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CHAPTER 1 GENERAL PROVISIONS

1.0 Preamble.

An ordinance of the Village of Hartville enacted in accordance with a Comprehensive Plan and for the purpose of promoting the public health, safety, morals, convenience, and general welfare, establishing land use classifications, dividing the Village into districts, imposing regulations, restrictions, and prohibitions on the use and occupancy of real property, limiting the height, area, and bulk of buildings and other structures, providing for yards and other open spaces around them, establishing standards of performance and design, and providing for the administration and enforcement thereof.

1.1 Title.

This Ordinance shall be known and may be cited and referred to as the Zoning Code of the Village of Hartville, Ohio.

1.2 Validity.

If any Chapter, section, subsection, paragraph, sentence or phrase of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

1.3 Interpretation of Standards.

In their interpretation and application, the provisions of this Code shall be held to be minimum requirements. Wherever this Code imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations, or ordinances, the provisions of this Code shall govern.

1.4 Severability.

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1.5 Rules for Text Interpretation.

In the interpretation of the text of this Code, the rules of interpretation contained in this Section shall be observed and applied, except when the context clearly indicates otherwise. The following rules shall apply to the text:

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text and any table, the text shall control.
- C. The word “shall” be mandatory and not discretionary. The words “may” or “should” shall be permissive.
- D. Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, or “occupied for”.

CHAPTER 2 DEFINITIONS

2.0 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

2.1 Adult Entertainment Facility.

A facility having a significant portion of its function as adult entertainment which includes the following listed categories:

- A. Adult Book Store. An establishment deriving a majority of its gross income from the sale or rental of or having a majority of its stock in trade-in books, magazines or other periodicals, films or mechanical or non-mechanical devices, which constitute adult materials.
- B. Adult Material. Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch and:
 - 1. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions or elimination; or
 - 2. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions or elimination?
- C. Adult Motion Picture Theater. An enclosed motion picture theater or motion picture drive-in theater used for presenting, and deriving a majority of its gross income from, adult material for observation by patrons therein.
- D. Adults Only Entertainment Establishment. An establishment which features services which constitute adult material, or which features exhibitions of persons totally nude, topless, or bottomless, or strippers, male or female impersonators, or similar entertainment which constitute adult material.

2.2 Agriculture.

The use of land for agricultural purposes, including farming of crops, horticulture, floriculture, viticulture, and the necessary accessory uses for packing, treating, or storing the produce; however, the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

2.3 Alley.

Any public or private thoroughfare less than thirty (30) feet wide affording only secondary means of access to abutting properties.

2.4 Amusement Arcades.

- A. Amusement arcade. Any place of business where three or more amusement devices are located for the use or entertainment of persons patronizing the place of business.
- B. Amusement device. Any machine, device, or instrument which either may be activated for play by a third party, person or device, or upon the insertion of paper money, a coin, token, slug, or card, operates or may be operated as a game, contest, or test of skill, or other amusement of any kind. “Amusement device” does not include vending machines.
- C. Game machine. Any amusement device.
- D. Good moral character. Not having been convicted of a crime involving moral turpitude within five years next preceding the date of the application.
- E. Malfunction. Failure to operate in accordance with design.
- F. Moral turpitude. A conviction for a theft offense, fraud, falsification, drug offense, sex offense, an offense involving gambling, or a felony.
- G. Operator. Any individual, corporation, or other entity conducting the business of an amusement arcade.
- H. Owner. Any individual, corporation, or other entity owning title to any amusement device or the real property at which an amusement arcade is operated.
- I. Playing area. The portion of the premises where the primary use is for customer play on amusement devices.
- J. Skill-based amusement machine. A skill-based amusement device, such as a mechanical, electronic, video, or digital device, or machine, whether or not the skill-based amusement machine requires payment for use through a coin or bill validator or other payment of consideration or value to participate in the machine's offering or to activate the machine, provided that all of the following apply:
 - 1. The machine involves a task, game, play, contest, competition, or tournament in which the player actively participates in the task, game, play, contest, competition, or tournament.
 - 2. The outcome of an individual's play and participation is not determined largely or wholly by chance. For purposes of this Article, “largely or wholly” means at least by 51%.
 - 3. The outcome of play during a game is not controlled by a person not actively participating in the game. The machine only charges one price to play a task, game, play, contest, competition, or tournament.

2.5 Animal Husbandry. The keeping or raising of domestic animals incidental to the use of land for agriculture purposes permitted under the definition of Agriculture.

2.6 Apartment. See **Dwelling, Multi-family.**

2.7 Assisted Living Facility. A residential care facility, other than a licensed nursing home, that provides personal care for persons with impairments in performance of activities of daily living and has the capacity to meet unscheduled needs for assistance.

Typical to this facility is that each residence is private occupancy, furnished by occupant, with food service, laundry and gathering areas shared in the facility.

- 2.8 Automobile Service.** Any general repair or the replacement of parts of motor vehicles or trailers.
- 2.9 Automotive Filling Station.** Any building or land area used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use, the sale and installation of lubricants, tires, batteries and similar accessories.
- 2.10 Automotive Sales Area or Trailer Sales Area.** An open lot, other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.
- 2.11 Automotive Wash or Automatic Car Wash.** A building or structure where chain conveyors, blowers, steam cleaners, or other mechanical devices are employed for the purpose of automatically or manually washing motor vehicles.
- 2.12 Automotive Wrecking Yard.** The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.
- 2.13 Basement.** A story partly underground and having at least one-half of its height above the average adjoining grade.
- 2.14 Bed and Breakfast Establishment.** Any owner-occupied dwelling unit that contains no more than four rooms where lodging, with or without meals, is provided for compensation.
- 2.15 Block.** In describing the boundaries of a district, **Block** refers to the legal description. In all other cases, **Block** refers to the property abutting on one side of a street between two intersecting streets or a street and a railroad right-of-way or watercourse.
- 2.16 Board.** The Board of Zoning Appeals of the Village of Hartville.
- 2.17 Building.** Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, or property.
- 2.18 Building, Height of.** The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.
- 2.19 Building Line.** The line, parallel to the street line, beyond which no building or part thereof shall project.

- 2.20 Buildable Lot Area.** The portion of a lot remaining after required yards have been provided.
- 2.21 Bulk Storage or Display.** The display of two or more items which are identical or nearly identical. Examples include, but are not limited to, raw materials, firewood, mulch, fertilizer, building materials, building maintenance products, packaged food products, soft drinks, salt products, furniture and household goods, statuary and other manufactured concrete products, and like items.
- 2.22 Business Services.** Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, building maintenance, employment services, management and consulting services, protective service, equipment rental and leasing (without outdoor storage), commercial research, development and testing, photo finishing, and personal supply services.
- 2.23 Cellar.** An enclosed space within the foundation walls of a building and having more than one-half of its height below the average adjoining grade.
- 2.24 Cellular/Personal Communications Antenna.** Any structure or device used to receive or transmit electromagnetic waves between cellular phones, pagers, computers, or other personal communications devices and ground-wired communications systems, including both directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips and other equipment utilized to service personal communication services.
- 2.25 Cellular/Personal Communications Services Site.** A tract, lot or parcel of land that contains the cellular communications tower, antenna, support structure(s), parking and any other uses associated with and ancillary to cellular/personal communications services transmissions.
- 2.26 Cellular/Personal Communications Services Support Structure.** Any building or structure accessory to, but necessary for the proper functioning of the cellular/personal communications antenna or tower.
- 2.27 Cellular/Personal Communications Services Tower.** Any freestanding structure used to support a cellular/personal communications services antenna. The height of a Cellular/Personal Communications Services Tower shall be measured from the base of the structure to its top, including any antenna located thereon.
- 2.28 Cemetery.** Land used or intended to be used for the burial of human dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums, and mortuaries, if operated in connection with, and within the boundaries of, such Cemetery.
- 2.29 Children's Tree House.** A small house that is built among the branches of a tree above ground level for children to play in.

- 2.30 Clinic.** A place used for the care, diagnosis, and treatment of sick, ailing, infirm, and injured persons who are in need of medical or surgical attention, but who are not provided with board or room nor kept overnight on the premises.
- 2.31 Club.** A building or portion thereof or premises owned or operated by a corporation, association, or group of persons for a social, educational, recreational, charitable, political, patriotic or athletic purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
- 2.32 Commercial Communication Antenna.** A tower, pole, or other similar device erected on the ground or rooftop for the purpose of transmitting or receiving radio, micro, cellular, or other electromagnetic waves between terrestrial and orbital uses.
- 2.33 Commission.** The Village Planning Commission of the Village of Hartville, Ohio.
- 2.34 Conference Center.** A facility which can be used for conferences and seminars, which may have accommodations for sleeping, food preparation, eating, recreation, entertainment, resource facilities, and meeting rooms.
- 2.35 Convalescent Care Facility.** A building or group of buildings, public or private, which provides personal care or nursing to ill, physically infirm or aged persons who are not related by blood or marriage to the operator.
- 2.36 Council.** The Village Council of the Village of Hartville, Ohio.
- 2.37 Court.** An open, unoccupied, and unobstructed space, other than a yard, on the same lot with a building or group of buildings, which is enclosed on three or more sides and is fully open to the sky.
- 2.38 Day Care Center.** A building or structure where care, protection and supervision are provided on a regular schedule, for a fee, at least twice a week, to at least five persons at one time, including any relation of the day care provider.
- 2.39 Discarded Motor Vehicles.** Any inoperable motor propelled vehicle, or accessory to same, which is in the process of being wrecked, dismantled, or stored and which does not have a license thereon which is valid or was valid not more than six (6) months previous.
- 2.40 District.** A portion of the territory of the Village, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter. The term R-District means any Residential-Single Family, Residential-Two Family, or Residential- Multi Family District.
- 2.41 Drive-in or Drive-through Facility.** Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

- 2.42 Dwelling or Dwelling Unit.** Any building or portion thereof occupied or intended to be occupied exclusively for residence purposes, but not including a tent, cabin, tourist courts, trailer, trailer coach, boarding house, rooming house, hotel, or mobile home.
- 2.43 Dwelling, Multi-family.** A building or portion thereof designed for or used by three or more families or housekeeping units, living independently of each other, with cooking and sanitary facilities in each dwelling unit.
- 2.44 Dwelling, Secondary.** A second independent dwelling, attached or detached to the primary single family dwelling, housing a relative related by blood or marriage on the same lot.
- 2.45 Dwelling, Single-family Detached.** A building designed for or used exclusively for residence purposes by one family or housekeeping unit.
- 2.46 Dwelling, Two-family.** A building designed for or used exclusively by two families or housekeeping units, living independently of each other, with cooking and sanitary facilities in each dwelling unit.
- 2.47 Eating and Drinking Establishment.** A retail establishment selling food and drink for consumption on the premises, including lunch counters and refreshment stands selling prepared foods and drinks for immediate on-site consumption.
- 2.48 Educational Institution.** A facility that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high schools, high schools and technical and collegiate level schools.
- 2.49 Essential Services and Utilities.** The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public health, safety, or general welfare.
- 2.50 Family.** One or more individuals living together as a single housekeeping unit in a dwelling, and maintaining and using the same and certain other housekeeping facilities in common.
- 2.51 Feather Flag** – a piece of fabric or non-rigid material with no enclosing framework that may have a distinctive logo or symbol or may contain advertising of products or services.
- 2.52 Fence.** An artificial barrier made of wire, wood, metal, masonry or other material typically used as fencing or determined appropriate by the Zoning Administrator/Inspector, used as a screen, enclosure, or divider intended to prevent escape or intrusion, to mark a boundary, or to enclose an area for a yard or open space. The term

Fence includes a wall, gate or other structure used as a fence, but does not include underground containment mechanisms, such as “invisible fences” for pet containment.

- 2.53 Financial Institution.** Any building, property or activity of which the principal use or purpose is the provision of financial services, including but not limited to, banks, facilities for automated teller machines (ATMs), credit unions, savings and loan institutions, and mortgage companies.
- 2.54 Flag** – a piece of fabric with a distinctive logo or governmental symbol used to attract attention to a business or permitted use.
- 2.55 Floor Area.** The sum of the gross horizontal areas of each floor of the principal building, measured from the exterior walls or from the center line of party walls, including the floor area of accessory buildings and structures.
- 2.56 Floor Area Ratio.** The total floor area of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.
- 2.57 Frontage.** All the property abutting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or Village boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts. The Frontage of a lot shall be measured along the front property line.
- 2.58 Funeral Home.** Any dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.
- 2.59 Garage, Private.** A detached accessory building or portion of the principal building, including a carport, car porch, or membrane structure, used only for the storage of automobiles or trailers by the family resident on the premises.
- 2.60 Garage, Public.** A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair, or refinishing of automobiles or trailers.
- 2.61 Group Home.** Any licensed residential facility designed to allow no more than eight (8) persons, needing specialized care, counseling, ongoing medical treatment or supervision, to live in the same building or complex of buildings and engage in some congregate activity in a non-institutional environment.
- 2.62 Hedge.** A growth of shrubbery planted to function as a boundary, fence or screen.
- 2.63 Heliport.** An area on the ground or on a roof used by helicopters or steep gradient aircraft to pick up or discharge passengers or cargo.
- 2.64 Home Occupation.** Any occupation or profession conducted entirely within a dwelling and carried on by the inhabitants thereof, which is an accessory use clearly incidental and

secondary to the use of the structure for dwelling purposes. Home Occupation shall not include any retail or wholesale business of any kind or any similar intensity of activities regardless of remuneration involving in-person transactions on the premises.

- 2.65 Hospital.** An institution providing health services primarily for inpatient medical or surgical care for sick or injured persons, including related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices that are an integral part of the facilities.
- 2.66 Hotel or Motel.** A facility with room entrances accessed through an interior corridor, offering transient lodging accommodations on a daily rate to the general public and possibly transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.
- 2.67 Impervious Surface Ratio.** A measure of the intensity of land use determined by dividing the total area of all impervious surfaces on the site by the area of the site or lot.
- 2.68 Industry.** Any storage, manufacture, preparation, or treatment of any article, substance or commodity for commercial use.
- 2.69 Institutional Use.** A building, structure or land owned or operated publicly or by a non-profit or religious institution (or entity) used for educational, religious, or similar types of purposes. This includes, but is not limited to, schools, universities, churches and other places of worship, and cemeteries.
- 2.70 Kennel.** Any lot or premises on which four or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained, sold, or which offers provisions for minor medical treatment of animals.
- 2.71 Kitchen.** Any room in a building or dwelling unit which is used for cooking or preparing food.
- 2.72 Land Use Plan or Comprehensive Master Plan.** The Comprehensive Plan Update of the Village of Hartville as adopted by Village Council indicating the desirable use of land in the Village as officially adopted and as amended by the Village Planning Commission. Such plan serves as a guide in the zoning and progressive changes in zoning of land to meet the changing needs, in the subdivision and use of undeveloped land, and in the acquisition of rights-of-way or sites for public purposes such as streets, parks, schools and public buildings.
- 2.73 Loading Space.** An off-street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
- 2.74 Lot.** A piece or parcel of land occupied or intended to be occupied by a principal building or a group of buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces required by this chapter, and having frontage on a public street.

- 2.75 Lot Area.** The computed horizontal area contained within the lot lines.
- 2.76 Lot, Corner.** A lot abutting on two or more streets at their intersection or on two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lines is the corner.
- 2.77 Lot Depth.** The average horizontal distance between the front and the rear lot lines.
- 2.78 Lot Line, Front.** The line separating the lot from the street on which it fronts.
- 2.79 Lot, Interior.** A lot other than a corner lot and with frontage on one street.
- 2.80 Lot Lines.** The property lines bounding the lot.
- 2.81 Lot Line, Rear.** The lot line opposite and most distant from the front lot line.
- 2.82 Lot Line, Side.** Any lot line other than a front or rear lot line.
- 2.83 Lot Line, Street or Alley.** A lot line separating the lot from a vehicular public or private right-of-way.
- 2.84 Lot of Record.** A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Stark County, Ohio, or a lot described by metes and bounds, the description of which has been recorded in such office.
- 2.85 Lot, Through.** A lot having frontage on two parallel or approximately parallel streets.
- 2.86 Lot Width.** The width of the lot measured at right angles to the building setback lines.
- 2.87 Membrane Structure.** Air supported or inflated, membrane-covered cable, frame, or tensioned structures, including circus and carnival tents, entertainment, recreational and food service establishments and other similar structures.
- 2.88 Manufacturing.** The process of making or fabricating raw materials by hand, machinery or the combination thereof into finished parts or products.
accommodations on a daily rate to the general public and perhaps providing additional services, such as restaurants, meeting rooms, and recreational facilities.
- 2.89 Massage.** Any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft tissue of the body with hands, or with the aid of any mechanical or electrical apparatus appliance.
- 2.90 Massage Establishment.** Any fixed place of business where a person offers massages: 1) in exchange for anything of value; or 2) in connection with provisions of another legitimate service.

- 2.91 Masseur (or Masseur).** Any individual who performs massages at a massage establishment. The definition of massage establishment, masseur, or masseuse does not include the practice of any limited branch of medicine or surgery in accordance with ORC 4731.15 and 4731.16
- 2.92 Mobile Food Vending Vehicles.** Any mobile trailer or motorized vehicle that moves about and is designed to be self-contained, portable and not permanently attached to the ground from which the food within the confines of the mobile unit is then peddled, vended, sold or given away. (Refer to Ordinance No. 1-18.04)
- 2.93 Mobile Food Vending.** Any mobile trailer or motorized vehicle that moves about and is designed to be self-contained, portable and not permanently attached to the ground from which the food within the confines of the mobile unit is then peddled, vended, sold, or given away. For the purpose of this section a food vender attending fairs, festivals and special events within the village of Hartville is not considered mobile food vending. (Refer to Ordinance No. 1-18.04)
- 2.94 Motel.** A facility with exterior room entrances, offering transient lodging accommodations on a daily rate to the general public and perhaps providing additional services, such as restaurants, meeting rooms, and recreational facilities.
- 2.95 Non-conforming Use.** See Use, Non-conforming.
- 2.96 Nursing Home.** A privately operated state-licensed place of domicile or other facility which offers skilled nursing and dietary care for persons who are ill or incapacitated, or service for the rehabilitation of persons who are convalescing from illness or incapacitation. Also see Convalescent Care Facility.
- 2.97 Office.** A building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations.
- 2.98 Open Space.** Land used for resource protection, recreation, amenity and/or buffers.
- 2.99 Park or Parkland.** Any land owned by the public and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.
- 2.100 Parking Area, Private.** An open area for the same uses as a private garage.
- 2.101 Parking Area, Public.** An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free, or as an accommodation for clients or customers.
- 2.102 Parking Space.** A paved area of not less than 180 square feet and having a width of not less than ten (10) feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of motor vehicles.

2.103 Personal Services. Establishments primarily engaged in providing services involving the care of people or their personal goods or apparel, such as normally conducted by a barber, beautician, tailor, dressmaker, doctor, attorney, architect or a photocopy duplication center.

2.104 Pet. A domestic animal that is customarily kept for personal use or enjoyment within the home. Typical household pets include, but are not limited to, cats, dogs, rabbits and birds.

2.105 Platting of Subdivisions.

Definitions:

- A. Average Recurrence. The average interval in years between storm water flows of a given magnitude, or greater, over a period of time, such as 100 years.
- B. Council. The legislative body of the Village of Hartville, Stark County, Ohio.
- C. Crosswalk. A right of way, dedicated to public pedestrian use, which cuts across a long block.
- D. Cul-de-sac. A dead-end street of short length having one end open to traffic and the other end terminating in a vehicular turn-around.
- E. Dead-end Street. A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
- F. Easement. A grant by the owner of the land for the specified use of such land to a corporation, partnership, person or persons, or to the public.
- G. Flood Hazard. Indicates overflow water having sufficient velocity to transport debris, to scour the surface soil or to dislodge or damage buildings. It also indicates erosion of the banks of watercourses.
- H. Flood Plain. That portion of a river or creek valley adjacent to the river or creek channel which is covered with water when the river or creek overflows its banks at flood stage.
- I. General Development Plan. That plan adopted by Council which includes the plan of major streets or highways.
- J. Improvements. Street pavements with or without curbs or gutters, grading, surfacing, sidewalks, crosswalks, water mains, sanitary and storm sewers, and other appropriate uses.
- K. Inundation. Standing water, or water in motion, of sufficient depth to damage property due to the mere presence of water or to deposition of silt.
- L. Lot (parcel). A division of land separated or proposed to be separated from other divisions of land by description on a recorded subdivision plat, recorded survey map or by metes and bounds for purposes of sale, lease or separate use, and having frontage on a public or private dedicated street.
- M. Lot (corner). A lot at the point of intersection of and abutting on two intersecting streets.
- N. Lot (double-frontage). A lot, other than a corner lot, which abuts more than one street.
- O. Planning Commission. The Planning Commission of the Village of Hartville, Stark County, Ohio.
- P. Performance Bond (or Surety Bond). An agreement by and between subdivider or

developer and a bonding company in favor of and in such form as approved by Council, on file in the Village Hall, for the amount of estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

Q. Plat:

1. Preliminary Plat: a drawing for the purpose of study of a subdivision and, when approved, permits proceeding with the preparation of a final plat.
2. Plat: a final map of all or a portion of a subdivision which, when approved, shall be in a form suitable for recording.

R. Right of Way. The strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography or treatment) as grade separation, landscaped areas, viaducts and bridges.

S. Roadway. That portion of a highway, including shoulders, for vehicular use. A divided highway has two or more roadways.

T. Shoulder. The portion of the roadway contiguous with the traveled way for the accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.

U. Sidewalk. That portion of the road right of way, outside the roadway, which is improved for the use of pedestrian traffic.

V. Street. A public or private right of way for vehicular and pedestrian use:

1. Freeway: a divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access.
2. Expressway: a divided arterial highway (not a freeway) for through traffic with full or partial control of access, medians, at grade intersections, and some grade separations.
3. Arterial: a general term denoting a highway primarily for through traffic usually on a continuous route. This facility provides for through traffic movement between areas, across the County and to and from expressways. An arterial also provides access to abutting property, but parking and loading may be restricted to improve the capacity for moving traffic.
4. Collector: a street providing for traffic movement between major arterials and local streets, and direct access abutting property. This facility provides for the internal traffic movement within an area of the County.
5. Local: a street or road whose present function is to provide access to residence, business or other abutting property. A local moves a vehicle from an individual property to the nearest collector street.

W. Subdivider. Any person, persons or corporation, or duly authorized agent who undertakes the subdivision of land as defined in Ohio Revised Code.

X. Subdivision.

1. 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 building sites, shall be exempted; or
2. 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; 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.

Y. Vicinity Map. A drawing at a reduced scale located on the preliminary plat which shows legibly by dimension and/or other means, enough area beyond the bounds of the proposed subdivision to locate and orient the subdivision within Stark County.

Z. Watershed. The drainage basin in which the subdivision drains or that land whose drainage is affected by the subdivision

2.106 Printing and Related Trades. Establishments that provide duplicating services using photocopy, blueprint and/or offset printing equipment, including the collating of booklets and reports. Copy service centers or self-service copy centers that primarily utilize photocopy machines as their source of duplication are not printing and related trades.

2.107 Public Building. A structure or portion of a structure owned, operated or controlled by a government agency for the performance of certain specialized governmental activities required for day-to-day functions.

2.108 Recreation, Active. The use of improved land, open to the general public, which provides facilities serving the recreational needs of the community. Active recreational areas shall include, but are not limited to, swimming pools, athletic fields, tennis courts, amphitheatres, community centers, and playgrounds.

2.109 Recreation, Commercial. Land or facilities operated as a business that are open to the general public for a fee including, but not limited to, roller blade rental, billiard parlors, video amusement arcades, pay-to-play athletic fields, golf courses, ice skating rinks and swimming pools.

- 2.110 Recreation, Non-commercial.** Any land or facility operated by a governmental agency or non-profit organization and open to the public or members of the non-profit organization without a fee including, but not limited to picnic areas, bike/hike trails, public golf courses, athletic fields and swimming pools.
- 2.111 Recreation, Passive.** The use of unimproved land, in its natural state and open to the general public, which provides for a variety of activities for the outdoor exercise and activity needs of the community. Passive recreational areas shall include, but are not limited to unimproved backpacking trails, unimproved hiking trails, primitive camping areas, canoeing, swimming, rafting, scientific and scholastic studies. Lands may be improved for handicapped access.
- 2.112 Religious Places of Worship.** Per ORC 5709.07 Place of Worship means a Fellowship of Believers, Congregation, Society, Corporation, Convention, or Association that is formed or exclusively for religious purposes and that is not for the private profit of any person.
- 2.113 Research and Development Laboratory.** A building in which scientific research, investigation, testing or experimentation is conducted, but not including the manufacturing or sale of products, except as incidental to the main purpose of the laboratory.
- 2.114 Restaurant.** An establishment with table services whose principal business is the selling of unpackaged food and beverages to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, provided that no drive-through window may be permitted.
- 2.115 Restaurant, Fast Food.** An establishment whose principal business is the sale of prepared or rapidly prepared food, in disposable containers and without table service, directly to the customer in a ready-to-consume state.
- 2.116 Rest Home.** See Convalescent Care Facility.
- 2.117 Retail Business.** Any business selling goods, wares or merchandise directly to the ultimate consumer for direct consumption and not for resale.
- 2.118 Right-of-way.** Land dedicated to or owned by the public for use as a roadway, walk or other way.
- 2.119 Roadside Stand.** A temporary structure designed or used for the display or sale of neighborhood agricultural products or other products produced on the premises upon which such a stand is located.
- 2.120 Satellite Dish.** A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn or tower. Such device shall be used only to receive radio or electromagnetic waves between terrestrial and orbital uses. Satellite dishes include, but are not limited to, television reception only satellite dish antennas and satellite microwave antennas.

2.121 Setback. The required minimum horizontal distance between the building line and the related front, side or rear property line.

2.122 Shopping Center. A grouping of retail and service uses on a single site that is developed, owned and managed as a unit with off-street parking as an integral part of the unit.

2.123 Sign. An outdoor advertising structure, device, or visual communication designed or intended to convey information to the public in written or pictorial form.

2.124 Sign, Aerial. Any airborne floatation device which is tethered to the ground or to a building or other structure which directs attention to a business, commodity, service, or entertainment conducted, sold or offered.

2.125 Sign, Definitions.

The following words and phrases used in this Sign Code shall have the following meanings:

- A. Abandoned Sign. Beginning on the date in which a business ceases to provide the same goods or services as advertised on the sign, said sign shall be labeled as abandoned and not in use. Signs which remain abandoned for a period of 180 days shall be removed. The owner of the property on which the sign is located shall be presumed the owner of all signs thereon, and all removals shall be the responsibility of the owner. For the purposes of removal, the definition of a sign shall include all sign embellishments and structures designed specifically to support the sign.
- B. Alteration. Any change in copy, color, size or shape, which changes appearance of a sign, or a change in position, location, construction or supporting structure of a sign, except that a copy change on a sign is not an alteration.
- C. Animated Sign. A sign which has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, osculate or visibly alters in appearance in a manner that is not permitted by these regulations.
- D. Area of Sign. Refer to measurement standards in Section 21.1.
- E. Aerial. Any airborne floatation device which is tethered to the ground or to a building or other structure which directs attention to a business, commodity, service, or entertainment conducted, sold or offered.
- F. Attraction or Reader Board. Any sign having changeable copy for the purpose of advertising events, sales, services or products provided on the site.
- G. Awning. A shelter which extends from the exterior wall of a building. It is composed of non-rigid materials except for the supporting framework.
- G. Awning Sign. Any sign painted on or attached to or supported by an awning.
- H. Balloon Sign. A lighter-than-air gas-filled balloon, tethered in a fixed location that has a sign with a message on its surface or attached in any manner to the balloon.
- I. Banner Sign. A temporary, lightweight sign that contains a message which is attached or imprinted on a flexible surface that deforms under light pressure and

that is typically constructed of non-durable materials, including, but not limited to, cardboard, cloth and/or plastic.

- J. Billboard or Poster Panel. An off-premises sign.
- K. Building Identification Sign. Any sign containing the name or address of a building and may include hours of operation and emergency information, such sign being located on the same site as the structure.
- L. Canopy. A freestanding permanent roof-like shelter not attached to or requiring support from an adjacent structure.
- M. Canopy Sign. Any permanent sign attached to or constructed underneath a canopy. These signs are below a projecting structure which extends over the pedestrian walkway which effectively prevents the wall signs for being visible to the pedestrian walking under the canopy.
- N. Changeable Copy Sign. A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means (for example, time and temperature units), or manually through placement of letters or symbols on a panel mounted in or on a track system.
- O. Construction Sign. A non-permanent sign identifying the persons, firms or business directly connected with a construction project. A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.
- P. Decorations (Holiday). Decorations erected for the purpose of celebrating a legal holiday or local festival.
- Q. Directional Sign: A permanent instructional sign located on premise at or near the public right-of-way, directing or guiding vehicular traffic onto the property and/or toward parking or other identified locations on the property. Any on-premise sign giving directions, instructions, or facility information that does not contain the name or logo of an establishment or any advertising copy.
- R. Electronic Message Board. Any sign that uses changing lights to form a sign message or messages wherein the sequences of messages and the rate of changing is electronically programmed and can be modified by electronic process.
- S. Feather Flag (A PROHIBITED SIGN)– a piece of fabric or non-rigid material with no enclosing framework that may have a distinctive logo or symbol or may contain advertising of products or services.
- T. Flag – a piece of fabric with a distinctive logo or governmental symbol used to attract attention to a business or permitted use.
- U. Festoons. A decorative chain or strip hanging between two points
- V. Flashing Signs – A sign which contains an intermittent or sequential flashing light source used primarily to attract attention.
- W. Floral Signs. A sign, which is comprised in part or totally by flowers or shrubbery and said flowers or shrubbery, are included in copy of the sign.
- X. Freestanding Sign. Any sign on private property supported by one or more upright poles, columns or braces, placed in or on the ground and not attached to any building or structure and is not movable. Any permanent sign not attached to a building. This shall include signs attached to poles and signs attached directly to the ground.

- Y. Foot-candle. A measure of illumination on a surface that is one foot from a uniform source of light of one candle and equal to one lumen per square foot.
- Z. Governmental Sign. A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation.
- AA. Ground Mounted. Any freestanding sign, other than a pole mounted sign, independently supported by the ground or mounted on a decorative wall or fence.
- BB. Grade. The level of the site at the property line located at the closest distance to the sign.
- CC. Height of Sign. Refer to measurement standards in Section 21.1.
- DD. Holiday Decorations. Signs or displays, including lighting which are a nonpermanent installation celebrating national, state, and local holidays or holiday seasons.
- EE. Illegal Sign. Any sign placed without proper approval or permits as required by this Code at the time of sign placement. Illegal sign shall also mean any sign placed contrary to the terms or time limits of any permit and any nonconforming sign which has not been brought into compliance with any applicable provisions of this Code.
- FF. Illuminated Sign. Any sign for which an artificial source light is used in order to make readable the sign's message, including internally and externally lighted signs and reflectorized, glowing or radiating signs.
- GG. Informational Signs. Any off-premises sign located in the public right-of-way that is intended to direct vehicular or pedestrian traffic, giving direction or instructions, that does not contain any commercial message or advertising copy.
- HH. Instructional Signs. A sign clearly intended for instructional purposes, as determined by the Zoning Administrator/Inspector, shall not be included in the permitted sum of the sign area of identification wall signs, provided such sign is not larger than necessary to serve the intended instructional purpose, and such sign is not in a location, nor includes design characteristics, that constitute or serve the purposes of an identification sign.
- II. Length of Frontage.
 The measurement purposes, the length of any primary or secondary frontage as defined in Section 21.1, shall be the sum of all wall lengths parallel, or nearly parallel, to such frontage, excluding any such wall length determined by the Zoning Administrator/Inspector as clearly unrelated to the frontage criteria.
1. For buildings with two or more frontages, the length and allowable sign area shall be calculated separately for each such frontage.
 2. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.
- JJ. Logo, Logogram, or Logotype. An emblem, letter, character, pictograph, trademark, or symbol used to represent any firm, organization, entity, or product.
- KK. Mansard. A sloped roof or roof-like façade.

