**

Street curb intersections shall be rounded by radii of at least twenty-five feet on local streets and thirty-five feet on collector and arterial streets.  
(Ord. 5-89. Passed 5-8-89.)

**1220.05 ENTRANCE GATES AND SIGNS.**

Entrance gates, posts, columns, walls, fences or similar structures designed to indicate entrances to subdivisions or parts thereof, and signs designating the subdivision or development, shall be permissible either on public or private property, provided that both the Planning and Zoning Commission and Council determine that such structures are desirable. In no case shall such approval be given, unless provision is made, satisfactory to Council, for the proper location and maintenance of such structures.

(Ord. 5-89. Passed 5-8-89.)

**1220.06 SPECIFICATIONS.**

All materials and construction procedures shall be in accordance with all applicable provisions of Village ordinances and with the latest edition of the Construction and Material Specifications issued by the Ohio Department of Transportation and the City of Columbus.

(Ord. 5-89. Passed 5-8-89.)

## TITLE SIX - Zoning

- Chap. 1230. General Provisions and Definitions.
- Chap. 1232. Administration, Enforcement and Penalty.
- Chap. 1234. Appeals.
- Chap. 1236. Amendments.
- Chap. 1238. Districts Generally and Zoning District Map.
- Chap. 1240. Rural District.
- Chap. 1242. Restricted Suburban Residential District.
- Chap. 1244. Limited Suburban Residential District.
- Chap. 1246. R-3 Suburban Residential District.
- Chap. 1248. R-4 Suburban Residential District.
- Chap. 1250. Two-Family Residential District.
- Chap. 1252. Urban Residential District.
- Chap. 1254. Suburban Office and Institutional District.
- Chap. 1256. Neighborhood Commercial District.
- Chap. 1258. Community Commercial District.
- Chap. 1260. Central Community Commercial District.
- Chap. 1262. Central Business District.
- Chap. 1264. Restricted Industrial District.
- Chap. 1266. Limited Industrial District.
- Chap. 1267. Planned Industrial Park District.
- Chap. 1268. General Industrial District.
- Chap. 1270. Office, Laboratory and Research District.
- Chap. 1272. General Development Standards.
- Chap. 1274. Special Permits.
- Chap. 1276. Special Districts.
- Chap. 1278. Landscaping.
- Chap. 1280. Signs.
- Chap. 1282. Off-Street Parking and Loading.
- Chap. 1284. Adult Entertainment Businesses.
- Appendix A - Driveway and Intersection Sight Triangles.
- Appendix B - Vehicle Overhang.
- Appendix C - Recommended Trees for the Village.

CHAPTER 1230  
General Provisions and Definitions

- 1230.01 Designation and purpose.
- 1230.02 Scope.
- 1230.03 Application.
- 1230.04 Interpretation.
- 1230.05 Definitions.

CROSS REFERENCES

- Municipal zoning in general - see Ohio R.C. 713.06 et seq.
- General development standards - see P. & Z. Ch. 1272
- Special permits - see P. & Z. Ch. 1274
- Special districts - see P. & Z. Ch. 1276
- Landscaping - see P. & Z. Ch. 1278
- Signs - see P. & Z. Ch. 1280
- Off-street parking and loading - see P. & Z. Ch. 1282
- Adult entertainment businesses - see P. & Z. Ch. 1284

1230.01 DESIGNATION AND PURPOSE.

(a) This Title Six of Part Twelve of these Codified Ordinances shall be known as the Zoning Code of the Village of Minerva Park, Ohio, and may be cited as such or as the Zoning Code.

(b) The purpose of this Zoning Code is as prescribed by Ohio R.C. Chapter 713. (Ord. 5-89. Passed 5-8-89.)

1230.02 SCOPE.

The provisions of this Zoning Code shall apply to all land now within or hereafter annexed to the Village. (Ord. 5-89. Passed 5-8-89.)

1230.03 APPLICATION.

(a) New Development. New development, including the subdivision of land, construction and the use of land or structures, shall conform to the regulations for the zoning district in which such development is located.

(1) New subdivisions. The subdivision or resubdivision of land shall not create lots less than the minimum size required for the zoning district in which such land is located, nor shall lots be provided or intended for uses not allowed in the zoning district.

- (2) New structures. New structures and/or developments shall be permitted only on lots subdivided to meet the requirements of this Zoning Code, in accordance with the Subdivision Regulations of the Village, and shall conform to the development standards of the zoning districts in which such construction is permitted, except as is otherwise provided for in subsection (d) hereof.
- (3) New uses. Any new use of land or a structure shall be a permitted use or a conditional use for the zoning district in which such use is to be located.

(b) Existing Conforming Lots, Structures or Uses. Lots, structures or the use of lots and/or structures which conform to the regulations of the zoning district in which they are located may be continued to and may be altered, extended or changed in accordance with the following:

- (1) Conforming lots. A conforming lot may be changed, altered, enlarged or reduced in dimensions, provided, however, that the remaining lot and/or resulting lots shall conform to the development standards for the zoning district in which the lot is located.
- (2) Conforming structures. A conforming structure may be altered, reconstructed or extended only in such a manner as will comply with the development standards of the zoning district in which the structure is located.
- (3) Conforming uses. A conforming use may be expanded, modified or changed only in such a manner as will comply with the permitted use or conditional use regulations and with the development standards of the zoning district in which the conforming use is located.

(c) Nonconforming Lots, Structures or Uses. Existing lots, structures and accessory development, or the use of lots and/or structures, which would be prohibited under the regulations for the zoning district in which they are located shall be considered as nonconforming. A nonconforming use in violation of a provision of this Zoning Code shall not be validated by the adoption of this Zoning Code.

It is the intent of this Zoning Code to permit these nonconforming situations to continue until they are removed, but not to encourage their continued use or expansion. A variance from any development standard must be obtained by approval of the Planning and Zoning Commission and Council.

(d) Nonconforming Structures and Developments. Structures and/or accessory developments, which, by reason of their size, type, location on a lot, or otherwise, are in conflict with the regulations of the zoning district in which they are located, may be altered, reconstructed or extended only in such a manner that the alteration, reconstruction or extension will comply with the development standards of the zoning district in which the structure and/or accessory development is located. Such alteration, reconstruction or extension shall include such additional development and compliance with the development standards of the zoning district as would be required of a new structure and/or accessory development to the extent practicable and so that the spirit and intent of the development standards are accomplished.

(e) Nonconforming Uses Superseded. Any nonconforming building, structure or use of land superseded by a use permitted within the zoning district where it is located shall thereafter be in conformity with this Code, and the previous nonconforming use shall not be resumed.

(f) Nonconforming Uses Discontinued. Any nonconforming use of land that is discontinued, and any building or structure left vacant for a period of one year or more, shall not be resumed. Any subsequent use of the land shall be in conformity with this Code, or be permitted by variance granted by the Planning and Zoning Commission.

(g) Nonconforming Uses Destroyed. Any nonconforming building or use of land destroyed by any cause to the extent of more than 50 percent of its replacement value shall not be resumed or reconstructed. The remains of any building or structure shall be razed. Any subsequent use of the land shall be in conformity with this Code, based upon the reproduction cost of the building, structure or use prior to the calamity and determined by the Zoning Inspector. In case of any uncertainty about the replacement value of a particular building, structure or use, the determination of the Mayor or his or her designee shall be final.

(h) Extension of Nonconforming Uses. The Planning and Zoning Commission may authorize the extension of a nonconforming use throughout those parts of an existing building that was manifestly designed or arranged for such use prior to the effective date of this Code if no structural alterations except those required by law are made therein.

(i) Prohibited Uses. The following uses are determined to be detrimental to the character of the Village and are specifically prohibited, unless they are nonconforming uses. No permit shall be issued on the lot where a nonconforming-prohibited use is located without the prohibited use being terminated and without evidence of its removal to grade. Uses not specifically listed as prohibited, but not listed as permitted, are permitted only upon approval by the Planning and Zoning Commission:

- (1) Outhouses;
- (2) Mobile homes;
- (3) Garbage and refuse handling; and
- (4) Junk yards.

(Ord. 5-89. Passed 5-8-89; Ord. 3-2002. Passed 10-14-02.)

#### **1230.04 INTERPRETATION.**

Except where specifically defined in this Zoning Code, all words used in this Zoning Code shall carry their customary meanings. Words used in the present tense include the future tense; the singular number includes the plural; the word "structure" includes the word "building"; the word "lot" includes the word "plot" or "parcel"; the term "shall" is always mandatory; the words "used" or "occupied", as applied to any land or structure, shall be construed to include the words "intended, arranged or designed to be used or occupied".

(Ord. 5-89. Passed 5-8-89.)

#### **1230.05 DEFINITIONS.**

As used in this Zoning Code:

- (1) "Accessory building" means a subordinate building, the use of which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.
- (2) "Accessory use" means a subordinate use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.
- (3) "Building" means a structure intended for shelter, housing or enclosure of persons, animals or chattels. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.
- (4) "Building, height of" means the vertical distance measured from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.
- (5) "Building setback line" means a line establishing the minimum allowable distance between the nearest portion of any building and the centerline of any street when measured perpendicularly thereto.
- (6) "Child care" means any place, home or institution which cares for young children apart from their parents, when received for regular periods of time for compensation, such as a kindergarten, a nursery school or a class for young children that develops basic skills and social behavior by games, exercises, toys and simple handicraft.
- (7) "Clinic" means an establishment where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.

- (8) "Commission" means the Planning and Zoning Commission of the Village.
- (9) "Council" means the Council of the Village.
- (10) "Dish antenna" means an outside accessory antenna that is linked to a receiver located on the same lot and used for the reception of signals transmitted by stations licensed by the Federal Communications Commission and the Radio Broadcast Services, including AM, FM and television signals.
- (11) "Drive-in commercial uses" means retail or service establishments which provide a designated place where people can drive up in motor vehicles and conduct the major portion of their business without having to get out of their motor vehicles, or where the serving of motor vehicles is the major business. "Drive-in commercial uses" include, but need not be limited to, drive-in restaurants which prepare and/or dispense ready-to-eat food or beverages and do not provide a place for all their customers to eat inside the building, or which serve ready-to-eat food or beverages for carry out; drive-in theaters; drive-in eating and drinking places; establishments where customers may serve themselves and may eat or drink food, refreshments or beverages on the premises; car washes; and drive-in banks.
- (12) " Dwelling, apartment" means a building arranged or intended for four or more families living independently of each other in separate dwelling units, any two or more of which are provided with a common entrance or hall and all dwelling units of which are intended to be maintained under single ownership or owned under condominium arrangement.
- (13) " Dwelling, single-family" means a building arranged or designed to be occupied by one family, the structure having only one dwelling unit.
- (14) " Dwelling, two-family" means a building arranged or designed to be occupied by two families, the structure having only two dwelling units with separate entrances.
- (15) "Landscaped area" means an area that is permanently devoted and maintained for the growing of shrubbery, grass and other plant material.
- (16) "Lot, depth of" means the average horizontal distance between front and rear lot lines.
- (17) "Lot, minimum" means a parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structures, together with such yards, open spaces, lot width and lot area as are required by this Zoning Code, and having not less than the minimum required frontage upon a street, either shown and identified by lot number on a plat of record or considered as a unit of property and described by metes and bounds.
- (18) "Lot line" means a line bounding or demarcating a plot of land or ground as established by a plat of record.
- (19) "Lot, width" means the average horizontal distance between side lot lines.
- (20) "Nonconforming use" means a legal use of a building and/or of land that antedates the adoption of this Zoning Code and does not conform to the regulations for the zoning district in which it is located.



- (21) "Opaqueness" means the degree to which a wall, fence, structure or landscaping is solid or impenetrable to light or vision in a generally uniform pattern over its surface.
- (22) "Street right-of-way line" means the dividing line between a street right of way and the contiguous property.
- (23) "Structure" means anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground, including advertising signs, billboards, mobile homes (located for occupancy on a permanent foundation) and other construction or erection with special function or form, except fences or walks.
- (24) "Structure, principal" means a structure in which is conducted the principal use of the lot on which it is situated.
- (25) "Townhouse" means a building consisting of a series of three or more attached or semi-detached dwelling units, each with a ground floor and a separate ownership or condominium.
- (26) "Yard, rear" means an open space between the rear lines of the principal structure, exclusive of steps, and the rear line of the lot and extending the full width of the lot. The "rear yard" may be used for accessory structures.
- (27) "Yard, side" means an open, unoccupied space on the same lot with a structure between the side line of the structure, exclusive of steps, and the side line of the lot, and extending from the front line to the rear line of the building.
- (28) "Zoning district" means any section of the Village in which zoning regulations are uniform.  
(Ord. 5-89. Passed 5-8-89.)



## CHAPTER 1232

## Administration, Enforcement and Penalty

- 1232.01 Variances.
- 1232.02 Conditional uses.
- 1232.03 Fees for variances and conditional uses.
  
- 1232.99 Penalty.

## CROSS REFERENCES

- Municipal zoning in general - see Ohio R.C. 713.06 et seq.
- Administrative board; powers and duties - see Ohio R.C. 713.11
- Violation of zoning ordinance may be enjoined - see Ohio R.C. 713.13
- General development standards - see P. & Z. Ch. 1272
- Special permits - see P. & Z. Ch. 1274
- Special districts - see P. & Z. Ch. 1276
- Landscaping - see P. & Z. Ch. 1278
- Signs - see P. & Z. Ch. 1280
- Off-street parking and loading - see P. & Z. Ch. 1282
- Adult entertainment businesses - see P. & Z. Ch. 1284

## 1232.01 VARIANCES.

(a) Nature of Variance. On a particular property, extraordinary circumstances may exist making strict enforcement of the applicable development standards of this Zoning Code unreasonable. Therefore, the procedure for a variance from development standards is provided to allow the flexibility necessary to adapt to changed or unusual conditions, both foreseen and unforeseen, under circumstances which do not ordinarily involve a change of the primary use of the land or structure permitted.

(1) Description of property and nature of variance. The application for a variance shall include the following information:

- A. The nature of the variance, including the specific provisions of this Zoning Code upon which the variance is requested;
- B. A legal description of the property;

C. A statement of the special circumstances or conditions applying to the land or structure and not applying generally throughout the zoning district;

D. A statement showing that the special conditions and circumstances do not result from the actions of the applicant;

E. A statement showing that the granting of the application is necessary to the preservation and enjoyment of substantial property rights; and

F. Such other information regarding the application as may be pertinent or required for appropriate action by the Council.

(2) Plot plan. The application shall be accompanied by three copies of a plot plan drawn to an appropriate scale showing the following:

A. The boundaries and dimensions of the lot;

B. The nature of the special conditions or circumstances giving rise to the application for approval;

C. The size and location of existing and proposed structures;

D. The proposed use of all parts of the lot and structures, including accessways, walks, off-street parking and loading spaces, and landscaping;

E. The relationship of the requested variance to the development standards; and

F. The use of land and the location of structures on adjacent property.

(b) Review by Planning and Zoning Commission. One copy of the application and plot plan shall be forwarded to the Planning and Zoning Commission not less than fifteen days prior to the date of the public hearing on the application. The Commission, shall review the application and submit a written report to Council on or before the date of the public hearing. Such report shall recommend approval, modification or disapproval of the variance and the reasons therefor.

(c) Actions of Council. Council shall hold a public hearing and act on an application in one of the following ways:

(1) Approval. Council shall only approve a variance or modification thereof if the following findings are made:

A. That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district.

B. That a literal interpretation of the provisions of this Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Zoning Code.

C. That the special conditions and circumstances do not result from the action of the applicant.

D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Code to other lands or structures in the same zoning district.

E. That granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or be injurious to private property or public improvements in the vicinity.

(2) Change of zoning use. In the event a variance or modification thereof would change the character of the land use, the result of which would be to permit a different zoning use on the property, all in accordance with the foregoing sections, then the variance or modification shall become effective only after it has been approved as a variance or modification by Council.

(3) Certificate of zoning compliance. A certificate of zoning compliance may be issued for an approved variance within a period of one year from the date of final approval by Council.

(4) Building permit. A building permit may be obtained for the development only in accordance with the approved plot plan.

(Ord. 5-89. Passed 5-8-89.)

#### 1232.02 CONDITIONAL USES.

(a) Nature of Conditional Uses; Intent. Specifically listed conditional uses are provided within the zoning district regulations in recognition of the fact that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the permitted uses of such zoning districts.

The intent of this section is to set forth the development standards and criteria for locating and developing a conditional use in accordance with the nature of the surrounding area and the conditions of development and with regard to appropriate plans.

(b) Written Applications. Two copies of a written application shall be filed with the Planning and Zoning Commission.

(1) Description of property and intended use. The application shall include the following statements:

- A. A legal description of the property;
- B. The proposed use of the property;
- C. A statement of the necessity or desirability of the proposed use to the neighborhood or community;

D. A statement of the relationship of the proposed use to adjacent property and land use; and

E. Such other information regarding the property, proposed use or surrounding area as may be pertinent to the application or required for appropriate action by the Planning and Zoning Commission.

(2) Plot plan. The application shall be accompanied by three copies of a plot plan, drawn to an appropriate scale, clearly showing the following:

- A. The boundaries and dimensions of the lot;
- B. The size and location of existing and proposed structures;
- C. The proposed use of all parts of the lot and structures, including accessways, walks, off-street parking and loading spaces and landscaping;
- D. The relationship of the proposed development to the development standards; and
- E. The use of the land and the location of structures on adjacent property.

(c) Review by the Planning and Zoning Commission. The application and plot plans shall be forwarded to the Planning and Zoning Commission. The Planning and Zoning Commission shall review the application and submit a written report to the Council and shall recommend approval, modification or disapproval of the conditional use and the reasons therefor.

(d) Actions of Council. Council shall hold a public hearing and act on a conditional use in one of the following ways:

(1) Approval. Council shall approve an application for a conditional use if the following three conditions are met:

- A. The proposed use is a conditional use of the zoning district and the applicable development standards established in this Zoning Code are met;
- B. The proposed development is in accord with appropriate plans for the area; and
- C. The proposed development will be in keeping with the existing land use character and physical development potential of the area.

(2) Approval with modification. Council may approve with modification an application for a conditional use. If the proposed use is a conditional use of the zoning district and the applicable development standards are met, plot plan modification is required:

- A. To be in accord with appropriate plans for the area; and
- B. To prevent undesirable effects on adjacent property and the surrounding area.

Such modification may be a limitation on the extent or intensity of development, a requirement for additional screening by fence or landscaping, a change in the method or plan for lighting, or a control of access or other conditions of development as may be required. Recommendations regarding the modification of plans or other appropriate actions shall be stated with the reasons for such recommendations.

- (3) Disapproval. Council shall only disapprove of an application for a conditional use for any one of the following reasons:
  - A. The proposed use is not a conditional use of the zoning district, or the applicable development standards are not and cannot be met.
  - B. The proposed development is not in accord with appropriate plans of the area.
  - C. The proposed development will have undesirable effects on the surrounding area and is not in keeping with the existing land use character and physical development potential of the area.
- (4) Conditional use approval. Upon a favorable finding, Council shall approve a conditional use application within thirty days following the public hearing.
- (5) Certificate of zoning compliance. A certificate of zoning compliance may be issued for an approved conditional use within a period of one year from the date of final approval by Council.
- (6) Building permit. A building permit may be obtained for the development only in accordance with the approved plot plan.  
(Ord. 5-89. Passed 5-8-89.)

### **1232.03 FEES FOR VARIANCES AND CONDITIONAL USES.**

A fee of fifty dollars (\$50.00) shall be paid to the Village for each application for a variance or conditional use to cover the necessary administrative and advertising costs.  
(Ord. 5-89. Passed 5-8-89.)

### **1232.99 PENALTY.**

(a) Whoever violates or fails to comply with any of the provisions of this Zoning Code, or a valid order issued for violation thereof, for which no penalty is otherwise provided, is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than 60 days, or both for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(b) The application of the penalty set forth in division (a) of this section shall not be deemed to prohibit the removal of prohibited conditions or the application of any other equitable remedy.

(c) Regardless of the penalty otherwise provided in this section, an organization or corporation convicted of a violation of this Code, a misdemeanor of the degree, shall be fined not more than three thousand dollars (\$3,000).  
(Ord. 4-2002. Passed 10-14-02.)



CHAPTER 1234  
Board of Zoning Appeals

1234.01 Appeals to Council from  
decisions of the Planning and  
Zoning Commission.

CROSS REFERENCES

Municipal zoning in general - see Ohio R.C. 713.06 et seq.  
Administrative board; powers and duties - see Ohio R.C. 713.11  
General development standards - see P. & Z. Ch. 1272  
Special permits - see P. & Z. Ch. 1274  
Special districts - see P. & Z. Ch. 1276  
Landscaping - see P. & Z. Ch. 1278  
Signs - see P. & Z. Ch. 1280  
Off-street parking and loading - see P. & Z. Ch. 1282  
Adult entertainment businesses - see P. & Z. Ch. 1284

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**1234.01 APPEALS TO COUNCIL FROM DECISIONS OF THE PLANNING  
AND ZONING COMMISSION.**

(a) Appeals to Council may be taken by any person aggrieved by, or by any officer of the Village affected by, any decision of the Planning and Zoning Commission.

(b) Appeals shall be made within twenty days after the decision by filing with the Clerk-Treasurer, a notice of appeal, specifying the grounds therefor.  
(Ord. 5-89. Passed 5-8-89.)



CHAPTER 1236  
Amendments

- |   |   |
|---|---|
| <p>1236.01 Initiation of amendments;<br/>resubmission after disapproval.</p> <p>1236.02 Amendment application; fee.</p> | <p>1236.03 Authority of Planning and Zoning<br/>Commission and Council;<br/>hearings.</p> |
|---|---|

CROSS REFERENCES

- Municipal zoning in general - see Ohio R.C. 713.06 et seq.  
 Notice and hearing on zoning regulations - see Ohio R.C. 713.12  
 General development standards - see P. & Z. Ch. 1272  
 Special permits - see P. & Z. Ch. 1274  
 Special districts - see P. & Z. Ch. 1276  
 Landscaping - see P. & Z. Ch. 1278  
 Signs - see P. & Z. Ch. 1280  
 Off-street parking and loading - see P. & Z. Ch. 1282  
 Adult entertainment businesses - see P. & Z. Ch. 1284

**1236.01 INITIATION OF AMENDMENTS; RESUBMISSION AFTER  
DISAPPROVAL.**

Council may amend the text of this Zoning Code, or the Zoning District Map in any of the following ways:

- (a) Initiation by Resolution or Motion. Proposed amendments may be initiated by Council by resolution or by motion of the Planning and Zoning Commission.
- (b) Initiation by Application. Proposed amendments may be initiated by application one or more owners or lessees of land within the area that is proposed to be changed by amendment of the Zoning District Map, or by one or more owners or lessees of land to be affected by an amendment of other provisions of this Zoning Code.
- (c) Resubmission of Application. If a proposed amendment or supplement initiated by application is disapproved of by Council, another application for amendment or supplement affecting the land included in the disapproved application shall not be submitted within one year from the date of disapproval, except with a statement from the Planning and Zoning Commission of changed or changing conditions affecting the land sufficient to warrant reconsideration. (Ord. 5-89. Passed 5-8-89.)

**1236.02 AMENDMENT APPLICATION; FEE.**

(a) Filing. Two copies of a provided application form shall be filed with the Mayor not less than twenty days prior to the public hearing of the Planning and Zoning Commission at which the proposal is to be considered.

(b) Contents. The application for any proposed change or amendment shall contain:

- (1) A description or statement of the present and proposed provisions of this Zoning Code or the proposed amendment of the district boundaries of the Zoning District Map;
- (2) A description by map or text of the property to be affected by the proposed amendment;
- (3) A statement of the relation of the proposed amendment to the general health, safety and welfare of the public in terms of need or appropriateness within the area by reason of changed or changing conditions and the relation to appropriate plans for the area; and
- (4) A list of owners of property within, contiguous to and directly across the street from the area proposed to be rezoned. Such list shall be in accordance with the Franklin County Auditor's current tax list.

(c) Fees. A fee of fifty dollars (\$50.00) shall be paid to the Village for each application for any proposed amendment to cover the necessary administrative and advertising costs. (Ord. 5-89. Passed 5-8-89.)

**1236.03 AUTHORITY OF PLANNING AND ZONING COMMISSION AND COUNCIL; HEARINGS.**

(a) Review of Ordinance by Commission; Report; Date of Public Hearing. Upon its own action, or upon receipt of an application from an owner or lessee of land, or upon receipt of a resolution from the Planning and Zoning Commission, Council shall transmit the ordinance regarding a proposed amendment of this Zoning Code or the Zoning District Map to the Planning and Zoning Commission for study and report. The Planning and Zoning Commission shall have not less than thirty days in which to consider and report upon such proposed ordinance. The report of the Planning and Zoning Commission shall be transmitted to Council, at which time Council shall set a date for a public hearing upon the proposed amendment.

(b) Notice of Public Hearing. A notice setting forth the time and place of a public hearing and the nature of the proposed amendment shall be given by Council, at least thirty days in advance of the date of such hearing, in a newspaper of general circulation in the Village.

- (1) If the ordinance, measure or regulation intends to rezone or redistrict ten or fewer parcels of land, as listed on the tax duplicate, a written notice of the hearing shall be mailed by the Clerk-Treasurer by first class mail, at least twenty days before the date of the public hearing, to the owners of property within, contiguous to and directly across the street from such parcel or parcels, to the addresses of such owners appearing on the County Auditor's current tax list or the Clerk-Treasurer's mailing list, or to the names and addresses supplied by the applicant to the Clerk-Treasurer at the time of filing the application.
- (2) During the thirty days preceding the public hearing, the text or a copy of the text of the ordinance, measure or regulation, together with the maps or plans, or copies thereof, forming a part of or referred to in the ordinance, measure or regulation, and the maps, plans and reports submitted by the Planning and Zoning Commission or by any board or officer, shall be on file, for public examination, in the office of the Clerk-Treasurer or in such other office as is designated by Council.  
(Ord. 5-89. Passed 5-8-89.)

CHAPTER 1238  
Districts Generally and Zoning District Map

- |   |  |
|---|--|
| 1238.01 Establishment and adoption of district use and development regulations. | 1238.03 Adoption of Zoning District Map; identification.         |
| 1238.02 Interpretation and enforcement of regulations.                          | 1238.04 Designation of districts on Zoning District Map; legend. |
|   | 1238.05 District boundaries.                                     |

CROSS REFERENCES

- Municipal zoning in general - see Ohio R.C. 713.06 et seq.  
 General development standards - see P. & Z. Ch. 1272  
 Special permits - see P. & Z. Ch. 1274  
 Special districts - see P. & Z. Ch. 1276  
 Landscaping - see P. & Z. Ch. 1278  
 Signs - see P. & Z. Ch. 1280  
 Off-street parking and loading - see P. & Z. Ch. 1282  
 Adult entertainment businesses - see P. & Z. Ch. 1284

**1238.01 ESTABLISHMENT AND ADOPTION OF DISTRICT USE AND DEVELOPMENT REGULATIONS.**

Regulations pertaining to the use of land and/or structures, and the physical development thereof, within each of the zoning districts, as adopted as a standard zoning district and as shown on the Zoning District Map, are hereby established and adopted. (Ord. 5-89. Passed 5-8-89.)

**1238.02 INTERPRETATION AND ENFORCEMENT OF REGULATIONS.**

The standard district regulations, set forth in Chapters 1238 through 1270, shall be interpreted and enforced according to the following rules:

- (a) Permitted Uses. Only a use designated as a permitted use shall be allowed as a matter of right in a zoning district, and any use not so designated shall be prohibited, except that when an additional use is in character with the zoning district, such additional use may be added to the permitted uses of the zoning district by an amendment of this Zoning Code.

- (b) Conditional Uses. A use designated as a conditional use shall be allowed in a zoning district when such conditional use, its location, extent and method of development, will not substantially alter the character of the vicinity or unduly interfere with the use of adjacent lots in the manner prescribed for the zoning district. To this end, the Planning and Zoning Commission shall, in addition to the development standards for the zoning district, set forth such additional requirements as will, in its judgment render the conditional use compatible with the existing and future use of adjacent lots and the vicinity.
- (c) Development Standards. The development standards set forth in this Zoning Code shall be the minimum allowed for development in a zoning district. If the development standards are in conflict with the requirements of any other lawfully adopted rules, regulations or laws, the more restrictive or higher standard shall govern. (Ord. 5-89. Passed 5-8-89.)

**1238.03 ADOPTION OF ZONING DISTRICT MAP; IDENTIFICATION.**

- (a) Division of Land. All land in the Village is placed into zoning districts as shown on the Zoning District Map, which is hereby adopted and declared to be a part of this Zoning Code.
  - (1) Final authority. The Zoning District Map, as amended from time to time, shall be the final authority for the current zoning district status of land under the jurisdiction of this Zoning Code.
  - (2) Undesignated land. All land under this Zoning Code that is not designated or otherwise included within another zoning district on the Zoning District Map shall be included in the Rural District.

(b) Identification of the Zoning District Map. The Zoning District Map, with any amendments made thereon, shall be dated and identified by the signatures of the Mayor and the Chairperson of the Planning and Zoning Commission and shall be on file in the Village Offices for inspection by the public. (Ord. 5-89. Passed 5-8-89.)

**1238.04 DESIGNATION OF DISTRICTS ON ZONING DISTRICT MAP; LEGEND.**

(a) District Names and Symbols. The names and symbols for the standard zoning districts as shown on the Zoning District Map are as follows:

<u>Name</u>	<u>Symbol</u>
<u>Residential Districts</u>	
Rural	R
Restricted Suburban Residential	R-1
Limited Suburban Residential	R-2
Suburban Residential	R-3

(Cont.)

