

CODIFIED ORDINANCES OF ONTARIO

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TITLE ONE - Planning

Chap. 1101. Land Use Plan.

CHAPTER 1101

Land Use Plan

1101.01 Adoption.

CROSS REFERENCES

Sale or lease of municipal lands - see Ohio R.C. 721

Use of municipal lands - see Ohio R.C. 723.121

Land reutilization program - see Ohio R.C. Ch. 5722

1101.01 ADOPTION.

Council hereby adopts the Land Use Plan applicable to the Village submitted to it by the Richland County Regional Planning Commission.

Such adoption is meant to expressly demonstrate this Village's intent to fully cooperate with similarly affected political subdivisions in promoting area wide solutions to common public problems.

(Ord. 71-7. Passed 2-4-71.)

TITLE THREE - Subdivision Regulations

Chap. 1111. Title, Scope and Jurisdiction.

Chap. 1113. Definitions.

Chap. 1115. Subdivision Procedures.

Chap. 1117. Design Standards.

Chap. 1119. Improvements.

Chap. 1121. Administration and Enforcement.

Chap. 1123. Requirements for Planned Development. (Repealed)

Appendices

## CHAPTER 1111

### Title, Scope and Jurisdiction

1111.01	Official name.
1111.02	Purpose.
1111.03	Authority; jurisdiction.
1111.04	Enforcement; administration.
1111.05	Interpretation.
1111.06	Separability.
1111.07	Relation to other laws.
1111.08	Amendments.
1111.09	Repeal.
1111.10	Effective date.

### CROSS REFERENCES

Subdivision procedures - see P. & Z. Ch. 1115

Administration and enforcement - see P. & Z. Ch. 1121

#### 1111.01 OFFICIAL NAME.

The official name of these regulations shall be the Subdivision Regulations of The Village of Ontario, Richland County, Ohio, shall be referred to herein as "these Regulations."

(Ord. 77-19. Passed 6-2-77.)

#### 1111.02 PURPOSE.

These Regulations are adopted by the Village, for the purpose of protecting the health, safety and general welfare of residents of Richland County; and to regulate the development of subdivided lands; to promote the proper arrangement of streets and lots; to provide for the adequate and convenient provision of open spaces, utilities and access to service and emergency vehicles; to insure adequate provision of water, drainage, sewer and other sanitary facilities; and provide for the administration of these Regulations to insure the equitable processing of all subdivision plats by providing uniform standards and procedures for observance by both the approving authority and the subdivider.

(Ord. 77-19. Passed 6-2-77.)

#### 1111.03 AUTHORITY; JURISDICTION.

(a) Authority. These Regulations have been adopted under authority of Ohio R.C. 711.001 through 711.38.

(b) Jurisdiction. These Regulations shall be applicable to all subdivisions of land within the incorporated area of the Village.

(Ord. 77-19. Passed 6-2-77.)

#### 1111.04 ENFORCEMENT; ADMINISTRATION.

(a) Enforcement. It shall be the duty of the Planning Commission to secure the enforcement of the provisions of these Regulations.

(b) Administration. These Regulations shall be administered in accordance with Chapter 1121.  
(Ord. 77-19. Passed 6-2-77.)

#### 1111.05 INTERPRETATION.

The provisions and requirements of these Regulations shall be construed to be minimum requirements and nothing herein shall prohibit the subdivider from exceeding these minimum requirements.

(Ord. 77-19. Passed 6-2-77.)

#### 1111.06 SEPARABILITY.

If any section, paragraph, clause, phrase or part of these Regulations is for any reason held invalid by a court of competent jurisdiction, such judgment shall not affect the validity of the remaining provisions of these Regulations or the application of those provisions to any person or circumstances.

(Ord. 77-19. Passed 6-2-77.)

#### 1111.07 RELATION TO OTHER LAWS.

The provision of these Regulations shall supplement any and all laws of the State of Ohio, ordinances of the County, or any and all rules promulgated by authority of such law relating to the purpose or scope of these Regulations. When the requirements or provisions of these Regulations differ with the requirement of any other lawfully adopted rules, regulations or ordinances, the more restrictive regulations shall apply.

(Ord. 77-19. Passed 6-2-77.)

#### 1111.08 AMENDMENTS.

These Regulations may be amended following public hearings and other requirements as specified in Ohio R.C. 711.101.

(Ord. 77-19. Passed 6-2-77.)

#### 1111.09 REPEAL.

From and after the date of these Regulations taking effect, all Regulations, ordinances and parts of ordinances of the Village in conflict herewith are hereby repealed.

(Ord. 77-19. Passed 6-2-77.)

#### 1111.10 EFFECTIVE DATE.

These Regulations cited as "Subdivision Regulations of the Village of Ontario, Richland County, Ohio" shall take effect and be in force from and after its enactment by Council, and shall take effect and be in force from and after the earliest period allowed by law.

(Ord. 77-19. Passed 6-2-77.)

## CHAPTER 1113

### Definitions

1113.01 Construction of language.

1113.02 Meanings of words.

### CROSS REFERENCES

Zoning Ordinance definitions - see P. & Z. Ch. 1131

Sign definitions - see P. & Z. 1185.01

#### 1113.01 CONSTRUCTION OF LANGUAGE.

(a) The following rules of construction shall apply to the provision of these Regulations.

(1) The particular shall control the general.

(2) In case of any difference of meaning or implication between the provisions of these Regulations and any caption or illustration, the provisions shall control.

(3) The word "shall" is always mandatory and not discretionary. The word "may" or "should" is permissive.

(4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(5) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or units connected by the conjunction "and", or "either/or," the conjunction shall be interpreted as follows:

A. "And" indicates that all connected items, conditions, provisions or events shall apply.

B. "Or" indicates that the connected items, conditions, provisions or events may apply singly but not in combination.

(6) Terms herein not defined shall have the meaning customarily assigned to them.

(Ord. 77-19. Passed 6-2-77.)

#### 1113.02 MEANINGS OF WORDS.

(a) As used in these Regulations, the following words shall have the following meanings:

(1) "Alley" means a quantity of land dedicated to the public to provide a private or secondary means of access to the back or side of properties otherwise abutting on a street and having a minimum width of twenty feet.

(2) "Block" means subdivided property surrounded by, but not separated by, one or more of the following man-made or physical land features: private and public dedicated streets, unsubdivided acreage, rivers or streams, or by any other physical feature which prevents continuity of development.

- (3) "Building setback line" means a line establishing the limits of a yard which abuts a street and in which no building may be located.
- (4) "County" means Richland County, Ohio.
- (5) "Cul-de-sac" means a street having one outlet open to vehicular traffic and the other end permanently terminated by a vehicular turn-around.
- (6) "Dead-end street" means a street temporarily having one outlet open to vehicular traffic and not provided with a permanent vehicular turn-around.
- (7) "Developer" means any person, partnership, or corporation or duly authorized agent who constructs or contracts to construct improvements on subdivided land. A developer may also be a subdivider as elsewhere defined herein.
- (8) "Easement" means a quantity of land over which a liberty, privilege or advantage is granted by the owner of the public, a corporation or particular person for a specific use or purpose.
- (9) "Engineer, professional" means a person registered to practice professional engineering by the State of Ohio Board of Registration as specified in Ohio R.C. 4733.14.
- (10) "Final plan." See subdivision plat.
- (11) "Flood plain" means that land which has been or may hereafter be covered by flood waters including but not limited to the regulatory flood. For the purpose of these Regulations, the regulatory flood shall be deemed to be a flood of 100 year frequency.
- (12) "Improvements" means grading, street surfacing, curbs and gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, storm sewer outfall, culverts, street lights, street trees and the appropriate appurtenances required to render land suitable for the use proposed.
- (13) "Licensed land surveyor" means a person licensed to practice surveying by the State of Ohio Board of Registration.
- (14) "Lot" means a division of land separated or intended to be separated from other divisions of land by description on a recorded subdivision plat, recorded survey map or by metes and bounds for the purpose of sale, lease or separate use.
- (15) "Lot, corner" means a lot at the point of intersection of and abutting onto more than one street.
- (16) "Lot, double frontage" means a lot other than a corner lot, that abuts onto more than one street.
- (17) "Lot lines" means the lines defining the boundaries of a lot.
- (18) "Marginal access streets" means minor streets which are parallel to and adjacent to arterial streets and highways and which serve to reduce the number of access points to the arterial streets and thereby increase traffic safety.
- (19) "Official maps" means the maps of the Village and the surrounding area showing the streets, highways, parks and other public areas and sites, adopted and established by law, including additions thereto resulting from the legal filing of approved plats.
- (20) "Open space development" means any subdivision of land which has both individual building sites and common open space areas, such as park and

recreation areas; and is planned, designed and organized as a unified development capable of providing a variety of residential dwellings.

