



Roll Call/vote to excuse any absent member

Pledge of Allegiance

Minutes

7/13 Council Meeting Minutes
7/24 Special Council Meeting Minutes

CITIZEN COMMENTS

LEGISLATION

ORDINANCE 08-2023

AN ORDINANCE ADDING CHAPTER 1048 STORMWATER UTILITY TO THE CODIFIED ORDINANCES OF THE VILLAGE OF MINERVA PARK, CREATING A FUND FOR PROCEEDS GENERATED PURSUANT TO THAT CHAPTER, AND AMENDING THE WATER AND SANITARY STORM SEWER USAGE CHARGES AND DECLARING AN EMERGENCY (2nd reading-intent to pass as an emergency)

ORDINANCE 09-2023

AN ORDINANCE AMENDING PARTS TWELVE AND FOURTEEN OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MINERVA PARK AND ADOPTING ZONING DISTRICT CHANGES FOR THE VILLAGE. (2nd reading)

ORDINANCE 11-2023

AN ORDINANCE UPDATING THE WAGE AND SALARY RANGES, THE NUMBER OF EMPLOYEES AND POSITIONS FOR THE VILLAGE OF MINERVA PARK AND DECLARING AN EMERGENCY (2nd reading)

ORDINANCE 12-2023

AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE VILLAGE OF MINERVA PARK FOR THE YEAR 2023 (1st reading)

RESOLUTION 2023-25

A RESOLUTION AUTHORIZING AND APPROVING THE MAYOR AND FISCAL OFFICER TO SIGN A CONTRACT WITH FLOCK SAFETY TO INSTALL FLOCK CAMERAS (3rd reading)

RESOLUTION 2023-26

A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO A CONTRACT WITH GROUNDMASTER LANDSCAPING SERVICES, LLC FOR LEAF PICKUP (3rd reading)

RESOLUTION 2023-27

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH LOCAL WASTE SERVICES FOR THE COLLECTION AND REMOVAL OF RUBBISH, TRASH, RECYCLABLES, GARBAGE, AND YARD WASTE FROM RESIDENCES (3rd reading)

OLD BUSINESS

NEW BUSINESS

ADJOURN

RECORD OF PROCEEDINGS
VILLAGE OF MINERVA PARK

MINUTES OF THE

July 13, 2023

COUNCIL MEETING-MINERVA FRANCE ES

Mayor Tiffany Southard called the meeting to order at 7:00 PM

Roll Call: Present: Councilpersons Koss, McNamara, Camara, Wolf, Brugger, Martin

Also in attendance: Mayor Tiffany Southard, Police Chief Matt Delp, Fiscal Officer Jeffrey Wilcheck

COMMENDATION: (00:00:56 of Video)

- 🌳 Chief Matt Delp was presented a commendation for life saving work in the community

MINUTES: (00:03:07)

- 🌳 Councilperson Wolf moved to approve 6/22 minutes; Councilperson Koss 2nd; approved with unanimous “aye” vote
- 🌳 Councilperson Wolf moved to approve 7/6 minutes; Councilperson McNamara 2nd; approved with 5 “aye” votes and one abstention (Council President Brugger not in attendance at the 7/6 work session)

VILLAGE OFFICIAL REPORTS: (00:04:00)

POLICE REPORT: Chief M. Delp (00:04:07)

- 🌳 Report in packet; nothing to add at this time

FISCAL OFFICER: J. Wilcheck (00:04:25)

- 🌳 June financials have been emailed; please reach out with questions

ENGINEER: M. Flickinger (Reported by T. Southard) (00:04:59)

- 🌳 Task orders regarding Storm Sewer, Lakes Master Plan, General Consultation, and Cart Path Bridges

LEGAL COUNSEL: J. Shamp: (00:07:48)

- 🌳 Nothing official to report; available for questions during reading/voting on legislation

VILLAGE PLANNER: E. Fischer

- 🌳 Not in attendance

ZONING OFFICER: J. Canty (00:08:13)

- 🌳 Report in packet

PLANNING & ZONING: B. Wolf (00:08:25)

- 🌳 Next meeting scheduled for 7/26 7:00 Shelter
- 🌳 Council still reviewing code updates as recommended by P & Z

MPCA: (reported by J. Camara) (00:09:21)

- 🌳 Meeting held 7/12: no carriage rides this year-working on alternate event; sip & dip 7/22; Family Fun Night 7/29 Volunteers needed; Pride and Arts in the Park were positive; Minervaflores working on projects in Village

VILLAGE COMMITTEE REPORTS (00:10:54)

FINANCE: B. Wolf (00:10:59)

- 🌳 Tax Budget Hearing was held previous to this meeting; will be voted on this meeting
- 🌳 Will begin discussions on operations budget in September

STREETS: S. Koss (00:11:38)

- 🌳 Will review reports submitted by engineer and update; projects moving forward

SERVICES: JP Martin (00:12:21)

- 🌳 Meeting 7/17 6PM Rm 135 MFES; reviewing trash pick-up bids

RECREATION & PARKS: J. Camara (00:12:56)

- 🌳 Pool status update; new pool vacuum is at pool; health inspection passed recently
- 🌳 Beds being mulched; clover only sprayed at pool
- 🌳 Meeting scheduled for 7/17 6:30 PM RM 135 MFES

SAFETY: D. McNamara (00:15:20)

- 🌳 Met in June-discussed radar sign option to assess speed in village
- 🌳 Tentative meeting 6/26 12 Noon 3700 Corporate

LEGISLATION: M. Brugger (00:16:17)

- 🌳 Next meeting 7/27 6:30 PM MFES
- 🌳 1st reading on code rewrite as recommended by P & Z on this agenda

MAYOR'S REPORT: T. Southard (00:16:52)

- 🌳 Bids for Jordan Rd project received/reviewed
- 🌳 Estimate received for stop bars & Jordan Rd lines-to be discussed in streets meeting
- 🌳 AEP/Bradley Electric-working with Blendon Twp re permitting
- 🌳 Pavilion built, fence to be built between pavilion & neighboring property as soon as materials arrive
- 🌳 No leaf bids received as of yet; trash bids to be reviewed at Services Meeting 7/17

CITIZEN COMMENTS (00:18:42)

- 🌳 Rani Conger of Black Sycamore spoke to thank all involved for the upgrades and overall experience at the pool
- 🌳 Ken Kozlosky of Green Line Way shared concerns about the Village having limited options regarding dead trees that impact residents (as opposed to Village property); he hopes council will consider updating code to assist residents with matters similar to these
- 🌳 Tony Benedetti of Berry Lane Ct shared concerns about Village communication-specifically regarding the open council seats/Mayor office on upcoming November election

LEGISLATION: (00:22:36)**ORDINANCE 08-2023**

AN ORDINANCE ADDING CHAPTER 1048 STORMWATER UTILITY TO THE CODIFIED ORDINANCES OF THE VILLAGE OF MINERVA PARK, CREATING A FUND FOR PROCEEDS GENERATED PURSUANT TO THAT CHAPTER, AND AMENDING THE WATER AND SANITARY STORM SEWER USAGE CHARGES AND DECLARING AN EMERGENCY (1st reading-intent to pass as an emergency)

ORDINANCE NO. 09-23

AN ORDINANCE AMENDING PARTS TWELVE AND FOURTEEN OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MINERVA PARK AND ADOPTING ZONING DISTRICT CHANGES FOR THE VILLAGE. (1st reading)

ORDINANCE 10-2023

AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE VILLAGE OF MINERVA PARK FOR THE YEAR 2023 (1st reading-intent to suspend the rules that require 3 readings)

Council President Brugger moved to waive readings 2 & 3; Councilperson Camara 2nd; approved

Roll Call: Ayes: McNamara, Brugger, Koss, Camara, Martin, Wolf

Nays: None **Absent:** None **Abstentions:** None

Council President Brugger moved to pass Ordinance 10-2023; Councilperson Camara 2nd; approved

Roll Call: Ayes: Wolf, Martin, Camara, McNamara, Brugger, Koss

Nays: None **Absent:** None **Abstentions:** None

LEGISLATION (continued)

RESOLUTION 2023-20

A RESOLUTION TO ADOPT THE TAX BUDGET FOR THE VILLAGE OF MINERVA PARK, OHIO FOR THE YEAR BEGINNING JANUARY 1, 2024 AND TO SUBMIT THE SAME TO THE FRANKLIN COUNTY BUDGET COMMISSION AND TO DECLARE AN EMERGENCY (3rd reading)

Council President Brugger moved to pass Resolution 2023-20 as an emergency; Councilperson Camara 2nd; approved

Roll Call: Ayes: Brugger, Camara, Martin, Wolf, Koss, McNamara

Nays: None **Absent:** None **Abstentions:** None

RESOLUTION 2023-24

A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO CONTRACT FOR THE 2023 STORM SEWER IMPROVEMENTS PROJECT AND DECLARING IT AN EMERGENCY (1st reading-intent to suspend the rules that require 3 readings and pass as an emergency)

Council President Brugger moved to waive readings 2 & 3; Councilperson Koss 2nd; approved

Roll Call: Ayes: Martin, Brugger, Wolf, Koss, McNamara, Camara

Nays: None **Absent:** None **Abstentions:** None

Council President Brugger moved to pass Resolution 2023-24 as an emergency; Councilperson Camara 2nd; approved

Roll Call: Ayes: Brugger, Wolf, Camara, Koss, McNamara, Martin

Nays: None **Absent:** None **Abstentions:** None

RESOLUTION 2023-25

A RESOLUTION AUTHORIZING AND APPROVING THE MAYOR AND FISCAL OFFICER TO SIGN A CONTRACT WITH FLOCK SAFETY TO INSTALL FLOCK CAMERAS (1st reading)

RESOLUTION 2023-26

A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO A CONTRACT WITH XXXXXXXXXXXX FOR LEAF PICKUP (1st reading)

RECORD OF PROCEEDINGS
VILLAGE OF MINERVA PARK

MINUTES OF THE

June 8, 2023

COUNCIL MEETING

LEGISLATION (continued)

RESOLUTION 2023-27

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE COLLECTION AND REMOVAL OF RUBBISH, TRASH, RECYCLABLES, GARBAGE, AND YARD WASTE FROM RESIDENCES (1st reading)

OLD BUSINESS: (00:41:59)

 None

NEW BUSINESS: (00:42:06)

 None

Councilperson Wolf moved to adjourn; councilperson Brugger 2nd; meeting adjourned at 7:43 PM after unanimous “aye” vote

Tiffany Southard, Mayor

Jeffrey Wilcheck, Fiscal Officer

RECORD OF PROCEEDINGS
VILLAGE OF MINERVA PARK

MINUTES OF THE

July 24, 2023

SPECIAL COUNCIL MEETING

Mayor Southard called the meeting to order at 7:05PM

Roll Call: Present: Councilpersons McNamara, Camara, Wolf, Koss, Martin **Excused:** Brugger

Also in attendance: Mayor Tiffany Southard

LEGISLATION: (1:20 of Video)

ORDINANCE 11-2023

AN ORDINANCE UPDATING THE WAGE AND SALARY RANGES, THE NUMBER OF EMPLOYEES AND POSITIONS FOR THE VILLAGE OF MINERVA PARK AND DECLARING AN EMERGENCY (1st reading)

RESOLUTION 2023-25

A RESOLUTION AUTHORIZING AND APPROVING THE MAYOR AND FISCAL OFFICER TO SIGN A CONTRACT WITH FLOCK SAFETY TO INSTALL FLOCK CAMERAS (2nd reading)

RESOLUTION 2023-26

A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO A CONTRACT WITH XXXXXXXXX FOR LEAF PICKUP (2nd reading)

RESOLUTION 2023-27

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE COLLECTION AND REMOVAL OF RUBBISH, TRASH, RECYCLABLES, GARBAGE, AND YARD WASTE FROM RESIDENCES (2nd reading)

RECORD OF PROCEEDINGS
VILLAGE OF MINERVA PARK

MINUTES OF THE

July 24, 2023

SPECIAL COUNCIL MEETING

RESOLUTION 2023-28

A RESOLUTION AUTHORIZING AND APPROVING AN INCREASE IN THE CONTRACT WITH VISU-SEWER, INC. FOR INSPECTION, CLEANING AND VIDEO RECORDING OF CERTAIN SANITARY AND STORM SEWER LINES AND DECLARING AN EMERGENCY (1st reading-intent to suspend the rules that require 3 readings and pass as an emergency)

Councilperson Wolf moved to suspend the rules that require 3 readings; Councilperson Koss 2nd; approved

Roll Call:

Ayes: McNamara, Koss, Camara, Martin, Wolf **Nays:** None

Abstentions: None **Absent:** Brugger

Councilperson Wolf moved to pass Resolution 2023-28 as an emergency; Councilperson McNamara 2nd; approved

Roll Call:

Ayes: Wolf, Martin, Camara, McNamara, Koss **Nays:** None

Abstentions: None **Absent:** Brugger

OLD BUSINESS: (5:14)

 None

NEW BUSINESS; (5:16)

 None

Councilperson Wolf moved to adjourn; Council President Brugger 2nd; meeting adjourned at 7:11

Tiffany Southard, Mayor

Jeffrey Wilcheck, Fiscal Officer

ORDINANCE NO. 08-23

AN ORDINANCE ADDING CHAPTER 1048 STORMWATER UTILITY TO THE CODIFIED ORDINANCES OF THE VILLAGE OF MINERVA PARK, CREATING A FUND FOR PROCEEDS GENERATED PURSUANT TO THAT CHAPTER, AND AMENDING THE WATER AND SANITARY AND STORM SEWER USAGE CHARGES AND DECLARING AN EMERGENCY

WHEREAS, the Village of Minerva Park has an extensive storm sewer network managing stormwater runoff through the Village; and

WHEREAS, the Village is responsible for costs associated with the operation and maintenance of this storm sewer network; and

WHEREAS, currently all stormwater management program costs are supported through the Wastewater/Sewer Fund; and

WHEREAS, the Village wishes to implement a stormwater utility in order to properly fund stormwater-related operation and maintenance, stormwater capital improvement projects, the diverting of stormwater currently entering the sanitary sewer system, and costs associated with maintaining compliance with EPA-mandated requirements related to the Municipal Separate Storm Sewer (MS4) stormwater permit, and

WHEREAS, after consultation with the Village Engineer, the Village also desires to amend the current charges levied against users for water and sanitary sewer services.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, COUNTY OF FRANKLIN, STATE OF OHIO:

[Additions to the CODIFIED ORDINANCES are in bold and deletions are lined through or noted below.]:

Section 1. That Chapter 1048 STORMWATER UTILITY is hereby added to the Codified Ordinances of the Village of Minerva Park as depicted in the attached **Exhibit A**.

Section 2. That Chapter 1040.01(b) USAGE CHARGES AND SURCHARGES is hereby amended to read as follows:

(b) A quarterly surcharge based on the usage of each householder or business as determined by the Village Council to be \$5.50 per 1,000 cubic feet of water used plus a quarterly flat surcharge of \$7.00 per quarter shall be imposed.

Section 3. That Chapter 1042.01 (b) USAGE CHARGES AND SURCHARGES is hereby amended to read as follows:

(b) A quarterly surcharge based on the usage of each householder or business and determined by the Village Council to be \$0.86 per 1,000 cubic feet of water used and a quarterly flat surcharge of \$18.00 per quarter shall be imposed.

Section 4. That in addition to the funds heretofore created for the purpose of administering and accounting for the finances of the Village a new fund be and the same hereby is created as follows: "Stormwater Utility Fund."

Section 5. That it is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code

Section 6. This Ordinance is hereby declared to be an emergency measure, to be effective Immediately upon passage, such emergency being necessary for the preservation of the public health, safety, and welfare of the Village and its inhabitants, to wit: to ensure timely collection of resources beginning quarter 4 of 2023. Therefore, this Ordinance shall take effect and be in force from and immediately after its passage by the Council.

First Reading: July 13, 2023
Second Reading: July 27, 2023
Third Reading: August 10, 2023

Tiffany Southard, Mayor

ATTEST:

APPROVED AS TO FORM:

Jeffrey Wilcheck, Fiscal Officer

Jesse Shamp, Solicitor

Exhibit A

Chapter 1048: STORMWATER UTILITY

- 1048.01 Purpose and Objective
- 1048.02 Definitions
- 1048.03 Necessity for Charges
- 1048.04 Powers of Village Regarding Implementation
- 1048.05 Rate Structure
- 1048.06 Stormwater Only Accounts
- 1048.07 Billing and Terms of Payment
- 1048.08 Collection
- 1048.09 Adjustments
- 1048.10 Right to Appeal
- 1048.11 General Prohibitions
- 1048.99 Penalty; Remedies

1048.01 PURPOSE AND OBJECTIVE.

- (a) The Village of Minerva Park, Ohio, establishes a Stormwater Utility to promote the public health, welfare and safety and provide for the:
 - (1) safe and efficient capture and conveyance of stormwater runoff;
 - (2) mitigation of the damaging effects of stormwater runoff;
 - (3) addressing of stormwater problems, including activities that will result in stormwater being prevented from entering the sanitary sewers;
 - (4) funding of the activities of stormwater management;
 - (5) design, planning, regulation, education, coordination, construction, operations, maintenance, inspection and enforcement activities related to stormwater; and
 - (6) compliance with Local, State and Federal regulatory requirements related to Stormwater.
- (b) The Stormwater Utility shall collect rates and/or service charges as set by Village Council. Monies collected from these charges are to be utilized solely for the management of stormwater, capital improvements and maintenance of the stormwater system. Monies collected may also be used to incentivize improvements on private property to reduce or restrict the amount of stormwater that enters the Village's sanitary sewer system. Funds collected are to be deposited in a designated enterprise fund for said use.

1048.02 DEFINITIONS.

As used in this Chapter:

- (a) "Abatement" means any action taken to remedy, correct, or eliminate a condition within, associated with, or impacting a drainage system.

- (b) "Adjustment" means a modification in a customer's stormwater service charge for certain activities that impact stormwater runoff or impacts the Village's costs of providing stormwater management.
- (c) "Approved plans" shall mean plans approved according to a permits and plan review which will govern all improvements made within the Village that require stormwater facilities or changes or alterations to existing stormwater facilities.
- (d) "Code" means the Codified Ordinances of the Village of Minerva Park.
- (e) "Detention" is described as the temporary storage of stormwater runoff in a basin, pond or other structure to control the peak discharge rates by holding the stormwater for a lengthened period of time and which provides some gravity settling of particulate.
- (f) "Detention facility" means a facility by means of a single control point which provides temporary storage of stormwater runoff in ponds, parking lots depressed areas, rooftops, buried underground vaults or tanks, etc. for future release, and is used to relay and attenuate flow.
- (g) "Equivalent Residential Unit (ERU)" is a value, equal to two thousand (2,000) square feet of impervious area of residential properties within the Village of Minerva Park.
- (h) "Facilities" means various stormwater and drainage works that may include inlets, pipes, pumping stations, conduits, manholes, energy dissipation structures, channels, outlets, retention/detention basins, swirl concentrators and other structural components.
- (i) "Impervious area" means areas that have been paved and/or covered with buildings and materials that do not allow natural infiltration, which include, but are not limited to, concrete, asphalt, hard-packed gravel, rooftop and blacktop.
- (j) "Infiltration" is defined as a complex process of allowing runoff to readily penetrate the ground surface and flow through the upper soil surface.
- (k) "Owner" The owner of a property shall be defined as the person who holds actual, not merely equitable, title to the property. Executors, administrators of estates, and persons who hold property in trust shall be considered owners.
- (l) "Peak Discharge" or the "Peak Flow" is the maximum rate of flow of water passing a given point during or after a rainfall event.
- (m) "Private stormwater facilities" are defined as various stormwater and drainage works not under the control or ownership of the Village, County, State, and/or Federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.
- (n) "Public stormwater facilities" are defined as various stormwater and drainage works under the control and/or ownership of the Village, County, State, or Federal government which

may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.

- (o) "Public stormwater open channel" means all open channels, which convey, in part or in whole, stormwater, and (1) are owned, operated, or maintained by the Village of Minerva Park or (2) a stormwater open channel which has a permanent drainage/stormwater easement owned by the Village and drains an area which includes Village owned property or right-of-way. A public stormwater open channel does not include roadside ditches, which convey only immediate right-of-way drainage.
- (p) "Retention" is defined as the holding of stormwater runoff in a constructed basin or pond or in a natural body of water without release except by means of evaporation, infiltration, or emergency bypass.
- (q) "Retention facility" means a facility, which provides storage of stormwater runoff and is designed to eliminate subsequent surface discharges.
- (r) "Square footage of impervious area" means, for the purpose of assigning an appropriate stormwater charge to a parcel of real property, the square footage of all impervious area using the outside boundary dimensions of the impervious area to include the total enclosed square footage, without regard for topographic features of the enclosed surface.
- (s) "Stormwater" means rainwater runoff, snowmelt runoff, and surface runoff and drainage.
- (t) "Storm sewer" means a sewer, which carries stormwater, surface runoff, street wash waters, and drainage, but which excludes sanitary sewage and industrial wastes, other than unpolluted cooling water.
- (u) "Stormwater service charge" is defined as a charge billed to users of the Village's stormwater collection, impounding and transportation system.
- (v) "Stormwater system" means all man-made facilities, structures, and natural watercourses owned by the Village of Minerva Park, used for collection 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, and pumping stations.

1048.03 NECESSITY FOR CHARGES.

It is hereby determined necessary for the protection of public health, safety, and welfare and to conform with Federal, State, and local laws and regulations that a system of charges for stormwater service be established which allocates the cost of providing stormwater service to each user in such a manner that the allocated costs are proportionate to the cost of providing stormwater service to that user, insofar as those costs can reasonably be determined.

1048.04 POWERS OF VILLAGE REGARDING IMPLEMENTATION.

Stormwater service charges levied shall be collected by the City of Columbus and/or the Fiscal Officer in a manner determined by the Fiscal Officer. The Mayor and Village Engineer, in addition to other duties, shall make and enforce such policies, rules and regulations as deemed necessary for the safe, economical, and efficient management and protection of the Village's stormwater system, and for the prevention of stormwater from entering the sanitary sewer system; for the construction and use of storm sewers and connections to the stormwater system consistent with legislation established by the Minerva Park Village Council; and for the regulation and collection of such stormwater charges.

