

PART TWELVE: PLANNING AND ZONING CODE

TITLE TWO: PLANNING

CHAPTER 1202: PLANNING AND ZONING COMMISSION

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

- (a) The Village Planning and Zoning Commission shall consist of five voting 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) 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.
- (d) 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.
- (e) 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.
- (f) Any at-large member may be removed from the Commission by a two-thirds majority vote of all Village Council members.
- (g) The Village Planning and Zoning Commission may also consist of three additional, advisory, non-voting, citizen-at-large members. These additional members shall also be qualified electors of the Village. Non-voting, citizen-at-large members shall be appointed and serve through the same procedure in subsection(b) above.

(Ord. 5-91, passed 6-10-1991; Ord. 1-94, passed 5-9-1994; Ord. 02-2021, passed 2-8-2021)

§ 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 voting 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 30 days after the start of the calendar year.

- (d) Any appointed member absent from three consecutive meetings of the Commission may be removed from membership on the Commission by a majority of the voting 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 voting members of the Commission shall constitute a quorum for the official transaction of business.

(Ord. 14-85, passed 11-11-1985)

§ 1202.03 POWERS.

The powers of the Planning and Zoning Commission shall be those granted by R.C. §§ 713 and 735, 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 Commission.

(Ord. 14-85, passed 11-11-1985)

§ 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 plans 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; and

- (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 Fiscal Officer, Engineer, and such other officials as shall be deemed necessary.
- (g) Applications for permits to change, modify, or remodel existing residential structures or other structures on the property or grounds of a landowner shall be approved administratively by Village staff so long as the applications comply with all requirements of the Village Code. Applications which deviate from the Code shall be submitted to the Commission as a variance request if the Applicant is unable to comply with Code requirements after consultations with Village Staff. Applications will be distributed by Village Staff to the appropriate Public Bodies for their review as directed by the Code, where applicable.

(Ord. 14-85, passed 11-11-1985; Ord. 4-89, passed 4-10-1989; Ord. 16-2017, passed 6-19-2017; Ord. 20-2020, passed 1-25-2021)

§ 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 provided within 30 days following approval of the minutes.

(Ord. 14-85, passed 11-11-1985; Ord. 9-89, passed 10-9-1989)

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

- (a) All applications for permits to construct, remodel, improve, alter, relocate, 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 60 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 60 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) Applicants for building permits may appeal the decisions of the Commission to Council. Such appeals must be filed with the Fiscal Officer not later than 30 days from the date of the notification to the applicant of the decision of the Commission.

(Ord. 16-2017, passed 6-19-2017; Ord. 24-2017, passed 9-11-2017)

§ 1202.07 REZONING MEASURES AND AUTHORITY.

- (a) The Commission shall hold a public hearing, in accordance with the requirements of R.C. § 713.12, on all ordinances, resolutions, regulations, or amendments thereto, establishing, amending, revising, changing, or repealing a zoning classification, district, use, or regulation.
- (b) The Commission, after the close of the public hearing, shall review and vote on a recommendation of approval, approval with conditions, or disapproval to be forwarded to Council and shall prepare a written record of such documentation for Council review.
- (c) Upon receipt of the recommendation of the Commission required by 1202.07(b), Council shall hold a public hearing before any zoning ordinance, resolution or amendment thereto, authorized by R.C. §§ 713.07 to 713.11, inclusive, may be passed. Council shall give at least 30 days' notice of the time, place and purpose of such public hearing..
- (d) Council action that differs from the recommendation of the Commission regarding a rezoning ordinance, resolution, regulation, or amendments thereto, establishing, amending, revising, changing, or repealing a zoning classification, district, use, or regulation shall require no less than an affirmative vote of three-fourths of the elected members of Council.

(Ord. 14-85, passed 11-11-1985; Ord. 16-2017, passed 6-19-2017)

Title Four: Subdivision Regulations

Chapter 1210: General Provisions and Definitions

§ 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 5-8-1989)

§ 1210.02 DEFINITIONS.

As used or found in these subdivision regulations:

- (a) "Annual flood." The highest instantaneous peak discharge in each year of record.
- (b) "Average annual flood." A flood equal to the mean of discharges of all the annual floods during the period of record.
- (c) "Average daily traffic (ADT)."
 - (1) 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 based on industry standards proposed by developers subject to approval and consultation by the Village Engineer

- (2) The ADT for through streets shall be considered individually.
- (d) "Building setback line." 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.
- (e) "Channel." 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.
- (f) "Channel flow." The water flowing within the limits of a channel.
- (g) "Commission." The Planning and Zoning Commission of the village.
- (h) "County Engineer." The County Engineer of Franklin County.
- (i) "Developer." 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.
- (j) "Development." Any activity which results in an alteration of either land or vegetation.

- (k) “Ditch.” An open channel, either dug or natural, used for the purpose of drainage or irrigation, with intermittent flow. (See “drainageway,” “grassed waterway” and “stream.”)
- (l) “Drainageway.” A route or course along which water moves or may move to drain an area.
- (m) “Driveway.” A private road, giving access from a public way to a detached single-family dwelling on abutting ground or to a group of multi-family 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.
- (n) “Easement.” A grant by a property owner for the use of a strip of land for a specific purpose.
- (o) “Emergency flow way.” The flow routes and drainageways necessary to convey a regional flood.
- (p) “Engineer.” The Village Engineer.
- (q) “Final plat.” The map of all or a portion of a subdivision which is submitted to the Planning and Zoning Commission for action.
- (r) “Flood.” 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.
- (s) “Floodway.” The channel of a watercourse and those portions of the adjoining floodplain which are used to convey a regional flood.
- (t) “Grassed waterway.” 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.
- (u) “Stormwater management report.” An engineering study to determine the rate, volume and distribution of storm runoff and its collection, storage and conveyance.
- (v) “Improvement.” 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.
- (w) “Lot.” 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.
- (x) “Probable maximum flood.” A flood that could be expected from the most severe combination of critical meteorologic and hydrologic conditions that are reasonable possible in a region.

- (y) “Park plan.” The plan of parks, playgrounds or other open public grounds adopted by the Planning and Zoning Commission.
- (z) “Parking space, off-street.” 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.
- (aa) “Planned unit development.” 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, multi-family 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.
- (bb) “Plat.” A map of a tract or parcel of land made by a licensed land surveyor.
- (cc) “Preliminary plat.” 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.
- (dd) “Regional flood.” The term applied to the 100-year flood event in floodplain information reports and flood insurance studies. The 100-year flood event has on average a 1% probability of being equaled or exceeded in any given year.
- (ee) “Right-of-way.” 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.
- (ff) “Roadway.” The portion of a street available for vehicular traffic.
- (gg) “Runoff.” Precipitation, snow melt, or irrigation water not absorbed by soil.
 - (1) “Peak rate of runoff.” The maximum rate of runoff for any given rainfall, expressed in volume per unit time.

- (2) “Runoff volume.” 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.
- (hh) “Sidewalk.” A paved area intended principally for the use of pedestrians.
- (ii) “Storage.” The control, retention or detention of runoff.
 - (1) “Detention storage.” Storm runoff collected and stored for a short period of time and then released at a controlled rate (dry pond).
 - (2) “Retention storage.” 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).
- (jj) “Storage facility.” 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.
- (kk) “Stormwater system.” All manufactured facilities, structures, and natural watercourses owned by the Village, or over which the Village has jurisdiction by law to operate or maintain, used for collecting and conducting stormwater to, through and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: conduits and appurtenant features, canals, creeks, catch basins, ditches, streams, gulches, gullies, flumes, culverts, siphons, streets, curbs, gutters, dams, floodwalls, levees, retention or detention facilities, rivers, public stormwater open channels and pumping stations.
 - (1) “Minor drainage system.” The portion of the storm drainage system that collects, stores, and conveys frequently occurring runoff and provides relief from nuisance and inconvenience. The minor drainage system generally includes curbs, gutters, ditches, inlets, access holes, pipes, open channels, detention basins, etc.
 - (2) “Major stormwater routing systems.” The portion of the storm drainage system that collects, stores, and conveys runoff that exceeds the capacity of the minor drainage system.
- (ll) “Storm frequency.” The average period of time in which a storm of a given duration and intensity can be expected to be equalled or exceeded.
- (mm) “*Stormwater Drainage Manual*.” The latest edition of the technical design manual prepared by the City of Columbus Stormwater Drainage Manual, as adopted by the village.
- (nn) “Stream.” 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.
- (oo) “Street.” 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:

- (1) “Arterial street.” 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.
 - (2) “Boulevard.” 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.
 - (3) “Collector street.” 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.
 - (4) “Cul-de-sac.” A short, local street having only one end open for motor vehicular traffic and the other end terminated by a vehicular turnaround.
 - (5) “Local street.” A street which carries vehicular traffic usually originating or ending in the properties abutting the street.
 - (6) “Minor street.” 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.
 - (7) “Private street.” 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 multi-family areas shall not be construed to mean “private streets.”
 - (8) “Service road.” 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.
- (pp) “Subdivision.” 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.

- (qq) “Subdivision regulations.” Ordinance 5-89, passed May 8, 1989, as amended, codified herein as Title Four of Part Twelve of these codified ordinances.
- (rr) “Thoroughfare Plan.” 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.
- (ss) “Walkway.” Either a private or public right-of-way designated for pedestrian, bicycle or other forms of traffic.
- (tt) “Watercourse.” 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.
- (uu) “Zoning.” 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 5-8-1989)

§ 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 Mayor or his/her designee for public examination for 15 days prior to the hearing.

(Ord. 5-89, passed 5-8-1989)

Chapter 1212: Administration, Enforcement and Penalty

§ 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 5-8-1989)

§ 1212.05 VARIANCES.

Whenever the strict enforcement of these subdivision regulations would entail practical difficulties, 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 5-8-1989)

§ 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 \$50 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 5-8-1989)

Chapter 1214: Preliminary Plats

§ 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 5-8-1989)

§ 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 Fiscal Officer 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 24 inches by 36 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 5-8-1989)

§ 1214.03 FILING FEE.

- (a) Upon filing a preliminary plat for a subdivision, the subdivider shall pay a preliminary plat fee to the Village of Minerva Park. 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 and professional costs incidental to the reviewing and processing of the plat by Council, the Planning and Zoning Commission, their officers or employees, and all legal, engineering and development professionals as needed.

- (b) The preliminary plat fee shall be comprised of a flat fee and a fee per lot for all lots in the proposed subdivision in accordance with the fee schedule adopted and approved by Village Council.

(Ord. 5-89, passed 5-8-1989; Ord. 10-2014, passed 10-13-2014)

§ 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 10%, and not more than one foot where the slope is less than 10%. Elevations shall be based upon the National Geodetic Survey datum in place at the time of filing. 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; and
 - (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 division (a) above:
- (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; and
 - (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 5-8-1889)

§ 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:

<i>Type of Street</i>	<i>Width (ft.)</i>
Arterial	80

Boulevard	100
Collector	60
Cul-de-sac	60
Local	60
Minor	50

- (3) 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 50 feet. An additional ten feet of width shall be required where parking is provided on both sides of the street, except for minor streets.
 - (4) 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.
 - (5) 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 60 feet or a right-of-way as shown on the Thoroughfare Plan.
 - (6) Property lines at street intersections shall be rounded to a minimum radius of 25 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 5-8-1989)

§ 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 30 days following the filing of the plat with the Fiscal Officer, as provided. This Fiscal Officer shall immediately provide a copy of the preliminary plat to the Village Engineer for review and a report. . The Commission shall approve, approve with modifications, or disapprove the plat at its next regular meeting, provided the Village Engineer shall have at least 10 business days to review such preliminary plan. 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 Chairperson 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 5-8-1989)

**§ 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 5-8-1989)

§ 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 12 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 Fiscal Officer. 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 5-8-1989)

CHAPTER 1216: FINAL PLATS

§ 1216.01 FILING.

- (a) 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.
- (b) Upon filing a final plat for a subdivision, the subdivider shall pay a final plat fee.
 - (1) Such fee shall be used for the purpose of providing funds for the administrative and professional costs incidental to the reviewing and processing of the final plat by Council, the Planning and Zoning Commission, their officers or employees, and all legal, engineering and development professionals as needed.
 - (2) The final plat fee shall be comprised of a flat fee and a fee per lot for all lots in the proposed subdivision in accordance with the fee schedule adopted and approved by Village Council. Such fee need only cover that portion of the plat for which final plat approval is requested.