(21) "Owner" means any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these Regulations.

(22) "Pavement" means that portion of the street right-of-way surfaced for vehicular use.

(23) "Pedestrian walkway" means a dedicated public right-of-way limited to pedestrian use.

(24) "Performance bond" means an agreement by and between the subdivider and a bonding company in favor of the Village, or an instrument approved by the Village between the subdivider and the Village, for the amount of the estimated construction cost guaranteeing the completion of the requirement improvements according to the specifications set forth in these Regulations, within the time prescribed by the above agreement.

(25) "Planned Unit Development" means any subdivision of land where both individual building sites and common property devoted to parks, playgrounds or school sites is designed and organized to be capable of satisfactory use and operation as a self-contained residential area. A Planned Unit Development may include shopping centers and planned industrial park developments.

(26) "Planning Commission" means the Planning Commission of the Village of Ontario, Richland County, Ohio.

(27) "Preliminary Plan" means a drawing for the purpose of study of a major subdivision and which, if approved, permits proceeding with the preparation of a subdivision plat.

(28) "Public reservation" means a portion of a subdivision which is set aside for public use and made available for public use and acquisition.

(29) "Public utility" means any person, firm, association, corporation, trust, board, commission or other legal entity, duly authorized to furnish under State, County or municipal regulations to the public: gas, steam, electricity, sewerage disposal and treatment, communication, television, telegraph, transportation, water or waste treatment.

(30) "Regional Planning Commission" means the Richland County Regional Planning Commission.

(31) "Registered architect" means an architect duly authorized to practice architecture in accordance with State law.

(32) "Registered engineer" means an engineer duly authorized to practice civil engineering in accordance with State law.

(33) "Reserve strip" means a strip of land parallel and abutting a thoroughfare controlling the means of access onto the property.

(34) "Reserved area; reservation" means a parcel of land within a subdivision which is set aside for a specific use, other than residential, commercial or industrial.

(35) "Right-of-way" means the land between property lines of a street alley, pedestrian walkways or utility line, dedicated to public ownership or use, not including an easement.

(36) "Service drives" means a street providing access to property which abuts or is adjacent to minor or major thoroughfares.

(37) A. "Street" means a right-of-way, dedicated or deeded for public use, which provides for vehicular and pedestrian traffic whether designated as a street, highway, thoroughfare, parkway, throughway, freeway, road, boulevard, avenue, lane, place or however otherwise designated.

B. "Expressway" means a street designed to serve a large volume of high speed traffic, usually for long distances. The characteristics of an expressway are no vehicular or pedestrian access to adjoining properties and interchange of traffic with arterial streets accomplished by grade separated interchanges. For the purpose of these Regulations the term "expressway" includes "freeway" and "limited access highway."

C. "Primary street" means a street of great continuity, that is not an expressway, which serves or is intended to serve as a major traffic way within the Village, County or both. Primary streets and expressways comprise the basic structure of the thoroughfare plan.

D. "Secondary street" means a street of considerable continuity which serves or is intended to serve as the principal traffic way between large and separated areas or districts and which is the main means of access to the main thoroughfare system of primary streets.

E. "Collector street" means a street servicing industrial and commercial areas or the principal street which carries the burden of local traffic to primary streets or secondary streets, including the principal entrance streets of residential developments and primary circulation routes within such developments.

F. "Minor street" means a street used primarily to provide access to abutting properties. Minor streets may be further classified as cul-de-sacs, marginal, access, loop or dead-end.

(Ord. 77-19. Passed 6-2-77.)

G. "Boulevard" means a street or road on which traffic flow is divided into each direction by a median strip which is usually landscaped with grass and plantings. A boulevard may serve the function of a secondary street, collector street or minor street, depending upon its relationship within the overall transportation system.

H. "Private street" means a street which shall meet all requirements for public streets, except as specified for private streets in a single family residential development with lot sizes of one acre and larger in area. The Planning Commission may require certain streets within a development to be public if it is determined that the projected density necessitates the use of public streets and that traffic connections to adjacent plats or developments are required for adequate circulation.

(Ord. 86-64. Passed 11-6-86.)

(38) "Subdivider" means an individual, firm, association, corporation, trust or any legal entity, commencing proceedings under these Regulations to subdivide land within the Village.

(39) "Subdivision" means the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax role 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 the improvement of one or more parcels of land for residential and commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, of 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 lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

(40) "Subdivision, minor" means a subdivision of a parcel along an existing public dedicated street not involving the opening, widening or extension of any street or road, and involving no more than five lots after the original tract has been completely subdivided and provided that the same is not contrary to applicable platting, subdividing or zoning regulations.

## CHAPTER 1115

### Subdivision Procedures

- 1115.01 Purpose.
- 1115.02 Minor subdivision.
- 1115.03 Major subdivision review procedure.
- 1115.04 Preliminary plan stage.
- 1115.05 Final subdivision plat stage.

### CROSS REFERENCES

- Subdivision defined - see P. & Z. 1113.02(a)(39)
- Improvements - see P. & Z. Ch. 1119
- Sale of land within subdivisions - see P. & Z. 1121.03
- Filing, plan review and inspection fees - see P. & Z. 1121.05

#### 1115.01 PURPOSE.

The purpose of this chapter is to specify the steps that a subdivider shall follow to subdivide land in the jurisdictional boundaries of the Village, as set forth in Section 1111.05.

(Ord. 77-19. Passed 6-2-77.)

#### 1115.02 MINOR SUBDIVISION.

(a) Plat approval of a minor subdivision is not required if the proposed subdivision of a parcel of land meets all of the following conditions:

(1) The proposed subdivision is located along an existing public dedicated street or road and does not involve the opening, widening or extension of any street or road.

(2) The proposed subdivision involves no more than five lots after the original tract has been completely subdivided. "Completely subdivided" as used in this section means a tract which is divided into as many lots as the subdivider intends for the tract.

(3) The proposed subdivision is not contrary to applicable zoning or subdivision regulations.

(4) The further division of an original tract which has been previously divided into five lots requires the replatting of the original tract.

(5) Sections 1117.01 to 1117.03 are to be met even though plat approval is not required when a minor subdivision meets subsections (a)(1) to (4) hereof.

(b) Any person proposing to create a subdivision which meets all the foregoing conditions shall submit the following information to the Tax Map Department of the Richland County, Ohio, Engineer's Office for approval without plat.

(1) The conveyance documents, all copies thereof, together with two copies of a survey drawing and legal description of the parcel or parcels involved, prepared by a registered surveyor. The survey shall indicate the following:

A. Location of the proposed subdivision: tract, boundaries, township, section number, north arrow and scale (one inch equals 100 feet).

B. Location of all existing streets on or abutting the parcel to be subdivided.

C. Lot lines with width and depth dimensions in feet.

D. The location and dimensions of all portions of the original tract not subdivided in lots.

E. Recording date; name of recorded owners of the parcel to be subdivided and certification and seal of the registered surveyor to the effect that the survey made by him balances and closes and that all dimensions and geodetic details are accurate and correct.

(2) Affidavit of compliance provided by the approving authority.

(c) After the Tax Map Department of Richland County, Ohio, Engineer's Office is satisfied that such proposed subdivision is not contrary to Section 1115.02(a), the same shall be approved upon presentation of an instrument of conveyance of such parcel or parcels and the same shall be stamped "Approved: No Plat Required". In the event the approving authority is not satisfied that the proposed subdivision complies with these Regulations, then the person proposing the same shall submit the above information to the Chairman of the Planning Commission. The Planning Commission shall, within thirty days after submission of the information required in Section 1115.02(a) and (b) review such information and if the proposed subdivision is in accordance with these Regulations, as are specifically applicable, they shall approve the same as a minor subdivision and upon presentation of an instrument of conveyance for the parcel or parcels, shall stamp thereon, "Approved by the Village of Ontario Planning Commission; No Plat Required" and have it signed by its Clerk, Secretary or other official as may be

designated by it. In its consideration of the proposed subdivision, the Planning Commission may require such other information as it is pertinent to its determination hereunder.

(Ord. 77-19. Passed 6-2-77.)

STATE OF OHIO:

SS: AFFIDAVIT OF COMPLIANCE

COUNTY OF RICHLAND:

VILLAGE OF ONTARIO:

being first duly sworn on oath (or affirm under penalty of perjury) deposes and says that:

1. Affiant is the owner of land proposed to be subdivided in accordance with the survey attached hereto, marked "Exhibit A."

2. The proposed subdivision is of land located along an existing public street and does not involve the opening, widening or extension of any street or road.

3. The parcel being divided will be divided into no more than five (5) parcels when the original tract is completely subdivided.