- LL. Marquee. A permanent roof-like shelter extending from part or all of a building face and constructed of some durable material which may or may not project over a public right-of-way.
- MM. Menu Board. A permanent sign containing the name of food and drink items that may be ordered for pick-up at a drive-up window located on the premises.
- NN. Mural. A picture on the exterior surface of a structure. A mural is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.
- OO. Neon Sign. A sign with tubing that is internally illuminated by neon or other electrically charged gas.
- PP. Nonconforming Sign. A sign which was validly installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the current provisions of this Code. A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.
- QQ. Off-Premises Sign. Any sign normally used for promoting an interest other than that of a business, individual, products, or service available on the premises where the sign is located.
- RR. On-Premises Sign. Any sign used for promoting a business, individual, product or service available on the premises where the sign is located.
- SS. Permit. The official written approval for the creation, erection or construction of a sign issued by the Village of Hartville.
- TT. Political and Non-commercial Signs. Any sign designed for the purpose of supporting or opposing a candidate, proposition or other measure at an election or for any other noncommercial expression not related to the advertisement of any product or service or the identification of any business. A temporary sign which announces the candidacy of a person or slate or persons running for elective office, or a political party or issue.
- UU. Portable Sign. Any movable sign not permanently attached to the ground or a building and easily removable using ordinary hand tools. A sign which is movable and which is not permanently attached to the ground, a structure or other signs, and is designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.
1. Portable Sandwich Board. A sign with two display surfaces that is not permanently anchored to the ground or a structure and has a hinged or A-frame construction that allows the sign to be displayed indoors or outdoors.
- VV. Primary and Secondary Frontage. The frontage of any building or site shall include the elevation(s) facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance(s) to the building or building units.
1. For multi-tenant buildings, the portion of such building that is owned, or leased by a single tenant, shall be considered a building unit.

2. The primary frontage shall be considered the portion of any frontage containing the primary public entrance(s) to the building or building units.
 3. The secondary frontage shall include frontages containing secondary public entrances to the building or building units, and all walls facing a public street or primary parking area not designated as the primary frontage.
- WW. Private Street. Primary access ways that are intended to provide vehicular access to multiple commercial businesses and/or ownerships and are not dedicated as a public thoroughfare.
- XX. Projecting Sign. A sign, which projects from and is supported by a wall or parapet of a building with the display surface of the sign in a plane perpendicular to or approximately perpendicular to the wall. A sign supported by a building wall or column and extending a distance exceeding twelve (12) inches from the wall.
- YY. Real Estate Sign. Any nonpermanent sign pertaining to the sale, exchange, lease, rental, or availability of land, buildings, condominium and similar units, or apartments. Such signs may include building name and address, price and amenities, identity of seller or broker, and similar information. A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.
- ZZ. Revolving or Rotating Sign. An animated sign.
- AAA. Roof Sign. Any sign erected upon a roof, parapet, or roof-mounted equipment structure and extending above a roof, parapet, or roof-mounted equipment structure of a building or structure.
- BBB. Sign. Any name, figure, character, outline, display, announcement, or device, or structure supporting the same, or any other device of similar nature designed to attract attention outdoors, and shall include all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof. A sign shall not include any architectural or landscape features that may also attract attention.
- CCC. Sign Face. An exterior display surface of a sign. Including non-structural trim and exclusive of the supporting structure.
1. Comprehensive Sign Plan (CSP). A coordinated program of all signs, including exempt and temporary signs for a business, or businesses if applicable, located on a development site. The sign program shall include, but not be limited to, indications of the locations, dimensions, colors, letter styles and sign types of all signs to be installed on a site.
- DDD. Site. All the contiguous ground area legally assembled into one development location which is a zoning lot. A zoning lot is defined as a permanent parcel (lot of record), multiple lots of record, or a portion of a lot of record.
- EEE. Special Event Sign. Any temporary or non-permanent sign advertising or pertaining to any civic, patriotic or special event of general public interest.

- FFF. Subdivision. Any ground mounted or wall sign identifying a recognized subdivision, condominium complex, or residential development.
- GGG. Super Graphic. A painted design which covers all or a major portion of a wall, building or structure. A super graphic is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.
- HHH. Temporary Sign. Any sign which is installed for a period not to exceed 14 days. Any sign not constructed or intended for long-term use that is not permanently mounted.
- III. Vehicle Sign. Any sign permanently or temporarily attached to or placed on a vehicle or trailer.
- JJJ. Wall Sign. Any sign attached to or painted on the wall of a building or structure in a plane parallel or approximately parallel to the plane of said wall. Any sign which is located on or formed by the surface of the wall of a building. A mansard roof facade on a building shall be considered part of the wall.
- KKK. Window, Area of. The area of a single window includes all of the window panes in an area that is separated by mullions, muntins, or other dividers which are less than 6 inches wide. The entire area within a continuous perimeter enclosing the extreme limits of the sign display, including any frame or border. The area of signs composed of individual letters, numerals, symbols, or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letter or devices with no interior angles greater than 180 degrees.
- LLL. Window Sign. Any sign viewable through and/or affixed in any manner to a window or exterior glass door such that it is intended to be viewable from the exterior (beyond the sidewalk immediately adjacent to the window), including signs located inside a building but visible primarily from the outside of the building. A sign installed inside a window and intended to be viewed from the outside.
- 2.126 Site Plan.** A plan, prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.
- 2.127 Standard, Performance.** Criteria established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases, and other objectionable or dangerous elements generated by and inherent in or incidental to land uses.
- 2.128 Story.** That portion of a building, included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any basement or cellar used for residence purposes shall be deemed a full story.
- 2.129 Story, First.** The lowest story or the ground story of any building, the floor of which is not more than twelve (12) inches below the average contact ground level at the exterior walls of the building.

- 2.130 Story, Half.** A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story. Any partial story used for residence purposes shall be deemed a full story.
- 2.131 Story, Mezzanine.** A story which covers one-third or less of the area of the story directly underneath it. A mezzanine story shall be deemed a full story if it covers more than one-third of the area of the story directly underneath the mezzanine story.
- 2.132 Street.** A public right-of-way which provides a public means of access to abutting property for motor vehicles.
- 2.133 Structure.** Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.
- 2.134 Structure, Accessory.** See Use, Accessory.
- 2.135 Structural Alteration.** Any change in the structural members of a building, such as walls, columns, beams, or girders.
- 2.136 Swimming Pool.** Any structure located in-ground or above ground containing, or normally capable of containing, water to a depth at any point greater than 24 inches for the purpose of recreation, sports activity, or swimming.
- 2.137 Tavern.** An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food may be available for consumption on the premises.
- 2.138 Thoroughfare Plan.** The approved roadway plan adopted by the Village Council, establishing the location and official right-of-way width of principal highways and streets in the Village.
- 2.139 Trailer Home or Mobile Home (including Motor Home, Automobile Trailer, Trailer Coach, or House Trailer).** Any vehicle or structure constructed to permit occupancy thereof as sleeping quarters, the conduct of any business, trade, or occupation, use as a selling or advertising device, or use for storage or conveyance for goods, equipment, or machinery and so designed that it is or can be mounted on wheels and used as a conveyance on highways and streets propelled or drawn by its own or other motor power.
- 2.140 Trailer, Educational.** Any trailer, mobile unit, or van that is used exclusively for the purpose of instruction or activities related to instruction by a school of general education.
- 2.141 Trailer Home Park or Mobile Home Park.** Any lot or part thereof, or any parcel of land which is used or offered as a location for two or more trailers used for any purpose set forth in **Trailer Home** or **Mobile Home** above.

- 2.142 Use.** The purpose for which land or a building or structure is arranged, designed, or intended, or for which either land or a building or structure is, or may be, occupied or maintained.
- 2.143 Use, Accessory or Accessory Structure.** A use or structure subordinate to the principal use of a building or to the principal use of land, which is located on the same lot as the principal use, and which is serving a purpose customarily incidental to the use of the principal building or land use. An accessory building or structure size and location is regulated by section 8.3 (A).
- 2.144 Use, Conditional.** A use which is permitted in a district only if a zoning permit therefore is expressly authorized by the Planning Commission in accordance with Chapter 34.
- 2.145 Use, Non-conforming.** Any building, structure, or premises legally existing or used at the time of adoption of this chapter, or any amendment thereto, and which does not conform to the use regulations of the district in which located. Any such building, structure, or premises conforming in respect to use but not in respect to height, area, yards, or courts, or distance requirements from more restricted districts or uses, shall not be considered a nonconforming use.
- 2.146 Use, Principal Permitted.** A use which is permitted outright in a district for which a zoning permit shall be issued by the Zoning Administrator/Inspector provided that the applicant meets the applicable requirements of the Code.
- 2.147 Used.** Arranged, designed, constructed, altered, converted, rented, leased, or intended to be used.
- 2.148 Variance.** A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public health, safety, or welfare and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.
- 2.149 Vehicular Use Area.** A paved lot utilized for the parking of motor vehicles.
- 2.150 Veterinary Hospital.** A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.
- 2.151 Wireless Communication Systems.** See Cellular or Personal Communication.
- 2.152 Wholesale Warehousing.** An establishment engaged in the storage and selling of merchandise to retail establishments rather than to consumers.
- 2.153 Yard.** An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward.

- 2.154 Yard, Front.** A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot, usually the building line. The front yard shall be measured from the right-of-way line of the existing street on which the lot fronts (the front lot line) to the closest point of a principal building, however, if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan or on the official map of the Village differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on the Thoroughfare Plan or official map. Corner lots shall have two front yards.
- 2.155 Yard, Rear.** A yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line to the closest part of a principal building.
- 2.156 Yard, Side.** A yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line to the side of a principal building, and a line parallel thereto on the lot. The least width of a side yard shall be measured from the nearest side lot line to a principal building.
- 2.157 Zoning Administrator/Inspector.** Appointed by the Mayor and approved by Council to enforce the Village of Hartville Zoning Ordinance.
- 2.158 Zoning Permit.** A document issued by the Zoning Administrator/Inspector authorizing buildings, structures, or uses consistent with the terms of this Code and for the purpose of carrying out and enforcing its provisions.
- 2.159 Zoning Map.** The zoning map of the Village of Hartville, together with all amendments subsequently adopted.

CHAPTER 3
DISTRICT ESTABLISHMENT AND MAP

3.0 Division of Village into Districts

The Village is hereby divided into nine use districts as follows:

<u>Abbreviation</u>	<u>District</u>
A-1	Agricultural District
R-1	Single Family Residence District
R-2	One & Two Family Residence District
R-3	Multi Family Residence District
B-1	Neighborhood Business District
B-2	General Business District
M-1	Light Industrial District
M-2	General Industrial District
H-1	Historical Business District

3.1 Official Zoning Map

The districts established in Section 3.0 are shown on the Official Zoning Map which, together with all explanatory matter therein, is hereby adopted as part of this Zoning Code and is hereby incorporated by reference into this Zoning Code. The Official Zoning Map, properly attested, shall remain on file in the office of the Village Fiscal Officer or his/her designee.

3.2 Interpretation of District Boundaries

Except where referenced on the map to a street or alley line or other designated line by dimensions shown on the map, the district boundary lines follow lot lines or the center lines of streets or alleys as they existed at the time of adoption of this Chapter, but where a district line obviously does not coincide with the lot lines as such, or center lines of streets or alleys, or where it is not designated by dimensions, it shall be determined by the use of the engineer's scale as measured on the Official Zoning Map.

When the streets or alleys on the ground differ from the streets or alleys on the Official Zoning Map, the Board of Zoning Appeals may apply the Zoning District designations on the map to the property on the ground in such a manner as to conform to the intent and purposes of this Section in the judgment of the Board.

3.3 Lot Divided, Extension of District

Where a district boundary line established in this Section or as shown on the Zoning Map divides a lot which was in single ownership at the time of enactment of this Chapter, the use authorized thereon and the other district requirements applying to the more restricted portion of such lot under this Chapter shall be considered as extending to the entire lot.

3.4 Vacated Street or Alley.

Whenever any street, alley, or other public way is vacated by official action as provided by law, the zoning district adjoining the side of such public way shall be extended automatically, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall thenceforth be subject to all regulations of the extended district.

3.5 Annexations.

All territory which may hereafter become a part of the Village of Hartville by annexation shall automatically be classed as lying and being in the same District as it was designated by the jurisdiction which the annexed territory was under state law. If there be a similar District in existence under these regulations; insofar as the use, area and height of buildings erected thereon can fit into a similar zone, such District shall be applied. If no such use or District is available, then such portion annexed shall automatically be classified as lying in the district in the Hartville Zoning ordinance that is most similar in description until such classification shall have been changed by an amendment to the Zoning Regulation, as provided for by law.

3.6 Conformance with Regulations. (Except as hereinafter specified)

- A. No land shall be used except for a use permitted in the Zoning District, in which it is located, or for a use conditionally permitted and subject to the issuance of a Conditional Use Permit.
- B. No building shall be erected, converted, enlarged, reconstructed, nor shall any building be moved onto a zoning lot or within the same zoning lot, unless it is a use permitted in the Zoning District in which such building is located, except as provided for elsewhere in this Code.
- C. No parcel of land or lot shall hereafter be created which does not conform to and meet the requirements of these regulations.
- D. Every building hereafter erected or structurally altered shall be located on a lot as herein defined. No more than one principal building per lot shall be permitted.

CHAPTER 4 SUPPLEMENTAL DISTRICT REGULATIONS

4.0 Regulations for Drive-In, Drive-Through, or Carry-Out Eating and Drinking Establishments.

In addition to the other relevant District regulations, drive-in, drive-through or carry-out eating and drinking establishments shall be reviewed by the Planning Commission during Site Plan Review as required by Chapter 18 and shall be further regulated as follows:

- A. The location must be located on or near an arterial road; said road must be adequate to carry the additional traffic generated by the establishment. The Village may require the preparation of a traffic impact study by a qualified traffic engineer to determine the adequacy of the roadway.
- B. A minimum of five (5) stacking spaces per drive-thru lane shall be required.
- C. Exterior lighting, including illuminated signage, shall be so shaded, shielded or directed that the light intensity or brightness shall not extend beyond the subject property line to be determined by the submission of a photometric lighting plan.
- D. A solid fence or wall four (4) to six (6) feet in height shall be constructed where any off-street parking area is located, adjacent to a dwelling unit or any residentially zoned parcel of land. An evergreen hedge maintained in good condition may be substituted for the required fence or wall, provided however, that the evergreen hedge provides an opaque screen to prevent the glare of headlights onto adjoining properties and provided that the Planning Commission approves such.

4.1 Restrictions and Limitations on Floodway Fringe Development

All underlying development within the floodway fringe shall be compatible with the requirements of the underlying Zoning District, Special Purpose Flood Damage Prevention, or subsequent update, and the following regulations:

- A. Residential Development: New construction, or substantial improvement or expansion, shall have the lowest floor (including the basement), elevated to a minimum of 1-foot above the base flood elevation. If placed on fill, the fill shall extend at such elevation at least fifteen (15) feet beyond the limits of any structure or building erected thereon.
- B. Commercial Development: New construction, or substantial improvement or expansion, shall have the lowest floor (basement included), elevated to a minimum of 1-foot above the base flood elevation. Accessory uses may be situated on lower elevations.
- C. Manufacturing, Office, Warehouse and Industrial Development: Manufacturing and industrial buildings, structures and appurtenant works shall be raised 1-foot above the base flood elevation. Measures should be taken to minimize interference with normal plant operations, especially for streams having protracted flood durations. Certain accessory uses such as yards, railroad tracks and parking lots may be at lower elevations.

4.2 Reduction of Required Area or Space

Unless a variance is specifically granted by the BZA, no lot, yard, court, parking area or other space shall be reduced in area or dimension so as to make the area or dimension less than the minimum required by this Code. No part of a yard, court, parking area or other space provided about or for any building or structure for the purpose of complying with the provisions of this Chapter, shall be included as part of the yard, court, parking area or other space required under this Chapter for another building or structure.

Furthermore, any part of a yard, court, parking area or other space provided which is already less than the required minimum shall not be reduced further.

4.3 Clear Sight Distance at Street and Access Drive Intersections and Corner Lots

To insure that landscape materials do not constitute a driving hazard, a "clear sight triangle" will be observed at all street and access drive intersections. A clear sight triangle is the triangular area formed by a diagonal line connecting two points located on intersecting lines of a right-of-way, easement of access, or pavement edge of an access drive, each point being twenty (20) feet from the intersecting lines. See Figure 4.4A.

- A. Design: The entire area of the clear sight triangle should be designed as illustrated in Figure 4.4A (on next page) to provide the driver of the vehicle entering the intersection with an unobstructed view to all points nine (9) feet above the roadway along the centerline. The recommended distance depends upon the design speed of the higher-order street and therefore is greater for arterial streets than for collectors.
- B. Restrictions Within Clear Sight Triangles: No landscape material with a mature height greater than twelve inches (12") shall be permitted within the sight triangle, except for trees which conform to the following standards. Trees shall be permitted within the sight triangles as long as, except during early growth stages, only the tree trunk (no limbs, leaves, etc.) is visible between the ground and nine (9) feet above the ground, or otherwise does not present a traffic visibility hazard. Restrictions shall not apply to fire hydrants, public utility poles, street markers, governmental signs, traffic control devices, and existing natural grades which, by reason of natural topography, rise twelve (12") or more inches above the level of the center of the adjacent intersection.

SEE FOLLOWING PAGE FOR EXAMPLE

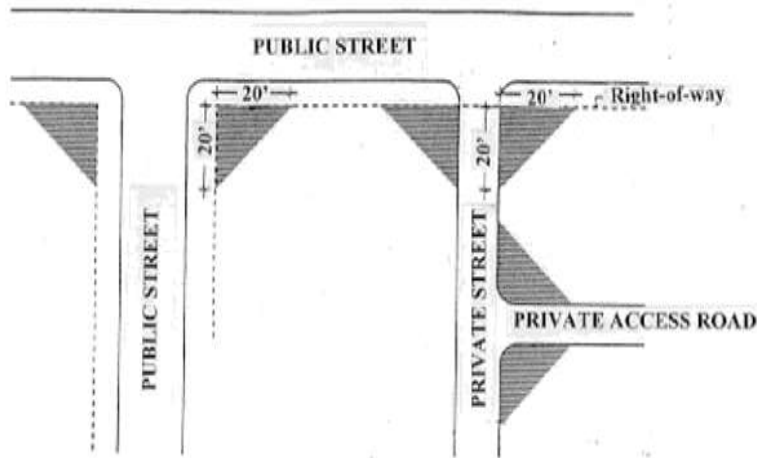


Figure 4.4A
Sight Distance Diagram

4.4 Fences and Hedges

Fences and hedges are permitted in all districts, subject to the following conditions:

- A. A fence may be located on the corner of the lot in the front yard of any property if it is primarily of a decorative nature, rather than an enclosing nature and meets the following conditions:
1. Maximum height of four (4) feet.
 2. Permitted fencing materials include picket (wood or simulated wood), wood split rail, and wrought iron (metal or simulated metal). Permitted piers include natural stone or brick.
 3. Length may not exceed 25% of the total perimeter of the front yard beyond the front building line.
 4. The face of the fence must be at least 75% open when viewed from a position perpendicular to the fence.
 5. The requirements of this section shall not prevent the location of not more than six (6) masonry, (natural stone or brick) piers, per residential use, with size not to exceed 1'4" x 1'4" x 4' high.
 6. No fence shall extend further than 15' from the corner of the lot. Hedges may be permitted in the required front yard provided the hedge height does not exceed three (3) feet.
 7. Hedges may be permitted in the required front yard provided the hedge height does not exceed three (3) feet.
 8. If no structure exists on said residential property, any fence, wall, or hedge may project past the front building line of the average of the adjacent properties or the minimum front yard setback, whichever is greater.
 9. Any fence in which the supporting structure for the fence, including but not limited to, the footers, posts, beams, braces, cross braces, rails, or any part

thereof, are visible only on one side of the fence, shall be constructed so that the supporting structure shall not be visible from the properties which are adjacent to the property on which the fence is being constructed.

Nothing in this section shall prevent the construction of screening or buffering as required by Section 19.

- B. Fences shall not exceed six (6) feet in height in the rear yard and four (4) feet in height in the side yard. Fences shall not exceed eight (8) feet in height in the M-1 District or where approved by the Planning Commission for screening purposes in other districts.
- C. Fences shall not contain an electric charge or barbed or razor wire.
- D. No fence or hedge shall violate the sight distance requirements found in Section 4.3 of this Zoning Code.
- E. The Zoning Administrator/Inspector may require that a property survey be prepared and submitted at the owner's expense when the location of a proposed fence is such that the property lines or setbacks are in question.

4.5 Home Occupations

Customary home occupations may be permitted by conditional use permit from the BZA. Home occupations shall be subject to the following conditions in addition to use regulations in various districts:

- A. No person other than members of the family residing on the premises shall be engaged in such home occupation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- C. The external appearance of the structure in which the use is conducted shall not be altered. Furthermore, no external alteration, construction or reconstruction of premises to accommodate the use shall be permitted.
- D. One (1) non-illuminated sign of not more than one (1) square foot in area, attached flat against the building, shall be permitted.
- E. The home occupation may increase parking and traffic flow by no more than one (1) vehicle at a time.
- F. There shall be no outside storage of any kind related to the home occupational use and only commodities made on the premises may be sold on the premises. No display of the products shall be visible from the street.
- G. No expansion of existing off-street parking shall be permitted. Furthermore, no additional parking burden, due to the home occupational use, shall be created.
- H. No equipment, process, materials or chemicals shall be used which create offensive noises, vibration, smoke, dust, odor, heat, glare, x-rays, radiation or electrical disturbances detectable to normal senses off the premises. In the case of electrical interference, no equipment or process shall create visual or audible interference in

any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.

- I. The neighborhood shall not be adversely affected by said home occupation.

4.6 Cellular or Wireless Communication Systems

Cellular or wireless communication systems shall be regulated as follows:

- A. In recognition of the quasi-public nature of cellular and/or wireless communication systems, it is the purpose of these regulations as set out here in this Section, and known as “Cellular or Wireless Communications Systems” to:

1. Accommodate the need for cellular or wireless communication towers while regulating their location and number in the Village;
2. Minimize adverse visual effects of communication towers and support structures through proper siting, design and screening;
3. Avoid potential damage to adjacent properties from communication towers and support structure failure; and
4. Encourage the joint use of any new and existing communication towers and support structures to reduce the number of such structures needed in the future.

- B. The following use regulations shall apply to cellular or wireless communication antennas and towers:

1. A cellular or wireless communications antenna that is mounted to an existing communications tower (whether said tower is for cellular purposes or not), smoke stack, water tower or other tall structure, shall be permitted in districts where permitted as specified in this Code. Cellular or wireless communications antenna may also be located on the top of buildings which are fifty (50) feet in height or greater. Any cellular or wireless communications antenna that is mounted to an existing structure as indicated above shall be painted a color which matches, or is compatible with, the structure on which it is located.
2. A cellular or wireless communications antenna that is not mounted on an existing structure or is more than fifteen (15) feet higher than the structure on which it is mounted, is permitted in all zoning districts, with the exception of any single household or multi-household zoning district, as a conditional use.
3. All other uses accessory to the cellular or wireless communications antenna and towers (except a building to house mechanical equipment) including, but not limited to business offices, maintenance depots, and materials and vehicle storage, are prohibited from the site unless otherwise

permitted in the zoning district in which the cellular or wireless communications antenna and/or tower is located.

4. Cellular or wireless communications sites shall not be located in any single household or multi-household residential zoning district nor shall they be located any closer to any residential zoning district as follows:

- a. Cellular or wireless communication towers less than 100 feet in height shall be located no closer than 400 feet to any residential zoning district.
- b. Cellular or wireless communication towers less than 150 feet in height shall be located no closer than 650 feet to any residential zoning district.
- c. Cellular or wireless communication towers 150 feet in height and greater shall be located no closer than 850 feet to any residential zoning district.

C. The following standards shall apply to all conditionally permitted cellular or wireless communications antennas and towers:

1. The cellular or wireless communications company shall be required to demonstrate, using the latest technological evidence, that the antenna or tower must be placed where it is proposed in order to satisfy its necessary function in the company's grid system.
2. If the cellular or wireless communications company proposes to build a cellular or wireless communications tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it has contacted the owners of nearby tall structures within a one (1) mile radius of the site proposed, asked for permission to install the cellular or wireless communications antenna on those structures, and the reason for denial. "Tall structures" shall include, but not be limited to, smoke stacks, water towers, church steeples, buildings over fifty (50) feet in height, antenna support structures of other cellular or wireless communication companies, other communication towers and roadway lighting poles. The Village may deny the application to construct a new cellular or wireless communications tower if the applicant has not made a good faith effort to mount the antenna on existing structures.

D. Standards of Approval of All Cellular or Wireless Communications Antennas and Towers

1. **Antenna/Tower Height:** The applicant shall demonstrate that the antenna/tower is the minimum height required to function satisfactorily. No antenna that is taller than the minimum height shall be approved, unless it is demonstrated that the additional height will allow the structure to support future co-location.

2. Setbacks from the Base of the Tower: If a new cellular or wireless communications tower is to be constructed, the minimum distance between the base of the tower or any guy wire anchors and the property line shall be the greater of the following:
 - a. Forty (40) percent of the tower height;
 - b. The minimum setback in the underlying zoning district; or
 - c. Fifty (50) feet.
3. Cellular or Wireless Communications Tower Safety: The applicant shall demonstrate that the proposed cellular or wireless communications tower and its antenna are safe and that the surrounding properties will not be negatively affected by tower failure, falling ice or other debris. Furthermore, all cellular or wireless communications towers shall be fitted with anti-climbing devices as approved by the manufactures.
4. A fence shall be required around the cellular or wireless communications tower and its support structure(s), unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight (8) feet in height and shall be erected to prevent access to non-authorized personnel.
5. Landscaping shall be required to screen as much of the support structures as possible, the fence surrounding the cellular or wireless communications tower, support structure(s) and any other ground level features and, in general, soften the appearance of the cellular communications site.
6. The Village may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure, and other equipment is housed inside of an existing structure, landscaping shall not be required. The operator of the facility shall be required to maintain the landscaping and to replace dead or severely damaged plants. Any freestanding cellular or wireless communications tower shall incorporate landscaping which includes trees, shrubs and other landscaping vegetation that is subject to review and is acceptable to the Planning Commission. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
7. In order to reduce the number of antenna support structures needed in the Village in the future, the proposed cellular or wireless communications tower shall be required to accommodate other users, including other cellular communications companies, and local police, fire and ambulance departments.
8. The cellular or wireless communications company must demonstrate to the Village that it is licensed by the Federal Communications Commission (FCC).
9. Required Parking: If the cellular or wireless communications site is fully automated (i.e., not requiring employees for daily operations), adequate

parking shall be required for maintenance workers. If the site is not fully automated, the number of required parking spaces shall equal the number of employees working on the largest shift. All parking specifications and requirements shall be consistent with the applicable parking requirements as established in the Zoning Code.

10. Cellular or wireless communications towers under 200 feet in height shall be painted silver or have a galvanized finish retained in order to reduce visual impact. Cellular or wireless communications towers shall meet all Federal Aviation Administration (FAA) regulations. No cellular or wireless communications towers may be artificially lighted except when required by the FAA. Furthermore, no cellular communication tower or antenna shall contain any signage containing a commercial message.
11. A full site plan shall be required for all proposed cellular or wireless communications sites, at a scale of 1 inch to 100 feet (1"=100'), indicating, as a minimum, the following. This information shall be submitted in addition to other application requirements specified in this Code.
 - a. The total area of the site.
 - b. The existing zoning of the property in question and of all adjacent properties.
 - c. All public and private right-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned.
 - d. Existing topography with a maximum of five (5) foot contours intervals.
 - e. The proposed finished grade of the development shown by contours not exceeding five (5) foot intervals.
 - f. The location of all existing buildings and structures and the proposed location of the cellular or wireless communications tower and all cellular or wireless communications support structures including dimensions, heights, and where applicable, the gross floor area of the buildings.
 - g. The location and dimensions of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, grades, surfacing materials, drainage plans and illumination of the facility.
 - h. All existing and proposed sidewalks and open areas on the site.
 - i. The location of all proposed fences, screening and walls.
 - j. The location of all existing and proposed streets.
 - k. All existing and proposed utilities including types and grades.
 - l. The schedule of any phasing of the project.
 - m. A written statement by the cellular or wireless communications company as to the visual and aesthetic impacts of the proposed cellular or wireless communications tower on all adjacent residential zoning districts.

- n. Any other information as may be required by the Planning Commission to determine the conformance with this Zoning Code.

Upon submission of a complete application for site plan review to the Zoning Administrator/Inspector, the application shall be transmitted to the Planning Commission where they shall review the site plan to determine if it meets the purpose and requirements as established in this Section of the zoning district where the proposed cellular or wireless communications site is located and of any other applicable Section of this Zoning Code.

The Planning Commission shall act upon all site plans within thirty-five (35) days after the receipt of the complete application from the Zoning Administrator/Inspector. Within the said thirty-five (35) day period, a majority of the members of the Planning Commission present at a meeting thereof may vote to extend the said period of time, not to exceed an additional sixty (60) days. The Planning Commission will recommend approval or disapproval of the site plan to Council.

- E. Maintenance: Any owner of property used as a cellular or wireless communications site shall maintain such property, structures and landscaping in good condition and free from trash, outdoor storage, weeds and other debris. Any cellular or wireless communications tower that has discontinued its service for a period of twelve (12) continuous months or more shall be removed, along with all accessory structures related thereto. Discontinued shall mean that the structure has not been properly maintained, has been abandoned, become obsolete, unused or has ceased the daily activities or operations which had occurred.

4.7 Performance Standards to Regulate Potential Hazards and Nuisances

The following minimum standards shall apply to all uses in the Districts- R-1, R-2, R-3, B-1, B-2, M-1 and M2.

- A. Fire and Explosion Hazards: All activities including storage, involving flammable or explosive materials, shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
- B. Air Pollution: No emission of air pollutants shall be permitted which violate the Clean Air Act Amendment, as amended from time to time, as enforced by the Ohio Environmental Protection Agency.
- C. Glare, Heat and Exterior Light: Any operation producing intense light or heat, such as high temperature processes like combustion, welding or otherwise, shall be performed within an enclosed building and shall not be visible beyond any lot line bounding the property where on the use is conducted. No exterior lighting shall be positioned so as to extend light or glare onto adjacent properties or rights-of-way.

- D. Dust and Erosion: Dust or silt shall be minimized through landscaping, paving or other adequate means in a manner as to prevent their transfer by wind or water to points off of the lot in objectionable quantities.
- E. Liquid or Solid Wastes: No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
- F. Vibrations and Noise: No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth-shaking vibrations which are discernible without instruments at or beyond the property lines of the subject adhered to.
- G. Odors: No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point or beyond the lot line of the property on which the use is located. The applicable standards of the Ohio Environmental Protection Agency shall be adhered to.

4.8 Regulations for Automotive Service Stations and Automotive Filling Stations

The following requirements shall apply to automotive service stations and automotive filling stations:

- A. There shall be a minimum of two (2) separate driveways providing ingress and egress from the property, located not closer than fifty (50) feet from one another, twenty-five (25) from any adjacent residentially zoned district, or a minimum of seventy-five (75) feet from a street intersection. The Planning Commission and appropriate engineering authority shall determine the number of driveways to such an establishment. The Village may require the submission of a traffic study prepared by a qualified traffic engineer to evaluate the locations of proposed driveways.
- B. In the case of an automotive service station in the, all hydraulic lifts, oil pits and all lubricants, greasing, automobile washing and repair equipment, shall be conducted entirely within an enclosed building.
- C. The entire lot area, exclusive of the area covered by the building, shall be paved and/or landscaped. A minimum four (4) inch high curb shall separate all paved areas from all landscaped areas.
- D. In the case of an automotive service station or automotive filling station, the light from exterior lighting shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to any surrounding residential area.
- E. A solid fence, wall or evergreen hedge, four (4) to six (6) feet in height shall be constructed or planted and maintained in good condition wherever such use abuts a residentially zoned district.
- F. Motor vehicle fuel pumps, compressed air connections and similar equipment shall be erected no closer than fifteen (15) feet to any right-of-way line.
- G. Canopies erected on an automotive filling station site shall be erected no closer than fifteen (15) feet to any right-of-way line.