(Ord. 11-2014, passed 10-13-2014)

§ 1216.02 OPEN SPACE REQUIREMENTS.

- (a) Land Dedication. The basic land dedication requirement shall be that 2% 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 25% 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 65% of the land area otherwise required under division (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 5-8-1989)

§ 1216.03 LAND DEDICATION FOR PUBLIC RECREATIONAL FACILITIES.

- (a) As a prerequisite to the approval of the final plat of a subdivision, the owner or proprietor of each new subdivision for the purpose of transfer of ownership of land shall pay a public use fee into the Parkland Capital Improvement Fund of the Village of Minerva Park in accordance with the fee schedule adopted and approved by Village Council.
- (b) The public use fee shall be in addition to the land dedicated for parks and playground facilities, under § [1216.02](#), for a residential subdivision, planned unit development or a subdivision containing residential living units.
- (c) In lieu of the payment of the public use fees hereinbefore provided, Village Council, after receiving the Planning Commission's recommendation, may accept the dedication for public use of an amount of land equal to 0.025 acres per residential or dwelling unit proposed and such land shall be dedicated as a site for the purposes set forth in division (b) hereof, except that in no case shall the site exceed 25% of the total gross site area.
- (d) 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.

- (e) 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. 05-2014, passed 6-2-2014)

§ 1216.04 REVIEW BY VILLAGE ENGINEER.

- (a) 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 Village 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:
 - (1) The technical details of the plat have been checked and that the final plat conforms in all essential respects to the preliminary plat; and
 - (2) 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.
- (b) 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 5-8-1989)

§ 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 5-8-1989)

§ 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 5-8-1989)

§ 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 _____, 20__.

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 _____, 20__.

By _____

(Ord. 5-89, passed 5-8-1989)

§ 1216.08 SUBMITTALS TO PLANNING AND ZONING COMMISSION.

The final plat, in ink, on Mylar material, an electronic copy of the final plat, , 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 5-8-1989)

§ 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; and
- (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 land 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 24 by 36 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 5-8-1989)

§ 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 three-fourths vote of its membership.

(Ord. 5-89, passed 5-8-1989)

Chapter 1218: Design Standards

§ 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 5-8-1989)

§ 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 30 inches long. The bottom of such block shall be set at least 30 inches below the finished grade in the subdivision.

(Ord. 5-89, passed 5-8-1989)

§ 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 5-8-1989)

§ 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 5-8-1989)

§ 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 10% 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 Fiscal Officer 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 5-8-1989)

§ 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 10% of the estimated cost of the improvements. Such fee is to cover the village's expenses related to plan reviews, engineering, inspections and testing, legal services and other expenses related to the development of the subdivision including infrastructure. In addition, such fee is to

cover a pro rata portion of the village's expenses with regard to annexation, zoning and approval of the preliminary development plan and development standards text, which pro rata portion shall be determined by the Mayor based on actual invoices for professional services allocated on a per lot basis. 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. If the subdivision includes more than one plat, the fee shall be paid on a plat-by-plat basis. If expenses are estimated to be incurred beyond the amount of 10% of the estimated cost of improvements, the Mayor shall estimate the additional deposit necessary to cover the village's costs and this additional deposit will be billed to the subdivider payable within 30 days. Upon written application by the subdivider to the Mayor within 12 months from the date of final acceptance of the improvements, any remaining balance of the additional deposit shall be refunded to the depositor. If the depositor fails to make such written application for refund of the remaining balance of the additional deposit, the funds shall be forfeited to the village.

(Ord. 5-89, passed 5-8-1989; Ord. 04-2014, passed 6-2-2014)

§ 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 5-8-1989)

§ 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 5-8-1989)

§ 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. Design guidelines, typical sections, and required materials of construction shall be per the village standards in effect at the time of the improvements.

(Ord. 5-89, passed 5-8-1989)

§ 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. Design guidelines and required materials of construction shall be per the village standards in effect at the time of the improvements.

(Ord. 5-89, passed 5-8-1989)

§ 1218.11 STORM DRAINAGE.

- (a) Stormwater Drainage Manual. The *Stormwater Drainage Manual*, as adopted by the City of Columbus, 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) Stormwater Management Reports.
 - (1) A stormwater management report for 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:
 - A. The adequacy of the drainage system of the development site. As part of these reports, the proposed minor drainage systems and major stormwater routing systems shall be shown with all supporting hydraulic, pre-development, and post-development analyses used to develop the drainage system. All proposed easements shall be shown;
 - B. The adequacy of the drainage system of the proposed development to receive and convey the initial and major storms from dominant (upstream) property; and
 - C. The adequacy of the drainage system of the proposed development so as not to create or worsen drainage problems downstream.
 - (2) As part of these studies, storage facilities, when used, shall be located and identified by type.
- (c) Stormwater Runoff Limitations. These limitations shall be as described in the then-current *Columbus Stormwater Drainage Manual* section governing “Quantity Controls” for stormwater.
- (d) Subdivision Drainage Systems.
 - (1) Minor drainage systems shall be designed to the capacities specified in the *Stormwater Drainage Manual*. Major stormwater routing systems shall be designed to convey stormwater runoff that exceeds the capacity of the minor drainage system but does not exceed the 100-year storm event and shall avoid both damage to structures and endangerment of public safety.
 - (2) The minor drainage system shall be located within the street rights-of-way whenever practicable. If the minor drainage system 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 Drainage 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) All storm sewers that are to be publicly owned and operated shall have a minimum easement of 15 feet centered on the sewer, or 5 feet beyond the minimum trench limits on each side of the trench, whichever is greater. Additional easements shall also be provided along storm sewers within the public right-of-way but less than 7.5 feet from the right-of-way line. The added easement width shall be wide enough to provide a total access width (easement plus right-of-way) of 7.5 feet from the center of the storm sewer.
 - (2) Storm sewer easements shall be expanded to include ancillary structures such as end treatments, outfall protection, and level spreaders that are publicly owned and operated. The width of easements shall include the area of the ancillary structure plus 10 feet around the structure's perimeter.
 - (3) Constructed open watercourses that are to be publicly owned and operated and lie outside the public right-of-way shall have an easement as follows.
 - a. The full width of the channel as measured from top-of-bank to top-of-bank plus 10 feet on one side, or
 - b. A minimum width of 20 feet centered along the watercourse, whichever is greater.
 - (4) Access around storage facilities shall be by a ten-foot easement in the case of detention (dry) basins, and a 25-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.
- (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 5-8-1989)

§ 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. Design guidelines and required materials of construction shall be per the village standards in effect at the time of the improvements.

- (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 5-8-1989)

§ 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 5-8-1989)

§ 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; and
- (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 5-8-1989)

§ 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 5-8-1989)

§ 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 10% 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 5-8-1989)

§ 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 5-8-1989)

§ 1218.18 SIDEWALKS.

Sidewalks and/or shared-use paths shall be constructed on both sides of all streets, except as waived by Council.

(Ord. 5-89, passed 5-8-1989)

§ 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; and
 - (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) 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; and
 - (2) 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 § [1212.05](#), any aggrieved party shall have the right to seek a variance from the strict enforcement of this section.

(Ord. 5-89, passed 5-8-1989)

Chapter 1220: Improvements

§ 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:

<i>Type of Street</i>	<i>Width (ft.)</i>
Arterial	45

Boulevard	48
Collector	36
Cul-de-sac	32
Local	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 80 feet.
- (c) Private streets shall be constructed in accordance with the minimum standards set forth in these subdivision regulations.

(Ord. 5-89, passed 5-8-1989)

§ 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:

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

- (b) In no event shall the minimum grade of any street be less than 0.5%.
- (c) All changes in street grades in excess of 1% shall be connected by vertical curves of a minimum length equal to 15 times the algebraic difference in the rates of grade.

(Ord. 5-89, passed 5-8-1989)

§ 1220.03 CURVATURE OF STREETS.

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

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

(Ord. 5-89, passed 5-8-1989)

§ 1220.04 INTERSECTIONS.

Street curb intersections shall be rounded by radii of at least 25 feet on local streets and 35 feet on collector and arterial streets.

(Ord. 5-89, passed 5-8-1989)

§ 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 5-8-1989)

§ 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 5-8-1989)

Title Six: Zoning

Chapter 1230: General Provisions and Definitions

§ 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 R.C. Ch. 713.

(Ord. 5-89, passed 5-8-1989)

§ 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 5-8-1989)

§ 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 division (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% 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.:

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

(Ord. 5-89, passed 5-8-1989; Ord. 3-2002, passed 10-14-2002)

§ 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 5-8-1989)

§ 1230.05 DEFINITIONS.

As used in this Zoning Code:

- (a) “Accessory building.” 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.
- (b) “Accessory use.” 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.
- (c) “Building.” 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.
- (d) “Building, height of.” 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.

- (e) “Building setback line.” A line establishing the minimum allowable distance between the nearest portion of any building and the centerline of any street when measured perpendicularly thereto.
- (f) “Child care.” 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.
- (g) “Clinic.” 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.
- (h) “Commission.” The Planning and Zoning Commission of the Village.
- (i) “Council.” The Council of the Village.
- (j) “Dish antenna.” 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.
- (k) “Drive-in commercial uses.” 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.
- (l) “Dwelling, apartment.” 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.
- (m) “Dwelling, single-family.” A building arranged or designed to be occupied by one family, the structure having only one dwelling unit.
- (n) “Dwelling, two-family.” A building arranged or designed to be occupied by two families, the structure having only two dwelling units with separate entrances.
- (o) “Landscaped area.” An area that is permanently devoted and maintained for the growing of shrubbery, grass and other plant material.
- (p) “Lot, depth of.” The average horizontal distance between front and rear lot lines.

- (q) “Lot, minimum.” 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.
- (r) “Lot line.” A line bounding or demarcating a plot of land or ground as established by a plat of record.
- (s) “Lot, width.” The average horizontal distance between side lot lines.
- (t) “Nonconforming use.” 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.
- (u) “Opacity.” 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.
- (v) “Street right-of-way line.” The dividing line between a street right-of-way and the contiguous property.
- (w) “Structure.” 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.
- (x) “Structure, principal.” A structure in which is conducted the principal use of the lot on which it is situated.
- (y) “Townhouse.” 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.
- (z) “Yard, rear.” 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.
- (aa) “Yard, side.” 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.
- (bb) “Zoning district.” Any section of the village in which zoning regulations are uniform.

(Ord. 5-89, passed 5-8-1989)

Chapter 1232: Administration, Enforcement and Penalty

§ 1232.01 VARIANCES.

- (a) The issuance of a variance to permit exceptions to and deviations from the strict interpretation of the applicable regulations contained in this Zoning Code shall be under the authority of the Planning and Zoning Commission. In no case shall the granting of a variance allow a use not permitted under the subject district regulations.
- (b) Nature of Variance.
 - (1) 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.
 - (2) 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
 - 1. 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.

(c) Review Procedure

1. Filing of Application. A written application shall be filed with the Village at least 21 days prior to the Planning and Zoning Commission meeting date. Upon the filing of the application, the Mayor or his or her designee shall review the application for compliance with this Code. Should any information not be included with the application, it shall be deemed incomplete and returned to the applicant with a written explanation of what information is missing. No incomplete application shall be reviewed by Village officials until all required information has been received.
2. Public Hearing. The Planning and Zoning Commission shall hold a public hearing promptly although nothing in this section prevents the Commission from granting a continuance of the public hearing. The Village shall provide public notice of the hearing at least 15 days in advance,
 - (1) (d) Procedure at Hearing. The Commission shall review the application and, within 35 days of the public hearing, render a decision approving the variance, approving the variance with modifications, or disapproving the variance. In making its decision, the Commission shall apply the following criteria:
 - A. 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. 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. The special conditions and circumstances do not result from the action of the applicant;
 - D. 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; and
 - E. 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) Issuance of Zoning Compliance. Upon approval of the Commission, or upon appeal and approval by Council, and with such conditions attached by either body as may be necessary to secure the objectives of this Zoning Code, the Village shall issue a Certificate of Zoning Compliance for all approved variances to the applicant within 10 days of approval. 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.

(e) Appeals.