4. The proposed subdivision is not contrary to applicable platting, subdividing or zoning regulations and conforms in all respects to the Village of Ontario, Richland County, Ohio, Subdivision Rules and Regulations and the provisions thereof applicable to "minor subdivisions."

Sworn to before me and subscribed in my presence, this                      day of  
, 19       .

Notary Public

1115.03 MAJOR SUBDIVISION REVIEW PROCEDURE.

(a) Preapplication Conference. The subdivider may wish to consult with the Planning Commission, the Village Engineer, or the Mansfield-Richland County Health Department to avail himself of their advice and assistance in interpreting the purpose and effect of these Regulations and the requirements and standards contained herein.

(b) Subdivision Review and Approval. Major subdivisions shall be reviewed and approved in two stages:

- (1) Preliminary Plan stage.
- (2) Final Plat stage.

However, in those instances where a development has been approved in accordance with the provisions of adopted zoning resolutions governing open space and Planned Unit Development, then only Final Plat stage requirements as set forth in Section 1115.05 shall apply.

(c) Submission to State Highway Director. Before any plat is approved affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the State Highway Director of any land within a radius of 500 feet from the point of intersection of such centerline with any public road or highway, the Planning Commission shall give notice, by registered or certified mail to the Highway Director. The Commission shall not approve the plat for 120 days from the date the notice is received by the Highway Director. If the Highway Director notifies the Commission that he shall proceed to acquire the land needed, then the Commission shall refuse to approve the plat. If the Highway Director notifies the Commission that acquisition at this time is not in the public interest, or upon the expiration of the 120 day period or any extension thereof agreed upon by the Highway Director and the property owner, the Commission shall, if the plat is in conformance with all provisions of these Regulations, approve the plat.

(Ord. 77-19. Passed 6-2-77.)

#### 1115.04 PRELIMINARY PLAN STAGE.

(a) The Preliminary Plan stage requires the subdivider to provide all information deemed necessary to enable the Planning Commission to determine that the proposed layout is in conformity with these Regulations. This step also insures that the subdivider shall not be required to expend additional money without some indication that his Final Plat will be eventually approved.

(b) The subdivider must submit an application for Preliminary Plan approval to the Planning Commission in accordance with the requirements set forth in subsection (c) hereof. The Preliminary Plan shall be prepared by a registered professional engineer, licensed land surveyor, registered architect, or other qualified person. The following information shall be submitted to the Planning Commission for review.

- (1) Two copies of the Application for Preliminary Plan Approval (see Appendix).
- (2) Seven copies of the Preliminary Plan prepared by a qualified, registered civil engineer or surveyor, along with a reproducible tracing.
- (3) Receipt indicating payment of the Preliminary Plan filing fee as required in Section 1121.05(a).

(c) Preliminary Plan Contents. The Preliminary Plan shall be drawn at a scale of 100 feet to the inch (1" = 100') and shall be drawn on one or more sheets no larger than twenty-three by thirty-six inches in size. When drawn on several sheets, an index sheet showing the entire subdivision and match points on each sheet shall be provided. The Preliminary Plan shall contain the following information: (see Appendix)

(1) The name of the proposed subdivision, which shall not duplicate the name of another subdivision in Richland County.

(2) The location of the proposed subdivision by township, range, section, tract or other surveys.

(3) Names, addresses and phone numbers of the property owners, developer, and engineer or surveyor who prepared the Preliminary Plan.

(4) Scale of the Plan, north arrow and date of survey.

(5) The boundary lines of the proposed subdivision showing bearings, dimensions and acreage

(6) The location, right of way and pavement widths of all existing streets on and adjacent to the subdivision.

(7) The existing topography within the boundaries of the subdivision at an interval of two foot contours.

(8) The location and extent of all significant physical features of the site including watercourses, lakes (natural or manmade), marshes, tree coverage and other significant natural features.

(9) The location of all existing sewers, water lines, power transmission lines, pipelines and other utilities within and adjacent to the tract.

(10) The location, width and purpose of all other easements or rights of way.

(11) The present zoning classification of the tract and adjacent parcels and proposed zoning changes, if any.

(12) Required building setback lines with dimensions.

(13) The proposed arrangement of all lots, numbers and approximate dimensions of each lot.

(14) The location and size of all parcels to be reserved or dedicated for public use.

(15) Development summary including: total acreage, number of lots, average lot size and acres in streets, public sites and other public uses.

(16) A vicinity map, on or accompanying the plan, indicating the relationship of the proposed subdivision to existing subdivisions, existing and proposed thoroughfares and the proposed connections between the existing and proposed streets and roads.

(d) Submission of Preliminary Plan. Upon determination by the Planning Commission that the Preliminary Plan has been properly submitted in accordance with the procedures and requirements of Section 1115.04(b), the Planning Commission shall accept the Preliminary Plan as being officially submitted and it shall be so dated.

(e) Transmission of the Preliminary Plan. The Chairman of the Planning Commission shall transmit additional copies of the Preliminary Plan to the Village

Engineer, County Health Department and to school boards and utility companies as he deems necessary for their review and comment.

(f) Effect of Preliminary Plan Approval.

(1) Approval of a Preliminary Plan by the Planning Commission is not an acceptance of the Subdivision Plan for record, but only an expression of approval of a general plan as a guide for the preparation of a final subdivision plat for approval and recording upon fulfillment of all requirements of these Regulations.

(2) Approval shall be effective for a maximum period of twelve months unless upon application by the subdivider, the Planning Commission grants an extension. If a final Subdivision Plat has not been submitted for approval within the time period, another Preliminary Plan must be submitted in accordance with these Regulations.

(Ord. 77-19. Passed 6-2-77.)

1115.05 FINAL SUBDIVISION PLAT STAGE.

(a) Final Subdivision Plat Required.

(1) The subdivider, after receiving approval of the Preliminary Plan for the proposed subdivision, shall submit a Final Plat of the proposed subdivision and drawings and specifications of all improvements required therein. The Final Plat shall have incorporated all of the changes required by the Planning Commission in their review of the Preliminary Plan. Otherwise it shall conform to the Preliminary Plan. The Final Plat may be submitted for approval in sections provided that a Preliminary Plan has been approved for the entire subdivision. The Final Plat shall be prepared by a licensed land surveyor and supplementary improvement plans and specifications shall be prepared by a registered professional engineer.

(2) The following information shall be submitted to the Planning Commission for Final Subdivision Plat approval:

- A. Two copies of the Application for Final Plat Approval.  
(see Appendix).
- B. Six copies of the Final Subdivision Plat and a reproducible tracing .
- C. Six copies of Final Plat Improvement Drawings.
- D. One copy of protective covenants, if proposed.
- E. One copy of performance guarantees approved by the Village Solicitor and reviewed by the Village Engineer.
- F. A receipt indicating payment of plat filing fees (see Section 1121.05).
- G. Plan checking and field inspection fees (see Section 1121.05).

(b) Contents of the Final Subdivision Plat Drawing. The Subdivision Plat shall be drawn in ink on tracing cloth or mylar on sheets and shall be held to a minimum of eighteen by twenty-four inches and a maximum of twenty-four by thirty-six inches outside dimensions, and shall be drawn at a minimum scale of 100 feet to one inch. When necessary, the plat may be on several sheets accompanied by an index sheet

showing the entire subdivision. When on several sheets, match points shall be shown. The Subdivision Plat shall show the following: (see Appendix)

- (1) Identification:
  - A. Proposed name of the subdivision, township, tract and original lot or section number.
  - B. Location map at 1" = 2000' (U.S.G.S.) scale with north arrow.
  - C. The name and address of the subdivider, and the registered engineer and/or surveyor who prepared the plat with appropriate registration numbers and seals.
- (2) Control points: all dimensions, angles and bearings are to be referred to control points, nearest established street line, section line or other established points.
- (3) Lines and boundaries: centerlines and right-of-way lines of streets, easements and other right-of-way; corporation lines; property lines of all lots and parcels with distances; radii, arcs or chords and tangents of all curves (nearest one hundredth of a foot), bearings or deflection angles (nearest second).
- (4) Streets: street names of each street within the proposed subdivision and those adjoining the subdivision; right-of-way width accurately shown with dimensions.
- (5) Building setback lines accurately shown with dimensions.
- (6) Lot identification: lots shall be numbered in consecutive order and when the subdivision is submitted in section, lots shall be numbered consecutively as each section is submitted whether or not the sections are contiguous.
- (7) Total site data: including acreage, number of lots, acres in parks and other public uses.
- (8) 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.
- (9) Monuments: location and description of those found, set or to be set.
- (10) Names of recorded owners of adjoining unplatted land and reference to subdivision plats of adjoining platted land by name, volume and page of Recorder's Plat Records.
- (11) Certification and seal by a licensed surveyor to the effect that the plat represents a survey made by him with balances and closes within an error of one foot to 25,000 feet and that monuments shown thereon exist or shall be set as shown, and that all dimensions and geodetic details are correct.
- (12) Notarized certification by the owner or owners of the subdivision and the dedication of the streets and other public areas and that there are no unpaid taxes or special assessments against the land contained in the plat.
- (13) Notation for:
  - A. Certification of Village Solicitor that performance guarantees, if required, for the construction of the required improvements have been provided.