- H. Other uses permitted in a district in which automotive service stations are permitted may be combined on the same premises with automotive filling station uses provided that, before the commencement of such combined uses, a development plan shall be submitted to the Planning Commission for its review and approval. In determining the approval or disapproval of such development plan, the Planning Commission shall consider the following factors, and their recommendation of approval or disapproval shall be based on the following factors alone:
1. Access, ingress, egress and traffic circulation;
 2. Off-street parking and loading spaces as required by this Zoning Code;
 3. Adequate and safe separation of uses; and
 4. Compliance with the requirements of this Chapter.
- I. No vehicle not owned by an employee or owner of such facility shall be permitted to stand out of doors on such premises for more than 7 (seven) days.
- J. The following shall regulate the abandonment of automotive service stations:
1. If any automobile filling station is abandoned for a period at least six (6) consecutive months in any twenty-four (24) month period, such station shall be presumed to be a nuisance affecting or endangering surrounding property values and to be detrimental to the public health, safety, convenience, comfort, property or general welfare of the community and shall be abated.
 2. Such abandoned condition shall be abated within sixty (60) days either by placing the station in operation in accordance with this section and other applicable laws and regulations of the Village and State, adapting and using the building or structure for another permitted use in the district in which it is located, or by razing the station, removing the pumps and signs, abandoning the underground storage tanks in accordance with safe accepted practices as prescribed by the National Fire Protection Association in Appendix C to N.F.P.A. No. 30, under the supervision of the Village's Fire Chief or other designated officials, and filling depressions to the grade level of the lot, however, if the station is in operation at the time notice is given and remains in operation for ninety (90) consecutive days thereafter, the provision of this sub-section shall not apply.
 3. Whenever the Zoning Administrator/Inspector shall find any automotive service station or automotive filling station to be abandoned within the meaning of this Section, the Inspector shall give notice in the same manner as service of summons in civil cases, or by certified mail addressed to the owner of record of the premises at the last known address or the address to which tax bills are sent, or by a combination of the foregoing methods.
 4. On the failure, neglect or refusal of any owner to comply with the notice to abate such abandonment, the Zoning Administrator/Inspector shall take such action as may be necessary to abate such nuisance.
 5. Inoperative stations which do not come within the definition of an abandoned station shall be maintained in accordance with the provisions of

this section and other applicable laws and regulations, and the owner shall maintain the premises, mowing grass and removing all weeds and rubbish. The parking of motor vehicles on the premises shall be strictly prohibited, and the owner shall place in the window of such station a sign the following factors, and its approval or disapproval shall be based on the following factors alone: Access, ingress, egress and traffic circulation; Off-street parking and loading spaces as required by this Zoning Code; Adequate and safe separation of uses Compliance with the requirements of this Chapter.

4.9 Regulations for Active Outdoor Recreation Areas

Active commercial and non-commercial recreation areas and facilities such as swimming pools, recreation clubs, golf courses are conditionally permitted uses within several Districts and shall meet the following additional requirements:

- A. The site shall contain not less than one (1) acre.
- B. Front yards shall be fifty (50) feet; except when fronting on a state highway, then front yards shall be 100 feet. Side yards shall be forty (40) feet, and rear yards shall be fifty (50) feet.
- C. The site shall have adequate access onto a hard surfaced state highway or village thoroughfare that is regularly maintained and adequate to handle the additional traffic generated by the use.
- D. When such uses are conditional uses, the development approval process shall be as specified in Chapter 24.
- E. A Landscape Plan, including quantities, sizes and varieties of landscaping, shall be submitted with the application.
- F. Parking areas shall be a minimum distance of fifty (50) feet from residential uses.
- G. Outdoor artificial lighting shall be recommended for approval by the Planning Commission.

4.10 Outdoor Bulk Storage or Display

The outdoor storage or display of bulk goods including seasonal items such as firewood and mulch shall be controlled by the following regulations:

- A. The outdoor storage or display of merchandise, inventory or materials shall not interfere with parking or the safe and unobstructed use of vehicular or pedestrian access ways or walkways. Furthermore, no outdoor storage or display area may occupy any required parking space.
- B. The outdoor storage or display of merchandise, inventory or materials shall not be located in any required yard area within the lot.
- C. The outdoor storage or display of merchandise, inventory or materials shall not include the use of banners, pennants or strings of pennants.
- D. Outdoor storage areas shall be required to be fully screened with an opaque fence or wall not to exceed eight (8) feet in height.
- E. Outdoor storage or display locations shall be approved by the Planning Commission upon the application of the record owner of the property.

- F. Liquid or Solid Wastes: No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
- G. Applications for outdoor storage or display areas shall be on a form provided by the Planning Commission and shall be submitted with a site plan depicting the location of the said storage or display areas with supporting documentation indicating the impact of the storage or display area on the property as a whole. The Zoning Administrator/Inspector may request the specific review and the recommendation by the Planning Commission for approval of any application. The review by the BZA may also be requested by any applicant whose application has been rejected or modified by the Zoning Administrator/Inspector, which request must be made in writing and must be made within ten (10) days of such rejection or modification.

4.11 Adult Entertainment Facility

- A. An Adult Entertainment Facility is a conditional use within the M-2 District. A conditional use for such facilities shall not be approved unless the following minimum conditions shall be complied with:
 - 1. No Adult Entertainment Facility shall be established within one thousand (1000) feet of any Residential (R) District; or any public, private, governmental or commercial library, school, teaching facility, park, recreational facility, religious place of worship, child day care facility, day care facility, playground or swimming pool; or any other Adult Entertainment Facility.
 - 2. No advertisements, displays or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
 - 3. All building openings, entries, windows, etc. for Adult Entertainment Facilities shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public areas, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from any public or semi-public areas.
 - 4. No screens, loudspeakers or sound equipment shall be used for motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.
 - 5. The interior of any adult book store shall be lighted and constructed in such a manner that every portion thereof (except restroom facilities) is readily visible to the clerk or supervisory personnel from the facilities' counter or other regular work station.

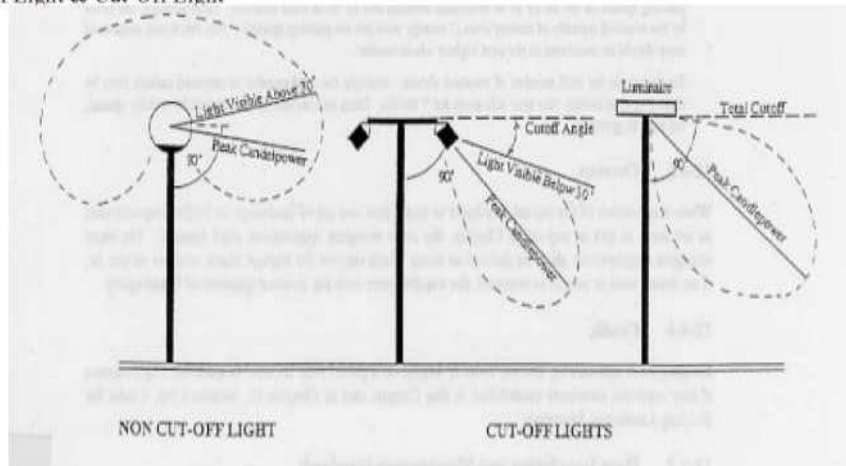
4.12 Regulations for Convalescent Care, Assisted Living Facilities, and Nursing Homes

- A. Convalescent Care and Assisted Living Facilities and Nursing Homes shall require conditional use approval recommended by the BZA to Council, and shall conform to the following requirements:
1. The minimum lot size shall be two (2) acres.
 2. In determining the “density” for such a facility, the Planning Commission should consider the nature of the use as a care giving facility, which is not the same as a multiple family dwelling unit. The number of units for each facility should be evaluated by the Planning Commission on a site specific basis, according to the operational elements of the facility and the site design characteristics.
 3. The applicant for a conditional use permit for a convalescent care facilities, nursing homes, and assisted living facilities shall furnish assurances from the developer that the following criteria have been satisfied:
 - a. The disposal of sewage shall meet with the approval of all applicable health authorities.
 - b. Storm water run-off shall be properly channeled so as to eliminate the possibility of flooding, either on or off the property.
 - c. The street(s) providing access to the site shall be adequate to carry the additional traffic generated by the development.

4.13 Regulations for Outdoor Lighting.

The following restrictions shall apply to any outdoor lighting located in any district on parcels, including parking areas and areas where on-building lighting or other security lighting is utilized.

Non Cut-Off Light & Cut-Off Light



- A. All outdoor lighting shall be designed, located, and mounted at heights no greater than sixteen feet (16') above grade for non-cutoff lights and twenty-four feet (24') above grade for cutoff lights. A greater height in any district may be brought before the BZA for their ruling which will then be recommended to Council for approval or disapproval. Cutoff and non-cutoff lights are illustrated below.
- B. All outdoor lighting shall be designed and located with a maximum illumination of 0.5 foot-candles at the property line.
- C. All outdoor lighting for non-residential and residential uses shall be located, screened, or shielded so that adjacent lots located in residential districts are not directly illuminated.
- D. No outdoor lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers or pedestrians.
- E. The following factors shall be considered in the evaluation of lighting plans: pole height, type of luminaries, average maintained site coverage, maximum-minimum uniformity, average-minimum uniformity, and intensity at the property line.
- F. Outdoor lighting need not comply with the yard requirements of this Ordinance, except that no such light shall obstruct sight triangles as defined in Section 4.4.
- G. Outdoor lighting shall be reviewed by the Zoning Administrator/Inspector and Planning Commission.

4.14 Dumpsters for Non-Single Residence Districts.

- A. Dumpsters related screening shall be located in the rear yard and in compliance with the same minimum setbacks as a main building as determined by the Zone District in which such structure is constructed.
- B. Any such accessory use or structure shall be screened on three sides by a fence or wall from the view from public streets and any abutting properties. Any fence or wall required under this Section shall have a height no greater than seven (7) feet and no less than the height of the dumpster. Any wall shall be constructed in a durable fashion of brick, stone, or other suitable materials with no greater than 25 percent of the wall surface left open.
- C. Any fence shall be constructed in a durable fashion of wood posts and or planks with a minimum diameter or width of three (3) inches and with a solid surface.

4.15 Swimming Pools and Spas

- A. The wall of an in-ground swimming pool/spa shall not be within six (6) feet of a rear or side property line or within ten (10) feet of any street. All swimming pools/spas shall be placed in the rear yard.
- B. Above ground swimming pools shall be placed in an area which is structurally acceptable, provided no part of the pool, pool enclosure or deck exceeds six (6) feet in height above grade.
- C. Any pool 24 inches or more in depth shall have an enclosure surrounding the pool area. The enclosure shall extend not less than four (4) feet above the ground. All gates shall be self-closing and self-latching with the latches placed at least four (4) feet above the ground.

4.16 Junk

- A. The storage of junk which includes motor vehicles shall be prohibited in all districts except as permitted in the industrial district subject to the approval of the Board of Appeals after a public hearing.

CHAPTER 5 LOTS OF RECORD

5.0 Dwelling on Any Lot of Record

In any district where dwellings are permitted, a single family detached dwelling may be erected on any lot of official record at the effective date of this Chapter, irrespective of its area or widths, provided the applicable yard and other open space requirements satisfy the following requirements: on lots of record which do not meet the minimum yard requirements for the corresponding district as of the effective date of this code, the minimum yard setback shall be determined by the proportional application of the requirements specified in that corresponding district. However, those modified setbacks shall not be greater than 50% of the minimum setback required in that district except as otherwise provided by this code.

5.1 Non-Conforming Dwelling Units

Any legally permitted dwelling unit existing within a non-residential district on the effective date of the adoption of this Code may continue as a dwelling use provided that the dwelling conforms to the regulations set forth in Chapter 8, Non-Conforming Uses.

CHAPTER 6 HEIGHT MODIFICATIONS

6.0 Architectural Features and Farm Buildings

Church spires, domes, flagpoles, antennas, windmills, chimneys, cooling towers, elevator bulkheads, fire towers, belfries, monuments, stacks, derricks, conveyors, stage towers or scenery lofts, tanks, water towers, silos, farm buildings, or necessary mechanical appurtenances, may be erected to any lawful and safe height limitations upon approval of the Fire Department and with the recommendation of approval by the Planning Commission following a site plan review.

Cellular or wireless communications systems are not subject to this exception and shall be regulated according to Section 4.8, Cellular or Wireless Communication Systems, of this Code.

6.1 Places of Public Assembly

Public, semi-public or public service buildings, hospitals (except as otherwise provided), institutions, or schools, when permitted in a District, may be erected to a height not exceeding sixty (60) feet, and churches and similar places of worship may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each required yard line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the District in which the building or structure is built.

CHAPTER 7
FRONTAGE AND YARD MODIFICATIONS AND PROJECTIONS

7.0 Building on Through Lots.

Buildings on through lots shall conform to the front yard requirements for each street. In case of reversed frontage, an accessory building shall not extend beyond the setback line of the rear street.

7.1 Average Depth of Front Yards.

In any district, where the average depth of at least two existing front yards on lots within 100 feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this Chapter, the required depth of the front yard on such lot may be modified. In such case, this modification shall not be less than the average depth of the existing front yards on the two lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining, provided, that the depth of a front yard on any lot shall be at least ten (10) feet and need not exceed fifty (50) feet. A request for a reduction in the front yard depth shall require review and a BZA recommendation of approval to Council.

7.2 Required Yard Requirements.

The following requirements shall apply to the required yards in districts:
(For additional requirements refer to Chapter 4)

- A. Accessory buildings which are not a part of the main building may be built in a rear yard provided that they are not less than three (3) feet from the rear and side lot lines. An accessory building which is not part of the main building shall not occupy more than thirty (30) percent of the required rear yard, shall not exceed the size or area of the principal structure or 800 square feet (whichever is less) and shall be located at least sixty (60) feet away from any front lot line, except as provided elsewhere by this Code.
- B. Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in the rear yard, and except for the ordinary projections of skylights, sills, belt courses, cornices and ornamental features. This requirement shall not prevent the construction of fences as regulated in Section 4.5, Fences and Hedges.

7.3 Corner Lot Yard Requirements.

A corner lot shall be considered to contain two front yards. Front yard setbacks shall apply from both street rights-of-way.

7.4 Projection of Architectural Features.

Terraces, open porches, platform, ornamental features and fire escapes may project into a required yard, provided these projections are a distance at least two (2) feet from the adjacent side lot line, and provided that they project no more than ten (10) feet into the front yard. For the purpose of this section, terraces, open porches and platforms shall be defined as projections that are not more than 30 inches above the finished grade.

7.5 Yard Requirements Where Lot Includes More Than One Main Building.

Where a lot is used for institutional, commercial, industrial purposes, and where the zoning compliance plan is specifically approved by the Zoning Administrator/Inspector, more than one main building may be located on the lot, but only when such buildings conform to all yard and open space requirements at the perimeter of the lot for the district in which the lot is located.

CHAPTER 8 NON-CONFORMING USES

8.0 Existing Non-Conforming Uses Continuation.

Except as otherwise specified in these regulations, any use, lot, building or structure that exists as of the enactment date of these regulations or on the date of an amendment to the zoning map may be continued even though such use, lot, building or structure may not conform to the provisions of the Zoning District in which it is located. The provisions of this chapter shall apply.

Nothing contained in these regulations shall require any change in the plans, construction, size or designated use of a building, for which a valid permit has been issued or lawful approval given before the effective date of these regulations; provided, however, that construction under such permit or approval shall have been started within six (6) months and the ground floor framework including structural parts of the second floor shall have been completed within one (1) year and the entire building completed within two (2) years after the effective date of these regulations.

8.1 Discontinuance of Use.

In the event that a non-conforming use of any dwelling, building or structure and/or of any land or premises is discontinued for six (6) months or more, any future use must be a lawful conforming use.

8.2 Improvement to an Existing Non-Conforming Use.

Unless specifically excepted elsewhere in these regulations, no existing building or premises devoted to a non-conforming use shall be enlarged, extended, reconstructed or structurally altered, unless the use is changed to a permitted use or a conditionally permitted use under this Zoning Code.

8.3 Exceptions to the Non-Conforming Regulations.

Exceptions to the non-conforming regulations may be permitted by the BZA in the following cases:

- A. A non-conforming residential use may be substantially improved once by increasing the size of the residential structure up to twenty-five (25) percent.
- B. Nothing in these regulations shall be interpreted to prevent normal maintenance or repair of premises, or the alteration, repair, or improvement of a premise to comply with an order to improve the property to minimum building code standards.
- C. An existing facility or operation may be permitted to replace existing structures or machinery in order to modernize such facility. No such replacement shall result in the expansion by more than ten (10) percent of the floor area of the structure or facility existing at the time, or more than ten (10) percent of the land coverage on the site existing at the time of enactment of these regulations. Further, such replacement for modernization purposes must be reviewed and approved by the

Planning Commission to be in compliance with these provisions. The replacement of an existing structure for modernization or any associated expansion shall require that the property comply with the regulations of this Zoning Code, including but not limited to parking regulations, setback requirements, landscaping requirements, buffer requirements and sign regulations.

8.4 Replacing Damaged Non-Conforming Structures.

When a non-conforming building, use or structure is damaged or destroyed to the extent of more than fifty (50) percent of its replacement value, it shall not be restored except in the case of residential uses being granted an exception under Section 8.3A.

CHAPTER 9 AGRICULTURAL DISTRICT

9.0 Purpose.

It is the purpose of the Agricultural District (A-1) to establish an area for agricultural uses and to prevent lands from indiscriminate development until such time as development pressures materialize and more appropriate rezoning can take place.

9.1 Principally Permitted Uses.

Principally permitted uses shall be agriculture and related uses, single family dwellings, and parkland and open space, private non-commercial recreation areas and centers.

9.2 Permitted Accessory Uses.

- A. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
 - 1. A private garage, parking space or stable.
 - 2. Customary incidental home occupations and office of a resident physician, dentist, architect, engineer, attorney or similar professional person, including a sign not to exceed two (2) square feet in area.
 - 3. The keeping of roomers or boarders by a resident family.
 - 4. Roadside stands, offering for sale only neighborhood agricultural products or other products produced on the premises.
 - 5. The keeping of animals and fowl as pets or for domestic use.
 - 6. Temporary buildings for the uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

9.3 Conditionally Permitted Uses.

Conditionally permitted uses are home occupations (see Section 4.7 regarding regulations), bed and breakfast establishments, clubs, cellular or wireless communications systems (see Section 4.8 regarding regulations), educational institutions, public buildings, religious places of worship, essential services and utilities, and active recreation areas.

SEE FOLLOWING PAGE FOR DIAGRAM

9.4 Lot area, Frontage and Yard Requirements in an “Agricultural” District

The following minimum requirements shall be observed, subject to the modified requirements contained in Chapters 6 & 7.

Use	Lot Area (Min)	Lot Area per Family (Min)	Front Yard Depth* (Ft) (Min)	Lot Width at Min Req'd Front Yard Depth (Ft) (Min)	Side Yard* Least Width (Ft) (Min)	Width Sum of Widths (Ft) (Min)	Rear Yard Depths (Ft) (Min)
Dwelling	20,000 Sq Ft	20,000	40	100	13	30	50
Other Permitted Uses	1 Acre	N/A	40	100	22	50	50

9.5 Maximum Height Regulations

No principal structure shall exceed 35 feet in height, or two and one –half (2 ½) stories.

CHAPTER 10
SINGLE FAMILY RESIDENCE DISTRICT

10.0 Purpose.

It is the purpose of the Single Family Residence District (R-1) to establish and maintain high quality areas for single family detached dwellings on medium to small sized lots consistent with the existing Village character, while allowing for infill in certain areas.

10.1 Principally Permitted Uses.

Principally permitted uses shall be single family detached dwellings, parkland and open space, and educational institutions.

10.2 Permitted Accessory Uses.

Permitted accessory uses are signs (see Chapter 21 regarding regulations), and any use or structure customarily accessory and incidental to any of the permitted uses within this district.

10.3 Conditionally Permitted Uses.

Conditionally permitted uses are home occupations (see Section 4.7 regarding regulations), active recreation areas, bed and breakfast establishments, clubs, and essential services and utilities.

Conditionally Permitted Uses to be reviewed by the BZA and approved by Council:

- A. Religious places of worship

*****SEE FOLLOWING PAGE FOR DIAGRAM*****

10.4 Lot area, frontage and Yard Requirements in a “Single Family” District

The following minimum requirements shall be observed subject to the modified requirements contained in Chapters 6 & 7.

Use	Lot Area SqFt (Min)	Lot Area per Family Sq Ft (Min)	Minimum Req'd Front Yard* Depth (Ft) (Min)	Lot Width at Min Req'd Front Yard Depth (Ft) (Min)	Side Yard* Least Width (Ft) (Min)	Width Sum of Widths (Ft) (Min)	Rear Yard Depths (Ft) (Min)
Single Family: 1 & 1.5 Stories	15,000	15,000	50	100	10	25	40
Single Family: 2 & 2.5 Stories	15,000	15,000	50	100	10	25	40

10.5 Maximum Height Regulations

No principal structure shall exceed 35 feet in height, or two and one-half (2 ½) stories. No accessory structure shall exceed 15 feet in height.

**CHAPTER 11
ONE & TWO FAMILY RESIDENCE DISTRICT**

11.0 Purpose.

It is the purpose of the One & Two Family Residence District (R-2) to encourage high quality single and two family developments in the Village and to protect these areas from encroachment by commercial and industrial uses.

11.1 Principally Permitted Uses.

Principally permitted uses are single family dwelling units, two family dwelling units, parkland and open space, and educational institutions. Any use or structure permitted and as regulated in the Single Family Residence District.

11.2 Permitted Accessory Uses.

Permitted accessory uses are signs (see Chapter 21 regarding regulations). Any use or structure customarily accessory and incidental to any of the permitted uses within this district such as office or studio of physician or surgeon, dentist, artist, lawyer, architect, engineer, other member of a recognized profession.

11.3 Conditionally Permitted Uses.

Conditionally permitted uses are home occupations (see Section 4.7 regarding regulations), active recreation areas, bed and breakfast establishments, clubs, essential services and utilities.

Conditionally Permitted Uses to be reviewed by the BZA and approved by Council:

- A. Religious places of worship.
- B. Community-Development Project
In the case of a community development project where the contemplated arrangement of buildings makes it impracticable to apply the requirements of this Resolution to the individual building units in the project, certificate for the construction of such project shall be issued only when authorized by the Board of Appeals.
 - 1. The Board shall investigate and ascertain that the plans for such project meet the following conditions:
 - a. That the tract of land for the project comprises not less than ten (10) acres, or two (2) or more blocks of land bounded on all sides by streets or by one (1) or more streets, waterways, parks, playgrounds or other public grounds.
 - b. That the buildings are to be used only for residential purposes and the customary accessory uses, such as private garages, storage spaces, recreational and community activities.
 - c. That the average lot area per family or dwelling unit on the site, exclusive of the area occupied by streets, will not be less than the lot per family specified in the "R-2" or "R-3" Districts as the case may

be, except as follows:

- 1) Where there is to be provided and maintained, as a part of the proposed development, adequate recreation areas to serve the needs of the anticipated population to be housed in such project, the average lot area per family or dwelling unit may be reduced in acreage not to exceed 10% for two-family dwellings, and not to exceed 20% for multiple family dwellings.
 - d. That there is to be provided within the tract, parking spaces in private garages or off-street parking areas in accordance with the requirements of Article 16.
 - e. That the proposed project will constitute a residential environment of sustained desirability and stability; that it will be in harmony with the character of the surrounding neighborhood and insure substantially the same type of occupancy as obtains or may be expected to obtain in said at least as high as permitted or specified in the "R-3" District.
 - f. That property adjacent to the proposed project will not be adversely affected.
2. If the Board finds that the proposed project will be consistent with the intent and purpose of this Resolution to promote public health, safety, morals and general welfare, it may authorize the Zoning Inspector to issue a certificate, even though the use of the land and the location of the buildings to be rented and the yards and other open spaces contemplated by the plan, do not conform in all respects to the requirements of this Resolution for the district in which the proposed project is to be located.

*****SEE FOLLOWING PAGE FOR DIAGRAM*****

11.4 Lot area, frontage and Yard Requirements in a “One & Two Family” District

Use	Lot Area SqFt (Min)	Lot Area per Family Sq Ft (Min)	Minimum Req'd Front Yard* Depth (Ft) (Min)	Lot Width at Min Req'd Front Yard Depth (Ft) (Min)	Side Yard* Least Width (Ft) (Min)	Width Sum of Widths (Ft) (Min)	Rear Yard Depths (Ft) (Min)	Lot Coverage (%) (MAX.)
One Family: 1 & 1.5 Stories	15,000	15,000	50	100	10	25	40	N/A
One Family: 2 & 2.5 Stories	15,000	15,000	50	100	10	25	40	N/A
Two Family: 1 & 1.5 Stories	24,000	12,000	50	80	10	25	40	25
Two Family: 2 & 2.5 Stories	24,000	12,000	50	80	10	25	40	25

Other Permitted Uses: 1 & 1.5 Stories	15,000	N/A	50	100	22	55	40	25
Other Permitted Uses: 2 & 2.5 Stories	15,000	N/A	50	100	22	75	40	25

11.5 Maximum Height Regulations

No principal structure shall exceed 35 feet in height. No accessory structure shall exceed 15 feet in height.

11.6 Site Plan Requirements

All multi-family uses shall be permitted only after review of the site plans by the Zoning Administrator/Inspector.

**CHAPTER 12
MULTI-FAMILY RESIDENCE DISTRICT**

12.0 Purpose.

It is the purpose of the Multi-Family Residence District (R-3) to encourage areas of high quality multiple family residential development.

12.1 Principally Permitted Uses.

Principally permitted uses are multiple family dwelling units, two family dwelling units, single family dwelling units, parkland and open space, and educational institutions.

12.2 Permitted Accessory Uses.

Permitted accessory uses are signs (see Chapter 21 regarding regulations), and any use or structure customarily accessory and incidental to any of the permitted uses within this district.

12.3 Conditionally Permitted Uses.

Conditionally permitted uses are convalescent care facilities, nursing homes, and assisted living, active recreation areas, bed and breakfast establishments, clubs, and essential services and utilities.

Conditionally Permitted Uses to be reviewed by the BZA and approved by Council:

- A. Religious places of worship.

12.4 Lot area, frontage and Yard Requirements in “Multi-Family” District

Use	Lot Area SqFt (Min)	Lot Area per Family Sq Ft (Min)	Req'd Front Yard Depth (Ft) (Min)	Lot Width at Min Req'd Front Yard Depth (Ft) (Min)	Side Yard* Least Width (Ft) (Min)	Width Sum of Widths (Ft) (Min)	Rear Yard Depths (Ft) (Min)	Lot Coverage (%) (Max)
One Family: 1 & 1.5 Stories	15,000	15,000	50	100	10	25	40	
One Family: 2 & 2.5 Stories	15,000	15,000	50	100	10	25	40	
Two Family: 1 & 1.5 Stories	24,000	10,000	50	80	10	25	40	25

Two Family: 2 & 2.5 Stories	24,000	12,000	50	80	10	25	40	25
Multi-Family: 1 & 1.5 Stories 1 Bedroom	10,000	3,000	50	80	10	25	40	25
Multi-Family: 1 & 1.5 Stories 2 Bedrooms Plus	10,000	3,600	50	100	10	25	40	25
Multi-Family: 2 & 2.5 Stories 1 Bedroom	10,000	3,000	50	100	12	30	40	25
Multi-Family: 2 & 2.5 Stories 2 Bedrooms Plus	10,000	3,600	50	100	12	30	40	25
Multi-Family: 3 Stories 1 Bedroom	10,000	3,000	50	100	15	40	45	25
Multi-Family: 3 Stories 2+ Bedrooms	10,000	3,600	50	100	15	40	45	25
Other Permitted Uses: 1 & 1.5 Stories	15,000	N/A	50	100	15	40	40	25
Other Permitted Uses: 2 & 2.5 Stories	15,000	N/A	50	100	20	50	40	25

12.5 Maximum Height Regulations

No principal structure shall exceed 40 feet in height. No accessory structure shall exceed 15 feet in height.

12.6 Outdoor Lighting

Outdoor lighting shall be reviewed by the Zoning Administrator/Inspector and Planning Commission.

12.7 Site Plan Requirements

All multi-family uses shall be permitted only after review of the site plans by the Zoning Administrator/Inspector.

CHAPTER 13
NEIGHBORHOOD BUSINESS DISTRICT

13.0 Purpose.

It is the purpose of Neighborhood Business Districts (B-1) to provide for a full range of business, office, professional and commercial uses and is intended for those areas which are strategically located along primary arterial thoroughfare frontage and at major intersections where they may take advantage of heavy traffic flow.

13.1 Principally Permitted Uses.

Principally permitted uses that are regulated in the Chapter 12, Multi-Family Residence District, with exception of any structure that shall be used for residential purposes. Any retail businesses or service establishment with less than 5000 square feet of building floor space, business or professional offices and office buildings, restaurant, café and soda fountain, library, museum, convenience store, and video store.

13.2 Permitted Accessory Uses.

Permitted accessory uses are signs (see Chapter 21 regarding regulations), and any use or structure customarily accessory and incidental to any of the permitted uses within this district. Outdoor storage shall comply with the regulations specified in Section 4.12 – Outdoor Bulk Storage or Display.

13.3 Conditional Uses are required to be reviewed by the BZA and approved by Council.

Conditionally permitted uses are convalescent care facilities, nursing homes, and assisted living, active recreation areas, religious places of worship, bed and breakfast establishments, clubs, and essential services and utilities.

13.4 Required Conditions.

- A. The permitted business, services and processing provided for shall be conducted wholly within a completely enclosed building except for the sale of automotive fuel, lubricants and fluids at service stations, and outdoor furniture and furnishings, nursery stock, garden supplies, and other similar merchandise customarily kept or displayed in the open, and except for off street automobile parking and loading.
- B. In any Neighborhood Business District fronting directly across the street from any Single or Two Family Residence District, the parking and loading facilities shall be distant at least twenty-five (25) feet from the established right-of-way line.
- C. Processes and equipment employed, and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste as defined in Chapter 4.

*****SEE FOLLOWING PAGE FOR DIAGRAM*****

13.5 Lot area, frontage and Yard Requirements in a “Neighborhood Business” District.

Use	Lot Area Sq Ft	Front Yard* Depth (Ft) (Min)	Side Yard* Width Each Side (Ft) (Min)	Rear Yard Depths (Ft) (Min)	Lot Coverage (%) (Max)
Permitted Uses	No Minimum	40	10 Ft Except when adjacent to any "R" District in which case not less than 20 ft. that side	45	25

13.6 Maximum Height Regulation.

No principal structure shall exceed 45 feet in height. No accessory structure shall exceed 25 feet in height.

13.7 Submission of Site Plans.

All commercial uses permitted under this Chapter shall be permitted only after review of the site plan by the Planning Commission. See Chapter 18.

CHAPTER 14
GENERAL BUSINESS DISTRICT

14.0 Purpose.

It is the purpose of General Business Districts (B-2) to provide for a full range of business, office, professional and commercial uses and is intended for those areas which are strategically located along primary arterial thoroughfare frontage and at major intersections where they may take advantage of heavy traffic flow.

14.1 Principally Permitted Uses.

- A. Any use or structure permitted and as regulated in the General Business Districts except as hereinafter modified.
- B. Automobile service stations, minor repair and storage garages and commercial parking lots for passenger vehicles, except as provided in Chapter 3.
- C. Drive-in eating establishments; summer gardens; and road houses, including entertainment and dancing, provided the principal building is distant at least one hundred (100) feet from any Residential District.
- D. Automobiles, trailer, and farm implement establishments for display, hire, sale, sale of parts and repair, including sales lots.
- E. Theaters; provided that for drive-in theaters the screen shall be so located as to not be visible from adjacent streets, or highways and said screen shall be set back not less than two hundred (200) feet from the established right-of-way of any highway.
- F. Animal hospital, veterinary clinic or kennel (but not including any exercising runway) provided any structure or area used for such purposes shall be at least two hundred (200) feet away from any Residential District and one hundred (100) feet from any Agricultural District or Neighborhood District boundary.
- G. Bowling alley, skating rink, pool hall, carpenter, sheet metal and sign painting shop, bakery, laundry, clothes cleaning and/or dyeing establishments, wholesale business, storage or warehouse, commercial greenhouse provided that no heating plant or ventilation flue in connection with such operation shall be within fifty (50) feet of any Residential District.
- H. Hospitals and sanitariums when authorized by the BZA but not including those for persons suffering from diseases such as are commonly isolated in a separate building.

14.2 Permitted Accessory Use.

- A. Accessory uses and structures permitted and as regulated in General Business District.
- B. Accessory uses and structures customarily incidental to any permitted principal uses, except of a type which is prohibited in the Light Industrial District as a principal use.

14.3 Conditional Uses are required to be reviewed by the BZA and approved by Council. Conditionally permitted uses are convalescent care facilities, nursing homes, and assisted living, active recreation areas, religious places of worship, bed and breakfast establishments, clubs, and essential services and utilities.