(1) Whoever is aggrieved or affected by the decision of the Commission involving an application for a variance shall have the right to file an appeal with Council. A written appeal shall be filed with the Village within 10 calendar days of the decision of the Commission. Upon filing of an appeal, the Commission shall memorialize its decision in Findings of Fact and Conclusions of Law. At the time of filing the appeal, the Commission shall turn over to Council the application and any relevant background information. A public hearing shall be scheduled within 30 days of Council's receipt of the appeal. Council shall have a maximum of 60 calendar days from receipt of an appeal to hold a public hearing, consider the appeal, and make a decision on the appeal. In reaching a determination on a requested variance on appeal, Council shall consider the factors in 1232.01(d)(1). To reverse or modify the Commission's decision, a simple majority vote of the full membership of Council shall be required.

(2) At least one notice shall be given at least 10 days prior to the public hearing in one or more newspapers of general circulation in the village. Such notice shall include the date, time, and place of the public hearing and nature of the appeal. Written notice of the appeal shall be mailed by the municipality, certified mail, at least 10 days prior to the date of the public hearing to the property owner or applicant and, if different, the party filing the appeal. Such notice shall include the date, time and place of the public hearing and nature.

(3) In approving a variance on appeal, Council may prescribe additional conditions and safeguards in conformity with this Zoning Code. Violations of such conditions and safeguards, when made a part of the terms under which said variance is approved, shall be deemed a violation of this zoning code and shall result in revocation of the variance approval and respective Certificate of Zoning Compliance.

(Ord. 5-89, passed 5-8-1989)

§ 1232.02 CONDITIONAL USES.

- (a) Nature of Conditional Uses; Intent. Certain uses more intensely affect the surrounding area in which they are located than permitted uses in the same zoning district and, if properly controlled and regulated, these uses can be compatible within the zoning district. To provide this necessary control such uses shall be designated as conditional uses and allowable only upon review and approval by the Planning and Zoning Commission.

Because of the uniqueness or special nature of a conditional use with respect to location, design, size, and method of operation, each such use that comes before the review of the Commission shall be considered individually. 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, sidewalks, shared-use paths, 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) Criteria for Approval. The following considerations shall be examined in review of an application for a conditional use:

- 1. The proposed use is a conditional use of the zoning district and the applicable development standards of this Zoning Code are met.

2. The proposed use is compatible with the adjacent land use, adjacent zoning, and the appropriate plans for the area.
 3. The proposed use will not adversely impact access, traffic flow, and other public facilities and services.
 4. The proposed use will not result in the destruction, loss or damage of a natural, scenic, or historic feature.
 5. The proposed use will not adversely affect the public health, safety, convenience, comfort, prosperity, and general welfare.
- (d) 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 provide at least 10 days written notice before holding a public hearing. The Commission shall hold the public hearing within 35 days of receiving the application and provide a recommendation to Council to approve the conditional use as requested, approve the conditional use with modifications, or disapprove of the conditional use. Such recommendation shall be provided within 10 days of the hearing. The Commission shall apply the criteria in 1232.02(c) in making its recommendation to Council.
- (e) 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.
 - A. 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:
 1. To be in accord with appropriate plans for the area; and
 2. To prevent undesirable effects on adjacent property and the surrounding area.

- B. 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; or
 - 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 30 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 5-8-1989)

§ 1232.03 FEES FOR VARIANCES AND CONDITIONAL USES.

A fee for variance and conditional use applications shall be required and shall be set through the fee schedule ordinance implemented by Council and adjusted as permitted by the Mayor.

(Ord. 5-89, passed 5-8-1989)

§ 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 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) above shall not be deemed to prohibit the removal of prohibited conditions or the application of any other equitable remedy.

(Ord. 4-2002, passed 10-14-2002)

Chapter 1236: Amendments

§ 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 5-8-1989)

§ 1236.02 AMENDMENT APPLICATION; FEE.

- (a) Filing. Two copies of a provided application form shall be filed with the Mayor or his/her designee not less than 20 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 shall be paid to the village for each application for any proposed amendment to cover the necessary administrative and advertising costs and the amount of such fee shall be set by the Village Fee Schedule Ordinance.

(Ord. 5-89, passed 5-8-1989)

§ 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 30 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 30 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 Fiscal Officer by first class mail, at least 20 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 Fiscal Officer's mailing list, or to the names and addresses supplied by the applicant to the Fiscal Officer at the time of filing the application.
 - (2) During the 30 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 Fiscal Officer or in such other office as is designated by Council.

(Ord. 5-89, passed 5-8-1989)

Chapter 1238: Districts Generally and Zoning District Map

§ 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 5-8-1989)

§ 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 5-8-1989)

§ 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 5-8-1989)

§ 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:

Name	Symbol
Residential Districts	
Suburban Residential	R-3
Urban Residential	R-12
Commercial Districts	
Suburban Office and Institutional	SOI
Neighborhood Commercial	NC

Office, Laboratory and Research	OLR
Planned Districts	
Planned Residential District	PRD
Minerva Park Legacy Planned District	MPLPD
Planned Shopping Center	PSC
Planned Highway Service	PHS
Planned Industrial Park	PIP
Planned Unit Development	PUD
Planned Office, Laboratory and Research	POLR
Special Districts	
Floodplain	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 5-8-1989; Ord. 08-2013, passed 9-9-2013)

§ 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 Fiscal Officer.

- (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 5-8-1989)

§

Chapter 1246: R-3 Suburban Residential District

§ 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 § [1246.03](#) and [Chapter 1287](#)
- (c) Accessory Buildings and Uses. Accessory buildings and uses in association with permitted dwellings as specified in § [1246.03](#) and [Chapter 1287](#)
- (d) 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 5-8-1989)

§ 1246.02 CONDITIONAL USE.

The following uses shall be allowed in the R-3 Suburban Residential District subject to approval in accordance with § [1246.03](#) and [Chapter 1272](#): Kindergarten or child care, as an accessory use of a dwelling.

- (a) There shall be an outdoor play area of 200 square feet or more per child.
- (b) 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 5-8-1989)

§ 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 30% by structure.
- (b) Lot Width. For a dwelling there shall be a lot width of 80 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 50 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 18 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 25% or more of the lot depth, except that a rear yard of more than 50 feet shall not be required.
- (e) Maximum Height. No dwelling structure shall exceed 35 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 5-8-1989)

Chapter 1252: Urban Residential District/R-12 Residential

§ 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 § [1252.03](#) and Chapter 1287
- (c) Accessory Buildings and Uses. Accessory buildings and uses in association with permitted dwellings as specified in § [1252.03](#) and Chapter 1287
- (d) Religious Uses. A church or other place of worship, provided it occupies a lot of not less than five acres.

(Ord. 5-89, passed 5-8-1989)

§ 1252.02 CONDITIONAL USES.

The following uses shall be allowed in the Urban Residential District, subject to approval in accordance with § [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; and
- (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 5-8-1989)

§ 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 80 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 25 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 15 feet and the minimum rear yard for two-family lots shall be 25% of the lot depth, except that a rear yard of more than 50 feet shall not be required.

(d) Maximum Height. No dwelling structure shall exceed 35 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 5-8-1989)

Chapter 1253: Planned Residential District

§ 1253.01 PURPOSE AND INTENT.

- (a) Based on the premise that the ultimate quality of a particular environment is determined not only by the type and arrangement of land uses but also the way in which such uses are developed, the procedures outlined in this chapter are designed to:
 - (1) Encourage imaginative site and architectural design;
 - (2) Permit creation of flexible development standards that respect the unique characteristics of the site and surrounding uses;
 - (3) Result in more efficient and beneficial use of land; and
 - (4) Regulate development and redevelopment of individual parcels within already improved areas.
- (b) The process for achieving the above purpose and intent is to require the submission and approval of a Preliminary Plan for the total proposed development and the submission and approval of a Development Plan for all or any part of the area defined in the Preliminary Plan prior to obtaining a Zoning Certificate as part of the approval of the construction of any portion of the area. As part of the Preliminary Plan, the applicant must prepare and submit a Development Standards Text establishing the standards to be applied to the proposed development. As part of the final Development Plan, the applicant must substantially comply with the previously approved Development Standards Text or submit as part of the Development Plan a modified Development Standards Text for approval by Village Council.

(Ord. 08-2013, passed 9-9-2013)

§ 1253.02 PERMITTED USES.

Land and buildings in the Planned Residential District (PRD) shall be used only for the following purposes:

- (a) Residential dwellings: single-family dwellings and accessory uses and buildings in association with a permitted dwelling;
- (b) Open space;
- (c) Public uses: parks, playgrounds, recreation and community center buildings and grounds, golf courses, public swimming pools, tennis courts and similar recreational uses;
- (d) Accessory buildings and uses in association with a permitted single-family residential structure;
- (e) Home occupations associated with a principal use and in accordance with this Code; and

- (f) The Village Council may permit additional uses that are compatible with the character of the proposed development and the intent and purpose of the Planned Residential District.

(Ord. 08-2013, passed 9-9-2013)

§ 1253.03 PLAN CONTENTS AND REQUIREMENTS.

- (a) As part of the request for rezoning to a Planned Residential District, a Preliminary Plan must be submitted to the Planning and Zoning Commission along with a Development Standards Text of all applicable standards for the proposed development. A Zoning Certificate will not be issued for any site or sites until a Development Plan is approved by the Planning and Zoning Commission and found in conformance with the adopted Preliminary Plan and Development Standards Text.

(1) Preliminary Plan. The Preliminary Plan is a conceptual plan submitted at the time of a request for rezoning generally describing the proposed uses for the site to be rezoned and their relationship with surrounding properties and uses. The Preliminary Plan shall contain the following elements:

- A. A topographic map of the site and adjacent property showing existing natural features including wooded areas and major trees. A description of how the proposed development has planned to utilize the existing site, identifying the changes to the existing site grading and noting major trees that will be removed as part of the proposed development;
- B. A schematic plan showing the general development of the tract, location of existing and proposed structures, parking lot layout and other development features including the location of all out parcels;
- C. An engineering feasibility statement in sufficient detail to indicate how the proposed development will be serviced with water, sanitary sewer and storm drainage facilities;
- D. The proposed traffic circulation pattern showing public and private streets and other transportation facilities, including major pedestrian routes, with evidence through a traffic study that the proposed development will not adversely impact existing transportation facilities;
- E. A conceptual landscaping plan that shows the ability of the proposed development to meet all the aspects of [Chapter 1278](#);
- F. A proposed schedule or phasing of development of the site;
- G. Evidence that the applicant has sufficient control over the land to accomplish proposed and required land improvements; and

- H. Any additional information required by the Planning and Zoning Commission necessary to determine that the proposed development meets the intent and purposes of the planned district.
- (2) Development Standards Text. A Development Standards Text shall be submitted as part of the Preliminary Plan and shall be narrative and graphics, as necessary, in order to detail the development standards to be applied to the development concept described in the Preliminary Plan. Unless specifically modified by the Development Standards Text, the standards established by the Zoning Code and the subdivision regulations shall apply to the proposed development.
- (3) Development Plan. Following approval of the Preliminary Plan and prior to issuance of a Zoning Certificate, a Development Plan shall be submitted to the Planning and Zoning Commission for the part of the area defined in the Preliminary Plan. The Development Plan is a detailed Site Plan that shall contain the following information and adhere to the Development Standards Text approved as part of the Preliminary Plan:
- A. Site Survey. On a survey, show boundary information, existing and proposed development, existing and proposed topography, existing and proposed easements, rights-of-way and utilities;
- B. Setbacks. The Site Plan shall indicate building, service areas, parking lot and signage setbacks including front yard, rear yard and side yard areas and shall be in accordance with the approved Development Standards Text;
- C. Modifications of Preliminary Plan or Development Standards Text. Any desired modifications of the Development Standards Text or Plan approved as part of the Preliminary Plan shall be so indicated in a modified Development Standards Text document or Preliminary Plan;
- D. Height Requirements. Maximum height requirements, including mechanical areas, parapets, and the like, shall be made per the Development Standards Text requirements and shown on building front, rear and side elevation drawings;
- E. Parking and Loading. All parking and loading spaces shall be shown including typical dimensions of parking stalls, aisles and loading spaces, size, number of spaces and general location shall also be governed by the Development Standards Text;
- F. Waste and Refuse. Handling of waste and refuse materials shall be indicated and described by the Development Standards Text and shall include appropriate screening and type of containerization;
- G. Circulation. All major circulation routes, including arterial, adjacent curb cuts, collector and local streets shall be indicated including rights-of-way, dimensions, pavement widths and intersection improvements. All

driveways/curb cuts shall be indicated, including major aisle ways and service routes. Major pedestrian circulation routes shall also be indicated including dimensions of path and pedestrian crossings, and the like, plus any attempts at separating vehicular and pedestrian/recreation movement;

- H. Landscaping. As part of the Development Plan, proposed landscaping shall be shown including the general landscaping pattern and type of materials, mounding and fencing. Landscaping may vary in density, spacing and other treatment to reflect variations in topography, existing landscaping or adjacent land uses and conform to [Chapter 1278](#). Landscape features shall be shown as well as planning dimensions, height, d.b.h. and type of plant materials per the Development Standards Text;
- I. Signage and Graphics. All signage and graphics shall comply with the Development Standards Text. Letter and other graphic size, sign material, shape, color and illumination (internal only) shall be indicated. This includes dimensions of all ground and wall signage as well as distances from rights-of-way and intensity of illumination. Directional signage shall also be indicated;
- J. Lighting. All exterior lighting fixtures shall be shown including parking lot lighting, street walkway or pedestrian lighting, walkway accent lighting and building accent lighting. Lighting intensity and installation height shall be indicated;
- K. Accessory Structures, Decks, Patios and Fencing. All accessory structures, decks, patios and fences shall conform to the Development Standards Text and appropriate materials, heights, location and style indicated; and
- L. Architectural Treatment. As part of the Development Plan front, rear and side building elevations shall be shown in accordance with the Development Standards Text indicated building material, color and height. Color material samples shall also be made for inspection.