B. Acceptance of dedication of streets, storm sewers, sanitary sewers, water lines and rights-of-way by the local governing body for their ownership and future maintenance.

C. Proper notations for transfer and recording by the Richland County Auditor and the County Recorder.

D. Approval of plat by Chairman of the Planning Commission, Village Engineer and Richland County Board of Health.

E. Acceptance of streets and other public areas by the Village.

(14) Protective Covenants: a copy of any protective covenants proposed for the subdivision.

(c) Improvement Plans and Specifications.

(1) Drawings showing cross sections, profile, elevations, construction details, and specifications for all required improvements shall be prepared by a registered professional engineer. The improvement plans shall be prepared in accordance with the design standards and required improvements set forth in these Regulations. Review of the improvement plans shall not relieve the developer of the responsibility to have the improvements constructed in accordance with portions of the ordinances which are not detailed in the plan.

(2) All drawings shall be on tracing vellum or mylar sheets and shall be held to a minimum of twenty-two by thirty-six inches and a maximum of twenty-four by thirty-six inches and at a minimum horizontal scale of fifty feet to one inch and vertical scale of ten feet to one inch.

(3) If it becomes necessary to modify improvements as approved, due to unforeseen circumstances, the subdivider shall inform the Village Engineer in writing of the conditions requiring the modifications and receive written approval of such modifications.

(4) Upon completion of improvements and before the bond is released the subdivider shall cause the improvement drawings to be revised showing any and all changes made during the course of the construction. And further the subdivider shall furnish the Village with one set of "as-built" reproducible tracings and two sets of "as-built" prints.

(5) A Storm Water Management Plan shall be required on all projects disturbing 20,000 square feet or more of land. The developer shall refer to the Storm Water Regulations of the Village of Ontario, Ohio. This shall include submittal of application permit and required fee and bond.

(d) Submission of Subdivision Plat. The Chairman of the Planning Commission shall present to the Planning Commission the Subdivision Plat documents which meet the requirements of subsection (b) hereof, at the next regular meeting after he determines that all the required documents have been submitted. Upon determination by the Planning Commission that the Subdivision Plat is proper, the Planning Commission shall accept the Subdivision Plat as being officially submitted and shall certify thereon the date.

(e) Planning Commission Action.

(1) The Planning Commission shall take action within thirty days after submission for approval.

(2) If the same cannot be done within the thirty day period, the Commission may obtain from the applicant an agreement for additional time.

(3) If the applicant will not agree to the time extension or if the Planning Commission rejects the plat or needs more information, then the application should be denied within the thirty day period stating the inadequacies of the plat and advise that the applicant can refile at a later date.

(4) Approval of the Subdivision Plat may be given at one of the two following ways.

A. Before construction of improvements. The Planning Commission may give final approval before all required improvements are installed, provided that a construction agreement and performance bond or cash bond acceptable to the Village Solicitor and Village Engineer and provided for the purpose of assuring installation of such improvements is provided. The amount of such performance guarantees shall be sufficient to cover the cost of all improvements based on approved detailed engineering plans, an estimate made and signed by a professional engineer and reviewed and approved by the Village Engineer. Upon receipt of the Village Engineer's notification and determination that all the requirements of these Regulations have been met, the Planning Commission shall give final approval and shall indicate such approval and date on the tracing of the Final Subdivision Plat.

B. After construction of improvements. After the subdivider has obtained conditional approval as indicated in the section, and has installed all required improvements to the satisfaction of the Village Engineer, the Village Engineer shall certify that the improvements have been satisfactorily installed in compliance with the approved plans and the construction agreement. Upon receipt of the Village Engineer's notification and determination that all the requirements of these Regulations have been met, the Planning Commission shall give final approval and shall indicate such approval and date on the tracing of the Final Subdivision Plat.

C. The plat shall be recorded in the office of the Recorder of Richland County, Ohio, no later than one year after approval unless an extension agreement has been reached between the Planning Commission and the subdivider.

(Ord. 77-19. Passed 6-2-77; Ord. 83-35. Passed 9-1-83; Ord. 97-57. Passed 9-25-97.)

## CHAPTER 1117 Design Standards

- 1117.01 Purpose.
- 1117.02 Physical considerations.
- 1117.03 Minor subdivision.
- 1117.04 Major subdivision.

## CROSS REFERENCES

- Definitions - see P. & Z. Ch. 1113
- Minor subdivision - see P. & Z. 1115.02(a)(5)
- Improvements - see P. & Z. Ch. 1119
- Variances - see P. & Z. 1121.06

### 1117.01 PURPOSE.

The following provisions describe the design principles and standards which a subdivider shall be required to follow in the layout of a subdivision. The principles and standards shall be carried out in compliance with the following: this chapter, other regulations of the State, and the specifications for each of the various improvements as may be required by the Village Engineer and the Richland County Health Department, according to the nature of the improvements.

(Ord. 77-19. Passed 6-2-77.)

### 1117.02 PHYSICAL CONSIDERATIONS.

Major and minor subdivisions shall be planned to take advantage of the topographic conditions of the land, to economize in the construction of public facilities and services and to reduce the amount of grading and minimize the destruction of trees, lakes, watercourses and topsoil.

(Ord. 77-19. Passed 6-2-77.)

### 1117.03 MINOR SUBDIVISION.

#### (a) Lots.

(1) Zoning conformance. The lot size, width, depth and the minimum building setback lines shall conform to the existing zoning regulations.

(2) Lot depth. No lot depth shall exceed three and one-half (3 1/2) times the lot width.

#### (b) Storm Sewers.

(1) If the minor subdivision is in an area where a public storm water system is not available, the subdivider shall do such grading and provide such drainage structures as may be required by the Village Engineer.

(2) Where a storm drainage system is reasonably accessible, as determined by the Village Engineer, the subdivider shall extend and connect with such storm drainage system and shall do such grading and provide such drainage structures as may be required by the Village Engineer.

(c) Water Supply and Sanitary Sewers. Where public water supply and sanitary sewer facilities are not available, the subdivider of a minor subdivision shall determine that individual water wells and sanitary sewer disposal facilities can be constructed for each lot in the subdivision as required by the Mansfield-Richland County Health Department, City of Mansfield, Village of Ontario or other agency having jurisdiction in accordance with the Ohio Revised Code.

(Ord. 77-19. Passed 6-2-77.)

1117.04 MAJOR SUBDIVISION.

(a) Streets.

(1) Arrangement. The arrangement, character, extent, width and location of all streets shall conform to the Parks and Open Space Plan and the Thoroughfare Plan of current adoption. The design of the proposed streets shall provide for the continuation of existing streets and access to adjacent unplatted lands so that the entire area can be served with a coordinated street system.

(Ord. 77-19. Passed 6-2-77.)

(2) Street right-of-way width. The widths of the right-of-way on any street shall be as follows:

Street Type	Minimum Right-of-Way Width (feet)
Expressway	As specified by Ohio Department of Transportation
Primary street	100
Secondary street	80
Collector street	60
Minor street	60
Private street	60

Where a street is planned as an extension of an existing street having a greater width than specified above, the Planning Commission may require that the new extension of the street have the same width as that of the existing section.

A minimum corner radii of twenty feet shall be provided at the intersection of the street right-of-way line.

(3) Street design standards.

A. Widths of pavement and rights-of-way shall comply with the standards set forth in the following table:

Class of Street	Right of Way Width (feet) (3)	Pavement Width (feet)(*)
	As specified by the Ohio Department of Transportation	
Expressway	100	48
Primary street	80	40
Secondary street	60	28
Collector street	60	28
Minor street	60	20 feet plus 4 foot berms both sides
Private street (No curbs)	60	

\* Pavement width dimensions are minimums and are measured from curb face to curb face.