<u>Name</u>	<u>Symbol</u>
<u>Residential Districts (Cont.)</u>	
Suburban Residential	R-4
Two-Family Residential	R-10
Urban Residential	R-12
<u>Commercial Districts</u>	
Suburban Office and Institutional	SO
Neighborhood Commercial	NC
Community Commercial	CC
Central Community Commercial	CCC
Central Business	CB
<u>Industrial Districts</u>	
Restricted Industrial	RI
Limited Industrial	LI
General Industrial	GI
Office, Laboratory and Research	OLR
<u>Planned Districts</u>	
Planned Low-Density Residential	PLR
Planned High-Density Residential	PHR
Planned Shopping Center	PSC
Planned Highway Service	PHS
Planned Industrial Park	PIP
Planned Unit Development	PUD
Planned Office, Laboratory and Research	POLR
<u>Special Districts</u>	
Flood Plain	FP

(b) Legend. There shall be provided, on the Zoning District Map, a legend which shall list the name and symbol for each zoning district. In lieu of a symbol, a color or black and white pattern may be used to identify each zoning district, as indicated in the legend.  
(Ord. 5-89. Passed 5-8-89.)



**1238.05 DISTRICT BOUNDARIES.**

(a) In General. The boundaries of the zoning districts are shown on the Zoning District Map. The Zoning District Map, and all notations, references and other information shown thereon are a part of this Zoning Code and have the same force and effect as if the Zoning District Map, and all the notations, references and other information shown thereon, were all fully set forth or described herein. A certified copy of the Zoning District Map is properly attested and is on file with the Clerk-Treasurer.

(b) Rules for Determination of Boundaries. When uncertainty exists with respect to the boundaries of zoning districts, as shown on the Zoning District Map, the following rules shall apply:

- (1) Boundaries along rights of way or watercourses. Where zoning district boundary lines are indicated as approximately following the centerline of a street, highway, alley, railroad easement or other right of way, or a river, creek or other watercourse, such centerline shall be the zoning district boundary.
- (2) Boundaries along lot lines. Where zoning district boundary lines are indicated as approximately following a lot line, such lot line shall be the zoning district boundary.
- (3) Boundaries parallel to right-of-way centerlines or property lines. Where zoning district boundary lines are indicated as being approximately parallel to a right-of-way centerline or a property line, such zoning district boundary lines shall be parallel thereto and, in the absence of a specified dimension on the Map, at such scaled distance therefrom as indicated on the Zoning District Map.
- (4) Boundaries in conflict with Zoning District Map. When the actual street or lot layout existing on the ground is in conflict with that shown on the Zoning District Map, the party alleging that such a conflict exists shall furnish an actual survey for interpretation by Council.
- (5) Extending district boundaries for vacated rights of way. Whenever any street, alley or other public way is vacated by official action of Council, the zoning district adjoining each side of such vacation, and all area included in the vacation, shall then and thenceforth be subject to all appropriate regulations of the extended district or districts.

(Ord. 5-89. Passed 5-8-89.)

CHAPTER 1240  
Rural District

1240.01 Permitted uses.

1240.03 Development standards.

1240.02 Conditional uses.

CROSS REFERENCES

Municipal zoning in general - see Ohio R.C. 713.06 et seq.

General development standards - see P. & Z. Ch. 1272

Special permits - see P. & Z. Ch. 1274

Special districts - see P. & Z. Ch. 1276

Landscaping - see P. & Z. Ch. 1278

Signs - see P. & Z. Ch. 1280

Off-street parking and loading - see P. & Z. Ch. 1282

Adult entertainment businesses - see P. & Z. Ch. 1284

**1240.01 PERMITTED USES.**

The following uses shall be permitted in the Rural District.

- (a) Agriculture.
- (1) Agriculture uses, including farming, dairying, pasturage, horticulture, floriculture, viticulture and animal and poultry husbandry.
  - (2) Farm dwelling structures.
  - (3) Farm labor quarters for laborers working on the premises.
  - (4) Roadside stands offering for sale only farm products produced on the premises.
- (b) Dwelling Structures. One-family dwelling structures. A lot of record on the date of adoption of this Zoning Code may be subdivided in accordance with the Subdivision Regulations to provide up to four residential lots, provided that the remaining portion of the lot is five acres or more.

- (c) Home Occupations. Home occupations in association with a permitted dwelling and in accordance with the provisions of Chapter 1272.
- (d) Accessory Buildings and Uses. Accessory buildings and uses in association with agriculture or permitted dwellings as specified in Section 1272.05, including noncommercial guest housing, provided the lot is five acres or more.
- (e) Schools and Parks.
  - (1) Public or private schools offering general educational courses and having no rooms regularly used for the housing or sleeping of students.
  - (2) Parks, playgrounds and playfields.
- (f) Religious Uses. A church or other place of worship, provided it occupies a lot of not less than five acres.
- (g) Storage and Processing of Agricultural Products. Grain elevators, mills or other facilities for the storage, sorting or other preliminary processing of agricultural products, except that commercial grain elevator operations shall not be permitted. Storage facilities shall not be within fifty feet of a side or rear lot line, except when along a railroad right of way. Processing facilities shall not be within 100 feet of a side of rear lot line, except when along a railroad right of way.  
(Ord. 5-89. Passed 5-8-89.)

#### **1240.02 CONDITIONAL USES.**

The following uses shall be permitted in the Rural District subject to approval by Council:

- (a) Mobile Homes. A mobile home or house trailer is permitted for a period not to exceed eighteen months.
- (b) Private Schools or Colleges. A private school or college, with students in residence is permitted, provided it occupies a lot of not less than ten acres or more and provided there is one acre or more per twenty-five day students, and one acre or more per fifteen resident students.
- (c) Kindergarten or Child Care. Kindergarten or child care is permitted as an accessory use of a dwelling or as a principal use of the lot, provided it occupies a lot of not less than one acre and provided there is an outdoor play area of 200 square feet or more per child. Such play area shall be arranged in accordance with the provisions of this district for accessory uses and shall be enclosed with a chain-link fence or its equivalent in strength and protective character, to a height of four feet, but not more than six feet.

- (d) Cemeteries. Cemeteries hereafter established, following the adoption of this Zoning Code, shall occupy a parcel of not less than forty acres, excepting those parcels added to an existing cemetery, which may be less than forty acres. Interment shall not be within 100 feet of any property line. A mausoleum, crematory or other structure shall not be within 300 feet of any property line.
- (e) Associated Sales. Associated sales are permitted as an accessory to and in association with an agricultural permitted use, with such associated sales to cease upon cessation of the agricultural activity. Associated sales shall include, but are not limited to, garden supplies with a nursery or greenhouse, milk products with a dairy, or imported produce with a permitted produce stand.
- (f) Care and Boarding of Animals. Veterinarian offices, animal hospitals, kennels or other facilities for the care or boarding of animals, are permitted, provided that they occupy a lot of not less than five acres and provided that a building pen or other enclosure so used shall not be within 200 feet of any property line.
- (g) Commercial Grain Elevator Operations. Commercial grain elevator operations are permitted, provided that the Planning and Zoning Commission determines that adequate lot area is available for such an operation.  
(Ord. 5-89. Passed 5-8-89.)

#### **1240.03 DEVELOPMENT STANDARDS.**

In addition to the provisions of Chapter 1272, the following standards for the arrangement and development of land and buildings are required in the Rural District:

- (a) Lot Area and Coverage.
  - (1) For agricultural purposes, in the determination of accessory and associated uses, the lot area shall be five acres or more, but this shall not exclude the agricultural use of any smaller lot.
  - (2) For each dwelling unit there shall be a lot area of not less than 40,000 square feet.
  - (3) For each permitted use and conditional use the lot area shall be adequate to meet the sanitation requirements of the County Board of Health, but shall not be less than that prescribed for such use.
  - (4) Only one principal use shall be permitted on a lot, and such lot shall not be covered more than twenty percent by structure.
- (b) Lot Width. For a one-family dwelling, there shall be a lot width of 150 feet or more at the front line of the dwelling, and such lot shall have access to and abut on a public right of way for a distance of sixty feet or more.

- 
- (c) Side Yards. For dwellings or associated accessory buildings there shall be a total of side yards of twenty-five feet or more, with a minimum of eight feet on one side. For conditional uses there shall be a side yard of not less than twenty-five feet, except when a larger side yard is required for such use by this Zoning Code.
  - (d) Rear Yards. For main buildings, there shall be a rear yard of twenty percent or more of the lot depth, except that a rear yard of more than fifty feet shall not be required.
  - (e) Maximum Height. No dwelling structure shall exceed thirty-five feet in height. The maximum height for other structures shall not exceed a safe height as determined by the Planning and Zoning Commission.  
(Ord. 5-89. Passed 5-8-89.)

CHAPTER 1242  
Restricted Suburban Residential District

1242.01 Permitted uses.

1242.02 Development standards.

CROSS REFERENCES

Municipal zoning in general - see Ohio R.C. 713.06 et seq.

General development standards - see P. & Z. Ch. 1272

Special permits - see P. & Z. Ch. 1274

Special districts - see P. & Z. Ch. 1276

Landscaping - see P. & Z. Ch. 1278

Signs - see P. & Z. Ch. 1280

Off-street parking and loading - see P. & Z. Ch. 1282

Adult entertainment businesses - see P. & Z. Ch. 1284

**1242.01 PERMITTED USES.**

Land and buildings in the Restricted Suburban Residential District shall be used only for the following purposes:

- (a) Dwelling Structures. One-family structures.
- (b) Home Occupations. Home occupations in association with a permitted dwelling and in accordance with the provisions of Section 1242.02 and Chapter 1272.
- (c) Accessory Buildings and Uses.
  - (1) Accessory buildings and uses in association with permitted dwellings, as specified in Section 1242.02 and Chapter 1272.
  - (2) Domestic servants quarters (employed on the premises).
- (d) Public Schools and Parks.
  - (1) Public schools offering general educational courses and having no rooms regularly used for housing or sleeping of students.
  - (2) Parks, playgrounds and playfields.

- (e) Private Schools. Private schools offering general educational courses similar to those ordinarily given in public schools and having no rooms regularly used for housing or sleeping of students, provided that such school it occupies a lot of not less than five acres.
- (f) Religious Uses. A church or other place of worship, provided it occupies a lot of not less than five acres.  
(Ord. 5-89. Passed 5-8-89.)

#### **1242.02 DEVELOPMENT STANDARDS.**

In addition to the provisions of Chapter 1272, the following standards for the arrangement and development of land and buildings are required in the Restricted Suburban Residential District:

- (a) Lot Area and Coverage.
  - (1) For each dwelling unit there shall be a lot area of not less than 40,000 square feet.
  - (2) For each permitted use and conditional use the lot area shall be adequate to meet the sanitation requirements of the County Board of Health, but shall not be less than that prescribed for such use.
  - (3) One principal use shall be permitted on a lot and such lot shall not be covered more than twenty percent by structure.
- (b) Lot Width. For a one-family dwelling there shall be a lot width of 150 feet or more at the front line of the dwelling, and such lot shall have access to and abut on a public right-of-way for a distance of sixty feet or more. For a conditional use, the lot width shall be adequate to meet the development standards of the Restricted Suburban Residential District.
- (c) Side Yards. For dwellings or associated accessory buildings there shall be a total of side yards of twenty-five feet or more, with a minimum of eight feet on one side. For a conditional use, except dwellings and accessory structures thereto, there shall be a side yard of twenty-five feet or more on each side of a building.
- (d) Rear Yards. For main buildings, there shall be a rear yard of twenty percent or more of the lot depth, except that a rear yard of more than fifty feet shall not be required.
- (e) Maximum Height. No dwelling structure shall exceed thirty-five feet in height. The maximum height for other structures shall not exceed a safe height as determined by the Planning and Zoning Commission.  
(Ord. 5-89. Passed 5-8-89.)

CHAPTER 1244  
Limited Suburban Residential District

1244.01 Permitted uses.  
1244.02 Conditional use.

1244.03 Development standards.

CROSS REFERENCES

Municipal zoning in general - see Ohio R.C. 713.06 et seq.  
General development standards - see P. & Z. Ch. 1272  
Special permits - see P. & Z. Ch. 1274  
Special districts - see P. & Z. Ch. 1276  
Landscaping - see P. & Z. Ch. 1278  
Signs - see P. & Z. Ch. 1280  
Off-street parking and loading - see P. & Z. Ch. 1282  
Adult entertainment businesses - see P. & Z. Ch. 1284

**1244.01 PERMITTED USES.**

Land and buildings in the Limited Suburban Residential District shall be used only for the following purposes:

- (a) Dwelling Structures. One-family dwelling structures.
- (b) Home Occupations. Home occupations in association with a permitted dwelling, and in accordance with the provisions of Section 1244.03 and Chapter 1272.
- (c) Accessory Buildings and Uses. Accessory buildings and uses in association with permitted dwellings as specified in Section 1244.03 and Chapter 1272.
- (d) Public Schools and Parks.
  - (1) Public schools offering general educational courses and having no rooms regularly used for housing or sleeping of students.
  - (2) Parks, playgrounds and playfields.
- (e) Private Schools. Private schools offering general educational courses similar to those ordinarily given in public schools and having no rooms regularly used for housing or sleeping of students, provided that such school occupies a lot of not less than five acres.
- (f) Religious Uses. A church or other place of worship, provided it occupies a lot of not less than five acres. (Ord. 5-89. Passed 5-8-89.)



**1244.02 CONDITIONAL USE.**

The following uses shall be allowed in the Limited Suburban Residential District subject to approval in accordance with Section 1244.03 and Chapter 1272:

Kindergarten or child care, as an accessory use of a dwelling. There shall be an outdoor play area of 200 square feet or more per child. Such play area shall be arranged in accordance with the provisions of this District for accessory uses and shall be enclosed with a chain-link fence, or its equivalent in strength and protective character, to a height of four feet, but not more than six feet. (Ord. 5-89. Passed 5-8-89.)

**1244.03 DEVELOPMENT STANDARDS.**

In addition to the provisions of Chapter 1272, the following standards for the arrangement and development of land and buildings are required in the Limited Suburban Residential District:

- (a) Lot Area and Coverage.
  - (1) For each dwelling unit there shall be a lot area of not less than 20,000 square feet.
  - (2) For all other permitted uses and conditional uses, the lot area shall be adequate to meet the sanitation requirements of the County Board of Health, but shall not be less than that prescribed for such use.
  - (3) Only one principal use shall be permitted on a lot, and such lot shall not be covered more than twenty percent by structure.
- (b) Lot Width. For a one-family dwelling there shall be a lot width of 100 feet or more at the front line of the dwelling, and such lot shall have access to and abut on a public right of way for a distance of sixty feet or more. For a conditional use, the lot width shall be adequate to meet the development standards of the Limited Suburban Residential District.
- (c) Side Yards. For dwellings or associated accessory buildings there shall be a total of side yards of twenty feet or more, with a minimum of eight feet on one side. For a conditional use, except dwellings and accessory structures thereto, there shall be a side yard of twenty-five feet or more on each side of a building.
- (d) Rear Yards. For main buildings there shall be a rear yard of twenty percent or more of the lot depth, except that a rear yard of more than fifty feet shall not be required.
- (e) Maximum Height. No dwelling structure shall exceed thirty-five feet in height. The maximum height for other structures shall not exceed a safe height as determined by the Planning and Zoning Commission.  
(Ord. 5-89. Passed 5-8-89.)

CHAPTER 1246  
R-3 Suburban Residential District

1246.01 Permitted uses.  
1246.02 Conditional use.

1246.03 Development standards.

CROSS REFERENCES

Municipal zoning in general - see Ohio R.C. 713.06 et seq.  
General development standards - see P. & Z. Ch. 1272  
Special permits - see P. & Z. Ch. 1274  
Special districts - see P. & Z. Ch. 1276  
Landscaping - see P. & Z. Ch. 1278  
Signs - see P. & Z. Ch. 1280  
Off-street parking and loading - see P. & Z. Ch. 1282  
Adult entertainment businesses - see P. & Z. Ch. 1284

**1246.01 PERMITTED USES.**

Land and buildings in the R-3 Suburban Residential District shall be used only for the following purposes:

- (a) Dwelling Structures. One-family dwelling structures.
- (b) Home Occupations. Home occupations in association with a permitted dwelling, and in accordance with the provisions of Section 1246.03 and Chapter 1272.
- (c) Accessory Buildings and Uses. Accessory buildings and uses in association with permitted dwellings as specified in Section 1246.03 and Chapter 1272.
- (d) Public Schools. Public schools offering general educational courses and having no rooms regularly used for housing or sleeping of students.
- (e) Private Schools. Private schools offering general educational courses similar to those ordinarily given in public schools and having no room regularly used for housing or sleeping of students, provided that such school occupies a lot of not less than five acres.
- (f) Religious Uses. A church or other place of worship, provided it occupies a lot of not less than five acres and there is one acre or more per 100 seats or similar accommodations in the main assembly area.  
(Ord. 5-89. Passed 5-8-89.)

**1246.02 CONDITIONAL USE.**

The following uses shall be allowed in the R-3 Suburban Residential District subject to approval in accordance with Section 1246.03 and Chapter 1272:

Kindergarten or child care, as an accessory use of a dwelling. There shall be an outdoor play area of 200 square feet or more per child. Such play area shall be arranged in accordance with the provisions of this District for accessory uses and shall be enclosed with a chain-link fence or its equivalent in strength and protective character, to a height of four feet, but not more than six feet. (Ord. 5-89. Passed 5-8-89.)

**1246.03 DEVELOPMENT STANDARDS.**

In addition to the provisions of Chapter 1272, the following standards for the arrangement and development of land and buildings are required in the R-3 Suburban Residential District:

- (a) Lot Area and Coverage.
  - (1) For each dwelling unit there shall be a lot area of not less than 10,000 square feet. The average net density, exclusive of public rights of way, for an area to be platted into single-family lots, shall not exceed three dwelling units per acre.
  - (2) For all other permitted uses and conditional uses, the lot area shall be adequate to meet the sanitation requirements of the County Board of Health, but shall not be less than that prescribed for such use.
  - (3) Only one principal use shall be permitted on a lot, and such lot shall not be covered more than thirty percent by structure.
- (b) Lot Width. For a dwelling there shall be a lot width of eighty feet or more at the front line of the dwelling, and such lot shall have access to and abut on a public right of way for a distance of fifty feet or more. For a conditional use the lot width shall be adequate to meet the development standards of the R-3 District.
- (c) Side Yards. For dwellings or associated accessory buildings there shall be a total of side yards of eighteen feet or more, with a minimum of eight feet on one side.
- (d) Rear Yards. For main buildings there shall be a rear yard of twenty-five percent or more of the lot depth, except that a rear yard of more than fifty feet shall not be required.
- (e) Maximum Height. No dwelling structure shall exceed thirty-five feet in height. The maximum height for other structures shall not exceed a safe height as determined by the Planning and Zoning Commission.  
(Ord. 5-89. Passed 5-8-89.)

CHAPTER 1248  
R-4 Suburban Residential District

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|---|---|
| 1248.01 Permitted uses.   | 1248.05 Development standards for three |
| 1248.02 Conditional use.  | through eight-family dwelling           |
| 1248.03 Development standards generally.                              | structures.                             |
| 1248.04 Development standards for two-<br>family dwelling structures. |   |

CROSS REFERENCES

- Municipal zoning in general - see Ohio R.C. 713.06 et seq.  
 General development standards - see P. & Z. Ch. 1272  
 Special permits - see P. & Z. Ch. 1274  
 Special districts - see P. & Z. Ch. 1276  
 Landscaping - see P. & Z. Ch. 1278  
 Signs - see P. & Z. Ch. 1280  
 Off-street parking and loading - see P. & Z. Ch. 1282  
 Adult entertainment businesses - see P. & Z. Ch. 1284

**1248.01 PERMITTED USES.**

Land and buildings in the R-4 Suburban Residential District shall be used only for the following purposes:

- (a) Dwelling Structures. One-family dwelling structures. Two-family dwelling structures and up to and including eight-family dwelling structures may be permitted, provided that:
- (1) An acceptable site development plan and subdivision plat are submitted and are reviewed and approved by the Planning and Zoning Commission.
  - (2) Such plan conforms to the development standards set forth in Section 1248.03 and Chapter 1272.
  - (3) The average net density, exclusive of public rights of way, for an area to be developed and/or platted under the R-4 Suburban Residential District, shall not exceed four dwelling units per acre.

- (b) Home Occupations. Home occupations in association with a permitted dwelling and in accordance with the provisions of Section 1272.04.
- (c) Accessory Buildings and Uses. Accessory buildings and uses in association with permitted dwellings, as specified in Section 1248.03 and Chapter 1272.
- (d) Public Schools. Public schools offering general educational courses and having no rooms regularly used for housing or sleeping of students.
- (e) Private Schools. Private schools offering general educational courses similar to those ordinarily given in public schools and having no rooms regularly used for housing or sleeping of students, provided that such school occupies a lot of not less than five acres.
- (f) Religious Uses. A church or other place of worship, provided it occupies a lot of not less than five acres and there is one acre or more per 100 seats or similar accommodations in the main assembly area.  
(Ord. 5-89. Passed 5-8-89.)

**1248.02 CONDITIONAL USE.**

The following uses shall be allowed in the R-4 Suburban Residential District subject to approval in accordance with Section 1232.02.

Kindergarten or child care as an accessory use of a dwelling. There shall be an outdoor play area of 200 square feet or more per child. Such play area shall be arranged in accordance with the provisions of this District for accessory uses and shall be enclosed with a chain-link fence, or its equivalent in strength and protective character, to a height of four feet, but not more than six feet.  
(Ord. 5-89. Passed 5-8-89.)

**1248.03 DEVELOPMENT STANDARDS GENERALLY.**

In addition to the provisions of Chapter 1272, the following standards for the arrangement and development of land and buildings are required in the R-4 Suburban Residential District:

- (a) Lot Area and Coverage.
  - (1) For each dwelling unit there shall be a lot area of not less than 10,000 square feet.
  - (2) For all other permitted uses and conditional uses the lot area shall be adequate to meet the sanitation requirements of the County Board of Health, but shall not be less than that prescribed for such use.
  - (3) Only one principal use shall be permitted on a lot, and such lot shall not be covered more than twenty-five percent by structure.

- (b) Lot Width. For a single-family dwelling there shall be a lot width of seventy-five feet or more at the front line of the dwelling and such lot shall have access to and abut on a public right of way for a distance of fifty feet or more. For a conditional use the lot width shall be adequate to meet the development standards of the R-4 District.
- (c) Side Yards. For single-family dwellings or associated accessory buildings there shall be a total of side yards of fifteen feet or more, with a minimum of five feet on one side. For conditional uses, except dwellings and accessory structures thereto, there shall be a side yard of twenty-five feet or more on each side of a building.
- (d) Rear Yards. For main buildings there shall be a rear yard of twenty percent or more of the lot depth, except that a rear yard of more than fifty feet shall be required.
- (e) Maximum Height. No dwelling structure shall exceed thirty-five feet in height. The maximum height for other structures shall not exceed a safe height as determined by the Planning and Zoning Commission.  
(Ord. 5-89. Passed 5-8-89.)

#### **1248.04 DEVELOPMENT STANDARDS FOR TWO-FAMILY DWELLING STRUCTURES.**

For two-family dwelling structures, the following standards shall apply:

- (a) Lot Area and Coverage. For each dwelling unit there shall be a lot area of not less than 8,500 square feet. Such lot shall not be covered more than twenty percent by structure.
- (b) Lot Width. The minimum width for a two-family lot shall be 100 feet and the lot shall have access to and abut on a public right of way for a distance of sixty feet or more.
- (c) Side Yards. For a two-family structure there shall be a total of side yards of twenty feet and a minimum side yard of eight feet on one side.
- (d) Rear Yards. A minimum rear yard of thirty feet shall be required.
- (e) Maximum Height. No dwelling structure shall exceed thirty-five feet in height. The maximum height for other structures shall not exceed a safe height as determined by the Planning and Zoning Commission.  
(Ord. 5-89. Passed 5-8-89.)

#### **1248.05 DEVELOPMENT STANDARDS FOR THREE THROUGH EIGHT-FAMILY DWELLING STRUCTURES.**

For three through eight-family dwelling structures, the following standards shall apply:

- (a) Lot Area. For each dwelling unit there shall be a lot area of 8,500 square feet.
- (b) Lot Width. The minimum lot width shall be 150 feet.

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- (c) Side and Rear Yards. Structures shall be set back from all side and rear property lines a minimum of twenty-five feet.
  - (d) Maximum Height. No dwelling structure shall exceed thirty-five feet in height. The maximum height for other structures shall not exceed a safe height as determined by the Planning and Zoning Commission.
  - (e) Traffic and Parking Concept. A proposed traffic circulation and parking concept shall be shown on the development plan, indicating ingress and egress points, resident and guest parking and provision for service vehicles.
  - (f) Open Space Concept. A proposed open space concept shall be shown on the development plan, indicating proposed recreational or other amenities, such as operation and maintenance of such areas.  
(Ord. 5-89. Passed 5-8-89.)

CHAPTER 1250  
Two-Family Residential District

1250.01 Permitted uses.  
1250.02 Conditional use.

1250.03 Development standards.

CROSS REFERENCES

Municipal zoning in general - see Ohio R.C. 713.06 et seq.  
General development standards - see P. & Z. Ch. 1272  
Special permits - see P. & Z. Ch. 1274  
Special districts - see P. & Z. Ch. 1276  
Landscaping - see P. & Z. Ch. 1278  
Signs - see P. & Z. Ch. 1280  
Off-street parking and loading - see P. & Z. Ch. 1282  
Adult entertainment businesses - see P. & Z. Ch. 1284

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**1250.01 PERMITTED USES.**

Land and buildings in the Two-Family Residential District shall be used for the following purposes:

- (a) Dwelling Structures. Two-family dwelling structures.
- (b) Home Occupations. Home occupations in association with a permitted dwelling and in accordance with the provisions of Section 1250.03 and Chapter 1272.
- (c) Accessory Buildings and Uses. Accessory buildings and uses in association with permitted dwellings, as specified in Section 1250.03 and Chapter 1272.
- (d) Public Schools. Public schools offering general educational courses and having no rooms regularly used for housing or sleeping of students.



- (e) Private Schools. Private schools offering general educational courses similar to those ordinarily given in public schools and having no rooms regularly used for housing or sleeping of students, provided that such school occupies a lot of not less than five acres.
- (f) Religious Uses. A church or other place of worship, provided it occupies a lot of not less than five acres and there is one acre or more per 100 seats or similar accommodations in the main assembly area.  
(Ord. 5-89. Passed 5-8-89.)

#### **1250.02 CONDITIONAL USE.**

The following use shall be allowed in the Two-Family Residential District subject to approval in accordance with Section 1232.02:

Kindergarten or child care as an accessory use of a dwelling. There shall be an outdoor play area of 200 square feet or more per child. Such play area shall be arranged in accordance with the provisions of this District for accessory uses and shall be enclosed with a chain-link fence, or its equivalent in strength and protective character, to a height of four feet, but not more than six feet.  
(Ord. 5-89. Passed 5-8-89.)

#### **1250.03 DEVELOPMENT STANDARDS.**

In addition to the provisions of Chapter 1272, the following standards for the arrangement and development of land and buildings are required in the Two-Family Residential District:

- (a) Lot Area and Coverage. For each dwelling unit there shall be a lot area not less than 4,500 square feet. Only one principal use shall be permitted on a lot, and such lot shall not be covered more than thirty percent by structure.
- (b) Lot Width. For a two-family lot there shall be a lot width of eighty feet or more at the front line of the dwelling, and such lot shall have access to and abut on a public right of way for a distance of fifty feet or more. For a conditional use, the lot width shall be adequate to meet the development standards for the Two-Family Residential District.
- (c) Side Yards. For dwellings or associated accessory buildings there shall be a total of side yards of fifteen feet or more, with a minimum of five feet on one side.
- (d) Rear Yards. For main buildings there shall be a rear yard of twenty-five percent or more of the lot depth, except that a rear yard of more than fifty feet shall not be required.
- (e) Maximum Height. No dwelling structure shall exceed thirty-five feet in height. The maximum height for other structures shall not exceed a safe height as determined by the Planning and Zoning Commission.

(f) Reduction of Development Standards. It is encouraged that two-family developments be done in a planned, coordinated fashion with provision for open space and play areas to be included within the site development concept. At the applicant's option, the lot area per dwelling unit may be reduced to 4,000 square feet, provided that a useable centralized open space or play area is provided at the ratio of 250 square feet per dwelling unit. This reduction in lot area and lot frontage and the provision for an open space concept shall be subject to review and approval by the Planning and Zoning Commission.

(Ord. 5-89. Passed 5-8-89.)

CHAPTER 1252  
Urban Residential District

1252.01 Permitted uses.

1252.03 Development standards.

1252.02 Conditional uses.

CROSS REFERENCES

Municipal zoning in general - see Ohio R.C. 713.06 et seq.