(Ord. 08-2013, passed 9-9-2013)

§ 1253.04 REVIEW BASIS.

- (a) Preliminary Plan. The basis for approval of the Preliminary Plan shall be:
 - (1) The proposed development is consistent with the purpose, intent and applicable standards of the Zoning Code;
 - (2) The acceptability of setbacks, distances between buildings, yard space, suitability of open space systems, traffic accessibility and other elements having a bearing on the overall acceptability of the Preliminary Plan shall contribute to the orderly development of land within the village;

- (3) The proposed development is in conformity with any design or site planning guidelines adopted by the Planning and Zoning Commission; and
 - (4) The plan provides for the coordination and integration of buildings and open space into one planned district.
- (b) Development Plan. Basis for approval of a Development Plan shall be:
- (1) The plan is complete in all respects relative to the requirements set forth in § [1253.05\(a\)](#);
 - (2) The Development Plan complies with the Preliminary Plan and Development Standards Text and any modifications thereof by Village Council; and
 - (3) All engineering issues have been resolved to the satisfaction of the appropriate municipal staff and that final approval of the Development Plan is subject to the acceptance of final engineering of all phases of the development.

(Ord. 08-2013, passed 9-9-2013)

§ 1253.05 PROCEDURES FOR APPROVAL.

- (a) Submission of Application for Preliminary Plan.
- (1) The applicant shall submit the rezoning application along with 20 copies of the proposed Preliminary Plan and Development Standards Text in accordance with the submission schedule established by the Planning and Zoning Commission. In order to defray the cost of examination of the rezoning application and the Preliminary Plan and Development Standards Text and review by the Planning Commission, the applicant shall pay a fee in accordance with the fee as stipulated by ordinance. Staff shall circulate the Preliminary Plan and other comments to appropriate departments in the municipality for review and comment.
 - (2) Once the applicant has submitted a completed application in accordance with the submission schedule, staff shall submit the application to the Planning and Zoning Commission for its review and action at the earlier of the next regular meeting or special meeting as necessary or requested, of Planning and Zoning Commission to review the plan and determine whether it complies with the regulations of this chapter. Planning and Zoning Commission will forward a recommendation to Council.
 - (3) A Preliminary Plan shall be valid for five years after Council approval. Construction of any phase of the development must begin within this period or a new Preliminary Plan is required. Once a final plat is recorded for any section of the development, the Preliminary Plan shall not expire.
- (b) Submission of Development Plan.

- (1) The applicant shall submit an application to the municipality including the required number of copies of the proposed Development Plan, Development Standards Text modification if appropriate and any other required information in accordance with the submission schedule of the Planning and Zoning Commission. In order to defray the cost of examination of the materials and review by the Planning and Zoning Commission, the applicant shall pay a fee in accordance with the fee schedule as stipulated by ordinance.
- (2) It shall be the duty of the Planning and Zoning Commission to review the Development Plan and determine whether it complies with the Preliminary Plan, Development Standards Text and any applicable regulations of this chapter. Such determination shall be made at the earlier of the first regular meeting or special meeting of the Planning and Zoning Commission in accordance with the submission and hearing schedule established by the Commission. If the Planning and Zoning Commission finds that the Development Plan complies in all respects with the applicable regulations of this chapter and the previously approved Preliminary Plan and Development Standards Text, the Commission shall approve the plan. Planning and Zoning Commission may approve Development Plans that have minor modifications from the approved Preliminary Plan and Development Standards Text. Such modifications shall not increase the overall density of the site or change the essential character of the approved plan. If the Planning and Zoning Commission determines that such proposed modifications significantly alter the approved Preliminary Plan and Development Standards Text must be resubmitted to Council for approval.
- (3) In the event the Planning and Zoning Commission does not approve the plan, each applicant shall be notified in writing of the reason for disapproval or modification along with the decision of the Planning and Zoning Commission. Decisions of the Planning and Zoning Commission disapproving the plan are appealable to Council in accordance with the provisions of [Chapters 1202](#) and [1234](#).

(Ord. 08-2013, passed 9-9-2013)

§ 1253.06 EFFECT OF APPROVALS; PROCEDURES FOR MODIFICATION.

- (a) The Preliminary Plan and Development Standards. Text as approved and modified by Council shall constitute a Planned Residential Development District as it applies to the land included in the approved PRD zoning district approved by Council.
- (b) Approval. Approval of the PRD Preliminary Plan constitutes approval of a preliminary subdivision plat as required by [Chapter 1214](#) of the subdivision regulations.
- (c) Conformance with the Development Plan. Development shall be in conformance with the Development Plan and construction site improvements must be commenced within two years of Planning and Zoning Commission or Council approval; otherwise, no development of the land shall take place until a new Development Plan is approved

pursuant to this section. Any development undertaken without such final approval is in violation of this Zoning Code and an abatable nuisance.

- (d) Extension of Time. Extensions of the time limits of Preliminary Plan and Development Standards Text compliance may be approved by resolution of Council. Extensions of the time limits for the Development Plan and construction of site improvements may be approved by resolution of Council. Such approvals shall be given upon a finding of the purpose or necessity for such extension and evidence of reasonable effort toward the accomplishment of the Preliminary Plan and Development Standards Text as approved by Council or the Development Plan as approved by the Planning and Zoning Commission.

(Ord. 08-2013, passed 9-9-2013)

Chapter 1254: Suburban Office and Institutional District

§ 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, limited to the following:
 - (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; and
 - (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, limited to the following:
- (1) Offices of physicians and surgeons;
 - (2) Offices of dentists and dental surgeons;
 - (3) Offices of podiatric 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; and
- (d) Institutions. Institutions providing social, cultural, educational and health services to member agencies, organizations and individuals or to the general public, limited to the following:
- (1) Hospitals;
 - (2) Elementary and secondary schools;
 - (3) Colleges, universities, professional schools, junior colleges and normal schools;
 - (4) Libraries;
 - (5) Museums and art galleries; and
 - (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, , limited to the following:
- (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; and

(Ord. 5-89, passed 5-8-1989)

§ 1254.02 CONDITIONAL USES.

The following uses shall be allowed in the Suburban Office and Institutional District, subject to approval in accordance with § [1232.02](#).

- (a) Drive-in or Outdoor Service Facilities. 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; and
 - (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; and
 - (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; and
 - (3) Organization hotels and lodging houses on a membership basis.
- (e) Exceptional Uses. Offices of veterinarians and animal hospitals, drug rehabilitation facilities

(Ord. 5-89, passed 5-8-1989)

§ 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 50% of a lot, nor shall the total gross floor area exceed 80% 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 § [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 15 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 § [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 15 feet.

(Ord. 5-89, passed 5-8-1989)

Chapter 1256: Neighborhood Commercial District

§ 1256.01 PERMITTED USES.

The following uses shall be permitted in the Neighborhood Commercial District. Any retail stores, personal services, or business and professional offices not specifically listed below shall be considered conditional uses and may apply for such use as provided in Chapter 1232.02(c).

- (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; and
 - (10) Florists.

- (b) Personal Services. Personal services generally involving the care of the person or his or her personal effects, specifically:
- (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;
 - (7) Clothing stores;
 - (8) Interior design consultants; and
 - (9) Photography studios.
- (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, specifically:
- (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) Offices of tax preparation services; and
 - (12) Legal services.

(Ord. 5-89, passed 5-8-1989)

§ 1256.02 CONDITIONAL USES.

All uses not specifically listed in the foregoing section shall be allowed in the Neighborhood Commercial District subject to approval in accordance with § [1232.02](#). In addition, any drive-in or outdoor service facilities developed in association with a permitted use shall be subject to approval as a conditional use.

(Ord. 5-89, passed 5-8-1989)

§ 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.
- (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 § [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 15 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 § [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 20 feet. A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than 40 feet wide.
- (e) Access and Traffic Impact. Access shall be from an arterial street or commercial collector or shall be provided in a manner that does not cause heavy traffic on residential streets.
- (f) Dumpster Locations: Dumpsters shall not be located in the front of the building wherever possible. The Village will work with the parcel owners to locate on public property, ROW or Alleyways to achieve this goal.

(Ord. 5-89, passed 5-8-1989)

Chapter 1258 Minerva Park Legacy Planned District (MPLPD)

§ 1258.01 PURPOSE AND INTENT

(a) Based on the premise that the ultimate quality of a particular environment is determined not only by the type and arrangement of land uses but also the way in which such uses are developed, the procedures outlined in this chapter are designed to:

- (1) Encourage imaginative site and architectural design;
- (2) Permit creation of flexible development standards that respect the unique characteristics of the site and surrounding uses;
- (3) Result in more efficient and beneficial use of land; and
- (4) Regulate development and redevelopment of individual parcels within already improved areas.

§ 1258.02 DEVELOPMENT STANDARDS

Following the date of the inception of the MPL Planned District, all Lots contained within, along with their structures and corresponding setbacks, coverages, heights, etc. shall be considered to be Legal and Conforming.

Any new builds, remodels, and additions of the primary or secondary structures must come before the Planning and Zoning Commission for site plan approval.

This would not include fences, patios, driveways, or sheds if they meet existing code requirements.

§ 1258.03 PLAN CONTENTS AND REQUIREMENTS

- A. Site Survey. On a survey, show boundary information, existing and proposed development, existing and proposed topography, existing and proposed easements, rights-of-way and utilities;
- B. Setbacks. The Site Plan shall indicate building footprints, driveways, rear yard and side yard areas and shall be in accordance with the other sections of the Minerva Park codified ordinances;
- C. Height Requirements. Maximum height requirements, including mechanical areas, parapets, and the like, shall be shown on building front, rear and side elevation drawings;
- D. Trees/Landscaping.
- E. Accessory Structures, Decks, Patios and Fencing. All accessory structures, decks, patios and fences shall conform to the pertinent sections of the Minerva Park codified ordinances, with appropriate materials, heights, location and style indicated; and

- F. Architectural Treatment. As part of the front, rear and side building elevations shall be shown. Color material samples shall also be made for inspection.

§ 1258.04 APPEALS

If the applicant disagrees with a decision of the Planning and Zoning Commission they may appeal to Council within 45 days and Council will hear their appeal within 30 days of that request.

Chapter 1259: Planned Commercial District

§ 1259.01 PURPOSE AND INTENT.

- (a) Based on the premise that the ultimate quality of a particular environment is determined not only by the type and arrangement of land uses but also the method in which such uses are developed, the procedures outlined in this chapter are designed to:
- (1) Encourage imaginative site and architectural design;
 - (2) Permit creation of flexible development standards that respect the unique characteristics of the site and surrounding uses;
 - (3) Result in more efficient and beneficial use of land; and
 - (4) Regulate development and redevelopment of individual parcels within already improved areas.
- (b) To accomplish the above purpose, the intent of this chapter is to allow the applicant to lessen the development standards in some areas in exchange for an increase in development standards in another. The process for achieving the above purposes and intent is to require the submission and approval of a Preliminary Plan for the total proposed development and the submission and approval of a Development Plan for all or any part of the area defined in the Preliminary Plan before obtaining a Zoning Certificate as part of the approval of the construction of any portion of the area. As part of the Preliminary Plan, the applicant must prepare and submit a Development Standards Text that identifies any development standard that is less restrictive than the standards set forth in this chapter or other referenced chapters or applicable village ordinances including the Northland Standards. When conflicts exist between Northland Standards and village ordinances, the more restrictive shall apply. As part of the Development Standards Text, the applicant must justify the modifications of these standards based on the fact that the proposed development goes beyond minimum requirements in other areas that will result in a superior development than if the standards set forth in this chapter had been followed. As part of the final

Development Plan, the applicant must reaffirm use of the previously approved Development Standards Text or submit as part of the Development Plan a modified Development Standards Text for approval by Village Council.