B. The maximum grade, the alignment and vertical visibility on pavements shall comply with the standards set forth in the following table:

(c)

Class of Street	Alignment		Maximum Degree of Curvature	
	Maximum Grade (a) (Percent)	Minimum Radius of Curvature (b) (in feet)	Vertical Visibility (in feet)	
Drives	12			
Alleys	10	100		
Minor	7	20	290(d)	200
Private	7	20	290(d)	200
Collector	6	10	575	250
Secondary	5	5	1150	300
Primary	4	3	1910	500
Expressways	As specified by Ohio Department of Transportation			

1. Minimum allowable street grade is 0.50 percent.
2. Radius of curvature is measured along the centerline of street.
3. Dimensions for distance of vertical visibility shall be measured from a point 4.5 feet above the street surface on one side of the vertical curve to a point four inches above the street surface on the other side.
4. In the case of a minor street, angle turns may be permitted. For such turns, the minimum pavement radius shall be observed as set forth in Section 1117.04(a)(7).
5. Where a boulevard type street is proposed, the minimum right-of-way shall be increased by an amount equal to the width of the proposed median.
6. Where a private street is proposed without curbs, it will be drained by roadway ditches (U-shaped ditch with 3:1 side slopes) having a grade of less than 2.0% and a design flow not to exceed the capacity of a twelve inch diameter pipe.
7. Where private street is proposed the developer or persons seeking approval of such plat shall, prior to such approval provide and submit to the Commission copies of protective covenants, easements and documents to be recorded, providing for the ownership, maintenance, repair and financing of the private streets. Reference to these protective convenants shall be included in all deeds conveying the lots and lands described within the subdivision plat.  
The maintenance and repair of private streets shall not be the responsibility of the public.

(Ord. 86-64. Passed 11-6-86.)

- (4) Half streets. Half streets shall be prohibited.
- (5) Cul-de-sac and dead-end streets. Streets designed to be used as cul-de-sacs shall not be longer than 800 feet and shall be provided at the closed end with a turn-around having an outside pavement diameter of at least 100 feet and a street right-of-way line diameter of at least 120 feet.
- (6) Reserve strips. Reserve strips preventing access to streets from adjoining property shall be prohibited.

(7) Alignment.

A. Horizontal.

1. Street Jogs - street jogs with a centerline offset of less than 150 feet shall not be permitted.
2. Intersections - streets shall be laid out to intersect as nearly as possible at right angles and no streets shall intersect any other street at an angle of less than eighty degrees. Multiple intersections involving junctions of more than two streets shall be avoided.
3. Angle Turns - angle turns not complying with the standard of radius of curvature set forth in Section 1117.04(a)(3) above may be permitted on minor streets where such alignment results in more efficient use of the land. Where an angle turn is permitted, there shall be provided on the outside of the turn in alignment an "eyebrow" or "bubble" in the form of a segment of a circle. The radius of such circle may be drawn from a point between the centerline and outside right-of-way line, as may be required to provide for adequate lot width at the street line. The right-of-way line on the inside of the turn (opposite the "eyebrow") shall have a minimum radius of twenty feet. The centerlines of street sections on either side of an angle turn shall form an angle of no less than eighty-five degrees. The pavement design at such turn shall be as follows:
  - a. The inside of the angle turn, the curb or pavement edge shall have a minimum radius of twenty feet.
  - b. At the outside of the angle turn, a paved area shall be provided having a minimum radius of fifty feet.
4. Intersection Approaches - approaches to street intersections shall provide for a minimum stopping sight distance of 100 feet from the centerline of the street intersected.
5. Reverse Curves - reverse curves on all minor or collector streets have a minimum tangent between them of 100 feet, 500 feet on secondary streets and 100 feet on primary streets.

B. Vertical. Grade at intersection - approaches to intersections shall be reduced to a grade not exceeding three percent (3%) for a distance of not less than 100 feet.\*

Maximum grade at intersection may be exceeded due to steep topography or subsoil conditions in accordance with the application of standard engineering practice.

(8) Street names. No street names shall be used which will duplicate or be confused with the names of existing streets within the County. Street names shall be subject to approval by the Planning Commission. All new streets shall be named in the following manner:

General Direction	Long Street	Short Street
North and south	Streets	Courts
East and west	Avenues	Places
Diagonal	Roads	Ways
Curving	Drives	Circles or lanes

\*Less than 1,000 lineal feet in length.

Note: The use of the name "boulevard" may be used by new streets having a median strip separating the opposing flow of traffic.

(9) Whenever boulevard streets are proposed, the subdivider or developer shall submit to the Planning Commission a written agreement for the maintenance of all median strips and the lawn areas and plantings therein. Maintenance shall be the responsibility of the developer or an association of home owners whose lots abut onto the proposed boulevard.

(b) Easements.

(1) Utility easements. Electric and telephone lines may be buried if located at the front of the lots. Easements centered on rear or side lot lines shall be provided for utilities and shall be at least twenty feet wide.

(2) Drainage way easements. Where a subdivision is traversed by a drainage way, a storm water easement or drainage right-of-way, a public easement conforming substantially with the lines of such drainage shall be provided. The easement or right-of-way shall be twenty feet wide or of such further width as necessary and shall generally follow rear and side lot lines.

(c) Blocks.

(1) Block lengths shall not exceed 1,800 feet or be less than 400 feet.

(2) Pedestrian walkways, with right-of-way, not less than twelve feet wide, may be required across blocks where the Planning Commission deems that pedestrian access to schools, playgrounds, parks, open space shopping centers and other community facilities are necessary.

(d) Lots.

(1) Zoning conformance. The lot size, width, depth and the minimum building setback lines shall conform to the existing zoning and Health Department regulations.

(2) Corner lots. Corner lots shall have extra width to permit appropriate building setback from and orientation to both streets.

(3) Access to public streets. The subdivision of land shall provide each lot with satisfactory access to an existing public street.

(4) Double frontage lots. Residential lots shall not be laid out so that they have frontage on more than one street except:

A. Where lots are adjacent to the intersection of two streets, or

B. Where it is necessary to separate residential from major arterial thoroughfares.

Where double frontage lots are created adjacent to an expressway or a primary street, a reserve strip twelve feet wide along the street shall be deeded to the Village. The plat shall state that there shall be no right of access across such reserve strip. The Planning Commission may require that a ten foot wide planting screen be provided along the boundary of the reserve strip.

(5) Lot depth. No lot depth shall exceed three and one-half times the lot width.

(e) Public Sites and Open Spaces.

(1) Public facilities. The subdivision design shall provide land areas for public use as provided in Section 1119.04.

(2) Open space subdivisions. Open space subdivision layout shall be encouraged with ownership and maintenance of Homeowner's Association.

(3) Natural features preservation. Natural features such as scenic view, water bodies, fine groves of trees shall be given due consideration for their preservation.

(f) Utilities.

(1) Storm sewers.

A. Storm drainage. The design of the subdivision shall provide the necessary means to assure complete drainage in and adjacent to the property to be developed or subdivided.

The subdivider or his engineer shall submit all drainage calculations along with the improvement plans. A ten year storm frequency is to be used along with suitable runoff factors for the completed development both within the subdivider's property and all lands upstream from the subdivider's property.

The design storm flow is calculated in an amount which can be conducted adequately by a forty-eight inch conduit or less then the developer shall install a conduit of sufficient capacity up the forty-eight inches in size to conduct this drainage on and through the subdivider's property. If the design flow is calculated in amount in excess of the capacity of forty-eight inch conduit, then the subdivider must provide a conduit or an open drainage channel treatment designed as provided in Section 1119.03(i).

When necessary, outlet ditches or closed storm sewers of an approved type and size shall be required as part of the construction. If there is an easement or rights of way to be obtained by the subdivider for construction and future maintenance, these rights of way or easements shall be shown on final plat. Two copies of the easement shall be furnished to the Village Engineer.

(Ord. 77-19. Passed 6-2-77.)

A storm sewer shall be a minimum of twelve inches in diameter and a minimum cover as listed in ODOT 603 and as approved by the Engineer.

(Ord. 97-57. Passed 9-25-97.)

All storm drainage under pavement and to a point three feet outside pavement shall be reinforced concrete tile or corrugated metal pipe and the trench shall be backfilled with an approved porous material (ODOT 603)

(2) Sanitary sewers.

A. Sanitary facilities shall be designed and constructed by the subdivider as required for the proper disposal of wastes for each lot.

B. If a subdivision can be reasonably served by the extension of an existing public sanitary sewer as determined by the Village Engineer, the subdivider shall provide a system of sanitary sewer mains and shall provide lateral connections for each lot.

C. If a subdivision cannot be reasonably served by the extension of an existing public sanitary sewer, as determined by the Planning

Commission, then the Commission may permit individual sanitary facilities which may be installed on lots of the size as required by the Richland County Health Department and the Ohio Environmental Protection Agency.

D. Pretreatment of all industrial waste must be as prescribed by the Village and will require approval of the Village for discharge of the effluent into a Village sanitary sewer system in accordance with the Mansfield-Ontario sewer agreement.

(3) Water supply.

A. A water system shall be designed and constructed by the subdivider as required for each lot.

B. Where public water supply is within reasonable distance as determined by the Village Engineer, the subdivider shall construct a system of water mains and connect with such public water supply and provide a connection for each lot.