14.4 Lot area, frontage and Yard Requirements in a “General Business” District.

Use	Lot Area Sq Ft	Front Yard* Depth (Ft) (Min)	Side Yard* Least Width (Ft) (Min)	Rear Yard Depths (Ft) (Min)	Lot Coverage (%) (Max)
Permitted Uses	No Minimum	60	20 Ft Except when adjacent to any "R" District in which case not less than 40 ft. that side	50	25

14.5 Maximum Height Regulation.

No principal structure shall exceed 45 feet in height. No accessory structure shall exceed 25 feet in height.

14.6 Submission of Site Plans.

All commercial uses permitted under this Chapter shall be permitted only after review and approval of the site plans by the Planning Commission. See Chapter 18.

CHAPTER 15 LIGHT INDUSTRIAL DISTRICT

15.0 Purpose.

It is the purpose of the Light Industrial District (M-1) to provide for areas along highway frontages and well suited areas for uses which generate large amounts of truck traffic and which, for other reasons, should be separated from residential developments; and further, to encourage development of light industrial, warehousing or manufacturing uses in an attractive setting with uses and intensive activity areas within enclosed buildings.

15.1 Principally Permitted Uses.

Principally permitted uses are research and development establishments, warehouse and wholesale establishments, manufacturing establishments, business and professional offices, building materials sales and storage yards, and active recreation areas.

- A. Only the industrial uses listed in this section shall be permitted in any Light Industrial District.
- B. Creamery, bottling, ice manufacturing and cold storage plants.
- C. The manufacturing or assembly of electrical appliances, instruments and devices.
- D. Laboratories - experimental, film or testing.
- E. Administrative, executive, financial, professional, accounting, clerical, drafting and other similar offices.
- F. Experimental testing and research facilities providing such testing or experimentation that create no hazard or common law nuisance beyond the confines of the building.
- G. Distributors, warehouse and wholesale outlet, including such break bulk or accumulative bulk operations such as bottling and/or packaging.
- H. The manufacturing, compounding, processing, assembling, warehousing and packaging of such products as:
 - 1. Bakery and dairy goods, candy, cosmetics, pharmaceuticals, toiletries, and other food products, except when such operation would create a hazard or common law nuisance beyond the confines of the building.
 - 2. Electrical and electrical appliances, instruments and devices, television sets, radios, phonographs and other household appliances.
 - 3. Musical instruments, toys, novelties and other similar small rubber, plastic or metal products.
 - 4. Products from previously and elsewhere prepared materials such as cardboard, cellophane, clay, cloth, cork, fibers, glass, leather, metals, paper, plastics, tobacco, precious or semi-precious metals and/or stones, rubber, wax, yarns and wood; all equipment and operations shall be within a completely enclosed building, and no operation shall create a hazard or nuisance beyond the confines of the building.
- I. Printing, publishing and allied industries.
- J. Automobile and truck repair, garages. The parking area for motor vehicles waiting to be repaired and waiting to be picked up after repair is to be located in an out-of-

sight area to be recommended for approval by the Planning Commission. The parking area for motor vehicles waiting to be repaired and waiting to be picked up after repair may be part of the minimum area set out in Chapter 20.3 or may be in addition to the minimum parking area set out in Chapter 20.3. The number of parking spaces for motor vehicles waiting to be repaired and waiting to be picked up after repair shall be limited to three (3) parking spaces for each motor vehicle repair bay area in the repair shop. A bay area can have racks or be a flat bay area.

Storage of motor vehicles on the site is limited to (30) thirty days. The intent of this section is to prevent the accumulation of motor vehicles at the site of the repair garage, other than those immediately being repaired. Further, the intent of this section is to shield the parking area and/or the area used by the repair garage for motor vehicles waiting to be repaired and picked up from view from surrounding areas.

- K. Office warehousing and storage.
- L. Any other use that is determined by the Planning Commission.

15.2 Permitted Accessory Uses.

Permitted accessory uses are signs (see Chapter 21 regarding regulations), and any use or structure customarily accessory and incidental to any of the permitted uses within this district. Outdoor storage shall comply with the regulations specified in Chapter 4 - Outdoor Storage or Display.

15.3 Conditional Uses are required to be reviewed by the BZA and approved by Council.

- A. Outdoor advertising.
- B. Food processing.
- C. Mini-/self-storage facility.
- D. Motor freight garage, truck or transfer terminal, except that no refuse operations are permitted.
- E. Religious places of worship.

15.4 Required Conditions.

- A. All uses specified above in (A) shall be conducted wholly within a completely enclosed building, except for parking, loading and unloading facilities, unless otherwise regulated by the BZA.
- B. No use shall be permitted or established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious or offensive owing to the emission of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water-carried waste, as stated in Chapter 4.

SEE FOLLOWING PAGE FOR DIAGRAM

15.5 Lot area, frontage and Yard Requirements in a “Light Industrial” District

Use	Lot Area Sq Ft	Front Yard Depth (Ft) (Min)	Lot Width at Minimum Req'd. Frt. Yd. Depth (*)	Side Yard* Least Width (Ft) (Min)	Rear Yard Depths (Ft) (Min)	Lot Coverage (%) (Max)
1 Story	*No Minimum	60	*No Minimum	30 Ft Except when adjacent to any "R" District in which case not less than 50 ft. that side	30	35
2 Story	*No Minimum	60		30 Ft Except when adjacent to any "R" District in which case not less than 50 ft. that side	40	35
3 Story	*No Minimum	60		30 Ft Except when adjacent to any "R" District in which case not less than 50 ft. that side	50 Ft Except when adjacent to any "R" District, in which case not less than 100 Ft.	35

15.6 Maximum Height Regulations.

No principal structure shall exceed three (3) stories or 50 feet in height. No accessory structure shall exceed 25 feet in height.

15.7 Submission of Site Plans.

All commercial uses permitted under this Chapter shall be permitted only after review and approval of the site plans by the Planning Commission. See Chapter 18.

15.8 Additional Requirements.

In addition to the standards established in this Chapter, uses within the Light Industrial District must conform to the standards established in Chapter 19, Bufferyards and Landscaping and in Chapter 20, Off Street Parking and Loading. Any changes to the exterior of the building or lot shall require site plan review by the Planning Commission for all uses within the Light Industrial District. Such review shall be conducted according to the standards and processes outlined in Chapter 18 and shall include review of the proposed building materials and design. Conditional uses must go before the BZA.

CHAPTER 16
GENERAL INDUSTRIAL DISTRICT

16.0 Purpose.

It is the purpose of the General Industrial District (M-2) to provide for areas along highway frontages and well suited areas for uses which generate large amounts of truck traffic and which, for other reasons, should be separated from residential developments; and further, to encourage development of light industrial, warehousing or manufacturing uses in an attractive setting with uses and intensive activity areas within enclosed buildings.

16.1 Principally Permitted Uses.

A building or premise may be used for any industrial purpose except those listed below. No business use shall be permitted without BZA's recommendation for approval to Council.

- A. No zoning permit shall be issued for any use in conflict with any resolution of the Village of Hartville, Stark County, Ohio, or of the law of the State of Ohio regulating nuisances.
- B. No zoning permit shall be issued for any schools, hospitals, clinics and other institutions for human care, except where incidental to a permitted principal use.
- C. No zoning permit shall be issued for any of the following uses until and unless the location of such use shall have been brought before the BZA:
 - 1. Slaughter houses or stockyards.
 - 2. Acid manufacture or wholesale storage of acids.
 - 3. Explosive manufacture or storage.
 - 4. Fat rendering; fertilizer; gas; or glue manufacture.
 - 5. Garbage, offal or dead animal reduction or dumping.
 - 6. Petroleum or petroleum products refining.
 - 7. Smelting or reduction of ores or metallurgical products.
 - 8. Race tracks and courses for the conduct of seasonal or periodic racing meets of aircraft, horses, dogs, automobiles, motorcycles and the like.

16.2 Conditional Uses are required to be reviewed by the BZA and approved by Council.

- A. Restaurants.
- B. Outdoor advertising.
- C. Sand and gravel extraction
- D. Religious places of worship.

16.3 Required Conditions.

- A. All uses specified shall be conducted wholly within a completely enclosed building, except for parking, loading and unloading facilities, unless otherwise regulated by the BZA.
- B. No use shall be permitted or established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious or offensive owing to the emission of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water-carried waste, as stated in Chapter 4.

16.4 Lot area, frontage and Yard Requirements in a “General Industrial” District.

Permitted Use	Lot Area Sq Ft	Front Yard Depth (Ft) (Min)	Lot Width at Min Req'd Frt. Yard Depth*	Side Yard* Width Each Size (Ft) (Min)	Rear Yard Depths (Ft) (Min)	Lot Coverage (%) (Max)
1 Story	No Minimum *	70	No Minimum	35 Ft Except when adjacent to any "R" District in which case not less than 50 ft. that side	30	35
2 Story	No Minimum *	70	No Minimum	35 Ft Except when adjacent to any "R" District in which case not less than 50 ft. that side	40	35
3 Story	No Minimum *	70	No Minimum	35 Ft Except when adjacent to any "R" District in which case not less than 50 ft. that side	50 Ft Except not less than 200 Ft adjoining "R" District; and not less than 100 Ft. adjoining a "B" district	35

16.5 Maximum Height Regulations.

No principal structure shall exceed three (3) stories or 50 feet in height. No accessory structure shall exceed 25 feet in height.

16.7 Submission of Site Plans.

All commercial uses permitted under this Chapter shall be permitted only after review of the site plans by the Planning Commission. See Chapter 18.

16.8 Additional Requirements

In addition to the standards established in this Chapter, uses within the Light Industrial District must conform to the standards established in Chapter 19, Buffer yards and Landscaping and in Chapter 20, Off-Street Parking and Loading. Any changes to the exterior of the building or lot shall require site plan review by the Planning Commission for all uses within the Light Industrial Park District. Such review shall be conducted according to the standards and processes outlined in Chapter 18 and shall include review of the proposed building materials and design. Conditional uses must go before the BZA for review.

CHAPTER 17 HISTORICAL BUSINESS DISTRICT

17.0 Purpose.

The purpose of the Historical Business District (H-1) is to maintain a high character of community development, to protect and preserve the property values and to protect real estate from impairment or destruction of value for the general community welfare by regulating the exterior architectural characteristics of structure through the hereafter defined Historical Business District. It is further purpose of this district to recognize and preserve the distinctive historical and architectural of this community's history. These purposes will be served by the regulation of exterior design, use of materials, the finish grade line, landscaping and orientation of all structures hereinafter altered, constructed, reconstructed, erected, enlarged or remodeled in the hereinafter defined Historical Business District.

17.1 Principal Permitted Uses.

The uses permitted in any B-1 or B-2, R-1, R-2, R-3 and M-1 district, except that residential occupancy is not permitted on the ground floor facing the main street at the front of the building in a B-1, B-2 and M-1 Business District.

A "Zoning Use" permit is required for the commencement of the specific uses set forth within the B-1 and B-2 Business Districts and said "Zoning Use" permit is also required for a change of existing permitted use to another permitted use.

17.2 District Boundaries.

The Historical Business District boundaries are the lots fronting on the following streets:

- A. South Prospect, South to Sunnyside and East to Robson to include Lots 54, 55, 56, 57, 58 and 59.
- B. Lake Street North to Keyser and West from the railroad tracks to include Lots 99, 104, 105, 106, 392, 394, 446 and Out Lot 4.
- C. North Prospect to the railroad tracks.
- D. East Maple, South down Sunnyside to Mill Street and East to the railroad tracks to include Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 27, 447, 779, 780.
- E. East Maple, East to the Railroad tracks, South to include Lots 413.

17.3 Application and Notice.

Whenever a structure, as defined by this Zoning Ordinance, whether public, or private, within the above described district is proposed to be constructed or erected and whenever an existing structure is proposed to be altered, reconstructed, enlarged or remodeled, if such alteration, reconstructed, enlargement or remodeling involves the exterior design, material, finish grade line, landscaping or orientation of the structure, an application for certificate of appropriateness shall be filed with the Zoning Administrator/Inspector.

- A. The application shall be accompanied by a site plan and building elevations drawn to scale indicating, at a minimum, the lot dimensions, size, shape,

and dimensions of the structure, the location and orientation of the structure on the lot and the actual or proposed building setback lines. In addition, the application shall be accompanied by a detailed narrative description of the proposed design or change of design, use of materials, finish grade line, landscaping and orientation of the structure. Applications for structures to be constructed or remodeled, which remodeling would increase or decrease the total gross building area by 50% or more, shall be accompanied by appropriate, relevant colored elevations showing at a minimum the design, use of materials, finish grade line, landscaping and orientation of buildings and any significant architectural features. In addition, the Board of Architectural Review may require submission of colored perspectives or architectural renderings in applications where the Board feels it is required.

- B. Upon receipt of an application for a certificate of appropriateness, which is accompanied by the material required by the provision of subsection **17.4A1** hereof, the Zoning Administrator/Inspector shall place the application on the agenda for the Board of Architectural Review at its next regular meeting following ten (10) days from the date the application is filed. The Zoning Administrator/Inspector shall further cause to be published in a newspaper for general circulation within the Village of Hartville, a public notice of the scheduled hearing date of the application together with a general description of the nature of the application. The applicant shall be notified by mail of the date of the hearing.

In addition, there shall be a notice posted on the subject property stating that an application has been filed and the date, time, and place of the hearing.

17.4 Board of Architectural Review.

The Board of Architectural Review shall consist of three (3) members who shall be appointed by the Mayor. One member must be a degreed Architect, registered by the State of Ohio and in good standing, who may or may not be a resident of the Village of Hartville. The other two members shall be residents of the Village of Hartville, not concurrently holding an elected office or appointment to either the BZA or Planning Commission.

A. Certificate of Appropriateness Standards for Review

1. The Board of Architectural Review, in deciding whether to issue a certificate of appropriateness, shall determine that the application under consideration promotes, preserves, and enhances the distinctive historical village character of the community and would not be at variance with existing structures within that portion of the district in which the structure is or is proposed to be located as to be detrimental to the interests of the District as set forth in this Zoning Ordinance. The intent of this ordinance is to preserve the historical character of the downtown as depicted by a number of structures

built in the 1800's. The structures are examples of Georgian, Greek Revival, Colonial Revival, and Queen Anne architecture which date from the early 1800's. The Board shall ensure that any renovation or restoration of existing structures shall meet the US Secretary of the Interior's standards for rehabilitation, as listed at the end of this section. In conducting its review, the Board shall make examination of and give consideration to the elements of the application including, but not necessarily limited to:

- a. **Height**, with respect to impact on any adjacent structures, height limitations found elsewhere within this Zoning book and capable of fire protection.
- b. **Building Massing**, which shall include the relationship to the viewer's and pedestrian's visual perspective.
- c. **Window Treatment**, which shall include the size, shape, and materials of the individual window units and the overall harmonious relationship of window openings. Consideration will be given to returning to original condition, windows covered over or reduced in size by previous renovation and also the introduction to window space such devices as awnings, air conditioners, fans, and signs.
- d). **Exterior detail and relationships**, which shall include all projecting and receding elements of the exterior, including but not limited to, porches and overhangs and the horizontal and vertical expression which is conveyed by these elements.
- e. **Roof**, including the type, form, and material composing the roof, as well as the shape and symmetry of the roof area, eaves, gutters and down spouts.
- f. **Materials**, texture, and color, which shall include a consideration of material compatibility among various elements of the structure. Colors shall be appropriate to the period during which the structure was built.
- g. **Compatibility of design and materials**, which shall include the appropriateness of the use of exterior design details. Particular attention shall be given to the use of appropriate or inappropriate siding material and materials covering over features significant to the integrity of the structure.
- h. **Landscape design and plant materials**, which shall include lighting and the use of landscape details to highlight architectural features, screen or soften undesirable views, and to provide a buffer between parking areas and sidewalks.
- i. **Pedestrian environment**, which shall include the provision of features which enhance pedestrian's visual perspective. No vending machines of any type shall be placed within Village sidewalk right-of-way without prior approval of the Board of Review. All sidewalk furniture, including, but not limited to,

benches and trash receptacles, shall be of conforming style. No such items shall be placed within the sidewalk right-of-way without prior approval of the Board of Review.

- j. **New Structure**, All new structures within the Historical Business District shall be of architectural style similar to structures in the immediate vicinity. Complete plans for all new structures shall be submitted to the Architectural Board of Review for approval.
- k. **Signage**, which shall include the appropriateness of signage to the building and vicinity. All signs shall be clearly legible. All new signs shall be mounted flush to the building front and of colors appropriate to the Historical Business District. Signs not attached to buildings shall be considered individually in their merits by the Board of Architectural Review. All signs must be set back beyond the sidewalk right-of-way. Installation of all signs shall be approved in advance by the Board of Review and in addition must be in conformance to the Village Sign zoning regulations.

- 2. In conducting its inquiry and review, the Board may request from the applicant such additional information, sketches and data as it shall reasonably require. It may call upon experts and specialists for testimony and opinion regarding the matters under examination. It may recommend to the applicant changes in the plans that it considers desirable and may accept a voluntary amendment to the application to include or reflect such changes. The Board shall keep a record of its proceedings and shall append to the application copies of information, sketches, and data needed to clearly describe any amendment to the application.
- 3. When its review is concluded, the Board will determine by a vote of its members, whether the application shall be approved. If approved by two (2) or more of its members, the Board shall return the application and appended material to the Zoning Administrator/Inspector with the instruction that the certificate of appropriateness be issued, provided all other requirements for a building permit and zoning use permit, if applicable, are met. If not approved, the Board shall return the application and appended material to the applicant with a notice that the certificate of appropriateness shall not be issued because the application did not meet the criteria and standards set forth herein.

B. Preservation of a Property upon Demolition of a Structure.

- 1. Whenever a structure within the Historical Business District “H-1” is proposed to be demolished, an application for a certificate of appropriateness shall be filed with the Village of Hartville Zoning Administrator/Inspector as provided in this article. In considering such application, the Board of Architectural Review shall limit its inquiry to the proposal for grading, landscaping, and other design treatment of the property once the structure has been removed.

2. Nothing in this article shall be construed to prevent the demolition of a structure whether public or private, within the District.

C. Repair or Maintenance.

1. The exterior of all buildings shall be maintained in a safe and weather tight condition to resist decay and deterioration. In addition, the exterior surfaces of all buildings shall be maintained and in good repair so that the appearance of the building reflects a level of maintenance in keeping with the standards of the immediate neighborhood and does not constitute a blighting factor for adjoining property owners or to the progressive deterioration and downgrading of the neighboring vicinity.
2. Nothing in the article shall be construed to prevent any ordinary repair or maintenance of an exterior architectural feature or any ordinary planting or landscaping now in the district.

D. Appeals.

1. The Board of Architectural Review shall decide all applications for architectural review not later than thirty (30) days after the first hearing thereon.
2. Any person, firm, or corporation, or any officer department, board or agency of the Village of Hartville who has been aggrieved by any decision of the Board involving an application for architectural review approval may appeal such decision to the BZA, by filing notice of intent to appeal with the Zoning Administrator/Inspector within ten (10) days from the date of the decision, setting forth the facts of the case.
3. The BZA shall conduct a public hearing on the request for appeal, the hearing shall be held not later than sixty (60) days after a final decision has been rendered by the Board of Architectural Review. The BZA, by a majority vote of its members, shall decide the matter. The decision by the BZA will then be presented to Village Council for approval. Council may overturn a negative decision by the BZA by a minimum of 3/4 vote of the full council.

F. Penalty.

1. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or land in violation of any regulation adopted by Council. Any person, firm or corporation violating any regulation thereto shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than five hundred (\$500.00) dollars. Every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

17.5 Sign Designs Appropriate to the District.

- A. Signs should respect the overall architectural composition of the building and its scale, while not overwhelming the façade.
- B. Sign colors must be harmonious with the building's materials and colors and must be from the approved list of sign colors adopted by the Board.
- C. Signs may not cover architectural features.
- D. Wall signs should be affixed on a continuous, flat, vertical, opaque surface and cannot project more than 6" from the building surface.
- E. Wall signs should not extend higher than the bottom of the sill of the second story window, or above the lowest point of the roof, or over 25' above grade, whichever is lowest. They must be at least 6" from the lintel or other trim of the window above or below it.
- F. No more than one right angle sign, projecting not more than 4' is allowed for each business establishment. The bottom of the sign should be at least 8' above ground level (sidewalk). The top of the sign may not extend higher than the bottom of the second story window, the lowest point of the roof, or 25' above grade, whichever is lowest.
- F. Window signs may only be applied directly to the inside surface of the window glass. The letters should be 4" or less and symbols cannot be larger than 8". Window signs shall not exceed more than 10% of the front building face.
- G. Wall signs should have a simple design and shall not have more than three lines of letters.
- H. Signs may be externally illuminated. Neon lighting, internally illuminated, and backlit signs are not permitted, unless historically significant to Hartville. Letter styles shall be appropriate to the district.
- I. Ground signs shall include the street address.
- J. Sign materials may be of any wood, cast metal, natural stone, brick or glass with painted faces or letters.
- K. Vinyl letters may be used only for window signs.

17.6 The Secretary of the Interior's Standards for Rehabilitation (for reference).

- A. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- B. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- C. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

CHAPTER 18

SITE PLAN REQUIREMENTS

18.0 Purpose.

The purpose of this Chapter is to provide standards for the Planning Commission for review on all commercial uses.

18.1 Requirements for Submission.

- A. Project title, developer's name, and designer's name.
- B. North arrow, and correct architectural or engineering scale.
- C. Property and setback line.
- D. Zoning and development of adjacent properties.
- E. Location of main and accessory buildings.
- F. Location and type of paved areas such as driveways, curbs, islands, walks, and parking areas.
- G. Location and type of yards, landscaping, fences, and other site improvement.
- H. Areas to be designated as useable open space.
- I. Proposed storm drainage facilities.
- J. Existing and proposed contours at two-foot intervals and building elevations.
- K. Such other information as may be needed in reviewing the site plan.
- L. Exterior building material including all sides and roof

18.2 Review of Site Plan.

- A. Recommendation to approve the site plan by the Planning Commission shall be given upon finding by the Planning Commission that:
 - 1. The site plan shows that a proper relationship does exist between thoroughfares, service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety.
 - 2. All the development features including the principal buildings, open spaces, service roads, driveways, and parking areas are so located and related as to minimize the possibility of any adverse effects upon adjacent development.
 - 3. The site plan includes adequate provision for the screening of parking areas, service areas, and active recreation areas from surrounding properties by landscaping and/or ornamental wall or fence.
 - 4. Grading and surface drainage provisions are reviewed and approved by the Village Engineer.
 - 5. The design and construction standards of all private streets are to be built following approval of plans by the Village Engineer and according to construction standards specified in the Village of Hartville Subdivision Regulations. The proposed development shall conform to all applicable provisions of the subdivision regulations.

6. The design and construction standards of all driveways and parking areas shall conform to those standards specified in the Zoning Ordinance and shall be approved by the Village's Engineer.
7. The architectural design of apartment buildings should be developed with consideration given to the relationship of adjacent development in terms of building, height, mass, texture, line and pattern and character.
8. Building location and placement should be developed with consideration given to minimizing removal of trees and change of topography.
9. Paved off-street parking and service areas shall be required; parking spaces shall contain at least one hundred eighty (180) square feet and shall be provided at the rate of two (2) spaces per dwelling unit in each apartment building; and paved vehicular access drives of at least ten (10) feet in width shall be required for parking areas of eight (8) vehicles or less capacity and two-way drives of twenty (20) feet paving width minimum shall be required for parking areas of nine (9) or more vehicle capacity.
10. Planning Commission may refer the site plan to the Village Engineer, Zoning Administrator/Inspector, and/or Fire Chief for their review and opinion. Or the Commission may request the presence of above Village officials when reviewing the site plans.
11. No site plan approval made by the Planning Commission shall be effective until the same is reviewed by the Council of the Village of Hartville and ratified by a majority vote of the Council of the Village of Hartville at a regular meeting of the Council of the Village of Hartville or a special meeting of the Council of the Village of Hartville called for that purpose.
12. "Any Conditional Approvals" of Planning Commission must be resolved prior to the presentation of council for final approval.
13. The use, placement, and dimensions of all buildings, driveways, sidewalks, parking areas, curb cuts, and recreational areas, and the installation of landscaping, fences, and walls, shall conform to the approved site plan.
14. A performance bond or other financial guarantee shall be placed with the Village Fiscal Officer to ensure that the landscaping be installed, that the hard surfacing of the private drives, and parking areas, be installed and that the surface water drainage be installed all in conformance with approved plans. Said bond or financial guarantee shall be equal to one hundred twenty-five percent (125%) of the estimated cost as determined by the Village's Engineer.

****Note:** The current village zoning map is the version to be used when coming before the Planning Commission.

CHAPTER 19 BUFFERYARDS AND LANDSCAPING

19.0 Purpose.

The purpose of this Chapter is to provide minimum standards involving the development of land to provide attractive views from roads and adjacent properties, to screen visually undesirable uses from view, to require screening between incompatible land uses, and to protect the health, safety and welfare of the community through the reduction of noise, air and visual pollution, and headlight glare.

19.1 Applicability.

This Section shall apply to new property development and any collective substantial expansion of existing structures, except for individual single family and two-family dwellings and parking lots of five (5) spaces or smaller. Substantial expansion of existing structures shall be defined as an increase of the existing structure by twenty (20) percent or more.

19.2 General Requirement for Submission.

Any property to which this Section applies shall submit a buffer yard plan to the Planning Commission as part of the Site Plan Review process required in Chapter 18. Buffer yard plans shall be prepared by a nursery and/or certified by a design professional practicing within their areas of competence. The site plan shall contain the following information:

- A. Plans must be at a reasonable scale to indicate all types of proposed landscaping improvements at a minimum of 1" = 20' and shall include the following minimum information:
 - 1. North arrow and scale.
 - 2. The name of applicant/owner.
 - 3. The name, address and phone number of the person or firm responsible for the preparation of the buffering plans.
 - 4. The dates the plans are submitted or revised.
 - 5. All existing and proposed buildings and other structures, paved areas, planted areas, utility poles, fire hydrants, light standards, signs, fences and other permanent features to be added and/or retained on the site.
 - 6. All existing plant material to be removed or retained and all new landscaping materials to be installed.
 - 7. All existing and proposed streets, sidewalks, curbs and gutters, railroad tracks, drainage ditches and other public or semi-public improvements within and immediately adjacent to the site.
 - 8. All property lines and easements.
 - 9. Any other information which is deemed appropriate by the Planning Commission.
 - 10. Details shall be shown for the planting of the types of trees, shrubs and ground cover within the buffer yard or landscaped area.

19.3 Approval.

No site or development plan required under this Zoning Code shall receive final approval unless a landscaping plan has been submitted and approved. No Permit of Zoning shall be issued unless such plan has been fully implemented on the site, or such plan cannot be implemented immediately due to seasonal conditions, but has been guaranteed by a postponed improvement agreement between the developer and the Village.

19.4 Buffer yard and Screen Standards.

- A. All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The Owner of the property shall be responsible for the continued 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. Violation of these installation and maintenance provisions shall be grounds for the Zoning Administrator/Inspector to refuse an occupancy permit, require replacement of the landscape material, revoke a zoning permit or institute legal proceedings to enforce the provisions of this Section.
- B. Once a buffer yard has been approved by the Planning Commission and established by the owner, it may not be used, disturbed or altered for any purpose.
- C. All specifications for the quality and installation of trees and shrubs shall be in accordance with the most recent edition of "American Standards for Nursery Stock" published by the American Association of Nurserymen. All plant material shall be free from disease and damage. All plant material shall be planted in a manner that is not intrusive to utilities, pavement, pedestrian traffic or vehicular traffic. All required plant material shall be planted within one year or by the next planting season, as outlined in the latest edition of "American Standards for Nursery Stock", after all construction activity in the area of the new planting has ceased.
- D. Canopy trees shall be deciduous trees with a minimum of twelve (12) feet overall height or a minimum caliper of two (2) inches when installed, and have an expected height of at least 35 feet at maturity. Evergreen trees shall be a minimum of five (5) feet in height when installed. Understory trees shall be a minimum of five (5) feet in height in clump form or a minimum caliper of 1.5 inches in single stem form when installed. Shrubs shall be at least eighteen (18) inches in height or 24 inches in spread when installed.
- E. The objective of providing a screen is to visually hide whatever is behind the screen. The screen shall be completely opaque. The following standards for each screening material shall be required.
 - 1. When plant material is used as screening it shall meet all height requirements in accordance with this Chapter. Height requirements will be considered met when plants are selected whose height at maturity as certified by a licensed Landscape Architect or Certified Horticulturist.
 - 2. To be counted towards screening requirements, evergreen trees and evergreen shrubs shall be planted close enough to fulfill the objective as

defined in this Section. Spreading evergreen trees should be planted eight (8) feet on center. Narrow evergreen trees should be planted four (4) feet on center. Designation of evergreen trees as spreading or narrow shall be certified by a licensed Landscape Architect or certified Horticulturist. Evergreen shrubs should be planted at a maximum of four (4) feet on center.

3. Plant material may be used in conjunction with fences, walls and berm, but the overall effect shall be a completely opaque continuous screen at maturity. Plants may be planted in rows or be staggered, but the overall effect shall be a completely opaque screen.
4. Fences should be used where appropriate to create an effective screen between incompatible uses. Fences to be used as screens should be approved by the Planning Commission during review of the landscape plan and shall be in conformance with regulations as established in Chapter 4.

19.5 Screening and Buffering Required.

- A. In order to provide protective screening and buffers for residential areas adjacent to nonresidential areas, the Planning Commission shall require a wall, fence or greenbelt to be provided by the nonresidential property owner in accordance with the Buffer Yard Requirements set forth in Chapter 19. The Planning Commission shall also use the following criteria to evaluate proposed screening and buffer yard requirements:
 1. Screening areas shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of new development.
 2. Where vegetative and/or topographic conditions that provide a natural screening and buffer exist prior to development of properties in question, every effort shall be made to retain such conditions. In such cases, additional screening may not be required, provided that provision is made for maintenance of such areas.
 3. The Planning Commission may waive the requirement for a wall, fence or greenbelt if equivalent screening is provided by existing or planned parks, parkways, recreation areas or by topography or other natural conditions.

SEE FOLLOWING PAGE FOR DIAGRAM

19.6 Buffer yard Requirements.

WHEN...	IS PROPOSED TO ABUT...	A MINIMUM BUFFERYARD OF...
Any commercial land use	Any residential zone or land use	Evergreen trees planted at the boundary at a standard of one tree per 25 feet of linear distance; a fence should be six feet in height and placed at the nonresidential property line. The area between such fence and the property line shall be treated with plantings to form a permanent landscaped area.
Any office land use	Any residential zone or land use	
Any industrial land use	Any residential, office or commercial zone or land Use	
Any multiple family land use	Any R-SF OR R-TF, zone or land use	A buffer yard as specified in Figure 19A.
Any institutional land use	Any residential zone or land use	
Any non-residential or parking lot	Any public right-of-way	A streetscape buffer as specified in Figure 19B.

19.7 Modification.

The Planning Commission shall have the authority to modify any of the aforementioned requirements in this Chapter, in considering an individual site with respect to changes in elevation, environmental impact, durability of plant material, aesthetic appeal, and any other factor that will develop a compatible buffer or screen with the surrounding neighborhood at the time of application.

SEE FOLLOWING PAGE FOR FIGURE 19A

Figure 19A Boundary Buffer yard

Minimum width of buffer	100 Linear Feet	Landscape Material Requirements	
		Canopy Trees	Shrubs
10 ft.		3.3	15
15 ft.		3.3	12.5
25 ft.		3.3	10

Notes:

- 1 1.5 understory trees or 1 evergreen tree may be substituted for 1 canopy tree for up to 50% of the required canopy trees.
- 2 A fence, wall, or berm 6 ft. to 8 ft. in height may be used and can substitute for shrub requirements
- 3 All landscape material required for the buffer shall be confined to the boundary buffer.

SEE FOLLOWING PAGE FOR FIGURE 19B

Figure 19B Streetscape Buffer yard

Minimum width of buffer	100 Linear Feet	Landscape Material Requirements	
		Canopy Trees	Shrubs
OPTION 1 10 ft.		2.5	20
OPTION 2 20 ft. Average (range 10 to 30 ft.)		5 (or existing woodland area)	

Notes:

- 1 Berms shall be a minimum 3 ft. height.
- 2 A fence or wall 3 ft. to 4 ft. in height with 50% or less of its surface open or a minimum 3 ft. grade drop from the right-of-way to the vehicular use area may be used and can be substituted for 50% of the shrub requirements.
- 3 All landscape material required for the buffer shall be confined to within the required landscape strip.