(Ord. 1-2007, passed 6-11-2007)

§ 1259.02 PERMITTED USES.

Those uses permitted within the Planned Commercial District include those uses that are permitted in the Suburban Office District, [Chapter 1254](#), and additional commercial uses the Village Council feels to be in character with the intent and purpose of the Planned Commercial District.

(Ord. 1-2007, passed 6-11-2007)

§ 1259.03 CONDITIONAL USES.

Those uses conditionally permitted within the Planned Commercial District include those uses that are conditionally permitted in the Suburban Office District, [Chapter 1254](#). The Village Council may consider additional uses it feels under certain conditions could be in character with the intent and purpose of the Planned Commercial District except that these additional uses may not include high traffic generation uses such as automotive service or sales, fast foods and any use with a drive-through facility.

(Ord. 1-2007, passed 6-11-2007)

§ 1259.04 DEVELOPMENT STANDARDS.

- (a) The following development standards shall be considered as minimal standards within the Planned Commercial District.
- (b) These standards shall serve as base standards to be included and modified if desired as part of the Development Standards Text and Preliminary Plan and further refined as part of the Development Plan. Other development standards, including signage, specified in village ordinances that relate to commercial development must be also be addressed when any deviation from them is proposed.
 - (1) Lot Requirements. Before determining setbacks, refer to § [1278.04](#) (b), Minimum Landscape Requirements. If a buffer zone is required and the minimum setback is less than the appropriate buffer zone width, then the setback shall be equal to the buffer zone width. If a buffer zone is required and the minimum setback is greater than the appropriate buffer zone width, then the setback shall be equal to the required setback.
 - A. Minimum Site Area. None, except area shall be sufficient area to accommodate building and pavement setbacks, landscaping, parking, circulation and landscaping requirements. Individual lots may be combined to attain this minimum area for purposes of the Development Plan.

- B. Minimum Lot Width. None, except that all lots must abut a public street and have adequate width to meet all building and pavement setbacks, parking, circulation, open space and landscaping requirements.
 - C. Minimum Front Yard Setback. Structure setback 50 feet; pavement setback, 15 feet.
 - D. Minimum Side Yard. Structure setback 30 feet; pavement setback 15 feet. In addition to the required side yard, buffer zones shall be provided per § [1278.04](#) (b).
 - E. Minimum Rear Yard. Structure setback 30 feet; pavement setback 20 feet. In addition to the required rear yard, buffer zones shall be provided per § [1278.04](#) (b).
 - F. Maximum Lot Coverage. Maximum lot coverage or impervious surface area shall be 80% with a total building coverage of 30%, unless otherwise modified by the Village Council. At least 20% of the site area shall be landscaped with natural vegetation.
 - G. Parking. Parking areas shall be no closer to main structure than ten feet.
- (2) Building Requirements. Maximum building height of 40 feet.
- (3) Site Development Requirements.
- A. Outdoor storage is prohibited. Merchandise may not be displayed on the sidewalk.
 - B. All vending machines and display racks, except for telephone booths and newspaper racks, shall be located inside the building.
 - C. Trash and litter shall be controlled, and stored in container systems which are located and enclosed in a manner to screen them from view on all sides and shall be located behind the front building line.
 - D. Provision for storm drainage shall be adequate to protect the public and owners of surrounding land and meet the village's requirements for stormwater management.
 - E. All service and delivery shall be at the rear of the building; provided, however, where site layout and design would be enhanced, provisions may be made for service and delivery at the side of the building.

(Ord. 1-2007, passed 6-11-2007)

§ 1259.05 PLAN CONTENTS AND REQUIREMENTS.

- (a) As part of the request for rezoning to a Planned Commercial District, a Preliminary Plan must be initially submitted to the Planning and Zoning Committee for their review and recommendation and then to the Village Council along with the text of all applicable development standards.
 - (b) Village Council must approve the zoning change. Preliminary Plan and Development Standards Text A Zoning Certificate will not be issued for any site or portion thereof until a Development Plan is approved by the Village Council and found in conformance with the adopted Preliminary Plan and Development Standards.
- (1) Preliminary Plan. The Preliminary Plan is a conceptual plan submitted at the time of a request for rezoning generally describing the proposed uses for the site to be rezoned and their relationship with surrounding properties and uses. The Preliminary Plan should contain the following elements:
- A. A topographic map of the site and adjacent property showing existing natural features including wooded areas and major trees. A description of how the proposed development has planned to utilize the existing site, identifying changes to the existing site grading and noting major trees that will be removed as part of the proposed development;
 - B. A schematic plan showing the general development of the tract, location of existing and proposed structures, parking lot layout and other development features including the location of all out parcels;
 - C. An engineering feasibility statement in sufficient detail to indicate how the proposed development will be serviced with water, sanitary sewer and storm drainage facilities;
 - D. The proposed traffic circulation pattern showing public and private streets and other transportation facilities, including major pedestrian routes, with evidence through a traffic study that the proposed development will not adversely impact existing transportation facilities;
 - E. The proposed parking plan showing the parking and loading spaces shall be shown including typical dimensions of parking stalls, aisles and loading spaces, size, number of spaces and general location. Also the type of usage proposed for each component of the commercial development and the allocated square footage for each usage category;
 - F. A conceptual landscaping plan that shows the ability of the proposed development to meet all aspects of [Chapter 1278](#);
 - G. A proposed schedule or phasing of development of the site;
 - H. Evidence that the applicant has sufficient control over the land to accomplish proposed and required land improvements; and

- I. Any additional information required by the Village Council necessary to determine that the proposed development meets the intent and purposes of the Planned Commercial District.
- (2) Development Standards Text. A Development Standards Text shall be submitted as part of the Preliminary Plan and shall, through a narrative and graphics, as necessary, in order to detail the development standards to be applied to the development concept described in the Preliminary Plan. The Development Standards Text should clearly identify any standard that is less than the standards established by this chapter. These modifications shall be justified by fully stating what adjustments, amenities or other compensations are provided as part of the Preliminary Plan to offset the use of reduced standards and by demonstrating how the modified standards will result in the best possible development for the site. Unless specifically modified by the Development Standards Text, the standards established by this chapter shall apply to the proposed development.
- (3) Development Plan. Following approval of the Preliminary Plan and before issuance of a Zoning Certificate, a Development Plan shall be initially submitted to the Planning and Zoning Committee for their review and recommendation and then to the Village Council for all or part of the area defined in the Preliminary Plan. The Development Plan is a detailed Site Plan which shall contain the following information and adhere to the Development Standards Text approved as part of the Preliminary Plan.
 - A. Site Survey. On a survey show boundary information, existing and proposed development, existing and proposed topography, existing and proposed easements, rights-of-way and utilities.
 - B. Setbacks. The Site Plan shall indicate building, service areas, parking lot and signage setbacks including front yard, rear yard and side yard areas and shall be in accordance with the approved Development Standards Text.
 - C. Modifications of Development Standards Text. Any desired modifications of the Development Standards Text approved as part of the Preliminary Plan shall be so indicated in a modified Development Standards Text document.
 - D. Height Requirements. Maximum height requirements, including mechanical areas, parapets and the like, shall be made per the Development Standards Text requirements and shown on building front, rear and side elevation drawings.
 - E. Parking and Loading. All parking and loading spaces shall be shown including typical dimensions of parking stalls, aisles and loading spaces, size, number of spaces and general location shall also be governed by the Development Standards Text.

- F. Waste and Refuse. Handling of all waste and refuse materials shall be indicated and described by the Development Standards Text to include appropriate screening and type of containerization.
- G. Circulation. All major circulation routes, including arterials, adjacent curb cuts, collector and local streets shall be indicated including rights-of-way, dimensions, pavement widths and intersection improvements. All driveways/curb cuts shall be indicated, including major aisle ways and service routes. Major pedestrian circulation routes shall also be indicated including dimensions of path and pedestrian crossings and the like, plus any attempts at separating vehicular and pedestrian/recreation movement.
- H. Landscaping. As part of the Development Plan, proposed landscaping shall be shown including the general landscaping pattern and type of materials, mounding and fencing. Landscaping may vary in density, spacing and other treatment to reflect variations of topography, existing landscaping or adjacent land uses and conform to [Chapter 1278](#), Landscaping. Landscape features shall be shown as well as planting dimensions, height, caliper and type of plant materials per the Development Standards Text.
- I. Signage and Graphics. All signage and graphics shall comply with the Development Standards Text. Letter and other graphic size, sign material, shape, color and illumination (internal only) shall be indicated. This includes dimensions of all ground and wall signage as well as distances from rights-of-way and intensity of illumination. Directional signage shall also be indicated.
- J. Lighting. All exterior lighting fixtures shall be shown including parking lot lighting, street walkway or pedestrian lighting, walkway accent, lighting and building accent lighting. Lighting intensity and installation height shall be indicated.
- K. Fencing. All fences shall conform to the Development Standards Text and appropriate materials, heights, location and style indicated.
- L. Architectural Treatment. As part of the Development Plan, front, rear and side building elevations shall be shown in accordance with the Development Standards Text indicating building material, color and height. Color material samples shall also be made available for inspection.

(Ord. 1-2007, passed 6-11-2007)

§ 1259.06 REVIEW BASIS.

- (a) Preliminary Plan. The basis for the approval of the Preliminary Plan shall be:
 - (1) The proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Ordinance;

- (2) The proposed development is in conformity with appropriate comprehensive planning or portion thereof as it may apply;
 - (3) The acceptability of setbacks, distances between buildings, yard space, suitability of open space systems, traffic accessibility and other elements having a bearing on the overall acceptability of the Development Plan shall contribute to the orderly development of land within the village;
 - (4) Any modifications or minimum development standards established by the Planning and Zoning Code are properly identified and adequately justified in the Development Standards Text as necessary to insure a higher quality development;
 - (5) The proposed development is in conformity with any design or site planning guidelines adopted by the Village Council; and
 - (6) The plan provides for the coordination and integration of individually designed buildings into one planned district.
- (b) Development Plan. Basis for approval of a Development Plan shall be:
- (1) The plan is complete in all respects relative to the requirements set forth in this chapter;
 - (2) Any modifications of the Development Standards Text approved as part of the Preliminary Plan support and enhance the purposes and intent of the Planning and Zoning Code, any applicable comprehensive planning programs and any design or site planning guidelines adopted by Village Council; and
 - (3) All engineering issues have been resolved to the satisfaction of the appropriate village staff and that final approval of the Development Plan is subject to the acceptance of final engineering of all phases of the development.

(Ord. 1-2007, passed 6-11-2007)

§ 1259.07 PROCEDURES FOR APPROVAL.

- (a) Submission of Application for Preliminary Plan.
- (1) Before filing an application for rezoning to a Planned Commercial District, the applicant shall meet with village staff in a pre-application review meeting to discuss the requirements for a Preliminary Plan and Development Standards Text which are required as part of the rezoning request.
 - (2) The applicant shall submit the rezoning application along with the required number of copies of the proposed Preliminary Plan and Development Standards Text in accordance with the submission schedule established by the Village Council. In order to defray the cost of examination of the rezoning application and the Plan and Text and review by the Village Council, the applicant shall pay a fee in accordance

with the fee schedule adopted and approved by Village Council. Staff shall circulate the Preliminary Plan and other comments to appropriate departments in the village for review and comment.

- (3) Once the applicant has submitted a completed application in accordance with the submission schedule. Staff shall submit the application to the Village Council for its review and action, which shall be accomplished within a reasonable time. It shall be the duty of Village Council to review the Plan and determine whether it complies with the regulations of this chapter.
- (4) A Preliminary Plan shall be valid for three years after Village Council approval. Construction of any phase of the development must begin within this period or a new Preliminary Plan is required.

(b) Submission of Development Plan.