1048.05 RATE STRUCTURE.

- (a) A stormwater service charge shall be billed to the owner of each and every lot and parcel of land within the Village that contains impervious area and contributes directly or indirectly to the stormwater system of the Village. This charge is necessary to pay for the repair, replacement, planning, improvement, operation, regulation and maintenance of the existing and future Village stormwater system. This charge is not related to water and/or sanitary sewer service and applies whether or not the premises are occupied.
- (b) All properties having impervious area within the Village of Minerva Park will be assigned an equivalent residential unit (ERU), or a multiple thereof, with all properties having impervious area receiving at least one (1) ERU. Areas used for public transportation, including dedicated roadways, bicycle and walking paths, railroads, and airport runways and taxiways, shall be exempt from the calculation and therefore not subject to the stormwater service charge.
 - (1) Residential properties. All residential properties will be assigned one (1) ERU.
 - (2) Non-residential properties. Non-residential properties will be assigned an ERU multiple based upon the properties' individually measured impervious area (in square feet) divided by two thousand (2,000) square feet (one (1) ERU). This division will be calculated to the first decimal place and rounded according to mathematical convention.
 - (3) Properties within the Village will be assigned an ERU based on the ERU assigned by the City of Columbus for its stormwater management program charges.
- (c) The charges as prescribed in the rate schedule is as follows:
 - (1) Properties assigned an ERU of less than 10.00: \$6.25 per ERU per month.
 - (2) Properties assigned an ERU of 10.01-75.00: \$5.75 per ERU per month.
 - (3) Properties assigned an ERU of 75.01 or greater: \$4.75 per ERU per month.
- (d) The collection of the stormwater fee shall commence with all billings issued on or after August 1, 2023.

1048.06 STORMWATER ONLY ACCOUNTS.

Stormwater only accounts are properties that do not utilize potable water and/or sanitary sewer services but do contain impervious area or hard surfaces and contribute directly or indirectly to the Village's stormwater system as determined by the Village Engineer. A copy of every permit issued by any Village division for new construction that does not utilize water and/or sanitary sewer services shall be sent to the Village Engineer for a determination of whether or not stormwater service charges apply.

1048.07 BILLINGS AND TERMS OF PAYMENT.

- (a) The quarterly stormwater service charge shall be added to the water bills of all households and businesses within the Village of Minerva Park. The City of Columbus is hereby authorized, through the billing performed by the Division of Water of such city, to collect for the Village a local stormwater service charge, the fees shall be collected as are other water and sewer charges.
- (b) In the event the amount billed for stormwater service is not paid in full on or before the due date noted on the bill, an amount equal to ten percent (10%) of the amount billed shall be added in accordance with Fiscal Office policy. Such ten percent (10%) charge shall be due and payable in addition to the total amount noted on the bill including, but not limited to, arrearages, administrative charges, deposits, defers and local charges.

1048.08 COLLECTION.

When charges for stormwater service are not paid when due, the Director, or designee, may:

- (a) Terminate water service to the property pursuant to existing policy for unpaid utility bills;
- (b) Forward the account for collection by an outside collection agency;
- (c) Transfer the delinquency to any other property owned by the account holder that receives utility and/or trash service from the Village of Minerva Park;
- (d) Bring an action at law for the collection of the delinquent amount;
- (e) Certify the charges, together with any penalties, to the County Auditor, who shall place the certified amount on the real property tax duplicate of the property served directly or indirectly by the stormwater system of the Village. The amount certified shall be a lien on the property served from the date placed on the list and duplicate and shall be collected in the same manner as other taxes. Such certifications shall be made once each year at the same time other unpaid Village utility charges.

1048.09 ADJUSTMENTS.

When the Village learns of an increase or decrease of the area of impervious surface of a particular property, the information shall be transmitted to the Village Engineer, who will direct the Fiscal Officer to adjust the Stormwater Utility charges within two billing cycles.

1048.10 RIGHT TO APPEAL

A property owner may challenge the measurements of impervious surface assigned his/her property by filing an appeal with the Village Planning and Zoning Commission for adjustment thereof, stating in writing the grounds for the appeal. The Village Engineer shall cause appropriate investigation thereof and report the findings to the property owner. The property owner may further appeal the findings to the Village Council, who shall determine whether an adjustment in the measurement for any such lot or parcel is necessary.

1048.11 GENERAL PROHIBITIONS

No political subdivision or any person subject to the authority of a political subdivision that discharges, contributes or allows the discharge or contribution of stormwater directly or indirectly to the municipal storm sewer or stormwater drainage systems of Minerva Park shall fail to use best management practices, acceptable to Minerva Park, to control the discharge of pollutants and volume of flow in such discharges.

1048.99 PENALTY; REMEDIES

- (a) Whoever violates or fails to comply with any provision of this chapter is guilty of a misdemeanor of the fourth degree, and shall be fined not more than two hundred fifty dollars (\$250.00), or imprisoned not more than thirty (30) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- (b) The imposition of any other penalties provided herein shall not preclude the Village, by or through its Law Director and /or authorized designees, from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful development or to restrain, enjoin, correct or abate a violation, or to require compliance with the provisions of this chapter or other applicable laws, ordinances, rules or regulations or the lawful orders of the authorized enforcement agency; or to impose any other available civil remedy or sanction against any person or organization convicted of an offense. under this chapter, either in addition to or in lieu of a fine imposed pursuant to this section, including the imposition upon the offender of liability to the Village for any expense, loss or damage incurred by the Village by reason of such violation.
- (c) The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law; and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

ORDINANCE NO. 09-23

AN ORDINANCE AMENDING PARTS TWELVE AND FOURTEEN OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MINERVA PARK AND ADOPTING ZONING DISTRICT CHANGES FOR THE VILLAGE.

WHEREAS, the Village of Minerva Park recognized a need to address inconsistencies and outdated information in Part 12 – Planning and Zoning Code and Part 14 – Building and Housing Code of the Codified Ordinances of the Village of Minerva Park; and

WHEREAS, Village staff, legal counsel, engineer, and the Planning and Zoning Commission undertook an exhaustive review of those Code provisions and identified suggested amendments, eliminations, and additions; and

WHEREAS, the Village Council desires to implement these changes to the Codified Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, COUNTY OF FRANKLIN, STATE OF OHIO:

[Additions to the CODIFIED ORDINANCES are in bold and deletions are lined through or noted below.]:

Section 1. That Parts Twelve and Fourteen of the Codified Ordinances of the Village of Minerva Park are amended as depicted in the attached and incorporated **Exhibit A** 1048 STORMWATER UTILITY is hereby added to the Codified Ordinances of the Village of Minerva Park as depicted in the attached **Exhibit A**.

Section 2. That it is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code

Section 3. That this ordinance shall be in full force and effect from the earliest period allowed by law.

First Reading: July 13, 2022
Second Reading: July 27, 2023
Third Reading: August 24, 2023
Passed: August 24, 2023

Tiffany Southard, Mayor

ATTEST:

APPROVED AS TO FORM:

Jeffrey Wilcheck, Fiscal Officer

Jesse Shamp, Solicitor

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.~~

(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

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

Commented [SJ1]: NOTE: Sections (f) and (g) were adopted by Ordinance 02-2021, but have not yet been uploaded to the official Code.

Resident and registered to vote.

elected. The first meeting of each calendar year shall be held not later than 30 days after the start of the calendar year.

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- (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.

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- (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.

Deleted: .01, 713.27

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Deleted: Zoning

(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.

Deleted: Building Inspector

(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.

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Commented [SJJ2]: NOTE: This was added by Ordinance 20-2020 but has not yet been uploaded to the official Code.

I added by Village Staff to make it clear who was administratively approving these.

(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 signed by the Chairperson of the Commission, and copies thereof shall be provided to the Mayor, and members of Council within 30 days following approval of the minutes.

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Deleted: and the Building Inspector

Deleted: each meeting

(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.

Commented [SJJ3]: NOTE: Building permits are issued by a certified building inspector under the Ohio Revised Code. The Village does not have a certified building inspector on Staff.

(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.

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(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 ENGINEERING REVIEW

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.

Deleted: <#>Building permits shall be issued by the Planning and Zoning Clerk. Permits shall be issued only after receipt of a written notification of approval of the application for the permit by the Commission and only after the permit has been signed by the Mayor.¶

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

Each ordinance, resolution or regulation establishing, amending, revising, changing or repealing a zoning classification, district, use or regulation shall be referred to the Commission for approval, disapproval or recommendation, except any ordinance, resolution or regulation which the Commission has recommended and forwarded to Council. Within 60 days of such referral, the Commission shall cause such ordinance, resolution or regulation to be returned to the Fiscal Officer, together with the written recommendations of the Commission, concurred in by a majority of the Commission. If the Commission should fail to make a recommendation within 60 days, Council may act thereon as if it had received a recommendation of approval for such ordinance, resolution or regulation.¶

Deleted: No ordinance, resolution or regulation which violates, differs from or departs from the plan or report submitted by the Commission shall take effect, unless passed and approved by not less than three- fourths of the membership of Council.[QUESTION for Jesse here on ¾ vs 5/6?]

Deleted: <#>No ordinance, resolution or regulation accordance with recommendations, plans or reports submitted by the Commission shall be deemed to pass or take effect without concurrence of at least a majority of the members elected to Council.¶

As used or found in these subdivision regulations:

- (a) “Average annual flood.” A flood equal to the mean of discharges of all the maximum annual floods during the period of record.
- (b) “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 on the following basis:

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

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

- (k) “Drainageway.” A route or course along which water moves or may move to drain an area.
- (l) “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.
- (m) “Easement.” A grant by a property owner for the use of a strip of land for a specific purpose.
- (n) “Emergency flow way.” The flow routes and drainageways necessary to convey a 100-year storm.
- (o) “Engineer.” The Village Engineer.
- (p) “Final plat.” The map of all or a portion of a subdivision which is submitted to the Planning and Zoning Commission for action.
- (q) “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.
- (r) “Floodway.” The channel of a watercourse and those portions of the adjoining floodplain which are used to convey a regional flood.
- (s) “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.
- (t) “Hydrologic and hydraulic study.” An engineering study to determine the rate, volume and distribution of storm runoff and its collection, storage and conveyance.
- (u) “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.
- (v) “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.
- (w) “Maximum probable flood.” The largest flood discharge believed possible, considering meteorologic conditions and snow cover on the watershed.
- (x) “Park plan.” The plan of parks, playgrounds or other open public grounds adopted by the Planning and Zoning Commission.

- (y) “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.
- (z) “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.
- (aa) “Plat.” A map of a tract or parcel of land made by a licensed land surveyor.
- (bb) “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.
- (cc) “Regional flood.” The term applied to the 100-year flood in floodplain information reports. The 100-year flood has a 1% probability of being equaled or exceeded in a period of 100 years.
- (dd) “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.
- (ee) “Roadway.” The portion of a street available for vehicular traffic.
- (ff) “Runoff.” The portion of rainfall, melted snow or irrigation water that flows across the ground surface and eventually is returned to streams.
 - (1) “Accelerated runoff.” An increased runoff due to a less permeable surface area caused primarily by urbanization.
 - (2) “Peak rate of runoff.” The maximum rate of runoff for any storm.

- (3) “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.
- (gg) “Sidewalk.” A paved area intended principally for the use of pedestrians.
- (hh) “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).
- (ii) “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.
- (jj) “Storm drainage system.” The surface and subsurface system for the removal of water from the land, including both the natural elements of streams, gullies, ravines, marshes, swales and ponds, whether of an intermittent or continuous nature, and human-made elements, which include conduits and appurtenant features, culverts, ditches, channels, storage facilities, streets and the storm sewer system.
- (1) “Initial drainage system.” That part of a storm drainage system which is used regularly for collecting, transporting and disposing of storm runoff, snow melt and miscellaneous minor flows. The capacity of the “initial drainage system” should be equal to the maximum rate of runoff to be expected from a designated storm which may have a frequency of occurrence of once in five years. The “initial drainage system” is also termed the “convenience system,” the “minor system” or the “storm sewer system” and may include features ranging from curbs and gutters to storm sewer pipes and open drainageways.
- (2) “Major drainage system.” That storm drainage system which carries the runoff from a storm having a frequency of occurrence of once in 100 years. The “major drainage system” will function whether or not improvements are situated wisely in respect to it. The “major drainage system” is also termed the “emergency flow way” and usually includes many features such as streets, ravines and major drainage channels. Storm sewer systems may reduce the flow in many parts of the major drainage system by storing and transporting water underground.
- (kk) “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.

- (ll) “*Stormwater Design Manual.*” The technical design manual prepared by the Stormwater Management Advisory Committee of the Mid-Ohio Regional Planning Commission, as adopted by the village.
- (mm) “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.
- (nn) “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.

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

Deleted: Fiscal Officer

(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

Deleted: § 1212.02 RESTRICTION ON ISSUANCE OF BUILDING OR REPAIR PERMITS.¶

No building or repair permit shall be issued for any structure located on a lot in any subdivision plat which has been prepared after the date of the adoption of these subdivision regulations and which has not been approved in accordance with the provisions of these regulations.¶

(Ord. 5-89, passed 5-8-1989)¶

§ 1212.03 RESTRICTION ON PUBLIC IMPROVEMENTS.¶

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

(Ord. 5-89, passed 5-8-1989)¶

§ 1212.04 CONFLICT OF INTEREST OF VILLAGE ENGINEER.¶

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

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

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Deleted: unusual, real and substantial difficulties or hardships...

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 sea level datum. The location of bench marks and their elevations and all other monuments shall also be shown;

- (8) Proposed locations, names and dimensions of all streets, alleys, lots, building lines and easements and the approximate area of lots, in square feet. Streets that are in obvious alignment with streets already existing and named shall bear the names of the existing streets. Street names shall not be duplicated within the county. The subdivider may be required to continue certain adjoining streets through the area being subdivided, when necessary, to provide for legal vehicular movement or to enable adjoining property to be properly subdivided;
 - (9) The location, invert elevation and size of existing sanitary storm sewers, water mains, culverts, street lights and other utilities and underground structures within the tract or immediately adjacent thereto; 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. [HAVE ENGINEERING REVIEW](#)

(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. The Commission shall forward a copy of the preliminary plat to the Village Engineer for review and report. The Commission shall approve, approve with modifications, or disapprove the plat at its next regular meeting. The failure of the Commission to approve or disapprove a plat within the time fixed herein, or within such further time as the applying party may agree to, shall constitute approval of the plat by the Commission, and a certificate from the 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.

Deleted: Secretary

(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. [HAVE ENGINEERING REVIEW]

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- (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 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, 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 Mayor or his/her designee.

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(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.

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(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. [HAVE ENGINEERING REVIEW](#)

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

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

§ 1218.10 WATER SUPPLY. [HAVE ENGINEERING REVIEW](#)

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

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

§ 1218.11 STORM DRAINAGE. [HAVE ENGINEERING REVIEW](#)

- (a) Stormwater Design Manual. The *Stormwater Design Manual*, as adopted by the Mid-Ohio Regional Planning Commission, is hereby adopted by the village and the policies, standards, specifications and provisions contained therein shall apply to the development of all subdivisions in the village.
- (b) Hydrologic and Hydraulic Studies.
 - (1) A hydrologic and hydraulic study of any subdivision shall be submitted prior to final plat approval and as part of the construction drawings for such subdivision. These studies shall be used to establish:
 - A. The adequacy of the drainage system of the development site. As part of these studies, the adequacy of the storm drainage facilities necessary to carry the runoff from the initial storm design shall be shown. The flow routes and drainageways necessary to convey the 100-year storm (the emergency flow way) through the development shall also be shown, as shall any necessary easements;
 - 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.
 - (1) If the hydrologic and hydraulic studies reveal that the proposed development or subdivision would not increase the total volume of stormwater runoff, the peak rate of runoff after development shall not be greater than the peak rate of runoff before development for all return periods of storms, up to 100 years.
 - (2) If the hydrologic and hydraulic studies reveal that the total volume of stormwater runoff is increased, the peak rate of runoff after development, from the critical storm, shall not exceed the predevelopment peak rate of runoff from a one-year frequency storm. The peak rate of runoff for each storm of greater or lesser frequency shall be determined in accordance with the *Stormwater Design Manual*; provided, however, that the peak rate of runoff after development may not exceed the peak rate of runoff before development.
- (d) Subdivision Drainage Systems.

- (1) Storm drainage facilities for the subdivision or development shall be designed to accommodate runoff from the five-year storm frequency. Site design and grading plans shall provide emergency drainageways, in order to avoid both damage to the structure and endangerment of the public safety, which emergency drainageways shall be designed to accommodate runoff from storms exceeding the five-year storm frequency, but not exceeding the 100-year storm frequency.
 - (2) The initial drainage system shall be located within the street rights-of-way whenever practicable. If the collector facilities cannot be located in the street rights-of-way, then they shall be located adjacent to side or rear lot lines where easements shall be provided to and along the facilities.
 - (3) All stormwater flow from the proposed subdivision, including flows from upstream areas passing through and further including increased flows attributable to changes in time of concentration or a change in the former runoff factor (imperviousness), shall be conveyed to the proper outlet for the entire tributary area via a natural channel or an artificial channel, either or both of which shall be improved so as to be of an adequate capacity determined in accordance with the *Stormwater Design Manual*.
- (e) Easements and Access. Access to flood control or storm drainage facilities for emergency, inspection, maintenance and improvement purposes shall be provided as follows.
- (1) Access to flood control or storm drainage ditches, channels and storage facilities shall be by means of easements. Such easements shall be not less than 15 feet in width, exclusive of the width of the ditch, channel or other facility it is to serve, and an easement of this type shall be provided on one side of a flood control or storm drainage ditch, channel or similar facility.
 - (2) Access along flood control or storm drainage ditches and channels shall be by means of easements. Such easements shall be not less than 15 feet in width, exclusive of the width of the ditch, channel or other facility it is to serve, and an easement of this type shall be provided on both sides of a flood control or storm drainage ditch, channel or similar facility.
 - (3) Access along the initial drainage system shall be by means of easements. Such easements shall be not less than 15 feet in width, with a minimum of five feet in width on each side of the centerline.
 - (4) Access around storage facilities shall be by a ten-foot easement in the case of detention (dry) basins, and a 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.
 - (5) Easements for emergency flow ways shall be a minimum of 15 feet in width.
 - (6) Flood control or storm drainage easements containing underground facilities shall have a minimum width of ten feet.

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

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

§ 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.
- (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. [HAVE ENGINEERING REVIEW](#)

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. [I HAVE ENGINEERING REVIEW](#)

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 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. [\[HAVE ENGINEERING REVIEW\]](#)

- (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.

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

§ 1220.02 STREET GRADES. [\[HAVE ENGINEERING REVIEW\]](#)

- (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
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- (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.

Deleted: Uses not specifically listed as prohibited, but not listed as permitted, are permitted only upon approval by the Planning and Zoning Commission

(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.

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(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,

a. 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 Village Planner 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.~~

b. 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

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Deleted: submit a written report to Council on or before the date of the public hearing. Such report shall recommend approval, modification or disapproval of the variance and the reasons therefor.¶
Actions of Council. Council shall hold a public hearing and act on an application in one of the following ways.¶
Approval. Council shall only approve a variance or modification thereof if the following findings are made:

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.

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(c) 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.

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(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.

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

Deleted: <#>Building Permit. A building permit may be obtained for the development only in accordance with the approved plot plan.¶

§ 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, walks, off-street parking and loading spaces and landscaping;
 - D. The relationship of the proposed development to the development standards; and
 - E. The use of the land and the location of structures on adjacent property.

Deleted: Specifically listed conditional uses are provided within the zoning district regulations in recognition of the fact that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the permitted uses of such zoning districts.

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(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 used is compatible with the adjacent land use, adjacent zoning, and to 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.

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(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.

Deleted: and submit a written report to the Council and shall recommend approval, modification or disapproval of the conditional use and the reasons therefor.[question for Jesse] – make this more clear

(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)

Deleted: of \$50 shall be paid to the village for each application for a variance or conditional use to cover the necessary administrative and advertising costs.

§ 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;

Deleted: Chapter 1234: Board of Zoning Appeals¶
§ 1234.01 APPEALS TO COUNCIL FROM DECISIONS OF THE PLANNING AND ZONING COMMISSION.¶

Appeals to Council may be taken by any person aggrieved by, or by any officer of the village affected by, any decision of the Planning and Zoning Commission.¶

Appeals shall be made within 20 days after the decision by filing with the Fiscal Officer, a notice of appeal, specifying the grounds therefor.¶

(Ord. 5-89, passed 5-8-1989)¶

- (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.

Deleted: of \$50

(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	
▼	▼
▼	▼
▼	▼
▼	▼
▼	▼
▼	▼
▼	▼
Urban Residential	R-12
Commercial Districts	
Suburban Office and Institutional	SO
Neighborhood Commercial	NC

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- Deleted: R-3
- Deleted: Suburban Residential
- Deleted: R-4
- Deleted: Two-Family Residential
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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

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- (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.

Deleted: Chapter 1240: Rural District¶

§ 1240.01 PERMITTED USES.¶

The following uses shall be permitted in the Rural District.¶

Agriculture.¶

Agriculture uses, including farming, dairying, pasturage, horticulture, floriculture, viticulture and animal and poultry husbandry;¶

Farm dwelling structures;¶

Farm labor quarters for laborers working on the premises; and¶

Roadside stands offering for sale only farm products produced on the premises.¶

Dwelling Structures. One-family dwelling structures. A lot of record on the date of adoption of this Zoning Code may be subdivided in accordance with the subdivision regulations to provide up to four residential lots, provided that the remaining portion of the lot is five acres or more.¶

Home Occupations. Home occupations in association with a permitted dwelling and in accordance with the provisions of Chapter 1272.¶

Accessory Buildings and Uses. Accessory buildings and uses in association with agriculture or permitted dwellings as specified in § 1272.05, including noncommercial guest housing, provided the lot is five acres or more.¶

Schools and Parks.¶

Public or private schools offering general educational courses and having no rooms regularly used for the housing or sleeping of students; and¶

Parks, playgrounds and playfields.¶

Religious Uses. A church or other place of worship, provided it occupies a lot of not less than five acres.¶

Storage and Processing of Agricultural Products. Grain elevators, mills or other facilities for the storage, sorting or other preliminary processing of agricultural products, except that commercial grain elevator operations shall not be permitted. Storage facilities shall not be within 50 feet of a side or rear lot line, except when along a railroad right-of-way. Processing facilities shall not be within 100 feet of a side of rear lot line, except when along a railroad right-of-way.¶

Deleted: 1240.03 DEVELOPMENT STANDARDS.