General development standards - see P. & Z. Ch. 1272

Special permits - see P. & Z. Ch. 1274

Special districts - see P. & Z. Ch. 1276

Landscaping - see P. & Z. Ch. 1278

Signs - see P. & Z. Ch. 1280

Off-street parking and loading - see P. & Z. Ch. 1282

Adult entertainment businesses - see P. & Z. Ch. 1284

**1252.01 PERMITTED USES.**

Land and buildings in the Urban Residential District shall be used only for the following purposes:

- (a) Dwelling Structures. Multiple-family structures having three or more dwelling units per structure.
- (b) Home Occupations. Home occupations in association with a permitted dwelling and in accordance with the provisions of Section 1252.03 and Chapter 1272.
- (c) Accessory Buildings and Uses. Accessory buildings and uses in association with permitted dwellings as specified in Section 1252.03 and Chapter 1272.
- (d) Public Schools and Parks.
  - (1) Public schools offering general educational courses and having no rooms regularly used for housing or sleeping of students.
  - (2) Parks, playgrounds and playfields.
- (e) Private Schools. Private schools offering general educational courses similar to those ordinarily given in public schools and having no rooms regularly used for housing or sleeping of students, provided that such school occupies a lot of not less than five acres.
- (f) Religious Uses. A church or other place of worship, provided it occupies a lot of not less than five acres. (Ord. 5-89. Passed 5-8-89.)

**1252.02 CONDITIONAL USES.**

The following uses shall be allowed in the Urban Residential District, subject to approval in accordance with Section 1232.02:

- (a) Two-family structures.
- (b) Kindergarten or child care as an accessory use of a dwelling. There shall be an outdoor play area of 200 square feet or more per child. Such play area shall be arranged in accordance with the provisions of this District for accessory uses and shall be enclosed with a chain-link fence, or its equivalent in strength and protective character, to a height of four feet, but not more than six feet.
- (c) Those uses incidental and accessory to multiple-family dwellings, including recreational facilities, swimming pools and rental offices, to be part of a multiple-family development.

(Ord. 5-89. Passed 5-8-89.)

**1252.03 DEVELOPMENT STANDARDS.**

In addition to the provisions of Chapter 1272, the following standards for the arrangement and development of land and buildings are required in the Urban Residential District:

- (a) Lot Area and Coverage.
  - (1) For each multiple-family dwelling unit there shall be a minimum net lot area of 3,600 square feet. Net lot area does not include publicly dedicated street rights of way.
  - (2) The minimum lot area for development of multiple-family uses shall be 10,000 square feet.
  - (3) For each two-family lot there shall be a lot area of not less than 4,500 square feet per dwelling unit.
- (b) Lot Width.
  - (1) The lot width shall be 125 feet on a publicly dedicated right of way at the front building line.
  - (2) Two-family lots shall have a minimum lot width of eighty feet.
  - (3) For a conditional use the lot width shall be adequate to meet the development standards of the Urban Residential District.
- (c) Side and Rear Yards.
  - (1) Multiple-family structures shall be set back from all side and rear property lines a minimum of twenty-five feet.
  - (2) For two-family lots a minimum side yard of five feet shall be maintained.
  - (3) The minimum sum of side yards shall equal fifteen feet and the minimum rear yard for two-family lots shall be twenty-five percent of the lot depth, except that a rear yard of more than fifty feet shall not be required.

- (d) Maximum Height. No dwelling structure shall exceed thirty-five feet in height. The maximum height for other structures shall not exceed a safe height as determined by the Planning and Zoning Commission.  
(Ord. 5-89. Passed 5-8-89.)

CHAPTER 1254  
Suburban Office and Institutional District

1254.01 Permitted uses.

1254.03 Development standards.

1254.02 Conditional uses.

CROSS REFERENCES

Municipal zoning in general - see Ohio R.C. 713.06 et seq.

General development standards - see P. & Z. Ch. 1272

Special permits - see P. & Z. Ch. 1274

Special districts - see P. & Z. Ch. 1276

Landscaping - see P. & Z. Ch. 1278

Signs - see P. & Z. Ch. 1280

Off-street parking and loading - see P. & Z. Ch. 1282

Adult entertainment businesses - see P. & Z. Ch. 1284

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**1254.01 PERMITTED USES.**

The following uses shall be permitted in the Suburban Office and Institutional District:

- (a) Residential. Dwellings ancillary to permitted institutional uses.
- (b) Administrative and Business. Administrative offices primarily engaged in general administration, supervision, purchasing, accounting and other management functions, and business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers, including:
  - (1) Commercial and stock savings banks.
  - (2) Mutual savings banks.
  - (3) Trust companies not engaged in deposit banking.
  - (4) Establishments performing functions closely related to banking.
  - (5) Rediscount and financing institutions for credit agencies other than banks.
  - (6) Savings and loan associations.
  - (7) Agricultural credit institutions.

- (8) Personal credit institutions.
  - (9) Business credit institutions.
  - (10) Loan correspondents and brokers.
  - (11) Security brokers, dealers and flotation companies.
  - (12) Commodity contracts brokers and dealers.
  - (13) Security and commodity exchanges.
  - (14) Services allied with the exchange of securities or commodities.
  - (15) Life Insurance.
  - (16) Accident and health insurance.
  - (17) Fire, marine and casualty insurance.
  - (18) Surety insurance.
  - (19) Title insurance.
  - (20) Insurance carriers, not elsewhere classified.
  - (21) Insurance agents, brokers and service.
  - (22) Real estate operators (except developers) and lessors.
  - (23) Agents, brokers and managers.
  - (24) Title abstract companies.
  - (25) Subdividers and developers.
  - (26) Operative builders.
  - (27) Combinations of real estate, insurance, loans, law offices.
  - (28) Holding companies.
  - (29) Investment companies.
  - (30) Trusts.
  - (31) Miscellaneous investing institutions.
- (c) Professional. Professional offices engaged in providing tangible and intangible services to the general public, involving both persons and their possessions, including:
- (1) Offices of physicians and surgeons.
  - (2) Offices of dentists and dental surgeons.
  - (3) Offices of osteopathic physicians.
  - (4) Offices of chiropractors.
  - (5) Medical and dental laboratories.
  - (6) Health and allied services.
  - (7) Legal services.
  - (8) Engineering and architectural services.
  - (9) Accounting, auditing and bookkeeping services.
  - (10) Services (professional) not elsewhere classified.
- (d) Institutions. Institutions providing social, cultural, educational and health services to member agencies, organizations and individuals or to the general public, including:
- (1) Hospitals.
  - (2) Elementary and secondary schools.

- (3) Colleges, universities, professional schools, junior colleges and normal schools.
- (4) Libraries.
- (5) Museums and art galleries.
- (6) Religious organizations.
- (e) Organizations and Associations. Organizations and associations, organized on a profit-making or nonprofit-making basis, for the promotion of membership interests, including:
  - (1) Business associations.
  - (2) Professional membership organizations.
  - (3) Labor unions and similar labor organizations.
  - (4) Civic, social and fraternal associations.
  - (5) Political organizations.
  - (6) Charitable organizations.
  - (7) Nonprofit membership organizations not elsewhere classified.(Ord. 5-89. Passed 5-8-89.)

#### **1254.02 CONDITIONAL USES.**

The following uses shall be allowed in the Suburban Office and Institutional District, subject to approval in accordance with Section 1232.02:

- (a) Drive-In or Outdoor Service Facilities. Facility. Drive-in or outdoor service facilities developed in association with a permitted use.
- (b) Personal Services. Personal services generally involving the care of a person or his or her apparel, including:
  - (1) Photographic studios, including commercial photography.
  - (2) Beauty shops.
  - (3) Barber shops.
  - (4) Funeral service establishments and crematories.
- (c) Educational and Research Establishments. Educational and research establishments engaged in providing tangible and intangible services to members of the general public, including:
  - (1) Research, development and testing laboratories.
  - (2) Vocational schools.
  - (3) School and educational services not elsewhere classified.
  - (4) Nonprofit educational and scientific research agencies.
- (d) Food and Lodging. Commercial establishments and institutions engaged in furnishing lodging and meals on a fee basis, including:
  - (1) Eating and drinking places.
  - (2) Rooming and boarding houses.
  - (3) Organization hotels and lodging houses on a membership basis.
- (e) Exceptional Uses. Offices of veterinarians and animal hospitals.  
(Ord. 5-89. Passed 5-8-89.)



**1254.03 DEVELOPMENT STANDARDS.**

In addition to the provisions of Chapter 1272, the following standards for the arrangement and development of land and buildings are required in the Suburban Office and Institutional District:

- (a) Lot Size and Coverage. No minimum lot size is required. However, lot size shall be adequate to provide the yard space required by this section. One or more main buildings or permitted uses may be placed on a lot. However, no main or accessory structure shall occupy more than fifty percent of a lot, nor shall the total gross floor area exceed eighty percent of the lot area.
- (b) Lot Width. No minimum lot width is required. However, all lots shall abut a street and have adequate width to provide the yard space required by this section.
- (c) Side Yards. A side yard shall be required adjacent to a Residential Zoning District or a Planned Development Zoning District, as listed in Section 1238.04. Such side yard shall not be less than one-fourth the sum of the height of the structure and the length of the wall most nearly parallel to the side lot line, but in no case shall the side yard be less than fifteen feet.
- (d) Rear Yard. A rear yard shall be required adjacent to a Residential Zoning District or a Planned Development Zoning District, as listed in Section 1238.04. Such rear yard shall not be less than one-fourth the sum of the height of the structure and the length of the wall most nearly parallel to the rear lot line, but in no case shall the rear yard be less than fifteen feet.

(Ord. 5-89. Passed 5-8-89.)

CHAPTER 1256  
Neighborhood Commercial District

1256.01 Permitted uses.

1256.03 Development standards.

1256.02 Conditional uses.

CROSS REFERENCES

Municipal zoning in general - see Ohio R.C. 713.06 et seq.

General development standards - see P. & Z. Ch. 1272

Special permits - see P. & Z. Ch. 1274

Special districts - see P. & Z. Ch. 1276

Landscaping - see P. & Z. Ch. 1278

Signs - see P. & Z. Ch. 1280

Off-street parking and loading - see P. & Z. Ch. 1282

Adult entertainment businesses - see P. & Z. Ch. 1284

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**1256.01 PERMITTED USES.**

The following uses shall be permitted in the Neighborhood Commercial District: (a)

Retail Stores. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods, including the buying or processing of goods for resale, including:

- (1) Hardware stores.
- (2) Grocery stores.
- (3) Meat and fish (seafood) markets.
- (4) Fruit stores and vegetable markets.
- (5) Candy, nut and confectionery stores.
- (6) Dairy products stores.
- (7) Retail bakeries.
- (8) Drug stores and proprietary stores.
- (9) Liquor stores.
- (10) Florists.

- (b) Personal Services. Personal services generally involving the care of the person or his or her personal effects, including:
  - (1) Eating and drinking places.
  - (2) Self-service laundries.
  - (3) Beauty shops.
  - (4) Barber shops.
  - (5) Shoe repair shops, shoe shine parlors and hat cleaning shops.
  - (6) Pressing, alteration and garment repair shops.
- (c) Business and Professional Offices. Business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers, and professional offices engaged in providing tangible and intangible services to the general public, involving both persons and their possessions, including:
  - (1) Commercial and stock savings banks.
  - (2) Credit agencies other than banks.
  - (3) Personal credit institutions.
  - (4) Insurance agents, brokers and service.
  - (5) Real estate agents, brokers and managers.
  - (6) Combinations of real estate, insurance, loans and law offices.
  - (7) Offices of physicians and surgeons.
  - (8) Offices of dentists and dental surgeons.
  - (9) Offices of osteopathic physicians.
  - (10) Offices of chiropractors.
  - (11) Legal services. (Ord. 5-89. Passed 5-8-89.)

#### **1256.02 CONDITIONAL USES.**

The following uses shall be allowed in the Neighborhood Commercial District subject to approval in accordance with Section 1232.02:

- (a) Automotive Services. Gasoline service stations, provided that no portion of a structure or its appurtenances, including ancillary, associated or auxiliary equipment, shall be located in front of the established building line.
- (b) Drive-in or Outdoor Service Facilities. Drive-in or outdoor service facilities developed in association with a permitted use. (Ord. 5-89. Passed 5-8-89.)

#### **1256.03 DEVELOPMENT STANDARDS.**

In addition to the provisions of Chapter 1272, the following standards for the arrangement and development of land and buildings are required in the Neighborhood Commercial District:

- (a) Lot Size. No minimum lot size is required. However, lot size shall be adequate to provide the yard space required by this section.

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- (b) Lot Width. No minimum lot width is required. However, all lots shall abut a street and have adequate width to provide the yard space required by this section.
  - (c) Side Yards. A side yard shall be required adjacent to a Residential Zoning District or a Planned Residential Zoning District, as listed in Section 1238.04. Such side yards shall not be less than one-fourth the sum of the height and depth of the building, but in no case shall they be less than fifteen feet.
  - (d) Rear Yards. A rear yard shall be required adjacent to a Residential Zoning District or a Planned Development Zoning District, as listed in Section 1238.04. Such required rear yards shall not be less than one-fourth the sum of the height and width of the building, but in no case shall they be less than twenty feet. A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than forty feet wide.  
(Ord. 5-89. Passed 5-8-89.)

CHAPTER 1258  
Community Commercial District

1258.01 Permitted uses.

1258.03 Development standards.

1258.02 Conditional uses.

CROSS REFERENCES

Municipal zoning in general - see Ohio R.C. 713.06 et seq.

General development standards - see P. & Z. Ch. 1272

Special permits - see P. & Z. Ch. 1274

Special districts - see P. & Z. Ch. 1276

Landscaping - see P. & Z. Ch. 1278

Signs - see P. & Z. Ch. 1280

Off-street parking and loading - see P. & Z. Ch. 1282

Adult entertainment businesses - see P. & Z. Ch. 1284

**1258.01 PERMITTED USES.**

The following uses shall be permitted in the Community Commercial District:

- (a) Retail Stores. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods, including the buying or processing of goods for resale, including:
- (1) General merchandise.
    - A. Hardware stores.
    - B. Department stores.
    - C. Mail order houses.
    - D. Limited price variety stores.
    - E. Miscellaneous general merchandise stores.
  - (2) Food.
    - A. Grocery stores.
    - B. Meat and fish (seafood) markets.
    - C. Fruit stores and vegetable markets.
    - D. Candy, nut and confectionery stores.
    - E. Dairy products stores.
    - F. Retail bakeries.
    - G. Miscellaneous food stores.

- 
- (3) Automobile sales.
    - A. Motor vehicle dealers (new and used cars).
    - B. Motor vehicle dealers (used cars only).
    - C. Tire, battery and accessory dealers.
    - D. Miscellaneous aircraft, marine and automotive dealers.
  - (4) Building materials.
    - A. Lumber and other building materials dealers.
    - B. Heating and plumbing equipment dealers.
    - C. Electrical supply stores.
    - D. Hardware and farm equipment.
  - (5) Apparel.
    - A. Men's and boys' clothing and furnishings stores.
    - B. Women's accessory and specialty stores.
    - C. Women's ready-to-wear stores.
    - D. Children's and infants' wear stores.
    - E. Family clothing stores.
    - F. Shoe stores.
    - G. Custom tailors.
    - H. Furriers and fur shops.
    - I. Miscellaneous apparel and accessory stores.
  - (6) Home furnishings.
    - A. Furniture, home furnishings and equipment stores.
    - B. Household appliance stores.
    - C. Radio, television and music stores.
  - (7) Food and lodging. Commercial establishments, and institutions engaged in furnishing lodging and meals on a fee basis, including:
    - A. Eating and drinking places.
    - B. Motels.
    - C. Rooming and boarding houses.
  - (8) Miscellaneous retail.
    - A. Drug stores and proprietary stores.
    - B. Liquor stores.
    - C. Antique stores and secondhand stores.
    - D. Book and stationery stores.
    - E. Sporting goods stores and bicycle shops.
    - F. Jewelry stores.
    - G. Florists.
    - H. Cigar stores and stands.
    - I. News dealers and newsstands.
    - J. Camera and photographic supply stores.
    - K. Gift, novelty and souvenir shops.
    - L. Optical goods stores.
    - M. Miscellaneous retail stores not elsewhere classified.

- (b) Administrative, Business and Professional Offices. Administrative offices primarily engaged in general administration, supervision, purchasing, accounting and other management functions; business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers; and professional offices engaged in providing tangible and intangible services to the general public, involving both persons and possessions, including:
- (1) Finance.
    - A. Commercial and stock savings banks.
    - B. Mutual savings banks.
    - C. Trust companies not engaged in deposit banking.
    - D. Establishments performing functions closely related to banking.
    - E. Savings and loan associations.
    - F. Agricultural credit institutions.
    - G. Personal credit institutions.
    - H. Business credit institutions.
    - I. Loan correspondents and brokers.
    - J. Holding companies.
    - K. Investment companies.
    - L. Trusts.
    - M. Miscellaneous investing institutions.
  - (2) Insurance carriers.
    - A. Life insurance.
    - B. Accident and health insurance.
    - C. Fire, marine and casualty insurance.
    - D. Surety insurance.
    - E. Title insurance.
    - F. Insurance carriers not elsewhere classified.
  - (3) Insurance agents. Insurance agents, brokers and service.
  - (4) Business services.
    - A. Advertising.
    - B. Duplicating, addressing, blueprinting, photocopying, mailing, mailing list and stenographic services.
    - C. Services to dwellings and other buildings.
    - D. Business services not elsewhere classified.
  - (5) Repair services.
    - A. Electrical repair shops.
    - B. Watch, clock and jewelry repair.
    - C. Re-upholstery and furniture repair.
    - D. Miscellaneous repair shops and related services.

- (6) Professional.
  - A. Offices of physicians and surgeons.
  - B. Offices of dentists and dental surgeons.
  - C. Offices of osteopathic physicians.
  - D. Offices of chiropractors.
  - E. Medical and dental laboratories.
  - F. Health and allied services not elsewhere classified.
  - G. Legal services.
  - H. Engineering and architectural services.
  - I. Accounting, auditing and bookkeeping services.
- (c) Personal and Consumer Services. Personal services generally involving the care of the person or his or her personal effects, and consumer services generally involving the care and maintenance of tangible property or the provision of intangible services for personal consumption, including:
  - (1) Personal.
    - A. Photographic studios, including commercial photography.
    - B. Beauty shops.
    - C. Barber shops.
    - D. Shoe repair shops, shoe shine parlors and hat cleaning shops.
    - E. Funeral service establishments.
    - F. Pressing, alteration and garment repair.
    - G. Miscellaneous personal services.
  - (2) Business.
    - A. Advertising.
    - B. Consumer credit reporting agencies, mercantile reporting agencies, and adjustment and collecting agencies.
    - C. Duplicating, addressing, blueprinting, photocopying, mailing, mailing list and stenographic services.
    - D. News syndicates.
    - E. Private employment.
    - F. Business services not elsewhere classified, except research, development and testing laboratories (see Section 1254.02(c)(1)).
  - (3) Automotive. Gasoline service stations. (Ord. 5-89. Passed 5-8-89.)

**1258.02 CONDITIONAL USES.**

The following uses shall be allowed in the Community Commercial District, subject to approval in accordance with Section 1232.02:

- (a) Drive-in, Outdoor Service or Open-Display Facilities. Drive-in, outdoor service or open-display facilities, developed in association with a permitted use, except for a gasoline service station when all of its lot lines are twenty- five feet or more from a Residential Zoning District to a Planned Residential Zoning District as listed in Section 1238.04.



- (b) Residential. Living quarters as an integral part of a permitted use structure.
- (c) Consumer Services. Consumer services generally involving the care and maintenance of tangible property or the provision of intangible services for personal consumption, including:
  - (1) Recreation.
    - A. Motion picture theaters.
    - B. Dance halls, studios and schools.
    - C. Theatrical producers, except motion pictures, bands, orchestras and entertainers (theater).
    - D. Bowling alleys, billiard and pool halls.
    - E. Swimming pools.
    - F. Skating rinks.
  - (2) Automotive.
    - A. Automotive rentals, without drivers.
    - B. Automotive parking.
    - C. Automobile services, except repair.
- (d) Offices of Veterinarians and Animal Hospitals. Offices of veterinarians and animal hospitals.  
(Ord. 5-89. Passed 5-8-89.)

### **1258.03 DEVELOPMENT STANDARDS.**

In addition to the provisions of Chapter 1272, the following standards for the arrangement and development of land and buildings are required in the Community Commercial District:

- (a) Lot Size. No minimum lot size is required. However, lot size shall be adequate to provide the yard space required by this section.
- (b) Lot Width. No minimum lot width is required. However, all lots shall abut a street and have adequate width to provide the yard space required by this section.
- (c) Side Yards. A side yard shall be required adjacent to a Residential Zoning District or Planned Residential Zoning District, as listed in Section 1238.04. Such side yards shall not be less than one fourth the sum of the height and depth of the building, but in no case shall they be less than fifteen feet.
- (d) Rear Yards. A rear yard shall be required adjacent to a Residential Zoning District or a Planned Residential Zoning District, as listed in Section 1238.04. Such rear yards shall not be less than one-fourth the sum of the height and width of the building, except when adjacent to a dedicated alley of not less than twenty feet. A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than forty feet wide.  
(Ord. 5-89. Passed 5-8-89.)

CHAPTER 1258  
Community Commercial District

1258.01 Permitted uses.

1258.03 Development standards.

1258.02 Conditional uses.

CROSS REFERENCES

Municipal zoning in general - see Ohio R.C. 713.06 et seq.

General development standards - see P. & Z. Ch. 1272

Special permits - see P. & Z. Ch. 1274

Special districts - see P. & Z. Ch. 1276

Landscaping - see P. & Z. Ch. 1278

Signs - see P. & Z. Ch. 1280

Off-street parking and loading - see P. & Z. Ch. 1282

Adult entertainment businesses - see P. & Z. Ch. 1284

**1258.01 PERMITTED USES.**

The following uses shall be permitted in the Community Commercial District:

- (a) Retail Stores. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods, including the buying or processing of goods for resale, including:
- (1) General merchandise.
    - A. Hardware stores.
    - B. Department stores.
    - C. Mail order houses.
    - D. Limited price variety stores.
    - E. Miscellaneous general merchandise stores.
  - (2) Food.
    - A. Grocery stores.
    - B. Meat and fish (seafood) markets.
    - C. Fruit stores and vegetable markets.
    - D. Candy, nut and confectionery stores.
    - E. Dairy products stores.
    - F. Retail bakeries.
    - G. Miscellaneous food stores.

- 
- (3) Automobile sales.
    - A. Motor vehicle dealers (new and used cars).
    - B. Motor vehicle dealers (used cars only).
    - C. Tire, battery and accessory dealers.
    - D. Miscellaneous aircraft, marine and automotive dealers.
  - (4) Building materials.
    - A. Lumber and other building materials dealers.
    - B. Heating and plumbing equipment dealers.
    - C. Electrical supply stores.
    - D. Hardware and farm equipment.
  - (5) Apparel.
    - A. Men's and boys' clothing and furnishings stores.
    - B. Women's accessory and specialty stores.
    - C. Women's ready-to-wear stores.
    - D. Children's and infants' wear stores.
    - E. Family clothing stores.
    - F. Shoe stores.
    - G. Custom tailors.
    - H. Furriers and fur shops.
    - I. Miscellaneous apparel and accessory stores.
  - (6) Home furnishings.
    - A. Furniture, home furnishings and equipment stores.
    - B. Household appliance stores.
    - C. Radio, television and music stores.
  - (7) Food and lodging. Commercial establishments, and institutions engaged in furnishing lodging and meals on a fee basis, including:
    - A. Eating and drinking places.
    - B. Motels.
    - C. Rooming and boarding houses.
  - (8) Miscellaneous retail.
    - A. Drug stores and proprietary stores.
    - B. Liquor stores.
    - C. Antique stores and secondhand stores.
    - D. Book and stationery stores.
    - E. Sporting goods stores and bicycle shops.
    - F. Jewelry stores.
    - G. Florists.
    - H. Cigar stores and stands.
    - I. News dealers and newsstands.
    - J. Camera and photographic supply stores.
    - K. Gift, novelty and souvenir shops.
    - L. Optical goods stores.
    - M. Miscellaneous retail stores not elsewhere classified.

- (b) Administrative, Business and Professional Offices. Administrative offices primarily engaged in general administration, supervision, purchasing, accounting and other management functions; business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers; and professional offices engaged in providing tangible and intangible services to the general public, involving both persons and possessions, including:
- (1) Finance.
    - A. Commercial and stock savings banks.
    - B. Mutual savings banks.
    - C. Trust companies not engaged in deposit banking.
    - D. Establishments performing functions closely related to banking.
    - E. Savings and loan associations.
    - F. Agricultural credit institutions.
    - G. Personal credit institutions.
    - H. Business credit institutions.
    - I. Loan correspondents and brokers.
    - J. Holding companies.
    - K. Investment companies.
    - L. Trusts.
    - M. Miscellaneous investing institutions.
  - (2) Insurance carriers.
    - A. Life insurance.
    - B. Accident and health insurance.
    - C. Fire, marine and casualty insurance.
    - D. Surety insurance.
    - E. Title insurance.
    - F. Insurance carriers not elsewhere classified.
  - (3) Insurance agents. Insurance agents, brokers and service.
  - (4) Business services.
    - A. Advertising.
    - B. Duplicating, addressing, blueprinting, photocopying, mailing, mailing list and stenographic services.
    - C. Services to dwellings and other buildings.
    - D. Business services not elsewhere classified.
  - (5) Repair services.
    - A. Electrical repair shops.
    - B. Watch, clock and jewelry repair.
    - C. Re-upholstery and furniture repair.
    - D. Miscellaneous repair shops and related services.

- (6) Professional.
  - A. Offices of physicians and surgeons.
  - B. Offices of dentists and dental surgeons.
  - C. Offices of osteopathic physicians.
  - D. Offices of chiropractors.
  - E. Medical and dental laboratories.
  - F. Health and allied services not elsewhere classified.
  - G. Legal services.
  - H. Engineering and architectural services.
  - I. Accounting, auditing and bookkeeping services.
- (c) Personal and Consumer Services. Personal services generally involving the care of the person or his or her personal effects, and consumer services generally involving the care and maintenance of tangible property or the provision of intangible services for personal consumption, including:
  - (1) Personal.
    - A. Photographic studios, including commercial photography.
    - B. Beauty shops.
    - C. Barber shops.
    - D. Shoe repair shops, shoe shine parlors and hat cleaning shops.
    - E. Funeral service establishments.
    - F. Pressing, alteration and garment repair.
    - G. Miscellaneous personal services.
  - (2) Business.
    - A. Advertising.
    - B. Consumer credit reporting agencies, mercantile reporting agencies, and adjustment and collecting agencies.
    - C. Duplicating, addressing, blueprinting, photocopying, mailing, mailing list and stenographic services.
    - D. News syndicates.
    - E. Private employment.
    - F. Business services not elsewhere classified, except research, development and testing laboratories (see Section 1254.02(c)(1)).
  - (3) Automotive. Gasoline service stations. (Ord. 5-89. Passed 5-8-89.)

**1258.02 CONDITIONAL USES.**

The following uses shall be allowed in the Community Commercial District, subject to approval in accordance with Section 1232.02:

- (a) Drive-in, Outdoor Service or Open-Display Facilities. Drive-in, outdoor service or open-display facilities, developed in association with a permitted use, except for a gasoline service station when all of its lot lines are twenty- five feet or more from a Residential Zoning District to a Planned Residential Zoning District as listed in Section 1238.04.

- (b) Residential. Living quarters as an integral part of a permitted use structure.
- (c) Consumer Services. Consumer services generally involving the care and maintenance of tangible property or the provision of intangible services for personal consumption, including:
  - (1) Recreation.
    - A. Motion picture theaters.
    - B. Dance halls, studios and schools.
    - C. Theatrical producers, except motion pictures, bands, orchestras and entertainers (theater).
    - D. Bowling alleys, billiard and pool halls.
    - E. Swimming pools.
    - F. Skating rinks.
  - (2) Automotive.
    - A. Automotive rentals, without drivers.
    - B. Automotive parking.
    - C. Automobile services, except repair.
- (d) Offices of Veterinarians and Animal Hospitals. Offices of veterinarians and animal hospitals.  
(Ord. 5-89. Passed 5-8-89.)

### **1258.03 DEVELOPMENT STANDARDS.**

In addition to the provisions of Chapter 1272, the following standards for the arrangement and development of land and buildings are required in the Community Commercial District:

- (a) Lot Size. No minimum lot size is required. However, lot size shall be adequate to provide the yard space required by this section.
- (b) Lot Width. No minimum lot width is required. However, all lots shall abut a street and have adequate width to provide the yard space required by this section.
- (c) Side Yards. A side yard shall be required adjacent to a Residential Zoning District or Planned Residential Zoning District, as listed in Section 1238.04. Such side yards shall not be less than one fourth the sum of the height and depth of the building, but in no case shall they be less than fifteen feet.
- (d) Rear Yards. A rear yard shall be required adjacent to a Residential Zoning District or a Planned Residential Zoning District, as listed in Section 1238.04. Such rear yards shall not be less than one-fourth the sum of the height and width of the building, except when adjacent to a dedicated alley of not less than twenty feet. A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than forty feet wide.  
(Ord. 5-89. Passed 5-8-89.)

CHAPTER 1260  
Central Community Commercial District

1260.01 Permitted uses.  
1260.02 Conditional use.

1260.03 Development standards.

CROSS REFERENCES

Municipal zoning in general - see Ohio R.C. 713.06 et seq.  
General development standards - see P. & Z. Ch. 1272  
Special permits - see P. & Z. Ch. 1274  
Special districts - see P. & Z. Ch. 1276  
Landscaping - see P. & Z. Ch. 1278  
Signs - see P. & Z. Ch. 1280  
Off-street parking and loading - see P. & Z. Ch. 1282  
Adult entertainment businesses - see P. & Z. Ch. 1284

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**1260.01 PERMITTED USES.**

The following uses shall be permitted in the Central Community District:

- (a) Retail Stores. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods, including the buying or processing of goods for resale, including:
- (1) General merchandise.
    - A. Hardware stores.
    - B. Department stores.
    - C. Mail order houses.
    - D. Limited price variety stores.
    - E. Miscellaneous general merchandise stores.
  - (2) Food.
    - A. Grocery stores.
    - B. Meat and fish (seafood) markets.
    - C. Fruit stores and vegetable markets.
    - D. Candy, nut and confectionery stores.
    - E. Dairy products stores.
    - F. Retail bakeries.
    - G. Miscellaneous food stores.