- (1) Before filing for Development Plan Approval, the applicant shall meet with the village administration to review the Development Plan relative to the previously approved Preliminary Plan and Development Standards Text as well as procedures for approval.
- (2) The applicant shall submit an application to the village including the required number of copies of the proposed Development Plan. Development Standards Text modification if appropriate, and any other required information in accordance with the submission schedule of the Village Council. In order to defray the cost of examination of the materials and review by the Village Council, the applicant shall pay a fee in accordance with the fee schedule adopted and approved by Village Council.
- (3) It shall be the duty of the Village Council to review the plan and determine whether it complies with the regulations of this chapter. Such determination shall be made within a reasonable time. If the Village Council finds that the Development Plan complies in all respects with the regulations of this chapter and the previously approved Preliminary Plan and Development Standards Text, the Village Council shall approve the plan. With the approval of the Village Council, minor modifications of the approved Preliminary Plan may be made. Such modification shall not increase the overall density of the site or change the essential character of the approved plan. If the Village Council determines that such proposed changes significantly alter the approval plan, it is considered to be a major change and the plan must be resubmitted to Village Council for approval.
- (4) In the event that the Village Council does not approve the plan, each applicant shall be notified in writing of the reason for disapproval or modification along with the decision of the Village Council.

(c) Conformance with the Development Plan. Development shall be in conformance with the Development Plan and construction of site improvements must be commenced within two

years of Village Council approval: otherwise no development of the land shall take place until a new Development Plan is approved pursuant to this section.

- (d) Modification of the Development Plan. With the approval of the Village Council, minor modifications of the approved Development Plan may be made. Such modification shall not increase the overall density of the site or change the essential character of the approved plan. If the Village Council determines that such proposed changes significantly alter the approved plan, it is considered to be a major change and the plan must be resubmitted to Village Council for approval. Development of land shall not proceed before final approval of the Development Plan. Any development undertaken without such final approval is in violation of this zoning ordinance and an abatable nuisance.
- (e) Variances from Development Standards. The Village Council may approve variances from the Development Standards of this chapter as part of the Development Standards Text and Development Plan. These variances shall be consistent with the intent of this zoning district.

(Ord. 1-2007, passed 6-11-2007)

Chapter 1267: Planned Industrial Park District

§ 1267.01 PERMITTED USES.

The following uses shall be permitted in the Planning Industrial Park District.

- (a) Industrial Development. Manufacturing, processing, warehousing and industrial service activities located and maintained within the limits of the development standards of these Planned Industrial District regulations and in accordance with the approved development plan.
- (b) Commercial Establishments. Commercial establishments normally associated with and intended to serve the industrial establishments or their employees and approved as a part of the development plan. These commercial establishments are financial institutions, restaurants, gasoline service stations, automobile repair establishments, recreation or other personal enrichment facilities established primarily for employees of industrial establishments or in conjunction with commercially operated recreation establishments, developed as part of the approved development plan.

(Ord. 4-96, passed 5-13-1996)

§ 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 §§ [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; and
- (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) The proposed development is consistent in all respects with the purpose, intent and applicable standards of this Zoning Code;
- (2) The proposed development is in conformity with a comprehensive plan or portion thereof as it may apply;
- (3) The proposed development advances the general welfare of the municipality and the immediate vicinity; and

- (4) 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; and
 - (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 5-13-1996)

§ 1267.03 DEVELOPMENT STANDARDS.

In addition to the provisions of § [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 12 feet, in height. These walls or fences shall have an opaqueness of 75% 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 § [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 § [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 50 feet from any Residential Zoning District or Planned Residential District as listed in § [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 50 feet from any Residential Zoning District or Planned Residential District as listed in § [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; and
 - (3) An easement 25 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 75% with five years of normal growth. This easement, when adjacent to a street right-of-way 80 feet or more in width, or other Industrial Zoning District, may be reduced to 15 feet, a 25% 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 § [1272.02](#). Landscaping shall be accomplished in accordance with the approved landscape plan as required in [Chapter 1278](#).

(Ord. 4-96, passed 5-13-1996)

Chapter 1272: General Development Standards

§ 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 § [1238.04](#) are hereby established and adopted as supplementary to the district regulations set forth in [Chapters 1238](#) through [1270](#).

(Ord. 5-89, passed 5-8-1989)

§ 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. All aprons require permits. Driveways require a permit when being newly constructed or rebuilt. 'Rebuilt' is defined here as tearing up the driveway material down to the base. Standard maintenance does not require a permit. A fee as approved by Council will be located in the approved fee schedule.
 - (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; or
 - C. Paved for parking, as permitted.

(Ord. 5-89, passed 5-8-1989)

§ 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..
- (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 40% 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 15 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 50 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 areas at public or private intersections and at curb cuts where visibility must be maintained for safety of the motoring public. Sight triangle dimensions shall be based on the latest policies and procedures of American Association of State Highway and Transportation Officials (AASHTO), Ohio Department of Transportation (ODOT) and other commonly-used local policies and procedures. Intersection sight distances, stopping distances, and sight triangles shall be included for review and approval by the Village Engineer and shall be shown on final construction drawings.
- a. Decision Point: 18 feet unless otherwise approved by the Village Engineer.
- b. Design Speed: 5 miles per hour over the posted speed limit unless otherwise approved by the Village Engineer.
- (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 10% 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 5-8-1989)

**§ 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) Condition of Premises; Waste Accumulation. No person shall:

- (1) Cause or permit waste, garbage, trash or any debris, building materials, unused tires or other material, to accumulate or remain on his or her property, except as noted below. Trash, yard waste and recycling shall meet the following requirements:
 - A. Trash, yard waste, and recycling in containers or bundles that meet the trash hauler's requirements are permitted to be placed on the driveway or yard (not in the street) from noon the day before the scheduled day of trash pickup to 8:00 a.m. the day following trash pickup.
 - B. Trash cans and bundled trash must be stored out of sight from street right-of-ways when not set out for collection. Fences or landscaping materials may be used to conceal the cans and/or bundles. Fences and landscaping must be 100% opaque year-round. Fences used to conceal trash cans may be placed no further forward than a line two feet behind the adjacent front facade of the house. The fence may not be higher than 72" above the natural ground and each panel may be no wider than 48".
 - C. Residents in violation of this section shall be notified in writing by the Mayor or his/her designee for the first offense. A second offense within 6 months delivery of the letter shall result in a \$25 fine per day and a citation into Mayor's Court under this section.
- (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 and the like. 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 and subject to any other provisions of this Code regarding their placement.
- (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; and
- (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.

(c) 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 30 days. If the Village is required to correct the issue, it shall pursue all legal remedies necessary including placing a lien on the property for the cost of correction.
- (2) Any such charges which remain unpaid after 30 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.

- (d) 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.
- (e) Motor Vehicle Repair and Service. No person shall perform or conduct any motor vehicle service as an occupation or business, including, but not limited to, the servicing, repairing, assembling, wrecking, modifying, restoring, painting or otherwise working on a motor vehicle as defined by R.C. § 4511.01, or related thereto, on a residential lot or in any private garage.
 - (1) Penalty. Violation or failure to comply with any of the provisions of this section shall be considered a minor misdemeanor punishable per day per occurrence. Nothing herein shall prevent the village from taking corrective action or such other lawful action, including civil actions at law or equity, including temporary restraining orders, preliminary injunctions and permanent injunctions, as is necessary to prevent or remedy any violations.

(Ord. 5-89, passed 5-8-1989; Ord. 06-2017, passed 3-13-2017)

§ 1272.05 ACCESSORY USES AND STRUCTURES.

Accessory uses and structures shall be permitted in association with a principal use or structure.

- (a) Accessory Use and Structure Defined.
 - (1) 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.
 - (2) Accessory structures used as storage sheds must be over six square feet and allow a person to walk inside, however, they may not be used to store automobiles or contain living quarters.
- (b) Location in Residential Zoning Districts. In a Residential Zoning District, as listed in § [1238.04](#), unattached accessory structures shall be located to the rear of the dwelling, four feet or more from the side and rear property lines and no closer than four feet to any other structure.
- (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.
- (d) Size, Height and Configuration. The sum total of all accessory structures shall not be greater than 25% of the gross floor area of the principal use structure as listed on the County Auditor’s website or cover more than 10% of the rear yard area of the residence. Maximum size shall be 200 square feet as measured on the outside of the accessory structure walls. Maximum height shall be 12 feet as measured from the natural ground to the highest point.

Where an accessory structure is constructed on a mound, or where the ground under the same has been raised to a higher level than the surrounding surface, the permissible height of the structure shall be reduced by the height of such mound or raised surface. No door openings shall be closer than 15 feet to a lot line. Accessory structures used for storage constructed of fabric or plastic tarp-like materials such as temporary garages or canopies are not allowed in any zoned property within the village. All enclosed accessory structures must have an architectural floor built of wood, metal or concrete.

(e) Permitting, Inspection and Acceptance.

(1) No accessory structures may be installed or constructed without first obtaining a permit from the Code Enforcement Officer and the Mayor or his or her designee. All permits expire six months after issuance and are not transferable between owners. A permit filing and a fee shall be collected in accordance with the fee schedule established by the Council and is in force on the date the permit filing and review fee is due and payable.

(2) If accessory structure construction is not declared complete by the Code Enforcement Officer within six months from permit approval, the property owner must re-apply for a permit. The Code Enforcement Officer or other designee of the Mayor shall inspect the installation of an accessory structure twice: first, upon approving the proposed location indicated by staked-out corners of the accessory structure and second, at the final completion of the accessory structure.

(f) Repair to Accessory Structures. Repairs must be equal to or better than the original construction in materials and workmanship as determined by the Code Enforcement Officer or other designee of the Mayor.

(g) Variances. Variances to the accessory structure ordinance may be granted by Village Council after recommendation by the Planning and Zoning Commission for conditions of hardship. Application for a variance from the requirements of village ordinances is defined in § [1232.01](#).

(h) Penalty. Violation or failure to comply with any of the provisions of this section shall be considered a minor misdemeanor punishable per day per occurrence. Nothing herein shall prevent the village from taking corrective action or such other lawful action, including civil actions at law or equity, including temporary restraining orders, preliminary injunctions and permanent injunctions, as is necessary to prevent or remedy any violations.

(Ord. 5-89, passed 5-8-1989; Ord. 3-97, passed 7-14-1997; Ord. 5-2002, passed 10-14-2002; Ord. 03-2017, passed 6-19-2017)

§ 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 (FARs).
 - (2) The heliport, when located in a residential zoning district:
 - A. Complies with the requirements set forth in division (b)(1) above 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 shall be paid to the village for each application for a 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 § [1274.99](#).

(Ord. 5-89, passed 5-8-1989)

§ 1274.06 DISH ANTENNAS.

- (a) Intent. This section seeks to reduce the visual impact of dish antennas and prevent dish antennas from blocking fire lanes and utility easements.
- (b) Residential Districts. Within Residential Districts, the following provisions shall apply to satellite ground stations or other antennas designed to transmit or receive radio or television signals to or from earth satellites:
 - (1) Ground mounted satellite antennas must meet the following provisions:
 - A. Not exceed one in number at any one address;
 - B. Be located behind the front building line or front facade whichever is further from the street right-of-way and not exceed six feet in height;
 - C. Be no closer than four feet to the rear or side property line;
 - D. Be no closer than one foot to any easement;
 - E. Have all associated wiring buried below grade;
 - F. Utilize a support structure consisting of one galvanized or aluminum pipe mounted in 8" in diameter and 24" deep or larger concrete footing;
 - G. Be capable of withstanding a wind force of up to 70 miles per hour without the use of supporting guy wires; and
 - H. Must be removed when no longer being used.
 - (2) Roof or wall mounted satellite antennas must meet the following provisions:
 - A. Not exceed one in number at any one address;

- B. Such stations or antennas shall be mounted directly on the roof or wall of the house and shall not be mounted on appurtenances such as chimneys, towers, spires, utility poles, or trees;
 - C. Shall not extend over seven feet above the ridge line of the house;
 - D. All associated wiring must not be visible from the ground; and
 - E. Be capable of withstand a wind force of up to 70 miles per hour without the use of supporting guy wires.
- (c) Commercial or Industrial Zoning Districts. A dish antenna, when installed in any Commercial or Industrial Zoning Districts must receive a permit originated by and approved by the Planning and Zoning Commission shall meet the requirements of the residential zoned installation with the following exceptions:
- (1) Dish antenna size shall not exceed five feet in diameter;
 - (2) The top of the antenna shall not extend ten feet above grade or surrounding roof surface; and
 - (3) Shall meet the residential requirements of an antenna installation if it is installed within 25 feet of residentially zoned property.
- (d) Zoning variance. A zoning variance for the installation of dish antennas shall be required if the installation does not meet all of the requirements of the zoned property.
- (e) Penalty. Violation or failure to comply with any of the provisions of this section shall be considered a minor misdemeanor punishable per day per occurrence. Nothing herein shall prevent the village from taking corrective action or such other lawful action, including civil actions at law or equity, including temporary restraining orders, preliminary injunctions and permanent injunctions, as is necessary to prevent or remedy any violations.