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

Lot Area and Coverage.¶

For agricultural purposes, in the determination of accessory and associated uses, the lot area shall be five acres or more, but this shall not exclude the agricultural use of any smaller lot.¶

For each dwelling unit there shall be a lot area of not less than 40,000 square feet.¶

For each permitted use and conditional use the lot area shall be adequate to meet the sanitation requirements of the County Board of Health, but shall not be less than that prescribed for such use.¶

Only one principal use shall be permitted on a lot, and such lot shall not be covered more than 20% by structure.¶

Lot Width. For a one-family dwelling, there shall be a lot width of 150 feet or more at the front line of the dwelling, and such lot shall have access to and abut on a public right-of-way for a distance of 60 feet or more.¶

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 1272](#).[\(change reference\)](#)
- (c) Accessory Buildings and Uses. Accessory buildings and uses in association with permitted dwellings as specified in § [1246.03](#) and [Chapter 1272](#).[\(change reference\)](#)
- (d) Public Schools. Public schools offering general educational courses and having no rooms regularly used for housing or sleeping of students.
- (e) Private Schools. Private schools offering general educational courses similar to those ordinarily given in public schools and having no room regularly used for housing or sleeping of students; provided that such school occupies a lot of not less than five acres.
- (f) Religious Uses. A church or other place of worship; provided it occupies a lot of not less than five acres and there is one acre or more per 100 seats or similar accommodations in the main assembly area.

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

§ 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

§ 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 1272](#).[\(change reference\)](#)
- (c) Accessory Buildings and Uses. Accessory buildings and uses in association with permitted dwellings as specified in § [1252.03](#) and [Chapter 1272](#).[\(change reference\)](#)
- (d) Public Schools and Parks.
 - (1) Public schools offering general educational courses and having no rooms regularly used for housing or sleeping of students; and
 - (2) Parks, playgrounds and playfields.

Deleted: Chapter 1248: R-4 Suburban Residential District ¶ § 1248.01 PERMITTED USES.¶

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

Dwelling Structures. One-family dwelling structures. Two-family dwelling structures and up to and including eight-family dwelling structures may be permitted, provided that:¶
An acceptable site development plan and subdivision plat are submitted and are reviewed and approved by the Planning and Zoning Commission;¶

Such plan conforms to the development standards set forth in § [1248.03](#) and [Chapter 1272](#); and¶

The average net density, exclusive of public rights-of-way, for an area to be developed and/or platted under the R-4 Suburban Residential District, shall not exceed four dwelling units per acre.¶

Home Occupations. Home occupations in association with a permitted dwelling and in accordance with the provisions of § [1272.04](#).¶

Accessory Buildings and Uses. Accessory buildings and uses in association with permitted dwellings, as specified in § [1248.03](#) and [Chapter 1272](#).¶

Public Schools. Public schools offering general educational courses and having no rooms regularly used for housing or sleeping of students.¶

Private Schools. Private schools offering general educational courses similar to those ordinarily given in public schools and having no rooms regularly used for housing or sleeping of students, provided that such school occupies a lot of not less than five acres.¶

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)¶

§ 1248.02 CONDITIONAL USE.¶

The following uses shall be allowed in the R-4 Suburban Residential District subject to approval in accordance with § [1232.02](#). Kindergarten or child care as an accessory use of a dwelling.¶

There shall be an outdoor play area of 200 square feet or more per child.¶

Such play area shall be arranged in accordance with the provisions of this district for accessory uses and shall be enclosed with a chain-link fence, or its equivalent in strength and protective character, to a height of four feet, but not more than six feet.¶

(Ord. 5-89, passed 5-8-1989)¶

§ 1248.03 DEVELOPMENT STANDARDS

GENERALLY.¶

In addition to the provisions of [Chapter 1272](#), the following standards for the arrangement and development of land and buildings are required in the R-4 Suburban Residential District.¶

Lot Area and Coverage.¶

For each dwelling unit there shall be a lot area of not less than 10,000 square feet.¶

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.¶

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

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

§ 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 [Chapter 1272](#); and [\(change reference to 1272\)](#)
- (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, including:
- (1) Commercial and stock savings banks;

- (2) Mutual savings banks;
- (3) Trust companies not engaged in deposit banking;
- (4) Establishments performing functions closely related to banking;
- (5) Rediscount and financing institutions for credit agencies other than banks;
- (6) Savings and loan associations;
- (7) Agricultural credit institutions;
- (8) Personal credit institutions;
- (9) Business credit institutions;
- (10) Loan correspondents and brokers;
- (11) Security brokers, dealers and flotation companies;
- (12) Commodity contracts brokers and dealers;
- (13) Security and commodity exchanges;
- (14) Services allied with the exchange of securities or commodities;
- (15) Life insurance;
- (16) Accident and health insurance;
- (17) Fire, marine and casualty insurance;
- (18) Surety insurance;
- (19) Title insurance;
- (20) Insurance carriers, not elsewhere classified;
- (21) Insurance agents, brokers and service;
- (22) Real estate operators (except developers) and lessors;
- (23) Agents, brokers and managers;
- (24) Title abstract companies;
- (25) Subdividers and developers;
- (26) Operative builders;

- (27) Combinations of real estate, insurance, loans, law offices;
 - (28) Holding companies;
 - (29) Investment companies;
 - (30) Trusts; 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, including:
- (1) Offices of physicians and surgeons;
 - (2) Offices of dentists and dental surgeons;
 - (3) Offices of osteopathic physicians;
 - (4) Offices of chiropractors;
 - (5) Medical and dental laboratories;
 - (6) Health and allied services;
 - (7) Legal services;
 - (8) Engineering and architectural services;
 - (9) Accounting, auditing and bookkeeping services; and
 - (10) Services (professional) not elsewhere classified.
- (d) Institutions. Institutions providing social, cultural, educational and health services to member agencies, organizations and individuals or to the general public, including:
- (1) Hospitals;
 - (2) Elementary and secondary schools;
 - (3) Colleges, universities, professional schools, junior colleges and normal schools;
 - (4) Libraries;
 - (5) Museums and art galleries; 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, including:
- (1) Business associations;
 - (2) Professional membership organizations;
 - (3) Labor unions and similar labor organizations;
 - (4) Civic, social and fraternal associations;
 - (5) Political organizations;
 - (6) Charitable organizations; and
 - (7) Nonprofit membership organizations not elsewhere classified.

(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.

(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.

- (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, including:
- (1) Eating and drinking places;
 - (2) Self-service laundries;
 - (3) Beauty shops;
 - (4) Barber shops;
 - (5) Shoe repair shops, shoe shine parlors and hat cleaning shops; and
 - (6) Pressing, alteration and garment repair shops.
- (c) Business and Professional Offices. Business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers, and professional offices engaged in providing tangible and intangible services to the general public, involving both persons and their possessions, including:
- (1) Commercial and stock savings banks;
 - (2) Credit agencies other than banks;
 - (3) Personal credit institutions;
 - (4) Insurance agents, brokers and service;
 - (5) Real estate agents, brokers and managers;

- (6) Combinations of real estate, insurance, loans and law offices;
- (7) Offices of physicians and surgeons;
- (8) Offices of dentists and dental surgeons;
- (9) Offices of osteopathic physicians;
- (10) Offices of chiropractors; and
- (11) Legal services.

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

§ 1256.02 CONDITIONAL USES.

The following uses shall be allowed in the Neighborhood Commercial District subject to approval in accordance with § [1232.02](#).

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

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

§ 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.

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

Chapter 1258 Minerva Park Legacy Planned District (MPLPD)

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§ 12XX.01 PURPOSE AND INTENT

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(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:

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- (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.

§ 12XX.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

§ 12XX.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 shown on building front, rear and side elevation drawings;

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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.

§ 12XX.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

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Deleted: Chapter 1258: Community Commercial District¶
§ 1258.01 PERMITTED USES.¶

The following uses shall be permitted in the Community Commercial District.¶

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:¶

General Merchandise.¶

Hardware stores;¶

Department stores;¶

Mail order houses;¶

Limited price variety stores; and¶

Miscellaneous general merchandise stores.¶

Food.¶

Grocery stores;¶

Meat and fish (seafood) markets;¶

Fruit stores and vegetable markets;¶

Candy, nut and confectionery stores;¶

Dairy products stores;¶

Retail bakeries; and¶

Miscellaneous food stores.¶

Automobile Sales.¶

Motor vehicle dealers (new and used cars);¶

Motor vehicle dealers (used cars only);¶

Tire, battery and accessory dealers; and¶

Miscellaneous aircraft, marine and automotive dealers.¶

Building Materials.¶

Lumber and other building materials dealers;¶

Heating and plumbing equipment dealers;¶

Electrical supply stores; and¶

Hardware and farm equipment.¶

Apparel.¶

Men's and boys' clothing and furnishings stores;¶

Women's accessory and specialty stores;¶

Women's ready-to-wear stores;¶

Children's and infants' wear stores;¶

Family clothing stores;¶

Shoe stores;¶

Custom tailors;¶

Furriers and fur shops; and¶

Miscellaneous apparel and accessory stores.¶

Home Furnishings.¶

Furniture, home furnishings and equipment stores;¶

Household appliance stores; and¶

Radio, television and music stores.¶

Food and Lodging. Commercial establishments, and institutions engaged in furnishing lodging and meals on a fee basis, including:¶

Eating and drinking places;¶

Motels; and¶

Rooming and boarding houses.¶

Miscellaneous Retail.¶

Drug stores and proprietary stores;¶

Liquor stores;¶

Antique stores and secondhand stores;¶

Book and stationery stores;¶

Sporting goods stores and bicycle shops;¶

Jewelry stores;¶

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.

Deleted: Chapter 1260: Central Community Commercial District.¶

§ 1260.01 PERMITTED USES.¶

The following uses shall be permitted in the Central Community District.¶

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:¶

General Merchandise.¶

Hardware stores;¶

Department stores;¶

Mail order houses;¶

Limited price variety stores; and¶

Miscellaneous general merchandise stores.¶

Food.¶

Grocery stores;¶

Meat and fish (seafood) markets;¶

Fruit stores and vegetable markets;¶

Candy, nut and confectionery stores;¶

Dairy products stores;¶

Retail bakeries; and¶

Miscellaneous food stores.¶

Building Materials.¶

Lumber and other building materials dealers;¶

Heating and plumbing equipment dealers;¶

Electrical supply stores; and¶

Hardware and farm equipment.¶

Apparel.¶

Men's and boys' clothing and furnishings stores;¶

Women's accessory and specialty stores;¶

Women's ready-to-wear stores;¶

Children's and infants' wear stores;¶

Family clothing stores;¶

Shoe stores;¶

Custom tailors;¶

Furriers and fur shops; and¶

Miscellaneous apparel and accessories stores.¶

Home Furnishings.¶

Furniture, home furnishings and equipment stores;¶

Household appliance stores; and¶

Radio, television and music stores.¶

Eating and Drinking. Eating and drinking places, i.e., commercial establishments and institutions engaged in furnishing meals on a fee basis.¶

Miscellaneous Retail.¶

Drug stores and proprietary stores;¶

Liquor stores;¶

Antique stores and secondhand stores;¶

Book and stationery stores;¶

Sporting goods stores and bicycle shops;¶

Jewelry stores;¶

Florists;¶

Cigar stores and stands;¶

News dealers and newsstands;¶

Camera and photographic supply stores;¶

Gift, novelty and souvenir shops;¶

Optical goods stores; and¶

Miscellaneous retail stores not elsewhere classified.¶

Administrative, Business and Professional Offices.

Administrative offices primarily engaged in general

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)

Commented [SJ6]: NOTE: In the final version, this Chapter on General Development Standards will be moved to right before Chapter 1240 so that it goes 1) Zoning Districts, 2) General Development Standards, 3) Individual Zoning Districts.

Deleted: Chapter 1268: General Industrial District § 1268.01 PERMITTED USES.

The following uses shall be permitted in the General Industrial District.¶
 Restricted Industrial District Uses. Any permitted use of a Restricted Industrial District.¶
 Limited Industrial District Uses. Any permitted use of a Limited Industrial District.¶
 Manufacturing.¶
 Chocolate and cocoa products;¶
 Chewing gum;¶
 Sawmills and planing mills;¶
 Millwork, veneer, plywood and prefabricated structural wood products;¶
 Wooden containers;¶
 Miscellaneous wood products;¶
 Industrial leather belting and packing;¶
 Flat glass;¶
 Glass and glassware, pressed or blown;¶
 Structural clay products;¶
 Pottery and related products;¶
 Ready-mixed concrete;¶
 Cut stone and stone products;¶
 Iron and steel foundries;¶
 Miscellaneous primary metal industries;¶
 Metal cans;¶
 Cutlery, hand tools and general hardware;¶
 Heating apparatus (except electric) and plumbing fixtures;¶
 Fabricated structural metal products;¶
 Screw machine products, and bolts, nuts, screws, rivets and washers;¶
 Metal stampings;¶
 Coating, engraving and allied services;¶
 Miscellaneous fabricated wire products;¶
 Miscellaneous fabricated metal products;¶
 Engines and turbines;¶
 Farm machinery and equipment;¶
 Construction, mining and materials handling machinery and equipment;¶
 Metalworking machinery and equipment;¶
 Special industry machinery, except metalworking machinery;¶
 General industrial machinery and equipment;¶
 Office, computing and accounting machines;¶
 Service industry machines;¶
 Miscellaneous machinery, except electrical;¶
 Electric transmission and distribution;¶
 Electrical industrial apparatus;¶
 Household appliances;¶
 Electric lighting and wiring equipment;¶
 Radio and television receiving sets, except communication types;¶
 Communication equipment;¶
 Electronic components and accessories;¶
 Miscellaneous electrical machinery, equipment and supplies;¶
 Motor vehicles and motor vehicle equipment;¶

§ 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.[\[add language for required permits on driveway & aprons\(somewhere in the code, and reference to standards use\)\]](#)
 - (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.

Deleted: <#>Parking areas shall be permitted in required yards developed in Industrial Zoning Districts to within 15 feet of a Residential Zoning District or a Planned Residential Zoning District, as listed in § [1238.04](#).¶

(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 the right-of-way lines of intersecting streets with the third side being a line passing through a point on each right-of-way line that is a distance, from their point of intersection, equal to the sum of the width of both rights-of-way divided by four.
- (d) Maintenance of Visibility. Within the sight triangle, clear visibility shall be maintained between two and one-half feet and ten feet above the average centerline grade of intersecting streets, except trunks of all existing trees or light or sign supports. Such a support shall have a maximum dimension of six inches or less of its horizontal section. If there are two or more supports on a framework, they shall not have an opaqueness of more than 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.

Deleted: In no case shall the required setback be less than 30 feet

Commented [SJJ7]: NOTE: It is unclear what this section covers? A deletion may make sense. Is this at all applicable in a residential district? We may strike all of this.

Commented [SJJ8]: NOTE: Do they all meet 50 feet? Or do we strike the number and let it be handled by the specific commercial district?

Commented [SJJ9]: NOTE: Refer to Village Engineer for review and approval.

Commented [SJJ10]: NOTE: Village Engineer Review.

(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 pick-up 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".
- (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.

Deleted: <#>Home Occupations. Home occupations shall be those limited occupations which are hereafter defined and which may be carried on in residential neighborhoods.¶

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.¶

No person, other than members of the family residing on the premises, shall be engaged in a home occupation in any residential district.¶

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.¶

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

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

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

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.¶

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

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

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

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

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

(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) [MOVE TO HOME OCCUPATION]Penalty. Violation or failure to comply with any of the provisions of this section shall be considered a minor misdemeanor

Deleted: ~~<#>Definitions.~~ For the purposes of this section the following definitions shall have the following specified meanings:¶
“Major vehicle repair.” Any maintenance, repair or replacement not listed in the definition of “minor vehicle repair” in this division, including, but not limited to, the removal of engines, rebuilding of engines, repair of the internal components, repair or removal of differentials or axles, dismantling of vehicles, and body work.¶
“Minor vehicle repair.” Maintenance, repair or replacement of the alternator, generator, starter, water pump, battery, brakes or part thereof; minor tune-up (which consists of distributor cap, rotor and spark plug replacement); change of oil and filter, fan belt, or hoses; lamp replacement; repair of flat tires; lubrication; vehicle cleaning such as washing; waxing; detailing.¶
Motor Vehicle Service and Repair. No person shall perform or conduct any motor vehicle service, work, grade, 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.¶

Deleted: ~~<#>~~The performance of major vehicle repair and/or minor motor vehicle repair of the motor vehicle registered to the resident of such lot thereon and shall not constitute a violation of this section providing:¶
Such major motor vehicle repair must be performed in a fully enclosed structure;¶
Such minor motor vehicle repair may be performed outside a fully enclosed structure provided that the total continuous elapsed time between the beginning and the end of the repair does not exceed 24 hours;¶
Such work shall be conducted on no more than one vehicle at any one time and no more than two vehicles within a 14-day period;¶
Such work shall be done only between the hours of 8:00 a.m. and 8:00 p.m.;¶
Such work shall not be done in a public right-of-way;¶
Storage of parts, equipment, or other supplies needed for the repair of the vehicle on the premises must be kept within an enclosed structure or in an area which is screened from public view;¶
Upon completion of any work allowed by this section, the property shall be cleaned of all debris, grease, gasoline, cloths, rags, equipment or material used in the work, and shall be left in such a condition that no hazard to persons or property shall remain; and¶
No such work which creates a nuisance as defined in § 1272.07 shall be permitted.

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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. ~~IDRONE CODE~~! (to introduce after final approval of these changes)

- (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

Commented [SJ11]: I recommend striking the entire Heliport Code and revisiting a Drone Code after we get done with this process. It's lengthy and we need to double check state and federal laws.

Deleted: § 1272.06 INDIVIDUAL SEWAGE TREATMENT AND WATER SUPPLY; LOT SIZE; APPROVAL OF BOARD OF HEALTH.¶

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

Required Lot Size. The size of the lot or area provided for each dwelling unit shall be a size or larger than as approved by the Board of Health, but shall be not less than the minimum lot size for the zoning district in which it is located.¶
(Ord. 5-89, passed 5-8-1989)¶

Deleted: § 1272.07 PUBLIC NUISANCE REGULATIONS.¶

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

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

Noise. Noise or vibration shall be so controlled that, at the property line on which such noise or vibration is produced, it will not be at a level above that normally perceptible from other developments in the area or from the usual street traffic observed at the street right-of-way line of the lot, except an occasional blast or shock required in normal operation and produced in such a manner as not to create a hazard.¶

Smoke. Smoke shall be controlled in its emission so as to be less dark in shade than that designated as No. 2 on the Ringelmann Chart, published and used by the U.S. Bureau of Mines, except that an emission above a suc...

**Deleted: Chapter 1274: Special Permits¶
§ 1274.01 PURPOSES.¶**

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

(Ord. 5-89, passed 5-8-1989)¶

§ 1274.02 SPECIAL PERMIT REQUIRED.¶

Within the village, no building, structure or premises shall be used, and no building or structure shall be erected which is arranged, intended or designed to be used, for any use specified in this chapter, unless a ...

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.

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(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.~~ [ENGINEERING REVIEW](#)

- (a) Intent. The following provisions pertaining to the use and development of lands subject to periodic flooding are provided to encourage the use and development of such lands in a manner so as to reduce the perils of flooding and to promote the public health, safety and general welfare.
- (b) Zones. The floodplain shall be divided into two zones as follows:
- (1) Restricted Zone. The floodway necessary to preserve the natural capacity of a channel for flood water; and
- (2) Limited Zone. The low-lying area on each side of the restricted zone where flooding is of sufficient frequency to require proofing of structures against flood loss.
- (c) Zone Boundaries. Zone boundaries shall be determined by the Village Engineer and based upon publications of the Ohio Department of Natural Resources pertaining to floods and other appropriate information.
- (d) Change of Zone Boundaries. Zone boundaries shall only be decreased subject to the provision of flood control or protection works and a finding by the Village Engineer that such control or protection is adequate to prevent flooding of the land being removed from regulation under this section.
- (e) Development Standards. In addition to the provisions of the established zoning district, the following standards for the arrangement and development of land and buildings are required under this section.
- (1) Restricted Zone. Within the restricted zone, the use and development of land shall be conducted in such a manner as not to fill the specified channel or otherwise restrict the flow of flood waters and shall be subject to the approval of the Village Engineer.
- (2) Limited Zone. Within the limited zone, the use shall be so developed as to proof the use or structure against flood damage, by elevating it above the prescribed level or by other appropriate means, and shall be subject to the approval of the Village Engineer.

Commented [SJ12]: Ask Mike if we need this section at all? Or does EPA, federal, state law overrule us?

Deleted: Chapter 1276: Special Districts¶

§ 1276.01 ESTABLISHMENT; DISTRICT REGULATIONS.¶

Establishment. Districts providing for the use or development of land for certain purposes or under certain conditions, as hereinafter specified, are hereby established.¶
District Regulations. Regulations pertaining to the use or development of land in Special Districts shall be as provided for in this chapter.¶

(Ord. 5-89, passed 5-8-1989)¶

§ 1276.02 DEVELOPMENT STANDARDS; SPECIAL USES.¶

Development Standards. The provisions of [Chapter 1272](#) shall pertain to Special Districts. Because of the unique nature and requirements of the uses in Special Districts, and because their locations cannot be readily predetermined, appropriate development standards cannot be set forth, but development standards, requirements and other provisions of this Zoning Code, as they may be appropriate, shall be used.¶
Procedure. The following procedure shall be followed when placing land in a Special District.¶

Development Plan. Three copies of a development plan shall be submitted to the Clerk of the Planning and Zoning Commission with the application for amendment of the Zoning District Map. Such plan shall include, in text or map form:¶

The proposed location and size of areas of use, indicating the size, location and type of structure;¶

The proposed location, size and use of all open areas landscaped and other open spaces, with suggested ownership of such areas;¶

The proposed provision of water, sanitary sewer and surface drainage facilities, including engineering feasibility or other evidence of reasonableness;¶

The proposed circulation pattern, including streets, both public and private, parking areas, walks and other accessways, including their relation to topography and existing streets, and other evidence of reasonableness;¶

The proposed schedule of site development and construction of buildings and associated facilities, including sketches or other documentation indicating design principles or concepts for site development, buildings, landscapes or other features. Such schedule shall include the use or redevelopment of existing features, such as structures, streets, easements, utility lines and land uses;¶

The relationship of the proposed development to the existing and future land use in the surrounding area, the street system, community facilities and services and other public improvements; and¶

Evidence that the applicant has sufficient control over the land to effectuate the proposed development plan within three years. Such control includes property rights, economic resources and engineering feasibility, as may be necessary.¶
Basis of Approval. The basis of approval for a Special District shall be:¶

The proposed development is consistent in all respects with the purpose, intent and applicable standards of this Zoning Code.¶

(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,

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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;

Deleted: if it finds hardship or inconsistency

- (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) [\[Additional Language for any neighborly notification requirements\]](#)

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

§ 1278.08 STREET TREE PLANTING REQUIREMENTS; VIOLATIONS. [\[To Discuss with Council\]](#)

- (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.