- (3) Building materials.
  - A. Lumber and other building materials dealers.
  - B. Heating and plumbing equipment dealers.
  - C. Electrical supply stores.
  - D. Hardware and farm equipment.
- (4) Apparel.
  - A. Men's and boy's clothing and furnishings stores.
  - B. Women's accessory and specialty stores.
  - C. Women's ready-to-wear stores.
  - D. Children's and infants' wear stores.
  - E. Family clothing stores.
  - F. Shoe stores.
  - G. Custom tailors.
  - H. Furriers and fur shops.
  - I. Miscellaneous apparel and accessories stores.
- (5) Home furnishings.
  - A. Furniture, home furnishings and equipment stores.
  - B. Household appliance stores.
  - C. Radio, television and music stores.
- (6) Eating and drinking. Eating and drinking places, i.e. commercial establishments and institutions engaged in furnishing meals on a fee basis.
- (7) Miscellaneous retail.
  - A. Drug stores and proprietary stores.
  - B. Liquor stores.
  - C. Antique stores and secondhand stores.
  - D. Book and stationery stores.
  - E. Sporting goods stores and bicycle shops
  - F. Jewelry stores
  - G. Florists
  - H. Cigar stores and stands
  - I. News dealers and newsstands
  - J. Camera and photographic supply stores
  - K. Gift, novelty and souvenir shops
  - L. Optical goods stores
  - M. Miscellaneous retail stores not elsewhere classified.
- (b) Administrative, Business and Professional Offices. Administrative offices primarily engaged in general administration, supervision, purchasing, accounting and other management functions; business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers; and professional offices engaged in providing tangible and intangible services to the general public, involving both persons and professions, including:



(1) Finance.

- A. Commercial and stock savings banks.
- B. Mutual savings banks.
- C. Trust companies not engaged in deposit banking.
- D. Establishments performing functions closely related to banking.
- E. Savings and loan associations.
- F. Agricultural credit institutions.
- G. Personal credit institutions.
- H. Business credit institutions.
- I. Loan correspondence and brokers.
- J. Holding companies.
- K. Investment companies.
- L. Trusts.
- M. Miscellaneous investing institutions.

(2) Insurance carriers.

- A. Life insurance.
- B. Accident and health insurance.
- C. Fire, marine and casualty insurance.
- D. Surety insurance.
- E. Title insurance.
- F. Insurance carriers not elsewhere classified.

(3) Insurance agents. Insurance agents, brokers and service.(4) Real estate.

- A. Real estate operators (except developers) and lessors.
- B. Agents, brokers and managers.
- C. Title abstract companies.
- D. Subdividers and developers.
- E. Operative builders.
- F. Combinations of real estate, insurance, loans and law offices.

(5) Business services.

- A. Advertising.
- B. Duplicating, addressing, blueprinting, photocopying, mailing, mailing list and stenographic services.
- C. Business services not elsewhere classified.
- D. Services to dwellings and other buildings.

(6) Repair services.

- A. Electrical repair shops.
- B. Watch, clock and jewelry repair.
- C. Re-upholstery and furniture repair.
- D. Miscellaneous repair shops and related services.

- (7) Professional.
  - A. Offices of physicians and surgeons.
  - B. Offices of dentists and dental surgeons.
  - C. Offices of osteopathic physicians.
  - D. Offices of chiropractors.
  - E. Medical and dental laboratories.
  - F. Health and allied services not elsewhere classified.
  - G. Legal services.
  - H. Engineering and architectural services.
  - I. Accounting, auditing and bookkeeping services.
  - J. Offices of veterinarians and animal hospitals.
- (c) Personal and Consumer Services. Personal services generally involving the care of the person or his or her personal effects, and consumer services generally involving the care and maintenance of tangible property or the provision of intangible services for personal consumption, including:
  - (1) Personal.
    - A. Motel.
    - B. Photographic studios, including commercial photography.
    - C. Beauty shops.
    - D. Barber shops.
    - E. Shoe repair shops, shoe shine parlors and hat cleaning shops.
    - F. Pressing, alteration and garment repair.
    - G. Miscellaneous personal services.
  - (2) Business.
    - A. Consumer credit reporting agencies, mercantile reporting agencies and adjustment and collecting agencies.
    - B. News syndicates.
    - C. Private employment agencies.
  - (3) Automotive.
    - A. Tire, battery and accessory dealers.
    - B. Gasoline service station.  
(Ord. 5-89. Passed 5-8-89.)

#### **1260.02 CONDITIONAL USE.**

The following use shall be allowed in the Central Community Commercial District, subject to approval in accordance with Section 1232.02:

Living quarters as an integral part of a permitted use structure.  
(Ord. 5-89. Passed 5-8-89.)

**1260.03 DEVELOPMENT STANDARDS.**

In addition to the provisions of Chapter 1272, the following standards for the arrangement and development of land and buildings are required in the Central Community Commercial District:

- (a) Lot Size. No minimum lot size is required.
- (b) Lot Width. No minimum lot width is required. However, all lots shall abut a street and have adequate width to provide the yard space required by this section.
- (c) Side Yards. A side yard shall be required adjacent to a Residential Zoning District or Planned Residential Zoning District, as listed in Section 1238.04. Such side yards shall not be less than one-fourth the sum of the height and depth of the building, but in no case shall they be less than fifteen feet.
- (d) Rear Yards. A rear yard shall be required adjacent to a Residential Zoning District or a Planned Residential Zoning District, as listed in Section 1238.04. Such rear yards shall not be less than one-fourth the sum of the height and width of the building, except when adjacent to a dedicated alley of not less than twenty feet. A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than forty feet wide.
- (e) Location and Appearance. The location on the site and the appearance (architectural character) of structures proposed for construction in the Central Community Commercial District shall be determined by the Planning and Zoning Commission following the procedures and guidelines established in this Zoning Code.  
(Ord. 5-89. Passed 5-8-89.)

CHAPTER 1262  
Central Business District

1262.01 Permitted uses.

1262.03 Development standards.

1262.02 Conditional uses.

CROSS REFERENCES

Municipal zoning in general - see Ohio R.C. 713.06 et seq.

General development standards - see P. & Z. Ch. 1272

Special permits - see P. & Z. Ch. 1274

Special districts - see P. & Z. Ch. 1276

Landscaping - see P. & Z. Ch. 1278

Signs - see P. & Z. Ch. 1280

Off-street parking and loading - see P. & Z. Ch. 1282

Adult entertainment businesses - see P. & Z. Ch. 1284

**1262.01 PERMITTED USES.**

The following uses shall be permitted in the Central Business District:

- (a) Residential. Residential structures containing not more than four dwelling units.
- (b) Retail Stores. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods, including the buying or processing of goods for resale, including:
  - (1) Building materials.
    - A. Heating and plumbing equipment dealers.
    - B. Paint, glass and wallpaper stores.
    - C. Electrical supply stores.
    - D. Hardware stores.
  - (2) General merchandise.
    - A. Department stores.
    - B. Mail order houses.
    - C. Limited price variety stores.
    - D. Dry goods and general merchandise stores.

(3) Food.

- A. Grocery stores.
- B. Fruit stores and vegetable markets.
- C. Candy, nut and confectionery stores.
- D. Dairy products stores.
- E. Retail bakeries - nonmanufacturing.
- F. Food stores not elsewhere classified.

(4) Apparel and accessories.

- A. Men's and boys' clothing and furnishings stores.
- B. Women's ready-to-wear stores.
- C. Women's accessory and specialty shops.
- D. Children's and infants' wear stores.
- E. Family clothing stores.
- F. Shoe stores.
- G. Custom tailors.
- H. Furriers and fur shops.
- I. Miscellaneous apparel and accessory stores.

(5) Home furnishings.

- A. Furniture, home furnishings and equipment stores.
- B. Household appliance stores.
- C. Radio, television and music stores.

(6) Eating and drinking. Eating and drinking places.(7) Miscellaneous retail.

- A. Drug stores and proprietary stores.
- B. Liquor stores.
- C. Antique stores and secondhand stores.
- D. Book and stationery stores.
- E. Sporting goods stores and bicycle shops.
- F. Jewelry stores.
- G. Retail stores not elsewhere classified.

- (c) Administrative, Business and Professional Offices. Administrative offices primarily engaged in general administration, supervision, purchasing, accounting and other management functions; business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers; and professional offices engaged in providing tangible and intangible services to the general public, involving both persons and possessions, including:

(1) Finance.

- A. Federal Reserve banks.
- B. Commercial and stock savings banks.
- C. Mutual savings banks.
- D. Trust companies not engaged in deposit banking.

- E. Establishments performing functions closely related to banking.
  - F. Rediscount and financing institutions for credit agencies other than banks.
  - G. Savings and loan associations.
  - H. Agricultural credit institutions.
  - I. Personal credit institutions.
  - J. Business credit institutions.
  - K. Loan correspondents and brokers.
  - L. Security brokers, dealers and flotation companies.
  - M. Commodity contracts brokers and dealers.
  - N. Security and commodity exchanges.
  - O. Services allied with the exchange of securities or commodities.
- (2) Insurance carriers.
- A. Life insurance.
  - B. Accident and health insurance.
  - C. Fire, marine and casualty insurance.
  - D. Surety insurance.
  - E. Title insurance.
  - F. Insurance carriers not elsewhere classified.
- (3) Insurance agents. Insurance agents, brokers and service.
- (4) Real estate.
- A. Real estate operators (except developers) and lessors.
  - B. Agents, brokers and managers.
  - C. Title abstract companies.
  - D. Subdividers and developers.
  - E. Operative builders.
  - F. Combination of real estate, insurance, loans and law offices.
- (5) Holding and other investment companies.
- A. Holding companies.
  - B. Investment companies.
  - C. Trusts.
  - D. Miscellaneous investing institutions.
- (6) Professional.
- A. Offices of physicians and surgeons.
  - B. Offices of dentists and dental surgeons.
  - C. Offices of osteopathic physicians.
  - D. Offices of chiropractors.
  - E. Medical and dental laboratories.
  - F. Health and allied services not elsewhere classified.
  - G. Legal services.
  - H. Engineering and architectural services.
  - I. Accounting, auditing and bookkeeping services.

- (d) Personal and Consumer Services. Personal services generally involving the care of the person or his or her personal effects, and consumer services generally involving the care and maintenance of tangible property or the provision of intangible services for personal consumption, including:
- (1) Personal.
    - A. Photographic studios, including commercial photography.
    - B. Beauty shops.
    - C. Barber shops.
    - D. Shoe repair shops, shoe shine parlors and hat cleaning shops.
    - E. Funeral service establishments.
    - F. Pressing, alteration and garment repair.
    - G. Miscellaneous personal services.
  - (2) Business.
    - A. Advertising.
    - B. Consumer credit reporting agencies, mercantile reporting agencies, and adjustment and collection agencies.
    - C. Duplicating, addressing, blueprinting, photocopying, mailing, mailing list and stenographic services.
    - D. News syndicates.
    - E. Business services not elsewhere classified (except research, development and testing laboratories, as approved by the Planning and Zoning Commission).
  - (3) Miscellaneous repair.
    - A. Electrical repair shops.
    - B. Watch, clock and jewelry.
    - C. Re-upholstery and furniture repair.
    - D. Miscellaneous repair shops and related services.

(Ord. 5-89. Passed 5-8-89.)

**1262.02 CONDITIONAL USES.**

The following uses shall be allowed in the Central Business District, subject to approval in accordance with Section 1232.02:

- (a) Residential. Living quarters developed as an integral part of a permitted use structure.
  - (b) Industrial Controls. Industrial controls, but limited to those of an electronic character.
- (Ord. 5-89. Passed 5-8-89.)

**1262.03 DEVELOPMENT STANDARDS.**

In addition to the provisions of Chapter 1272, the following standards for the arrangement and development of land and buildings are required in the Central Business District:

- (a) Lot Size. No minimum lot size is required.
- (b) Lot Width. No minimum lot width is required. However, all lots shall abut a street.
- (c) Side Yards. A side yard shall be required adjacent to a Residential Zoning District or Planned Residential Zoning District, as listed in Section 1238.04. Such side yards shall not be less than one-fourth the sum of the height and depth of the building, but in no case shall they be less than fifteen feet.
- (d) Rear Yards. A rear yard shall be required adjacent to a Residential Zoning District or a Planned Residential Zoning District, as listed in Section 1238.04. Such rear yards shall not be less than one-fourth the sum of the height and width of the building, except when adjacent to a dedicated alley of not less than twenty feet. A use designed to be serviced from the rear shall provide a service court, alleyway or combination thereof having a width of not less than forty feet.
- (e) Location and Appearance. The location on the site and the appearance (architectural character) of structures proposed for construction in the Central Business District shall be determined by the Planning and Zoning Commission following the procedures and guidelines established in this Zoning Code.  
(Ord. 5-89. Passed 5-8-89.)



CHAPTER 1264  
Restricted Industrial District

1264.01 Permitted uses.

1264.03 Development standards.

1264.02 Conditional uses.

CROSS REFERENCES

Municipal zoning in general - see Ohio R.C. 713.06 et seq.

General development standards - see P. & Z. Ch. 1272

Special permits - see P. & Z. Ch. 1274

Special districts - see P. & Z. Ch. 1276

Landscaping - see P. & Z. Ch. 1278

Signs - see P. & Z. Ch. 1280

Off-street parking and loading - see P. & Z. Ch. 1282

Adult entertainment businesses - see P. & Z. Ch. 1284

**1264.01 PERMITTED USES.**

The following uses shall be permitted in the Restricted Industrial District:

(a) Manufacturing.

- (1) Canning and preserving fruits, vegetables and seafoods (except canned and cured sea foods and fresh or frozen packaged fish).
- (2) Bakery products.
- (3) Candy and other confectionery products.
- (4) Men's, youths' and boys' suits, coats and overcoats.
- (5) Men's, youths' and boys' furnishings, work clothing and allied garments.
- (6) Women's, misses' and juniors' outerwear.
- (7) Women's, misses', children's and infants' undergarments.
- (8) Hats, caps and millinery.
- (9) Girls', children's and infants' outerwear.
- (10) Fur goods.
- (11) Miscellaneous apparel and accessories.
- (12) Miscellaneous fabricated textile products.

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- (13) Newspapers: publishing, and publishing and printing.
  - (14) Periodicals: publishing, and publishing and printing.
  - (15) Books.
  - (16) Miscellaneous publishing.
  - (17) Commercial printing.
  - (18) Manifold business forms manufacturing.
  - (19) Greeting card manufacturing.
  - (20) Bookbinding and related industries.
  - (21) Service industries for the printing trade.
  - (22) Drugs.
  - (23) Footwear, except rubber.
  - (24) Leather gloves and mittens.
  - (25) Luggage.
  - (26) Handbags and other personal leather goods.
  - (27) Glass products made of purchased glass.
  - (28) Communication equipment.
  - (29) Electronic components and accessories.
  - (30) Engineering, laboratory and scientific and research instruments and associated equipment.
  - (31) Instruments for measuring, controlling and indicating physical characteristics.
  - (32) Optical instruments and lenses.
  - (33) Surgical, medical and dental instruments and supplies.
  - (34) Ophthalmic goods.
  - (35) Photographic equipment and supplies.
  - (36) Watches, clocks, clockwork operated devices and parts.
  - (37) Jewelry, silverware and plated ware.
- (b) Wholesaling.
- (1) Drugs, chemicals and allied products.
  - (2) Dry goods and apparel.
  - (3) Groceries and related products.
  - (4) Electrical goods.
  - (5) Hardware and plumbing and heating equipment and supplies.
  - (6) Machinery, equipment and supplies.
  - (7) Tobacco and tobacco products.
  - (8) Beer, wine and distilled alcoholic beverages.
  - (9) Paper and paper products.
  - (10) Furniture and home furnishings.
- (Ord. 5-89. Passed 5-8-89.)

**1264.02 CONDITIONAL USES.**

The following uses shall be allowed in the Restricted Industrial District, subject to approval in accordance with Section 1232.02:

- (a) Laboratories. Research, development and testing laboratories.
- (b) Other Industries. Permitted uses of the Limited Industrial District developed in accordance with the provisions of this District.  
(Ord. 5-89. Passed 5-8-89.)

**1264.03 DEVELOPMENT STANDARDS.**

In addition to the provisions of Chapter 1272, the following standards for the arrangement and development of land and buildings are required in the Restricted Industrial District:

- (a) Lot Size; Use Regulations. Lot size shall be adequate to provide the yard space required by this section and the following provisions:
  - (1) A use allowed in this District shall operate entirely within an enclosed structure, emitting no dust, smoke, noxious odor or fumes outside such structure and producing a noise level audible at the property line no greater than the average noise level occurring on any adjacent street.
  - (2) Open service areas and loading docks shall be screened by walls or fences at least six feet, but not more than eight feet, in height. Such walls or fences shall have an opaqueness of seventy-five percent or more, so as to effectively conceal service and loading operations from adjoining streets and from any Residential Zoning District or Planned Development District, as listed in Section 1238.04.
- (b) Lot Width. All lots shall abut a public street and have adequate width to provide the yard space required by this section.
- (c) Side Yards. For main and accessory structures, including open service and loading areas, the required side yards shall not be less than one-third the sum of the height and depth of the structure, but in no case shall they be less than fifteen feet from the interior lot line and twenty-five feet from any Residential Zoning District or Planned Development District, as listed in Section 1238.04.
- (d) Rear Yards. For main and accessory structures, the required rear yards shall not be less than one-third the sum of the height and width of the structure, but in no case shall they be less than fifteen feet from any interior lot line and twenty-five feet from any Residential Zoning District or Planned Development District, as listed in Section 1238.04.  
(Ord. 5-89. Passed 5-8-89.)

CHAPTER 1266  
Limited Industrial District

1266.01 Permitted uses.

1266.03 Development standards.

1266.02 Conditional uses.

CROSS REFERENCES

Municipal zoning in general - see Ohio R.C. 713.06 et seq.

General development standards - see P. & Z. Ch. 1272

Special permits - see P. & Z. Ch. 1274

Special districts - see P. & Z. Ch. 1276

Landscaping - see P. & Z. Ch. 1278

Signs - see P. & Z. Ch. 1280

Off-street parking and loading - see P. & Z. Ch. 1282

Adult entertainment businesses - see P. & Z. Ch. 1284

**1266.01 PERMITTED USES.**

The following uses shall be permitted in the Limited Industrial District:

- (a) Restricted Industrial District Uses. Any permitted use of the Restricted Industrial District.
- (b) Manufacturing.
  - (1) Sausages and other prepared meat products.
  - (2) Dairy products.
  - (3) Grain mill products.
  - (4) Beverage industries.
  - (5) Broad woven fabric mills; cotton.
  - (6) Broad woven fabric mills; man-made fiber and silk.
  - (7) Broad woven fabric mills; wool, including dyeing and finishing.
  - (8) Narrow fabrics and other small wares mills; cotton, wool, silk and man-made fiber.
  - (9) Knitting mills.
  - (10) Dyeing and finishing textiles, except wool fabrics and knit goods.

- (11) Floor covering mills.
  - (12) Yarn and thread mills.
  - (13) Miscellaneous textile goods.
  - (14) Household furniture.
  - (15) Office furniture.
  - (16) Public buildings and related furniture.
  - (17) Partitions, shelving, lockers and office and store fixtures.
  - (18) Miscellaneous furniture and fixtures.
  - (19) Converted paper and paperboard products, except containers and boxes.
  - (20) Paperboard containers and boxes.
  - (21) Boot and shoe-cut stock and findings.
  - (22) Leather goods not elsewhere classified.
  - (23) Nonferrous foundries.
  - (24) Sheet metal work.
  - (25) Machine shops, jobbing and repair.
  - (26) Household appliances.
  - (27) Electric lighting and wiring equipment.
  - (28) Miscellaneous electrical machinery, equipment and supplies.
  - (29) Musical instruments and parts.
  - (30) Toys, amusements, sporting and athletic goods.
  - (31) Pens, pencils and other office and artists' materials.
  - (32) Costume jewelry, costume novelties, buttons and miscellaneous notions, except precious metal.
  - (33) Miscellaneous manufacturing industries.
  - (34) Manufacturing industries not elsewhere classified.
- (c) Warehousing, Wholesaling and Transportation Services.
- (1) Railroads.
  - (2) Steering car and other passenger car service.
  - (3) Railway express service.
  - (4) Trucking, local and long distance.
  - (5) Public warehousing.
  - (6) Terminal and joint terminal maintenance facilities for motor freight transportation.
  - (7) Freight forwarding.
  - (8) Arrangement of transportation.
  - (9) Rental of railroad cars.
  - (10) Miscellaneous services incidental to transportation.
  - (11) Motor vehicles and automotive equipment.
  - (12) Drugs, chemicals and allied products.
  - (13) Dry goods and apparel.
  - (14) Groceries and related products.

- (15) Farm products - raw materials.
- (16) Electrical goods.
- (17) Hardware; plumbing and heating equipment and supplies.
- (18) Machinery, equipment and supplies.
- (19) Miscellaneous wholesalers (except scrap and waste materials).
- (d) Service Industries.
  - (1) General building contractors.
  - (2) Highway and street construction, except elevated highways.
  - (3) Heavy construction, except highway and street construction.
  - (4) Plumbing, heating and air conditioning.
  - (5) Painting, paper hanging, and decorating.
  - (6) Electrical work.
  - (7) Masonry, stonework, tile setting and plastering.
  - (8) Carpentering and wood flooring.
  - (9) Roofing and sheet metal work.
  - (10) Concrete work.
  - (11) Water well drilling.
  - (12) Miscellaneous special trade contractors.

(Ord. 5-89. Passed 5-8-89.)

**1266.02 CONDITIONAL USES.**

The following uses shall be allowed in the Limited Industrial District, subject to approval in accordance with Section 1232.02:

- (a) General Industrial District Uses. Any permitted use of the General Industrial District developed in accordance with the development standards of this District.
- (b) Commercial Establishments. Commercial establishments normally associated with and intended to serve the industrial establishments or their employees, including:
  - (1) Eating and drinking places.
  - (2) Commercial and stock saving banks.
  - (3) Savings and loan associations.
  - (4) Personal credit institutions.
  - (5) Business credit institutions.
  - (6) Offices of physicians and surgeons.
  - (7) Offices of dentists and dental surgeons.
  - (8) Offices of osteopathic physicians.
  - (9) Medical and allied services.
  - (10) Engineering and architectural services.
  - (11) Accounting, auditing and bookkeeping services.

- (c) Administrative Offices. Administrative offices primarily engaged in general administrative supervision, purchasing, accounting and other management functions.
  - (d) Personal and Consumer Services. Personal services generally involving the care and maintenance of tangible property or the provision of intangible services for personal consumption, intended to serve the industrial establishments or their employees, including:
    - (1) Personal.
      - A. Beauty shops.
      - B. Barber shops.
      - C. Shoe repair shops, shoe shine parlors and hat cleaning shops.
      - D. Pressing, alterations and garment repair.
      - E. Miscellaneous personal services.
    - (2) Business.
      - A. Advertising.
      - B. Consumer credit reporting agencies, mercantile reporting agencies and adjustment and collecting agencies.
      - C. Duplicating, addressing, blueprinting, photocopying, mailing, mailing list and stenographic services.
      - D. Private employment agencies.
      - E. Business services not elsewhere classified (except research, development any testing laboratories).
- (Ord. 5-89. Passed 5-8-89.)

### **1266.03 DEVELOPMENT STANDARDS.**

In addition to the provisions of Chapter 1272, the following standards for the arrangement and development of land and buildings are required in the Limited Industrial District:

- (a) Lot Size; Use Regulations. Lot size shall be adequate to provide the yard space required by this section and the following provisions:
  - (1) A use allowed in this District shall entirely enclose its primary operation within a structure. Open storage and service areas and loading docks shall be screened by walls or fences at least six feet, but not more than twelve feet, in height. Such walls or fences shall have an opaqueness of seventy-five percent or more, so as to effectively conceal production, storage, service and loading operations from adjoining streets and from a Residential Zoning District or a Planned Development District, as listed in Section 1238.04.
  - (2) Permitted uses of this District may be developed in accordance with the development standards of Chapter 1264.

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- (b) Lot Width. All lots shall abut a public street for a distance of 100 feet or more and have adequate width to provide the yard space required by this section.
  - (c) Side Yards. For main and accessory structures, including open storage, service and loading areas, the required side yards shall not be less than one-third the sum of the height and depth of the structure, nor less than fifty feet from any Residential Zoning District, as listed in Section 1238.04, except in accordance with the development standards of Chapter 1264.
  - (d) Rear Yards. For main and accessory structures, including open storage, service and loading areas, the required rear yards shall not be less than one-third the sum of the height and width of the structure, nor shall the rear yards be less than fifty feet from any Residential Zoning District or Planned Development District, as listed in Section 1238.04, except in accordance with the development standards of Chapter 1264.  
(Ord. 5-89. Passed 5-8-89.)





**1267.02 PROCEDURE FOR PLACING LAND IN DISTRICT.**

The following procedure shall be followed in placing land in the Planned Industrial Park District:

- (a) Submission of Application. The owner or owners of a tract of land or more in area may request that the Zoning District Map be amended to include such tract in the Planned Industrial Park District in accordance with the provisions of Sections 1202.06(b) and 1202.07 and the following requirements.
- (b) Development Plan. Three copies of a development plan shall be submitted with the application to amend the Zoning District Map. Such development plan shall include in text or map form:
  - (1) The proposed location and size of industrial areas, indicating by sketch, map or text, the general development character of the tract, limitations or controls to be placed on industrial uses, processes, operations, locations or the types of tenants, probable lot size and other development features, including the landscaping plan.
  - (2) The proposed location and size of non-industrial uses within the tract, indicating types of proposed uses, such as commercial, community service or facility, or other associated nonindustrial activity.
  - (3) The proposed provisions of water, sanitary sewer, industrial waste disposal and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness.
  - (4) The proposed traffic circulation pattern showing public and private streets and other transportation facilities, including their relationship to topography and existing transportation facilities, with evidence of reasonableness.
  - (5) The proposed schedule of site development and associated facilities, including streets, other transportation facilities, utilities, services and other facilities.
  - (6) The relationship of the proposed development to existing and future land use in the surrounding area, the street system, community facilities, services and other public improvements.
  - (7) Evidence that the applicant has sufficient control over the land to prepare required land improvements, including street, water, sanitary sewer, waste disposal, surface drainage and other facilities for subdivision development required by the Subdivision Regulations. Evidence of control includes property rights and any engineering feasibility data which may be necessary.

- (c) Basis of Approval. The basis for approving a Planned Industrial Park District application shall be:
- (1) That the proposed development is consistent in all respects with the purpose, intent and applicable standards of this Zoning Code.
  - (2) That the proposed development is in conformity with a comprehensive plan or portion thereof as it may apply;
  - (3) That the proposed development advances the general welfare of the Municipality and the immediate vicinity; and
  - (4) That the benefits of improved arrangement and design of the development justifies deviation from the standard requirements for industrial development included in this Zoning Code.
- (d) Plat Required. In the Planned Industrial Park District, no use shall be established or changed and no structure shall be constructed or altered until the required plat has been approved by the Planning and Zoning Commission. The plat shall be in accordance with the approved development plan and shall show or include:
- (1) Public and private streets; building setback lines; water, sewer, fire hydrant and other public utility installations, including sanitary sewer and waste disposal facilities; easements, rights of way, pavements and walks; and land reserved for nonindustrial use, with an indication of the nature of the use.
  - (2) The nature and extent of earthwork required for site preparation and the installation of public improvements such as streets and utilities.
- (e) Extension of Time or Modification. An extension of the time limit or the modification of the approved development plan may be approved by Council. Such approval shall be given upon a finding of the purpose and necessity for such extension or modification and evidence of reasonable effort toward the accomplishment of the original development plan, and that such extension or modification is not in conflict with the general health, safety and welfare of the public or the development standards of the Planned Industrial Park District. (Ord. 4-96. Passed 5-13-96.)

**1267.03 DEVELOPMENT STANDARDS.**

In addition to the provisions of Section 1266.03, the following standards for arrangement and development of land and buildings are required in the Planned Industrial Park District.

(a) Intensity of Use.

(1) A use allowed in this District shall entirely enclose its primary operation within a structure. Open storage and service areas and loading docks shall be screened by walls or fences at least six feet, but not more than twelve feet, in height. These walls or fences shall have an opaqueness of seventy-five percent or more, so as to effectively conceal production, storage, service and loading operations from adjoining streets and from a Residential Zoning District or another planned development district as listed in Section 1238.04.

(2) Permitted uses in this District may be developed in accordance with the development standards of Chapter 1266.

(b) Lot Width. All lots shall abut a public street or otherwise provide access to such public street for a distance of 100 feet or more and have adequate width to provide the yard space required by Section 1266.03.

(c) Side Yards. For main and accessory structures, including open storage, service and loading areas, the required side yards shall equal one-third the sum of the height and depth of the structure, but in no case shall such yards be less than fifty feet from any Residential Zoning District or planned residential district as listed in Section 1266.03.