CHAPTER 20
OFF-STREET PARKING AND LOADING

20.0 General Requirements.

Any building, structure or use of land, when erected or enlarged, shall provide for off-street parking spaces for automobiles in accordance with the following provisions of this Chapter. A parking plan shall be required for all uses. The parking plan shall be submitted to the Village as part of the site plan review. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, boundary walls, fences and a screening plan, as appropriate.

Whenever a building or use constructed or established after the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this ordinance is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, such building or use shall then comply with the parking requirements set forth herein.

20.1 Off-Street Parking and Design Standards.

- A. All off-street parking facilities, including entrances, exits, circulation areas and parking spaces, shall be in accordance with the following standards and specifications:
 - 1. Each off-street parking space shall have an area of not less than 180 square feet exclusive of access drives or aisles and shall be of useable shape and condition. All parking spaces must be a minimum of 10 feet wide and 18 feet long. Stacking spaces for drive-through windows must provide a space equal to the required parking space size.
 - 2. There shall be adequate provisions for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access as follows:
 - a. For single family detached dwellings or two family dwellings, the access drive shall be a minimum of eight (8) or maximum of (20) feet in width.
 - b. For all other uses, the access drive shall be a minimum of eighteen (18) feet in width.
 - c. Paved off-street parking and service areas shall be required; parking spaces shall contain at least one hundred eighty (180) square feet and shall be provided at the rate of two (2) spaces per dwelling unit in each apartment building; and paved vehicular access drives of at least ten (10) feet in width shall be required for parking areas of eight

- (8) vehicles or less capacity and two-way drives of twenty (20) feet paving width minimum shall be required for parking areas of nine (9) or more vehicle capacity.
- d. All parking spaces, except those required for single family detached and two family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.
 - e. Parking for uses not permitted in a residential zone shall not be permitted in a residential zone, nor shall any R-District property be utilized as access for uses not permitted in that R-District.
3. Setbacks
- a. No parking shall be permitted within the front yard of a single family or two-family dwelling except on a paved driveway. Parking and vehicular areas for non-residential uses and multiple-family dwellings shall be located a minimum of 10 feet from the front right-of-way line and at least 5 feet from a side or rear property line. Front parking setback areas shall be landscaped according to the regulations for streetscape buffer yard as established in Chapter 19.
 - b. Within the street right-of-way, an area may be paved not to exceed nine (9) feet by 24 feet parallel and adjacent to the street paving. The pavement must meet the Village of Hartville minimum specifications, subject to Planning Commission Approval.
4. Off-street parking areas for more than five (5) vehicles shall be effectively screened on each side which adjoins or faces any premises situated in any residential district or institutional premises, by a masonry wall or a solid fence of acceptable design. Such wall or fence shall not be less than four (4) feet nor more than six (6) feet in height, and shall be maintained in good condition without any advertising. The space between such wall or fence and the lot shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition, free of debris and weeds. In lieu of such wall or fence, a strip of land not less than fifteen feet in width and planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height may be substituted and this shall be maintained in good condition.
5. Any off-street parking area and its driveway shall be surfaced with a pavement having an asphalt or concrete surface of sufficient strength to support vehicular loads imposed on it while providing a durable, dustless surface. All parking areas shall be paved.
6. All parking spaces, together with driveways, aisles and other circulation areas, shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.

7. Wherever a parking lot extends to a property line, fencing, wheel stops, curbs or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line and destroying the screening materials.
8. Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible by any pedestrian or motorist approaching the access or driveway from a public street, private street or alley.
9. All parking areas for more than five (5) vehicles shall be marked with paint lines, curb stones or in some other manner approved by the Village and shall be maintained in a clearly visible condition.
10. Any owner of property used for parking areas shall maintain such areas in good condition without holes and free from all dust, trash, weeds and other debris.
11. Where necessary, due to multiple curb cuts, the entrance, exits and the intended circulation pattern shall be clearly marked in the parking area. Signage shall consist of pavement markings or freestanding directional signs in accordance with Chapter 21, Signs, of this code.

20.2 Determination of Required Spaces.

- A. In computing the number of parking spaces required by this Code, the following shall apply:
 1. Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross floor area of a specified use.
 2. Where seating capacity is designated as the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated for each twenty (20) lineal inches of seating facilities.
 3. Fractional numbers shall be increased to the next highest whole number.
 4. Parking space requirements for a use not specifically mentioned in this ordinance shall be determined by using the most similar and restrictive parking space requirement as specified by the Planning Commission.
 5. When the building floor area is designated as the standard for determining parking space requirements and that number is less than the minimum standard, at least one parking space shall be provided on the premises.

20.3 Parking Space Requirements.

- A. For the purpose of this zoning ordinance, the following parking space requirements shall apply:
 1. Automotive Service: Two spaces for each service bay.

2. Automotive Washes: Automobile car washes shall provide sufficient stacking space for three vehicles per bay.
3. Automotive Filling Stations: Two spaces per fuel pump.
4. Automotive Sales: One space for each 800 square feet of floor area.
5. Bed and Breakfast: One space for each guest room plus two spaces for the permanent residence.
6. Clinics - Medical and Dental: One space for each 200 square feet of floor area.
7. Not for Profit or Service Clubs: One space for each 250 square feet of floor area.
8. Contractor Yard: One space for each 1,000 square feet of floor area plus one space for each facility vehicle.
9. Convalescent Care Facilities/Assisted Living Facilities/Nursing Homes:
 - a. One space for each four beds.
10. Convenience Store: One space for each 250 square feet of floor area.
11. Day Care Center: One space for each four persons of design capacity.
12. Educational Institution: Two spaces for each classroom plus one space for each four seats in the auditorium. High schools shall also include one space for each ten students at design capacity.
13. Financial Institution: One space for each 100 square feet of floor area plus sufficient stacking space to accommodate the number of automobiles equal to five times the number of teller windows.
14. Funeral Home: One space for each 50 square feet of floor area plus one reserved space for each hearse or company vehicle.
15. Group Home: One space for each four beds.
16. Hospitals: One space for each two beds.
17. Hotels/Motels: One space for each sleeping room plus one space for each 400 square feet of public meeting area and/or restaurant space accessory to the hotel/motel.
18. Industrial/Manufacturing: One space for each 400 square feet of floor area.
19. Office and Personal Service: One space for each 200 square feet of floor area.
20. Printing and Related Trades: One space for each 400 square feet of floor area.
21. Public Assembly Hall: One space for each 50 square feet of floor area.
22. Public Buildings: One space for each 200 square feet of floor area.
23. Recreational, Non-Commercial: One space for each participant at maximum utilization.
24. Recreational, Commercial: One space for each three seats or one space for each 100 feet of floor area, whichever is greater.
25. Religious Places of Worship: One space for each eight seats in the place of assembly.
26. Residential, Multiple Family: Two spaces for each dwelling unit.
27. Residential, Single Family: Two spaces for each dwelling unit.

28. Residential Two Family: Two spaces for each dwelling unit.
29. Research and Development Laboratories: One space for each 500 square feet of floor area.
30. Restaurants: One space for each 100 square feet of floor area.
31. Restaurants, Fast Food: One space for each 100 square feet of floor area plus sufficient stacking space for five vehicles at each drive through window.
32. Retail Business: One space for each 150 square feet of floor area.
33. Taverns: One space for each 100 square feet of floor area.
34. Veterinary Hospital: Four spaces for each examination room.
35. Warehouse and Wholesale: One space for each 1,000 square feet.

20.4 Joint or Collective Parking Facilities.

- A. The joint or collective parking provision of required off-street parking areas shall comply with the following standards and requirements:
 1. Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap.
 2. All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or jointly by two (2) or more buildings or establishments, the required spaces may be located not farther than 500 feet from the building served.
 3. The total of such off-street parking spaces supplied collectively shall be not less than the sum of the requirements for the various uses computed separately.
 4. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel of the Village and filed with the application for a zoning permit.

20.5 Handicapped Parking Requirements.

Parking facilities serving buildings and facilities required to be accessible to the physically disabled shall have conveniently located designated parking spaces to be provided as established by the Ohio Basic Building Code.

20.6 Outdoor Lighting.

Outdoor lighting shall be reviewed by the Zoning Administrator/Inspector and Planning Commission.

20.7 Off-Street Loading Space Requirements.

In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of 10,000 square feet or more which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, funeral home, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of materials or merchandise.

20.8 Off-Street Loading Design Standards.

- A. All off-street loading spaces shall be in accordance with the following standards and specifications:
1. Each loading space shall have a minimum dimension not less than 10 feet in width, 25 feet in length and a vertical clearance of not less than 14 feet in height.
 2. Notwithstanding other provisions of this regulation and other setback requirements, off-street loading spaces may be located in the required rear or side yard of any B-1, B-2, M-1, M-2 District provided that not more than 80% of the required rear yard or side yard is occupied, and no part of any loading space shall be permitted closer than 50 feet from any right-of-way or residential district unless wholly enclosed on all sides by a wall or uniformly painted board fence not less than six (6) feet in height.
 3. In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any residential district unless completely enclosed on all sides by a wall or uniformly painted board fence not less than six (6) feet in height. Screening shall include an evergreen hedge or planting no less than six (6) feet in height and maintained in good condition. Screening shall be provided within the required parking setback.
 4. All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.
 5. Any required off-street loading spaces, together with its appurtenant driveways, aisles and other circulation areas, shall be surfaced with a pavement having an asphalt or concrete binder of sufficient strength to support vehicular loads imposed on it while providing a durable, dustless surface.
 6. All loading spaces, together with driveways, aisles and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or

onto public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.

7. Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from any adjacent properties or right-of-way and in conformance with Chapter 4.

20.9 Submission to Planning Commission.

Detailed drawings of the location, width and number of entrance driveways to necessary parking and off-street loading facilities shall be submitted to the Planning Commission, with the exception of single family detached dwellings and duplexes, for approval prior to the granting of any Zoning Permit. Such drawing shall show the number of spaces and locations, dimensions and descriptions of all features enumerated in this Section or as required elsewhere in this Zoning Code. The Planning Commission may require, in addition to those enumerated, further structural or landscaping features such as bumper guards, curbs, walls, fences, shrubs, trees, ground cover or hedges to further the intent and purposes of this zoning code. The Planning Commission, in addition, may recommend such changes in location, width and number of driveways as it shall determine are necessary to eliminate any potential traffic hazards.

20.10 Modifications.

The BZA may recommend a modification, reduction, or waiver of the foregoing requirements if it should find that the peculiar nature of the residential, business, trade, and industrial, other use, exceptional situation or condition would justify such action.

20.11 Off-Street Loading Spaces Required.

- A. In any district, in connection with every building thereof hereafter erected, having a gross floor area of ten thousand (10,000) sq. ft. or more, which is to be occupied by manufacturing storage, warehouse, goods, display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such buildings at least one (1) off-street loading space plus one (1) additional such loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area so used in excess of twenty thousand (20,000) square feet.
 1. Each loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length and fourteen (14) feet in height.
 2. Such space may occupy all or any part of any required yard or court space.
 3. No such space shall be located closer than fifty (50) feet to any other lot in any Residential District unless wholly within an area completely enclosed on all sides by a wall or uniformly painted board fence not less than six (6) feet in height.

20.12 Off-Street Parking Areas Required.

- A. In all districts, in connection with every industrial, commercial, business, trade, institutional, recreational, or dwelling uses, and similar uses, space for parking and storage of vehicles shall have an area as defined in section and shall be provided in accordance with the following schedule: (off street parking area does not include loading space)
- B. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use if similar, shall apply.
- C. Except in the case of dwellings, no parking area provided there under shall be less than one thousand (1,000) square feet in area.
- D. Where a lot does not abut on a public or private alley or easement of access there shall be provided an access drive not less than eight (8) feet in width in the case of a dwelling, and not less than eighteen (18) feet in width in all other cases leading to the loading or unloading spaces and parking or storage areas required there under in such a manner as to secure the most appropriate development of the property in question except where provided in connection with a use permitted in a residence district, such easement of access or access drive shall not be located in any residence district.
- E. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:
 - 1. Off-street parking areas, including commercial lots, for more than five (5) vehicles shall be effectively screened on each side which adjoins or faces premises situated in any Residential District, or institutional premises, by a masonry wall and/or compact evergreen hedge. Such wall or hedge shall be not less than four (4) feet or more than six (6) feet in height and shall be maintained in good condition without any advertising thereon. The space between such wall or hedge and the side lot adjoining premises in a Residential District shall be maintained in good condition.
 - 2. Any off-street parking area; including any commercial parking lot, for more than five (5) vehicles and shall be surfaced with an asphaltic or Portland cement-type binder pavement so as to provide for orderly and safely loading or unloading and parking and storage of self-propelled vehicles.
 - 3. Any lighting used to illuminate any off-street parking area including any commercial parking lot, shall be so arranged as to reflect the light away from adjoining premises in any Residential District.
 - 4. Any entrances and exits to and from such area shall open on or lead directly to a major thoroughfare insofar as practicable.
- F. The BZA may recommend, subject to the provisions of Chapter 20 a modification, reduction or waiver of the foregoing requirements, if it should find that in the particular case appealed, the peculiar nature of the residential, business, trade, industrial or other use, or the exceptional shape or size of the property or other

exceptional situation or condition, would justify such modification, reduction or waiver.

G. The BZA may also recommend, subject to the provisions of Chapter 20, the establishment and operation of off-street parking areas in any Agricultural and Residential District that adjoins a Business or Industrial District, subject to the following conditions and limitation:

1. It shall provide parking space for 25 or more self-propelled vehicles.
2. Such parking shall be accessory to and for use of one or more businesses or industrial establishments located in the adjoining Business or Industrial District.
3. It shall be located on premises having an area of not less than ten thousand (10,000) square feet, which shall abut at least fifty (50) feet on a Business or Industrial District.
4. Entrances and exits shall be located within the adjoining business or industrial districts.
5. The application shall be accompanied by the names and addresses of all property owners within two hundred (200) feet of premises in question so they may be given the opportunity to be heard in connection with the consideration of such application.
6. In addition to the above, the Board may prescribe further requirements or conditions deemed necessary or desirable in respect to surfacing, marking, lighting, wall, fencing or planting for protection of the adjacent property.
7. A zoning permit issued for such accessory parking areas under the above provisions shall be revocable, subject to continued compliance with the requirements and conditions.

20.13 Gasoline Stations; Gasoline and Convenience Stores; Public Garages; and Parking Lots.

- A. No gasoline filling station or public garage shall be permitted where any oil draining pit or visible appliances within twelve (12) feet of any street lot line or within twenty-five (25) feet of any Residential District, except where such appliance or pit is within a building.
- B. On all corner lots, all vehicular entrances to, or exists from, and curb openings, shall be set back a minimum of twenty-five (25) feet from the corner property lines extended or from the established right-of-way lines. All curb opening whether on a corner lot or not, shall not exceed forty (40) feet in width at the curb line, and thirty (30) feet at the property line. There shall be a minimum of twenty (20) feet measured along the property line, between any series of driveways.

CHAPTER 21 SIGN REGULATIONS

21.0 Purpose of the Regulations.

- A. To promote the creation of an attractive visual environment that promotes a healthy economy by:
- B. Permitting businesses to inform, identify, and communicate effectively; and
- C. Directing the general public through the use of signs while maintaining attractive and harmonious application of signs on the buildings and sites.
- D. To protect and enhance the physical appearance of the community in a lawful manner that recognizes the rights of property owners by:
- E. Encouraging the appropriate design, scale, and placement of signs.
- F. Encouraging the orderly placement of signs on the building while avoiding regulations that are so rigid and inflexible that all signs in a series are monotonously uniform.
- G. Assuring that the information displayed on a sign is clearly visible, conspicuous, legible and readable so that the sign achieves the intended purpose.
- H. To foster public safety along public and private streets within the community by assuring that all signs are in safe and appropriate locations.
- I. To have administrative review procedures that is the minimum necessary to:
- J. Balance the community's objectives and regulatory requirements with the reasonable advertising and way finding needs of businesses.
- K. Allow for consistent enforcement of the Sign Code.
- L. Minimize the time required to review a sign application.
- M. Provide flexibility as to the number and placement of signs so the regulations are more responsive to business needs while maintaining the community's standards.

21.1 Determining Sign Area and Dimensions.

- A. For a **wall sign** which is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area and dimensions shall include the entire portion within such background or frame.
- B. For a **wall sign** comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, the frame, and any applied background that is not part of the architecture of the building. When separate elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display areas, including the space between different elements. Minor appendages to a particular regular shape, as determined by the Zoning Administrator/Inspector or BZA, shall not be included in the total area of a sign.

- C. For a **freestanding sign**, the sign area shall include the frame, if any, but shall not include:
1. A pole or other structural support unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device.
 2. Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, building or structural forms complementing the site in general.
 3. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be computed as the measurement of one of the two faces. When the sign has more than two display surfaces, the area of the sign shall be the area of largest display surfaces that are visible from any single direction.



4. In the event of a dispute in determining the area or dimensions of any sign, a negative decision of the Zoning Administrator/Inspector may be appealed, by the applicant's submitting a formal application to the BZA for their rulings which will then be forwarded to Council for their approval or disapproval.

21.2 Determining Sign Height.

- A. The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground, to the highest point of the sign. A freestanding sign on a man-made base, including a graded earth mound, shall be **measured from the grade of the nearest pavement or top of any pavement curb.**

SEE FOLLOWING PAGE FOR EXAMPLES



- B. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

21.3 Determining the Building Frontages and Frontage Lengths.

- A. Building Unit - The building unit is equivalent to the tenant space. The frontage of the tenant space on the first floor shall be the basis for determining the permissible sign area for wall signs.
- B. Primary and Secondary Frontage - The frontage of any building unit shall include the elevation(s) facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance(s) to the building or building units.
 1. The primary frontage shall be considered the portion of any frontage containing the primary public entrance(s) to the building or building units.
 2. The secondary frontage shall include those frontages containing secondary public entrances to the building or building units, and all building walls facing a public street or primary parking area that are not designated as the primary building frontage by subsection “a” above.

21.4 Length of Building Frontage.

- A. The length of any primary or secondary building frontage shall be the sum of all wall lengths parallel, or nearly parallel, to such frontage, excluding any such wall length determined by the Zoning Administrator/Inspector or the BZA as clearly unrelated to the frontage criteria.
- B. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each such building frontage.
- C. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

21.5 Business Lacking Setback.

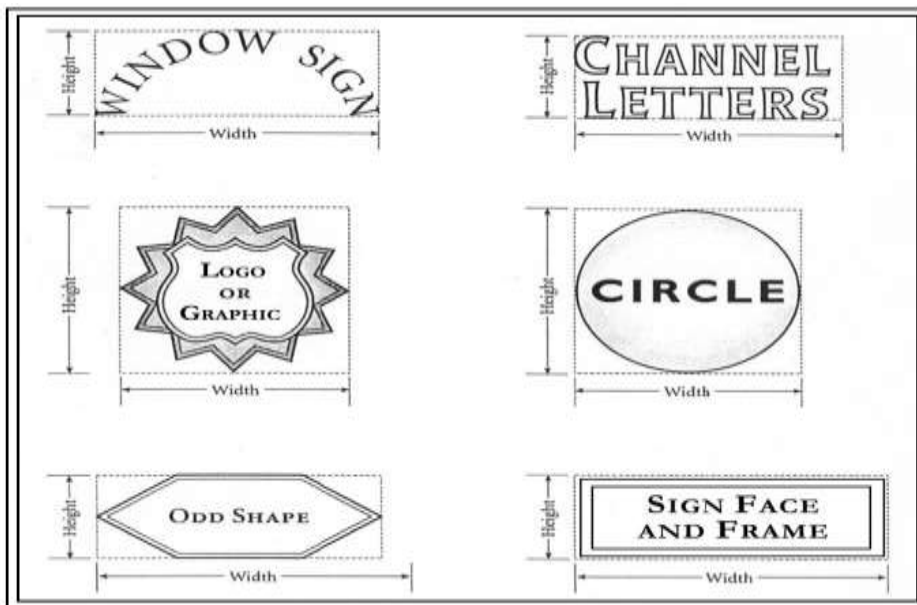
- A. Where a business is located having only one (1) street frontage and lacking the necessary setback for a freestanding sign and in harmony with the purpose of signs Section 21.03; one (1) additional wall sign is permitted using the same sign area calculation in Section 21.07 – Calculating the Sign Area;

21.6 Business with Drive-Thru Facilities

- A. One (1) menu board of eighty (80) square feet or less in area and not exceeding eight (8) feet in height and having a minimum setback of five (5) feet from any public right-of-way;

21.7 Calculating the Sign Area.

The area of a sign shall be the height of the sign at its highest point multiplied by the width of the sign copy at its widest point of the sign.



21.8 Signs Permitted

The signs permitted in each character area are those indicated in Exhibit 1.

Exhibit 1 – Signs Permitted in Each Character Area

Type of Sign	R-1 & R-2 One & Two Family Residence	Non- Residential Use	B- 1 Neighborhood Business	B-2 General Business	M-1 Light Industrial	M-2 General Industrial
Signs used for religious and civic organizations	X	X	X	X	X	X
Directional and Informational Signs (Max 8 sq ft)		X	X	X	X	X
Holiday Decorations	X	X	X	X	X	X
Special Event Signs and Banners (ex: Open House)	X	X	X	X	X	X
Nameplates (Max 2 sq ft)	X	X	X	X	X	X
Public Sign, Public Notice, Emergency Related Signs	X	X	X	X	X	X
Window Signs (Max 25 % of Window)		X	X	X	X	X
Temporary Political Signs	X	X	X	X	X	X
Temporary Construction Sign (Max 24 sq ft)	X	X				
Temporary Construction Sign (Max 48 sq ft)			X	X	X	X
Temporary Non-illuminated Real Estate (Max 24 sq ft)	X	X	X	X	X	X
Subdivision Identification Sign (Max 16 sq ft)	X	X	X	X	X	X
Building Identification Sign (Max 16 sq ft)	X	X	X	X	X	X
Freestanding Sign (Max 32 sq ft)		X	X	X	X	X

Wall Sign (Max 50 sq ft)			X	X	X	X
Under-Canopy Sign (Max 8 sq ft)			X	X	X	X
Awning Signs (Max 50% of surface)				X	X	X
Marquee Signs				X	X	X
Sandwich Boards 2x3 or less Limit 1 and “ removed nightly ”			X	X	X	X

21.9 Wall signs

- A. The basic allowance for wall signs shall be limited to one-half (1/2) square foot of sign area for each linear foot of building or tenant frontage, in which the sign will be located.
- B. Each tenant may have multiple wall signs as long as the total wall sign area does not exceed 50 square feet.
- C. Where a business is located on corner lot or has more than one (1) street frontage: one (1) additional wall sign area is permitted for a secondary frontage (see Definitions) which shall be equal to 100% of the primary sign area calculation.



- D. The following additional wall signs may be permitted:

21.10 Projecting signs are permitted, in addition to the allowances for wall signs when designed and placed for the purpose of identifying the businesses for a pedestrian walking along the same side of the street as the business they seek or under a continuous rain canopy projecting from the building.

Projecting signs shall have a maximum area of two (2) square feet; the bottom of the sign shall be a minimum of eight (8) feet above the sidewalk; the sign shall not project more than two (2) feet from the wall of the building on which the sign is placed;

SEE FOLLOWING PAGE FOR EXAMPLES



Illustration on the left shows under canopy sign and on the right a projecting sign

21.11 Building Directory – In addition to the wall signs otherwise permitted by these regulations an additional sign may be permitted up to a maximum of eight (8) square feet for the purpose of identifying first floor tenants that do not have outside building frontage or up- per floor tenants.

21.12 Additional Wall Signs for Multiple Story Buildings – An additional building sign is permitted on each of the building’s primary and secondary frontages according to the following:

- A. For a building with two (2) floors the additional permit- the sign area is eight (8) square feet for each eligible wall.
- B. This additional permitted sign area may be increased by eight (8) square feet for each additional building floor.
 - 1. The sign must be placed at the height for which the bonus has been granted.

21.13 Freestanding signs

- A. The basic allowance for **freestanding** signs shall be limited to one-half (1/2) square foot of sign area for each linear foot of street frontage with a maximum sign area of fifty (50) square feet for businesses with street frontage on one-hundred (100) linear foot or greater.
- B. Freestanding signs may have (2) faces or copy areas.
- C. There shall be both a minimum and a maximum height of freestanding signs for each property with the standards established for each character area.
- D. No portion of a freestanding sign shall be in, or project over a public right-of-way.

21.14 Electronic Message/Changeable Copy Signs (EMCs)

- A. A community, in formulating its sign regulations, should recognize the emerging technology and benefits of electronic messages. The technology has sufficiently advanced so that electronic message centers (EMCs) are more in demand because they offer more effective business identification and promotion relative to their cost. The EMCs also enable multiple tenants in a building or complex to achieve identification “at the street” – on a single freestanding sign. These typically are instances where the regulations and/or the property owner’s allocation (of the available area) does not permit any additional signs for the tenant or space on the permitted sign for the permanent identification of all tenants.
1. Multiple tenant identification along the street often results in multiple elements and clutter which are contrary to the principles in this model code.



- B. This electronic message is used by a single tenant but could meet the needs of multiple tenants as well.



1. However, there are often two contrasting views of EMCs. One view is that frequently changing EMCs can be viewed as a dynamic asset to the economic vitality of each business and to the community. Alternatively, they can be viewed as increasing visual clutter, distracting motorist's attention and contrary to the general development objectives of the community and the purposes of the community's sign regulations.
2. Many of the concerns regarding EMCs are related to brightness. Since the technology is available, it is reasonable that EMCs be required to have dimming capabilities that adjust the brightness to the ambient light – regardless of the time of day.
3. Lastly, the regulations should make regulatory distinctions between electronic changeable copy and the older mechanical or manual changeable signs.



- C. Illustrations of changeable copy signs --- both manual and electronic.
- D. In the Character Areas EMCs are permitted with unlimited motion provided the electronic message center does not exceed 25 percent of the total sign area permitted on the site.
- E. In the Character Areas the EMCs are not limited.
- F. All EMCs are required to have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night.
 1. No single electronic message is permitted to be repeated by flashing more than once every sixteen (16) seconds.
- G. All EMCs are permitted only in B-2 “General Business” Districts.

- H. All EMCs must be turned off between the hours of 12 a.m. to 6 a.m.
- I. All EMCs must be 500' from each other and 200' from residential areas.

21.15 Instructional signs

Instructional or “way-finding” signs shall be permitted in addition to all other signs when they are of such size and location that satisfy the intended instructional purpose and based on their size, location, and intended purpose will not constitute additional advertising. Instructional signs shall be permitted without limitation as to number or size and may include the name of the business and logos.

21.16 Window Signs

Permanent window signs shall not exceed twenty-five (25%) percent of the area of a window and the total area of all window signs, including both permanent and temporary, shall not exceed fifty (50%) percent of the window area.

21.17 Temporary Signs

A. Special Events

1. It is reasonable for a community to regulate signs for special events – whether these events are related to commercial enterprises (grand opening, clearance sales, sidewalk sales, etc.) or institutional (places of worship, schools, non-profits) festivals, etc.
2. A maximum of three (3) special events are allow per calendar year;
3. A permit is required for each special event;
4. The use of such signs and banners for special events shall be limited to a maximum of fourteen (14) days.
5. Each property must be granted temporary signs for these purposes any time of the year;

B. Specific regulations exists for the following events:

1. Winter Holiday Season.
 - a. In an effort to help promote the winter season within the Village, the use of signs and banners shall be allowed from the Monday before the holiday known as Thanksgiving through January 2nd of the next year.
 - b. A permit is not required for this special event.
 - c. This shall not count as one (1) of the special events.

2. Special Events by Proclamation of the Mayor:
 - a. In an effort to help promote Village-wide special events, the use of signs and banners shall be allowed when declared by proclamation of the Mayor of Hartville.
 - b. This shall not count as one (1) of the special events.
3. Political:
 - a. Each property must be granted temporary signs for these purposes any time of the year;
 - b. All political signs shall be erected only on private property and only with the property owner's permission;
 - c. Political signs shall not count as one (1) of the special events.
4. Real Estate:
 - a. One (1) non-illuminated real estate sign of twenty-four (24) square feet or less in sign area;
 - b. One (1) non-illuminated real estate sign per lot or premises;
 - c. One (1) non-illuminated real estate sign per street frontage;
Sign shall be removed fifteen (15) days following the sale, rental or lease.
5. Construction:
 - a. Each property must be granted temporary signs for these purposes any time of the year;
 - b. Depending on classification of property:
 - c. One (1) construction sign of twenty-four (24) square feet or less in signage area for each street frontage of a construction project OR
 - d. One (1) construction sign of forty-eight (48) square feet or less in signage area for each street frontage of a construction project;
 - e. Sign may be erected thirty (30) days prior to a construction project and shall be removed fifteen (15) days after the completion of said construction project.

- C. Temporary signs will be permitted up to two (2) weeks before a permanent sign is required.

21.18 General Provisions

- A. Achieving the long term removal of non-conforming signs is in the mutual best interests of both the business community and the Village. Without such elimination some businesses, with non-conforming signs, continue to have a decided advantage over those newer businesses that have installed signs in compliance with the newer regulations. Furthermore, there will be tendencies to retain such larger – and perhaps “tired” signs beyond their useful life in order to continue a long standing advantage. Conversely, eliminating non-conforming signs assure, over time, a level playing field for all businesses – at least with respect to signs.
 - 1. Nonconforming signs shall be maintained in good condition pursuant to Section 21.22.
 - 2. A nonconforming sign shall not be altered, modified or reconstructed except:
 - a. When such alteration, modification or reconstruction would bring such sign into conformity with these regulations.
 - b. When the existing use has new ownership which results in a change in the name or logo of the use or business on the property, and such change complies with “d” below.
 - c. When the space is re-occupied by a similar use and the new occupant requires no external building or site renovation, and such change complies with subsection “d” below.
 - d. Any alteration, modification or reconstruction permitted in this section shall be limited to the replacement of a sign panel, replacing individual letters and logos within the same area or repainting a sign face, and does not permit changes to the structure, framing, erection or relocation of the sign unless such changes conform to subsection “a” above.

21.19 Limitations for Non-Conforming Signs.

- A. A nonconforming sign shall be removed upon verification that any of the following conditions have been met:

1. The use to which such non-conforming sign refers has been abandoned for more than 180 consecutive days; or
2. Extension of time to comply - The dates established in this Section for a sign to be brought about into compliance with the requirements of these regulations may be extended at the request of the sign owner or leasee. In evaluating the extension of time for a nonconforming sign, the Village shall consider the following factors to determine whether the owner of the sign has had reasonable amount of time to re- coup the initial investment:
 - a. The value of the sign at the time of construction and the length of time the sign has been in place;
 - b. The life expectancy of the original investment in the sign and its salvage value, if any;
 - c. The amount of depreciation and/or amortization of the sign already claimed for tax or accounting purposes;
 - d. The length of the current tenant lease or expected occupancy compared to the date the sign is to be brought into compliance;
 - e. The extent to which the sign is not in compliance with the requirements of these regulations; and
 - f. The degree to which the Village determines that the sign is consistent with the purposes of these regulations.
 - g. Whether the sign has “historical” or “landmark” significance and should, therefore, be exempt from amortization, as seen below.

21.20 Sign Review Procedures.

Prior to submitting a formal application, applicants are encouraged to meet with the Zoning Administrator/Inspector, to fully understand the Village’s requirements, objectives, interpretations, and review procedures.

- A. Time limits – All sign applications shall be reviewed for compliance with these regulations within five (5) business days from the time a completed application has been accepted by the Zoning Administrator/Inspector.
- B. All appeals and variances regarding the sign ordinance would be heard by the BZA if not otherwise prohibited by law.

21.21 Construction Standards.

- A. The construction, erection, safety and maintenance of all signs shall comply with the Ohio Basic Building Code; the National Electrical Code and the Fire Prevention and Safety Code.
 1. Signs shall be structurally sound and located so as to pose no reasonable threat to pedestrian or vehicular traffic.

2. All permanent freestanding signs shall have self-supporting structures erected on, or permanently attached to, concrete foundations.
 3. If possible, signs should not be in locations that obscure architectural features such as pilasters, arches, windows, cornices, etc.
 4. The signs should not be in locations that interfere with safe vehicular and pedestrian circulation or public safety signals and signs.
 5. No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of egress.
 6. All signs shall be designed to withstand a wind load of thirty (30) pounds per square foot on any face.
 7. All signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical, cable and telephone wires.
- B. Signs shall be structurally designed in compliance with ANSI and ASCI standards. All elective signs shall be constructed according to the technical standards of a certified testing laboratory.
- C. Signs may be illuminated – by external or internal means -- provided that:
1. The brightness and intensity shall not be greater than necessary to meet reasonable needs of the business or use served.
 2. Light sources shall be shielded from all adjacent buildings and streets.
 3. The lighting shall not create excessive glare to pedestrians and/or motorists and will not obstruct traffic control or any other public informational signs.