Deleted: <#>The trees should be of one and the same genus and species planted continuously down each street, as determined by the Planning and Zoning Commission.¶

- (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, 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

Deleted: to be limited to 30 days in any one year and to be displayed for not more than 30 consecutive days

Deleted: <#>Political signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election, provided that they are displayed no more than 30 days prior to an election and removed no later than seven days after such election. Such signs shall not exceed six square feet in size, shall not be illuminated in any manner, shall not create a safety or visibility hazard, shall not be affixed to any public utility pole, tree or natural object, and shall not be located within a public right-of-way;¶

Deleted: <#>Signs for the promotion of school, community service or church activities for a maximum period of 15 days per activity. No one sponsor shall display a promotional sign for more than 30 days in any one year;¶

Deleted: Limited

Deleted: up to a maximum of four square fee

Deleted: Erected for a period not to exceed 30 days each...

- (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, except in CCC and CB Districts as follows.

(1) Projecting signs shall be limited in number to one per business or use for each public right-of-way that the business or use faces.

(2) Projecting signs shall not exceed six square feet in area, project more than three feet from the building face or hang lower than eight feet above the level of the pedestrian walkway.

(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.

(b) 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;

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- (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>
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 X (72?) hours.

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Deleted: Commercial vehicles. No commercial vehicle or other vehicle which infringes on the residential character of a residential district shall be stored or parked on a residentially zoned lot. However, infrequent short-term parking of a commercial or commercial-type vehicle, for conveying tools and materials to premises where labor using such tools and materials is being performed, for delivering goods to a residence or for moving furniture to or from a residence, during the time such parking is actually necessary, is hereby permitted.

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Deleted: The off-street parking of a recreational vehicle, boat, boat trailer, camper, coach, motor home, tent trailer, travel trailer, or utility trailer is permitted subject to the following conditions.

(1) ~~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.~~

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(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 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.
- (f) A permit shall be required for the construction or changes to a driveway and/or driveway apron.

(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,

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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	1 per 150 sq. ft. of gross floor area, plus 1 per 200 sq. ft. of storage area

otherwise specifically provided for herein	
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 pubic 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.

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- (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) LANGUAGE TO REQUIRE SURVEY/PIN REPLACEMENT/LINE MARKING (talk to Engineering)
- (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.
- (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.

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(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.

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

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

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

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H. 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.

Deleted: Home occupation parking on noncurbed streets is prohibited.

(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.

Deleted: No truck other than one van-type truck shall be used in connection with a home occupation, unless approved by Council after a public notice and public hearing.

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(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.

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§ 1289.01 SWIMMING POOLS

Commented [SJJ19]: I don't think we do because we basically say if its greater than 24 inches they need a permit.

A building permit is required for the installation, repair, maintenance, or location of any swimming or wading pool that is capable of a water depth of more than 24 inches.

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 fortyeight (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

0128887.0754339 4879-1599-5416v3

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Part 14: Building and Housing Code

Title Two: Building Standards

Chapter 1420: Ohio Basic Building Code

§ 1420.01 CODES ADOPTED.

There is hereby adopted, for the purpose of establishing rules and regulations for the location, design, materials, construction, repair, equipment, use, occupancy, maintenance, removal and demolition of all structures, except insofar as such matters are otherwise specifically provided for in any other applicable law or ordinance those certain codes known as the Ohio Building Code (OBC) and related codes as adopted by the Ohio Board of Building Standards, Ohio Department of Commerce as published in Division 4101:1 et seq. of the Ohio Administrative Code (OAC), as the same may be amended from time to time.

§ 1420.02 COMPLIANCE; VIOLATIONS.

- (a) No owner or any other person shall construct, erect, build or equip any building or structure to which the OBC is applicable, or make any addition thereto or alteration thereof, except in the case of repairs or maintenance that does not affect the construction, sanitation, safety or any other vital feature of such building or structure, without complying with this chapter, R.C. Chs. 3781 and 3791 or the OBBC, or fail to comply with any lawful order issued pursuant thereto.

(R.C. §§ 3791.01, 3791.02)

- (b) No architect, builder, engineer, plumber, carpenter, mason, contractor, subcontractor, foreman or employee shall violate or assist in violating any of the provisions of this chapter, R.C. Chs. 3781 and 3791 or the OBBC, or fail to comply with any lawful order issued pursuant thereto.

(R.C. §§ 3791.01, 3791.03)

- (c) No owner or any other person shall proceed with the construction, erection, alteration or equipment of any building or structure to which the OBBC is applicable without complying with this chapter and the plan and specification submission and processing requirements of the village and/or the OBBC and until plans or drawings, specifications and data have been approved or the industrialized unit has been inspected at the point of origin.

(R.C. § 3791.04)

§ 1420.99 PENALTY; EQUITABLE REMEDIES.

- (a) Whoever violates or fails to comply with any of the provisions of this chapter, including any provision of the OBBC adopted in § [1420.01](#), is guilty of a misdemeanor of the third degree for each offense. Unless otherwise provided, a separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

Deleted: § 1420.03 FILE AND DISTRIBUTION COPIES.¶

At least one copy of the OBBC, as adopted in § [1420.01](#), is on file with the Fiscal Officer for inspection by the public. At least one copy of such Code is also on file in the County Law Library. In addition, the Fiscal Officer shall keep copies of such Code available for distribution to the public, at cost.¶

- (b) The application of the penalty provided in division (a) hereof shall not be deemed to prevent the enforced removal of prohibited conditions, or the application of any other equitable remedy.

Chapter 1422: OBOA One-, Two- and Three-Family Dwelling Code

§ 1422.01 CODE ADOPTED.

To regulate the erection, construction, repair, alteration and maintenance of residential dwellings, the “Residential Code of Ohio for One-, Two-, and Three-Family Dwellings” as adopted by the Ohio Board of Building Standards pursuant to R.C. § 3781.10 shall apply and be enforced within the village. It is adopted by reference and made a part of the Building Code of the village as if fully set forth herein.

(Ord. 01-2011, passed 3-14-2011)

§ 1422.02 APPEAL.

Any party aggrieved by an order, decision, or determination of the Building Official may appeal that decision to the Ohio Board of Building Appeals. (Ord. 01-2011, passed 3-14-2011)

§ 1422.03 CONFLICT OF LAWS.

Whenever any provision of the Building Code conflicts with or is inconsistent with the provisions of model codes adopted by reference herein, the more restrictive provision shall apply.

(Ord. 01-2011, passed 3-14-2011)

§ 1422.99 PENALTY.

Any person or entity that violates or fails to comply with any provision of this chapter for which no other penalty has been provided, or fails to comply with an order or regulation made hereunder, or builds in violation of a building permit or certificate issued hereunder, shall be guilty of a misdemeanor of the fourth degree for each and every violation and noncompliance. A separate offense shall be deemed committed each day during or on which an offense occurs or continues. The imposition of a penalty shall not excuse the violation or permit it to continue, and the application of such penalty shall not be held to prevent the enforced removal or prohibited conditions.

(Ord. 01-2011, passed 3-14-2011)

Title 4: Building Administration

Chapter 1440: Administration Generally [Need to update language to refer back to the ORC and then to our Building Department of Record]

§

§ 1442.06 DEVELOPMENTS IN FLOOD-PRONE AREAS.

Deleted: Any person or entity aggrieved by an order, decision or determination of the Building Official relative to the application of the “Residential Code of Ohio for One-, Two-, and Three-Family Dwellings” may appeal to the village’s Planning and Zoning Commission.

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Deleted: 1440.01 DUTIES OF BUILDING INSPECTOR AND PLANNING AND ZONING CLERK.¶

The Building Inspector shall be charged with the survey and inspection of buildings and structures and with the enforcement of all parts of this Building and Housing Code.¶

The Building Inspector shall enforce all other laws and ordinances relating to buildings and structures in the village.¶

The Planning and Zoning Clerk shall keep a proper record showing the location, value and character of every building, structure or other work for which a certificate or permit is issued and a copy of every report of inspection of a building, structure or work, with the name of the inspector making the inspection and the date thereof. ¶

§ 1440.02 AUTHORITY OF INSPECTORS; RIGHT OF ENTRY.¶

The Building Inspector and his or her deputies are hereby given the authority to make such tests as may be necessary to determine the condition of any building or structure which it becomes their duty, under the provisions of this Building and Housing Code, to inspect.¶

The Building Inspector and his or her deputies shall have the power to enter any building or structure within the village for the purpose of inspecting the same and for the purpose of enforcing the provisions of this chapter. No person shall hinder or prevent the Inspector or his or her deputies from entering any building or structure for such purposes.¶

(Ord. 46, passed 10-11-1956)¶

§ 1440.03 NOTIFICATION OF READINESS FOR INSPECTION.¶

The owner, superintendent or contractor in charge of any building being erected or altered shall notify the Building Inspector when an excavation is made and the foundation or footing materials are on the premises, giving the location of the work and the number of the permit. No person shall build any wall or place any floor beams on said foundation until the excavation and foundation or footings are approved by the Inspector. Whenever any building has reached the point in construction where the same is ready for lath and plaster or drywall, including the complete installation of all water, steam, gas and furnace stacks and all electric wires and appliances, the owner, superintendent or contractor in charge of erecting or altering such building shall notify the Inspector that the building is ready for a lath inspection.¶

(Ord. 46, passed 10-11-1956)¶

§ 1440.04 DISCLAIMER OF LIABILITY.¶

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- (a) Permits Required. The Village does not have its own permitting process for developments in flood-prone areas. However, all residents and developers are required to obtain all necessary federal, state, and county permits for such development.

Deleted: Permits shall be required for all proposed construction or other development in the village, including the placement of mobile homes, so that it may be determined whether such construction or development is proposed within a flood-prone area.

Chapter 1446: Residential and Commercial Building Department

Deleted: § 1442.07 FEE FOR FENCES AND MINOR WORK

§ 1446.01 ESTABLISHED.

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The Village's Residential Building Department of Record is hereby established as INSERT OFFICIAL BODY.

Deleted: <#>(1) Permits for minor internal or external remodeling and minor repairs that require a permit but do not require an inspection by the Building Inspector, shall be set forth in the Fee Schedule of the Village of Minerva Park as adopted by Village Council.¶

The Village's Commercial Building Department of Record is hereby established as INSERT OFFICIAL BODY.

(2) The fee for fences for a fence permit shall be set forth on the Fee Schedule of the Village of Minerva Park as adopted by Council. Fee(s) due hereunder shall be paid in advance in accordance with the fees set forth in the Village of Minerva Park Fee Schedule as revised and adopted from time to time.¶

(Ord. 12-2007, passed 6-11-2007)

All proposed fences or fence modifications require a permit and approval by the Planning and Zoning Commission or, in its stead, variance approval by Village Council in accordance with commonly accepted processes, as applicable.¶

§ 1446.02 AUTHORITY.

The Village's Residential Building Department shall have full authority to enforce all laws, statutes, and regulations as provided and authorized in the Ohio Revised Code and the Ohio Administrative Code pursuant to the certification approved by and certification rule adopted by the Ohio Board of Building Standards.

The Village Mayor, Fiscal Officer and Law Director are authorized to take further actions consistent with this section that are needed to carry out the intentions establishing and adopting a fee schedule for the Village of Minerva Park.¶

(Ord. 12-2007, passed 6-11-2007)

(Ord. 02-2010, passed 7-12-2010)¶

[Move relevant standards to 1272] Chapter 1477: Uses of Rights-of-Way

§ 1442.08 FEE FOR NEW CONSTRUCTION AND MAJOR REMODELING.¶

Fee for New Construction. The fee for a permit to construct a new structure, such as a single-family or multi-family dwelling, or commercial building is \$1,500(...

§ 1477.01 PURPOSE; SCOPE.

Deleted: § 1442.99 PENALTY.¶

- (a) The purpose of this chapter is to provide requirements for the use or occupation of any and all rights-of-way in the village, the issuance of permits to persons for such use or occupancy, and to set forth the policies of the village relating thereto.

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 (...

- (b) This chapter does not take the place of any franchise, license or permit which may be additionally required by law. Each permittee shall obtain any and all such additional franchises, licenses or permits necessary to the operation and conduct of its business.

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- (c) No person shall use, occupy, own or operate facilities in, under or over any rights-of-way within the village unless such person first obtains a franchise and/or permit conforming to the requirements set forth therein and in this chapter.

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Commented [SJJ8]: Did we move what was necessary to 1272?

- (d) The policy of the village with regard to rights-of-way is hereby declared to be:

Deleted: Title 6: Miscellaneous Building Regulations¶
Chapter 1460: Abandoned Automobile Service and Filling Stations¶ (...

Deleted: Chapter 1464: Fences and Walls

- (1) To promote public safety and protect public property;

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§ 1464.01 LOCATION AND HEIGHT.¶
Fence Construction and Location.¶ (...

- (2) To promote the utilization of rights-of-way for the public health, safety and welfare and to promote economic development in the village;

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§ 1466.01 GRADES.¶

No grade shall be higher or lower than the natural drainage grade and all grades must conform to the grade of one's (...

- (3) To promote the availability of a wide range of utility, communication and other services, including the rapid deployment of new technologies and innovative services, to the village's citizens and taxpayers at reasonable rates;
- (4) To promote cooperation among the village and the franchisees and permittees in the occupation of rights-of-way, and work therein, in order to minimize public inconvenience during work in the rights-of-way and avoid uneconomic, unneeded and unsightly duplication of facilities;
- (5) To ensure adequate public compensation for the regulation of the private use of the rights- of-way and regulation thereof; and
- (6) To promote and require reasonable accommodation of all uses of the rights-of-way and to establish the following priority of use of the rights-of-way, when all requested usage of the rights-of-way by permittees cannot be accommodated:
 - A. Use by the village shall have first priority;
 - B. Use by another governmental entity with the village's concurrence or other uses required by law, and utility permittees and franchisees shall have second priority;
 - C. Telecommunications permittees and franchisees shall have third priority;
 - D. Special permittees shall have fourth priority; and
 - E. Residential permittees shall have the fifth priority;
- (7) Provided, however, that the Mayor may reasonably require right-of-way permittees and franchisees to cooperate to accommodate use by other permittees and franchisees, and provided, further, that the Mayor may alter these priorities when the Mayor reasonably determines a deviation therefrom to be in the public interest.
- (e) Nothing in this chapter should be construed to apply the provisions of this chapter to facilities owned or operated by the village or any of its operations.
- (f) Unless otherwise specifically stated in a permit, all permits granted hereunder shall be non-exclusive.
- (g) This chapter shall have no effect on any existing permit until the expiration of same.

(Ord. 6-97, passed 7-14-1997)

§ 1477.02 DEFINITIONS.

For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words

in the singular number include the plural number. All capitalized terms used in the definition of any other term shall have their meaning as otherwise defined in this chapter. The words “shall” and “will” are mandatory and “may” is permissive. Words not defined shall be given their common and ordinary meaning.

- (a) “Applicant.” Any person applying for a permit hereunder.
- (b) “Approved.” Approval by the village pursuant to this chapter or any regulations adopted hereunder.
- (c) “Best efforts.” The best reasonable efforts under the circumstances, taking into consideration, among other appropriate matters, safety, expedition, available technology and human resources and cost.
- (d) “Cable television service.” The one-way transmission to subscribers of video programming or any other programming service, and subscriber interaction, if any, which is required for the selection or use of such video programming or any other programming service.
- (e) “Council.” The Council of the Village of Minerva Park.
- (f) “Emergency.” A reasonably unforeseen occurrence with the potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action.
- (g) “Force majeure.” A strike, acts of God, acts of public enemies, orders of any kind of the government of the United States of America or the State of Ohio or any of its departments, agencies or political subdivisions, riots, epidemics, landslides, lightning, earthquakes, fires, tornadoes, storms, floods, civil disturbances, explosions, partial or entire failure of utilities or any other cause or event not reasonably within the control of the disabled party, but only to the extent that the disabled party notifies the other party as soon as practicable regarding such “force majeure”, and then for only so long as and to the extent that the “force majeure” prevents compliance or causes non compliance with the provisions hereof.
- (h) “Mayor.” [The Mayor of Minerva Park or his or her Designee.](#)
- (i) “Permit.” The non-exclusive grant of authority to use or occupy all or a portion of the village’s rights-of-way granted pursuant to this chapter.
- (j) “Permittee.” Any person issued a permit pursuant to this chapter to use or occupy all or a portion of the rights-of-way in accordance with the provisions of this chapter and said permit.
- (k) “Person.” Any natural person or any association, firm, partnership, joint venture, corporation or other legally recognized entity, whether for profit or not-for-profit.
- (l) “Regulation.” Any rule adopted by and pursuant to the authority of this chapter.

Deleted: The Director of Public Services (or the equivalent)

- (m) “Residential related purposes.” Residential use of a right-of-way for mailboxes, decorative purposes, curb cuts, driveways, irrigation systems and other uses permitted in the right-of-way by ordinance.
- (n) “Right-of-way” or “rights-of-way.” The surface of and the space above and below any public street, public road, public highway, public freeway, public lane, public path, public way, public alley, public court, public sidewalk, public boulevard, public parkway, public drive or any public easement or right-of-way now or hereafter held by the village which shall, within its proper use, entitle a permittee, in accordance with the terms hereof and any permit, to the use thereof for the purpose of installing or operating any facilities as may be ordinarily necessary and pertinent to the provision of utility, cable television, communications or other services as set forth in any permit. “Right-of-way” shall also include publicly owned property, but only to the extent that the use or occupation thereof is specifically granted in a permit or by regulation.
- (o) “Right-of-way work permit.” A permit granted by the Director, authorizing actual physical work by a permittee in the right-of-way.
- (p) “Telecommunications.” The transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.

(Ord. 6-97, passed 7-14-1997)

§ 1477.03 TYPES OF PERMITS AND FRANCHISES.

- (a) The following types of permits and franchises are available for the use of rights-of-way.
 - (1) Cable Television Franchise. A cable television franchise shall be granted to providers of cable television service. The specific terms and conditions of a cable television franchise shall be contained within such franchise. This chapter shall be applicable to such franchises to the extent specified within the franchise.
 - (2) Telecommunications or Utility Permit. A telecommunications or utility permit shall be granted to persons who desire and are granted authority to utilize rights-of-way to provide a public utility and/or telecommunications service, other than cable television service.
 - (3) Special Permit. A special permit shall be granted to persons for a specific, limited use of the rights-of-way or a specific portion thereof.
 - (4) Residential Permit. A residential permit shall be granted to an adjacent or proximate residential landowner to occupy or use a portion of the right-of-way for residential-related purposes.
- (b) All permits shall specify the use or uses for which such permits are granted and shall contain such other nondiscriminatory terms and conditions as are appropriate and as are set

forth in this chapter or conditions negotiated and agreed to by the village and the permittee to provide for the public safety or welfare.

(Ord. 6-97, passed 7-14-1997)

§ 1477.04 PERMIT APPLICATION.

- (a) Applications for cable television franchises shall be processed and granted or denied pursuant to [Chapter 808](#) of the Business Regulation and Taxation Code; provided, however, that a cable franchise shall only entitle the franchisee to utilize the rights-of-way for purposes directly relating to the provision of the cable television service. Any other right-of-way use by such franchisee shall require a separate permit, unless specifically contained in an existing franchise agreement.
- (b) Applicants for telecommunications or utility permits shall file an application therefor, in such form as the village may require, along with an application fee as established from time to time by Council. The Mayor shall determine if the application is in order and, if so, forward the application to Council to determine whether, in accordance with the criteria set forth in § [1477.05](#), the applicant should be granted a permit hereunder. Within 120 days after receiving a complete application, Council shall make a final determination as to whether or not such permit should be granted and, if so, upon what terms and conditions.
- (c) Applicants for special permits shall file an application therefor, in such form as the village requires, along with an application fee as established from time to time by Council. The Director shall determine if the application is in order and if the Mayor also finds, in accordance with the criteria set forth in § [1477.05](#), that the application should be granted, the Mayor shall grant such a permit.
- (d) Applicants for residential permits shall file an application therefor, in such form as the village requires, along with an application fee as established from time to time by Council. The Mayor shall determine if the application is in order and, if so, shall grant the application so long as the Mayor also finds, in accordance with the criteria set forth in § [1477.05](#), that the application should be granted. Residential permits shall be valid until canceled by the Mayor upon 60 days' written notice to the permittee; provided, however, that upon a finding by the Mayor that an emergency exists, the Mayor may cancel such permit upon such lesser notice as is necessary under the circumstances.
- (e) Any applicant may appeal the failure of the Mayor to grant a permit or to recommend it to be granted upon terms and conditions acceptable to the applicant. In order to perfect such appeal, the applicant shall file, within ten days of the Mayor's determination or recommendation, or within 90 days of the filing of the application if the Mayor has taken no action, no appeal to Council. Council shall then review the matter after affording the applicant an opportunity to be heard, either in person or in writing. Except to the extent otherwise appealable by law, Council's decision shall be final.
- (f) A permittee that desires to renew its permit under this chapter shall, not more than 180 days nor less than 90 days before expiration of the current permit, file an application with the village for renewal of its permit, which shall include the information required in the

original application. Within 90 days after receiving a complete application under this section, the village shall issue a written determination granting or denying the renewal application, in whole or in part, applying the criteria set forth in § [1477.05](#). If the renewal application is denied, the written determination shall include the reasons for non-renewal. No permit shall be renewed until any ongoing violations or defaults in the permittee's performance of the permit, or of the requirements of this chapter, have been cured, or a plan detailing the corrective action to be taken by the permittee has been approved by the village.

(Ord. 6-97, passed 7-14-1997)

§ 1477.05 CRITERIA FOR GRANTING PERMITS.