(d) Rear Yards. For main and accessory structures, including open storage, service and loading areas, the required rear yards shall equal one-third the sum of the height and width of the structure, but in no case shall such yards be less than fifty feet from any Residential Zoning District or planned residential district as listed in Section 1266.03.

(e) Improvements Required. The following improvements shall be required:

(1) Street improvements within or adjacent to the tract.

(2) Water and sewer facility improvements in accordance with the requirements of the Franklin County Board of Health rules and regulations.

(3) An easement twenty-five feet or more in width shall be provided around the entire tract and shall be landscaped in accordance with an approved landscape plan. Such plan shall provide plantings which will achieve a height of ten feet or more and an opaqueness of at least seventy-five percent with five years of normal growth. This easement, when adjacent to a street right of way eighty feet or more in width, or other Industrial Zoning District, may be reduced to fifteen feet, a twenty-five percent opaqueness and two feet in height. The landscape plan shall be submitted with the subdivision plat and shall be subject to approval in the same manner as required for the subdivision plat.

- (f) Plat and Landscape Required. The plat shall be developed and recorded in accordance with Section 1272.02. Landscaping shall be accomplished in accordance with the approved landscape plan as required in Chapter 1278.  
(Ord. 4-96. Passed 5-13-96.)

CHAPTER 1268  
General Industrial District

1268.01 Permitted uses.

1268.03 Development standards.

1268.02 Conditional uses.

CROSS REFERENCES

Municipal zoning in general - see Ohio R.C. 713.06 et seq.

General development standards - see P. & Z. Ch. 1272

Special permits - see P. & Z. Ch. 1274

Special districts - see P. & Z. Ch. 1276

Landscaping - see P. & Z. Ch. 1278

Signs - see P. & Z. Ch. 1280

Off-street parking and loading - see P. & Z. Ch. 1282

Adult entertainment businesses - see P. & Z. Ch. 1284

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**1268.01 PERMITTED USES.**

The following uses shall be permitted in the General Industrial District:

- (a) Restricted Industrial District Uses. Any permitted use of a Restricted Industrial District.
- (b) Limited Industrial District Uses. Any permitted use of a Limited Industrial District.
- (c) Manufacturing.
  - (1) Chocolate and cocoa products.
  - (2) Chewing gum.
  - (3) Sawmills and planing mills.
  - (4) Millwork, veneer, plywood and prefabricated structural wood products.
  - (5) Wooden containers.
  - (6) Miscellaneous wood products.
  - (7) Industrial leather belting and packing.
  - (8) Flat glass.
  - (9) Glass and glassware, pressed or blown.

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- (10) Structural clay products.
  - (11) Pottery and related products.
  - (12) Ready-mixed concrete.
  - (13) Cut stone and stone products.
  - (14) Iron and steel foundries.
  - (15) Miscellaneous primary metal industries.
  - (16) Metal cans.
  - (17) Cutlery, hand tools and general hardware.
  - (18) Heating apparatus (except electric) and plumbing fixtures.
  - (19) Fabricated structural metal products.
  - (20) Screw machine products, and bolts, nuts, screws, rivets and washers.
  - (21) Metal stampings.
  - (22) Coating, engraving and allied services.
  - (23) Miscellaneous fabricated wire products.
  - (24) Miscellaneous fabricated metal products.
  - (25) Engines and turbines.
  - (26) Farm machinery and equipment.
  - (27) Construction, mining and materials handling machinery and equipment.
  - (28) Metalworking machinery and equipment.
  - (29) Special industry machinery, except metalworking machinery.
  - (30) General industrial machinery and equipment.
  - (31) Office, computing and accounting machines.
  - (32) Service industry machines.
  - (33) Miscellaneous machinery, except electrical.
  - (34) Electric transmission and distribution.
  - (35) Electrical industrial apparatus.
  - (36) Household appliances.
  - (37) Electric lighting and wiring equipment.
  - (38) Radio and television receiving sets, except communication types.
  - (39) Communication equipment.
  - (40) Electronic components and accessories.
  - (41) Miscellaneous electrical machinery, equipment and supplies.
  - (42) Motor vehicles and motor vehicle equipment.
  - (43) Aircraft and parts.
  - (44) Ship and boat building and repairing.
  - (45) Railroad equipment.
  - (46) Motorcycles, bicycles and parts.
  - (47) Miscellaneous transportation equipment.
- (Ord. 5-89. Passed 5-8-89.)

**1268.02 CONDITIONAL USES.**

The following uses shall be allowed in the General Industrial District, subject to approval in accordance with Section 1232.02:

(a) Manufacturing.

- (1) Guns, howitzers, mortars and related equipment.
- (2) Ammunition, except for small arms.
- (3) Tanks and tank components.
- (4) Sighting and fire control equipment.
- (5) Small arms.
- (6) Small arms ammunition.
- (7) Ordnance and accessories not elsewhere classified.
- (8) Poultry and small game dressing and packing, wholesale.
- (9) Industrial inorganic and organic chemicals.
- (10) Plastic materials and synthetic resins, synthetic rubber, synthetic and other man-made fibers, except glass.
- (11) Drugs.
- (12) Soaps, detergents and cleaning preparations, perfumes, cosmetics and other toilet preparations.
- (13) Paints, varnishes, lacquers, enamels and allied products.
- (14) Gum and wood chemicals.
- (15) Agricultural chemicals.
- (16) Miscellaneous chemical products.
- (17) Petroleum refining.
- (18) Paving and roofing materials (petroleum, asphalt and tar).
- (19) Miscellaneous products of petroleum and coal.
- (20) Tires and inner tubes.
- (21) Rubber footwear.
- (22) Reclaimed rubber.
- (23) Fabricated rubber products not elsewhere classified.
- (24) Miscellaneous plastics products.
- (25) Concrete, gypsum and plaster products.
- (26) Abrasive, asbestos and miscellaneous nonmetallic mineral products.
- (27) Blast furnaces, steel works and rolling and finishing mills.
- (28) Iron and steel foundries.
- (29) Primary smelting and refining of nonferrous metals.
- (30) Secondary smelting and refining of nonferrous metals and alloys.
- (31) Rolling, drawing and extruding of nonferrous metals.
- (32) Miscellaneous primary metal industries.
- (33) Stockyards.
- (34) Scrap and waste materials.
- (35) Secondhand automotive tire, battery and accessory dealers.

(b) Other Industrial Uses. Any other industrial use.

(Ord. 5-89. Passed 5-8-89.)



**1268.03 DEVELOPMENT STANDARDS.**

In addition to the provisions of Chapter 1272, the following standards for the arrangement and development of land and buildings are required in the General Industrial District:

- (a) Lot Size; Use Regulations. Lot size shall be adequate to provide the yard space required by this section and the following provisions:
  - (1) A use allowed in this District shall have its primary operation, open storage and service areas and loading docks entirely enclosed or screened by walls or fences at least six feet, but not more than twelve feet, in height. Such walls or fences shall have an opaqueness of seventy-five percent or more, so as to effectively conceal production, storage, service and loading operations from adjoining streets and from a Residential Zoning District or a Planned Development District as listed in Section 1238.04.
  - (2) Permitted uses of this District may be developed in accordance with the development standards of Chapter 1266.
- (b) Lot Width. All lots shall abut a public street for a distance of 100 feet or more and have adequate width to provide the yard space required by these development standards.
- (c) Side Yards. For main and accessory structures, including open production, storage, service and loading areas, the required side yards shall not be less than one-third the sum of the height and width of the structure and in no case shall they be less than 100 feet from any Residential Zoning District or Planned Development District, as listed in Section 1238.04, except when in accordance with the development standards of Chapter 1266.
- (d) Rear Yards. For main and accessory structures, including open production, storage, service and loading areas, the required rear yards shall not be less than one-third the sum of the height and depth of the structure and in no case shall they be less than 100 feet from any Residential Zoning District or Planned Development District, as listed in Section 1238.04, except in accordance with the development standards of Chapter 1266. (Ord. 5-89. Passed 5-8-89.)

CHAPTER 1270  
Office, Laboratory and Research District

1270.01 Permitted uses.

1270.02 Development standards.

CROSS REFERENCES

Municipal zoning in general - see Ohio R.C. 713.06 et seq.  
 General development standards - see P. & Z. Ch. 1272  
 Special permits - see P. & Z. Ch. 1274  
 Special districts - see P. & Z. Ch. 1276  
 Landscaping - see P. & Z. Ch. 1278  
 Signs - see P. & Z. Ch. 1280  
 Off-street parking and loading - see P. & Z. Ch. 1282  
 Adult entertainment businesses - see P. & Z. Ch. 1284

**1270.01 PERMITTED USES.**

The following uses shall be permitted in the Office, Laboratory and Research District:

- (a) Administrative and executive offices for personnel engaged in general administrative, supervisory, purchasing, accounting and other functions related to office operations; research, synthesis, analysis, development and testing laboratories, including the fabrication, assembly, mixing and preparation of equipment and components incident, convenient or necessary to the conduct of such activities; and facilities for training personnel engaged in servicing of electronic equipment and furnishing of telephone company supplies.
- (b) Uses normally attendant to and in support of the servicing of office, administrative, executive, training, servicing, research and laboratory facilities and related functions, including supply storage and private meal and lodging facilities for personnel engaged in the training facility.

(Ord. 5-89. Passed 5-8-89.)

**1270.02 DEVELOPMENT STANDARDS.**

In addition to the provisions of Chapter 1272, the following standards for the arrangement and development of land and buildings shall be required in the Office, Laboratory and Research District:

- (a) Lot Size; Use Regulations. Lot size shall be adequate to provide the yard space required by this section and the following provisions:
    - (1) A use allowed in this District shall operate entirely within an enclosed structure, emitting no dust, smoke, noxious odor or fumes outside such structure and producing a noise level audible at the property line no greater than the average noise level occurring on the street fronting the property.
    - (2) A use allowed in this District shall have its primary operation and service areas and loading docks entirely enclosed or screened by walls or fences at least six feet, but not more than twelve feet, in height. Such walls or fences shall have an opaqueness of seventy-five percent or more, so as to effectively conceal production, storage, service and loading operations from adjoining streets and from a Residential Zoning District or a Planned Development District, as listed in Section 1238.04.
  - (b) Lot Width. All lots shall abut a public or private street for a distance of 100 feet or more and have adequate width to provide the yard space required by this section.
  - (c) Side Yards. For main and accessory structures, including open production, storage, service and loading areas, the required side yards shall not be less than one-half the sum of the height and width of the structure and in no case shall they be less than 100 feet from any Residential Zoning District or Planned Development District, as listed in Section 1238.04.
  - (d) Rear Yards. For main and accessory structures, including production, storage, service and loading areas, required rear yards shall not be less than one-half the sum of the height and depth of the structure and in no case shall they be less than 100 feet from any Residential Zoning District or Planned Development District, as listed in Section 1238.04.
- (Ord. 5-89. Passed 5-8-89.)

CHAPTER 1272  
General Development Standards

- 1272.01 Application of chapter.
- 1272.02 Lot area and yard space requirements.
- 1272.03 Building lines along public rights of way; setbacks; visibility.
- 1272.04 Comprehensive residential and neighborhood improvements.
- 1272.05 Accessory uses and structures.
- 1272.06 Individual sewage treatment and water supply; lot size; approval of Board of Health.
- 1272.07 Public nuisance regulations.

CROSS REFERENCES

- Municipal zoning in general - see Ohio R.C. 713.06 et seq.
- Special permits - see P. & Z. Ch. 1274
- Special districts - see P. & Z. Ch. 1276
- Landscaping - see P. & Z. Ch. 1278
- Signs - see P. & Z. Ch. 1280
- Off-street parking and loading - see P. & Z. Ch. 1282
- Adult entertainment businesses - see P. & Z. Ch. 1284

1272.01 APPLICATION OF CHAPTER.

Standards pertaining generally and uniformly to the arrangement and development of land and structures within the zoning districts established in Section 1238.04 are hereby established and adopted as supplementary to the district regulations set forth in Chapters 1238 through 1270.  
(Ord. 5-89. Passed 5-8-89.)

1272.02 LOT AREA AND YARD SPACE REQUIREMENTS.

(a) Platting Required. No use shall be established or altered, and no structure shall be constructed or altered, except upon a lot that has been platted in accordance with or which otherwise meets, the requirements of the Subdivision Regulations.

(b) Minimum Requirements. The development standards are the minimum requirements for the arrangement of lots and spaces to be achieved in all developments.

(c) Lot Area and Yard Space. The lot area and yard space required for a use or structure shall be maintained during its life and shall not be reduced below the minimum requirement, be occupied by another use or structure or be counted as yard space for any other use or structure.

(1) Open yards required. The yard space required for a use or structure shall, during its life, remain free of all uses or occupancy, except as follows:

A. Fences, walls and landscaping shall be permitted in any required yard, or along the edge of any yard, provided that no fence or wall between a street and a front building line is more than three feet in height, except as required by Chapter 1278, or in accordance with an approved development plan of a Planned Development District.

B. Eaves, cornices, window sills and belt courses may project into any required yard a distance not to exceed two feet.

C. Open and uncovered porches may project beyond the front building line, or into a required rear yard, a distance not to exceed five feet.

D. Driveways shall be permitted in required yards, but shall be three feet or more from any property line, except where such driveways are developed jointly as a common drive to adjoining lots.

E. Parking areas shall be permitted in required yards developed in Industrial Zoning Districts to within fifteen feet of a Residential Zoning District or a Planned Residential Zoning District, as listed in Section 1238.04.

(2) Yards not otherwise required. Yard space not otherwise required, but provided, shall be five feet or more in width.

(3) Maintenance of yards. All yard space shall be maintained in accordance with one or more of the following provisions:

A. Fenced, as permitted or required.

B. Landscaped by lawns, shrubberies, trees and other plantings, maintained in a neat and orderly natural state, or used for permitted accessory or ancillary use.

C. Paved for parking, as permitted.

(Ord. 5-89. Passed 5-8-89.)

#### 1272.03 BUILDING LINES ALONG PUBLIC RIGHTS OF WAY; SETBACKS; VISIBILITY.

(a) Establishment of Building Lines. Along every street right of way a building line shall be established from the centerline of the right of way a distance equal to the width of the existing right of way or the width of the right of way as approved by the Planning and Zoning Commission.

(1) Required setback defined. As used in this section, "required setback" means that distance between the established building line and the actual or proposed street right of way. No structure or other use of land, except parking, shall be located in the required setback. In no case shall the required setback be less than thirty feet.

(2) Parking within the required setback. Open parking or loading spaces shall be permitted to extend toward the street right of way from the established building line a distance equal to forty percent of the required setback distance as measured from the right of way or the proposed right of way. In no case shall any part of a parking area be closer than fifteen feet to any established or proposed right of way.

(3) Platted setback. No structure or other use, including parking, shall be located between the street right of way and the platted building line.

(b) Setbacks Along Freeways or Expressways. The setback for all buildings and accessory buildings and parking along freeway and expressway rights of way shall be fifty feet.

(c) Establishment of Sight Triangle. At every intersection of street rights of way, a sight triangle shall be established. As used in this section, "sight triangle" means the right-of-way lines of intersecting streets with the third side being a line passing through a point on each right-of-way line that is a distance, from their point of intersection, equal to the sum of the width of both rights of way divided by four.

(d) Maintenance of Visibility. Within the sight triangle, clear visibility shall be maintained between two and one-half feet and ten feet above the average centerline grade of intersecting streets, except trunks of all existing trees or light or sign supports. Such a support shall have a maximum dimension of six inches or less of its horizontal section. If there are two or more supports on a framework, they shall not have an opaqueness of more than ten percent when viewed parallel to the third side of the sight triangle. The maintenance of clear visibility first requires that there shall be no vehicle parking or standing space provided within the sight triangle.

(Ord. 5-89. Passed 5-8-89.)

#### 1272.04 COMPREHENSIVE RESIDENTIAL AND NEIGHBORHOOD IMPROVEMENTS.

(a) Purpose.

(1) The purpose of this section shall be the enhancement of the public health, safety and welfare by eliminating conditions favorable to pestilence, disease and generally unsafe conditions, while at the same time improving the quality, appearance and, most likely, the value of residential property for all residents of the Village.

(2) In conjunction therewith, it is important to maintain residential areas as residential areas and to confine occupational uses to areas properly zoned for commercial and related nonresidential uses of property.

(b) Home Occupations. Home occupations shall be those limited occupations which are hereafter defined and which may be carried on in residential neighborhoods.

(1) Standards for home occupations. No home occupation shall hereafter be established, altered or enlarged in any Residential District, unless such home occupation is permitted by this Zoning Code and complies with the following restrictions or standards:

A. No person, other than members of the family residing on the premises, shall be engaged in a home occupation in any Residential District.

B. No sign shall be used in connection with a home occupation, nor shall any display be used that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling.

C. No change in the outside appearance of the building or premises shall be made, nor shall there be any other visible evidence of the conduct of such home occupation, which would change the essential character thereof as a dwelling.

D. The space devoted for use of the home occupation must be within the main dwelling or basement and shall occupy not more than 300 square feet. Accessory buildings, such as garages or sheds, whether attached or unattached, shall not be used for home occupations.

E. No mechanical or electrical equipment shall be used, except normal domestic or household equipment, adding machines, typewriters, copy machines and similar equipment, or any equipment necessary and essential to any of the permitted home occupations.

F. No home occupation shall be used in such a manner as to create offensive noise, vibration, smoke or other particular matter, heat, humidity, glare, electronic interference or otherwise constitute a nuisance or safety hazard to any occupant of adjacent or nearby properties.

G. There shall be no outdoor storage of equipment or materials used in the home occupation.

H. Not more than four motor vehicles, used by customers of the home occupation, shall be parked at the location of the home occupation at one time.

I. The home occupation shall not generate traffic greater in volume than normal for a residential neighborhood.

J. No trucks, vans, automobile or other mobile equipment used in the home occupation shall be parked in side or open yards, and all automobiles used by customers shall be parked in the driveway or along the street curb abutting the premises, unless other more satisfactory arrangements are required or approved by Council after a public notice and hearing. Home occupation parking on noncurbed streets is prohibited. No truck other than one van-type truck shall be used in connection with a home occupation, unless approved by Council after a public notice and public hearing.

(2) Permits. All persons conducting home occupations which are presently existing, or which are established, changed or enlarged after the effective date of this chapter, shall be required to obtain a permit from the Village Engineer or his or her agent. The initial permit shall be valid for a period of two years after the date of issuance. A renewal permit shall be secured for each subsequent two-year period thereafter. The fee for the initial permit shall be twenty dollars (\$20.00). The fee for each renewal shall be ten dollars (\$10.00).

(3) Permitted home occupations. The following shall be illustrative of permitted home occupations: handicrafts, art or music lessons, dressmaking, millinery, laundry, preserving and home cooking. Other uses shall be permitted by the Mayor if he or she determines that such uses are in keeping with the intent and purpose of this section. It shall not be the intent of this section to prohibit the maintenance by a homeowner of a private professional office (e.g. a lawyer's, doctor's or architect's) on his or her premises, provided that the provisions of this section regarding signage, traffic and other provisions regulating home occupations are adhered to.

(c) Condition of Premises; Waste Accumulation. No person shall:

(1) Cause or permit waste, garbage, trash or any debris, such as lumber and building materials, unused tires or other material, to accumulate or remain on his or her property, except as follows:

A. Trash and garbage properly located for normal and regular pickup is permitted, provided that no such items shall be permitted to remain exposed to open view beyond normal pickup times.



B. Customary building materials may remain on the premises during such times as a building permit shall be in effect for the premises, provided that adequate measures are taken to prevent unsafe conditions and, if the items are to remain for a prolonged period, that sufficient screening is provided from neighboring occupied premises.

(2) Permit commercial vehicles or nonprivate passenger vehicles, exceeding four, to be parked or to remain in open view upon the premises of a residential neighborhood, except in connection with repair or construction work being undertaken at the premises and then only during such periods of repair or construction.

A. All motor vehicles at the premises, whether private, passenger, commercial or other, shall be parked on driveways or paved areas or concealed from public view in private garages, carports, etc. No motor vehicle shall be parked in required yard areas of residential neighborhoods.

B. All motor vehicles in public view on the premises shall be in operating condition and in compliance with all motor vehicle safety, equipment, registration and licensing laws by displaying proper tags and validation stickers.

C. Motor homes, trailers, boats and other nonprivate passenger vehicles shall, as nearly as practicable, be concealed from public view.

(3) Fail to keep the exterior of all residential and commercial premises in good condition and well-maintained, including painting, if necessary, and such persons shall, within a reasonable time, after notice, remove or remedy all unsightly, dirty and unsafe conditions.

(4) Keep all vacant lots mowed, as often as necessary, in keeping with the character of the neighborhood, to prevent pestilence and insect infestation and to discourage the use of the property for dumping or landfill purposes.

A. All such vacant property shall be kept free of hazardous and unhealthful accumulations of water and other conditions affecting the health and welfare of residents of the Village.

B. In those instances where such vacant property is being used contrary to Village zoning laws and other ordinances, the property owner, upon notice, shall make use of appropriate remedies to prevent such unlawful use in cooperation with Village officials.

C. All vacant lots shall be kept seeded or maintained in such manner as to prevent erosion of the property and excess drainage onto adjoining lands, and shall be kept free of trash and debris.

(d) Corrective Action by Village Officials.

- (1) All violations of this section, which remain uncorrected after not less than ten days notice to the owner or resident, may be corrected by the Village, or by any person selected by the Village, and the costs thereof shall be paid by the owner of such property within thirty days.
- (2) Any such charges which remain unpaid after thirty days may be collected in any manner provided by law and shall be certified by the Mayor to the Auditor of each county wherein such property may be located to be charged as a lien against the property.

(e) Appeals. Any person affected or aggrieved by any decision made by the Mayor in accordance with this section may appeal such decision directly to Council, and the decision of Council shall be final.

(Ord. 5-89. Passed 5-8-89.)

**1272.05 ACCESSORY USES AND STRUCTURES.**

Accessory uses and structures shall be permitted in association with a principal use or structure, provided that the area of the accessory use or structure shall be twenty-five percent or less of the gross floor area of the principal use or structure.

- (a) Accessory Use and Structure Defined. As used in this section, "accessory use and structure" means a subordinate use or structure which is incidental to and in association with a principal use or structure and which is customarily required or provided for the principal use or structure.
- (b) Location in Residential Zoning Districts. In a Residential Zoning District, as listed in Section 1238.04, unattached accessory structures shall be located to the rear of the dwelling structure and, provided the accessory structure is not closer than fifty feet to the building line, nor more than twelve feet in height, and contains no openings toward the contiguous lot, it may not be placed within the minimum required side or rear yard, defined as eight feet from the rear lot line and eight feet from the side lot line.
- (c) Location in Other Zoning Districts. In any zoning district other than a Residential Zoning District, accessory uses or structures shall be on the same lot as the principal use or structure and located subject to the development standards of the zoning district in which it is located.

(Ord. 5-89. Passed 5-8-89; Ord. 3-97. Passed 7-14-97; Ord. 5-2002. Passed 10-14-02.)

**1272.06 INDIVIDUAL SEWAGE TREATMENT AND WATER SUPPLY; LOT SIZE; APPROVAL OF BOARD HEALTH.**

(a) Sewers and Water. A tract of land that was of record on the date of adoption of this Zoning Code (May 8, 1989) shall not be developed with individual sewage treatment or individual water supply without the approval of the Franklin County District Board of Health. Approval shall be with a finding of adequate control of water pollution and sewage disposal, in accordance with Board of Health rules and regulations.

(b) Required Lot Size. The size of the lot or area provided for each dwelling unit shall be a size or larger than as approved by the Board of Health, but shall be not less than the minimum lot size for the zoning district in which it is located.  
(Ord. 5-89. Passed 5-8-89.)

#### **1272.07 PUBLIC NUISANCE REGULATIONS.**

(a) Prevention. Every structure or use subject to the provisions of this Zoning Code shall be located, arranged and operated in accordance with the following provisions so that it will not interfere with the development and enjoyment of adjacent property.

(b) Limits of Development and Operation. The following limits of development and operation are provided to control hazardous, obnoxious or other nuisance activity relating to uses subject to the provisions of this Zoning Code:

- (1) Noise. Noise or vibration shall be so controlled that, at the property line on which such noise or vibration is produced, it will not be at a level above that normally perceptible from other developments in the area or from the usual street traffic observed at the street right-of-way line of the lot, except an occasional blast or shock required in normal operation and produced in such a manner as not to create a hazard.
- (2) Smoke. Smoke shall be controlled in its emission so as to be less dark in shade than that designated as No. 2 on the Ringelmann Chart, published and used by the U.S. Bureau of Mines, except that an emission above a such level shall be permitted for a period of three minutes or less during the operation of starting or cleaning a fire.
- (3) Dust. Dust or particulate matter shall be controlled so as not to produce a hazardous or obnoxious situation beyond the property lines of the lot on which such dust or particulate matter is produced.
- (4) Odor or fumes. Odor or noxious fumes shall be controlled so as not to be offensive or to create a hazard.
- (5) Glare. Glare or heat from processing or other activity, or lighting, shall be screened so as not to be perceptible beyond the property lines of the lot on which such glare or heat is produced.  
(Ord. 5-89. Passed 5-8-89.)
- (6) Animals. No person shall keep or harbor any animal, fowl or winged insect in the Municipality so as to create noxious or offensive odors or unsanitary or nuisance conditions which are a menace to the health, comfort or safety of the public.

(c) Penalty. Whoever violates or fails to comply with any of the provisions of this section shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than six months, or both.

CHAPTER 1274  
Special Permits

- |   |                          |
|---|--------------------------|
| 1274.01 Purposes.   | 1274.04 Appeals.         |
| 1274.02 Special permit required.                                | 1274.05 Heliports.       |
| 1274.03 Powers and duties of Planning and<br>Zoning Commission. | 1274.06 Dish antennas.   |
|   | 1274.07 Ground antennas. |
|   | 1274.99 Penalty.         |

CROSS REFERENCES

- Municipal zoning in general - see Ohio R.C. 713.06 et seq.  
 General development standards - see P. & Z. Ch. 1272  
 Special districts - see P. & Z. Ch. 1276  
 Landscaping - see P. & Z. Ch. 1278  
 Signs - see P. & Z. Ch. 1280  
 Off-street parking and loading - see P. & Z. Ch. 1282  
 Adult entertainment businesses - see P. & Z. Ch. 1284

**1274.01 PURPOSES.**

The purpose of this chapter is to identify land uses which require a special permit due to unique characteristics relative to the location, design, size, operation, circulation or need of public services, and to provide supplemental criteria which shall be applied by the Planning and Zoning Commission when reviewing a proposed use.  
 (Ord. 5-89. Passed 5-8-89.)

**1274.02 SPECIAL PERMIT REQUIRED.**

Within the Village, no building, structure or premises shall be used, and no building or structure shall be erected which is arranged, intended or designed to be used, for any use specified in this chapter, unless a special permit has been issued by the Planning and Zoning Commission. (Ord. 5-89. Passed 5-8-89.)

**1274.03 POWERS AND DUTIES OF PLANNING AND ZONING COMMISSION.**

The Planning and Zoning Commission shall have the following powers and duties:

- (a) To grant special permits for uses listed in this chapter where it is shown that a special use can be granted without substantial impairment of the general purpose and intent of the zoning district in which the use is proposed to be located, and without significant incompatibility with the general character of the neighborhood.
- (b) To impose such requirements and conditions regarding the location, character and other features of the proposed use or structure as the Commission feels necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.
- (c) Upon application by the Law Director, to revoke any special permit whose condition has been violated after a notice and an opportunity to conform have been given. (Ord. 5-89. Passed 5-8-89.)

**1274.04 APPEALS.**

Any applicant who is denied a special permit by the Planning and Zoning Commission may appeal such denial directly to Council. (Ord. 5-89. Passed 5-8-89.)

**1274.05 HELIPORTS.**

(a) Intent. Due to the rapid development of and the need for helicopter services, it has been deemed appropriate that such uses require a special permit, as required by this chapter, in order to promote the continued growth of such services in a safe, orderly manner.

(b) Application for Permit. Permits for establishing and maintaining heliports shall be issued to the owner or lessee of the heliport after approval of a special permit by the Planning and Zoning Commission and after the applicant has submitted an application providing written proof that:

- (1) The heliport, when located in zoning districts other than Residential Zoning Districts:
  - A. Has been inspected and, if applicable, approved and registered or licensed by either the Division of Aviation of the Ohio Department of Transportation (ODOT) or the Federal Aviation Administration (FAA) for compliance with the criteria set forth in the Transportation Laws of Ohio Annotated With Rules and Regulations, Chapters TRa-1, TRa-2 and TRa-5, as amended, and applicable Federal regulations; and
  - B. Has received such approval and clearance from the FAA as may be required by the Federal Aviation Regulations (FAR's).

(2) The heliport, when located in a Residential Zoning District:

- A. Complies with the requirements set forth in paragraph (b)(1) hereof for heliports located in zoning districts other than Residential Zoning Districts;
- B. Shall be limited to servicing helicopters of 12,000 pounds gross weight or less (executive-type helicopters) for the purpose of internal cargo or personnel transportation only;
- C. Shall be a minimum of one acre and, when in use, shall be marked in such a way as to be clearly visible; and
- D. Shall be a minimum of 500 feet from the nearest occupied structure, expressway or principal arterial, minor arterial or collector street within the Village.

(c) Fee. A fee of five dollars (\$5.00) shall be paid to the Village for each application for a special permit to establish a heliport.