C. Where public water supply is not available, the subdivider of a subdivision shall provide for individual water wells for each lot in the subdivision if approved by the Ohio Environmental Protection Agency and the Richland County Health Department.

(g) Flood Plain. If any portion of the land within a proposed subdivision may be subject to inundation or flood hazard by storm water, such fact and that portion shall be clearly indicated on the subdivision plat. Land subject to flooding shall not be platted for residential occupancy or other such uses which may increase danger to health, life or property, or which may aggravate the flood hazard.

(Ord. 77-19. Passed 6-2-77.)

## CHAPTER 1119

### Improvements

- 1119.01 Required improvements.
- 1119.02 Monuments and markers; grading.
- 1119.03 Street and utility improvements.
- 1119.04 Public sites and open space.
- 1119.05 Extra size and off site improvements.
- 1119.06 Construction improvement requirements.
- 1119.07 Minimum lengths.

### CROSS REFERENCES

Adoption of general rules and regulations for construction of improvements - see Ohio R.C. 711.101

Improvements defined - see P. & Z. 1113.02(a)(12)

Final subdivision plat improvements - see P. & Z. 1115.05(c)

Design standards - see P. & Z. Ch. 1117

#### 1119.01 REQUIRED IMPROVEMENTS.

The improvements which are hereby required shall be designed, furnished and installed by the subdivider in accordance with the provisions of these Regulations and other regulations of the State and Village. The required improvements shall be approved prior to approval of a subdivision plat. The subdivider shall provide and install within the proposed survey or subdivision, the minimum improvements set forth herein.  
(Ord. 77-19. Passed 6-2-77.)

#### 1119.02 MONUMENTS AND MARKERS; GRADING.

(a) Monuments and Lot Corner Markers. Monuments shall be placed on all block corners, angle points and points of curves in streets, street intersections, lot corners. Such monuments shall be of ferrous metal, three-fourth inch in diameter and shall be at least thirty inches long.

(b) Grading Requirements Within Street Right-of-Way. The entire street right-of-way shall be excavated and graded in the manner set forth in Section 1119.03.

(c) Off-street Grading. Where the land in lots adjoining a street is lower than the gutter level in the street, such land shall be filled to a level which will provide for drainage of storm water into the gutters, unless an alternate drainage system for lots has been approved. In such filling, care should be taken to preserve existing trees which have permanent value.

(Ord. 77-19. Passed 6-2-77.)

#### 1119.03 STREET AND UTILITY IMPROVEMENTS.

(a) Grading and Preparation of Right-of-Way. All work in the grading and preparation of rights-of-way shall be done in accordance with the current State of Ohio, Department of Transportation Construction and Material Specifications.

The right-of-way shall be cleared and graded to its full width.

(Ord. 77-19. Passed 6-2-77.)

(b) Paving. Pavement on any minor, private or collector street may be of either type set forth hereunder, and shall comply with the specifications set forth and the details in the Appendix. Where the subdivider constructs arterial streets, the requirements of the Engineer of jurisdiction shall govern.

(Ord. 86- 64. Passed 11-6-86.)

(1) Concrete street paving. All concrete pavement work shall be done in accordance with, and all materials shall meet the current State Department of Transportation Construction and Materials Specifications for reinforced Portland cement concrete pavement Item 451 or plain Portland cement concrete pavement Item 452. Minimum thickness of concrete street pavement shall be six inches for Item 451 and seven inches for Item 452. A four-inch subbase, extending twelve inches beyond the back of curb under the entire pavement section, of ODOT 304 Aggregate Base, shall be constructed on a prepared subgrade compacted in accordance with ODOT 203.

(Ord. 77-19. Passed 6-2-77; Ord. 97-57. Passed 9-25-97.)

(2) Bituminous concrete surface on aggregate base. The minimum pavement depth shall not be less than the equivalent of two five inch courses of 304 Aggregate Base and a surface of 1 1/4 inches of 402 and 1 1/4 inches of 404 Asphaltic Concrete or two three and one-half inch courses of 301 Bituminous Aggregate Base and a surface of 3/4 inches of 402 and 1 1/4 inches of 404 Asphaltic Concrete. Surface materials shall be placed in two courses and shall be the equivalent of three inches of Asphaltic Concrete. All work shall be done in accordance with, and all materials shall meet the current State Department of Transportation Construction and Materials Specifications for: 411 Stabilized Crushed Aggregate Shoulders, 304 Aggregate Base, 301 Bituminous Aggregate Base, 302 Asphalt Concrete Base, 408 Bituminous Prime Coat and 402, 403, 404 and 412 Asphalt Concrete. A 408 Bituminous Prime Coat is required on all 303 and 304 items at a rate of one-half gallon per square yard.

(Ord. 97-57. Passed 9-25-97.)

(3) Pavement crown. Pavements shall be sloped at the rate of three-sixteenths inch per foot from the centerline to the edge.

(Ord. 77-19. Passed 6-2-77.)

(4) Pavement material testing. All paving materials and construction methods such as subgrade and base compaction shall be tested at the developer's or contractor's expense. Samples shall be taken and tested from the material source, or material producer, prior to construction. During construction, samples of materials being used shall be taken and tested at every third station of each pavement lane and at such other locations as the Village Engineer may request. All testing shall be done by an approved testing laboratory and in accordance with current Ohio Department of Transportation testing practices for material approval for highways. Three copies of the laboratory report for each sample shall be submitted to the Village Engineer.

(5) Underdrains. Four inch diameter pipe underdrains installed a minimum of thirty inches shall be required from top of curb as per ODOT 605 in order to provide satisfactory subgrade drainage. The estimate of quantities shall reflect this item and shall be interpreted as an estimated amount to be used on a more or less basis.

(6) Guard rail. The necessity of a guard rail, the type of backfill or other special conditions shall be determined by the Village Engineer in accordance with ODOT standards and good engineering practices before completion of the construction plans.

(7) Permanent erosion control methods. Seeding and mulching in accordance with ODOT 659 shall be required for all lawn areas within the right-of-way and easements. Top soil shall be placed as indicated in ODOT 203.

(Ord. 97-57. Passed 9-25-97.)

(c) Curbs and Gutters. Curbs and gutters shall be provided on both edges of all pavement and shall be designed and constructed in accordance with the design shown in the Appendix.

(1) Intersection standards. All curbs at right angle intersections shall have a minimum radius of twenty-five feet measured to the back of the curb, except intersections involving arterial and collector streets, for which the Village Engineer shall specify the curb radius. At intersections where the angle is other than ninety degrees the Village Engineer shall specify the curb radius.

(Ord. 77-19. Passed 6-2-77.)

(d) Sidewalks. The installation of sidewalks shall be required in all subdivisions and shall meet the following requirements:

(Ord. 97-57. Passed 9-25-97.)

(1) Location. When located in the street right-of-way, sidewalks shall normally be placed at least five feet from the face of curb and the outside edge no closer than one foot to the right-of-way line.

(2) Width and thickness. The minimum width of sidewalks shall be four feet and the minimum thickness shall generally be four inches. Minimum thickness of sidewalks crossing vehicular driveways shall be six inches. The Planning Commission may require a greater width under the following conditions of development:

A. In high density residential, commercial or industrial districts.

B. In front of schools, shopping centers, churches or other developments which generate pedestrian traffic.

(3) Curb ramps. Where sidewalks are interrupted by curbs at street intersections or other locations, curb ramps shall be constructed at each pedestrian crosswalk. Curb ramps shall have a nonslip surface texture and the design shall be in accordance with the details in the Appendix.

(4) Materials and construction. All sidewalks shall be constructed of Portland cement concrete and shall be designed and placed in accordance with Item 608 of the current State Department of Transportation Construction and Materials Specifications.

(e) Driveways. The maximum grade on driveways shall not exceed twelve percent (12%). A residential drive shall have a minimum width of sixteen feet at the curb and ten feet at the back of sidewalk. The drive section between the curb and sidewalk shall be a minimum of six inch Portland cement concrete, ODOT Item 452, or six inch stabilized crushed aggregate, ODOT Item 411 plus two and one-half inches asphalt concrete surface, ODOT Item 404.

(f) Electricity Lines. In all subdivision electric current conductors shall be installed as per Section 1117.04(b) and as per public power company specifications. About ground pads for transformers will be permitted.

(g) Gas Mains. Gas mains, when proposed, shall be installed in the greenbelt between the sidewalk and the curb with minimum thirty inches cover. Service lines shall be installed with minimum eighteen inch cover as per specifications of the public gas company.

(h) Street Name Signs at all Intersections.

(1) Minimum size of sign: six inches high, eighteen inches long.