- (a) Cable television franchises shall be granted pursuant to [Chapter 808](#) of the Business Regulation and Taxation Code.
- (b) Telecommunications, utility and special permits shall be granted, or renewed, to persons based upon a determination by the village that the following criteria are met:
 - (1) The granting or renewal of the permit will contribute to the public health, safety or welfare in the village;
 - (2) The granting or renewal of the permit will be consistent with the policy of the village as set forth in § [1477.01](#);
 - (3) The applicant has and will continue to have liability insurance which names the village as an additional insured, in effect in such amounts and for such liability as the village may require, or will be self-insured pursuant to the terms of this chapter;
 - (4) The applicant is a proper person to hold a permit and will fulfill all of its obligations hereunder;
 - (5) The applicant possesses sufficient financial and technical ability;
 - (6) The application complies with applicable federal, state and local telecommunications laws, rules and policies; and
 - (7) For permit renewals, that the rights-of-way possess a continuing capacity to accommodate the applicant's existing facilities; the applicant's compliance with the requirements of this chapter and the permit provisions; and such other factors as may demonstrate that the continued grant to use the rights-of-way will serve the community interest.
- (c) Residential permits shall be granted if not inconsistent with the public health, safety and welfare.

(Ord. 6-97, passed 7-14-1997)

§ 1477.06 TERMS OF PERMITS.

- (a) Telecommunications and utility permits shall be granted for a term not to exceed ten years.
- (b) The terms of special permits shall be determined by the Mayor, but shall in no event exceed ten years.
- (c) Residential permits shall be granted for an indefinite period, but shall be cancelable by the village upon 60 days' written notice.

(Ord. 6-97, passed 7-14-1997)

§ 1477.07 OBLIGATIONS OF PERMITTEES.

- (a) In addition to the other requirements set forth herein, each telecommunications and/or utility and special permittee shall:
 - (1) Use its best efforts to cooperate with other franchisees and permittees and the village for the best, most efficient, most aesthetic and least obtrusive use of the rights-of-way, consistent with public safety, and to minimize traffic and other disruptions, including street cuts;
 - (2) Participate in joint planning and advance notification of right-of-way work, except such work performed in emergencies or other exigent circumstances;
 - (3) Cooperate with other nonresidential permittees and franchisees in the utilization of, construction in, and occupancy of, private rights-of-way, but only to the extent that the same is not inconsistent with the grant thereof or state or federal law;
 - (4) Upon written notice by, and at the direction of, the Director, and at the permittees sole cost, promptly remove or rearrange facilities as necessary, e.g., during any construction, repair or modification of any street, sidewalk, village utility or other governmental use, or if additional or subsequent village or other public uses of the rights-of-way are inconsistent with then current uses of franchisees and permittees or for any other reasonable cause as determined by the Mayor;
 - (5) Provide maps or other information in such form (including digital form) and at such times as the village may reasonably require. Said maps and information shall locate, describe and identify all structures and facilities of such permittee, including pole attachments, above and in the rights-of-way;
 - (6) Perform all work, construction, maintenance or removal of structures and facilities within the rights-of-way in accordance with good engineering and construction practices, including any appropriate safety codes, and in accordance with the best efforts to repair and replace any street, curb or other portion of the right-of-way, or facilities or structures located therein, to a condition materially equivalent to this condition prior to such work, and to do so in a manner which minimizes

inconvenience to the public, the village and other franchisees and permittees, all in accordance with all applicable regulations;

- (7) Register with all appropriate underground reporting services;
- (8) Unless otherwise set forth in a permit, not enter into leases or other agreements for physical space, in or on the permittee's facilities located within the rights-of-way, without prior notice to the Mayor, to include a general description of the uses to be made of the rights-of-way;
- (9) Designate a single point of contact for all activities relating to the permit in the village; and
- (10) Ensure subcontractor compliance with all permit provisions.

(Ord. 6-97, passed 7-14-1997)

§ 1477.08 PERMIT FEES.

Permit fees shall be as established from time to time by Council.

(Ord. 6-97, passed 7-14-1997)

§ 1477.09 CONSTRUCTION AND TECHNICAL STANDARDS.

- (a) Upon the granting of a permit and in order to construct, operate and maintain a telecommunications system or utility in the village, the permittee may enter into contracts with any public utility company or any other owner or lessee of any poles or underground facilities located within or without the village; obtain right-of-way permits from appropriate village, state, county and federal officials necessary to cross or otherwise use highways or roads under their respective jurisdiction; obtain permission from the Federal Aviation Administration to erect and maintain antennas; and obtain whatever other permits a village, county, state or federal agency may require.
- (b) In those areas of the village where telephone and electric services are provided by underground facilities, all new facilities of a permittee shall be placed underground. In all other areas, the permittee, upon request by the village, shall use its best efforts to place facilities underground. However, the term "facilities", as used in the preceding sentence, shall not include equipment which is customarily placed on or above the ground in conjunction with underground transmission facilities (e.g., splice and terminal pedestals, equipment cabinets and transformers). Where not otherwise required to be placed underground by this chapter, the permittee's system shall be located underground at the request of the adjacent property owner, provided the placement of such system shall be consistent with the permittee's construction and operating standards, and provided, further, that the excess cost over the aerial location shall be borne by the property owner making the request. All cable to be installed under the roadway shall be installed in conduit. Under no circumstance shall a new pole be located in any area of the village, where it is not

replacing an existing pole, without written approval of the Director, which approval shall not be unreasonably withheld.

- (c) A permittee shall construct, install, operate and maintain its system in a manner consistent with all laws, ordinances, construction standards, governmental requirements and FCC technical standards, which standards are incorporated herein by reference.
- (d) The permittee shall comply with the village's normal permitting process prior to commencing any work in the rights-of-way, except for emergencies and as otherwise provided in this chapter. No work in the rights-of-way shall be commenced until such time as any and all required permits have been issued by the village. The village shall not unreasonably withhold the granting of any permit.
- (e) Any contractor proposed for performing the work of construction, installation, operation, maintenance and repair of system equipment must be properly licensed under the laws of the state and all local ordinances. The contractor's or permittee's system and associated equipment erected by the permittee within the village shall be so located as to cause minimal interference with the proper use of streets, alleys and other public ways and places, and to cause minimal interference with the rights and reasonable convenience of property owners who adjoin any of said streets, alleys or other public ways and places. No pole or other fixture placed in any public way by the permittee shall be placed in such a manner as to interfere with normal travel on such public way.
- (f) The village does not guarantee the accuracy of any maps showing the horizontal or vertical location of existing substructures. In the rights-of-way, where necessary, the location shall be verified by excavation.
- (g) Construction, installation, operation and maintenance of a utility or telecommunications system shall be performed in an orderly and workmanlike manner. When consistent with the safety codes and standards set forth in this chapter, all cables and wires shall be installed, where possible, parallel with electric and telephone lines. Multiple configurations shall be arranged in parallel and bundled with due respect for engineering considerations.
- (h) The permittee shall at all times comply with the applicable National Electrical Safety Code (National Bureau of Standards); the applicable National Electrical Code (National Fire Protection Association); applicable FCC or other federal, state and local regulations; and standards as set forth in the permit.
- (i) In any event, the system shall not endanger or interfere with the safety of persons or property in the permit area or other areas where the permittee may have equipment located.
- (j) All worker facilities, conditions and procedures that are used during construction, installation, operation and maintenance of the utility or telecommunications system shall comply with applicable standards of the Federal Occupational Safety and Health Administration.
- (k) The permittee shall provide either a performance record (or self bonding by the permittee having capitalization in excess of \$50,000,000 as determined by the Director), an

irrevocable letter of credit acceptable to the village, or a certified check in an amount determined by the Mayor, to pay the cost of restoration of the right-of-way should the permittee fail to perform restoration required by this chapter or the permit or to pay for the cost of removal or relocation of the system required by this chapter should the permittee fail to perform said removal or relocation.

- (l) All permittees shall obtain a right-of-way work permit from the Director prior to beginning the erection, installation or maintenance, including tree trimming, of any lines or equipment. Prior village approval shall not be required for emergency repairs, routine maintenance and repairs, operations which do not require excavation in the rights-of-way, blockage of any street or alley, or material disruption to any landscaping or structures and/or irrigation systems. The permittee and/or its subcontractors shall leave rights-of-way where such work is done in as good a condition or repair as they were before such work was commenced and to the reasonable satisfaction of the village. Such right-of-way work permit shall be issued in writing and is subject to conditions that may be attached by the Director, including, but not limited to, requirements concerning traffic control, safety, scheduling, notification to adjoining property owners, and restoration with seed, sod or specific plant materials as directed by the village. The permittee and/or its subcontractors shall endeavor to complete, in a timely manner, repairs to the rights- of-way. All workmanship and materials used by the permittee and/or its subcontractors to repair the streets and roadways shall be subject to the inspection and approval of the Director or his or her authorized agent and shall be warranted for a period of one year from the date of completion for any failure due to workmanship or quality of materials.
- (m) The permittee shall furnish the village “as built” drawings not later than 120 days after construction has been completed. Drawings shall show ownership of conduits, ducts, poles and cables used for the telecommunications or utility system. Drawings shall be drawn to a scale of one inch equals 100 feet using the standard format adopted by the village. The permittee shall provide one set of such diskettes and one set of blue or black line “as built” drawings to the Mayor, and one set of drawings and diskettes to the Village Engineer. State plane coordinates shall be shown for benchmarks, curb lines and structures. Drawings shall show horizontal dimensions from the curb line and elevations.

(Ord. 6-97, passed 7-14-1997)

§ 1477.10 USE OF FACILITIES BY VILLAGE.

- (a) The village shall have the option to request the right to install and maintain, free of charge, upon any poles and within any underground pipes and conduits or like facilities of any telecommunication and utility or special permittee, communications facilities (“village facilities”) solely for governmental use desired by the village unless:
 - (1) Such installation and maintenance unreasonably and materially interferes with existing and future operations of the permittees; or
 - (2) Such installation and maintenance would be unduly burdensome to such permittee. Each permittee shall cooperate with the village in the planning and design of its

facilities so as to accommodate the village's reasonably disclosed governmental requirements. Neither the village facilities nor the capacity or bandwidth thereon shall be leased, licensed or otherwise made available to third parties. The village's use and occupancy of a permittee's conduit shall be limited to the right to occupy a single inner duct in any given conduit and a single attachment to any given pole.

- (b) The village's right to use and occupy a permittee's poles or conduit shall be subject to any and all reasonable terms and conditions the permittee requires of other third party users of its poles and conduit. The village shall pay the permittee the reasonable cost to make the poles or conduit ready for the village's use and occupancy. Nothing herein shall be construed to require a permittee to construct poles or conduits where none exist or to rearrange, modify or alter its facilities on a pole or conduit in order to provide space for village facilities where space is not otherwise available.

(Ord. 6-97, passed 7-14-1997)

§ 1477.11 INDEMNIFICATION AND INSURANCE.

- (a) To the fullest extent permitted by law, all permittees shall, at their sole cost and expense, fully indemnify, defend and hold harmless the village, its officers, public officials, boards, commissions, agents and employees, from and against any and all lawsuits, claims (including, without limitation, worker's compensation claims against the village or others), causes of actions, actions, liability and judgments for injury or damage (including, but not limited to, expenses for reasonable legal fees and disbursements assumed by the village in connection therewith):
 - (1) To persons or property, in any way arising out of or through the acts or omissions of the permittee, its subcontractors, agents or employees, attributable to the occupation by the permittee of the right-of-way, to which the permittee's negligence shall in any way contribute, and regardless of whether the village's negligence or the negligence of any other party shall have contributed to such claim, cause of action, judgment, injury or damage;
 - (2) Arising out of any claim for invasion of the right of privacy, for defamation of any person, firm or corporation, or for the violation or infringement of any copyright, trademark, trade name, service mark or patent or any other right of any person, firm or corporation by the permittee, but excluding claims arising out of or relating to village programming; and
 - (3) Arising out of the permittee's failure to comply with the provisions of any federal, state or local statute, ordinances or regulations applicable to the permittee in its business hereunder.
- (b) The foregoing indemnification is conditioned upon the village:
 - (1) Giving the permittee prompt notice of any claim or the commencement of any action, suit or proceeding for which indemnification is sought;

- (2) Affording the permittee the opportunity to participate in and fully control any compromise, settlement or other resolution or disposition of any claim or proceeding subject to indemnification; and
 - (3) Fully cooperating in the defense of such claim and making available to the permittee all pertinent information under the village's control.
- (c) The village shall have the right to employ separate counsel in any such action or proceeding and to participate in the investigation and defense thereof, and the permittee shall pay the reasonable fees and expense of such separate counsel, if employed with the approval and consent of the permittee, or if representation of both the permittee and the village by the same attorney would be inconsistent with accepted canons of professional ethics.
- (d) Each permittee shall maintain insurance coverage (or self-insurance coverage by a permittee having capitalization in excess of \$50,000,000, as determined by the Mayor) in accordance with the following.
- (1) General Liability Insurance.
 - A. The permittee shall maintain, and, by its acceptance of any permit granted hereunder, specifically agrees that it will maintain, throughout the term of the permit, general liability insurance insuring the permittee in the minimum amount of:
 - 1. One million dollars per occurrence;
 - 2. Two million dollars annual aggregate; and
 - 3. One million dollars excess general liability per occurrence and annual aggregate.
 - B. Such general liability insurance must be written on a comprehensive coverage form, including the following: premises/operations; explosion and collapse hazard; underground hazard; products/completed operations hazard; contractual insurance; broad form property damage and personal injury.
 - (2) Automobile Liability Insurance. The permittee shall maintain, and, by its acceptance of any permit granted hereunder, specifically agrees that it will maintain, throughout the term of the permit, automobile liability insurance for owned, non-owned or rented vehicles in the minimum amount of:
 - A. One million dollars per occurrence; and
 - B. One million dollars excess automobile liability per occurrence.
 - (3) Worker's Compensation and Employer's Liability Insurance. The permittee shall maintain, and, by its acceptance of any permit granted hereunder, specifically

agrees that it will maintain, throughout the term of the franchise, worker's compensation and employer's liability insurance, valid in the State of Ohio, in the minimum amount of:

- A. Statutory limit for worker's compensation;
 - B. One million dollars for employer's liability per occurrence; and
 - C. One million dollars excess employer liability.
- (e) The liability insurance policies required by this section shall be maintained by the permittee throughout the term of the permit, and such other period of time during which the permittee is operating without a permit hereunder or is engaged in the removal of its telecommunications facilities. Each such insurance policy shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be cancelled nor the intention not to renew be stated until 90 days after receipt by the village, by registered mail, of a written notice addressed to the Mayor of such intent to cancel or not to renew. Within 60 days after receipt by the village of said notice, and in no event later than 30 days prior to said cancellation, the permittee shall obtain and furnish to the village replacement insurance policies meeting the requirements of this section."

(Ord. 6-97, passed 7-14-1997)

§ 1477.12 REMOVAL OF FACILITIES.

- (a) In the event any nonresidential permittee intends to remove facilities, excluding normal repairs and maintenance, or abandon any facilities within the rights-of-way, such permittee shall submit a notice to the Mayor describing the portion of the facilities to be removed or abandoned and the date of removal or abandonment, which date shall not be less than 30 days from the date such notice is submitted to the Mayor. The permittee may not remove, destroy or permanently disable any such facilities after such notice without the written approval of the Mayor. The permittee shall remove and secure such facilities as set forth in the notice unless directed by the Mayor to abandon such facilities in place.
- (b) Upon such abandonment, the village may elect to accept title to the abandoned facility. Such acceptance shall be in writing and upon such acceptance, full title and ownership of such abandoned facility shall pass to the village without the need to pay compensation to the permittee. The permittee shall, however, continue to be responsible for all taxes on such facilities or other liability associated therewith, until the date the same was accepted by the village.
- (c) Within 30 days following written notice from the village, any permittee or other person that owns, controls or maintains any unauthorized telecommunications facility or related appurtenances within the rights-of-way of the village shall, at its own expense, remove such facilities or appurtenances from the rights-of-way of the village. A

telecommunications facility is unauthorized and subject to removal in the following circumstances:

- (1) Upon expiration or termination of the permittee's permit;
 - (2) Upon abandonment of a facility within the rights-of-way of the village;
 - (3) If the system or facility was constructed or installed without the prior grant of a permit or franchise;
 - (4) If the system or facility was constructed or installed without the prior issuance of a required construction permit; and
 - (5) If the system or facility was constructed or installed at a location not permitted by the permittee's permit.
- (d) The village retains the right and privilege to cut or move any telecommunications facilities located within the rights-of-way as the village may determine to be necessary, appropriate or useful in response to any public health or safety emergency.
- (e) Unless directly and proximately caused by willful, intentional or malicious acts by the village, the village shall not be liable for any damage to or loss of any telecommunications facility within the rights-of-way as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling or work of any kind in the rights-of-way by or on behalf of the village.
- (f) When a residential permit is cancelled, the permittee shall remove all facilities installed in the right-of-way, at the permittee's expense.

(Ord. 6-97, passed 7-14-1997)

§ 1477.13 PERMIT REVOCATION.

- (a) In addition to any rights set out elsewhere in this chapter, the village reserves the right to seek termination of a permit pursuant to the provisions hereof, and all rights and privileges pertaining thereto, in the event that any of the following are found to have occurred:
- (1) A violation of any material provision of the permit;
 - (2) The permittee becomes insolvent, or is adjudged a bankrupt;
 - (3) An unauthorized sale, assignment or transfer of the permittee's permit or a substantial interest therein;
 - (4) Misrepresentation by or on behalf of a permittee in any application to the village;
 - (5) Abandonment of telecommunications facilities in the rights-of-way;
 - (6) Failure to relocate or remove facilities as required in this chapter; or

- (7) Failure to pay taxes, compensation, fees or costs when and as due the village.
- (b) Upon failure of the permittee to comply with the material terms of the permit, the village may by ordinance terminate the permit in accordance with the procedures set forth in this section. Upon termination, all rights of the permittee shall immediately be divested without further act upon the part of the village. At the village's option and to the extent permitted or in the manner required by applicable state law, the village shall either purchase the permittee's facilities in accordance with § [1477.12](#) or the village shall require or seek to require, as the case may be, the permittee to remove its facilities from the rights-of-way. If the village requires removal, the permittee shall forthwith remove its structures or property from the rights-of-way and restore them to such condition as the village may require. Upon failure to do so, the village may perform the work and collect the cost thereof from the permittee. The cost thereof shall be a lien upon all facilities and property of the permittee. Such lien shall not attach to property of the permittee located on the poles of other utilities until removal of such property from the pole or poles.
- (c) (1) Upon written recommendation by the Director, or upon its own motion, Council shall give written notice to the permittee of the existence of a material violation or failure to comply with the permit. The permittee shall have a period of 60 days after receipt of such notice from the village in which to cease such violation and comply with the terms and provisions hereof. In the event the permittee fails to cease such violation or to otherwise comply with the terms hereof, then the permittee's permit is subject to termination under the following provisions, provided, however, that if the permittee commences work or other efforts to cure such violations within 30 days after receipt of written notice and shall thereafter prosecute each curative work with reasonable diligence until such curative work is completed, then such violations shall cease to exist, and the permit will not be terminated. If the curative work is not completed within 90 days of commencement of such work, the permittee and the Mayor shall report to the village with respect to the progress made on such curative work and the anticipated completion date.
- (2) Termination shall be declared only by a written decision of Council after an appropriate public proceeding whereby the permittee is afforded the full opportunity to be heard and to respond to any such notice of violation or failure to comply. The permittee shall be provided at least ten days' prior written notice of any public hearing concerning the termination of the permit and, in addition, ten days' notice by publication shall be given of the date, time and place of any public hearing to interested members of the public, which notice shall be paid for by the permittee.
- (3) Council, after a full public hearing, and upon finding a material violation or failure to comply, may, in its discretion, terminate the permit or impose a lesser penalty than termination of the permit, including, but not limited to, a penalty of up to \$1,000 per day per violation, or excuse the violation or failure to comply upon a showing by the permittee of mitigating circumstances or upon a showing of good cause for said violation or failure to comply as may be determined by Council.

- (d) The village shall have the right to terminate the permit 120 days after the appointment of a receiver, or trustee, to take over and conduct the business of the permittee, whether in receivership, reorganization, bankruptcy or other action or proceeding, unless such receivership or trusteeship shall have been vacated prior to the expiration of 120 day period or unless:
- (1) Within 120 days after his or her election or appointment, such receiver or trustee shall have fully complied with all the provisions of the permit and remedied all defaults thereunder; and
 - (2) Such receiver or trustee, within said 120 days, shall have executed an agreement, duly approved by the court having jurisdiction in the premises, whereby such receiver or trustee assumes and agrees to be bound by each and every provision of the permit.

(Ord. 6-97, passed 7-14-1997)

§ 1477.14 RESERVATION OF RIGHTS BY VILLAGE.

- (a) Nothing in this chapter shall be construed to prevent the village from constructing, maintaining, repairing or relocating any village utility, communications or like facilities; grading, paving, maintaining, repairing, relocating or altering any street or right-of-way; or constructing, maintaining, relocating or repairing any sidewalk or other public work or improvement.
- (b) Nothing in this chapter should be construed so as to grant any right or interest in any right-of-way, other than that explicitly set forth herein or in a permit.

(Ord. 6-97, passed 7-14-1997)

§ 1477.15 TEMPORARY REMOVAL OF FACILITIES.

In the event it is necessary temporarily to move or remove any of the permittee's wires, cable, poles or other facilities placed pursuant to this chapter, in order to lawfully move a large object, vehicle, building or other structure over the streets of the village, upon five days' written notice by the village to the permittee, the permittee shall, at the expense of the person requesting the temporary removal of such facilities, comply with the village's request.

(Ord. 6-97, passed 7-14-1997)

§ 1477.16 PERMIT NON-TRANSFERABLE; EXCEPTION.

A permit granted hereunder may not, directly or indirectly, be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the permittee, by operation of law or otherwise, without the prior consent of the village, which consent shall not be unreasonably withheld or delayed, as expressed by ordinance, and then only on such reasonable conditions as may be prescribed therein. No transfer of a permit shall be approved unless the assignee or transferee has the legal, technical, financial and other requisite qualifications to own a permit

pursuant to this chapter. Unless otherwise provided in a permit, the permittee shall reimburse the village for all direct and indirect fees, costs and expenses reasonably incurred by the village in considering a request to transfer or assign a permit. Any transfer or assignment of a permit without prior approval of the village or pursuant to a permit shall be void and is cause for revocation of the permit.