(Ord. 09-2017, passed 5-22-2017)

§ 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 70 mph.
 - (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 17 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 70 mph.
 - (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 § [1274.05](#) shall be guilty of a misdemeanor of the fourth degree for each offense.

(Ord. 5-89, passed 5-8-1989)

§ 1276.03 FLOODPLAIN 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) Governing Documents. The latest editions of “*Ohio Floodplain Management Handbook*” and “*Ohio Floodplain Regulations Criteria*” prepared by the Ohio Department of Natural Resources shall be used when planning development of lands subject to periodic flooding.
- (c) Approvals. In addition to the provisions of the established zoning districts, development of lands subject to periodic flooding shall be subject to the approval of the Village Engineer.

(Ord. 5-89, passed 5-8-1989)

Chapter 1278: Landscaping

§ 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 5-8-1989)

§ 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 5-8-1989)

§ 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 § [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 Planning and Zoning Commission.
- (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 25% 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 25% of the area or square footage of the existing land, structure or building, respectively, exclusive of the alteration or expansion. As used in this division, “land” includes land used for space, parking or building purposes.

(Ord. 5-89, passed 5-8-1989)

§ 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 50% winter opacity and 70% 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;
 - 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 ensure 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 divisions (a)(4)A. and (a)(4)B. below 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 20 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 35 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 20 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 64 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; and
 - 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 25

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) Dumpsters (Service Structures) Screening. All dumpsters shall be screened on all sides including the gate wherever it is located. Dumpsters may be grouped together. However, screening height requirements shall be based upon the tallest of the dumpsters.
- (1) Location of Screening. A continuous (having 100% opacity) planting, hedge or fence, which would enclose any dumpster that must be frequently moved, shall be one foot higher than the height of the enclosed dumpster, but shall not be required to exceed ten feet in height. Whenever a dumpster 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 dumpster if such wall or screening material is of an average height sufficient to meet the height requirement set forth in this section. Whenever dumpsters are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscaping.
 - (2) Curbs to Protect Screening Material. Whenever screening material is placed around a dumpster 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 dumpster is moved or emptied.
 - (3) Permitting, Inspection and Acceptance.
 - A. No dumpster screening may be installed or constructed without first obtaining a permit from the Code Enforcement Officer and the Mayor or his or her designee.
 - B. A permit filing and a fee shall be collected in accordance with the fee schedule established by the Council and in force on the date the permit filing and review fee is due and payable.
 - C. All permits expire six months after issuance and are not transferable between owners.
 - D. Use of service structures and dumpsters shall require the following:

1. The gate must remain closed when not being loaded or unloaded;
 2. No trash may be placed beside or on top of the dumpster; and
 3. Dumpster enclosures may be locked or unlocked; however, all measures shall be taken to prevent unauthorized dumping or placing of trash near or against dumpster screening.
- E. Dumpster screening installation shall be inspected by the Code Enforcement Officer or other designee of the Mayor twice: first, when the post holes have been dug or other screening material location has been laid out and second, at the completion of the screening construction. Only after the Code Enforcement officer or other designee of the Mayor has approved the completed dumpster screening will the Planning and Zoning Commission accept the screening as a permanent improvement on any lot, part of a lot or combination of lots.
- (4) Repair. Repair to dumpster screening that requires the replacement of posts or greater than 50% of the screening material requires an accessory structure permit at one half the cost of a new dumpster screening permit.
- (e) Variances. Variances to the fence ordinance may be granted by Village Council after recommendation by the Planning and Zoning Commission for conditions of hardship. Application for a variance from the requirements of village ordinances is defined in § [1232.01](#).
- (f) Penalty. Violation or failure to comply with any of the provisions of this section shall be considered a minor misdemeanor punishable per day per occurrence. Nothing herein shall prevent the village from taking corrective action or such other lawful action, including civil actions at law or equity, including temporary restraining orders, preliminary injunctions and permanent injunctions, as is necessary to prevent or remedy any violations.

(Ord. 5-89, passed 5-8-1989; Ord. 04-2017, passed 6-19-2017)

§ 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 division (b), "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 15 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 15 feet may be substituted by a grouping of the same so as to create the equivalent of a 15 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 15 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 12 or 15 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 75% 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 5-8-1989)

§ 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 15 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 20 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 and the like, 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 5-8-1989)

§ 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.
- (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; and
 - (4) Reasons that the variance shall preserve, not harm, the public safety and welfare and shall not alter the essential character of the neighborhood.
 - (5) Directly adjacent parcels to the subject parcel to be notified through the US Mail in a timely manner (at least 2 weeks prior to the scheduled hearing).

(Ord. 5-89, passed 5-8-1989)

§ 1278.08 STREET TREE PLANTING REQUIREMENTS; VIOLATIONS.

- (a) Definitions. As used in this section:

- (1) “Large tree.” Any tree species which normally attains a full-grown height in excess of 50 feet.
 - (2) “Medium tree.” Any tree species which normally attains a full-grown height of between 25 and 50 feet.
 - (3) “Person.” Any individual, corporation, partnership, company, contracting firm or other entity.
 - (4) “Small tree.” Any tree species which normally attains a full-grown height of under 25 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 45 feet for large trees, 35 feet for medium trees and 25 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 20 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 20 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 minimum trunk caliper, measured at six inches above the ground for all street trees, shall be one and one-half inches.
 - H. The maximum spacing between large trees shall be 50 feet, between medium trees, 40 feet, and between small trees, 30 feet.
- (2) Topping. No person shall, as a normal practice, top any tree within the public right-of-way. As used in this division (b)(2), “topping” means the severe cutting back of limbs to stubs larger 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 division (b)(2).
- (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 ensure 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 § [1232.99](#).

(Ord. 5-89, passed 5-8-1989)

Chapter 1280: Signs

§ 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 5-8-1989)

§ 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 § [1280.03](#). Every building must display its assigned postal street number clearly.

(Ord. 5-89, passed 5-8-1989)

§ 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,. Such signs may be illuminated, provided that no safety or visibility hazards are created; These signs must be maintained in good condition (not faded, tattered, etc.)
- (e) **Non-Commercial Temporary Signs: Temporary signs that portray a message which is not commercial in nature (that do not advertise a business, commodity, product or service)**

shall be allowed. These types of signs are to be a size of no more than 6 square feet. No more than one sign per statement is permissible per lot per frontage. Any non-commercial sign may remain on a lot indefinitely, until such a time that the sign has not been maintained in an original or near-original condition. These signs must be maintained in good condition (not faded, tattered, etc.)

- (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 14 days after the sale, rental or lease has occurred;
- (h) Signs incorporated into a window display of a business, provided that such window display signs are:
 - (1) Up to 100% of the total first floor window area, t, 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) .Maintained in Good Condition
 - (5) Professionally Created and Installed
- (i) 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; and
- (j) 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 5-8-1989)

§ 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 §§ [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 24 inches apart, or form a V-angle of less than 45 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 20% 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; and
 - 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 ensure that no hazard is created and shall be able to withstand a wind pressure of 30 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.
- (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 5-8-1989)

§ 1280.05 PERMANENT SIGNS.

All permanent signs shall comply with the following requirements and with the height, area and setback regulations of § [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) Vacancies. Should a tenant space become vacant, the owner/landlord will replace the sign face where applicable with a blank sign face that is complementary to the surrounding facade color.

- (3) 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 § 1280.06.
 - (4) 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 § [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 division (b)(3)B., “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 § [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 10% of the total first floor window area of the establishment or ten square feet, whichever is less.
- (d) Roof Signs. As used in this division (d), 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 division (e), 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
- (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 § [1280.06](#) and shall be mounted only on the property to which they refer.

(Ord. 5-89, passed 5-8-1989; Ord. 21-2019, passed 11-11-2019)

§ 1280.06 TABLE OF AREA, HEIGHT AND SETBACK REQUIREMENTS.

	<i>Wall Signs</i>		<i>Ground Signs</i>		<i>Window Signs</i>	
	<i>Max. Area (sq. ft.)</i>	<i>Max. Height (ft.)</i>	<i>Max. Area (sq. ft.)</i>	<i>Max. Height (ft.)</i>	<i>Min. Setback (ft.)</i>	<i>Max. Area (sq. ft.)</i>
Child care, rest home	8	8	Not permitted		N/A	Not permitted
General commerce (retail, restaurant, lodging, consumer service, entertainment, wholesaling, transportation, manufacturing, research)	80	15	50	15	8	10

Hospital	35	15	30	15	8	Not permitted
Multi-family project ID	20	8	20	6	8	Not permitted
Office (administrative, professional, other)	25	15	20	15	8	10
Personal service	35	15	25	15	8	10
Rental/sales office within Residential District	8	8	8	6	8	Not permitted
School, church library	20	8	15	6	8	Not permitted

§ 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 § [1280.04](#), except that such signs shall not be illuminated. Temporary signs shall be limited to 32 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 5-8-1989)

§ 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 § [1280.06](#)) and shall be allowed in addition to the permitted signs of individual occupants. The area of the sign shall not exceed 25% 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 division (b), “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; or
 - (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 5-8-1989)

§ 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 as passed by Council in the fee schedule

(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 24 months following the erection of such sign, to determine its compliance with applicable building regulations of the village and to ensure 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 30 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 15 days.

(Ord. 5-89, passed 5-8-1989)

§ 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 90 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 § [1280.09\(c\)](#) are not effected within the specified time; and
 - (4) When it does not conform to the provisions of this section or is not brought into conformity with § [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 30 days. Any abandoned sign still standing after 30 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 5-8-1989)

Chapter 1282: Off-Street Parking and Lodging

§ 1282.01 DEFINITIONS.

As used in this chapter:

- (a) “Aisle.” 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 15 feet. The minimum aisle width to serve a parking space shall be as follows:

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

- (b) “Employees.” 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.” Includes:
- (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; and
 - (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.” A cubical area for the parking of one commercial vehicle for pick-ups and deliveries, which space has minimum dimensions of 12 feet in width, 50 feet in length and 15 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.” 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:

		<i>Parking Angle (Dimensions in Feet)</i>		
<i>Parking Space</i>	<i>Parallel</i>	<i>45 Degrees</i>	<i>60 Degrees</i>	<i>90 Degrees</i>
Length	23	20	19	19
Width	10	10	9	9

- (g) “Parking setback line.” 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.” The number of seating units installed or indicated on plans or each 30 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 15 square feet of floor area for uses without fixed seating, exclusive of aisles and assembly areas.

(Ord. 5-89, passed 5-8-1989)

§ 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:

<i>Total Number of Spaces in the Lot or Structure</i>	<i>Required Number of Handicapped Accessible Spaces</i>
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Up to 100	1 per 25 parking spaces
101 to 200	4, plus 1 space per 5 parking spaces over 100
201 to 500	6, plus 1 space per 75 parking spaces over 200
Over 500	10, plus 1 space per 10 parking spaces over 500

(Ord. 5-89, passed 5-8-1989)

§ 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 5-8-1989)

§ 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 50% or less of their required spaces if such areas are located within 300 feet of the main church entrance.

(Ord. 5-89, passed 5-8-1989)

§ 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 5-8-1989)

§ 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 § [1218.11](#).

(Ord. 5-89, passed 5-8-1989)

§ 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 20 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 5-8-1989)

§ 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) For purposes of this division (a), "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. For purposes of this division (b), Recreational vehicle means any recreational vehicle, boat, boat trailer, camper, coach, motor home, tent trailer, travel trailer, or utility trailer.
- (b) . Commercial vehicles shall be parked in the required front or side yard, except that they may be parked in a driveway not longer than 72 hours.
 - (1) Vehicles shall be parked in the required front or side yard, except they may be parked in a driveway for not longer than 72 hours and three days between for loading or unloading.
 - (2) Recreational vehicles shall be parked in the required front or side yard, except they may be parked in a driveway for not longer than 72 hours and three days between trips for loading or unloading.
 - (3) If the camping and recreational equipment is parked or stored outside of a garage, it shall be parked or stored ten feet to the rear of the front line of the dwelling. The setback requirement in the side or rear yard shall be a minimum of three feet.
 - (4) All such parking shall be as close to the structure as practical, but not closer than two feet nor farther than 20 feet.
 - (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) All recreational equipment must be kept in good repair and carry the current year's license and/or registration.