(d) Take-off or Landing of Helicopters. No person shall takeoff or land a helicopter anywhere within the Village, except at a heliport for which a permit issued by the Municipality, as hereinafter provided, is in force, unless such take-off or landing is:

- (1) Necessary for law enforcement or other public safety purposes;
- (2) Necessary for aircraft or medical emergencies; or
- (3) For a single or one-time landing, at a site not regularly used for landings, when prior approval is obtained from the Mayor. Such approval shall not be unreasonably withheld when the Ohio Department of Transportation has issued a temporary heliport certificate for such an activity.

(e) Validity of Permit. All permits issued shall be valid only to the original property owner or original lessee. If the ownership or tenancy has changed, a new application shall be required.

(f) Violations. Whoever operates a helicopter, or allows the operation of a helicopter, in violation of the provisions of this section shall be subject to the penalty provided in Section 1274.99. (Ord. 5-89. Passed 5-8-89.)

#### **1274.06 DISH ANTENNAS.**

(a) Intent. As a result of increased competition in the satellite television/dish market, more and more households and businesses will be purchasing and installing dish antennas. Because the Village is not completely wired for cable television, it is expected that there will be an increase in the number of dish antennas installed within the community. Because the diameter of such dishes is generally large and because they are nonaesthetic and capable of blocking fire lanes and utility easements, it has become necessary to develop guidelines for their installation.

(b) Permit Process. A zoning clearance for the installation of dish antennas shall be issued to the owner of the property after approval of a special permit by the Planning and Zoning Commission. The Commission shall base its approval upon a site plan to be submitted by the applicant, as per the Rules and Regulations of the Commission, and how the site plan demonstrates that the installation of the dish antenna is in conformance with the following general guidelines:

- (1) A dish antenna, when installed in any zoning district, shall be:
  - A. Located to the rear of the principal building or structure and not closer than ten feet to a rear lot line, ten feet from a side lot line, one foot from any easement, or in front of the established building line.
  - B. Mounted in a concrete base in line with the grade elevation.
  - C. Placed where it offends the least and where it reduces visual blockage.
  - D. Adequately screened, landscaped and painted.
  - E. An open-mesh type, if possible.
  - F. Wired underground.
  - G. Properly maintained.
  - H. Designed to withstand a wind force of up to seventy miles per hour.
- (2) A dish antenna, when installed in any Residential or Planned Residential Zoning District, as listed in Section 1238.04, shall be:
  - A. Installed in compliance with the general guidelines for all zoning districts.
  - B. Installed as close to the grade elevation as possible and in no case more than sixteen feet above grade height, if turned perpendicular to the ground. The maximum diameter of any dish antenna shall be twelve feet.
- (3) A dish antenna, when installed in any Commercial Zoning District, as listed in Section 1238.04, shall be:
  - A. Installed in compliance with the general guidelines for all zoning districts.
  - B. Installed as close to the grade elevation as possible and in no case more than sixteen feet above grade height, if turned perpendicular to the ground. The maximum diameter of any dish antenna shall be twelve feet.
  - C. Located in yards that are not adjacent to Residentially Zoned Districts.
- (4) A dish antenna, when installed in any Industrial Zoning District, as listed in Section 1238.04, shall be:
  - A. Installed in compliance with the general guidelines for all zoning districts.

- B. Compatible in height with the surrounding development.
  - C. Located in yards that are not adjacent to Residentially Zoned Districts.
- (5) A roof-mounted dish antenna:
- A. When installed as an accessory use to a residential structure, shall not be greater than five feet above the roof of the structure it is mounted on.
  - B. When installed as an accessory use to structures located in Commercial and Industrial Districts, or permitted nonresidential structures in Residential Districts, shall be reviewed for safety, appropriateness with surrounding development and for other design measures that screen or otherwise make the dish antenna appear less obtrusive.

(c) Fee. A fee of five dollars (\$5.00) shall be paid to the Village for each application for a special permit to install a dish antenna.

(d) Exceptions. All dish antennas shall require zoning clearance before installation. However, any roof-mounted or ground-mounted dish antenna that is five feet in height or less shall not require approval of the Planning and Zoning Commission for installation, provided that the site plan submitted for zoning approval demonstrates that the general guidelines were considered. Roof-mounted dishes may reasonably pierce the side yard envelope.

#### **1274.07 GROUND ANTENNAS.**

(a) Cellular phone antennas, television antennas, radio antennas, citizens band (CB) antennas and other antennas that receive ground oriented electromagnetic waves, shall be required to receive a permit. They shall meet the following requirements:

- (1) They shall follow the Federal Aviation Administration height restrictions.
- (2) They shall be set back at least ten feet from all property lines.
- (3) They shall be constructed to withstand a wind force of up to seventy miles per hour.
- (4) They shall be placed behind the building setback line.
- (5) They shall meet all applicable Building Code requirements.

(b) Cellular phone antennas, television antennas, radio antennas, citizen band (CB) antennas, and other antennas in Residential Districts, shall be exempt from receiving a permit if they meet the following requirements:

- (1) They do not exceed seventeen feet above the peak of the roof of the principal residential structure, including roof-mounted antennas.
- (2) They are built to withstand a wind force of up to seventy miles an hour.
- (3) Ground-mounted antennas are set back at least ten feet from all property lines.



- (4) Roof-mounted antennas are set back at least seven feet from all property lines.
- (5) They are placed behind the building setback line.
- (6) They meet all applicable Building Code requirements.

**1274.99 PENALTY.**

Whoever violates Section 1274.05 shall be fined not more than five hundred dollars (\$500.00) for each offense. (Ord. 5-89. Passed 5-8-89.)

CHAPTER 1276  
Special Districts

- 1276.01 Establishment; district regulations.
- 1276.02 Development standards; procedure for placing land; special uses.
- 1276.03 Flood plain regulations.

CROSS REFERENCES

- Municipal zoning in general - see Ohio R.C. 713.06 et seq.
- General development standards - see P. & Z. Ch. 1272
- Special permits - see P. & Z. Ch. 1274
- Landscaping - see P. & Z. Ch. 1278
- Signs - see P. & Z. Ch. 1280
- Off-street parking and loading - see P. & Z. Ch. 1282
- Adult entertainment businesses - see P. & Z. Ch. 1284

**1276.01 ESTABLISHMENT; DISTRICT REGULATIONS.**

(a) Establishment. Districts providing for the use or development of land for certain purposes or under certain conditions, as hereinafter specified, are hereby established.

(b) District Regulations. Regulations pertaining to the use or development of land in special districts shall be as provided for in this chapter.  
(Ord. 5-89. Passed 5-8-89.)

**1276.02 DEVELOPMENT STANDARDS; PROCEDURE FOR PLACING LAND; SPECIAL USES.**

(a) Development Standards. The provisions of Chapter 1272 shall pertain to Special Districts. Because of the unique nature and requirements of the uses in Special Districts, and because their locations cannot be readily predetermined, appropriate development standards cannot be set forth, but development standards, requirements and other provisions of this Zoning Code, as they may be appropriate, shall be used.

(b) Procedure. The following procedure shall be followed when placing land in a Special District:

- (1) Development plan. Three copies of a development plan shall be submitted to the Clerk of the Planning and Zoning Commission with the application for amendment of the Zoning District Map. Such plan shall include, in text or map form:
  - A. The proposed location and size of areas of use, indicating the size, location and type of structure.
  - B. The proposed location, size and use of all open areas landscaped and other open spaces, with suggested ownership of such areas.
  - C. The proposed provision of water, sanitary sewer and surface drainage facilities, including engineering feasibility or other evidence of reasonableness.
  - D. The proposed circulation pattern, including streets, both public and private, parking areas, walks and other accessways, including their relation to topography and existing streets, and other evidence of reasonableness.
  - E. The proposed schedule of site development and construction of buildings and associated facilities, including sketches or other documentation indicating design principles or concepts for site development, buildings, landscapes or other features. Such schedule shall include the use or redevelopment of existing features, such as structures, streets, easements, utility lines and land uses.
  - F. The relationship of the proposed development to the existing and future land use in the surrounding area, the street system, community facilities and services and other public improvements.
  - G. Evidence that the applicant has sufficient control over the land to effectuate the proposed development plan within three years. Such control includes property rights, economic resources and engineering feasibility, as may be necessary.
- (2) Basis of approval. The basis of approval for a Special District shall be:
  - A. That the proposed development is consistent in all respects with the purpose, intent and applicable standards of this Zoning Code;
  - B. That the proposed development is in conformity with a comprehensive plan or a portion thereof, as it may apply; and
  - C. That the proposed development advances the general welfare of the Village and that the benefits to be derived from the proposed use justify the change in the land use character of the area.

- (3) Effect of approval. The development plan, as approved by Council, shall constitute an amendment of the Zoning District Map and a supplement to the Special District regulations, as they apply to the land included in the approved amendment. Such approval shall be for a period of three years to allow for the preparation of a subdivision plat, submitted in accordance with the Subdivision Regulations, if required, or, if no plat is required for the completion of the development plan, for an application for a certificate of zoning compliance to be made. If a plat is not submitted and filed, and if a certificate of zoning compliance is not applied for and used, within the three-year period, the approval shall be voided and the land shall revert to its previous zoning district, unless an application for a time extension is submitted and approved in accordance with paragraph (b)(4) hereof.
- (4) Time extension; modification of plan. An extension of the time limit or a modification of the approved development plan may be approved by Council. Such approval shall be given upon a finding of the purpose and necessity for such extension or modification and evidence of reasonable effort toward the accomplishment of the original development plan, provided that such extension or modification is not in conflict with the general health, safety and welfare of the public or the development standards of a Special District.

(c) Special Uses. The following listed uses shall be subject to Special District regulations, as set forth in this section, except as they may be permitted by other provisions of this Zoning Code:

- (1) Transportation. Airports or flying fields, transportation terminals, depots or other transportation facilities not exempt from regulation.
- (2) Recreation and amusement.
- A. Amusement centers, amusement parks, skating rinks, miniature golf courses, swimming pools, drive-in theaters or similar facilities.
  - B. Athletic fields, stadiums, race tracks or similar sports facilities not otherwise allowed by the provisions of this Zoning Code.
  - C. Golf clubs, country clubs, fishing clubs or lakes, gun clubs, riding stables, including the boarding of animals, or similar recreational facilities operated on an admission fee or membership basis.
  - D. Resort establishments, parks, camping or boating facilities, picnic grounds or similar recreational facilities operated on an admission fee or membership basis.

- (3) Social and cultural institutions.
- A. Cemeteries or crematories not otherwise allowed by the provisions of this Zoning Code.
  - B. Hospitals, sanitoriums, convalescent homes, rest homes or homes for children or the aged not otherwise allowed by the provisions of this Zoning Code.
  - C. Private schools or colleges, including those with students or faculty in residence, not otherwise allowed by the provisions of this Zoning Code.
- (4) Unique or exceptional uses. Other legal uses of unique or exceptional requirements or circumstances that are otherwise not permitted by this Zoning Code. (Ord. 5-89. Passed 5-8-89.)

### **1276.03 FLOOD PLAIN REGULATIONS.**

(a) Intent. The following provisions pertaining to the use and development of lands subject to periodic flooding are provided to encourage the use and development of such lands in a manner so as to reduce the perils of flooding and to promote the public health, safety and general welfare.

(b) Zones. The flood plain shall be divided into two zones as follows:

- (1) Restricted zone. The floodway necessary to preserve the natural capacity of a channel for flood water.
- (2) Limited zone. The low-lying area on each side of the restricted zone where flooding is of sufficient frequency to require proofing of structures against flood loss.

(c) Zone Boundaries. Zone boundaries shall be determined by the Village Engineer and based upon publications of the Ohio Department of Natural Resources pertaining to floods and other appropriate information.

(d) Change of Zone Boundaries. Zone boundaries shall only be decreased subject to the provision of flood control or protection works and a finding by the Village Engineer that such control or protection is adequate to prevent flooding of the land being removed from regulation under this section.

(e) Development Standards. In addition to the provisions of the established zoning district, the following standards for the arrangement and development of land and buildings are required under this section:

- (1) Restricted zone. Within the restricted zone, the use and development of land shall be conducted in such a manner as not to fill the specified channel or otherwise restrict the flow of flood waters and shall be subject to the approval of the Village Engineer.

- (2) Limited zone. Within the limited zone, the use shall be so developed as to proof the use or structure against flood damage, by elevating it above the prescribed level or by other appropriate means, and shall be subject to the approval of the Village Engineer.

(Ord. 5-89. Passed 5-8-89.)

CHAPTER 1278  
Landscaping

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| 1278.01 Intent.                          | 1278.06 Submission and contents of         |
| 1278.02 Purpose.                         | landscape plan; posting of bond            |
| 1278.03 Sites affected.                  | or irrevocable letter of credit;           |
| 1278.04 Minimum landscape requirements;  | planting period; noncompliance.            |
| noncompliance.                           | 1278.07 Appeals; variances.                |
| 1278.05 Landscape materials; maintenance | 1278.08 Street tree planting requirements; |
| and installation; violations.            | violations.                                |

CROSS REFERENCES

- Municipal zoning in general - see Ohio R.C. 713.06 et seq.  
 General development standards - see P. & Z. Ch. 1272  
 Special permits - see P. & Z. Ch. 1274  
 Special districts - see P. & Z. Ch. 1276  
 Signs - see P. & Z. Ch. 1280  
 Off-street parking and loading - see P. & Z. Ch. 1282  
 Adult entertainment businesses - see P. & Z. Ch. 1284

**1278.01 INTENT.**

The intent of this chapter is to improve the appearance of vehicular use areas and property abutting public rights of way; to require buffering between noncompatible land uses; to protect, preserve and promote the aesthetic appeal, character and value of surrounding neighborhoods; and to promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature and artificial light glare.

(Ord. 5-89. Passed 5-8-89.)

**1278.02 PURPOSE.**

The purpose of this chapter is to specifically promote the preservation and replacement of trees and significant vegetation removed in the course of land development, and to promote the proper utilization of landscaping, as an ease between certain land uses, to minimize nuisances. (Ord. 5-89. Passed 5-8-89.)

**1278.03 SITES AFFECTED.**

(a) New Sites. No certificate of zoning compliance or building permit shall be issued for any site development or for the construction or improvement of any building, structure or vehicular use, except where the landscaping for such development, construction or improvement has been approved, as required by the provisions of this chapter. Single-family uses shall be exempt from the requirements of Section 1278.04(d)(2), but all other requirements of this chapter shall apply, unless single-family uses are clearly exempt. However, any person with such a single-family use may request a variance from the provisions of this chapter, for any demonstrated hardship, from the Mayor or his or her designee.

(b) Existing Sites. No building, structure or vehicular use area shall be constructed or expanded, unless the minimum landscaping required by the provisions of this chapter is provided to the property to the extent of the alteration or expansion and not for the entire property of which the alteration or expansion is a part, unless the alteration or expansion is substantial. An alteration or expansion to an existing property is substantial when:

- (1) In the case of a building or structure the expansion of which does not involve additional land, the square footage of the alteration or expansion exceeds twenty-five percent of the square footage of the existing building, exclusive of the alteration or expansion; and
- (2) In the case of an alteration or expansion involving both an existing building or structure and additional land and, if applicable, additional structures or buildings, the area or square footage of the expanded or altered land, structure or building, respectively, exceeds twenty-five percent of the area or square footage of the existing land, structure or building, respectively, exclusive of the alteration or expansion.

As used in this subsection, "land" includes land used for space, parking or building purposes. (Ord. 5-89. Passed 5-8-89.)

**1278.04 MINIMUM LANDSCAPE REQUIREMENTS; NONCOMPLIANCE.**

(a) Establishment. This section establishes the minimum requirements that shall be met in regard to perimeter landscaping for noncompatible land use areas, landscaping for service areas and interior landscaping for businesses, buildings, structures or other new developments of the land, are hereby established.



(b) Perimeter Landscaping Requirements. Unless otherwise provided, landscape materials shall be installed to provide a minimum of fifty percent winter opacity and seventy percent summer opacity, between one foot above the finished grade level to the top of the required planting, hedge, fence, wall or earth mound, within four years after installation. The required landscaping shall be provided either in easements in certain zones or adjacent to vehicular use area.

- (1) Landscape buffer zone. The landscape buffer zone and materials required adjacent to any street, under this chapter, shall be provided by the property owner adjoining the street, unless the authority building the street has fully met all requirements on the street right of way. When adjacent to other common boundaries, the landscape buffer zone and materials:
  - A. May be placed on either adjoining parcel, or astride the boundary, if both are owned and are being processed by the same owner; or
  - B. May be placed astride the boundary of adjoining parcels having different owners if a written agreement, signed by both owners, is filed with the Planning and Zoning Commission and kept as a public record; or
  - C. Shall not be required along the common boundary if the requirements of this chapter have been fully complied with on the adjoining property.
- (2) Buffer zone conflicts. The required landscape buffer zone may be combined with a utility or other easement as long as all of the landscape requirements can be provided in addition to, and separate from, any other easement. Cars or other objects shall not overhang or otherwise intrude upon the required landscape buffer zone more than two and one-half feet and wheel stops or curbs shall be required.
- (3) Existing landscape materials. Existing landscape materials shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements, in whole or in part, when, in the opinion of Council, such materials meet the requirements and achieve the objectives of this chapter.
- (4) Landscaping at driveway and street intersections. To insure that landscape materials do not constitute a driving hazard, a sight triangle shall be observed at all street intersections or intersections of driveways with streets. Within this sight triangle, no landscape material, except for required grass or ground cover, nor parked vehicles, shall be permitted. Within the sight triangle, trees shall be permitted as long as only the tree trunk is visible between the ground and eight feet above the ground, except during early growth stages, or otherwise does not present a traffic visibility hazard. The sight triangle is defined in paragraphs (a)(4)A. and (a)(4)B. hereof and is illustrated in Appendix A, following the text of this Zoning Code.

- A. Driveway intersection sight triangle. At intersections of driveways with streets, the sight triangle shall be established by locating the intersection of the street curb with the driveway edge and by measuring, from this point, a distance of ten feet along the driveway to a point and a distance of twenty feet along the street curb to a point and connecting these points.
- B. Street intersection sight triangle. At street intersections, the sight triangle shall be formed by measuring at least thirty-five feet along curb lines and connecting these points.

(c) Interior Landscaping for Vehicular Use Areas. Any open vehicular use area, excluding loading, unloading and storage areas in an industrial zone or business zone, containing more than 6,000 square feet of area or twenty or more vehicular parking spaces, shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping may be of the peninsular or island type.

(1) Landscape area. For each 100 square feet, or fraction thereof, of vehicular use area, a minimum total of five square feet of landscaped area shall be provided.

- A. Minimum area. The minimum landscape area permitted shall be sixty-four square feet with a four-foot minimum dimension to all trees from the edge of the pavement where vehicles overhang.
- B. Maximum contiguous area. In order to encourage the required landscape area to be properly dispersed, no individual landscape area shall be larger than 350 square feet in size, and no individual area shall be larger than 1,500 square feet in vehicular use areas over 30,000 square feet. In both cases, the least dimension of any required area shall be four feet to all trees from the edge of the pavement where vehicles overhang. Individual landscape areas larger than those prescribed are permitted as long as the additional area is in excess of the required minimum total.

(2) Trees.

- A. The following minimums for the planting of trees are required, based upon total ground coverage of structures and vehicular use areas:
  - 1. Up to 20,000 square feet. A minimum of one tree per 5,000 square feet of ground coverage and a total tree planting equal to one inch in tree trunk size for every 2,000 square feet of ground coverage.
  - 2. Over 20,000 to 50,000 square feet. A minimum of one tree for every 5,000 square feet of ground coverage and a total tree planting equal to ten inches plus one-half inch in tree trunk size for every 2,000 square feet over 20,000 square feet in ground coverage.

3. Over 50,000 square feet. A minimum of one tree for every 5,000 square feet of ground coverage and a total tree planting equal to twenty-five inches, plus one-half inch in tree trunk size for every 4,000 square feet over 50,000 square feet in ground coverage.
- B. Trees shall have a clear trunk of at least five feet above the ground, and the remaining area shall be landscaped with shrubs or ground cover not to exceed two feet in height.
- (3) Vehicle overhang. Parked vehicles may hang over the interior landscaped area no more than two and one-half feet as long as concrete or other wheel stops are provided to ensure no greater overhang or penetration of the landscaped area. See Appendix B.

(d) Landscaping for Service Structures. Any service structure or accessory use shall be screened whenever it is located in any residential or professional office zone or on property abutting any residential zone, freeway or arterial street prohibiting driveway access. Structures may be grouped together. However, screening height requirements shall be based upon the tallest of the structures.

- (1) Location of screening. A continuous (having 100 percent opacity) planting, hedge, fence or wall of earth, which would enclose any service structure that must be frequently moved, shall be one foot more than the height of the enclosed structure, but shall not be required to exceed ten feet in height. Whenever a service structure is located next to a building wall, a perimeter landscaping material or a vehicular use area landscaping material, such wall or screening material may fulfill the screening requirements for that side of the service structure if such wall or screening material is of an average height sufficient to meet the height requirement set forth in this section. Whenever service structures are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscaping. No interior landscaping shall be required within an area screened for service structures.
- (2) Curbs to protect screening material. Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regularly occurring basis, a curb to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The curbing shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.

(e) Interior Landscaping for New Developments. All new developments, regardless of type, and all alterations or expansions to existing developments, shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping shall consist primarily of new tree planting or the preservation of existing trees or hedges within the development site.

(1) Preservation of existing landscaping materials.

A. Preservation of free-standing trees. All trees having a trunk diameter of six inches or greater, as measured twenty-four inches from ground level, shall be preserved, unless such trees are exempted as follows:

1. Trees within the driveway access to parking or service areas or proposed areas to service a single-family home.
2. Trees that in the judgment of the Mayor are damaged, diseased or overmature, that interfere with utility lines or that are an inappropriate or undesirable species for the specific location.

It is encouraged that exempted trees subject to destruction be preserved by the relocation and replanting of such trees on the lot.

B. Preservation of wooded areas. It is encouraged that efforts be made to preserve natural vegetation areas. Consideration shall be given to laying out streets, lots, structures and parking areas to avoid the unnecessary destruction of heavily wooded areas or outstanding tree specimens. It is further encouraged that, whenever possible, heavily wooded areas be designated as park preserves.

(2) Tree planting requirements.

A. For all new developments, the following landscape requirements shall apply:

Use  
R-4, R-10, R-12 and  
PUD Districts

Requirements

There shall be tree plantings equal to one-half inch in tree trunk size for every 150 square feet in ground coverage by a single-family structure. Such plantings shall be required within the property lot lines of each structure.

(Cont.)

Use (Cont.)

Requirements (Cont.)

Business and community shopping uses per lot

In addition to the requirements of subsection (c) hereof for vehicular use areas, there shall be landscaped areas equal to twenty square feet for every 1,000 square feet of building ground coverage area or fraction thereof. Such landscaped areas shall contain trees, planting beds, hedges, fences, walls, earth mounds, benches or other materials designed and located in a manner complementary to the overall architecture of the surrounding buildings.

Office-institutional uses

In addition to the requirements of subsection (c) hereof for vehicular use areas, there shall be tree plantings equal to one inch in tree size for every 1,500 square feet of building ground coverage or fraction thereof.

Industrial uses

In addition to the requirements of subsection (c) hereof for vehicular use areas, there shall be tree plantings equal to one inch in tree size for every 2,000 square feet of building ground coverage or fraction thereof.

Parking lots

See subsection (c) hereof.

No new tree plantings shall be required if existing trees and the aggregate trunk sizes of such trees meet or exceed the requirements set forth in this chapter, provided that such trees are evenly distributed throughout the developed area and are not confined either to out-of-the-way dense clusters or to the perimeter of the developed area. The minimum tree size for such tree plantings shall be one and one-half inch in trunk diameter.

- B. For new development or construction, if new tree plantings are required for conformance to the landscaping requirements of this chapter, the applicant or owner shall indicate on the landscape plan the location and size of such tree plantings. If the landscape plan is approved, the applicant or owner shall plant such trees as may be required within one year or the next planting season after issuance of a building permit.

(f) Noncompliance. Failure to comply with the landscaping requirements set forth in this section shall subject the offender to the penalties set forth in Section 1232.99. (Ord. 5-89. Passed 5-8-89.)

### **1278.05 LANDSCAPE MATERIALS; MAINTENANCE AND INSTALLATION; VIOLATIONS.**

The proposed landscape materials should complement the form of existing trees and plantings, as well as the development's general design and architecture. The type of shade or sun should be considered when selecting plant materials.

- (a) Walls and Fences. To comply with Chapter 1464 of the Building and Housing Code, for any proposed new building, residential or otherwise, where stone fencing exists, such stone fencing shall be retained and improved as part of the approved landscaping.
- (b) Earth Mounds. As used in this subsection, "earth mounds" means physical barriers which block or screen the view, similar to a hedge, fence or wall. Earth mounds shall be constructed with proper and adequate plant material to prevent erosion. A difference in elevation between areas requiring screening does not constitute an existing earth mound and shall not be considered as fulfilling any screening requirements.
- (c) Plants. Artificial plants are prohibited. All plant materials shall be living plants and shall meet the following requirements:
- (1) Quality. Plant materials used in conformance with the provisions of this chapter shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.
  - (2) Deciduous trees. Trees which normally shed their leaves in the fall shall be species having an average mature crown spread of greater than fifteen feet in central Ohio and having trunks which can be maintained with over five feet of clear wood in areas which have visibility requirements, except at vehicular use area intersections where the eight-foot clear wood requirement shall control. Trees having an average mature crown spread of less than fifteen feet may be substituted by a grouping of the same so as to create the equivalent of a fifteen-foot

crown spread. A minimum of ten feet of overall height or a minimum caliper, trunk diameter, measured six inches above ground for trees up to four inches caliper, of at least one and three-fourths inches, immediately after planting, shall be required. Trees of a species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than fifteen feet to such public works, unless the tree root system is completely contained within a barrier whose minimum interior containing depth is five feet and which is constructed of four-inch thick reinforced concrete.

- (3) Evergreen trees. Evergreen trees shall be a minimum of five feet high with a minimum caliper of one and one-half inches immediately after planting.
  - (4) Shrubs and hedges. Shrubs and hedges shall conform to the opacity and other requirements set forth in this chapter within four years after planting.
  - (5) Vines. Vines shall be at least twelve or fifteen inches high at planting and shall generally be used in conjunction with walls or fences.
  - (6) Grass or ground cover. Grass of the fescue (Gramineae) or bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns in central Ohio and may be sodded or seeded, except in swales or other areas subject to erosion, where solid sod, erosion-reducing net or suitable mulch shall be used. Nurse-grass seed shall be sown for immediate protection until complete coverage is otherwise achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted in such a manner as to present a finished appearance and as to result in seventy-five percent of complete coverage after a complete growing season, with a maximum of eight inches on center. In certain cases, ground cover may also consist of rocks, pebbles, sand and similarly approved materials.
- (d) Maintenance and Installation. All landscaping materials shall be installed in a sound, workmanlike manner and according to accepted, good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one year or by the next planting period, whichever comes first, while other defective landscape material shall be replaced or repaired within three months.
- (e) Violations. A violation of any of the provisions of this section shall be grounds for the Building Inspector to refuse a building occupancy permit or to institute legal proceedings. (Ord. 5-89. Passed 5-8-89.)

**1278.06 SUBMISSION AND CONTENTS OF LANDSCAPE PLAN; POSTING OF BOND OR IRREVOCABLE LETTER OF CREDIT; PLANTING PERIOD; NONCOMPLIANCE.**

(a) Submission of Landscape Plan. Whenever any property is affected by the landscape requirements set forth in this chapter, the property owner or developer shall prepare a landscape plan for submittal to the Planning and Zoning Commission for review. Where such a plan is a part of an application for rezoning, a variance, a conditional use or another matter which must be approved by the Planning and Zoning Commission and Council, such plan shall be submitted to the Village Engineer for review fifteen days before the first meeting of the approving body, or along with the application if there are other required plans. All other landscape plans shall be approved by the Planning and Zoning Commission prior to the issuance of a building permit.

(b) Contents of Landscape Plan. The contents of the landscape plan shall include the following:

- (1) A plot plan, drawn to an easily readable scale of not less than one inch equals twenty feet, showing and labeling, by name and dimensions all existing and proposed property lines, easements, buildings and other structures, vehicular use areas, including parking stalls, driveways, service areas, square footage, etc., locations of structures on adjoining parcels, water outlets and landscape materials, including their botanical name and their common name, installation size, on-center planting dimensions, where applicable, quantities for all plants used and all existing trees;
- (2) Typical elevations and/or cross-sections, as may be required; and
- (3) The title block with all pertinent names and addresses, including the property owner and the person drawing the plan, the scale, the date, the north arrow, generally oriented so that north is to the top of the plan, and the zoning district.

(c) Posting of Bond or Irrevocable Letter of Credit. Where landscaping is required, no building permit shall be issued until the required landscaping plan has been submitted and approved, and no certificate of occupancy shall be issued until the landscaping is completed and certified by an on-site inspection by the Building Inspector, unless a performance bond or an irrevocable letter of credit from a banking institution has been posted. If the required landscaping has not been completed and a temporary certificate of occupancy is issued, a performance bond or an irrevocable letter of credit from a banking institution shall be posted at that time.



(d) Planting Period. After a bond or an irrevocable letter of credit has been posted, the landscaping material required in the approved landscaping plan shall be installed within six months after the date of such posting. A one-month extension of the planting period may be granted by the Building Inspector upon demonstration by the property owner or developer that such an extension is warranted because of adverse weather conditions or the unavailability of required plant materials. No more than three such one-month extensions may be granted.