(Ord. 6-97, passed 7-14-1997)

§ 1477.17 SEPARABILITY.

If any section, division, sentence, clause, phrase or other portion of this chapter, or its application to any person, is, for any reason, declared invalid, in whole or in part, by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

(Ord. 6-97, passed 7-14-1997)

§ 1477.99 PENALTY; EQUITABLE REMEDIES.

- (a) 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.
- (b) Nothing in this chapter shall be construed as limiting any judicial remedies that the village may have, at law or in equity, for enforcement of this chapter.

Chapter 1478: Wireless Telecommunications Facilities

§ 1478.01 PURPOSE; INTENT.

The purpose of this chapter is to regulate the placement, construction and modification of towers and wireless telecommunications facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the village. Specifically, the purposes of this chapter are to:

- (a) Direct the location of towers and wireless telecommunications facilities in the village;
- (b) Protect residential areas and land uses from potential adverse impacts of towers and wireless telecommunications facilities;
- (c) Minimize adverse visual impacts of towers and wireless telecommunications facilities through careful design, siting, landscaping and innovative camouflaging techniques;
- (d) Promote and encourage shared use/colocation of towers and antenna support structures as a primary option rather than construction of additional single-use towers;

- (e) Avoid potential damage to adjacent properties caused by towers and wireless telecommunications facilities by ensuring that such structures are soundly and carefully designed, constructed, modified, maintained and removed;
- (f) To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are compatible with surrounding land uses; and
- (g) To the greatest extent feasible, ensure that proposed towers and wireless telecommunications facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.

(Ord. 5-97, passed 7-14-1997)

§ 1478.02 APPLICATION OF CHAPTER.

- (a) All towers, antenna support structures and wireless telecommunications facilities, any portion of which are located within the village, are subject to this chapter.
- (b) Except as provided in this chapter, any use being made of an existing tower or antenna support structure on the effective date of this chapter, (hereinafter “nonconforming structures” shall be allowed to continue, even if such use is in conflict with the terms of this chapter. Any tower site that has received village approval in the form of either a special exception or building permit, but has not yet been constructed or located, shall be considered a nonconforming structure so long as such approval is current and not expired.

(Ord. 5-97, passed 7-14-1997)

§ 1478.03 DEFINITIONS.

For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. All capitalized terms used in the definition of any other term shall have their meaning as otherwise defined in this section. The words “shall” and “will” are mandatory and “may” is permissive. Words not defined shall be given their common and ordinary meaning.

- (a) “Antenna support structure.” Any building or other structure other than a tower which can be used for location of wireless telecommunications facilities.
- (b) “Applicant.” Any person that applies for a conditional use permit pursuant to § [1478.09](#).
- (c) “Application.” The process by which an applicant submits a request and indicates a desire to be granted a conditional use permit under the provisions of this chapter. An “application” includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the village concerning such a request.
- (d) “Code.” The codified ordinances of the village.

- (e) "Colocation." The use of a wireless telecommunications facility by more than one wireless telecommunications provider.
- (f) "Council." The Village Council.
- (g) "Emergency." A reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action.
- (h) "Engineer." Any engineer license by the State of Ohio.
- (i) "Equipment shelter." The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.
- (j) "FCC." The Federal Communications Commission and any legally appointed, designated or elected agent or successor.
- (k) "Monopole." A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
- (l) "Open space." Land devoted to conservation or recreational purposes and/or land designated by a municipality to remain undeveloped (may be specified on a zoning map).
- (m) "Person." Any natural person, firm, partnership, association, corporation, company or other legal entity, private or public, whether for profit or not for profit.
- (n) "Tower." A self-supporting lattice, guyed or monopole structure constructed from grade which supports wireless telecommunications facilities. The term "tower" shall not include amateur radio operators' equipment, as licensed by the FCC.
- (o) "Viewshed." The area surrounding a wireless telecommunications facility or antenna support structure, within which the facility or structure is visible from street level.
- (p) "Village." The Village of Minerva Park, a municipal corporation, in the State of Ohio, acting by and through its Village Council.
- (q) "Wireless telecommunications facilities." Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a person seeks to locate or has installed upon a tower or antenna support structure. However, the term shall not include:
 - (1) Any satellite earth station antenna two meters or less in diameter, which is located in an area zoned industrial or commercial;
 - (2) Any satellite earth station antenna one meter or less in diameter, regardless of zoning category; or
 - (3) Antennas used by amateur radio operators.

(Ord. 5-97, passed 7-14-1997)

§ 1478.04 PERMITTED OR CONDITIONAL USES.

Wireless telecommunications facilities are either permitted uses or conditional uses in a variety of zoning districts, contingent upon a number of requirements being met. These criteria are in place in an attempt to minimize adverse health, safety, public welfare or visual impacts through buffering, siting, design and construction and reduction in the need for new towers.

(Ord. 5-97, passed 7-14-1997)

§ 1478.05 GENERAL REQUIREMENTS.

The following requirements apply to all wireless telecommunications facilities regardless of the zoning district in which they are to be located. These general standards are to be supplemented with the specific regulations for nonresidential and residential districts as set forth in §§ [1478.07](#) and [1478.08](#).

- (a) When the proposed wireless telecommunications facility or antenna support structure is to include a new tower, a plot plan at a scale of not less than one inch equals 100 feet shall be submitted. This plot plan shall indicate all building uses within 200 feet of the proposed facility. Aerial photos and/or renderings may augment the plot plan.
- (b) A diagram or map showing the viewshed of the proposed wireless telecommunications facilities or antenna support structure shall be provided.
- (c) Photosimulations of the proposed facility from affected residential properties and public rights-of-way at varying distances shall be provided.
- (d) The location of the tower and equipment shelter and antenna support structure shall comply with all natural resource protection standards established in the Zoning Code, including those for floodplains, wetlands and steep slopes.
- (e) Security fencing eight feet in height shall surround the tower, equipment shelter and any guy wires, either completely or individually, as determined by the Planning and Zoning Commission. No barbed or razor wire shall be permitted in residential neighborhoods. The village and colocators shall have reasonable access. No fence shall be required on top of a building or other structure if access to the roof or top of the structure or building is secure.
- (f) Buffer plantings may be located around the perimeter of the security fence as deemed appropriate by the Planning and Zoning Commission. Options are an evergreen screen to be planted that consists of either a hedge, planted three feet on center maximum, or a row of evergreen trees planted five feet on center maximum, or other screens determined to be appropriate by the Planning and Zoning Commission.
- (g) Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
- (h) Compliance with colocation requirements is required.

- (i) Any application to locate a wireless telecommunications facility on a building or structure that is listed on a historic register, or is in a historic district, shall be subject to review by the village's Planning and Zoning Commission.
- (j) The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA). Except for tower or monopole structures, all appurtenances shall be aesthetically and architecturally compatible with the surrounding environment.
- (k) No advertising is permitted anywhere on the wireless telecommunications facility, with the exception of identification signage.
- (l) No tower under 150 feet shall be artificially lighted except to ensure safety or as required by the FAA.
- (m) "No Trespassing" signs shall be posted around the wireless telecommunications facility with a telephone number of who to contact in the event of an emergency.
- (n) Underground equipment shelters are encouraged in residential districts and may be requested by the Planning and Zoning Commission.
- (o) Towers must be designed and certified by an engineer to be structurally sound and, at a minimum, in compliance with the Ohio Basic Building Code.

(Ord. 5-97, passed 7-14-1997)

§ 1478.06 PERMITTED ANCILLARY USES ON STRUCTURES.

Any wireless telecommunications facilities which are not attached to a tower shall be a permitted ancillary use to any commercial, industrial, professional, institutional or multi-family structure, regardless of the zoning restrictions applicable to the zoning district where the structure is located and without having to obtain any prior authorization from the village, provided that the person making such ancillary use files a written certification with the village establishing the following:

- (a) The total height of the antenna support structure and wireless telecommunications facilities do not exceed the structural height limitations of the FAA in the applicable zoning district under § [1274.07](#);
- (b) The antenna support structure and wireless telecommunications facilities comply with the Ohio Basic Building Code;
- (c) Any wireless telecommunications facilities and their appurtenances, located on the roof of a building, are set back one foot from the edge of the roof, not including the penthouse, for each one foot in height of the wireless telecommunications facilities. However, this setback requirement shall not apply to antennas less than two inches in thickness, which are mounted to the sides of antenna support structures, but which do not protrude more than

six inches from the side of such an antenna support structure. This requirement is subject to change by the Planning and Zoning Commission upon review of the photosimulation provided in compliance with § [1478.05](#)(b); and

- (d) The wireless telecommunications facilities will utilize camouflaging techniques or will be side-mounted to an antenna support structure in order that the wireless telecommunications facilities harmonize with the character and environment of the area in which they are located.

(Ord. 5-97, passed 7-14-1997)

§ 1478.07 NONRESIDENTIAL DISTRICTS.

Wireless telecommunications facilities proposed for industrial, commercial and institutional districts are subject to the following conditions.

- (a) Sole Use on a Lot. A wireless telecommunications facility is permitted as a sole use on a lot subject to the following.
 - (1) Minimum Lot Size. The minimum lot size for industrial, commercial and institutional districts shall be 10,000 square feet.
 - (2) Minimum Yard Requirements. Minimum yard requirements shall be as follows.
 - A. Tower. The minimum distance to any single-family or two-family residential use or district lot line shall be 200 feet.
 - B. Equipment Shelter. The minimum setback shall be 30 feet between the established building line and the street right-of-way. Side yards must be 18 feet or more, with a minimum of eight feet on one side, rear yards shall be 25% or more of the lot depth, except that a rear yard of more than 50 feet shall not be required.
 - (3) Maximum Height. The maximum height of a tower or an equipment shelter shall be as follows:
 - A. Tower: 200 feet (includes antenna); and
 - B. Equipment shelter: equipment shelters shall be not more than 35 feet in height.
 - (4) Maximum Size of Equipment Shelter. The maximum size of an equipment shelter shall be 400 square feet for a single shelter or, if there is more than one, 800 square feet.
- (b) Combined with Another Use. A wireless telecommunications facility is permitted on a property with an existing use, subject to the following conditions.

- (1) Existing or Future Use on the Property. The existing or future use on the property may be any permitted use in the district or any lawful nonconforming use and need not be affiliated with the wireless telecommunications provider. The wireless telecommunications facility will not be considered an addition to the structure or the value of a nonconforming use.
 - (2) Fully-Automated Facility. The wireless telecommunications facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic and necessary maintenance (except during construction or an emergency).
 - (3) Minimum Lot Area. The minimum lot area shall be the area needed to accommodate the tower (and guy wires, if used), the equipment shelter, security fencing and buffer planting.
 - (4) Minimum Yard Requirements. Minimum yard requirements shall be as follows.
 - A. Tower. The minimum distance to any single-family or two-family residential use or district lot line shall be 200 feet.
 - B. Equipment Shelter. Equipment shelters shall comply with the minimum setback requirements for the primary lot.
 - (5) Service Access. Service access to the equipment shelter shall, whenever feasible, be provided along the circulation driveways of the existing use.
 - (6) Maximum Height. The maximum height of a tower or equipment shelter shall be as follows:
 - A. Tower: 200 feet (includes antenna); and
 - B. Equipment shelter: the maximum building height in industrial, commercial and institutional districts shall be 35 feet.
 - (7) Maximum Size of Equipment Shelter. The maximum size of an equipment shelter shall be 400 square feet for a single shelter or, if there is more than one, 800 square feet.
- (c) Combined with an Existing Structure. Where possible, an antenna for a wireless telecommunications facility shall be attached to an existing structure or building, subject to the following conditions.
- (1) Maximum Height. The maximum height of an antenna shall be 20 feet, or 20% of the building height above the existing building or structure, whichever is greater.
 - (2) Separate Shelters. If the applicant proposes to locate the telecommunications equipment in a separate shelter (not located on, or attached to, the building), the shelter shall comply with the following.

- A. The shelter shall comply with the minimum setback requirements for the subject zoning district.
- B. A buffer yard may be planted in accordance with § [1478.05\(f\)](#).
- C. Vehicular access to the shelter shall not interfere with parking or vehicular circulation on the site for the principal use.
- D. The maximum size of the equipment shelter shall be 400 square feet or, if there is more than one, 800 square feet.

(Ord. 5-97, passed 7-14-1997)

§ 1478.08 RESIDENTIAL DISTRICTS; EXCEPTIONS.

Wireless telecommunications facilities that include towers are not permitted in single-family or two-family residential districts, with the exception of the placement on any property with an institutional use (e.g., a church, park, library, municipal/governmental building, facility or structure, hospital, school or utility) located in either of these two districts. However, antennas attached to existing buildings or structures are permitted. In applying for a permit in any residential district, the applicant must present sufficient evidence as to why it is not technically feasible to locate such facilities in a more appropriate nonresidential zone. Once those efforts have been exhausted, a wireless telecommunications facility may be located in a residential district subject to the following conditions.

- (a) Fully Automated Facility Required. The wireless telecommunications facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic and necessary maintenance. This provision shall also apply to divisions (b), (c), (d) and (e) hereof.
- (b) Combined with a Nonresidential Use. An antenna may be attached to a nonresidential building, or to a structure that is a permitted use in the district, including, but not limited to, a church, a municipal or governmental building or facility, an agricultural building and a building or structure owned by a utility. The following conditions shall be met.
 - (1) The maximum height of an antenna shall be 20 feet above the existing building or structure.
 - (2) If the applicant proposes to locate the telecommunications equipment in a separate equipment shelter, the shelter shall comply with the following.
 - A. The shelter shall comply with the minimum setback requirements for the subject zoning district.
 - B. The maximum size of the equipment shelter shall be 400 square feet or, if there is more than one, 800 square feet.
 - C. A buffer yard shall be planted in accordance with § [1478.05\(f\)](#).

- D. Vehicular access to the shelter shall not interfere with parking or vehicular circulation on the site for the principal use.

(c) Located on a Nonresidential Property. A tower to support an antenna may be constructed on a property with a nonresidential use that is a permitted use within the district, including, but not limited to, a church, hospital, school, municipal or governmental building, facility or structure, an agricultural use and a utility use, subject to the following conditions.

- (1) The tower shall be set back from any property line abutting a single-family or two-family residential lot by 200 feet.
- (2) The maximum height of a tower or equipment shelter shall be as follows:
 - A. Tower: 200 feet (includes antenna); and
 - B. Equipment shelter: the equipment shelter shall be not more than 35 feet in height.
- (3) The maximum size of the equipment shelter shall be 400 square feet or, if there is more than one, 800 square feet.
- (4) Vehicular access to the tower and equipment shelter shall, whenever feasible, be provided along the circulation driveways of the existing use.
- (5) In order to locate a telecommunications facility on a property that is vacant or with an agricultural use, the tract shall be at least two and one-half acres in size, or as otherwise determined by the Planning and Zoning Commission.

(d) Located on a Residential Building. An antenna for a wireless telecommunications facility may be attached to a mid-rise or high-rise apartment building subject to the following conditions.

- (1) The maximum height shall be 20 feet above the existing building.
- (2) If the applicant proposes to locate the telecommunications equipment in a separate equipment shelter (not located in, or attached to, the building), the shelter shall comply with the following.
 - A. The shelter shall comply with the maximum setback requirements for the subject zoning district.
 - B. The maximum size of the equipment shelter shall be 400 square feet or, if there is more than one, 800 square feet.
 - C. A buffer yard shall be planted in accordance with § [1478.05\(f\)](#).
 - D. Vehicular access to the shelter shall, if at all possible, use the existing circulation system.

- (e) Located in an Open Space or Park. A wireless telecommunications facility is permitted on land that has been established as permanent open space or a park, subject to the following conditions.
- (1) Ownership. The open space shall be owned by the municipality, the county, the state, a homeowners association, a charitable organization or a private, nonprofit conservation organization.
 - (2) Maximum Height. The maximum height of a tower or equipment shelter shall be as follows:
 - A. Tower: 200 feet (includes antenna); and
 - B. Equipment shelter: the equipment shelter must comply with the maximum building height requirements for the district in which it is located.
 - (3) Maximum Size of Equipment Shelter. The maximum size of the equipment shelter shall be 400 square feet for a single shelter or, if there is more than one, 800 square feet.
 - (4) Tower Setback. The tower shall be set back from any single-family or two-family property line 200 feet.

(Ord. 5-97, passed 7-14-1997)

§ 1478.09 CRITERIA FOR A CONDITIONAL USE.

- (a) A wireless telecommunications facility, which includes a tower, may be permitted as a conditional use in a residential or commercial district. In order to be considered for review, the applicant must prove that a newly-constructed tower is necessary because colocation on an existing tower is not feasible in accordance with § [1478.10](#). The following steps must also be taken for the application to be considered for review in this category.
- (1) The applicant shall demonstrate that the telecommunications tower must be located where it is proposed to order to service the applicant's service area. There shall be an explanation of why a tower and this proposed site are technically necessary.
 - (2) Where the wireless telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property supports the application and that vehicular access is provided to the facility.
 - (3) The applicant shall present a site/landscaping plan showing the specific placement of the wireless telecommunications facilities on the site; showing the location of existing structures, trees and other significant site features; and indicating the types and locations of plant materials used to screen the facilities and the proposed color of the facilities.

- (4) The applicant shall present a signed statement indicating:
 - A. The applicant agrees to allow for the potential colocation of additional wireless telecommunications facilities by other providers on the applicant's structure or within the same site location; and
 - B. The applicant agrees to remove the facility within 180 days after the site's use is discontinued.
- (b) A conditional use permit must be approved by the Planning and Zoning Commission and/or the Council, with a subsequent building permit issued by the Building Commissioner for construction of new towers in nonindustrial districts. Colocation of antennas on a single tower, antennas attached to existing structures or buildings, towers located in industrial districts, or replacement towers to be constructed at the site of a current tower, are permitted uses and will not be subject to the conditional use permitting process.
- (c) Any decision to deny a request to place, construct or modify a wireless telecommunications facility and/or tower shall be in writing and supported by evidence contained in a written record of the proceedings of the Planning and Zoning Commission.

(Ord. 5-97, passed 7-14-1997)

§ 1478.10 COLOCATION REQUIREMENTS.

- (a)
 - (1) In order to encourage the location of wireless telecommunications facilities on publicly- owned property, the village shall undertake an identification of publicly-owned properties that the village determines are suitable for such use. The village shall regularly update such identification and make the results of such identification available to the public.
 - (2) Persons locating wireless telecommunications facilities upon such identified publicly-owned properties shall be exempt from the requirements herein regarding presentation of proof that colocation of facilities on towers or structures owned by other persons or in other locations is not available. However, persons locating wireless telecommunications facilities on publicly-owned properties shall continue to be subject to the requirements contained in division (b) hereof.
 - (3) In addition, persons locating wireless telecommunications facilities on publicly-owned properties identified by the village to be suitable for such purposes shall be exempt from the requirement of §§ [1478.05](#)(a) to (c) and [1478.09](#)(a)(2) to (a)(4).
- (b) No new tower shall be constructed in the village unless such tower is capable of accommodating at least one additional wireless telecommunications facility owned by other persons.
- (c) A conditional use permit shall be issued only if there is not a technically suitable space reasonably available on an existing tower or structure within the geographic area to be served. With the permit application, the applicant shall list the location of every tower,

building or structure within such area that could support the proposed antenna. The applicant must demonstrate that a technically suitable location is not reasonably available on an existing tower, building or structure. If another communications tower is technically suitable, the applicant must show that it has offered to allow the owner to colocate an antenna on another tower within the village owned by the applicant on reciprocal terms and that the offer was not accepted, or the other tower is presumed to be reasonably available.

(Ord. 5-97, passed 7-14-1997)

§ 1478.11 ABANDONMENT OF TOWERS.

- (a) All providers utilizing towers shall present a report to the Mayor notifying the Mayor of any tower facility located in the municipality whose use will be discontinued and the date that use will cease. If, at any time, the use of a facility is discontinued for 180 days, a designated local official may declare the facility abandoned. (This excludes any dormancy period between construction and the initial use of the facility.) The facility's owner/operator will receive written notice from the Building Commissioner and shall be instructed to either reactivate the facility's use within 180 days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the municipality will remove or will contract to have removed the facility and assess the owner/operator the costs.
- (b) The village must provide the tower owner with three months' notice and an opportunity to be heard before the Planning and Zoning Commission prior to initiating such action. After such notice has been provided, the village shall have the authority to initiate proceedings to either acquire the tower and any appurtenances attached thereto at the then fair market value, or in the alternative, order the demolition of the tower and all appurtenances thereto.
- (c) The village shall provide the tower owner with the right to a public hearing before the Planning and Zoning Commission, which public hearing shall follow the three-month notice required in division (b) hereof. All interested parties shall be allowed an opportunity to be heard at the public hearing.
- (d) After a public hearing is held pursuant to division (c) hereof, the Planning and Zoning Commission may order the acquisition or demolition of the tower. The village may require the licensee to pay for all expenses necessary to acquire or demolish the tower.

(Ord. 5-97, passed 7-14-1997)

§ 1478.12 VARIANCES AND SPECIAL EXCEPTIONS.

Any request to deviate from any of the requirements of this chapter shall require variance approval in compliance with the procedures set forth in § [1212.05](#) of the Planning and Zoning Code.

(Ord. 5-97, passed 7-14-1997)

§ 1478.13 ENFORCEMENT.

Commented [SJJ9]: We will need to verify that this citation remains the same.

Nothing in this chapter shall preclude the village from exercising any right or remedy it may have in law or equity to enforce the terms and conditions of this chapter.

(Ord. 5-97, passed 7-14-1997)

§ 1478.99 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.

Title 8: Housing

Chapter 1480: Housing and Property Maintenance Code

§ 1480.01 GENERAL.

- (a) Title. These regulations shall be known as the Housing and Property Maintenance Code of the Village of Minerva Park, hereinafter referred to as “this code.”
- (b) Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.
- (c) Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.
- (d) Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

(Ord. 33-2017, passed 12-11-2017)

§ 1480.02 APPLICABILITY.

- (a) General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

- (b) Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.
- (c) Application of Other Codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of all other codes adopted by the village.
- (d) Existing Remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.
- (e) Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.
- (f) Historic Buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the Code Enforcement Officer to be safe and in the public interest of health, safety and welfare.
- (g) Requirements Not Covered by Code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the Code Enforcement Officer.
- (h) Application of References. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.
- (i) Other Laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law. In the event of a conflict, the stricter law shall apply.