21.22 Maintenance

- A. All signs shall be maintained in accordance with the following:
1. The property owner shall maintain the sign; in a condition appropriate to the intended use; to all Village standards; and has a continuing obligation to comply with all building code requirements.
 2. If the sign is deemed by the Zoning Administrator/Inspector to be in an unsafe condition, the owner of the business shall be immediately notified in writing, and shall, within 48 hours of

receipt of such notification, respond to the Village with a plan to correct the unsafe condition, remove the unsafe sign, or cause it to be removed. If after ten (10) days, the unsafe condition has not been corrected through repair or removal, the Zoning Administrator/Inspector may cause the repair or removal of such sign, at the expense of the property owner or lessee. If the total costs are not paid in full within Ten (10) days of the repairs or removal, the amount owed shall be certified as an assessment against the property of the sign owner, and lien upon that property, together with an additional processing fee (10%) penalty for collection as prescribed for unpaid real estate taxes.

3. In cases of emergency, the Zoning Administrator/ Inspector may cause the immediate removal of a dangerous or defective sign without notice.
4. Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, re-lettering or repainting, the same may be done without a permit or without any payment of fees provided that all of the following conditions are met:
 - a. There is no alteration or remodeling to the structure or the mounting of the sign itself;
 - b. There is no enlargement or increase in any of the dimensions of the sign or its structure;
 - c. The sign is accessory to a legally permitted, conditional or nonconforming use.
 - d. There is no change in location or characteristics when compared to the existing sign.

21.23 Signs Exempt from the Regulations.

- A. The following signs shall be exempt from regulation under this Zoning Ordinance:
 1. Any public purpose/safety sign and any other notice or warning required by a valid and applicable federal, state or local law, regulation or resolution.
 2. Works of art that do not include a commercial message.
 3. Religious and other holiday lights and decorations containing no commercial message and displayed only during the appropriate time of the year.
 4. Religious symbols.
 5. Flags of the United States, the state, foreign nations having diplomatic relations with the United States, and any other flag

adopted or sanctioned by an elected legislative body of competent jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting these conditions shall be considered a sign and shall be subject to regulations as such. The number of flags shall not exceed two (2) on any premise and the area of any flag shall not exceed sixty (60) square feet and shall not exceed a height of thirty-five (35) feet.

6. Building markers.
7. Display of street numbers.
8. Scoreboards on athletic fields.
9. Gravestones.
10. Commemorative plaques.

21.24 Prohibited Signs and/or Sign Characteristics.

- A. The following signs are prohibited in the Village:
 1. Abandoned signs (see definitions).
 2. Animated, flashing, **rotating signs** and **festoons** (See definitions), inflatable signs, tethered balloons, banners, pennants, searchlights, streamers, exposed light bulbs, strings of lights not permanently mounted to a rigid background, and any clearly similar features, except those specifically exempt from regulation in Section 21.23, special event signs or banners permitted in 21.17, or electronic message centers as permitted in Section 22.14.
 3. Signs on vehicles when the vehicle is placed in a location not normally expected for such vehicles, and the location apparently has the primary purpose of attracting attention or providing advertising in addition to that permitted for legal wall and/or freestanding signs on the site.
 4. Signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control, direction signals or government signs and signals.
 5. Merchandise, equipment, products, vehicles or other items which are not available for purchase, but are intended to attract attention, or for identification or advertising purposes.
 6. Signs located on trees; mail box; fence; utility poles; public benches; traffic control sign, signal or device; any other form of public property; or within any public right-of-way unless explicitly permitted by the regulations.
 7. All projecting signs.
 8. All roof or rooftop signs.
 9. All off-premise signs.

10. All signs utilizing a beacon, strobe light, searchlight, signaling light, spotlight or similar apparatus, equipment or device and all lighting which is not directed toward sign.
11. All signs utilizing flame as a source of light.
12. Any exposed incandescent lamp in excess of twenty-five (25) watts unless a screen is attached or unless the sign is placed over ten (10) feet above the ground.
13. All signs with an exposed incandescent lamp with an external reflector and without a sunscreen or comparable diffusion.
14. All flashing signs except for electronic message board.
15. All signs constructed or utilizing electric not in accordance with the provisions of the Ohio Basic Building Code.
16. Other signs or attention getting devices that raise concerns substantially similar to those listed above.
17. Any sign placed within the visual limits or causing a visual obstruction at an intersection.
18. All signs conveying misleading or unlawful commercial information.
19. All moving, swinging or rotating signs or any sign giving the illusion of movement.
20. All lighter-than-air or inflatable signs.
21. All floral signs.
22. All signs and or portable signs placed on motor vehicles or trailers which are not used for transportation and are parked or located for the principle purpose of displaying said sign during normal business hours.
23. All portable signs also known as "Sandwich Board" displayed during non-business hours (See definitions).
24. All signs obstructing any fire escape, exits, windows or doors used as a means of egress.
25. All signs within one (1) foot horizontally or vertically of any public utility line, wire or any guy-wire.
26. Any sign requiring a Sign Permit but not having been issued a Sign Permit.
27. Any sign not specifically authorized by these regulations.

21.25 Methodology for Estimating the Appropriate Area of Freestanding Signs
(Three Options Based on Highway Speeds)

SEE FOLLOWING PAGE FOR EXAMPLE

	LOWER 25 MPH	MIDDLE 40 MPH	HIGHER 55MPH
DISTANCE SIGN IS VIEWED	200'	320'	440'
REQUIRED LETTER HEIGHT	7"	10"	15"
APPROPRIATE VIEWING TIME	4-6 Seconds	4-6 Seconds	4-6 Seconds
ELEMENTS COMPREHENDED			
· Letter	40-60	40-60	40-60
· Words/Symbols 5 to 7 letters per word; 1 word = 1 symbol	6-12	6-12	6-12
TOTAL AREA OF LETTERS/SYMBOLS (Width of letter, including spacing equal's the letter height)	14-20 Feet	28-42 Feet	63-94 Feet
TOTAL SIGN AREA (with message – 40% of total area)	35-50 Square Feet	70-105 Square Feet	160-235 Square Feet

**CHAPTER 22
PLANNED UNIT DEVELOPMENT**

22.0 Purpose.

- A. It is the purpose of the Planned Unit Development District to permit a developer, through consultation with Village Council and the Planning Commission, to develop a site according to an established plan which would supersede normal zoning requirements of a particular zoning district, although the uses approved within a Planned Unit Development must conform to the uses as specified in the existing zoning district. Planned Unit Developments are intended to permit creative site planning and allow a developer to incorporate such amenities as common open space into the overall site design. Village Council may approve a Planned Unit Development (PUD) based on the following guidelines and procedures.

22.1 Types of Planned Unit Developments and Permitted Uses.

- A. A PUD may be approved within any zoning district, provided that the use(s) approved by Village Council for the PUD complies with those uses identified as permitted or conditionally permitted within the existing zoning district. For example, an applicant can request approval for a PUD within an R-2 One and Two Family District; the subsequent designation would be R-2 One and Two Family District-PUD.

22.2 Required Open Space.

- A. A minimum land area of twenty (20) percent of the overall tract shall be reserved for use as open space. This open space may include such areas as pedestrian walkways, parkland, open areas, drainage ways, greenbelts and other lands of essentially open character. If common open space is provided, ownership of this common open space shall be transferred to a legally established Homeowners Association, or deeded with permanent restrictions for its preservation, or other method agreed upon by the Village, and the proper legal documents necessary for such transfer be prepared by the owner(s). The common open space shall be usable by residents/occupants of the PUD and shall not consist of isolated or fragmented pieces of land which would serve no useful purpose.
1. Open Space cannot include a parking lot/area.

22.3 Required Contents of the Concept Plan.

- A. Submission of a Concept Plan is required as the initial process for the establishment of a PUD. Applicants are encouraged to engage in informal consultations with the Planning Commission prior to preparing the Concept Plan, it being understood that no statement or representation by Planning Commission

members shall be binding upon the Commission. The applicant shall prepare a Concept Plan and shall submit the number of copies of this Concept Plan as specified by the Building Inspector of Stark County along with the Application for a Change of Zoning District to the Planning Commission for review.

- B. This Concept Plan shall contain a base map of the property showing existing and proposed land use, general topography and physical features, property boundaries, adjacent thoroughfares and access points, vehicular and pedestrian circulation, location of different land use areas, density levels of each area, location of schools, parks or other community facility sites (if any), setback and height requirements, proposed drainage, general utility plan, parking layout, proposed sign plans, the schedule of projected development if construction is to extend beyond a two (2) year time period, all necessary legal documentation relating to the transfer of common open space, if proposed, to the legally established Homeowners Association or protection of common open space, or other mechanism approved by the Village, and other information as may be required by the Village for review.
- C. The Planning Commission shall study the application and Concept Plan and shall hold a public hearing within sixty (60) days of the time of application. Following this public hearing, the Planning Commission shall make a report to Village Council recommending approval or disapproval and the reasons therefore. The Planning Commission may explicitly impose special conditions relating to the PUD with regard to type and extent of public improvements, maintenance of common open space, and any other pertinent development characteristics as needed in making a determination. The time period for review may be extended if agreed upon by the applicant.

22.4 Conditions of Approval.

- A. Upon receipt of the report of the Planning Commission, Village Council shall study and review the proposed Concept Plan and shall approve or disapprove the application on the basis of (1) all application submission requirements have been satisfied, and (2) finding that the following specific conditions are met:
 - 1. That each individual section of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained.
 - 2. That the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts in these regulations.
 - 3. That the proposed internal streets and thoroughfares are suitable and adequate to carry anticipated traffic.
 - 4. That the minimum open space area has been reserved, a means has been established to maintain the area, and is either to be dedicated to the Village of Hartville, be transferred to a legally established

Homeowner's Association or other legally established entity, or other mechanism approved by the Village.

5. That any part of a PUD not used for structures, parking and loading areas or streets shall be landscaped or otherwise improved.
6. That the Planned Unit Development District is in conformance with the Village Comprehensive Plan, as may be amended from time to time.
7. That the development will not impose an undue burden on public services and facilities such as fire and police protection.
8. That the density of each individual phase of the PUD, as well as the density of the entire project, shall not exceed the maximum allowable density as permitted in the underlying districts.

22.5 Increases in Density.

An increase in density of fifteen (15) percent may be permitted over the maximum allowable density of the underlying zoning district(s).

22.6 Planning Commission and Village Council Action.

- A. If from the facts presented, Village Council is unable to make the necessary findings Conditions of Approval, the application shall be denied or returned to the developer for clarification. In taking action, the Planning Commission and Village Council may deny the Concept Plan or may recommend approval of said plan subject to specified amendments.
- B. If the application is approved by Council, the approval of the Concept Plan shall be limited to the general acceptability of the land uses proposed, density levels and their interrelationship, and shall not be construed to endorse precise location of uses, configuration of parcels, or engineering feasibility which are to be determined in subsequent preparation of detailed site development plans.
- C. Approval of the Concept Plan shall constitute the creation of a separate "PUD" Planned Unit Development Zoning District. The new zoning designation shall incorporate the existing zoning classification.
- D. At the time of adopting any Ordinance establishing a "PUD" District, Village Council shall make appropriate arrangements with the applicant, which will ensure the accomplishment of the public improvements and reservation of common open space of the public improvements shown on the approved Concept Plan. The developer shall post a bond in the amount determined by the Village to ensure completion of the necessary improvements should the developer fail to complete such improvements as agreed upon.

22.7 Detailed Site Development Plan Approval Procedure.

- A. Once the Concept Plan has been approved by the Planning Commission and Village Council, detailed site development plans for each section of the overall planned unit development landholding must each be reviewed and

approved by the Planning Commission prior to the issuance of any Zoning Permit by the Zoning Administrator/Inspector.

- B. The detailed site development plans shall be in accordance with the original Concept Plan; shall be prepared for the applicant by a professionally competent engineer, architect and/or landscape architect; and shall include the following:
 - 1. Site plan indicating lot lines, building outlines, off-street parking and loading spaces, pedestrian walkways and vehicular circulation.
 - 2. Preliminary building plans, including floor plans and exterior elevations.
 - 3. Landscaping and buffering plans.
 - 4. Evidence that the development will not impose an undue burden on public services and facilities such as fire and police protection.
 - 5. Specific engineering plans, including site grading, street improvements, drainage and utility improvements and extensions as necessary.
- C. Approval of each detailed site development plan for each unit of a PUD District shall be valid for one (1) year. No Zoning Permit or Building Permit shall be issued for any structure within the PUD until the final Subdivision Plat has been recorded with the County Recorder.

22.8 Amendments to an Approved Planned Unit Development.

- A. An approved PUD Concept Plan or Detailed Site Development Plan may be amended by following the procedures described in this Chapter. However, minor adjustments in the Detailed Development Plan which become necessary because of field conditions, detailed engineering data, topography or critical design criteria pertaining to drives, curb cuts, retaining walls, swimming pools, tennis courts, fences, building locations and building configurations, parking area locations or other similar project particulars, may be authorized in writing by the Planning Commission. These minor adjustments may be permitted, provided that they do not increase density, decrease the number of parking spaces or allow buildings closer to residential property lines. Changes determined to be major shall require review and approval by Village Council.

CHAPTER 23 ADMINISTRATION

23.0 Purpose.

This Chapter sets both the powers and duties of the Planning Commission, the BZA, the Village Council and the Zoning Administrator/Inspector with respect to the administration of the provisions of this Zoning Code.

23.1 Responsibilities of the Zoning Administrator/Inspector.

- A. A Zoning Administrator/Inspector shall be appointed by the Mayor. The Zoning Administrator/Inspector shall have the following responsibilities and powers:
1. Enforce the provisions of this Code and interpret the meaning and application of its provisions, including both map and text.
 2. Receive, review and make determinations on applications for zoning permits.
 3. Issue zoning permits as provided by this Code and keep a record of same with notations of special conditions involved.
 4. Review and process plans pursuant to the provisions of this Code.
 5. Make determinations as to whether violations of this Code exist, determine the nature and extent thereof, and notify the owner in writing, specifying the exact nature of the violation and the manner in which it shall be corrected by the owner, pursuant to the procedures in this Code.
 6. Conduct inspections of buildings and uses of land to determine compliance or non-compliance with this Code.
 7. Initiate the revocation of a permit or approval issued contrary to this Code.
 8. Act upon all applications within thirty (30) days of their date of filing. A Zoning Permit or written notification and explanation of refusal shall be issued to the applicant within said thirty (30) days. Failure to notify the applicant of such refusal within this period shall entitle the applicant to submit his request to the Village BZA.
 9. Examine and refer to the Planning Commission application for a Zoning Permit when site plan review is required as specified in Chapter 18.

23.2 Village Planning Commission.

- A. Commission Members: The legislative authority of each village may establish a commission of five members, consisting of the mayor, one member of the legislative authority to be elected thereby for the remainder of the individuals' term as such member of the legislative authority, two citizens of the village, and one public member to be appointed by the mayor for terms of six years each. All members shall serve without compensation.

- B. Responsibilities and Powers of the Commission as they relate to this Code:
1. Continuously review the effectiveness and appropriateness of this Code and recommend such changes or amendments as it deems appropriate.
 2. Initiate advisable Official Zoning District Map changes or changes in the text of the Code where same will promote the best interest of the public through recommendations to the Village Council.
 3. Review proposed zoning amendments, Planned Unit Development applications.
 4. Conduct Site Plan Review for projects requiring such approval.
 5. Function, in addition, as provided by all other applicable Sections of the State law, Chapter 713 of the Ohio Revised Code.

23.3 Village Council.

- A. Powers and Duties of the Village Council are as follows:
1. Initiate or act upon suggested amendments to the Zoning Regulations or the Official Zoning District Map following the recommendations of the Village Planning Commission.
 2. Elect one of its own members to the Planning Commission.
 3. Determine fees for permits, application review and violations. These fees shall be utilized to help cover the expenses of the Zoning Administrator/Inspector, the Planning Commission, and the BZA.
 4. Provide for maintaining and keeping current the permanent records required by these regulations, including but not limited to the Official Zoning District Map, Zoning Permits, inspections, and all official zoning actions of the Village Council. Such records shall be made available for use by the Village Council, Planning Commission, BZA, and the public.
 5. Hear and decide appeals of recommendations of approval or disapproval from the Planning Commission regarding applications for site plan review.
 6. Hear and decide appeals of recommendations of approval or disapproval from the BZA.

23.4 Board of Zoning Appeals.

- A. BZA: The legislative authority of the village hereby establishes a Board of Zoning Appeals consisting of three members appointed by the Mayor. All members must be residents of the incorporated area of the Village.

B. Responsibilities and Powers of the Board as they relate to this Code:

1. Alleged there is an error in any interpretation, judgment, decision or determination made by the Zoning Administrator/Inspector in the administration and enforcement of the provisions of these regulations.
2. Variances: The BZA shall review, upon appeal in specific cases, variances from the terms, provisions or requirements of this Zoning Code as will not be contrary to the public interest.
 - a. Such variances shall be recommended for approval only when, owing to special and unusual conditions pertaining to a specific piece of property as described below, the literal enforcement of the provisions or requirements of this Zoning Code would result in practical difficulty or undue hardship, so that the spirit of the Zoning Code shall be upheld, public safety and welfare secured and substantial justice done.
 - b. Variances shall not be recommended for approval, for uses not permitted in the zoning district applicable to the property where there are exceptional or extraordinary circumstances or conditions such that the literal enforcement of this Zoning Code would involve practical difficulty or would cause unnecessary hardship, unnecessary to carry out the spirit and purpose of this chapter, the BZA shall have power to relieve such hardship.
 - c. When making a recommendation to Council to authorize a variance, the BZA may attach conditions regarding the location, character, and other features of the proposed structure or use it as it may deem necessary for the purpose of the chapter and in the public interest.
 - d. No such variance of the provisions or requirements of this Zoning Code shall be recommended by the BZA to Council to authorize unless the BZA finds that ALL of the following facts and conditions exist:
 - 1) Exceptional Circumstances: Where, by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property on the effective date of this Zoning Code, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property, that do not apply generally to other properties or classes of uses on the same zoning district.

- 2) **Preservation of Property Rights:** That such variance is necessary for the preservation and enjoyment of substantial property rights which are possessed by other properties in the same zoning district and in the same vicinity.
 - 3) **Absence of Detriment:** That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Zoning Code or the public interest.
 - 4) **Not of General Nature:** That the condition or situation of the subject property, or the intended use of the property, for which variance is sought, is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulations for such conditions or situation.
3. **Conditional Use – BZA may hear and decide upon, in accordance with the provisions of these regulations, applications for a Conditional Use Permit. The purpose of a Conditional Use Permit is to allow a proper integration of uses into the Village which may only be suitable in specific locations within certain zoning district(s) or only if such uses are designated or laid out in a particular manner on the site.**
- a. In considering an application for a Conditional Use Permit, the BZA must make an affirmative finding that the proposed Conditional Use is to be located in a district wherein such use may be conditionally permitted, and that all conditions for approval of Conditional Uses have been met. The BZA shall give due regard to the nature and condition of all adjacent uses and structures and the consistency therewith of the proposed Conditional Use and any potential nuisances.
 - b. No special public hearing need be held by the BZA in considering an application for a Conditional Use Permit, except when the Board deems such public hearing to be necessary in the public interest. Notice shall be given not less than ten (10) days prior to the date of public hearing, both by posting notice at the Village Hall and the Village Website, as well as by publishing notice in a newspaper of general circulation. The failure of any person, other than the applicant, to receive notice of any hearing or public hearing shall in no way affect the validity of action taken.
 - c. An application for a Conditional Use Permit shall contain the following information:
 - 1) The total area in the development.
 - 2) The existing zoning of the property in question and/or all adjacent properties.

- 3) The locations of all existing and proposed buildings in the described parcels, the uses to be contained therein and the total number of buildings including dimensions, heights, gross floor area and number of stories.
 - 4) Location and dimension of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, angles of stalls, grades, surfacing materials, drainage plans, and illumination of facilities.
 - 5) All sidewalks and other open areas.
 - 6) Location of all walls, fences, and buffer yards.
 - 7) Location, size, height, colors, typeset, materials, lighting, and orientation of all signs.
 - 8) Location of all existing and proposed streets, highways and alleys.
 - 9) All existing and proposed water and sanitary sewer lines indicating pipe sizes, types and grades.
 - 10) The schedule of phasing of the project.
- d. The BZA shall not recommend approval of a Conditional Use unless it shall, in each specific case, make specific written findings of fact directly based upon the particular evidence presented to it, that support conclusions that:
- 1) The proposed Conditional Use will comply with all applicable regulations of this Code, including lot size requirements, development standards and use limitations, except variances may be granted as allowed by this Code.
 - 2) Adequate utility, drainage and other such necessary facilities have been or will be provided.
 - 3) All necessary permits and licenses for the use and operation of the Conditional Use have been obtained, or evidence has been submitted that such permits and licenses are obtainable for the proposed Conditional Use on the subject property.
 - 4) All exterior lights for artificial open-air illuminations are so shaded as to avoid casting direct light upon any property located in a residential district.
 - 5) The location, nature, and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings and structures,
 - 6) Evidence that the Conditional Use desired will not adversely affect the public health, safety and morals.

- e. With BZA's recommendation for approval of the Conditional Use Permit to Council, they may impose such conditions, safeguards and restrictions upon the premises benefited by the Conditional Use as may be necessary to comply with the standards set out in this Chapter to reduce or minimize potentially injurious effects of such Conditional Uses upon other property in the neighborhood, and to carry out the general purpose and intent of this Code.
 - f. A Conditional Use Permit granted by the BZA shall be under this ordinance, valid for two years from its issuance date, and automatically renew for an additional two year period upon payment of a renewal fee, unless during the period of a permit, at least no later than ninety (90) days prior to the permit's expiration, an objection is filed in opposition to such renewal, in which case, the permit holder shall be entitled to request a hearing before the BZA on such objection. Such hearing shall be held in conformity with Section 23.4, and be heard at the next regularly scheduled meeting of the BZA. Such decision on such objection shall be subject to review by Council in accordance with Section 23.4.
4. Appeals - a decision of the Village of Hartville BZA shall be reviewed by the Village Council.
- a. An application for an Appeal, Conditional Use or Variance shall contain the following information:
 - 1) Name, address and telephone number of the applicant.
 - 2) A brief narrative description of the existing use of the property.
 - 3) Statement of location of the property (subdivision, township, range, section number, lot number).
 - 4) A statement indicating the zoning of the property.
 - 5) A brief narrative description of the proposed appeal or variance being requested, citing the section of the Zoning Code from which the appeal or variance is being requested.
 - 6) A plan, drawn at an appropriate scale, showing the location of the property, indicating all existing and proposed structures and lot lines, locations of the nearest public rights-of-way, location of all existing or proposed access points to the site, locations of any existing or proposed easements, and locations of any existing or proposed parking areas and driveways, showing intent to comply with all parking requirements specified by these regulations.
 - 7) Such other information as may be required by the BZA.

- 8) Names and mailing addresses of owners of property adjacent to the subject property as recorded by the Stark County Auditor's Office.

23.5 Zoning Permit.

- A. No person shall locate, erect, construct, reconstruct, enlarge or structurally alter any building or structure within the Village without obtaining a Zoning Permit. No Zoning Permit shall be issued unless the plans for the proposed building or structure fully comply with all the provisions of these regulations.
 1. Application for a Zoning Permit shall be made in writing to the Zoning Administrator/Inspector, or the secretary of the Building and Zoning Department. Each written application shall include the following:
 - a. One (1) copy of a scale drawing showing the actual shape and dimensions of the lot to be built upon, or to be changed in its use, in whole or in part;
 - b. The location of the lot, existing zoning and land use, including the immediately surrounding area;
 - c. The location, size and height of any building or structure to be erected or altered;
 - d. The existing or intended use of each building, structure or use of land where no buildings are included; and
 - e. The number of families or dwelling units each building is designed to accommodate, if applicable.
- B. If a Zoning Permit is issued for the purpose of constructing a new building or structure and such **construction is not begun within a six (6) month period, then said Zoning Permit shall be considered null and void. If construction is not completed within eighteen (18) months** from the issuance of a building permit, the Zoning Administrator/Inspector shall issue a notice to the owner that an explanation of the completion schedule for the project is required.

23.6 Text Amendments and Changes of Zoning Districts.

- A. All amendments to the Zoning Regulations or changes of zoning districts on the current Official Zoning District Map shall be made in accordance with the provisions in the Ohio Revised Code, Chapter 713. In addition, any **abutting/adjacent** property owner of the subject property shall be notified of the amendment application and time of any public hearings. The applicant shall provide the names and mailing addresses of the property owners.
- B. The Planning Commission and Village Council shall favorably consider an application for a text amendment, whether to the Zoning Regulation text or to the

current Official Zoning District Map, only if the request for a change of zoning meets the following conditions:

1. Manifest error in the original Zoning Regulation text and/or designations on the current Official Zoning District Map.
 2. Accordance with, or more appropriate conformance to, the Village Land Use Plan.
 3. Substantial change in area conditions.
 4. Legitimate requirement for additional land area for the particular zoning district.
- C. Where the current Zoning District Map is amended, the Village Planning Commission and the Village Council shall not approve any petition which results in a total landholding (excluding the area in roads and highways) containing less acreage than the minimums specified for each zoning district.

23.7 Site Plan Review.

- A. This section shall apply to new property development and any collective substantial expansion of existing structures. Substantial expansion of existing structures shall be defined as an increase of the existing structure by twenty (20) percent or more. No building shall be erected or structurally altered on any lot or parcel in zones where a site plan is required, except in accordance with the regulations of this section and an approved site plan. No zoning permit shall be issued prior to the approval of a site plan.
- B. Before a permit is issued for construction, copies of a site plan at a scale no smaller than 1 inch to 100 feet shall be filed with the Zoning Administrator/Inspector setting forth, identifying and locating the following:
1. The total area in the development.
 2. The existing zoning of the property in question and/or all adjacent properties.
 3. All public and private right-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned.
 4. Existing topography with a maximum of ten (10) foot contour intervals.
 5. The proposed finished grade of the development shown by contours not larger than five (5) feet.
 6. The locations of all existing and proposed buildings in the described parcels, the uses to be contained therein and the total number of buildings including dimensions, heights, gross floor area and number of stories.

- C. Location and dimension of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, angles of stalls, grades, surfacing materials, drainage plans, and illumination of facilities.
1. All sidewalks and other open areas.
 2. Location of all walls, fences, and buffer yards.
 3. Location, size, height, colors, typeset, materials, lighting, and orientation of all signs.
 4. Location of all existing proposed streets, highways and alleys.
 5. All existing and proposed water and sanitary sewer lines indicating pipe sizes, types and grades.
 6. The schedule or phasing of the project.
 7. A lighting plan, including a photometric plan and proposed lighting fixture types, styles, and mounting heights.
 8. A landscape plan.
 9. A storm water management plan.
 10. Such other information as required by the Planning Commission to determine the conformance with this Code.
- D. The following principles shall guide the exercise of site planning review by the Planning Commission:
1. The natural topographic and landscape features of the site shall be incorporated into the plan and the development.
 2. Buildings and open spaces should be in proportion and in scale with existing structures and spaces in the area within 300 feet of the development site.
 3. Sites that have an appearance of being congested, overbuilt or cluttered should be avoided since they can evolve into a blighting influence.
 4. Open spaces should be linked together.
 5. Natural separation should be preserved or created on the site by careful planning of the streets and clustering of buildings using natural features and open spaces for separation. Existing vegetation removal should be kept to a minimum.
 6. Screening of intensive uses should be provided by utilizing landscaping, fences or walls to enclose internal areas.
 7. Buildings should be sited in an orderly, non-random fashion. Long, unbroken building facades should be avoided.
 8. The location of mid-rise and high-rise buildings should be oriented to maximize the privacy of the occupants of adjacent buildings.
 9. Short loop streets, cul-de-sacs, and residential streets should be used for access to low-density residential land uses to provide a safer living environment and a stronger sense of neighborhood identity.
 10. Street location and design shall conform to existing topographic characteristics. Cutting and filling shall be minimized in the construction of streets. Grades should be as flat as possible near intersections.

Pedestrian circulation in non-residential areas should be arranged so that off-street parking areas are located within a convenient walking distance of the use being served. Handicapped parking should be located as near as possible to be accessible to the structure. Pedestrian and vehicular circulation should be separated as much as possible, through crosswalks designated by pavement markings, signalization or complete grade separation.

11. Path and sidewalk street crossings should be located where there is a good sight distance along the road, preferably away from sharp bends or sudden changes in grade.
 12. Parking lots and garages should be located to provide safe, convenient ingress and egress. Whenever possible, curb cuts should be shared by more than one facility. Parking areas should be screened and landscaped and traffic islands should be provided to protect circulating vehicles and to break up the monotony of continuously paved areas.
 13. Drive-through establishments, such as restaurants and banks, should be located to allow enough automobile waiting space for peak hour operation without interference with other parking lot circulations.
 14. ADA Requirements.
 15. Retention basins must be kept clear of vegetation.
- E. Upon submission of the complete application for site plan review to the Zoning Administrator/Inspector, the application shall be transmitted to the Planning Commission where they shall review the site plan pursuant to this Chapter 18.

The Planning Commission may recommend approval/disapproval of the site plan as submitted. Otherwise, the Planning Commission may table the site plan for further consideration at its next scheduled meeting. The tabled site plan will not be considered after 60 days.

CHAPTER 24 ENFORCEMENT

24.0 Enforcement by Village Zoning Administrator/Inspector.

The Zoning Administrator/Inspector shall administer and enforce this Code in accordance with the provisions of this Chapter. All departments, officials, and public employees of the Village vested with the duty and authority to issue permits or licenses shall conform to the provisions of this Chapter.

24.1 Revocation of Zoning Permit.

Any Zoning Permit issued upon a false statement shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Village Council, the Zoning Permit shall be revoked by notice in writing to be delivered to the holder of the void Permit upon the premises concerned, or in some conspicuous place upon the said premises. Any person who shall proceed thereafter with such work or use without having obtained a new Zoning Permit, in accordance with these regulations, shall be deemed guilty of a violation.

24.2 Schedule of Fees.

The Village Council shall establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Code, after considering the recommendations of the Zoning Administrator/Inspector with respect to actual administrative costs, both direct and indirect. The schedule of fees may be altered or amended only by the Village Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

CHAPTER 25
VIOLATION, REMEDIES AND FEES

25.0 Violation.

For any building that is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land that is proposed to be used in violation of this Code or any amendment or supplement thereto, the Village Council, the Village Solicitor, the Zoning Administrator/Inspector, or any adjacent or neighboring property owner who would be specifically damaged by such violation may initiate appropriate action to prevent such activity from proceeding in violation to this Code.

25.1 Notice of Violation.

A. Whenever the Zoning Administrator/Inspector determines that there is a violation of any provision of this Zoning Code, a notice of such violation shall be issued. Such notice shall identify the violation in writing, state the reason(s) for issuance and refer to the section of this Zoning Code being violated, state the time by which the violation shall be corrected, and contain a statement of right of appeal or to request variance.

1. Service of notice of the violation shall be as follows:

- a. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of eighteen (18) years or older; **or**
- b. By Certified Mail and First Class mail simultaneously, addressed to the person or persons responsible at a last known address. Service shall be deemed complete when the fact of the mailing is entered of record, provided that the First Class mail envelope is not returned by the Postal Authorities with an endorsement showing failure of delivery; **or**
- c. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

B. Right of appeal shall be as follows:

1. Any party with standing may appeal any decision of the Zoning Administrator/ Inspector to the BZA within 30 days of issuance of the decision.

25.2 Remedies.

A. No person shall fail or refuse to comply with an order issued by the Zoning Administrator/Inspector. A separate offense shall be deemed committed each day upon which a violation occurs or continues. No person shall construct, modify, alter, use or occupy any structure or property in violation of the Hartville Zoning Code. A

separate offense shall be deemed committed each day upon which a violation occurs or continues.