(e) Noncompliance. Foreclosure proceedings shall be brought against the performance bond or the irrevocable letter of credit if the required landscaping plans have not been complied with by the end of the approved planting period.  
(Ord. 5-89. Passed 5-8-89.)

#### **1278.07 APPEALS; VARIANCES.**

(a) Appeals. The disapproval of a landscape plan by the Planning and Zoning Commission may be appealed according to the procedure provided for in Chapter 1234. Council may, upon request of any aggrieved party, review the decision of the Commission and modify such decision if it finds hardship or inconsistency.

(b) Variances. Council, in its review of the recommendations on variance requests, shall base its recommendations on all of the following criteria:

- (1) The specific conditions, in detail, which are unique to the applicant's land and do not exist on other land within the same zone.
- (2) The manner in which the strict application of the provisions of this chapter would deprive the applicant of a reasonable use of the land in a manner equivalent to the use which other landowners in the same zone are permitted.
- (3) A finding that the unique conditions and circumstances are not the result of actions of the applicant subsequent to the adoption of this chapter.
- (4) Reasons that the variance shall preserve, not harm, the public safety and welfare and shall not alter the essential character of the neighborhood. (Ord. 5-89. Passed 5-8-89.)

#### **1278.08 STREET TREE PLANTING REQUIREMENTS; VIOLATIONS.**

(a) Definitions. As used in this section:

- (1) "Large tree" means any tree species which normally attains a full-grown height in excess of fifty feet.
- (2) "Medium tree" means any tree species which normally attains a full-grown height of between twenty-five and fifty feet.
- (3) "Person" means any individual, corporation, partnership, company, contracting firm or other entity.
- (4) "Small tree" means any tree species which normally attains a full-grown height of under twenty-five feet.

(b) Requirements for All Zoning Districts. The following are street tree planting requirements for all zoning districts:

(1) General requirements. All subdividers in all zoning districts shall plant trees along the public streets of their developments in such a manner, type, quantity and location as approved by the Planning and Zoning Commission and as defined by the following conditions. Any undeveloped street or existing street with undeveloped frontage shall conform to these requirements at the time of development.

- A. The tree to be planted shall not be an undesirable tree species, as listed in Appendix C - Recommended Trees for the Village of Minerva Park, following the text of this Zoning Code.
- B. The minimum spacing between the tree to be planted and other trees shall be forty-five feet for large trees, thirty-five feet for medium trees and twenty-five feet for small trees.
- C. The minimum distance between the tree to be planted and the edge of the street shall be two and one-half feet for a large tree, two feet for a medium tree and one and one-half feet for a small tree. In areas where a sidewalk exists or is proposed, the minimum distance between the tree and both the edge of the street and the sidewalk shall be two feet for large and medium trees and one and one-half feet for a small tree.
- D. The tree shall be located at least twenty feet from street intersections and ten feet from fire hydrants or utility poles.
- E. A small tree shall be used when planting under or within ten lateral feet of overhead utility wires. A small or medium tree shall be used when planting within ten or twenty lateral feet of overhead utility wires.
- F. The developer shall be required to maintain the trees for one year after the trees are planted and to replace any tree which dies within the one-year guarantee period. Upon completion of a street tree planting, the landscape contractor shall contact the Planning and Zoning Commission for a preliminary inspection. The guarantee period shall begin after the approval of the Commission. A final inspection shall be made at the end of the guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the inspection, shall be promptly replaced at the expense of the developer.
- G. The trees should be of one and the same genus and species planted continuously down each street, as determined by the Planning and Zoning Commission.

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- H. The minimum trunk caliper, measured at six inches above the ground for all street trees, shall be one and one-half inches.
- I. The maximum spacing between large trees shall be fifty feet, between medium trees, forty feet, and between small trees, thirty feet.
- (2) Topping. No person shall, as a normal practice, top any tree within the public right of way. As used in this paragraph, "topping" means the severe cutting back of limbs to stubs large than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or trees under utility wires or other obstructions where other pruning practices are impractical, are hereby exempted from the provisions of this paragraph.
- (3) Height of limbs over sidewalks and streets.
- A. Tree limbs extending over a sidewalk shall be trimmed to such an extent that no portion of the same shall be less than seven feet above the sidewalk. Tree limbs extending over streets shall be trimmed to such an extent that no portion of the same shall interfere with the normal flow of traffic.
- B. The Village shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes and other public grounds, as may be necessary, to insure the public safety or to preserve or enhance the symmetry and beauty of such public grounds.
- (4) Size of tree lawn. No person shall, by any type of construction, reduce the size of a tree lawn without first obtaining permission therefor from the Planning and Zoning Commission.
- (5) Violations. Whoever removes, damages or causes to be removed or damaged a public tree from a tree lawn or other public place shall be required to replace the tree at his or her own expense. The replacement tree shall have a minimum diameter of two and one-half inches. The requirement provided for herein shall be in addition to the penalty provided in Section 1232.99.  
(Ord. 5-89. Passed 5-8-89.)

CHAPTER 1280  
Signs

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|--|---|
| 1280.01 Purpose; intent.                                   | 1280.07 Temporary signs.                                |
| 1280.02 Sign defined; compliance.                          | 1280.08 Special conditions.                             |
| 1280.03 Exempted signs.                                    | 1280.09 Permits; fees; reinspection and<br>maintenance. |
| 1280.04 General requirements.                              | 1280.10 Abandoned signs.                                |
| 1280.05 Permanent signs.                                   |   |
| 1280.06 Table of area, height and setback<br>requirements. |   |

CROSS REFERENCES

- Municipal zoning in general - see Ohio R.C. 713.06 et seq.  
 General development standards - see P. & Z. Ch. 1272  
 Special permits - see P. & Z. Ch. 1274  
 Special districts - see P. & Z. Ch. 1276  
 Landscaping - see P. & Z. Ch. 1278  
 Off-street parking and loading - see P. & Z. Ch. 1282  
 Adult entertainment businesses - see P. & Z. Ch. 1284

**1280.01 PURPOSE; INTENT.**

The purpose of this chapter is to protect the general health, safety and welfare of the community by providing an instrument for protecting the physical appearance of the community and for encouraging high quality, effective outdoor graphics for purposes of navigation, information and identification. Specifically, it is the intent of this chapter to provide businesses in the Village with equitable sign standards in accordance with fair competition and aesthetic standards acceptable to the community, and to provide the public with a safe and effective means of locating businesses, services, areas and points of interest in the Village. This chapter is based on the premise that signs are as much subject to control as noise, odors, debris and similar characteristics of land use and that if they are not controlled and regulated they can become a nuisance to adjacent properties or to the community in general or depreciate the value of other properties in the community.  
 (Ord. 5-89. Passed 5-8-89.)

**1280.02 SIGN DEFINED; COMPLIANCE.**

As used in this chapter, "sign" means any name, number, symbol, identification, description, display or illustration which is affixed to, painted on, or represented directly or indirectly upon, a building, structure or other device and which directs attention to any object, product, place, activity, person, institution, organization or business. "Sign" includes back-lighted plastic panels or strip lighting affixed to any wall or roof where any such panels or lighting serves to identify a business and attract attention rather than to illuminate space for human activity. All signs located on land within or hereafter annexed to the Village and visible from any public right of way or adjacent property shall comply with this chapter, unless specifically exempted in Section 1280.03. Every building must display its assigned postal street number clearly.  
(Ord. 5-89. Passed 5-8-89.)

**1280.03 EXEMPTED SIGNS.**

The following signs are exempt from the provisions of this chapter and are not subject to permit requirements:

- (a) The flag, pennant or insignia of any nation, state, city or other political unit.
- (b) Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices or warnings at railroad crossings.
- (c) Signs in the nature of cornerstones, commemorative tables and historical signs, provided that such signs are limited to six square feet or less and are not illuminated.
- (d) Signs clearly in the nature of decorations customarily associated with any national, state, local or religious holiday, to be limited to thirty days in any one year and to be displayed for not more than thirty consecutive days. Such signs may be illuminated, provided that no safety or visibility hazards are created.
- (e) Political signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election, provided that they are displayed no more than thirty days prior to an election and removed no later than seven days after such election. Such signs shall not exceed six square feet in size, shall not be illuminated in any manner, shall not create a safety or visibility hazard, shall not be affixed to any public utility pole, tree or natural object, and shall not be located within a public right of way.
- (f) Signs not exceeding one square foot in area, bearing only property numbers, postal box numbers or names of occupants of premises.
- (g) Signs indicating the sale, rental or lease of real estate, provided that such signs are limited in size to seven square feet with one sign per street front. Such signs shall be placed on the property to be sold, rented or leased and shall not be placed in a public right of way. Such signs shall be removed within fourteen days after the sale, rental or lease has occurred.

- (h) Signs for the promotion of school, community service or church activities for a maximum period of fifteen days per activity. No one sponsor shall display a promotional sign for more than thirty days in any one year.
- (i) Signs incorporated into a window display of a business, provided that such window display signs are:
  - (1) Limited to ten percent of the total first floor window area, up to a maximum of four square feet, with no more than one such sign per window;
  - (2) Placed only in ground level windows;
  - (3) Illuminated only from a concealed source; and
  - (4) Erected for a period not to exceed thirty days each.
- (j) Traffic and directional signs indicating points of entry or exit for a facility or off-street parking area, provided that such signs are limited to four square feet in area and three feet in height, do not interfere with safe traffic circulation, do not interfere with or obstruct the view of drivers exiting onto highways or thoroughfares and contain no information other than the word "in," "enter," "entrance," "out" or "exit" and/or arrows indicating the desired traffic movement.
- (k) Window signage with a total area of less than two square feet and bearing only information about entry and exit, business hours and/or discount and credit systems accepted in that establishment (e.g. American Express, Master Card, Visa, Golden Buckeye Card). (Ord. 5-89. Passed 5-8-89.)

#### **1280.04 GENERAL REQUIREMENTS.**

(a) Location. No sign shall be placed in a public right of way, except for those properties within the Central Business District, or in public parks or any other public property, or on utility poles, trees or natural objects. No sign shall be located in such a way that it obscures traffic control signs, obstructs the view of approaching or intersecting traffic or interferes with the visibility or safety of vehicles or pedestrians entering, leaving or crossing a public right of way. No sign shall be located in any district zoned R-1, R-2, R-3 or R-4, except as specified in Sections 1280.06, 1280.07 and 1280.08(b).

(b) Size. Sign area shall include the face of all the display area of the sign, except the bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the sign. Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign, unless two display faces are joined back to back, are parallel to each other and are not more than twenty-four inches apart, or form a V-angle of less than forty-five degrees. For spherical signs, the size shall be defined as the area of the bisecting plane. The area of a sign consisting of individual letters or symbols, either free-standing or attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest rectangle or regular geometrical shape which encompasses all the letters and symbols.

(c) Design.

- (1) Signs shall not resemble, by design, color, shape or other characteristic, any common traffic control device, or directional or warning sign, directed or maintained by the State, by the Village or by any railroad, public utility or similar agency concerned with the protection of the public health or safety.
- (2) No sign shall display a representation of a logo or commercial product (e.g. a soft drink bottle, hamburger, hat) in excess of twenty percent of the permitted sign area.
- (3) No sign shall have more than three colors.
- (4) Any multifaced sign shall consistently display the name and message on all used faces.
- (5) Reverse sides of signs shall be unobtrusive and shall blend with the surroundings.

(d) Lighting.

- (1) If illuminated, signs shall be illuminated only by the following means:
  - A. By a white steady, stationary light of reasonable intensity, directed solely at the sign and shielded from, or otherwise prevented from beaming directly onto, adjacent properties or streets.
  - B. By a white interior light of reasonable intensity with logos and/or letters lit or silhouetted on an opaque background. No additional background lighting shall be permitted.
- (2) The level of illumination emitted or reflected from a sign shall not be of an intensity sufficient to constitute a demonstrable safety hazard to air traffic or to vehicular traffic on any street from which the sign may be viewed.

(e) Construction, Maintenance and Operation. All signs shall be properly constructed and maintained to insure that no hazard is created and shall be able to withstand a wind pressure of thirty pounds per square foot. All electrical wiring, fittings and materials used in the construction and operation of electrically illuminated signs shall conform to the construction specifications of the Village. All signs and related surroundings shall be properly maintained and shall not be allowed to fall into a state of obvious disrepair or neglect. (Ord. 5-89. Passed 5-8-89.)

(f) Prohibited Signs and Devices. Banners, pennants, streamers, spinners, bench signs, portable signs, mobile placards, marquee-type signs with changeable messages, flashing or blinking signs, animated signs, signs with moving or moveable parts, or similar signs or devices, shall be prohibited. Signs on vending machines, trash bins or other devices serving any premises shall be screened from view from any public right of way. All free-standing and off-premises signs are prohibited.  
(Ord. 5-89. Passed 5-8-89.)

**1280.05 PERMANENT SIGNS.**

All permanent signs shall comply with the following requirements and with the height, area and setback regulations of Section 1280.06:

- (a) Wall Signs. Wall signs are permitted for any business or use not identified by a ground sign.
  - (1) Placement.
    - A. Wall signs shall not protrude more than ten inches from a building wall or face.
    - B. A wall sign may not extend above the window sill of the second story. If wall signs, either box or separated letters, are placed in a space between windows, the height of such signs may not exceed two-thirds of the distance between the top of the window and the sill of the window above or the major architectural details related thereto. If individual letters or box graphics are placed between window spandrels, the height of the letters or box graphics may not exceed two-thirds of the height of the spandrel.
    - C. Signs may be attached to a building wall or extension which faces a street, parking lot or service drive, or may be attached to a canopy, marquee or roof which projects beyond the building, provided that no part of the sign may extend above the roof, canopy or marquee.
  - (2) Size. The maximum allowable size for any wall sign shall be one square foot of sign area for each linear foot of width of the building face to which the sign is attached, but no wall sign shall exceed the maximum size allowed for the use by Section 1280.06.
  - (3) Number. Wall signs shall be limited in number to one per building or use. For buildings or uses on corner lots having at least 100 feet of frontage on two public rights of way, a second sign is permitted facing the right of way.
- (b) Ground Signs. Ground signs shall include pole signs and other types of free-standing signs supported by uprights or braces on the ground, except in the CCC and CB Districts, where a ground sign is permitted only when all of the following conditions are fulfilled:
  - (1) The sign is located on the property to which it refers;
  - (2) The use is free-standing on its individual lot, is accessible by automobile and has off-street parking; and
  - (3) The use has no wall sign visible from a public right of way.
    - A. Location. All ground signs shall be set back a minimum of eight feet from any public right of way or property boundary line.



- B. **Size.** The maximum area and height for any ground sign shall be determined by the Table in Section 1280.06. The maximum height shall be measured from the established grade line to the highest point of the sign or its frame or support. As used in this paragraph, "established grade line" means the average finished grade for that area of the site where a sign is to be located, provided, however, that the height of a sign shall not be artificially increased by the use of mounding.
  - C. **Number.** No more than one ground sign shall be permitted on any one lot or on multiple lots if such lots are devoted to one specific use or user, except that two ground signs are permitted for buildings or uses having at least 100 feet of frontage on each of two public rights of way, as long as the combined area and height of both ground signs does not exceed one and one-third times the area and height of the ground sign with the maximum allowable area and height dimensions. Neither ground sign shall, by itself, exceed the maximum allowable area and height dimensions.
  - D. **Shape.** No ground sign shall be in the shape of a logo or commercial product.
- (c) **Window Signs.** Window signs shall include signs, posters, symbols and any other identification of or information about the occupant, the activity and/or the use of the premises. Window signs are permitted for uses specified in Section 1280.06, in addition to any permitted wall or ground signs, provided that the sum of the area of the window sign and the area of the wall or ground sign for that building face does not exceed the maximum allowable area as determined by the use and the type (i.e. wall or ground) of the primary sign.
- (1) **Placement.** Window signs shall be limited to ground floor or first floor windows only, unless a use is located on the second floor or on a higher story of a building and has no first floor occupancy.
  - (2) **Number and size.** Window signs shall be limited to one sign per window and shall have a total area not to exceed ten percent of the total first floor window area of the establishment or ten square feet, whichever is less.
- (d) **Roof Signs.** As used in this subsection, a "roof sign" means any sign erected upon the roof of a building or having some part of such sign extending above the roof line of the building. "Roof line" means the uppermost line of the roof of the building or, in the case of any extended building facade, the uppermost height of the facade. Roof signs are hereby prohibited in all districts.

- (e) **Projecting Signs.** As used in this subsection, a "projecting sign" means any sign attached to a building in such a way that the sign face is not parallel to the building face. Projecting signs are prohibited, except in CCC and CB Districts as follows:
- (1) Projecting signs shall be limited in number to one per business or use for each public right of way that the business or use faces.
  - (2) Projecting signs shall not exceed six square feet in area, project more than three feet from the building face or hang lower than eight feet above the level of the pedestrian walkway.  
(Ord. 5-89. Passed 5-8-89.)
- (f) **Compliance With Area, Height and Setback Requirements; Mounting.** All signs, including all wall signs, ground signs, window signs and roof-mounted signs, shall comply with the provisions of Section 1280.06 and shall be mounted only on the property to which they refer.

**1280.06 TABLE OF AREA, HEIGHT AND SETBACK REQUIREMENTS.**

	<u>Wall Signs</u>		<u>Ground Signs</u>		<u>Window Signs</u>	
	<u>Max. Area (sq. ft.)</u>	<u>Max. Height (ft.)</u>	<u>Max. Area (sq. ft.)</u>	<u>Max. Height (ft.)</u>	<u>Min. Setback (ft.)</u>	<u>Max. Area (sq. ft.)</u>
School, church library	20	8	15	6	8	Not permitted
Multifamily project ID	20	8	20	6	8	Not permitted
Rental/Sales office within Residential District	8	8	8	6	8	Not permitted
Child care, rest home	8	8	Not permitted		N/A	Not permitted
Office (administrative, professional, other)	25	15	20	15	8	10
Personal service	35	15	25	15	8	10
Hospital	35	15	30	15	8	Not permitted
General commerce (retail, restaurant, lodging, consumer service, entertainment, wholesaling, transportation, manufacturing, research)	80	15	50	15	8	10

(Ord. 5-89. Passed 5-8-89.)

**1280.07 TEMPORARY SIGNS.**

Temporary signs shall include signs indicating or promoting the development of land, facilities or structures. Temporary signs must comply with the provisions of Section 1280.04, except that such signs shall not be illuminated. Temporary signs shall be limited to thirty-two square feet in area and eight feet in height and be a minimum of eight feet from a public right of way. Application for the erection of a temporary sign shall be made to the Planning and Zoning Commission. Approval shall be for a period not to exceed one year and may be renewed upon application.

(Ord. 5-89. Passed 5-8-89.)

**1280.08 SPECIAL CONDITIONS.**

In addition to the requirements and regulations previously set forth in this chapter, the following special conditions shall apply:

- (a) **Joint Identification Signs.** Joint identification signs identifying the project name of a shopping center or other building complex shall be permitted for three or more combined permitted uses of the same lot. A joint identification sign shall be limited to one ground sign, shall not exceed the maximum allowable height for the uses involved (see Section 1280.06) and shall be allowed in addition to the permitted signs of individual occupants. The area of the sign shall not exceed twenty-five percent of the total allowable ground sign area for the combined uses and in no case shall the total area of a joint identification sign exceed eight square feet. A second joint identification sign of the same size is permitted if the site fronts on two streets, provided that the frontage on each street is more than 600 feet. For all buildings or complexes designed and/or intended for multi-tenant usage, a total sign plan which must conform to all requirements of this section must be submitted to the Planning and Zoning Commission before any sign permit for the complex or an individual tenant will be issued.
- (b) **Residential Subdivision Entrance Signs.** As used in this subsection, "residential subdivision entrance sign" means a sign or feature marking a major entrance or entrances to a residential subdivision. Such identification shall be limited to wall-mounted signs only, with placement on a brick wall, railroad ties, entrance columns or similar architectural or landscaping features. Pole-type ground signs shall be prohibited. Such identification features may be located on the public right of way, provided that the location is within that portion of the right of way between the outermost edge of an existing or proposed right of way on the same side of the right-of-way centerline and is approved by the Planning and Zoning Commission. Under no circumstances shall such features be located in the tree lawn or create a visibility hazard for the safe movement of traffic.

- (c) **Nonconforming Signs.** All existing signs that do not conform to the standards of this section must be brought into conformity:
- (1) Upon any change of use of the property for which such property was intended at the time this chapter became effective.
  - (2) Upon alterations to the existing sign, in which case the following regulations shall apply:
    - A. **Structural.** No display sign shall hereafter be altered, enlarged, extended or relocated, except in conformity with the provisions of this section. The repainting or repairing of signs shall not be deemed to be an alteration within the meaning of this section.
    - B. **Existing signs; continuance.** Except as otherwise specifically provided, nothing in this section shall require the removal or discontinuance of a legally existing permanent display sign which is attached to the realty, as distinguished from a temporary or portable sign, that is not altered, rebuilt, enlarged, extended or relocated, and the same shall be deemed a nonconforming use under the terms of this section.
- (d) **Conditional Uses.** A conditional use shall be subject to the same signage requirements as if such use were a permitted use.  
(Ord. 5-89. Passed 5-8-89.)

#### 1280.09 PERMITS; FEES; REINSPECTION AND MAINTENANCE.

(a) **Permits.** Prior to the erection of any sign, except as otherwise noted, a permit shall be obtained from the Village. In applying for such permit, a scale drawing or drawings of the proposed sign and a plot plan showing its proposed location and the location of adjacent buildings shall be submitted to the Village.

(b) **Fees.** The following fee schedule shall apply:

<u>Type of Sign</u>	<u>Original Permit Fee</u>	<u>Reinspection Fee</u>
<b><u>Ground</u></b>		
Nonilluminated	\$10.00	\$5.00
Illuminated: single face	15.00	7.50
Illuminated: multiple face	25.00	12.50
<b><u>Wall</u></b>	15.00	5.00
<b><u>Projecting</u></b>	10.00	5.00

**NOTE:** No fee is required for temporary signs or signs exempted in Section 1280.03.

(c) **Reinspection and Maintenance; Noncompliance.**

(1) All signs for which a permit shall be issued, in accordance with this section, shall be subject to the following provisions:

- A. The Village Engineer or his or her designee shall reinspect each sign, once every twenty-four months following the erection of such sign, to determine its compliance with applicable building regulations of the Village and to insure proper operating conditions and maintenance.
- B. Whenever the inspecting official, when making a reinspection, finds a sign in need of repair, support, replacement, cleaning, repainting or any maintenance service necessary to maintain a reasonable and proper appearance and the public safety, he or she shall issue an order to the owner of such sign allowing thirty days to affect needed repairs or maintenance.

(2) Failure of an owner to comply with the provisions of this section shall be cause for the inspecting official to void the permit issued for the sign and issue an order for the sign to be removed within fifteen days.

(Ord. 5-89. Passed 5-8-89.)

**1280.10 ABANDONED SIGNS.**

(a) A sign shall be considered abandoned:

- (1) When it is associated with an abandoned use.
- (2) When it remains after the termination of a business. A business is considered to have ceased operations if it is closed to the public for at least ninety consecutive days. Seasonal businesses are exempt from this determination.
- (3) When, on its immediate premises, it is not adequately maintained and the repairs or maintenance ordered under Section 1280.09(c) are not effected within the specified time.
- (4) When it does not conform to the provisions of this section or is not brought into conformity with Section 1280.08(d).

(b) Abandonment shall be determined by the Mayor after a public hearing. Upon determination that the sign is abandoned, the right to maintain and use such sign shall terminate immediately and the Mayor or his or her designee shall issue an order for the sign to be removed within thirty days. Any abandoned sign still standing after thirty days following an order for removal may be removed by the Village and the cost of the removal billed to the owner of the property.

(Ord. 5-89. Passed 5-8-89.)

CHAPTER 1282  
Off-Street Parking and Loading

- 1282.01 Definitions.
- 1282.02 Interpretation; calculation of parking spaces.
- 1282.03 Compliance; application; change of use; revision of existing site plan.
- 1282.04 Joint parking areas.
- 1282.05 Wheel stops.
- 1282.06 Surfacing and maintenance.
- 1282.07 Lighting, striping and traffic control.
- 1282.08 Parking in Residential Districts.
- 1282.09 Access and maneuvering areas; drive-in stacking areas.
- 1282.10 Landscaping requirements.
- 1282.11 Driveways and access drives.
- 1282.12 Minimum loading space requirements.
- 1282.13 Minimum parking space requirements.

CROSS REFERENCES

- Municipal zoning in general - see Ohio R.C. 713.06 et seq.
- Parking generally - see TRAF. Ch. 452
- General development standards - see P. & Z. Ch. 1272
- Special permits - see P. & Z. Ch. 1274
- Special districts - see P. & Z. Ch. 1276
- Landscaping - see P. & Z. Ch. 1278
- Signs - see P. & Z. Ch. 1280
- Adult entertainment businesses - see P. & Z. Ch. 1284

1282.01 DEFINITIONS.

As used in this chapter:

- (a) "Aisle" means that portion of the off-street parking and loading area that provides access to parking, stacking or loading spaces, exclusive of driveways and parking and loading spaces. The minimum aisle width to serve a loading space shall be fifteen feet. The minimum aisle width to serve a parking space shall be as follows:

Angle of Parking (Degrees)	Minimum Aisle Width (Feet)	
	One-Way Travel	Two-Way Travel
Parallel	13	20
Up to 50	13	
50 up to 80	17	
80 or more		22

(b) "Employees" means, for determining parking requirements, the maximum number of employees on duty on the premises at one time or on any two successive shifts, whichever is greater.

(c) "Gross floor area" means:

(1) For determining parking requirements, the total floor area of all main accessory buildings, whether closed or unenclosed, measured from the exterior building face, including storage areas, but excluding interior areas used for parking and loading and access thereto.

(2) For determining loading requirements, the total floor area of all main and accessory buildings, whether closed or unenclosed, measured from the exterior building face, including storage areas, but excluding interior areas used for parking and loading and access thereto.

(d) "Hospital bassinets," for determining parking requirements, shall not be counted as beds.

(e) "Off-street loading space" means a cubical area for the parking of one commercial vehicle for pick-ups and deliveries, which space has minimum dimensions of twelve feet in width, fifty feet in length and fifteen feet in vertical height, which is located in a building or in the open on the same lot as the use such space is intended to serve, which has access to a public street and which is exclusive of the right of way of any public or private street or any driveway, aisle, circulation drive or off-street parking space.

(f) "Off-street parking space" means a rectangular area for the parking of one motor vehicle, which area is located in a building or in the open, has access to a public street and is exclusive of the right of way of any public or private street or any driveway, aisle, circulation drive or off-street loading space. Off-street parking spaces shall have minimum rectangular dimensions as follows:

Parking Space Width Length	Parking Angle (Dimensions in Feet)			
	Parallel	45 Degrees	60 Degrees	90 Degrees
Width	10	10	9	9
Length	23	20	19	19

(g) "Parking setback line" means a line specifically established by ordinance of Council or by a zoning district, overlay or subdivision plat, which determines the minimum distance that parking, loading or maneuvering may be located from a street right-of-way line.

(h) "Seats" means the number of seating units installed or indicated on plans or each thirty linear inches of stands, benches or pews. It is assumed that a seating unit occupies seven square feet of floor area for fixed seating and fifteen square feet of floor area for uses without fixed seating, exclusive of aisles and assembly areas.

(Ord. 5-89. Passed 5-8-89.)

1282.02 INTERPRETATION; CALCULATION OF PARKING SPACES.

(a) Parking and loading spaces for uses not specifically provided for in this chapter shall be determined by the Planning and Zoning Commission.

(b) Each separate use shall meet its own specific requirements, as set forth in this chapter or as determined by the Commission if not set forth in this chapter. For mixed uses, the total sum of parking and loading spaces shall be the sum of all the requirements for each separate permitted, accessory or conditional use.

(c) Fractional numbers shall be increased to the next whole number.

(d) Parking spaces shall be designated for the physically handicapped and may be used to compute the total number of spaces required. The number and location of designated spaces shall be in compliance with the requirements of the Ohio Basic Building Code, as follows:

Total Number of Spaces in the Lot or Structure	Required Number of Handicapped Accessible Spaces
Up to 100	1 per 25 parking spaces
101 to 200 spaces over 100	4, plus 1 space per 5 parking
201 to 500 spaces over 200	6, plus 1 space per 75 parking
Over 500 spaces over 500	10, plus 1 space per 10 parking

(Ord. 5-89. Passed 5-8-89.)



1282.03 COMPLIANCE; APPLICATION; CHANGE OF USE; REVISION OF EXISTING SITE PLAN.

(a) No building, structure or land shall be used or occupied, and no building, structure or part thereof shall be erected or constructed, unless permanently maintained off-street parking and loading spaces are provided as required by and in accordance with the provisions of this chapter.

(b) No building, structure or part thereof shall be substantially reconstructed, altered or repaired unless permanently maintained off-street parking and loading spaces are provided as required by and in accordance with the provisions of this chapter.

(c) The required space provisions of this chapter, except when there is a change of use, shall not apply to any existing building or structure. When the new use, as changed, involves no additions or enlargements, there shall be provided as many of such spaces as may be required for the new use.

(d) Whenever the use of a building or structure is changed or is increased in floor area, number of employees, seating capacity or otherwise so as to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of such change or increase.

(e) Any revision of an approved parking lot, including, but not limited to, the reduction, enlargement, restriping or remarking of any parking lot in a manner that differs from the existing site plan, shall require a new site plan and a permit approving such change.

(Ord. 5-89. Passed 5-8-89.)