(Ord. 33-2017, passed 12-11-2017)

§ 1480.03 ADMINISTRATION AND ENFORCEMENT.

- (a) General. The Code Enforcement Officer shall oversee the Housing and Property Maintenance Code.

- (b) Code Enforcement Officer. The Code Enforcement Officer shall be appointed by the Mayor/Administrator.
- (c) Duties and Powers of the Code Enforcement Officer.
- (1) General. The Code Enforcement Officer is hereby authorized and directed to enforce the provisions of this code. The Code Enforcement Officer shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.
 - (2) Inspections. The Code Enforcement Officer shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Code Enforcement Officer is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.
 - (3) Identification. The Code Enforcement Officer shall carry proper identification when inspecting structures or premises in the performance of duties under this code.
 - (4) Notices and Orders. The Code Enforcement Officer shall issue all necessary notices or orders to ensure compliance with this code.
 - (5) Department Records. The Code Enforcement Officer shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.
 - (6) Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the Code Enforcement Officer shall have the authority to grant modifications for individual cases upon application of the owner or owner's representative, provided the Code Enforcement Officer shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.
- (d) Alternative Materials, Methods and Equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the Code Enforcement Officer finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered

is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

- (1) Required Testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the Code Enforcement Officer shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.
- (2) Test Methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the Code Enforcement Officer shall be permitted to approve appropriate testing procedures performed by an approved agency.
- (3) Test Reports. Reports of tests shall be retained by the Code Enforcement Officer for the period required for retention of public records.
- (4) Used Material and Equipment. The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved by the Code Enforcement Officer.
- (5) Approved Materials and Equipment. Materials, equipment and devices approved by the Code Enforcement Officer shall be constructed and installed in accordance with such approval.
- (6) Research Reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

(Ord. 33-2017, passed 12-11-2017)

§ 1480.04 VIOLATIONS.

- (a) Unlawful Acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.
- (b) Notice of Violation. The Code Enforcement Officer shall serve a notice of violation or order in accordance with § [1480.05](#).
- (c) Prosecution of Violation. Any person failing to comply with a notice of violation or order served in accordance with § [1480.05](#) shall be prosecuted in accordance with § [1480.99](#).

(Ord. 33-2017, passed 12-11-2017)

§ 1480.05 NOTICES AND ORDERS.

- (a) Notice to Person Responsible. Whenever the Code Enforcement Officer determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in divisions (b) and (c) below to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with § [1480.06](#) (i).
- (b) Form. Such notice prescribed in division (a) shall be in accordance with all of the following:
- (1) Be in writing;
 - (2) Include a description of the real estate sufficient for identification;
 - (3) Include a statement of the violation or violations and why the notice is being issued;
 - (4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code;
 - (5) Inform the property owner of the right to appeal as set forth in § [1480.09](#);
 - (6) Include a statement of the right to file a lien; and
 - (7) Inform the person responsible that if another violation of the same or similar nature of any provisions of this code is committed within a year of the date of the original notice, the village will proceed with the prosecution of said violation without further notification.
- (c) Method of Service. Such notice shall be deemed to be properly served if a copy thereof is:
- (1) Delivered personally;
 - (2) Sent by certified or first-class mail addressed to the last known address; or
 - (3) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.
- (d) Unauthorized Tampering. Signs, tags or seals posted or affixed by the Code Enforcement Officer shall not be mutilated, destroyed or tampered with, or removed without authorization from the Code Enforcement Officer.
- (e) Penalties. Penalties for noncompliance with orders and notices shall be as set forth in § [1480.99](#).
- (f) Transfer of Ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to

another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Enforcement Officer and shall furnish to the Code Enforcement Officer a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

(Ord. 33-2017, passed 12-11-2017)

§ 1480.06 UNSAFE STRUCTURES AND EQUIPMENT.

- (a) General. When a structure or equipment is found by the Code Enforcement Officer to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.
- (b) Unsafe Structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
- (c) Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.
- (d) Structure Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the Code Enforcement Officer finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
- (e) Unlawful Structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.
- (f) Dangerous Structure or Premises. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

- (1) Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved Building or Fire Code of the jurisdiction as related to the requirements for existing buildings;
- (2) The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress;
- (3) Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or is lodged;
- (4) Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value;
- (5) The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way;
- (6) The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy;
- (7) The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act;
- (8) Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved Building or Fire Code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety;
- (9) A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the Code Enforcement Officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease;
- (10) Any building or structure, because of a lack of sufficient or proper fire- resistance-rated construction, fire protection systems, electrical system, fuel connections,

mechanical system, plumbing system or other cause, is determined by the Code Enforcement Officer to be a threat to life or health; or

- (11) Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

- (g) Closing of Vacant Structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Code Enforcement Officer is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Enforcement Officer shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.
- (h) Authority to Disconnect Service Utilities. The Code Enforcement Officer shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the other adopted codes of the village in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The Code Enforcement Officer shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.
- (i) Notice. Whenever the Code Enforcement Officer has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with § [1480.05](#) (c). If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in § [1480.05](#) (b).
- (j) Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Enforcement Officer shall post on the premises or on defective equipment a placard bearing the word “condemned” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.
- (k) Placard Removal. The Code Enforcement Officer shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Enforcement Officer shall be subject to the penalties provided by this code.

- (l) Prohibited Occupancy. Any occupied structure condemned and placarded by the Code Enforcement Officer shall be vacated as ordered by the Code Enforcement Officer. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.
- (m) Abatement Methods. The owner, operator or occupant of a building, premises or equipment deemed unsafe by the Code Enforcement Officer shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.
- (n) Record. The Code Enforcement Officer shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.
- (o) Permit Required Prior to Repair or Rehabilitation. Prior to repairing or rehabilitating a building, premises, or equipment deemed unsafe by the Code Enforcement Officer, the owner, operator, or occupant of the building, premises or equipment shall apply for a condemnation reversal permit and pay a fee as adopted by Council. The condemnation reversal permit does not take the place of other permits required by the Zoning Administrator, Chief Building Official or other outside agencies.

(Ord. 33-2017, passed 12-11-2017)

§ 1480.07 EMERGENCY MEASURES.

- (a) Imminent Danger. When, in the opinion of the Code Enforcement Officer, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Enforcement Officer is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Enforcement Officer shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Enforcement Officer." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.
- (b) Temporary Safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the Code Enforcement Officer, there is imminent danger due to an unsafe condition, the Code Enforcement Officer shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other

action to be taken as the Code Enforcement Officer deems necessary to meet such emergency.

- (c) Closing Streets. When necessary for public safety, the Code Enforcement Officer shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.
- (d) Emergency Repairs. For the purposes of this section, the Code Enforcement Officer shall employ the necessary labor and materials to perform the required work as expeditiously as possible.
- (e) Costs of Emergency Repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction and then charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- (f) Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Appeals Board, be afforded a hearing as described in this code.

(Ord. 33-2017, passed 12-11-2017)

§ 1480.08 DEMOLITION.

- (a) General. The Code Enforcement Officer shall order the owner of any premises upon which is located any structure, which in the Code Enforcement Officer judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the Code Enforcement Officer shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official.
- (b) Notices and Orders. All notices and orders shall comply with § [1480.05](#).
- (c) Failure to Comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the Code Enforcement Officer shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- (d) Salvage Materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable.

The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

(Ord. 33-2017, passed 12-11-2017)

§ 1480.09 MEANS OF APPEAL.

- (a) Appeals Body. The Planning and Zoning Commission is designated as the appeals body for all persons directly affected by a decision of the Code Enforcement Officer or a notice or order issued under this code.
- (b) Application for Appeal. Any person directly affected by a decision of the Code Enforcement Officer or a notice or order issued under this code shall have the right to appeal to the Planning and Zoning Commission, provided that a written application for appeal is filed within five business days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.
- (c) Stays of Enforcement. Appeals of notices and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Planning and Zoning Commission.

(Ord. 33-2017, passed 12-11-2017)

§ 1480.10 STOP WORK ORDER.

- (a) Authority. Whenever the Code Enforcement Officer finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the Code Enforcement Officer is authorized to issue a stop work order.
- (b) Issuance. A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.
- (c) Emergencies. Where an emergency exists, the Code Enforcement Officer shall not be required to give a written notice prior to stopping the work.
- (d) Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$250 or more than \$500. Every day the work continues shall be considered a separate violation and subject to a separate fine.

- (e) Removing a Stop Work Order. Any person who removes a properly posted stop work order shall be liable for a fine of not less than \$250 and not more than \$500.

(Ord. 33-2017, passed 12-11-2017)

§ 1480.11 DEFINITIONS.

- (a) Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.
- (b) Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.
- (c) Terms Defined in Other Codes. Where terms are not defined in this code and are defined in other chapters of the village codified ordinances, such terms shall have the meanings ascribed to them as in those codes.
- (d) Terms Not Defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.
- (e) Parts. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit,” “housekeeping unit” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”
- (f) Definitions.
 - (1) “Anchored.” Secured in a manner that provides positive connection.
 - (2) “Approved.” Approved by the Code Enforcement Officer.
 - (3) “Basement.” That portion of a building which is partly or completely below grade.
 - (4) “Bathroom.” A room containing plumbing fixtures including a bathtub or shower.
 - (5) “Bedroom.” Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.
 - (6) “Code Enforcement Officer.” The official who is charged with the administration and enforcement of this code, or any duly authorized representative.
 - (7) “Condemn.” To adjudge unfit for occupancy.
 - (8) “Detached.” When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.
 - (9) “Deterioration.” To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

- (10) "Dwelling unit." A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (11) "Easement." That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.
- (12) "Equipment support." Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.
- (13) "Exterior property." The open space on the premises and on adjoining property under the control of owners or operators of such premises.
- (14) "Garbage." The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (15) "Guard." A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.
- (16) "Habitable space." Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.
- (17) "Housekeeping unit." A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.
- (18) "Imminent danger." A condition which could cause serious or life-threatening injury or death at any time.
- (19) "Infestation." The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.
- (20) "Inoperable motor vehicle." A vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.
- (21) "Labeled." Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

- (22) "Let for occupancy or let." To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.
- (23) "Neglect." The lack of proper maintenance for a building or structure.
- (24) "NFPA 25." Standard For The Inspection, Testing, And Maintenance Of Water-Based Fire Protection Systems published by the National Fire Protection Association.
- (25) "NFPA 70." National Electric Code published by the National Fire Protection Association.
- (26) "Occupancy." The purpose for which a building or portion thereof is utilized or occupied.
- (27) "Occupant." Any individual living or sleeping in a building, or having possession of a space within a building.
- (28) "Openable area." That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.
- (29) "Operator." Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
- (30) "Owner." Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
- (31) "Person." An individual, corporation, partnership or any other group acting as a unit.
- (32) "Pest elimination." The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; or by other approved pest elimination methods.
- (33) "Premises." A lot, plot or parcel of land, easement or public way, including any structures thereon.
- (34) "Public way." Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

- (35) "Rooming house." A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.
- (36) "Rooming unit." Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.
- (37) "Rubbish." Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.
- (38) "Sleeping unit." A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.
- (39) "Strict liability offense." An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.
- (40) "Structure." That which is built or constructed or a portion thereof.
- (41) "Tenant." A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.
- (42) "Toilet room." A room containing a water closet or urinal but not a bathtub or shower.
- (43) "Ultimate deformation." The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80% or less of the maximum strength.
- (44) "Ventilation." The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.
- (45) "Village." Village of Minerva Park, Ohio.
- (46) "Workmanlike." Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.
- (47) "Yard." An open space on the same lot with a structure.

(Ord. 33-2017, passed 12-11-2017)

§ 1480.12 EXTERIOR PROPERTY AREAS.

- (a) General. No owner or occupant of any premises shall maintain or permit to be maintained the exterior property areas of such premises in a condition that deteriorates or debases the appearance of the neighborhood; reduces property values in the neighborhood; adversely alters the appearance and general character of the neighborhood; creates a fire, safety or health hazard; or is a public nuisance. Such violations include, but are not limited to the following:
- (1) Broken or dilapidated fences, walls or other structures;
 - (2) Motor vehicles, trailers, boats and/or other motorized vehicles parked in grass or upon any premises except upon driveways, parking lots, in garages or on areas improved for vehicular use and in accordance with other codified ordinances;
 - (3) The storage of building materials or materials such as earth, sand, or dirt upon any premises when such materials are not currently being used for work on the property;
 - (4) Out of use or non-usable appliances or automobile parts;
 - (5) Rugs, rags or other materials hung on lines or in other places on such premises in such a manner or for such period of time as to be unsightly or offensive; broken, dilapidated or unusable furniture or outdoor use of furniture intended for indoor use, mattresses or other household furnishings; plastic materials, paints, miscellaneous coverings and/or any other materials, including those described in this section, placed at or on the premises in such a manner as to be unsightly, grotesque or offensive; and
 - (6) Improperly disposed of materials, materials collected for salvage, unkempt garbage, trash, litter, and yard waste including brush, tree limbs, leaves and weeds. Improperly disposed of materials include those materials set out for collection by the waste haulers that do not meet the waste hauler's guidelines for collection.
- (b) Grading and Drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Exception: Approved retention areas and reservoirs.
- (c) Sidewalks and Driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
- (d) Weeds. Regulated by [Chapter 665](#).
- (e) Rodent Harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

- (f) Exhaust Vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.
- (g) Accessory Structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
- (h) Motor Vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited. Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.
- (i) Defacement of Property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair, within seven days of being notified of the presence of such graffiti.
- (j) Swimming Pools, Spas and Hot Tubs. Swimming pools, spas, and hot tubs shall be maintained in a clean and sanitary condition, and in good repair. All swimming pools, spas and hot tubs that do not contain water must be covered at all times. All swimming pools must be covered between the months of November through April except for routine maintenance. All hot tubs and spas must be covered when not in use.

(Ord. 33-2017, passed 12-11-2017)

§ 1480.13 EXTERIOR STRUCTURE.

- (a) General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
- (b) Unsafe Conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Residential Code of Ohio or Ohio Building Code, whichever applies as well as the codes and provisions adopted therein or the Residential Code of Ohio or Ohio Building Code, whichever applies as well as the codes and provisions adopted therein as required for existing buildings:
 - (1) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
 - (2) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
 - (3) Structures or components thereof that have reached their limit state;

- (4) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
- (5) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
- (6) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
- (7) Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
- (8) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
- (9) Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
- (10) Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
- (11) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
- (12) Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or
- (13) Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects. Exceptions: When substantiated otherwise by an approved method, demolition of unsafe conditions shall be permitted when approved by the Code Enforcement Officer.

(c) Protective Treatment.

- (1) All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
 - (2) Tarps of any color may be used to temporarily weather-proof a structure pending permanent repair for up to two weeks. Tarps remaining in place longer than two weeks must receive approval by the Code Enforcement Officer or other official designated by the Mayor. Tarps used to cover items for longer than two weeks may only be brown, dark green or dark camouflage.
- (d) Premises Identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches high with a minimum stroke width of five-tenths inch.
 - (e) Structural Members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
 - (f) Foundation Walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.
 - (g) Exterior Walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials, and maintained weatherproof and properly surface coated where required to prevent deterioration.
 - (h) Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
 - (i) Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
 - (j) Overhang Extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be

maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

- (k) Stairways, Decks, Porches and Balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- (l) Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (m) Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (n) Window, Skylight and Door Frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
 - (1) Glazing. All glazing materials shall be maintained free from cracks and holes.
 - (2) Openable Windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
- (o) Insect Screens. At all times, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. Exception: screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.
- (p) Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with § [1480.23](#) (b)(2).
- (q) Basement Hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.
- (r) Guards for Basement Windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

- (s) Building Security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.
- (1) Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than one inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.
- (2) Windows. Operable windows located in whole or in part within six feet above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.
- (3) Basement Hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

(Ord. 33-2017, passed 12-11-2017)

§ 1480.14 INTERIOR STRUCTURE.

- (a) General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.
- (b) Unsafe Conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Residential Code of Ohio or Ohio Building Code, whichever applies as well as the codes and provisions adopted therein as required for existing buildings:
- (1) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
- (2) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
- (3) Structures or components thereof that have reached their limit state;
- (4) Structural members are incapable of supporting nominal loads and load effects;

- (5) Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
 - (6) Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
 - (7) Demolition of unsafe conditions shall be permitted when approved by the Code Enforcement Officer; or
 - (8) Exception: When substantiated otherwise by an approved method.
- (c) Structural Members. All structural members shall be maintained structurally sound and be capable of supporting the imposed loads.
 - (d) Interior Surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.
 - (e) Stairs and Walking Surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.
 - (f) Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
 - (g) Interior Doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.
 - (h) Window Treatments. Every window opening having interior window treatment shall be maintained in good working order without broken, torn, or disheveled materials. Window treatments of temporary materials, clothing items or bedding are not permitted.

(Ord. 33-2017, passed 12-11-2017)

§ 1480.15 COMPONENT SERVICEABILITY.

- (a) General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.
- (b) Unsafe Conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the Residential Code of Ohio or Ohio Building Code, whichever applies, as well as the codes and provisions adopted therein as required for existing buildings:

- (1) Soils. Soils that have been subjected to any of the following conditions:
- A. Collapse of footing or foundation system;
 - B. Damage to footing, foundation, concrete or other structural element due to soil expansion;
 - C. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
 - D. Inadequate soil as determined by a geotechnical investigation;
 - E. Where the allowable bearing capacity of the soil is in doubt; or
 - F. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
- (2) Concrete or Asphalt Concrete or Asphalt. Concrete or asphalt concrete or asphalt that has been subjected to any of the following conditions:
- A. Deterioration;
 - B. Ultimate deformation;
 - C. Fractures;
 - D. Fissures;
 - E. Spalling;
 - F. Exposed reinforcement; or
 - G. Detached, dislodged or failing connections.
- (3) Aluminum. Aluminum that has been subjected to any of the following conditions:
- A. Deterioration;
 - B. Corrosion;
 - C. Elastic deformation;
 - D. Ultimate deformation;
 - E. Stress or strain cracks;
 - F. Joint fatigue; or
 - G. Detached, dislodged or failing connections.

(4) Masonry. Masonry that has been subjected to any of the following conditions:

- A. Deterioration;
- B. Ultimate deformation;
- C. Fractures in masonry or mortar joints;
- D. Fissures in masonry or mortar joints;
- E. Spalling;
- F. Exposed reinforcement; or
- G. Detached, dislodged or failing connections.

(5) Steel. Steel that has been subjected to any of the following conditions:

- A. Deterioration;
- B. Elastic deformation;
- C. Ultimate deformation;
- D. Metal fatigue; or
- E. Detached, dislodged or failing connections.

(6) Wood. Wood that has been subjected to any of the following conditions:

- A. Ultimate deformation;
- B. Deterioration;
- C. Damage from insects, rodents and other vermin;
- D. Fire damage beyond charring;
- E. Significant splits and checks;
- F. Horizontal shear cracks;
- G. Vertical shear cracks;
- H. Inadequate support;
- I. Detached, dislodged or failing connections; or
- J. Excessive cutting and notching.

- (7) Demolition. Demolition of unsafe conditions shall be permitted when approved by the Code Enforcement Officer.
- (8) Exception. When substantiated otherwise by an approved method.

(Ord. 33-2017, passed 12-11-2017)

§ 1480.16 HANDRAILS AND GUARDRAILS.

The standards of the Residential Code of Ohio or Ohio Building Code, whichever applies, shall govern the standards for handrails and guardrails.

(Ord. 33-2017, passed 12-11-2017)

§ 1480.17 RUBBISH AND GARBAGE.

- (a) Accumulation of Rubbish or Garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.
- (b) Disposal of Rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.
- (c) Rubbish Storage Facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.
- (d) Refrigerators. Refrigerators and similar equipment shall not be discarded, abandoned or stored on the exterior of the premises.
- (e) Disposal of Garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers. Properly maintained compost bins or piles are acceptable.
- (f) Garbage Facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.
- (g) Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

(Ord. 33-2017, passed 12-11-2017)

§ 1480.18 PEST ELIMINATION.

- (a) Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by

approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

- (b) Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.
- (c) Single Occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.
- (d) Multiple Occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for extermination.
- (e) Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.
- (f) Exception. Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

(Ord. 33-2017, passed 12-11-2017)

§ 1480.19 LIGHT, VENTILATION AND SPACE CONDITIONS.

- (a) Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this section.
- (b) Alternative Devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Residential Code of Ohio or Ohio Building Code, whichever applies as well as the codes and provisions adopted therein shall be permitted.
- (c) Light.
 - (1) Habitable Spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8% of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room. Exception: where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least

8% of the floor area of the interior room or space, but not less than 25 square feet. The exterior glazing area shall be based on the total floor area being served.

- (2) Common Halls and Stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times to one foot-candle or more. In the past, a 60-watt standard incandescent light bulb for each 200 square feet of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet. In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of one foot-candle at floors, landings and treads.
- (3) Other Spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

(d) Ventilation.

- (1) Habitable Spaces. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45% of the minimum glazed area required in division (c)(1) of this section. Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8% of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on a total floor area being ventilated.
- (2) Bathrooms and Toilet Rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by division (d)(1) of this section except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.
- (3) Cooking Facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit. For purposes of these regulations, coffee pots and microwave ovens shall not be considered cooking appliances. Exception: where specifically approved in writing by the Code Enforcement Officer.
- (4) Process Ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.
- (5) Clothes Dryer Exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the

manufacturer's instructions. Exception: listed and labeled condensing (ductless) clothes dryers.

(e) Occupancy Limitations.

- (1) Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.
- (2) Minimum Room Widths. Minimum room widths shall be defined by the Residential Code of Ohio or Ohio Building Code, whichever applies.
- (3) Minimum Ceiling Heights. Minimum ceiling heights shall be defined by the Residential Code of Ohio or Ohio Building Code, whichever applies.
- (4) Bedroom and Living Room Requirements. Every bedroom and living room shall comply with the requirements of divisions (e)(5) through (9) of this section.
- (5) Room Area. Every living room shall contain at least 120 square feet and every bedroom shall contain at least 70 square feet.
- (6) Access from Bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces. Exception: units that contain fewer than two bedrooms.
- (7) Water Closet Accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.
- (8) Prohibited Occupancy. Kitchens and non-habitable spaces shall not be used for sleeping purposes.
- (9) Other Requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this section; the plumbing facilities and water-heating facilities requirements of § [1480.20](#); the heating facilities and electrical receptacle requirements of § [1480.21](#); and the fire safety requirements of § [1480.22](#).
- (10) Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the Code Enforcement Officer, endanger the life, health, safety or welfare of the occupants.
- (11) Efficiency Unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

- A. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet. A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet. These required areas shall be exclusive of the areas required in divisions (e)(11)B. and C. of this section.
 - B. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this code shall be provided.
 - C. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
 - D. The maximum number of occupants shall be three.
- (12) Food Preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

(Ord. 33-2017, passed 12-11-2017)

§ 1480.20 PLUMBING.