1. Penalties: Anyone who violates this section is guilty of a minor misdemeanor for each offense. If within one year of the date of the offense the offender has been convicted of or pleads guilty to another violation of Section 90.2, the offender is guilty of a misdemeanor of the third degree.
2. Civil Remedies: The Village of Hartville, the Village Council on behalf of the Village of Hartville or any officer designated by the Village Council on behalf of the Village of Hartville may, in addition to the criminal remedies provided in this Zoning Code, file suit for injunction against any violation of this Zoning Code, or if the violation has caused damages to the Village of Hartville for a judgment for damages and any person, property owner or occupant of property who can show that the person, property owner or occupant of property has suffered harm or whose property has suffered harm as a result of violations of this Zoning Code may file suit for injunction or damages to the fullest extent provided by the law.
3. Revocation of Zoning Permit: In addition to the remedies provided above, any Zoning Permit is subject to revocation by the Zoning Administrator/Inspector for failure to comply with any of the requirements of this Zoning Code, failure to comply with any conditions or requirements of approval granted under this Zoning Code, or failure to bring the property into compliance with any order of the Zoning Administrator/Inspector.

25.3 Fees.

- A. The fees for all applicant costs incurred in this Chapter shall be established by Village Council. Furthermore, no plan shall be accepted for filing and processing, as provided in this Chapter, unless and until a filing fee is paid to the Village.
- B. The applicant shall be responsible for the expenses incurred by the Village in reviewing the plan or any modifications to the plan. In addition to filing fees, such expenses may include professional service costs and legal fees related to reviewing the plan, report preparation, publication and mailing of required public notices, and any other reasonable expenses directly attributable to the plan.
- C. At the time of submitting a site plan to the Planning Commission for consideration, there will be an application fee. There will be a refundable deposit on any plans that need to be recorded. The deposit will be refunded when the recorded mylar is returned.

CHAPTER 26
REGULATIONS GOVERNING PLATTING OF SUBDIVISIONS

RULES AND REGULATIONS GOVERNING THE PLATTING OF SUBDIVISIONS OF LAND
WITHIN THE TERRITORY UNDER THE JURISDICTION OF THE VILLAGE PLANNING
COMMISSION OF THE VILLAGE OF HARTVILLE, OHIO

26.0 Administration and Enforcement.

- A. Recording of Plat; Approval Required.
No plat of any subdivision shall be recorded in the office of the County Recorder or have any validity until it has been approved in the manner prescribed herein. In the event any such unapproved plat is recorded, it shall be considered invalid; and Council shall institute proceedings to have the plat stricken from the County records.
- B. Revision of Plat after Approval.
No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the Planning Commission and an endorsement is made in writing on a plat, unless the plat is first resubmitted and the changes approved by the Planning Commission.
- C. Fees.
1. Schedule of Fees. Refer to current Fee Schedule.
 2. Payment of Fees. Fees shall be paid in cash or by check or money order made payable to the Village.
 3. Fees for Reviewing Construction Plans and Field Inspection. The developer, subdivider or applicant shall reimburse the Village for the actual cost of all engineering, surveying, inspections and other costs incurred by the Village in the review, checking and inspection of improvements shown on the plans. No performance bond shall be released until all fees have been paid in full.
- D. Variances.
The BZA may recommend to Council to grant variances to these Ordinances where unusual or exceptional factors or conditions require such modification, provided that the BZA:
1. Finds that unusual topographical or exceptional physical conditions exist.
 2. Finds that strict compliance with these Ordinances would create an extraordinary hardship in the face of the exceptional conditions.
 3. Permits any modification to depart from these Ordinances only to the extent necessary to remove the extraordinary hardship.
 4. Finds that any modification granted will not be detrimental to the public interest nor in conflict with the intent and purpose of these Ordinances.
 5. Requires such other conditions to be met by the proposed plat as the Commission may find necessary to accomplish the purposes of these Ordinances when modified.

- E. Appeals.
Right of appeal shall be as set forth in Ohio R.C. Chapter 711 or other applicable sections of the Ohio Revised Code.
- F. 1175.99 Penalty.
Whoever violates any provision of this Appendix “Subdivision Regulations” shall be fined. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

26.1 General Procedures.

- A. Compliance.
All subdivisions of land, as defined herein, whether by instrument of conveyance or otherwise, shall comply with these Subdivision Regulations and shall be platted in accordance herewith.
- B. Approval Stages.
Subdivisions shall be approved in three stages: sketch plan discussion stage, preliminary plat stage; and the final plat stage.
 - 1. Sketch Plan Discussion Stage. The sketch plan discussion stage requires the subdivider to discuss the proposed subdivision so that he can become familiar with subdivision requirements, existing conditions and future plans. This stage also ensures that the subdivider will not be required to expend excessive moneys without some assurance that his plat will be finally approved.
 - 2. Preliminary Plat Stage. The preliminary plat stage requires that the subdivider present all information needed to enable the Planning Commission to determine that the proposed design is satisfactory and will serve the public interest. Upon approval of the preliminary plat whoever subdivides may have the construction and drainage plans prepared as required.
 - 3. Final Plat Stage. The final plat stage requires the subdivider to present a plat together with all data needed to enable the Planning Commission and Council to determine that the subdivision fully complies with these Regulations and conforms to the approved preliminary plan. After acceptance of all streets, highways or other public ways or open space by Council, the plat may be recorded.

26.2 Plat Requirements.

Minimum Plat Requirements and Contents:

- A. Sketch Plan.
In order to save time and cost in redrafting preliminary plats, whoever subdivides is required to visit the office of the Village Engineer to resolve basic design questions with a sketch plan. Whoever subdivides should submit two copies of a sketch plan that may be in a freehand sketch form and in pencil, showing the proposed layout of

streets, lots and other features in relation to the nearest existing public streets, and other pertinent information relative to location, environment and available services.

B. Vicinity map:

1. A vicinity map at a scale of not more than 400 feet to the inch shall be shown on, or accompany, the preliminary plat. The map shall show all existing subdivisions, streets, shopping facilities, schools, parks, playgrounds and tract lines of acreage parcels together with the names of the record owners of parcels of land immediately adjoining the proposed subdivision.

C. Preliminary Plat.

1. The preliminary plat is a "final site plan" differing in format and legal status from the final plat. The preliminary plat is flexible and can be modified by the Planning Commission to solve unforeseen problems.
2. An application on forms provide by the Village for the approval of the preliminary plat, together with six prints shall be filed with the Village. The preliminary plat shall be prepared in accordance with the regulations set forth below.
3. A preliminary plat shall be submitted to the Planning Commission prior to the completion of final surveys of roads and lots and before the start of any grading or construction work upon the proposed streets, and before any plat of such subdivision is made in a form suitable for recording. The Commission shall determine whether a preliminary plat is in proper form and shall not receive and consider such a map as filed until it is submitted in accordance with the requirements hereof. Where the preliminary plat covers only a part of the subdivider's entire holding, a sketch of the prospective future system of the unsubmitted part shall be furnished and the street system of the submitted part will be considered in the light of adjustments and connections with the street system of the part not submitted.
4. Approval of the preliminary plat and proposed improvements shall be effective for a period of eighteen months. If the final plat has not been recorded within this time limit, the preliminary plat must again be submitted to the Planning Commission for their recommendation to council for approval.
5. The preliminary plat (original format) shall be prepared on sheets twenty-two inches by thirty-four inches sheet size. A preliminary plat containing less than six acres shall be submitted at a scale of one-inch equals fifty feet.
6. The preliminary plat drawing shall be prepared by a registered surveyor, site planner a professional planner certified by the State and/or meeting the requirements of Associate Member of the American Institute of Planners), landscape architect or registered civil engineer. The plan shall be accurately and clearly drawn.

The drawing shall include the proposed plan of the subdivision, and shall show the following:

- a. Identification.
 - 1) Proposed name of subdivision (must not duplicate others in the Village), tract and original lot number(s).
 - 2) Names, addresses and telephone numbers of owners, subdivider and the person or firm preparing the preliminary plat.
 - 3) Scale, north point and date.

- b. Existing data.
 - 1) Boundary lines: showing bearings and distances and the method by which they were derived, as surveyed by a registered surveyor.
 - 2) Easements: location, width and purpose.
 - 3) Streets in and adjacent to the subdivision: names, location, right-of-way and roadway width.

- c. Utilities in and adjacent to the subdivision.
 - 1) Location, size and flow line elevations of sanitary, storm and combined sewers; location and size of water mains; location, size and type of gas lines, fire hydrants, utility poles, and oil and gas wells and their easement widths. If water mains, sewers and/or culverts are not adjacent to the tract, indicate the direction and distance to and size of the nearest ones showing flow line elevation of sewers and culverts.

- d. Topography.
 - 1) Show contours with an interval of not more than five feet if ground slope is in excess of four percent and two feet if ground slope is less than four percent.

- e. Subsurface conditions on the subdivision.
 - 1) Any conditions that are not typical, such as abandoned mines, etc., if this data is known and available.
 - 2) Other conditions within the subdivision.
 - 3) Watercourses and areas subject to flooding.
 - 4) Marshes/Wetlands.
 - 5) Rock outcropping.
 - 6) Wooded areas.
 - 7) Any structures or other significant features.

- f. Other conditions on adjacent land (within 200 feet).
 - 1) Approximate direction and gradient of ground slope including any embankments or retaining walls.
 - 2) Location and type of buildings on unplatted lands.
 - 3) Railroad lines.

- 4) Power lines and towers.
 - 5) Other nearby nonresidential uses of land.
 - 6) Owners of adjacent unplatted land (for adjacent platted land refers to subdivision plat by name, plat book and pages).
- g. Zoning requirements.
- 1) District.
 - 2) Lot size and building and setback lines as specified in the Village Zoning Ordinance.
 - 3) Proof of any variance or special exception.
- h. Planned public improvements.
- 1) Highways, buildings or other major improvement planned by public authorities for future construction on or near the subdivision.
- i. Proposals.
- 1) Streets: show proposed streets and right-of-way widths. Indicate each street by a proposed name.
 - 2) Other rights of way or easements: location, width, and purpose.
 - 3) Lots: total number, scaled dimensions and estimated area of irregular-shaped lots in square feet.
 - 4) Land parcels within the subdivision not to be divided into lots.
 - 5) Public sites: reserved or dedicated for parks, playgrounds or other public use.
 - 6) Sites for other uses: multifamily, shopping facilities, churches, industry or other nonpublic uses exclusive of single-family dwellings.
 - 7) Total site data: including acreage, number of residential lots, typical lot size and acres in parks and other public uses.
 - 8) When extensive changes of topography are contemplated, a plan showing the changes proposed.
 - 9) The Planning Commission may require additional information as it deems necessary.

D. Final Plat.

1. Application shall be made to the Planning Commission for the recommendation of approval to Council on any final plat.
2. Final plats shall conform to the approved preliminary plat and to these regulations.
3. Final plats may be for all or a portion of the territory shown as subdivided.
4. A final plat shall be drawn in ink on tracing cloth or mylar on one or more sheets measuring twenty-two by thirty-four inches at a scale (original format)

of not more than 100 feet to the inch. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision.

5. The tracing of the final plat, upon recording, will be filed and retained in the Municipal Building and shall become and remain the property of Council.
6. The final plat shall show the following:
 - a. Proposed name of subdivision (must not duplicate others in the Village), tract and original lot number.
 - b. Names and addresses of the developer and the engineering or surveying firm.
 - c. Location map at 1"=2000' (USGS) scale with north arrow.
 - d. Identification of adjoining land.
 - e. Total acreage of land platted, total acreage of streets dedicated, and total acreage of lots platted, number of residential lots, and acres in parks and other public uses.
 - f. Lines and boundaries: center lines and right-of-way lines of streets easements and other rights of way, natural and artificial watercourses, streams, shore lines, corporation lines and property lines of all lots and parcels with distances, radii, arcs, chords and tangents of all curves (nearest one hundredth of a foot) bearings or deflection angles (nearest second).
 - g. Location and description of all monuments found, set or to be set.
 - h. Land for public use: show boundaries and identify the use of all parcels which are to be dedicated or reserved for public use or easements.
 - i. Streets: name and right-of-way width of each street within proposed subdivision and those adjoining.
 - j. Lot identification: lots shall be numbered in accordance with Village lot numbering system.
 - k. Certification and seal by a registered surveyor to the effect that the plat represents a survey made by him which balances and closes, and the monuments shown thereon exist or shall be set as shown, and that all dimensional and geodetic details are correct, and conforms with the minimum Boundary Standards for land surveyors in the State of Ohio as adopted by the State Board of Registration in Ohio Revised Code Chapter 4733.37.
 - l. Notarized certification by the owner or owners of the subdivision and the offer of the dedication of streets and other public areas and that there are no unpaid taxes or special assessments against the land contained in the plat.
 - m. Endorsement to be completed by the Solicitor when land is to be dedicated for public use, certifying that all lands offered for dedication are free from encumbrances. The subdivider shall provide to the Solicitor such instruments as are necessary to this determination.

- n. Approval of the Village Engineer that required improvements have been satisfactorily installed or adequate financial guarantees have been provided to the satisfaction of Council.
- o. Recommendation for Approval of plat by the Chairman of the Planning Commission.
- p. Acceptance of dedication by Council.
- q. Proper notations for transfer and recording by the County Auditor and County Recorder.

E. General Street Standards.

- 1. The arrangement, character, extent and location of all streets shall conform to the adopted General Development Plan. The design of proposed streets shall provide for both the continuation of existing streets and access to adjacent unplatted lands so that the entire area can be served with a coordinated street system.
- 2. Existing or projected collector streets in adjoining areas shall be continued in new subdivisions and local residential streets shall be continued to prevent dead-end- streets.
- 3. No street arrangement shall be approved that prevents convenient future access to adjoining undeveloped property.
- 4. Local residential streets shall be designed so as not to offer direct routes to through traffic.
- 5. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- 6. Where a subdivision borders on or contains a railroad right of way, or limited access highway right of way the commission may require a street parallel to each side of such right of way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separation.

F. Minimum Street Widths.

<u>Street Classification</u>	<u>Minimum Right of Way (in feet)</u>	<u>Minimum Pavement Width (in feet)</u>
Freeway	150	two-24' pavements & median
Expressway	150	two-24' pavements & median
Arterial	100	48
Collector	60	36
Local Residential		

Multiple Family	60	36
One & Two-Family	50	24' minimum 28' recommended

G. Street Intersections.

1. Streets shall intersect as nearly as possible at right angles and no street shall intersect any other at less than a seventy degree angle.
2. Intersections shall have center line offsets of not less than 200 feet.
3. Right-of-way lines at street intersections shall be rounded with a radius of not less than twenty-five feet.
4. Intersection sight distance standards shall be provided at all intersections of subdivision streets with existing highways as follows: intersections with arterial and collector streets, 350 feet; with local streets 235 feet or match ODOT's Location and Design Manual. The design speed shall be the current legal speed limit plus (10) miles per hour.

H. Horizontal Alignment of Streets.

1. Angles in the horizontal alignment of street lines shall be connected by a curve with a radius on the center line of not less than 250 feet for local streets and 500 feet for collector streets. Between reverse curves there shall be a tangent of at least 100 feet on collector streets. In the case of unusual topography the Village Engineer may reduce the horizontal alignment requirements.

I. Vertical Alignment of Streets.

1. Vertical curves shall provide the following stopping distances: arterials 500 feet; collectors, 350 feet; and locals, 235 feet.
2. Grades shall not exceed six percent on collector streets or ten percent on local streets except in the case of unusual topographic conditions as approved by the Village Engineer. No street shall have a grade less than 0.5 percent.

J. Cul-de-sacs.

1. Street designed to be permanently dead-ended shall not be longer than 600 feet and may be provided at the closed end with a turn-around when approved by the Planning Commission. If such a street is of a temporary nature and a future extension into adjacent land is anticipated then such turn-around beyond the normal street width shall be in the nature of an easement over the premises included in such turn-around, but beyond the boundaries of the street proper. Such easements shall be automatically vacated to abutting property owners, when the dead-end street is legally extended into adjacent land. If such dead-end street extends only one lot depth past a street intersection, no turn-around will then be required. The minimum right-of-way radius of a cul-

de-sac shall be fifty (50) feet, and pavement radius shall be thirty-nine (39) feet.

K. Temporary Dead-End Streets.

1. Temporary dead-end streets shall be permitted only when:
 - a. No lots front, or can be designed to front, on a dead-end street.
 - b. Lots front on a dead-end street that is no longer than 200 ft
 - c. The dead-end street is part of a street required by the Planning Commission and a temporary turn-around of a design satisfactory to the Planning Commission is provided.

L. Half Streets (Ordinarily Prohibited).

1. Half streets shall not be permitted except where such streets are essential to the reasonable development of the proposed subdivision in conformity with the other requirements of these Regulations and where the Planning Commission finds that it will be practicable to require the dedication of the other half of the street when the adjoining property is subdivided.
2. Wherever an existing half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
3. Half streets shall be not less than one-half the standard width for the appropriate street classification.
4. Any plat dedicating a temporary dead-end or half street shall include a plat restriction prohibiting any easement or right of access to the temporary dead-end or half street from any abutting or adjoining property save from lots platted in conformity with these regulations.

M. Street Name Signs.

The subdivider shall install a street sign showing the names of all streets at all street intersections. The signs shall conform to the Village regulations as adopted by Council.

N. Street Names.

New streets which are extensions of, or in alignment with existing streets, shall bear the name of the existing street. New street names adopted must not be confused with existing street names.

All new streets shall be designated as follows:

<u>General Direction</u>	<u>Designation</u>
North and south	Avenues
East and west	Streets

Northeast-southwest diagonals	Roads
Northwest-southeast diagonals	Drives
Cul-de-sac or loop	Circles

O. Planting Screens or Fences.

The Planning Commission may require and permit planting screens or fences where reverse frontage lots abut a major arterial street or between a major arterial thoroughfare and marginal access street, provided that such planting screens or fences shall not constitute a safety hazard. A plan of proposed planting screens or fences shall be submitted for approval with the final plat.

P. Blocks.

The minimum length of blocks shall be 600 feet while the maximum length shall be 1,500 feet. In blocks longer than 900 feet, easements shall be provided for pedestrian walks to render more direct access to community facilities and shopping areas. Such easements shall be located in or near the center of the block or as extensions of sidewalks or walks in adjacent blocks. Crosswalk easements when provided shall be at least ten feet wide and shall be dedicated as public rights of way for sidewalk purposes. However, these standards may be varied to provide for:

1. Vehicular and pedestrian circulation within the subdivision and access to areas outside the subdivision.
2. Limitations and opportunities of topography.
3. Zoning requirements and the requirements contained in these Regulations as to lot size and dimension.
4. The character of existing and potential future development of areas surrounding the proposed subdivision.
5. Irregular shaped blocks, including super blocks, and indented cul-de-sacs containing interior public spaces, will be acceptable when adequately designed and fitted to the overall plan and when adequate.

Q. Lots.

1. Lots shall be arranged and designed to meet all zoning requirements of the district in which located and are appropriate to the location of the subdivision.
2. Lots that are not served by a public sanitary sewer shall meet the area requirements established by the Stark County Board of Health.
3. No building site shall be created that does not front on a public street, except for planned unit developments which contain privately owned streets maintained by a homeowners' association.
4. The average depth of a lot shall not exceed three and one-half times its average width.
5. Double frontage or reversed frontage lots shall be prohibited except where they are deemed necessary by the Planning Commission to provide separation of residential development from traffic arteries or to overcome unusual

topographic conditions. Building setback lines shall not be less than required by applicable zoning regulations.

R. Easements for Electric, Cable Television and Telephone Lines and Drainage.

1. Telephone, electrical, cable television or other facilities; where provided, shall be installed underground and shall not be placed under or within two (2) feet of pavement or sidewalk except at transverse crossings. All such crossings shall be installed prior to the installation of the pavement and/or sidewalk. Telephone, electrical and cable television facilities shall be located in a ten (10) foot easement parallel to and abutting the street right of way.
2. Easements shall be provided on both sides of all drainage ditches or open water-courses. The width of drainage easements shall be sufficient to provide for access to the drainage course. It shall be wide enough for its reasonable protection, widening, deepening, realignment or enclosure.

S. Installation of Utilities.

All the following utility improvements shall be installed prior to street construction and shall meet the following standards:

1. Water. All subdivisions that have water for domestic use and fire protection shall have adequate size water mains, pumping stations and appurtenances properly connected to the public water supply system. One-inch copper water service shall be installed to the property line of each residential lot platted along with a curb stop and shut-off box.

All necessary fire hydrants, valves and fittings shall be installed under the direction of the proper Village officials.

2. Storm Sewers. Proper and adequate disposal of storm water shall be provided. The type, extent, location and capacity of drainage facilities shall meet the design standards established by the Village Engineer and adopted by Council. All surface drainage facilities shall connect to an adequate drainage course. Land that is subject to flooding from time to time shall be provided with such improvements as may be required to remove flooding hazards from proposed subdivision lots.
3. Sanitary Sewers. Sanitary sewers, pumping stations and appurtenances shall be installed in any subdivision where such sewers can be connected to existing sewer facilities as determined by the Planning Commission and Council. At least one lateral shall be installed to the property line of each lot platted. These laterals shall be sealed in accordance with the requirements of the Village Engineer until used.
4. Utilities to be located in street right of way shall be placed in the ground before any pavement is constructed in the proposed street, unless otherwise provided for by joint agreement of the Village Engineer and the utility company.

A Permit to Install shall be obtained from the Ohio EPA for all water and sanitary sewer plans.

T. Parks or Open Spaces.

In all residential subdivisions containing 25 acres or more, the platting shall provide for small parks, playgrounds or other open spaces or grounds, in addition to streets or ways, the aggregate area of which open grounds or spaces shall be not less than one twenty-fifth (1/25) of that area of the subdivision; provided, however, that this regulation shall not be interpreted as requiring the dedication of said open grounds or spaces to the public but as requiring the grant of such easements or rights as will secure the use of the same for recreational and open air purposes by the inhabitants of the territory of the subdivision; and provided further that the Planning Commission may remove or reduce this requirement in special situations where, either by reason of exceptional hardship or by reason of the supply of other adequate recreational and open air spaces or by reason of the exceptionally large area of the lots of the subdivision, the above requirements are determined to be unnecessary or unreasonable.

U. Street Trees.

All subdivisions shall provide trees located between the sidewalk and the curb. The type and size shall be determined by the Village. One tree shall be provided for each lot located in the subdivision.

In lieu of planting trees in the Village may require the developer to deposit a sum (See Fee Schedule) per lot into the Tree Fund Account to be used for planting, maintaining and protecting trees throughout the Village.

V. Street Lights.

All subdivisions shall include a street light plan approved by the Village.

26.3 Improvements.

A. Construction and Improvement Plans and Specifications.

Drawings showing cross sections, profiles, elevations, construction details, and specifications for all required improvements shall be prepared by a professional engineer. Plan/Profile sheets shall be drawn at a scale of 20 feet to the inch horizontal and 5 feet to the inch vertical. The improvement plans shall be prepared in accordance with the standards and conditions specified in these Regulations.

1. If it becomes necessary to modify the improvements as approved, due to unforeseen circumstances, the subdivider shall inform the Village Engineer in writing of the conditions requiring the modifications. Written authorization from Council, upon approval by the Village Engineer, must be received before proceeding with the construction of the modifications.

2. At completion of the construction, and before acceptance, the subdivider shall furnish the Village Engineer a set of tracings for permanent record, showing the locations, sizes and elevations of all improvements as constructed.

B. Preconstruction Meeting and Work Schedules.

Prior to the commencement of any project, a preconstruction meeting will be held at the Village Engineer's office. At this time the project will be discussed in regard to procedure, materials, inspection, etc.

C. Construction Inspections.

1. Responsible Official. The Village Engineer shall be responsible for the inspection of all street improvements including storm and sanitary sewers.
2. Authority and Duties of Inspectors. Inspectors employed by the Village shall be authorized to inspect all work done and all materials furnished. Such inspection may extend to all or any part of the work and to the preparation, fabrication or manufacture of the materials to be used. The inspector shall not be authorized to revoke, alter or waive any requirements of the specifications or plans. He shall be authorized to call the attention of the contractor to any failure of the work or materials to conform to the specifications and contract. He shall have the authority to reject materials which do not meet specification requirements or suspend the portion of the work involved until any question at issue can be referred to and decided by the Village Engineer.

Periodic inspection during the installation of improvements shall be made by the inspector to insure conformity with the approved plans and specifications as contained in the subdivider's construction agreement.

3. Final Inspection. Upon completion of all the improvements, the subdivider shall request in writing a final inspection by the Village Engineer as required under Ohio R.C. 711.091. The Village Engineer or his deputy shall make a final inspection of streets, storm sewers and sanitary sewers. Inspections shall be promptly made after request.

D. Construction Responsibilities.

1. Cooperation of Subdivider and/or Contractor. The subdivider and/or contractor shall have available on the project, at all times, a clearly readable copy of all required plans and specifications. He shall cooperate with the inspector and with other contractors in every way possible. The subdivider and/or contractor shall at all times have a competent representative acting as his agent on the project. The representative shall be capable of reading and thoroughly understanding the plans and specifications and he shall receive instructions from the inspector. The representative shall have full authority to execute the orders or directions of the inspector and to promptly supply such

materials, tools, plant equipment and labor as may be required. The inspector's orders should be executed without delay. A representative shall be furnished irrespective of the amount of work sublet.

2. **Grade Stakes.** Pavement and pipe grade stakes shall be set at twenty-five foot intervals on horizontal and vertical curves and for all grades less than one percent. Tangent pavement grades and pipe grades over one percent may be set at a maximum interval of fifty feet. The inspector may ask for additional grade stakes if it is deemed necessary. Other means of line and grade may be used as approved by the Village Engineer.
3. **Repair of Damage.** Any damage done to the improvements by construction traffic, local traffic or by any other means shall be repaired or the damaged materials replaced in a satisfactory condition.
4. **Final Cleaning Up.** Upon completion of the work and before acceptance, the subdivider and/or contractor shall clean all ground occupied or affected by him in connection with the work. The entire area shall be left in a neat and presentable condition.
5. **Maintenance of Improvements.** The subdivider shall be responsible for the maintenance of the improvements installed and shall be responsible for providing the services necessary to guarantee access to all the occupied lots, including snow removal, until final acceptance by Council upon recommendation by the Village Engineer. The subdivider shall be given adequate and appropriate notice by the Village Engineer or Council of the need for such maintenance or service. The performance of such work shall be guaranteed by a maintenance bond, the amount of which shall be determined by the Village Engineer and approved by Council. No road will be accepted by Council until it has successfully gone through one winter.

The subdivider shall maintain all improvements for such periods as specified in Section M, Maintenance Guarantees.

6. **Oversized Improvements May be Required.** Where the Village Engineer determines that improvements in excess of the size needed to serve the proposed subdivision are necessary to facilitate the orderly development of nearby land which is an integral part of the neighborhood service or drainage area, the subdivider shall install all improvements required to serve his subdivision plus the additional oversize and off-site improvements required.

The Village shall, at its option, reimburse the subdivider for the difference in cost between the minimum standards and the oversize improvements occurring within the boundaries of subdivision. Such improvements shall be available for connection by individual property owner's and/or subdividers of adjoining land.

7. **Erosion Control.** Temporary erosion control shall be provided in accordance with Stark County Soil and Water Conservation District rules and regulations.

- E. Agreements and Guarantees.
All bonds and insurance required under this chapter shall be approved by Council and be deposited and remain at all times with the Fiscal Officer.
- F. Pavement.
All methods of construction, materials and machinery used shall meet the requirements of the most recently published State of Ohio Construction and Materials Specifications. Subgrades shall be inspected and approved by the Village Engineer before any materials are placed.
- G. Curb and Gutter.
Concrete curb and gutter, separate or integral with pavement, shall be provided for all roadway sections as required in the manner indicated by the typical cross sections.
- H. Sidewalks.
Sidewalks must meet or exceed the current ADA Requirements.
- I. Storm Sewers.
Storm sewers and, where necessary, under drains, shall be provided for all roadway sections as required in Section 26.5, Drainage Requirements.
- J. Monuments.
A monument shall be accurately placed at each corner and at changes in direction of the boundary of the subdivision, in boxes, at each street intersection, at points of curves of streets, and at intermediate points as may be required by the Village Engineer. The tops of the monuments shall be set at the finished grade upon the completion of the grading of the streets and lots. Iron pins shall be set at all lot corners. If monuments are not installed prior to recording, a certified check shall be deposited with the Village in an amount to be specified by the Village Engineer; this check shall be returned when monuments are installed according to plat requirements.
- K. Construction Agreement.
1. To assure construction and installation of improvements required by these Regulations, the subdivider shall execute a construction agreement with Council in form and substance approved by the Solicitor. This agreement shall provide that all such improvements shall be constructed and installed at the subdivider's expense in compliance with the standards and specifications for each of the various types of improvements; such improvements shall be available to and for the benefit of the lands within such subdivision; that such improvements will be completed and installed within eighteen months of the date of approval of the final plat. Any further provisions that the Solicitor deems necessary in the public interest may be added.
 2. The construction agreement shall further provide that, in the case where approval of the final plat has been given before construction of improvements and a performance guarantee has been provided and if the improvements are

not completed within the specified time, the Village, upon proper notice, may complete the improvements and recover full costs and expenses thereof from the subdivider and may appropriate such portion of money or bonds posted for the faithful performance of these works. The execution of any agreement shall not release the Village's right to install any such improvements by assessment procedures.

L. Installation of Utilities and Performance Guarantee.

1. The public utilities and other required improvements required herein shall be installed, or their installation guaranteed, in conformance with the provisions of these Regulations before the issuance of a permit to construct a building upon a lot and before the sale or lease of a lot.
2. The developer may execute and file with the Fiscal Officer financial guarantees in lieu of actual installation or completion of the required improvements. Such guarantees may be in the form of a performance or surety bond, a certified check or any other type of surety approved by Council.
3. The financial guarantees shall be in an amount equal to the estimated total cost of materials and labor required to install or construct the improvements. Such costs shall be verified by the Village Engineer. When any portion of an improvement has, upon inspection been found satisfactorily completed, a reduction in the bonds, or partial withdrawal of funds equal to the estimated costs and 10% or 25% of such completed improvements, may be authorized by Council.
4. The terms of such guarantees shall be determined by the Planning Commission, however, they shall not be for a period of more than two years unless Council, by resolution, extends the time.

M. Maintenance Guarantees.

1. The maintenance bond shall be of such amount as determined by the Village Engineer and approved by Council and shall be arranged for a period of one year from date of acceptance of improvements by the Village Engineer.
2. The maintenance bond shall be determined by taking into consideration topography, soil conditions and prevailing costs of labor and materials. No maintenance bond shall be less than one thousand dollars (\$1,000).
3. The subdivider shall be responsible for routine maintenance of all improvements and shall repair all failures due to faulty construction as soon as they become apparent.
4. The subdivider shall also make repairs due to erosion or abuse by utility companies installing utilities and shall repair all failures for all other reasons during the maintenance bond period. He shall restore the roads and streets at the end of the maintenance period.

26.4 Storm Sewer and Drainage Requirements.

A. General Requirements.

1. Subdivisions shall be protected from flood hazard and inundation by storm water, springs and other surface waters. The design and construction of drainage facilities shall be such that all watercourses traversing the subdivision and water emanating from outside and/or within the subdivision will be carried through and off the subdivision without any injury to roadway, residential sites or residences to be installed within the tract.
2. Existing watercourses entering the subdivision shall be received and discharged from the subdivision as nearly as possible in the manner as existed prior to construction of the drainage facilities within the subdivision. Design of drainage facilities within the subdivision shall conform to the ultimate drainage plan for areas within the subdivision watershed. Run-off water originating in a subdivision shall be drained to an adequate outlet. All acts of pollution as defined in the Ohio Revised Code shall be prohibited.

Also, no "sewage", "industrial wastes" or "other wastes" as defined in the Revised Code may be discharged into any watercourse from the subdivision.

3. Stormwater runoff control shall be accomplished by stormwater detention and/or retention. Such detention and/or retention may be accomplished in basins, ponds oversized pipes or other methods acceptable to the Village Engineer and easements shall be provided for such improvements. After the final acceptance of such improvements and the release of the maintenance guarantee, the Village shall assume maintenance responsibilities for such improvements.

All detention/retention improvements shall include controlled discharge structures (including staged discharges, if required) to comply with the criteria herein and shall also include emergency overflow structures designed to handle the one-hundred (100) year storm or 10% probability of occurring for residential subdivisions, commercial and industrial subdivisions.

4. A drainage plan shall be submitted simultaneously with the plans of any subdivision, showing the proposed scheme of surface drainage. All necessary facilities including underground pipe, inlets, catch basins or open drainage ditches shall be installed to provide for the adequate disposal of subsurface and surface water and maintenance of natural drainage courses. The types and sizes of all drainage facilities used to carry water through and off the subdivision must be approved by the Village Engineer and conform to the specifications as required by the Village Engineer.
5. Where an adequate public storm sewer main is available at the plat boundary, the subdivider shall construct a storm sewer system to connect with the storm

sewer main. If such storm sewer systems are not accessible, adequate storm drainage shall be provided by natural drainage channels with easements of adequate width as approved by the Village Engineer.