- (2) Such motor vehicles may be parked or stored for an indefinite period if stored entirely within an enclosed building.

(Ord. 5-89, passed 5-8-1989; Ord. 6-2002, passed 10-14-2002; Ord. 20-2019, passed 11-11-2019)

§ 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 5-8-1989)

§ 1282.10 LANDSCAPING REQUIREMENTS.

Landscaping shall be provided as set forth in § [1278.04\(c\)](#).

(Ord. 5-89, passed 5-8-1989)

§ 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 20 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 20 feet and a maximum width of 25 feet, except curb returns.

(Ord. 5-89, passed 5-8-1989)

§ 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:

<i>Gross Floor Area (sq. ft.)</i>	<i>Minimum Number of Loading Spaces Required</i>
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:

<i>Gross Floor Area (sq. ft.)</i>	<i>Minimum Number of Loading Spaces Required</i>
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 5-8-1989)

§ 1282.13 MINIMUM PARKING SPACE REQUIREMENTS.

The minimum number of off-street parking spaces required shall be as set forth in the following table:

<i>Type of Use</i>	<i>Minimum Number of Parking Spaces Required</i>
<i>Residential</i>	
All other dwelling units	2.5 per dwelling unit
Housing for elderly	1 per dwelling unit
One- or two-family dwelling	2 per dwelling unit
<i>Office</i>	
Administrative or business	1 per 250 sq. ft. of gross floor area
Medical or dental	1 per 200 sq. ft. of gross floor area
<i>Institutional</i>	
Auditorium, stadium, center or other place of assembly	1 per 25 sq. ft. of gross floor area
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
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
Hospital	2.5 per bed, plus 1 per employee on the largest shift
Library, museum or art gallery	1 per 250 sq. ft. of gross floor area, plus 1 per each employee on the largest shift

Nursing home	1 per 6 beds, plus 1 per employee on the largest shift
Swimming facility	1 per 75 sq. ft., plus 1 per 30 sq. ft. of spectator area, plus 1 per employee on the largest shift
<i>Commercial</i>	
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.
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
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
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
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
Vehicle repair	1 per 100 sq. ft. of gross floor area, or 3 per each service bay, whichever is greater

Vehicle sales	1 per 300 sq. ft. of gross floor area, plus 1 per 1,000 sq. ft. of outdoor display area
<i>Entertainment</i>	
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
<i>Industrial</i>	
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 5-8-1989)

Chapter 1284: Adult Entertainment Business

§ 1284.02 DEFINITIONS.

As used in this chapter:

- (a) “Adult book store.” 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.” 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.” Any enclosed building with a capacity of fewer than 50 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.” 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.” An enclosed building with a capacity of 50 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.” 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.” 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 2-11-1985)

§ 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 division (b), 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.

- (c) Establishment. 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 2-11-1985)

Chapter 1286: Fences and Walls

§ 1286.01 LOCATION AND HEIGHT.

(a) Fence Construction and Location.

- (1) No fence or wall shall be erected forward of a line 14 feet back from the immediately adjacent front building line of the primary structure on any lot.
- (2) No fence or free-standing wall shall exceed 72 inches in height, measured from the natural ground, including lattice panels. Where a fence or wall is constructed on a mound, or where the ground under the same has been raised to a higher level than the surrounding surface, the permissible height of the structure shall be reduced by the height of such mound or raised surface.
- (3) Prior to beginning construction, all corner monuments and/or property pins for all property lines along which the fence is to be constructed shall be located. If corner monuments and/or property pins cannot be located, they shall be re-established prior to beginning construction by a Professional Surveyor licensed in the State of Ohio. Prior to beginning construction, submit one-call notification as required by Ohio Revised Code to locate utilities within the construction area.
- (4) Decorative post caps, finials, or ornamental features shall not exceed 12 inches above the top of fence panels, pickets, or walls nor be more than six inches in width spaced closer than four feet on center.
- (5) Supporting posts of any fence type shall be on the side that faces the installer's dwelling.
- (6) Free-standing walls constructed of brick, concrete block, or stone must be constructed on a foundation starting 36 inches below grade and designed by a structural engineer or architect. All portions of the footing must be within the lot line.
- (7) Fences and walls may be constructed of the following materials:

- A. Fences: wood or wood composite or similar materials; PVC or vinyl or similar materials; aluminum, iron, or a combination of these materials.
 - B. Walls: stone, brick, poured concrete.
 - C. Chain Link fencing, chicken wire or mesh type fencing is prohibited.
- (8) Welded wire fencing painted black, dark green or dark brown may be attached to the inside of a fence.
 - (9) The maximum ground clearance from the natural ground to the bottom of the panel, picket or wall shall not exceed three inches.
 - (10) Lighting features or lighting built into a fence shall not extend above the height of the fence panel.
 - (11) Artificially raising the height of the base upon which the fence is constructed by use of mounding, retaining walls or similar means shall be included within the 72 inch maximum height restriction of fences and walls.
 - (12) Sharp edges and electrically charged fence materials are not permitted.
- (b) Permitting, Inspecting and Acceptance.
- (1) No fence may be installed or constructed without first obtaining a permit from the Code Enforcement Officer and the Mayor or his or her designee.
 - (2) Applicants shall determine property lines prior to constructing a fence and shall ensure the fence does not encroach upon another lot or parcel of land. Applicants assume the burden of ensuring such encroachment does not occur. A modern lot survey by a Professional Surveyor shall be required to be submitted as part of the permit. 'Modern' is defined here as being 10 or less years old.
 - (3) All permits expire six months after issuance and are not transferable between owners.
 - (4) A permit filing and a fee shall be collected in accordance with the fee schedule established by the Council and in force on the date the permit filing and review fee is due and payable.
 - (5) If fence construction is not declared complete by the Code Enforcement Officer within six months from permit approval, the property owner must re-apply for a permit.
 - (6) Fence installation shall be inspected by the Code Enforcement Officer or other designated village official, twice: first when the post holes have been dug, second at the completion of the fence construction.

- (7) Repair to fences that require the replacement posts, or greater than 50% of fencing material must obtain a fence permit at one half the cost of a new fence permit.
- (8) Variances to the accessory structure ordinance may be granted by Village Council after recommendation by the Planning and Zoning Commission for conditions of hardship. Application for a variance from the requirements of village ordinances is defined in § [1232.01](#).
- (9) Violation or failure to comply with any of the provisions of this section shall be considered a minor misdemeanor punishable per day per occurrence. Nothing herein shall prevent the village from taking corrective action or such other lawful action, including civil actions at law or equity, including temporary restraining orders, preliminary injunctions and permanent injunctions, as is necessary to prevent or remedy any violations.

(Ord. 3-93, passed 10-11-1993; Ord. 05-2017, passed 6-19-2017)

§ 1286.02 CONSTRUCTION OUTSIDE OF LOT LINES; POSTS AND SUPPORT STRUCTURES.

No portion of a fence or wall shall be constructed outside of a dwelling lot line, and all posts and support structures shall be on the inside of that side of the premises that faces the installer's dwelling.

(Ord. 3-93, passed 10-11-1993)


§ 1286.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the third degree for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

Chapter 1287: Home Occupation

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 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.
 - B. No change in the outside appearance of the building footprint 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.
 - C. The space devoted for use of the home occupation must be within the main dwelling or basement, or contained within a permitted accessory structure on the property.
 - D. 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.
 - E. There shall be no outdoor storage of equipment or materials used in the home occupation.
 - F.  more than four total motor vehicles, used by customers and/or employees of the home occupation, shall be parked at the location of the home occupation at one time. Of these, No more than three vehicles shall be company and/or employee vehicles of the home occupation.
 - G. 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.
- (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 Mayor or his or her designee. 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 permit shall be set by Council.
- (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. It shall not be the intent of this section to prohibit the maintenance by a homeowner of a private professional office (e.g., a lawyers, doctors or architects) on his or her premises, provided that the provisions of this section regarding signage, traffic and other provisions regulating home occupations are adhered to.

§ 1289.01 SWIMMING POOLS

- (1) A building permit is required for the installation, repair, maintenance, or location of any inground swimming pool that is capable of a water depth of more than 24 inches.**
- (2) A pool permit is required for any temporary or above ground swimming pools.**

Fencing and Gate Requirements

No person shall locate, construct, install, make, change, maintain or use any swimming pool or wading pool unless the pool is enclosed by a fence or other permanent barrier (i.e. fence) not less than forty eight (48) inches in height, measured from the ground.

- Access gates must open outward from the pool and must be self-closing and have a self-latching device and shall be equipped to accommodate a locking device.**

- Gate releases must be located at least 54 inches from the bottom of the gate, or be located more than three (3) inches from the top of the gate on the inside and have no opening greater than ½ inch within 18 inches of the release mechanism.**

- Where a wall of a dwelling unit forms part of the required barrier and direct access to the pool is through a door from the dwelling, one of the following must be provided.**

- 1. The door shall be equipped with an alarm that sounds when the door and/or screen door is opened. A touch pad used to deactivate the alarm shall be mounted at least 54 inches above the floor.**

- 2. The door must open away from the pool area, be self-closing with self-latching device. Self-latching devices with the release mechanism shall be located a minimum 54" above the floor.**

- A swimming pool at least 48 inches high measured from the grade with a removable ladder or barrier around the ladder is exempt from 48 inch high barrier requirement. Non-removal ladders must have a barrier around the ladder capable of self latching and be self closing or be secured to prevent access. Drawings or other information for this assembly are required to be submitted.**

- Swimming pools with a power safety cover, spas and hot tubs with a safety cover complying with ASTM F 1346 shall be exempt from the barrier requirement.**

Zoning Restrictions

A pool capable of a depth greater than 12 inches must be located in accordance with all applicable zoning regulations. A pool cannot be located in any required front or side yard. No pool can be permitted that is specifically prohibited by limitation text for the zoning district.

Drainage Requirements

Any water drained from a swimming pool should go to a sanitary sewer. Pool water may also be used for the watering of the owner's garden and lawn, but it must not leave that owner's property except through a sanitary sewer.

Electrical Requirements

A storable swimming pool or wading pool located on or above ground with a maximum height of 42 inches or a pool with nonmetallic, molded polymeric walls or inflatable fabric walls (regardless of height) requires the pump/filter motor to be provided with a ground-fault circuit interrupter that is an integral part of the power cord and be plugged into a GFCI protected outlet.

§ 1290.01 CHICKENS, DUCKS, AND RABBITS.

- (a) No person shall own, keep or harbor any chickens, ducks, or rabbits without meeting the requirements set forth in the following divisions:
 - (1) A one time permit is required and issued by the Village of Minerva Park prior to acquiring chickens, ducks, or rabbits, and an inspection occur by the village within 60 days of acquiring chickens, ducks, or rabbits. The "Minerva Park Chicken/Duck/Rabbit Checklist" as adopted by Council shall be utilized by reference to this section.
 - (2) The chickens, ducks, and/or rabbits shall be kept in a secure enclosure shielded from the street to which it fronts and shielded from the neighbors/adjacent property owners.
 - (3) An appropriate enclosure (such as a chicken coop for chickens) shall be provided, and be kept clean and in good repair. This enclosure will be able to provide proper protection for the residing animals in both summer and winter months.
- (b) No person in division (a) of this section shall sell eggs produced by said chickens and/or ducks.
- (c) No person in division (a) of this section shall own, keep or harbor a rooster.
- (d) No person in division (a) of this section shall fail to comply with all other sections of Chapter 618, Animals, of this Code of Ordinances, involving the care and responsibility of animals.
- (e) Whoever violates this section is guilty of a minor misdemeanor for a first offense; whoever violates this section for a second or subsequent offense is guilty of a misdemeanor in the fourth degree. In addition, for second or subsequent violations, the court may order the offender to forfeit the animals.

(Ord. 08-2019, passed 10-14-2019)

APPENDIX A: DRIVEWAY AND INTERSECTION SIGHT TRIANGLES

APPENDIX B: VEHICLE OVERHANG

**APPENDIX C: RECOMMENDED TREES FOR THE VILLAGE OF MINERVA
PARK [**

APPENDIX D: PLANNED DISTRICT TEXT

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