- (a) Scope. The provisions of this section shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.
- (b) Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.
- (c) Required Facilities.
 - (1) Dwelling Units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.
 - (2) Rooming Houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.
 - (3) Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

- (4) Employees' Facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.
 - (5) Drinking Facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.
 - (6) Public Toilet Facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the Ohio Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.
- (d) Toilet Rooms.
- (1) Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.
 - (2) Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.
 - (3) Location of Employee Toilet Facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet. Employee facilities shall either be separate facilities or combined employee and public facilities. Exception: facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet from the employees' regular working area to the facilities.
 - (4) Floor Surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.
- (e) Plumbing Systems and Fixtures. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.
- (1) Fixture Clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.
 - (2) Plumbing System Hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper

installation, deterioration or damage or for similar reasons, the Code Enforcement Officer shall require the defects to be corrected to eliminate the hazard.

- (f) Water System. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Ohio Plumbing Code.
- (1) Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.
- (2) Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.
- (3) Water Heating Facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110° F. (43° C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.
- (g) Sanitary Drainage System. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
- (1) Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.
- (2) Grease Interceptors. Where it has been determined that a grease interceptor is not being maintained and serviced as intended by this code and the manufacturer's instructions, an approved interceptor monitoring system shall be provided or a maintenance program shall be established with documentation submitted to the Code Enforcement Officer.
- (h) Storm Drainage. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

(Ord. 33-2017, passed 12-11-2017)

§ 1480.21 MECHANICAL AND ELECTRICAL FACILITIES AND EQUIPMENT.

- (a) Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.
- (b) Heating Facilities. Heating facilities shall be provided in structures as required by this section.
 - (1) Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68° F. (20° C.) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
 - A. Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 1 to May 31 to maintain a temperature of not less than 68° F. (20° C.) in all habitable rooms, bathrooms and toilet rooms.
 - B. Exception. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity.
 - (2) Occupiable Work Spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 1 to May 31 to maintain a temperature of not less than 65° F. (18° C.) during the period the spaces are occupied. Exceptions: processing, storage and operation areas that require cooling or special temperature conditions; areas in which persons are primarily engaged in vigorous physical activities.
 - (3) Room Temperature Measurement. The required room temperatures shall be measured three feet above the floor near the center of the room and two feet inward from the center of each exterior wall.
- (c) Mechanical Appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.
 - (1) Removal of Combustion Products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent. Exception: fuel-burning equipment and appliances which are labeled for unvented operation.
 - (2) Clearances. All required clearances to combustible materials shall be maintained.
 - (3) Safety Controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

- (4) Combustion Air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.
- (5) Energy Conservation Devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.
- (d) Electrical Facilities. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section.
 - (1) Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the most current edition of NFPA 70. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.
 - (2) Electrical System Hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Code Enforcement Officer shall require the defects to be corrected to eliminate the hazard.
 - (3) Abatement of Electrical Hazards Associated with Water Exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water. Exception: the following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:
 - A. Enclosed switches, rated 600 volts or less;
 - B. Busway, rated 600 volts or less;
 - C. Panelboards, rated 600 volts or less;
 - D. Switchboards, rated 600 volts or less;
 - E. Fire pump controllers, rated 600 volts or less;
 - F. Manual and magnetic motor controllers;
 - G. Motor control centers;
 - H. Alternating current high-voltage circuit breakers;
 - I. Low-voltage power circuit breakers;

- J. Protective relays, meters and current transformers;
- K. Low- and medium-voltage switchgear;
- L. Liquid-filled transformers;
- M. Cast-resin transformers;
- N. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
- O. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
- P. Luminaires that are listed as submersible;
- Q. Motors; and
- R. Electronic control, signaling and communication equipment.

- (4) Abatement of Electrical Hazards Associated with Fire Exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the Residential Code of Ohio or Ohio Building Code, whichever applies as well as the codes and provisions adopted therein. Exception: electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

(e) Electrical Equipment.

- (1) Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.
- (2) Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. Each dwelling unit shall be provided with a branch circuit panel board with branch circuit over current protection devices. A minimum of two 20 ampere appliance branch circuits shall be provided to the kitchen area and any receptacles adjacent to the sink area shall be GFCI protected in accordance with National Electric Code 210-8 and 210-52 requirements. A separate branch circuit shall be provided to the bathroom area and the GFCI requirements shall be followed. The remaining habitable rooms shall be

provided with at least one wall switch controlled light fixture outlet or switched receptacle and two other separate wall type electric convenience outlets.

- (3) Luminaires. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

- (4) Additional Requirements for Multiple-Family Dwellings. In all multiple family dwellings, all sub panels and switching for full time lighting shall be located in areas not accessible to the public.

- (f) NFPA 70. The most current edition of NFPA 70 is incorporated and made part of this code.

- (g) Elevators, Escalators and Dumbwaiters. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the Code Enforcement Officer. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied. Exception: buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

- (h) Duct Systems. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

(Ord. 33-2017, passed 12-11-2017)

§ 1480.22 FIRE SAFETY.

- (a) Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

- (b) Means of Egress. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Ohio Fire Code. There will be a minimum of two unobstructed forms of egress (doors) from all residential structures. The minimum requirement cannot be met by having all means of egress on the same side of the structure.

- (1) Aisles. The required width of aisles in accordance with the Ohio Fire Code shall be unobstructed.

- (2) Locked Doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or

effort, except where the door hardware conforms to that permitted by the Residential Code of Ohio or Ohio Building Code, whichever applies as well as the codes and provisions adopted therein.

- (3) Emergency Escape Openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

(c) Fire-Resistance Ratings.

- (1) Fire-Resistance-Rated Assemblies. The required fire-resistance rating of fire-resistance- rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.
- (2) Opening Protectives. Required opening protectives shall be maintained in an operative condition. All fire and smoke stop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked, obstructed or otherwise made inoperable.

(d) Fire Protection Systems. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Ohio Fire Code.

- (1) Automatic Sprinkler Systems. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with the most current edition of NFPA 25.
- (2) Smoke Alarms. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:
 - A. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms;
 - B. In each room used for sleeping purposes;
 - C. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level; or

D. Single- or multiple-station smoke alarms shall be installed in other groups in accordance with the Ohio Fire Code.

- (3) Power Source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection. Exception: smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place or buildings that are not served from commercial power source.
- (4) Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. Exception: interconnection is not required in buildings which are not undergoing alterations, repairs or construction of any kind.

(Ord. 33-2017, passed 12-11-2017)

§ 1480.23 BOARDING STANDARDS.

- (a) General. All windows and doors shall be boarded in an approved manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.
- (b) Materials.
 - (1) Boarding Sheet Material. Boarding sheet material shall be minimum 1/2-inch thick wood structural panels complying with the Residential Code of Ohio or Ohio Building Code, whichever applies as well as the codes and provisions adopted therein.
 - (2) Boarding Framing Material. Boarding framing material shall be minimum nominal two-inch by four-inch solid sawn lumber complying with the Residential Code of Ohio or Ohio Building Code, whichever applies as well as the codes and provisions adopted therein.
 - (3) Boarding Fasteners. Boarding fasteners shall be minimum 3/8-inch diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the Residential Code of Ohio or Ohio Building Code, whichever applies as well as the codes and provisions adopted therein.

- (c) Installation. Boarding installation shall be in accordance with Figures A and B below and § 1480.23 herein.

Figure A: Boarding of Door or Window

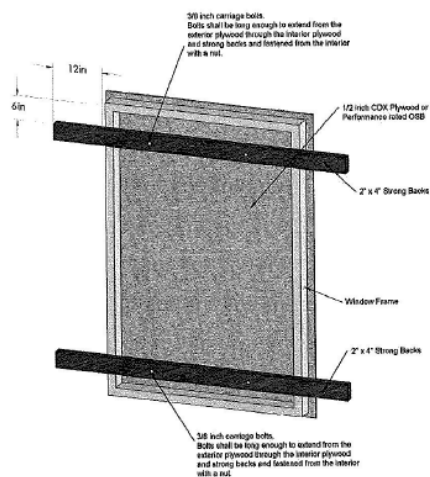
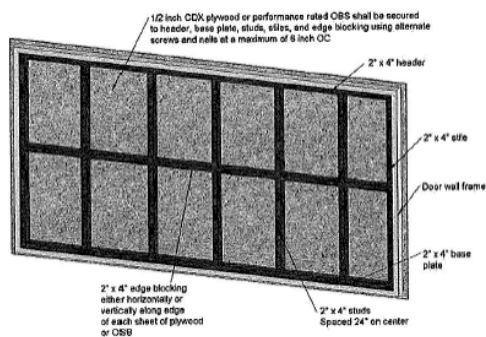


Figure B: Boarding of Door Wall



- (d) Boarding Sheet Material. The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.
- (e) Windows. The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The two-inch by four-inch strong back framing material shall be cut minimum two inches wider than the window opening and shall be placed on the inside of the window opening six inches minimum above the bottom and

below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

- (f) Door Walls. The door opening shall be framed with minimum two-inch by four-inch framing material secured at the entire perimeter and vertical members at not more than 24 inches on center. Blocking shall also be secured at not more than 48 inches on center vertically. Boarding sheet material shall be secured with screws and nails alternating every six inches on center.
- (g) Doors. Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an approved manner.

(Ord. 33-2017, passed 12-11-2017)

§ 1480.99 PROSECUTION OF VIOLATIONS AND PENALTIES.

- (a) Prosecution of Violation. Any person who violates or fails to comply with a provision of this chapter shall be prosecuted within the limits provided by state and local laws. After notice of the violation has been served, pursuant to § [1480.05](#), each day a violation continues shall be deemed a separate offense.
- (b) Violation Penalties. A first violation shall be classified as a minor misdemeanor. All subsequent violations of any kind shall be classified as a fourth degree misdemeanor. Whoever violates any provision of this chapter shall be fined as prescribed in § [698.02](#). Organizations found in violation of this chapter shall be fined as prescribed in § [698.04](#).
- (c) Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the Village Administrator from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

(Ord. 33-2017, passed 12-11-2017)

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ORDINANCE 11-2023

AN ORDINANCE UPDATING THE WAGE AND SALARY RANGES, THE NUMBER OF EMPLOYEES AND POSITIONS FOR THE VILLAGE OF MINERVA PARK AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Section 731.10, Revised Code, the legislative authority may provide such employees for the Village as it determines are needed; and,

WHEREAS, pursuant to Section 731.13, Revised Code, the legislative authority of a Village shall fix the compensation of all officers, clerks, and employees of the Village except as otherwise provided by law; and,

WHEREAS, as part of the budget for 2023, the authorized positions and compensation rates need adjusted.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO, THAT:

Section 1. The number of hourly and salary full-time employees, positions, and related pay ranges for the Police Department shall be as follows:

	Steps					
	1	2	3	4	5	6
<u>Patrol Officers</u>						
Hourly Rates	\$27.65	\$29.30	\$31.06	\$32.93	\$34.90	\$37.00
Annual Compensation	57,512.00	60,944.00	64,604.80	68,494.40	72,592.00	76,960.00

Positions/JobTitle	Authorized Number	Status	Hourly Rates		Annual Compensation	
			Low	High	Low	High
School Resource Officer	1	Hourly	\$33.91	\$38.11	\$70,532.80	\$79,268.80
Sergeant	2	Hourly	34.90	39.22	72,592.00	81,577.60
Lieutenant	1	Hourly	37.00	41.57	76,960.00	86,465.60
Chief	1	Salary	40.70	45.73	84,656.00	95,118.40

The Police Department is authorized to have 10 full-time and 3 part-time positions, allocated between position levels at the discretion of the Chief of Police. The School Resource Officer's compensation range is three percent above the patrol officer's step four and six. The Sergeant's compensation is six percent above the patrol officer's step four and six. The Lieutenant's compensation range is six percent above that of a sergeant. The Chief's compensation range is ten percent above that of a lieutenant. Patrol officers in probation shall be compensated \$.75 less than the hourly rate of starting pay.

Section 2. The number of hourly full-time, part-time, and seasonal employees, positions, and related pay ranges within all other departments shall be as follows:

Positions/JobTitle	Authorized Number	Status	Hourly Rates		Annual Compensation **	
			Low	High	Low	High
<u>Parks and Maintenance</u>						
Maintenance Supervisor	1	Part-Time	\$17.00	\$23.00	\$35,360.00	\$47,840.00
Maintenance Worker	1	Part-Time	15.00	20.00	15,600.00	20,800.00
Maintenance Worker	3	Seasonal	14.00	18.00	6,720.00	8,640.00

ORDINANCE 11-2023**(Continued)**

Positions/JobTitle	Authorized	Status	Hourly Rates		Annual Compensation **	
	Number		Low	High	Low	High
<u>Swimming Pool</u>						
Office Staff	2	Seasonal	12.00	15.00	5,760.00	7,200.00
Concession Lead	1	Seasonal	12.00	15.00	5,760.00	7,200.00
Concession Worker	5	Seasonal	11.00	14.00	5,280.00	6,720.00
Lifeguard 1, (0-1 Years Experience)		Seasonal	11.00	13.00	5,280.00	6,240.00
Lifeguard 2, (2-3 Years Experience)		Seasonal	13.00	16.00	6,240.00	7,680.00
Lifeguard 3, 4+ Year Experience)		Seasonal	16.00	18.00	7,680.00	8,640.00
Maintenance Worker	2	Seasonal	14.00	18.00	6,720.00	8,640.00
<u>Mayor/Administration</u>						
Administration Assistant	1	Full-Time	15.00	22.00	31,200.00	45,760.00
Administration Assistant	1	Part-Time	15.00	22.00	15,600.00	22,880.00

** Annual Compensation is presented for information only and is calculated based on 2080 hours for full-time employees, 1040 hours for part-time employees and 480 hours for seasonal employees.

Section 3. The salaried positions and related pay ranges shall be as follows:

Position	Authorized Number	Status	Annual Compensation **	
			Low	High
Pool Manager	1	Seasonal	\$12,000.00	\$15,000.00
Fiscal Officer	1	Part-Time	44,000.00	55,000.00
Assistant Fiscal Officer/ Police Clerk/Clerk of Court	1	Full-Time	55,600.00	73,700.00
Villager Planner	1	Part-Time	30,000.00	40,000.00

** Annual Compensation is presented for information only and is calculated based on 2080 hours for full-time employees and 1040 hours for part-time employees. Part-time employees are assumed to work at least 20 hours per week.

Section 4. The Mayor has the authority to offer a candidate a pay rate for an existing position within the applicable range based upon Village finances, an employee's level of education, certification/licensure, knowledge, skills and abilities, variety and scope of responsibilities, physical and mental demands and other attributes the Mayor considers necessary for the position.

Section 5. Compensation changes for a job title or position changes are available based on performance and attendance, at the discretion of the Mayor and must stay within the hourly rates and/or annual compensation as outlined in this ordinance.

Section 6. Merit increases may be awarded to exempt and non-exempt full-time and part-time employees at the discretion of the Mayor and must stay within the hourly rates and/or annual compensation ranges as outlined in this ordinance. An annual evaluation to accompany the merit increase is preferred. Seasonal employees may receive a merit increase upon returning to work for another new season.

ORDINANCE 11-2023

(Continued)

Section 7. In the absence of the Chief of Police, the Lieutenant may serve as the Acting Chief. In the absence of the Lieutenant, the ranking Sergeant may serve as the Acting Lieutenant. Acting officers shall be filled only by successive ranks. An officer assigned the responsibilities of Acting Chief or Acting Lieutenant must carry out the duties of the position or rank above that which he/she holds. Acting Chief or Acting Lieutenant shall be compensated at the higher of their base hourly rate plus three and a half percent or the bottom of the pay range for which the officer is assigned. Absence is defined as incapacitated or unavailable or unable, as determined by the Chief, to respond to critical incidents or otherwise make decisions on behalf of the Police department.

Section 8. The rates presented in this Ordinance are effective with the pay period beginning January 1, 2023. Police Department employees, other than patrol officers, shall receive the same 15 percent increase as that reflected in the steps for patrol officers. Patrol officers shall receive the compensation presented for the step they are in on January 1, 2023. A cost of living increase, effective January 1, 2023, of five percent may be given to all non-uniform employees.

Section 9. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

Section 10. All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

Section 12. This Ordinance is hereby declared to be an emergency measure, to be effective immediately upon passage, such emergency being necessary for the preservation of the public health, safety, and welfare of the Village and its inhabitants, to wit: to have the authorized positions at the pool for the 2023 season and proper part-time positions in the police department. Therefore, this Ordinance shall take effect and be in force from and immediately after its passage by the Council.

Tiffany Southard, Mayor

First Reading: July 24, 2023
Second Reading: July 27, 2023
Third Reading: Aug 10, 2023
Passed: Aug 10, 2023

ATTEST

APPROVED AS TO FORM

Jeffrey Wilcheck, Fiscal Officer

Jesse Shamp, Solicitor

ORDINANCE 12-2023

AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE VILLAGE OF MINERVA PARK FOR THE YEAR 2023

WHEREAS, it is necessary to supplement the appropriations in Ordinance 32-2022 for the year ending December 31, 2023; and

WHEREAS, the appropriations herein are to be effective for the year ending December 31, 2023.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF
MINERVA PARK, OHIO THAT:**

Section 1. The Fiscal Officer is authorized to reallocation appropriations as presented below:

	<u>Current Amount</u>	<u>Increase/ (Decrease)</u>	<u>Revised Amount</u>
<u>Security of Persons and Property</u>			
<u>Police Department (110)</u>			
Other Expenditures	\$422,500	\$5,000	\$427,500
Capital Outlay	127,000	10,000	137,000
Total Police Department		<u>\$15,000</u>	

Section 2. This Ordinance shall be in full force and effect upon its passage

First Reading: July 27, 2023

Second Reading

Third Reading

Passed:

Tiffany Southard, Mayor

ATTEST

APPROVED AS TO FORM

Jeffrey Wilcheck, Fiscal Officer

Jesse Shamp, Solicitor

RESOLUTION 2023-25

A RESOLUTION AUTHORIZING AND APPROVING THE MAYOR AND FISCAL OFFICER TO SIGN A CONTRACT WITH FLOCK SAFETY TO INSTALL FLOCK CAMERAS

WJEREAS, The Village of Minerva Park currently is in contract with Flock Safety and has 2 cameras operating in the Village

WHEREAS, the Council of the Village of Minerva Park (“Village”) is looking to install 2 additional cameras inside the Village; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO, THAT:

Section 1. The Mayor and the Fiscal Officer are authorized to enter into a contract with the following vendors to secure equipment for the Village of Minerva Park:

- Flock Safety, at a cost not to exceed \$11,000 per year for 4 cameras total;

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were conducted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

Section 3. This resolution shall take effect and be in full force from the earliest period allowed by law.

Tiffany Southard, Mayor

First Reading: July 13, 2023
Second Reading: July 24, 2023
Third Reading: July 27, 2023
Passed: July 27, 2023

ATTEST

APPROVED AS TO FORM

Jeffrey Wilcheck, Fiscal Officer

Jesse Shamp, Solicitor

RESOLUTION 2023-26
A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO
ENTER INTO A CONTRACT WITH GROUNDMASTER LANDSCAPING
SERVICES, LLC FOR LEAF PICKUP

WHEREAS, The Village of Minerva Park desires to proceed with the 2023 Leaf Pickup Program;

WHEREAS, The Village Requested bids for the 2023 Curbside Leaf Removal Program; and,

WHEREAS, The Village did not receive any bids within the established timeframe .

WHEREAS, The Village received an acceptable quote and requests to move forward with Groundmaster Landscaping Services, LLC

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO, THAT:

Section 1. The Mayor and Fiscal Officer are hereby authorized and directed to enter into a contract with Groundmaster Landscaping Services, LLC for leaf pickup from approximately October 20, 2023 through December 18, 2023.

Section 2. The cost of the leaf pickup program is \$36,800.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

Section 4. This resolution shall take effect and be in full force from the earliest period allowed by law.

Tiffany Southard, Mayor

First Reading: July 13, 2023
Second Reading: July 24, 2023
Third Reading: July 27, 2023
Passed: July 27, 2023

ATTEST

APPROVED AS TO FORM

Jeffrey Wilcheck, Fiscal Officer

Jesse Shamp, Solicitor

RESOLUTION 2023-27

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH LOCAL WASTE SERVICES, INC. FOR THE COLLECTION AND REMOVAL OF RUBBISH, TRASH, RECYCLABLES, GARBAGE, AND YARD WASTE FROM RESIDENCES

WHEREAS, the current contract for the collection and removal of rubbish, trash, recyclables, garbage, and yard waste (“Waste Collection Services”) from the residences of the Village of Minerva Park (“Village”) will expire on September 30, 2023; and

WHEREAS, the Village solicited bids for Waste Collection Services; and

WHEREAS, based on the recommendation of the Service Committee, Local Waste is deemed to be the lowest and best bidder for Waste Collection Services, as set forth in their *2023 Minerva Park Collection Services Bid* received by the Village on July 7th, 2023;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO, THAT:

- Section 1.** The Mayor is hereby authorized and directed to enter into a contract with Local waste in the amount of \$20.95/month for Waste Collection Services for the period of October 1, 2023 through September 30, 2026 for the 2023 Minerva Park Collection Services Bid.
- Section 2.** The Mayor, Fiscal Officer, and Law Director are hereby authorized to take further actions consistent with this Resolution that are needed to carry out the intentions of this Resolution.
- Section 3.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.
- Section 4.** All prior legislation, or any parts thereof, which are inconsistent with this Resolution is/are hereby repealed as to the inconsistent parts thereof.

Tiffany Southard, Mayor

First Reading: July 13, 2023
Second Reading: July 24, 2023
Third Reading: July 27, 2023
Passed: July 27, 2023

ATTEST

APPROVED AS TO FORM

Jeffery Wilcheck, Fiscal Officer

Jesse Shamp, Solicitor