6. As a safety measure for the protection of the health and welfare of the people of the Village, Council shall reserve the right to disapprove any subdivision which is subject to periodic flooding, contains extremely poor drainage facilities or has other physical impairment. However, if the subdivider agrees to make such improvements as will make the area completely safe for residential occupancy, provided that in lieu of the improvements the subdivider shall furnish a surety bond or a certified check covering the cost of the required improvements, the subdivision may be approved subject, however, to the approval of the County Board of Health and the Village Engineer.

B. Design of Drainage Facilities. – Reference Section 620 of Stark County Soil and Water.

1. Hydrologic Design. Those waterways set forth in an adopted master plan for drainage for Stark County shall be designed and constructed for the quantities of water indicated in such master plan. All other drainage ways shall be designed in accordance with the following frequencies:
 - a. Major waterways. Major waterways are defined as those with a tributary area in excess of six square miles. Such major waterways shall be designed for an average recurrence interval of fifty years.
 - b. Secondary waterways. Secondary waterways are defined as those with a tributary area of between one-half and six square miles. Such secondary waterways shall be designed for an average recurrence interval of ten to twenty-five years.
 - c. Minor waterways. Minor waterways are defined as those with 320 acres or less of tributary area. Such minor waterways shall be designed for an average recurrence interval of five to ten years.

Design quantities of flow for major waterways and waterways included in an adopted master plan for drainage will be provided the subdivider by the County. Design flows for secondary waterways shall follow the procedures outlined in "Bulletin 43, Ohio Department of Natural Resources". Design flows for minor waterways computed by the use of the rational formula.

2. Hydraulic Design: The hydraulic design of all drainage facilities shall be subject to the approval of the Village Engineer. Grading within the subdivision shall provide drainage for all lots. Depth of flow or ponding within a subdivision shall not exceed a level which would cause inundation of foundations or basements of residences.

3. Structural Design: The structural design of all drainage facilities shall be subject to the approval of Village Engineer. Drainage structures shall consist of the following:
- a. **Bridges**: All drainage structures having a span of ten (10) feet or greater and all pipes having a diameter or span of ten (10) feet or greater shall be defined as bridges. All calculations and plans pertaining to bridges shall require both preliminary and final approval from the Village Engineer.
 - b. **Culverts**:
 - 1) **Major Culverts**: All culvert draining areas larger than 320 acres shall be designated as major culverts, and shall be designed in accordance with the provisions of "Bulletin 43, Ohio Department of Natural Resources."
 - 2) **Minor Culverts**: All culverts draining areas 320 acres or less shall be designated as minor culverts, and shall be designed by the rational method ($Q = C I A$).

Where:

Q = runoff in cubic feet per second

C = runoff coefficient

I = intensity of rainfall (inches per hour)

A = tributary area

NOTE: C = .4 for typical subdivisions. C shall vary from .4 to .6 or higher for high density allotments and special conditions such as large percent of paved area, steep slopes and impervious soils. Intensity (I) to be determined using 10-year frequency curve.

- c. **Open Channels**: Minimum centerline radius of constructed channels shall be a minimum of five (5) times the top width of the channel. Earth channels constructed within the subdivision shall have side slopes of 2:1 or flatter. Revetment, bank stabilization and stream bed stabilization, along constructed or natural channels will be required if the channel velocities are sufficient to cause bank or invert erosion.

The top of bank shall be so graded that side drainage will enter channels only at points where structures are provided to prevent bank erosion. Earth channels constructed within the subdivision in those areas not revetted shall be seeded and stabilized over the prepared area with a vegetative cover of other suitable cover approved by the Village Engineer.

- d. Storm Sewers: The Village Engineer's office shall require a storm sewer wherever an open ditch will present future problems such as erosion and flooding, and where it will affect the safety of residents in the subdivision. Roadside ditches are prohibited.
 - 1) Size: Minimum size of sewer is 15 inch diameter. Lateral lines catch basins to manholes may be 12 inches in diameter.
 - 2) Type: Reinforced concrete, high strength vitrified or corrugated polyethylene smooth lined pipe is recommended for all storm sewers. Plain concrete pipe is acceptable for use off road right of ways. The Village Engineer's office may require a particular type of pipe for conditions such as excessive depth, polluted water, and flat slopes.
 - 3) Cover: Minimum clearance between top of pipe and top of ground shall be 18 inches or pipe diameter, whichever is smaller.
 - 4) Other Provisions: The maximum distance between manholes or catch basins on storm sewers shall be two hundred fifty (250'). Alignment of storm sewers shall be straight as possible to maintain good hydraulics, with manholes or catch basins provided at all angle points and changes in size or grade.

C. Easements for Drainage Purposes.

1. Easements for Storm Sewers and Open Ditches:

The minimum drainage easement for storm sewers and open ditches shall be twenty (20) feet in width. For large ditches and storm sewers equal to or greater than 36 inches in diameter, a 30 foot drainage easement shall be required. This easement shall be shown on both the final plat and the construction plans, and it shall be labeled "Public Drainage and Sanitary Sewer Easement." Wherever possible, drainage easements shall be placed along and adjacent to lot boundary lines, and in straight alignment without angle points.

D. Drainage Plans.

The preliminary subdivision map shall include and shall have appended to it sufficient data for the Village Engineer to check the feasibility of the drainage system as proposed by the subdivider. The following data shall be provided:

1. Hydrologic Calculations. At all critical points within the subdivision the following information shall be shown:
 - a. Tributary drainage areas delineated on the map
 - b. Times of concentration
 - c. Intensity
 - d. Run-off coefficients

e. Design flow

2. Hydraulic Calculation.

- a. The plan and profile of all drainage ways shall be provided, including a cross section of open channels showing the maximum depth of flow.
- b. Sizes and types of drainage improvements shall include all special structures, typical sections and easement widths.
- c. Supporting calculations for upstream and downstream channel capacities as they affect overflow or backwater within the subdivision. Such calculations shall be substantiated by such additional survey information as is required to determine profile and cross section of the upstream and downstream channel reaches under consideration.
- d. Sufficient contours and grading details to indicate proposed street grades and elevations and site grades and elevations throughout the subdivision.

E. Construction Plans.

The final construction plans for drainage within the subdivision shall conform to the provisions of these Regulations and to any special conditions, as required by the Planning Commission in approving the preliminary map, and the Village Engineer. All construction plans shall be stamped with the seal of a professional engineer registered in the State as required by the Ohio Revised Code. Such construction plans for drainage shall be approved by the Village Engineer prior to the construction of any drainage facilities within the subdivision.

CHAPTER 27
AMUSEMENTS/ARCADES

27.0 Purpose and Findings.

- A. Purpose. That the purpose of this Article is to establish reasonable and uniform regulations to minimize and control the negative effects of amusement arcades within the Village in order to promote the health, safety and welfare of the citizens of the Village. It is not the purpose or intent of this Article to restrict or deny access to recreational and skilled-based amusement machines.
- B. Findings. The State of Ohio currently allows certain games of skill while games of chance are deemed illegal. Based upon experience within the State, certain arcades identified as operating games of skill, have generated various complaints by citizens involving thefts, questionable pay practices, considerable sums of cash being transacted, food management concerns, fire code and access, and other issues of compliance with local and state laws.
 - 1. These businesses could be located throughout the Village in general business districts, in areas which attract adults and children. It is the specific finding that games of skill operated electronically, may easily be altered to illegal games of chance. Further, that the Village has a duty to its citizens to require businesses open to the public to maintain safe ingress and egress, to maintain adequate security where a considerable volume of cash is transacted, and to otherwise operate within the bounds of the law.
- B. All of the following apply to any machine that is operated:
 - 1. As used in this section, “task,” “game,” and “play” mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single task, game, play, contest, competition, or tournament may be awarded prizes based on the results of play, the prizes or rewards shall be established prior to the individual placing a wager, and the individual shall be aware of what prize or reward will occur prior to the start of play.
 - 2. Advance play for a single task, game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single non-contest, competition, or tournament play.
 - 3. To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of prizes without payment of additional consideration.

4. No machine shall have a guessing game at the end of a successfully completed task, game, play, contest, competition, or tournament.

27.1 Operation; License Required.

- A. No individual, corporation or other entity shall be an operator of an amusement arcade at any place of business unless such operator holds a valid amusement arcade license for the place of business where such amusement arcade is operated.
- B. No individual, corporation or other entity shall permit or cause to be permitted any amusement machine, game machine, or amusement device to be operated, placed into operation, moved onto the area of play, or played, without a current and valid license for that machine displayed thereon.
- C. No individual, corporation, or other entity shall play any amusement device unless it is validly licensed by the Village.
- D. Amusement Arcades are permitted in B-2 Business districts within the Village of Hartville. They may not be located within 1000 feet (one thousand feet) of a church, school, daycare, or entertainment center geared to teen age or younger customers.

27.2 Application Information.

The original and renewal application for an amusement arcade license and the license for each skill-based amusement machine, game machine, or amusement device shall be upon a form prescribed by the Zoning Administrator and shall set forth therein information such as the name and address of the operator, the address of the place of business which is to be the licensed amusement arcade, the year for which the license is sought, the number of skill-based game machines or amusement devices located at such place of business, the name and address of the owner of each machine, a detailed explanation of the machine operation, applicable software license authorization, player skills, and training required qualifying each machine as a game of skill, and such other information as the Zoning Administrator reasonably requires. The application shall be signed by the operator in whose name the Village licenses are to be issued as well as the owner of the real property.

27.3 Corporations, Trusts and Partnerships.

- A. If the operator filing the application for a license under this Article is a corporation, the application shall list the names and addresses of all officers and directors and any individual, corporation or other entity owning twenty-five percent (25%) or more of the issued and outstanding shares of every class of stock of such corporation.
- B. If the operator filing the application for a license is a partnership, the application shall list the names and addresses of all partners.
- C. If the operator filing the application for a license is a trust, the application shall list the names and addresses of all trustees and/or co-trustees.
- D. The listing required of any corporation, trust or partnership shall be repeated and further repeated for any corporation, partnership or other entity who or which appears as a shareholder, trustee, co-trustee, or partner on the application.

27.4 Affidavit Required.

The application for a license under this Article shall be submitted on forms provided by the Zoning Administrator and be accompanied by an affidavit attesting that the operator and all employees and agents of the operation have not been convicted of a crime of moral turpitude and to the truth of the matters set forth in such application. No person shall swear falsely in any affidavit required to be filed under this section.

27.5 License Issuance; Effective Period; Fee.

- A. The Zoning Administrator/Inspector is hereby authorized to issue amusement arcade licenses and amusement and/or game machine licenses, in such form as he or she determines to be appropriate, for a period of up to one year, upon satisfaction of all of the following conditions:
- B. The operator of the amusement arcade has properly filed the application required by this Article. The business unless such operator holds a valid amusement arcade license for the place of business where such amusement arcade is operated.
- C. No individual, corporation or other entity shall permit or cause to be permitted any amusement machine, game machine, or amusement device to be operated, placed into operation, moved onto the area of play, or played, without a current and valid license for that machine displayed thereon.
- D. No individual, corporation, or other entity shall play any amusement device unless it is validly licensed by the Village.
- E. Amusement Arcades are permitted in B-2 Business districts within the Village of Hartville. They may not be located within 1000 feet (one thousand feet) of a church, school, daycare, or entertainment center geared to teen age or younger customers.
- F. Owner of the game machines and the real property owner shall sign the application.
- G. A fee of two thousand dollars (\$2,000.00) per arcade location per year has been paid.
- H. A fee of two hundred and fifty dollars (\$250.00) per machine per month has been paid in advance annually.
- I. The operator or any employee of the operator has undergone a criminal background investigation and has not been convicted of a crime of moral turpitude within the past five years.
- J. The Zoning Administrator/Inspector has determined that no other reasonable cause exists to deny the issuance of such license.
- K. Compliance with wall signs.
- L. After operation begins, license fees are non-refundable.

27.6 License Administration.

- A. It shall be the duty of the Zoning Administrator or his or her designee to administer the licensing regulations of this Article.
- B. The Zoning Administrator or his designee is hereby empowered to adopt and enforce such rules and regulations relating to any matter or thing pertaining to the issuance, administration, and enforcement of this Article.
- C. The burden shall rest on the owner, applicant, operator, and/or agent of the operator, owner, or applicant to timely produce the complete, accurate, and true records,

documents, programs source codes, or other data or objects necessary to substantiate the licensing requirements of this Article. Absent such substantiation, the decision of the Zoning Administrator shall be final subject to Signs.

- D. A zoning inspection shall be issued within forty-five days of receipt of complete application and compliance with this Article.
- E. No arcade license shall be issued until all individual amusement devices are licensed.

27.7 Submission of Machine List for Approval.

- A. Each applicant, within forty-five days of submitting an application for an amusement arcade license, shall submit to the Zoning Administrator:
 - 1. A written report listing each individual machine proposed for placement in the arcade.
- B. All Machines will be examined by the State of Ohio Attorney General's office prior to the machine's placement for play.
 - 1. The computer boards will be secured and access to the computer boards restricted.
 - 2. Machines that have been approved as legal games of skill pursuant to the Attorney General's Consent Order will be readily visible to law enforcement.
 - 3. An approved game will bear a seal on its side stating that it has been secured by the Attorney General. Access to the compartment containing the computer board will be sealed with evidence tape bearing the identifier "Sealed by Ohio Attorney General." If this tape is tampered with it will be obvious to law enforcement.
 - 4. Games that do not bear the Ohio Attorney General's seal and do not have a sealed compartment have not been examined and determined to be games of skill pursuant to Ohio law and will not be permitted to be installed or used.
- C. Any revisions to the State of Ohio Attorney General's Law Enforcement Advisory order dated May 22, 2007 or revisions thereof, on certain games of skill in Ohio are incorporated in this article by reference.

27.8 License Validity and Display.

- A. Each license under this Article shall be valid for only so long as the amusement arcade is operated by the operator listed on such license, at the place of business listed thereon.
- B. Each skill-based amusement machine and/or amusement device shall be valid for operation or use only so long as the game machine and/or amusement device has displayed on it a current license, or until the license is revoked by the Village or until such machines are determined to be games of chance or otherwise deemed illegal by the State of Ohio or a court of competent jurisdiction.

27.9 Operation of Arcade.

- A. No person under the age of 18 years shall be permitted on the premises.
- B. No doors shall be locked preventing ingress or egress by members of the public while patrons are on the premises.
- C. The operator shall adopt and enforce a no loitering policy on the premises.
- D. The premises of every amusement arcade shall be equipped with exterior lighting of sufficient intensity to illuminate every means of ingress and egress and adjacent parking areas.
- E. Each arcade shall be maintained so that it is handicap accessible throughout.
- F. Each arcade opened after the adoption of this Article shall be smoke free.
- G. Each arcade shall be operated with a glass storefront allowing full visibility at the sidewalk or right-of-way from the front through the playing area to the rear of the facility, exclusive of restrooms. No machines shall be placed in restrooms.
- H. Windows shall be clear and free of tint. No obstructions shall prevent observing at least 50% of the arcade games from outside the front door.
- I. The operator shall maintain a record of each game machine taken out of play for any reason, including but not limited to, machine malfunction. The record shall include, but not be limited to the following: name of operator taking the device out of play; name and address of player who last played; the amount reflected as won but not paid or lost by the arcade; a description of the malfunction; a description of how the game machine was designed to operate; time and date of removal from play; make, model, and serial number of the game machine. Said record shall be maintained on the premises for at least 2 years from date of removal. Further, the record shall be available for inspection to the Zoning Administrator, his agents, and designees during regular business hours.
- J. No arcade shall operate during the hours of 1:00 a.m. to 7:00 a.m.
- K. Each operator shall maintain a record of the full name, address, telephone number, date, tax identification number, and gross value amount for each player receiving consideration or anything of value exceeding \$200. This record shall be filed with the Fiscal Officer for the Village of Hartville at least quarterly. Further, such record shall be available for inspection to the Zoning Administrator, his agents, and designees during regular business hours for a period of two years.
- L. Each operator shall clearly post in a conspicuous place all circumstances in which a player may not “cash out”, be reimbursed, or receive a cash payment for the value of winnings, credits, rewards, or prepayments.
- M. Each operator, employee, and agent thereof shall wear a full name identification nameplate during working hours.
- N. All on premises food service shall comply with state and local health regulations.
- O. Each operator shall conspicuously display by posting with each skill-based amusement machine the established prize or reward for each play. This information shall be posted so that the player can observe it prior to and during play.
- P. Each operator shall make available and have on display forms as prescribed by the Zoning Administrator for the recovery of losses pursuant to R.C. 3763.
- Q. No weapons, firearms, or dangerous ordnances are permitted on the premises.

27.10 License Revocation.

- A. It shall be cause for revocation of any license required under this Article, by the issuing authority, or for non-renewal of such license, for an operator or operator's officers, directors, agents, or employees, trustee, twenty-five percent of the shareholders of an operator, or any other person to:
- B. Operate an amusement arcade without a valid license.
- C. Operate or permit to be operated an amusement device or game machine without a valid license for that machine or device.
- D. Fail to display any license required by this Article.
- E. Provide any false or misleading information in the material submitted during the application process.
- F. Knowingly allow gambling on the premises;
- G. Transfer or alter any license issued under this Article;
- H. Failure to comply with any provision of this Article;
- I. Be convicted of a crime involving moral turpitude, dishonesty, or any felony.
- J. Permit any violation of (1) an ordinance or regulation of the Village; (2) regulation of the County, including but not limited to rules of the Stark County Department of Health; or (3) statute of the State, any for which a criminal penalty may be invoked, to take place at any amusement arcade operated by such operator.

27.11 Revocation Process.

- A. The Zoning Administrator shall notify the licensee in writing, at the address of the amusement arcade, of the reason for revocation.
- B. Service shall be made by regular first class mail with proof of service or personal service.
- C. If the Village finds, subsequent to revocation, that the basis for the revocation has been corrected or abated, the applicant may apply for a new license if at least ninety days have elapsed since the date the revocation became effective.
- D. If a new license is granted fees previously paid before revocation will not be credited. Fees are non-refundable under any condition.

27.12 Transfer of License.

- A. An amusement arcade license is not transferable from one licensee to another or from one location to another.
- B. Any purported transfer of an amusement arcade license shall automatically and immediately revoke that license.
- C. A skill-based amusement machine or amusement device license is not transferable from one machine or device to another or to a machine or device moved to a different location.
- D. Any purported such transfer of a license shall automatically and immediately revoke that license

27.13 Appeal.

- A. Any licensee may appeal the decision of the Zoning Administrator for the denial of the issuance of a license, the denial of a renewal of a license or the revocation of a license. An appeal must be filed within ten business days of notice of non-issuance, non-renewal or revocation, in writing, to the Licensing Appeal Board, c/o Zoning Administrator, 202 West Maple, PO Box 760, Hartville, Ohio 44632 stating the reason for the appeal.
- B. The Licensing Appeal Board shall consist of three residents of the Village, appointed by the Mayor, for terms of three years with staggered terms. Appeals shall be heard within ten business days of filing. Such Board shall determine whether the denial of any license under this Article was arbitrary, capricious, or unreasonable.
- C. Any decision of the Board shall be a final, appealable order, and the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction.

27.14 Inspection. (Designated by the Zoning Administrator)

- A. The Police Department shall, from time to time and at least four times a year, inspect that portion of the arcade business open to the public licensed hereunder in order to assess compliance with the provisions of this Article.
- B. The Zoning Administrator shall, from time to time, request the Stark County Health Department to inspect that portion of each arcade business open to the public and licensed hereunder, in order to assess compliance with the provisions of this Article and relevant Health Department regulations.
- C. The Fire Marshall and Building Official shall, from time to time, and at least four times a year, inspect that portion of the arcade business open to the public and licensed hereunder in order to assess compliance with all applicable fire, building, and zoning code regulations.

27.15 Nuisance.

A violation of this Article shall constitute a nuisance and is subject to civil proceedings, including an injunction, in addition to prosecution for criminal violations of the State of Ohio and the Codified Ordinances of the Village of Hartville.

27.16 Effect of Partial Invalidity.

If any section, subsection, or clause of this Article shall be deemed to be unconstitutional or otherwise invalid, the validity and enforcement of the remaining sections, subsections, and clauses shall not be affected.

27.17 Fees Collected.

All license fees collected shall be deposited into a Law Enforcement Gaming Fund. Such monies shall be used for criminal investigations, police weapons, training and equipment, electronic and gaming experts, consultants, and other costs related to gaming activities. Up to 25% of such funds may be allocated to the Fire Department.

ARTICLE 28
WHEN EFFECTIVE

This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Village and shall take effect immediately upon its passage and at the earliest date permitted by law

APPENDIX

- A. Zoning Map**
- B. Ordinance 1-16.27 Maintenance of dwellings, structures and features.**
- C. Ordinance 1-16.28 Parking and storage of vehicles and trailers.**
- D. Ordinance 1-20.19 Amending and replacing Chapter 26, Section 26.4**

VILLAGE OF HARTVILLE
ORDINANCE NO. 1-16.27

ORDINANCE NO. 1-16.27, enacting an Ordinance for the Village of Hartville (“Village”) to require the maintenance of dwellings, structures and features to ensure they are being used in the way they were intended.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF HARTVILLE, STARK COUNTY, OHIO:

Section 1. Findings and Determinations. The Village finds and determines the following matters:

It is necessary and imperative for the Village to require interior and exterior maintenance of all dwellings, structures and features of all individuals who reside in the Village to ensure a safe and healthy living environment for all the Village’s residents.

All formal actions of this Council relating to the enactment of the Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 2. Dwellings and Structures Maintained. All dwellings or structures and all parts thereof, both exterior and interior, shall be maintained in good repair and shall be capable of performing the function for which such dwelling, structure or any feature thereof was designed and intended to be used.

Section 3. Equipment Maintenance. All equipment and facilities appurtenant to a dwelling or structure shall be maintained in good and safe working order.

Section 4. Exterior Areas of Properties; Maintenance. Exterior areas of all premises shall be kept free of any objects, materials or conditions which may create a health, accident or fire hazard or adversely affect the value of surrounding properties: including but not limited to such objects, materials or conditions as the outside storage of seldom moved, unlicensed or immovable vehicles in conspicuous positions where such storage is not part of a lawful business conducted on the premises and/or collections of junk, rubbish or debris outside dwellings or structures.

Section 5. Prohibited Conditions.

- a) All dwellings or structures which are structurally unsafe, unsanitary or not provided with safe egress or which constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, as determined by the Zoning Inspector, are, for the purposes of this section declared to be unsafe dwellings or structures. All such unsafe dwellings or structures shall be repaired and rehabilitated or may be demolished and removed in accordance with the provisions of this Ordinance.
- b) Exterior areas of all premises upon which any objects, materials or conditions create a health, accident or fire hazard or adversely affect the value of surrounding properties are hereby declared to be a nuisance, which shall be abated in accordance with the provisions of this chapter.
- c) All dwellings shall be maintained in a fit and habitable condition for human occupation. The property owner or owners of any dwelling found to be uninhabitable by the Zoning Inspector shall take any and all action necessary to correct the condition or conditions that resulted in an uninhabitable dwelling finding by the Zoning Inspector. An uninhabitable dwelling, for purposes of this section, is a dwelling containing conditions that result in, or reasonably may result in, serious

health and safety hazards to any person residing in the dwelling. The Zoning Inspector, when necessary, shall consult with the Building Inspector, Fire Chief, Police Chief and the County Board of Health in making a determination that a dwelling is uninhabitable.

- d) A determination by the Zoning Inspector that a dwelling is uninhabitable shall be appealable pursuant to Section 7 of this Ordinance.

Section 6. Abatement.

- a) Upon the discovery of a condition which violates Section 5 of this Ordinance, the Zoning Inspector may cause written notice of such condition to be served upon the person causing or permitting such condition to exist or be maintained, or the owner of record, either personally or by certified mail addressed to such person at the last known address of such person, specifying a reasonable time within which such condition must be removed or abated. The notice shall advise the person of the right to appear provided in Section 7 of this Ordinance.
- b) Upon the failure of such person to remove or abate such condition within the time specified in such notice, the Mayor may cause such condition to be removed or abated. Such removal or abatement may include the seizure and destruction of sale of property constituting or used in the maintenance of the condition, and the Mayor may enter into contracts on behalf of this Village for the removal or abatement of such condition.
- c) Any person failing to remove or abate a condition as stated in this section shall be liable to the Village for a two hundred dollars (\$200.00) administrative charge as well as all costs of such removal or abatement. The charges incurred for the abatement of such condition shall be forwarded to the noncomplying person by delivering such notice to him or her personally or by certified mail sent to the tax mailing address of the owner of the lot, land or upon which such condition arose. If such charges are not paid within thirty days after submission for payment, they shall be certified to the County Auditor, who shall place the same on the tax duplicate of the County, with interest and penalties allowed by law, and such charges shall be collected along with real property taxes.

Section 7. Appeals.

- a) Any person in possession of a dwelling that has been found to be uninhabitable, pursuant to Section 5 of this Ordinance, or who has received a notice to remove or abate a condition as provided for in Section 6 of this Ordinance may, within the period of time specified in such notice, file a written request for a hearing on such order, by delivering a copy of such request, specifying an address to which notices to such person are to be sent, to the office of the Mayor. Upon receipt of such a request, the Mayor shall set a time and place for such hearing and shall cause notice thereof to be given to such person by delivering such notice to him or her personally, by leaving a copy thereof at the address contained in the request for the hearing, or by certified mail sent to such address not less than five days prior to the hearing. The notice shall advise the appellant that evidence and testimony will be heard, that the appellant may call witnesses and cross examine witnesses against the appellant, and that the Mayor may subpoena any person who the appellant reasonably believes can provide competent testimony or evidence on the matter. A copy of such notice, specifying the purpose of the hearing and the time and place thereof at which all interested persons shall be heard, shall also be posted in the Village Hall. Such notice may also be published in one or more newspapers of general circulation in the Village.
- b) Such hearing shall be conducted by the Mayor, and shall be conducted in the manner described in the notice. Not more than ten (10) days after the conclusion of such hearing, the Mayor shall issue an order confirming, modifying or rescinding the order of removal or abatement issued by the Zoning Inspector. Any such order shall be a final order, within the meaning of Ohio R.C. 2506.01, upon the filing of a copy thereof with the Clerk of Council. A copy of such order shall be served as soon as possible in the manner specified in subsection (a) hereof upon the person requesting the hearing.

Section 8. Violations. No person shall:

- a) Cause or permit to exist or be maintained any prohibited condition in violation of Section 5 of this Ordinance, 1-16.27.
- b) Violate any written notice or written order issued under this Ordinance, 1-16.27.

Section 9. No Right of Entry. Nothing contained in this chapter shall be deemed to confer a right of entry upon the Village, its officials or employees, without a warrant or probable cause.

Section 10. Penalties.

- a) Whoever violates or fails to comply with any of the provisions of this Ordinance, including any failure to comply with a subpoena issued by the Mayor pursuant to Section 7(a) of this Ordinance, shall be guilty of a minor misdemeanor on the first offense and shall be guilty of a fourth degree misdemeanor on the second and each subsequent offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- b) In lieu of or in addition to the prosecution of the violation of subsection (a) hereof, the Village Solicitor may institute an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful condition; to restrain, correct or abate a violation; to prevent the occupancy of buildings, structures or premises which violate this Ordinance; or to require compliance with this Ordinance or other applicable laws, ordinances, rules or regulations, or the orders or determinations of the Mayor or the Zoning Inspector.

Section 11. Effective Date. Provided that this Ordinance receives the affirmative vote of two-thirds of the members elected or appointed to Council, it will take effect and be in force immediately upon its passage; otherwise, it will take effect and be in full force at the earliest period allowed by law, and shall take effect immediately upon its passage.

DATED: December 20, 2016

Cindy Billings, Mayor

ATTEST:

Scott K. Varney, Village Fiscal Officer

VILLAGE OF HARTVILLE
ORDINANCE NO. 1-16.28

ORDINANCE NO. 1-16.28, enacting an Ordinance for the Village of Hartville (“Village”) to regulate the parking and storage of vehicles and trailers, and declaring the same to be an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF HARTVILLE, STARK COUNTY, OHIO:

Section 1. Findings and Determinations. The Village finds and determines the following matters:

- a) It is necessary and imperative for the Village to amend previous zoning Ordinances as they pertain to the parking and storage of vehicles and trailers.
- b) All formal actions of this Council relating to the enactment of the Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 2. Parking and Storage of Vehicles and Trailers.

- a) **All Vehicles and Trailers.** No automotive vehicles, utility trailers, boat trailers, recreational trailers, recreational vehicles, commercial vehicles, or commercial trailers of any type without current license plates or in non-running condition shall be parked or stored on any residential property other than in a completely enclosed building.
- b) **Commercial Vehicles.** No commercial vehicles exceeding thirty feet (30’) in length, including, but not limited to commercial tractors, trucks, buses, or manufactured homes, shall be parked or stored within the public right-of-way or parked or stored in front of the building setback line other than on a village approved designated parking area or drive way within a residential zoning district for more than one (1) hour, except those commercial vehicles conveying the necessary tools, materials, and equipment is to be performed during the actual time of parking. No semi-tractor or commercial trailer exceeding thirty feet (30’) in length may be parked or stored for more than seventy-two (72) hours on any property within a residential zoning district.
- c) **Non-Commercial Vehicles**
 - i. No non-commercial vehicles including, but not limited to, utility trailer, boat, boat trailer, snowmobile, snowmobile trailer, all-terrain vehicle, aircraft, nor any trailer larger than 3/4 ton, shall be parked on a public right-of-way for more than one (1) hour.
 - ii. No such recreational equipment shall be used as a dwelling in any case.

Section 3. Repeal of Any Inconsistent Ordinance. Any previous Ordinance inconsistent with this Ordinance, 1-16.28, is repealed as of the effective date.

Section 4. Penalties. Owners who fail to comply with this Ordinance, 1-16.28, will be subject to a penalty of \$100.00 for the first offense, \$150.00 for the second offense and every subsequent offense hereafter.

Section 5. Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the Village of Hartville and provided that this Ordinance receives the affirmative vote of two-thirds of the members elected or appointed to council, it will take effect and be in force immediately upon its passage; otherwise, it will take effect and be in full force at the earliest period allowed by law.

DATED: December 20, 2016

Cindy Billings, Mayor

ATTEST: Scott K. Varney, Village Fiscal Officer

**VILLAGE OF HARTVILLE
STARK COUNTY, OHIO
ORDINANCE NO. 1-20.19**

ORDINANCE NO. 1-20.19, amending, adopting, and replacing Chapter 26, Section 26.4 of the Zoning Code for the Village of Hartville ("Village"), and declaring the same to be an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF HARTVILLE, STARK COUNTY, OHIO

Section 1: Findings and Determinations. This Council finds and determines the following matters:

- (a) For the public health, convenience, and welfare of the Village and its inhabitants, the Village desires to amend Chapter 26, Section 26.4 of the Zoning Code, to reflect changes necessary for the safety, public peace, health, welfare, and concern of its residents.
- (b) Accordingly, Section 26.4, which deals with Storm Sewer and Drainage Requirements for subdivisions, following review before the Planning Commission, and Village Council shall be amended.
- (c) All formal actions of this Council relating to the enactment of this Ordinance were taken in an open meeting of this Council and all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law, including Section 121.22, Ohio Revised Code.

Section 2: Adoption. The Village hereby amends Chapter 26, Section 26.4 of the Zoning Code in its entirety, and replaces the same with the following language, effective as of the passage date of this Ordinance as follows:

Storm Sewer and Drainage Requirements for subdivisions in the Village of Hartville shall be in conformity with the most current and applicable Section 620 of the Stark County Subdivision Regulations, as adopted by the Board of Stark County Commissioners, State of Ohio, with the following exception. With regard to any subdivision within the Village of Hartville, as to Section 620.02(B)(1), the only acceptable method to determine the peak flow rate of storm water from a site as well as for determining the required storage volume of a runoff control structure is the Soil Conservation Service Methods. The Modified Rational Method is not adopted as an accepted method by the Village of Hartville.

Section 3: Prior Section. All other prior versions of Section 26.4 of the Zoning Code are hereby repealed and rescinded upon the effective date of this Ordinance.

Section 4: Effective Date. This Ordinance shall become effective and be in full force and effect upon the earliest dated allowed by law.

Motion was made by CM Sullivan and CM Miller seconded the motion. Roll: Yes, ALL in attendance.

DATE: November 3, 2020

Cindy Billings, Mayor

ATTEST: Scott K. Varney, Fiscal Officer