(2) Minimum height above ground: eight feet.

(3) Sign plates: sign plates shall conform to standards set forth by the Village Engineer.

(4) Posts: signs posts shall conform to standards set forth by the Village Engineer.

(i) Storm Sewers. The location, materials and construction of storm drainage facilities shall be in accordance with the following specifications:

(1) Storm drainage systems. Storm drainage system shall be in accordance with the following specifications:

A. Location. The requirements set forth in Section 1117.04(b) shall be observed in the location of storm drainage lines. Pipe lines within a street right-of-way shall be located in accordance with typical section shown in the Appendix.

B. Pipe. Storm drainage pipe and installation shall meet the following specifications:

1. Minimum pipe size shall be twelve inches. Pipe sizes throughout the storm drainage system shall have the total storm runoff capacity as set forth in Section 1117.04(f).

2. Using an "n" factor of 0.013, the following grades of pipe line shall be considered minimum:

Pipe Size (inches)	Minimum Grade (percent)
12	0.33
15	0.23
18	0.18
21	0.14
24	0.12

For sizes larger than twenty-four inches where an "n" factor other than 0.013 is used, the minimum grade shall be considered as that which produces a full flow velocity of not less than two and one-half feet per second. A maximum grade shall be one that produces velocities in excess of eight feet per second.

(Ord. 92-51. Passed 9-3-92.)

3. All storm sewer pipe shall be reinforced concrete pipe and shall be in conformance with the current State of Ohio Department of Transportation Materials Specifications, ODOT 706.02 and 706.04.

a. Alternatively, smooth interior, dual-wall corrugated polyethylene pipe in accordance with ODOT 707.33 may be used, provided backfill criteria listed in ODOT 603.08 and an absolute minimum cover of twelve inches are achieved.

b. Alternatively, in areas outside of the public right-of-way and upon approval by the Village Engineer, corrugated metal pipe in accordance with ODOT 707.12 may be used. The gauge of metal pipe used shall be determined by the design engineer after proper consideration has been given to loads, cover, and soil conditions. An "n" factor of 0.021 shall be used in all hydraulic calculations where aluminum or galvanized metal, corrugated metal pipe is proposed. (Ord. 97-57. Passed 9-25-97.)

4. Trenches for storm sewers shall be excavated and backfilled in accordance with the current State Department of Transportation Construction and Material Specifications, Section 603. Storm sewers installed under

pavements or sidewalks shall be Type B conduits (includes granular backfill), all others shall be Type C conduits (includes earth backfill). (See Appendix).

C. Manholes.

1. Manholes, or inlets serving as manholes, shall be spaced at intervals of 400 feet or less for pipe twenty-four inches or less in diameter, and at all grade alignment and pipe size changes.

2. Manholes shall be constructed of precast concrete rings and domes. All work and materials shall be in accordance with Item 604 of the current State Department of Transportation Construction and Material Specifications.

3. Manholes shall be designed and constructed in accordance with the design shown in the Appendix.

D. Inlets.

1. Methods and materials shown in accordance with Item 604 of the current State Department of Transportation Construction and Material Specifications. Design shall be of Village standard. (See Appendix).

2. Inlets shall be designed to accept not less than one and one-half cubic feet of storm water per second.

3. Inlet time shall be computed by the design engineer. However, the minimum inlet ltime shall be as follows:

Distance of Travel to Inlet (feet)	Inlet Time (minutes)
100	12
200	16
300	20

4. Inlets shall be designed and constructed in accordance with the design in the Appendix. (Ord. 77-19. Passed 6-2-77.)

5. Shop drawings of the storm sewer inlets and their installation procedures shall be submitted to the Village Engineer for approval prior to installation.

(Ord. 99-50. Passed 9-23-99.)

(2) Surface drainage systems. Where a surface drainage system is permitted, as set forth in Section 1117.04(f), it shall be constructed to comply with the following specifications:

A. Open channel grades less than one and one-half percent (1.5%) shall have the sides and bottom protected by seeding and mulching, ODOT Item 659. Riprap, ODOT Item 601, shall be furnished and installed as required.

B. Open channel with grades between one and one-half (1.5%) and four percent (4%) shall have the sides and bottom protected by sodding, Item 660. Riprap, Item 601, shall be furnished and installed as required.

C. Open channels with grades in excess of four percent (4%) shall have the sides and bottom protected by reinforced Portland cement concrete, Item 601.

Where a public storm water sewer is reasonably accessible or has been planned and financed, as determined by the Village Engineer, the subdivider

shall extend and connect with such storm sewer and shall provide such channel or conduit and appurtenances as are necessary in accordance with other stipulations of these Regulations.

(3) Bridges and culverts. Bridges and culverts shall be designed to carry expected loads, and shall conform to specifications of the State Department of Transportation. Bridges shall be constructed to the full width of the pavement and culverts shall be constructed to the full width of the right-of-way, or greater as may be specified by the Village Engineer.

(j) Water Supply.

(1) General. All water supply systems shall comply with the requirements of the Ohio Environmental Protection Agency and the Village. Service lines shall be provided only where subsurface conditions would make later installation impossible without removal of pavement.

(2) Location. The requirements set forth in Section 1117.04 shall be observed in the locations of water lines. Pipe lines within a street right-of-way shall be located in accordance with typical section. (See Appendix). Dead-end lines are prohibited unless the line is less than 400 feet long and a hydrant is placed on the end.

(Ord. 77-19. Passed 6-2-77.)

(3) Pipe. Water line pipe and installation shall meet the following specifications:

A. Water lines shall be of such size as is constant with the overall development of the community and shall meet the requirements of the Village Engineer but shall not be less than eight inches in diameter.

(Ord. 96-62. Passed 10-17-96.)

B. Cast iron pipe shall be in accordance with the American National Standard Association Specifications A 21.6, A 21.8 and A 21.11. Ductile iron pipe shall be in accordance with the American National Standard Association Specifications A 21.50 and A 21.51. All pipe joint shall be of the slip-on type using a rubber ring gasket.

C. Fittings shall be in accordance with the American National Standard Association Specifications A 21.10 and joints shall be in accordance with the American National Standard Association Specifications A 21.11 for mechanical joints.

D. Lining on all cast iron or ductile iron pipe and fittings shall be half-thickness cement mortar in accordance with the American National Standard Association Specifications A 21.4.

E. Hydrostatic tests of all pipe shall be made before acceptance and shall be to the working pressure of the pipe. Permissible leakage shall not exceed seventy-five gallons per twenty-four hours per mile of pipe per inch at diameter.

F. Disinfecting of pipe shall be accomplished in the following manner: Before acceptance, lines shall be flushed and drained and then filled at a slow rate with chlorine being introduced to provide a minimum of fifty parts per million. Should the chlorine residual at the end of the twenty-four hour period be less than ten parts per million, the line shall be drained and the process of disinfection be repeated until a ten part per million residual at the end of a twenty-four period hour is attained.

G. Following the disinfection period, the line shall be drained and flushed until the replacement water throughout the entire length of the line, shall, upon test, be equal in quality to the water from the existing system. Bacteriologically, the Village shall test the quality of the water and if the bacteriological test is unsatisfactory, the contractor shall repeat the entire disinfecting process until a satisfactory test is achieved.

H. Trenches for water lines shall be excavated and backfilled in accordance with the current State Department of Transportation Construction and Materials Specifications, Section 603, for Type C conduits. Water lines installed under pavements or sidewalks shall be backfilled with Ohio Department of Transportation Item 310, granular material compacted in place.

(Ord. 77-19. Passed 6-2-77.)

I. There shall be a minimum of four feet to cover over water lines at all locations and eighteen inches vertical and ten feet horizontal separation from any sanitary sewer, unless otherwise directed by the Village Engineer.

(Ord. 83-35. Passed 9-1-83.)

(4) Valves.

A. Valves shall be in accordance with the American Water Works Association Standard Specifications C 500 and shall be double disc gates with nonrising stems.

B. Valves shall be open by turning the stem in a counterclockwise direction with a two inch square operating nut.

C. Valve boxes shall be Buffalo Type, two-piece, cast iron, five and one-quarter inch sliding type shaft.

(5) Fire hydrants.

A. Fire hydrants shall be in accordance with the American Water Works Association Standards Specifications C 502 and shall have a six inch diameter, mechanical joint.

B. The hydrant shall include provisions for lengthening the barrel and for facing nozzles in any of eight positions and shall be the safety flange type.

C. The hydrant valve shall be five and one-quarter inch and open counterclockwise with a one inch square operating nut.

D. There shall be two two and one-half nozzles and one four and one-half inch steamer nozzle with National Standard Thread.