1282.04 JOINT PARKING AREAS.

(a) All off-street parking and loading spaces shall be located on the same lot as the use to be served, except that the owners of two or more separate uses may establish a joint parking area to provide the total number of required off-street parking and loading spaces for all such combined uses, subject to the approval of Council and to such conditions as may be imposed by Council.

(b) Churches may establish joint parking areas for fifty percent or less of their required spaces if such areas are located within 300 feet of the main church entrance.

(Ord. 5-89. Passed 5-8-89.)

**1282.05 WHEEL STOPS.**

(a) Whenever a parking area extends to a lot line, sidewalk, planter strip or building, a wheel stop device consisting of blocks, a permanent curb, an expanded sidewalk or another suitable restraint shall be installed to prevent any part of a parked motor vehicle from extending beyond the property line, overhanging a pedestrian walkway or sidewalk or damaging any building, structure or landscaping.

(b) The minimum height of a wheel stop device shall be five inches and the minimum distance from a wheel stop device to a property line or protected area shall be two and one-half feet.

(Ord. 5-89. Passed 5-8-89.)

**1282.06 SURFACING AND MAINTENANCE.**

(a) All off-street parking and loading areas, including spaces, driveways, aisles and circulation drives, shall be hard-surfaced with asphalt, concrete or a combination thereof, meeting the requirements of the State of Ohio Department of Transportation Construction and Material Specifications, the latest edition.

(b) All off-street parking and loading areas, including spaces, driveways, aisles and circulation drives, shall be graded and maintained so that water does not unreasonably accumulate on such areas, nor flow or drain onto adjacent public or private property. All such surfaced areas shall be maintained free of chuck holes, litter, glass, nails or other dangerous materials.

(c) Stormwater retention requirements shall be as set forth in Section 1218.11.  
(Ord. 5-89. Passed 5-8-89.)

**1282.07 LIGHTING, STRIPING AND TRAFFIC CONTROL.**

(a) Any nonresidential parking area with ten or more off-street parking spaces, and any residential parking area with twenty or more off-street parking spaces, shall be illuminated during times of poor visibility to provide an average intensity of one-half footcandles of light as measured at the parking surface area. 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, or create a nuisance or unreasonably interfere with a neighboring property owner's right to enjoy his or her property.

(b) Any parking area with ten or more off-street parking spaces shall be striped and maintained in good condition so as to be clearly visible with lines four inches wide to indicate parking space limits.

(c) Any off-street parking area shall be marked or posted with traffic control devices, as may be determined necessary by the Police Chief, for the protection of operators and pedestrians, including directional arrows, one-way signs, no parking signs and fire lane signs.

(Ord. 5-89. Passed 5-8-89.)

**1282.08 PARKING IN RESIDENTIAL DISTRICTS.**

The provision of parking space, either open or enclosed, for the parking or storage of motor vehicles in a Residential Zoning District or Planned Residential Zoning District shall be subject to the following:

- (a) Commercial Vehicles. No commercial vehicle or other vehicle which infringes on the residential character of a Residential District shall be stored or parked on a residentially zoned lot. However, infrequent, short-term parking of a commercial or commercial-type vehicle, for conveying tools and materials to premises where labor using such tools and materials is being performed, for delivering goods to a residence or for moving furniture to or from a residence, during the time such parking is actually necessary, is hereby permitted. For purposes of this subsection, "commercial vehicle" means any vehicle used or designed to be used for business or commercial purposes, which vehicle infringes on the residential character of a Residential District, including, but not limited to, a bus, cement truck, commercial tree trimming truck, semitractor, semitrailer, stage bed truck, step van, tank truck, tar truck or other commercial-type vehicle licensed by the Ohio Bureau of Motor Vehicles as a commercial vehicle or truck.
- (b) Recreational and Other Large Vehicles. The off-street parking of a recreational vehicle, boat, boat trailer, camper, coach, motor home, tent trailer, travel trailer, or utility trailer is permitted subject to the following conditions:
  - (1) None of the above-mentioned vehicles shall be parked in the required front or side yard, except they may be parked in a driveway for not longer than 48 hours in any calendar week for loading or unloading.
  - (2) Side or rear yard parking of such vehicles shall not intrude on the minimum side and rear yard requirements set forth in this Code.
  - (3) All such parking shall be as close to the structure as practical, but not closer than two feet nor farther than 20 feet.
  - (4) For side or rear yard storage, the length of the vehicle shall not exceed the length of the structure's adjacent wall.
  - (5) No such camping or recreational vehicle shall have fixed connection to electricity, gas, water or sewer facilities, nor shall such be used as a dwelling in any case.
- (c) Inoperable Vehicles.
  - (1) No motor vehicle shall be parked or stored in any district other than an M District for a period in excess of one week when such motor vehicle does not bear a current registration plate or is not in operating condition.
  - (2) Such motor vehicles may be parked or stored for an indefinite period if stored entirely within an enclosed building.

(Ord. 5-89. Passed 5-8-89; Ord. 6-2002. Passed 10-14-02.)

**1282.09 ACCESS AND MANEUVERING AREAS; DRIVE-IN STACKING AREAS.**

(a) Access and Maneuvering Areas. Every parking and loading space shall have sufficient access and maneuvering area. All maneuvering areas shall be on the same lot as the use that such area is intended to serve. In single-family or two-family residential districts, the maneuvering area may include a driveway, street or parking space.

(b) Drive-In Stacking Areas. Drive-in facilities, in order to obtain approval as a conditional use, shall be provided with stacking areas, as may be required by the Planning and Zoning Commission.

(Ord. 5-89. Passed 5-8-89.)



1282.10 LANDSCAPING REQUIREMENTS.

Landscaping shall be provided as set forth in Section 1278.04(c).  
(Ord. 5-89. Passed 5-8-89.)

1282.11 DRIVEWAYS AND ACCESS DRIVES.

(a) As used in this section, "driveway" means any access corridor leading from a public right of way to a parking lot, aisle, parking circulation area, garage, off-street parking space or loading space. Each driveway shall be located and designed in a manner that provides for the safety of motorists and pedestrians.

(b) A driveway serving a parking lot shall be located and designed so that vehicles entering or leaving the parking lot will be traveling in a forward motion.

(c) An access drive, exclusive of curb returns, shall be ten feet or more from the side lot line and twenty feet or more from another access drive, except that an access drive for residential use may be within three feet of a side lot line, or adjacent to the side lot line if a common drive is provided for two adjoining lots.

(d) A driveway serving a residential parking area containing one to eight parking spaces shall have a minimum width of ten feet.

(e) All other driveways shall have a minimum width of twenty feet and a maximum width of twenty-five feet, except curb returns.  
(Ord. 5-89. Passed 5-8-89.)

1282.12 MINIMUM LOADING SPACE REQUIREMENTS.

The minimum number of off-street loading spaces shall be as set forth in the following table:

(a) Each use of a business, institutional, personal or professional service nature, including, but not limited to, a business office, hotel, motel, recreational or entertainment-type use, shall provide loading spaces based on gross floor area as follows:

Gross Floor Area (sq. ft.)	Minimum Number of Loading Spaces Required
Under 10,000	0
10,000 to 100,000	1
100,001 to 350,000	2
350,001 or more	2, plus 1 for each additional 100,000 sq. ft.

or fraction thereof exceeding 350,000 sq. ft.

(b) Each commercial or industrial-type use involving the retail or wholesale exchange, sale, storage, processing or manufacturing of merchandise or personal property of any type, which is permitted in any Commercial or Manufacturing District, shall provide loading spaces based on gross floor area as follows:

Gross Floor Area (sq. ft.)	Minimum Number of Loading Spaces Required
Under 5,000	0
5,001 to 10,000	1
10,001 to 30,000	2
30,001 to 90,000	3
90,001 to 150,000	4
150,001 to 250,000	5
250,001 or more	5, plus 1 for each 80,000 sq. ft. or fraction thereof exceeding 250,000 sq. ft.

(Ord. 5-89. Passed 5-8-89.)

1282.13        MINIMUM PARKING SPACE REQUIREMENTS.

The minimum number of off-street parking spaces required shall be as set forth in the following table:

Type of Use	Minimum Number of Parking Spaces Required
<b>Residential</b>	
One or two-family dwelling	2    per dwelling unit
Housing for elderly	1    per dwelling unit
All other dwelling units	2.5 per dwelling unit
<b>Office</b>	
Administrative or business	1    per 250 sq. ft. of gross floor area
Medical or dental	1    per 200 sq. ft. of gross floor area
<b>Institutional</b>	
Church	1    for each 30 sq. ft. of gross floor area, of the sanctuary, auditorium or main place of worship
Day or nursery schools	1    per teacher/employee, plus 1 per six students
Elementary schools	2    per classroom, plus 1 per 60 sq. ft. of the auditorium or assembly hall area

(Cont.)

Type of Use	Minimum Number of Parking Spaces Required	
Institutional (Cont.)		
High school, business, technical or trade school, college or university	2	per classroom, plus 1 for every 20 students for which the facility is designed, or 1 per 60 sq. ft. of the auditorium or assembly hall area, whichever is greater
Library, museum or art gallery	1	per 250 sq. ft. of gross floor area, plus 1 per each employee on the largest shift
Auditorium, stadium, center or other place of assembly	1	per 25 sq. ft. of gross floor area
Swimming facility	1	per 75 sq. ft., plus 1 per 30 sq. ft. of spectator area, plus 1 per employee on the largest shift
Hospital	2.5	per bed, plus 1 per employee on the largest shift
Nursing home	1	per 6 beds, plus 1 per employee on the largest shift
Commercial		
Commercial or business service uses, including retail centers less than 100,000 sq. ft., except as otherwise specifically provided for herein	1	per 150 sq. ft. of gross floor area, plus 1 per 200 sq. ft. of storage area
Automobile service station	2	per automobile service station, plus requirements for vehicular repair
Bank	1	per 250 sq. ft. of gross floor area, plus 1 per employee on the largest shift
Beauty or barber shop	1	per 200 sq. ft.
Funeral home	1	per 150 sq. ft. of gross floor area, plus 1 per business vehicle
Lumber yard, furniture or large appliance store	1	per 200 sq. ft. of gross floor area



Type of Use	Minimum Number of Parking Spaces Required	
Commercial (Cont.)		
Motel or hotel	1	per rental unit, plus 1 per employee on the largest shift, plus 1 per 150 sq. ft. of conference or meeting area, plus required spaces for the restaurant and lounge
Restaurant, tavern, night club lounge or dance hall	1	per 50 sq. ft. of gross floor area
Vehicle sales	1	per 300 sq. ft. of gross floor area, plus 1 per 1,000 sq. ft. of outdoor display area
Vehicle repair service bay, whichever is greater	1	per 100 sq. ft. of gross floor area, or 3 per each
Shopping center with a gross floor area of:		
100,000 to 500,000 sq. ft.	5.5	per 1,000 sq. ft. of gross floor area
Over 500,000 sq. ft.	5	per 1,000 sq. ft. of gross floor area
Entertainment		
Bowling alley	5	per lane, plus spaces for restaurants
Golf driving range	1	per tee, plus 1 per employee on the largest shift
Miniature golf	1.5	per hole, plus 1 per employee on the largest shift
Skating rink (ice or roller)	1	per 300 sq. ft. of gross floor area
Theater, auditorium or assembly hall	1	per 3 patrons, based on the maximum capacity
Industrial		
All laboratories and all manufacturing, production, fabrication and printing operations	1	per employee on the largest shift, plus 1 per business vehicle normally on the premises
Warehousing	1	per business vehicle, plus:
Gross Floor Area (sq. ft.)		
Up to 20,000	1	per 1,000 sq. ft. of gross floor area
20,001 to 120,000	1	per 5,000 sq. ft. of gross floor area
Over 120,000	1	per 10,000 sq. ft. of gross floor area
(Ord. 5-89. Passed 5-8-89.)		

CHAPTER 1284  
Adult Entertainment Businesses

1284.01 Purposes.  
1284.02 Definitions.

1284.03 Location; development standards.

CROSS REFERENCES

Municipal zoning in general - see Ohio R.C. 713.06 et seq.  
Sex related offenses - see GEN. OFF. Ch. 666  
General development standards - see P. & Z. Ch. 1272  
Special permits - see P. & Z. Ch. 1274  
Special districts - see P. & Z. Ch. 1276  
Landscaping - see P. & Z. Ch. 1278  
Signs - see P. & Z. Ch. 1280  
Off-street parking and loading - see P. & Z. Ch. 1282

**1284.01 PURPOSES.**

The establishment of adult entertainment businesses, as defined in Section 1284.02(b), tends to result in the blighting and deterioration of the areas in which such businesses are established. Accordingly, it is necessary that such businesses be regulated in such a manner as to prevent the erosion of the character of the affected neighborhood and to prohibit the establishment of such a business within close proximity to other adult entertainment businesses, residentially zoned areas, schools, churches, parks and playgrounds. The regulations for adult entertainment businesses are established in Section 1284.03. (Ord. 7-85. Passed 2-11-85.)

**1284.02 DEFINITIONS.**

As used in this chapter:

- (a) "Adult book store" means an establishment having as a significant portion of its stock in trade, for the purpose of retail sale or for the purpose of display by coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes, which materials have as their major or dominant theme matter depicting, describing or relating to sexual conduct or specified anatomical areas, as defined herein.

- (b) "Adult entertainment business" means an adult bookstore, an adult mini-motion picture theater, an adult motion picture arcade and an adult motion picture theater, as defined herein.
- (c) "Adult mini-motion picture theater" means any enclosed building with a capacity of fewer than fifty persons, regularly used for presenting material distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.
- (d) "Adult motion picture arcade" means any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where images so displayed are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas.
- (e) "Adult motion picture theater" means an enclosed building with a capacity of fifty or more persons, regularly used for presenting material distinguished or characterized by an emphasis on depicting or describing sexual contact or specified anatomical areas.
- (f) "Sexual conduct" means the fondling or other touching of human genitals, the pubic region, buttocks or female breasts, masturbation and the physical acts defined as sexual conduct or sexual contact in Chapter 666 of the General Offenses Code.
- (g) "Specified anatomical areas" means human genitals less than completely and opaquely covered, the public region, buttocks, female breasts below a point immediately above the top of the areola and male genitals in a discernibly turgid state, even if completely and opaquely covered.  
(Ord. 7-85. Passed 2-11-85.)

### **1284.03 LOCATION; DEVELOPMENT STANDARDS.**

(a) Location. Notwithstanding any other provision of these Codified Ordinances, no person shall cause or permit the establishment of any adult entertainment business within any zoning district other than a Business District.

(b) Development Standards. In addition to the development standards prescribed in this Zoning Code for Business Districts, no person shall cause the establishment of an adult entertainment business within 1,000 feet of another such business or within 1,000 feet of any church, public or private pre-school, elementary, middle or secondary school, park, playground or area zoned for residential use. For the purpose of this subsection, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the real estate upon which an adult entertainment business is located to the nearest property line of the premises of a church, public or private pre-school, elementary, middle or secondary school, park or playground, or to the nearest boundary line of a district restricted to residential use by ordinances of the Village.

The establishment of an adult entertainment business shall include the opening of such business as a new business, the relocation of such business or the conversion of an existing business location to any of the uses defined as an adult entertainment business.  
(Ord. 7-85. Passed 2-11-85.)

## APPENDIX C

RECOMMENDED TREES FOR THE VILLAGE OF MINERVA PARK

This Appendix C is designed to encourage an imaginative selection of landscape trees. Careful selection will prevent an over-dependence on a few species. This Appendix C will be useful to residents, nurserymen, horticulturists, landscapers, developers and landscape architects.

Along an individual street, uniform street tree plantings are desirable. However, overuse of a few species is inevitable without a conscious effort to vary plant species and families. Deviations from the recommended list are permitted with the approval of the Planning and Zoning Commission.

The list is divided into three size categories: large trees which mature at a height of fifty feet or more (Group A); medium trees which reach a mature height of between thirty and fifty feet (Group B); and small trees which range from ten to thirty feet at maturity (Group C). Tree lawn sizes must accommodate the tree size planted: Group A (greater than seven ft.); Group B (four to seven ft.); Group C (three to four ft.). Use under utility lines is limited to small trees, although medium trees may be planted as close as ten lateral feet to utility lines.

The approximate mature height and diameter of the crown of each tree are given.

Trees are alphabetized by their scientific name with the common name given. Cultivars best suited to central Ohio are also provided. An asterisked entry indicates a tree which is unsuitable for planting within fifteen lateral feet of a sidewalk or bikeway.

Habit refers to the three dimensional form of the tree. Six general terms describe the characteristic shape of the trees:

The tolerance category presents information from various sources listed in the bibliography. The tree's relative tolerance to insects, diseases, pollution and soil conditions is signified by either a "Y," meaning yes, it is tolerant; "N," meaning no, it is not tolerant; or "-", meaning no information is available from these sources.

Comments pertain to any other notable characteristic of the tree.

LARGE DECIDUOUS TREES (50 ft. or greater) - Group A

Common Name ( <u>Scientific name</u> ) 'Cultivar'	Height (ft.)	Spread (ft.)	Habit	Tolerance				Comments
				Insect/ Disease	Pollution	Dry Soil	Damp Soil	
Norway Maple ( <u>Acer plantanoides</u> ) 'Cleveland' 'Emerald Queen' 'Summer Shade'	40-50	40-50	globular	N	Y	Y	Y	dense shade and shallow roots inhibit turf
Red Maple ( <u>Acer rubrum</u> ) 'Autum Flame' 'October Glory' 'Red Sunset'	40-60	40-50	ovoid to globular	Y	N	N	Y	suffers in urban environment; outstanding fall color
Sugar Maple ( <u>Acer saccharum</u> ) 'Green Mountain' 'Legacy'	60-75	50-60	ovoid to globular	Y	N	N	N	attractive fall color
Black Alder ( <u>Alnus Glutinosa</u> )	40-60	20-40	oboviod to globular	Y	Y	Y	Y	naturally a multi-stemmed tree; may prune to a single trunk
Sugar Hackberry ( <u>Celtis laevigata</u> )	60-80	50-60	globular	Y	Y	Y	Y	smooth bark
Katsura Tree ( <u>Cercidiphyllum japonicum</u> )	40-60	30-50	obovoid	Y	Y	N	Y	single or multi-stemmed; fall color an interesting apricot
American Yellowwood ( <u>Cladrastis lutea</u> )	30-50	40-55	obovoid	N	N	Y	-	white flowers; select those with wide branch angles
Turkish Filbert ( <u>Corvlus colurna</u> )	40-50	30-40	ovoid to conical	Y	Y	Y	Y	produces nuts in a sticky husk that are a delicacy to squirrels

LARGE DECIDUOUS TREES (50 ft. or greater) - Group A (Cont.)

Common Name ( <u>Scientific name</u> ) 'Cultivar'	Height (ft.)	Spread (ft.)	Habit	Tolerance				Comments
				Insect/ Disease	Pollution	Dry Soil	Damp Soil	
Hardy Rubber Tree ( <u>Eucommia ulmoides</u> )	40-60	40-70	conical to globular	Y	Y	Y	Y	dark green canopy
White Ash ( <u>Fraxinus americana</u> ) 'Autumn Applause' 'Autumn Purple'	50-80	40-70	irregular to globular	N	-	N	Y	beautiful fall color
Green Ash ( <u>Fraxinus pennsylvanica</u> ) 'Marshall's Seedless' 'Summit'	50-60	30-40	irregular to globular	N	-	Y	Y	overplanted in Dublin
Autumn Gold Ginkgo ( <u>Ginkgo biloba</u> ) 'Autumn Gold'	50-80	30-60	conical to globular	Y	Y	Y	Y	a male variety which does not fruit
Kentucky Coffee Tree ( <u>Gymnocladus dioica</u> )	60-75	40-50	irregular to ovoid	Y	Y	Y	N	fruit may be objectionable; coarse texture
Sweetgum ( <u>Liquidambar styraciflua</u> ) 'Moraine'	60-75	40-50	conical to globular	Y	N	N	Y	messy star-shaped fruit
Larch ( <u>Larix decidua</u> )	70-75	20-30	conical	N	N	N	Y	deciduous conifer
Black Gum ( <u>Nyssa sylvatica</u> )	30-50	20-30	conical to ovoid	Y	-	Y	Y	brilliant fall color
Swamp White Oak ( <u>Quercus bicolor</u> )	50-60	50-70	ovoid	Y	Y	Y	Y	attractive scaly bark
Scarlet Oak ( <u>Quercus coccinea</u> )	70-75	40-50	globular	N	N	Y	N	red fall color
Shingle Oak ( <u>Quercus imbricaria</u> )	50-60	50-70	conical	Y	Y	Y	Y	leaves retained into winter
Red Oak	60-75	40-50	ovoid to	Y	Y	Y	Y	russet-red fall color

**(Quercus rubra)**

**globular**

**LARGE DECIDUOUS TREES (50 ft. or greater) - Group A (Cont.)**

Common Name (Scientific name) 'Cultivar'	Height (ft.)	Spread (ft.)	Habit	Tolerance				Comments
				Insect/ Disease	Pollution	Dry Soil	Damp Soil	
Shumard Oak ( <u>Quercus shumardii</u> )	70-75	40-50	avoid to globular	Y	Y	Y	Y	a replacement for pin oak
Sassafras ( <u>Sassafras albidum</u> )	30-60	25-40	conical to irregular	Y	Y	Y	Y	outstanding fall color
Bald Cypress ( <u>Taxodium distichum</u> )	50-70	20-30	conical	Y	Y	Y	Y	characteristic knees develop in wet soils
Redmond Linden ( <u>Tilia americana</u> ) 'Redmond'	40-50	25-30	ovoid	N	Y	Y	Y	Japanese beetles may attack foliage
Silver Linden ( <u>Tilia tomentosa</u> )	50-70	30-40	ovoid	N	Y	Y	Y	Japanese beetles may attack foliage
Urban Elm ( <u>Ulmus</u> x 'Urban Elm')	50-70	25-40	obovoid	Y	Y	Y	Y	resistant to Dutch elm disease
Lacebark Elm ( <u>Ulmus parvifolia</u> )	40-50	30-40	obovoid	Y	Y	Y	Y	exquisite mottled bark; resistant to Dutch Elm disease



MEDIUM DECIDUOUS TREES (30 - 50 ft.) - Group B

Common Name ( <u>Scientific name</u> ) 'Cultivar'	Height (ft.)	Spread (ft.)	Habit	Tolerance				Comments
				Insect/ Disease	Pollution	Dry Soil	Damp Soil	
Hedge Maple ( <u>Acer campestre</u> )	25-35	20-35	globular	Y	Y	Y	Y	dense canopy
Thornless Honeylocust ( <u>Gleditsia triacanthos</u> ) var. <i>inermis</i> 'Imperial' 'Moraine' 'Shade Master' 'Skyline'	35-50	20-35	irregular to globular	N	Y	Y	Y	overplanted; use moderately; delicate form
Goldenraintree ( <u>Koelreuteria paniculata</u> )	30-40	30-50	globular	Y	Y	Y	Y	coarse texture
American Hophornbeam ( <u>Ostrya virginiana</u> )	25-40	20-35	conical	Y	-	Y	Y	transplant in spring
Amur Cork Tree ( <u>Phellodendron amurense</u> )	30-45	30-50	obovoid	Y	Y	Y	Y	broad-spreading
Sargent Cherry ( <u>Prunus sargentii</u> ) 'Columnaris'	40-50	30-45	globular	Y	-	-	-	stately bark; lovely early pink blossoms
Callary Pear ( <u>Pyrus calleryana</u> ) 'Aristocrat' 'Chanticleer' 'Red Spire'	30-50	20-35	conical to ovoid	Y	Y	Y	Y	commonly planted 'Bradford' exhibits poor branch structure leading to splitting
Sawtooth Oak ( <u>Quercus acutissima</u> )	35-45	35-45	ovoid to globular	N	-	Y	N	chestnut-like leaf shape

SMALL DECIDUOUS TREES (10 - 30 ft.) - Group C

Common Name (Scientific name) 'Cultivar'	Height (ft.)	Spread (ft.)	Habit	Tolerance				Comments
				Insect/ Disease	Pollution	Dry Soil	Damp Soil	
Trident Maple ( <u>Acer buergerianum</u> )	20-30	20-25	globular	Y	Y	Y	N	dark green leaf
Amur Maple ( <u>Acer ginnala</u> )	15-20	10-20	obovoid to globular	Y	Y	Y	Y	grown multi-stemmed or as a single trunk
Paperbark Maple ( <u>Acer griseum</u> )	20-30	10-30	globular to ovoid	Y	-	N	Y	unequaled bronze, exfoliating bark
Serviceberry ( <u>Amelachier arborea</u> )	15-25	7-10	obovoid	Y	N	Y	Y	early white flowers; delicate form; single or multi-stemmed
Fringe Tree ( <u>Chionanthus virginicus</u> )	10-20	10-20	obovoid	Y	Y	Y	Y	fragrant, white flowers; lovely tree when single-stemmed
Thornless Cockspur Hawthorn ( <u>Crataegus crusgalli</u> ) var. <i>inermis</i> 'Crusader'	20-30	20-35	globular	N	Y	Y	Y	most cockspurs are dangerous; however, this one lacks thorns
Lavalle Hawthorn ( <u>Crataegue x lavalley</u> )	15-30	10-25	globular	N	Y	Y	Y	nearly thornless; showy red fruit
Washington Hawthorn ( <u>Crataegue phaenopyrum</u> )	25-30	20-25	globular	N	Y	Y	Y	thorns; red fruit persists into winter
Dotted Hawthorn ( <u>Crataegus punctata</u> ) 'Ohio Pioneer'	25-30	25-35	globular	N	Y	Y	Y	few thorns; attractive bark; large 1-inch fruit

SMALL DECIDUOUS TREES (10 - 30 ft.) - Group C (Cont.)

Common Name ( <u>Scientific name</u> ) 'Cultivar'	Height (ft.)	Spread (ft.)	Habit	Tolerance				Comments
				Insect/ Disease	Pollution	Dry Soil	Damp Soil	
Winter King Hawthorn ( <u>Crataegus viridis</u> ) 'Winter King'	20-35	15-30	globular	N	Y	Y	Y	few thorns; fruit persists into winter; attractive bark
Japanese Tree Lilac ( <u>Syringa reticulata</u> ) 'Ivory Silk'	20-30	15-25	obovoid	Y	Y	Y	Y	flowers in June
Blackhaw Viburnum ( <u>Viburnum prunifolium</u> )	12-15	8-12	globular	Y	Y	Y	Y	blue-black fruit; prune to a tree form
Crabapple ( <u>Malus</u> ) 'Adams'	20-25	-	globular	Y	Y	-	-	reddish pink flowers; red fruit
'Baskatong'	30	-	-	Y	Y	-	-	purple-red flowers; dark purple-red fruit
'Centurion'	20-25	-	columnar	Y	Y	-	-	rose-red flowers; cherry-red fruit white flowers; red fruit
'Donald Wyman'	20-25	20-30	globular	Y	Y	-	-	white flowers; gold fruit
'Harvest Gold'	20	15	obovoid	Y	Y	-	-	white flowers; orange-red fruit
'Henningi'	25	-	obovoid	Y	Y	-	-	red flowers; maroon fruit
'Prairiefire'	-	-	-	Y	Y	-	-	retains red fruit
'Ralph Shay'	-	-	-	Y	Y	-	-	

SMALL DECIDUOUS TREES (10 - 30 ft.) - Group C (Cont.)

Common Name (Scientific name) 'Cultivar'	Height (ft.)	Spread (ft.)	Habit	Tolerance				Comments
				Insect/ Disease	Pollution	Dry Soil	Damp Soil	
<b>Crabapple (Cont.)</b>								
<b>(Malus)</b>								
'Robinson'	25	-	obovoid	Y	Y	-	-	deep pink flowers; dark red fruit
'Sentinel'	-	-	columnar	Y	Y	-	-	pale pink flowers; red fruit
'Snow Drift'	15-25	-	globular	Y	Y	-	-	profuse white flowers; orange-red fruit; fire-blight in nearby states
'Sugar Tyme'	18	15	obovoid	Y	-	-	-	white flowers; red fruit
'Spring Snow'	20-25	-	obovoid	Y	-	-	-	white flowers; fruitless
'White Angel'	20-25	-	obovoid	Y	-	-	-	white flowers; red fruit
'Winter Gold'	30	-	-	Y	-	-	-	white flowers; yellow fruit

### Unacceptable Trees for Street Tree Use

<u>Common Name</u>	<u>Scientific Name</u>
Box Elder	<u>Acer negundo</u>
Silver Maple	<u>Acer saccharinum</u>
Buckeye, Horsechestnut	<u>Aesculus species</u>
Tree of Heaven	<u>Ailanthus altissima</u>
Paper Birch	<u>Betula papyrifera</u>
European White Birch	<u>Betula pendula</u>
Northern Catalpa	<u>Catalpa speciosa</u>
Ginko (female)	<u>Ginko biloba</u>
Osage-Orange	<u>Maclura pomifera</u>
Apple	<u>Malus pumila</u>
Mulberry	<u>Morus species</u>
Poplar	<u>Populus species</u>
Bradford Pear	<u>Pyrus calleryana 'Bradford'</u>
Upright English Oak	<u>Quercus robur 'fastigiata'</u>
Black Locust	<u>Robinia pseudoacacia</u>
Willow	<u>Salix species</u>
European Mountain Ash	<u>Sorbus aucuparia</u>
Moline American Elm	<u>Ulmus americana 'Moline'</u>
Siberian Elm	<u>Ulmus pumila</u>

(Ord. 5-89. Passed 5-8-89.)