E. Fire hydrants shall be of the safety flange breakaway type with safety type stem couplings to allow the upper section of the hydrant barrel to separate from the lower section upon impact without damage. The main valve shall open against the water pressure and shall stay tightly closed if the hydrant is broken off or damaged.

F. Fire hydrants shall be the improved AWWA Type A24015 as manufactured by Mueller Company or approved equal.

(Ord. 77-19. Passed 6-2-77.)

(6) Service lines.

A. Copper water service line shall be provided and extended to each lot line and shall include but is not limited to the following:

Three-quarter inch corporation stop, curb stop and curb stop box.

(Ord. 83-35. Passed 9-1-83.)

B. Copper service line shall be Type K, soft tempered. Unions where required shall be Meuller Company H-15400 three part union or equal.

C. Curb stops shall be Meuller Company H-15201 "Oriseal" or approved equal. Curb boxes shall be Meuller Company H-10385 with H-10396 foot piece or approved equal.

D. Corporation stops shall be Meuller Company H-15000 or approved equal.

E. The requirements listed above are for three-quarter inch water services. Where larger water service lines are required, components shall equal the above in quality as determined by the Village Engineer.

(k) Sanitary sewers.

(1) General. All public and community sanitary sewer systems shall comply with the requirements of the Ohio Environmental Protection Agency, as well as the requirements of the County of jurisdiction and the Village.

(2) Location. The requirements set forth in Section 1117.04 shall be observed in the locations of sanitary sewer lines. Pipe lines within a street right-of-way shall be located in accordance with typical section. (See Appendix.)

(3) Pipe. Sanitary sewer pipe and installation shall meet the following specifications:

A. Sanitary sewers shall be designed on the basis of ten persons per acre for a single-family residential area. If the subdivision is so located that it is part of a larger drainage basin, the sanitary sewer line shall adequately serve the calculated requirements of the entire drainage basin. The following per capita flows shall be observed in size determination of sanitary sewers:

Average Per Capita Flow = 100 gallons per day  
Lateral and submain sewers = 400 gallons per

capita per day

Main, trunk and outfall sewers = 250 gallons per

capita per day.

B. Minimum pipe size shall be eight inches in diameter and five feet in length. Minimum pipe size for house services shall be six inches in diameter and four feet in length and one shall be provided and extended to each lot line.

C. Using an "n" factor of 0.013, the following grades of pipe line shall be considered minimum:

Pipe Size (inches)	Minimum Grade (percent)
8	0.40
10	0.28
12	0.22
14	0.17
15	0.15
16	0.14

18	0.12
21	0.10
24	0.08

For sizes larger than twenty-four inches, the minimum grade shall be considered as that which produces a full flow velocity of not less than two feet per second.

(Ord. 77-19. Passed 6-2-77.)

D. Sewer pipe and fittings shall be in accordance with American Society of Testing Materials Specifications C 700 for vitrified pipe. Joints for vitrified pipe shall be in accordance with the American Society of Testing Materials Specifications C 425. Polyvinyl chloride sanitary pipe conforming to ODOT 707.44 or 707.45 shall be permitted for use in sanitary sewers in urban areas less than 14 feet deep to top of pipe. Joints shall conform to ASTM C-3212 push-on type, complying with ASTM F-479.

(Ord. 83-35. Passed 9-1-83; Ord. 97-57. Passed 9-25-97.)

E. Infiltration tests of a sewer line shall be made before acceptance. Tests shall be made from manhole to manhole or as may be ordered by the Village Engineer. The maximum allowable infiltration shall be 200 gallons per inch of pipe diameter per mile per day. Exfiltration tests may be required by the Village Engineer and the allowance shall be increased an additional ten percent (10%) for each additional two foot of head over a basic two foot minimum internal head.

As an alternate to the above, the contractor may perform a low pressure air test. The method referred to as "air testing" consists of applying low pressure air to the section of sewer to be tested and recording the length of time in minutes for the internal air pressure to decrease from three and one-half to two and one-half pounds per square inch (greater than the average back pressure of any ground water that may submerge the pipe). The time elapsed shall not be less than the time shown for the given size pipe per 100 foot of pipe in a table which is based on equations from ASTM C 828 which will be furnished by the Village Engineer. All methods, materials, equipment and procedures shall be in accordance with the requirements of the Ohio Environmental Protection Agency.

All materials and equipment required for "tests" shall be furnished by the developer or contractor at their own expense.

(Ord. 77-19. Passed 6-2-77.)

Thirty days after backfilling of PVC sewer pipe, deflection of the pipe diameter shall be tested by use of a mandrel sized not less than five percent of the average referenced internal diameter of the plastic pipe. Material shall be approved for use by the Engineer. All pipe exceeding this deflection shall be replaced by the contractor and retested.

(Ord. 97-57. Passed 9-25-97.)

F. Trenches for sanitary sewer shall be excavated and backfilled in accordance with current ODOT standards for materials and compaction.

G. All sanitary sewer lines shall be cleaned so as to remove any blockage and then televised so as to be certain that they are clear and properly constructed before being submitted for acceptance to the Village. Evidence of the completion of this process shall be submitted to the appropriate Village representative.

House Laterals and Stacks. All house laterals and stacks shall meet all requirements including testing as specified in Section 1119.03(k) above.

All lateral pipe shall be six inches minimum diameter and be installed on 1/8 inch per foot slope on Class B bedding. The end shall extend to the right-of-way line and be sealed with an approved stopper. The end of each lateral shall be marked with a 2 inch x 2 inch or 2 inch x 4 inch hardwood marker pole extending above final ground surface. A steel plate 6 inches square by 1/4 inch thick shall be placed no more than 24 inches below grade at the end of each lateral.

H. A metal disc shall be installed at the end of each lateral no deeper than twenty-four inches below the finished grade of sufficient size and type that it can be easily located with a metal detector.

(Ord. 95-56. Passed 11-16-95; Ord. 97-57. Passed 9-25-97.)

(4) Manholes.

A. Manholes shall be spaced at intervals of 400 feet or less and at all grade, alignment and pipe size changes.

B. Manhole walls shall be precast concrete and shall conform to American Society of Testing Materials Designation C 478 with tongue and groove type joints fitted with a flexible gasket conforming to American Society of Testing Materials Designation C 443. The manhole base section shall be furnished with an integral reinforced concrete bottom slab.

C. Manhole castings shall be Neenah Foundry R-1040 with Type E ventilating cast iron covers or an approved equal. Covers shall be designated "Sanitary Sewer." Manholes shall be provided with inflow dishes on all castings except on drop manholes.

(Ord. 77-19. Passed 6-22-77; Ord. 97-57. Passed 9-25-97.)

D. Manhole steps shall be Neenah Foundry R-1980-1 cast iron steps or an approved equal.

E. Inlet and outlet seal. The manhole inlet and outlet holes shall have a permanent, flexible watertight joint between the manhole wall and the sewer pipe utilizing a neoprene compound gasket. Sealing the joints with mortar will not be acceptable. The gasket materials shall meet the requirements of ASTM C-443. All metal components of the joint, if any, shall be corrosion resistant such as anodized aluminum, stainless steel or cast iron.

F. There shall be a one-half inch capped pipe nipple approximately ten inches long installed through the manhole wall just above one of the openings provided for the sewer pipe. This pipe nipple shall be utilized in determining the depth of ground water over the sewer.

G. Manholes shall be designed and constructed in accordance with the design shown in the Appendix.

(Ord. 77-19. Passed 6-2-77.)

H. All manholes shall be sealed with a tar strip and mortared inside and outside so that they are water-tight.

Testing. All sanitary manholes shall be tested for leakage by exfiltration or vacuum testing. Maximum leakage shall be 0.08 gallons per foot of

manhole. Vacuum testing shall be at 10 inches of mercury (4.91 PSI) with a maximum loss allowed of 1" or 0.49 PSI.

(Ord. 95-56. Passed 11-16-95; Ord. 97-57. Passed 9-25-97.)

I. All sanitary sewer manholes shall be provided with a chimney seal manufactured by Cretex Specialty Products or an equal product as approved by the Village Engineer.

J. All sanitary sewer manholes shall be provided with a three foot high gravel drain ring around the bottom of the manhole.

(Ord. 98-12. Passed 3-5-98.)

#### 1119.04 PUBLIC SITES AND OPEN SPACE.

##### (a) Public Building Sites.

(1) At the preliminary plan stage, the Planning Commission shall notify governmental and public agencies that a subdivision is being proposed. The Planning Commission shall designate a period of twenty-one days within which such agencies shall determine if land within the subdivision is required for their use as a public building site and to so advise the Planning Commission in writing of the proposed use and the area required. If, within the designated time, such requirement is deemed to exist, the subdivider shall be notified during the preliminary plan stage.

(2) If there is no response from an agency within the designated time, then the preliminary plan stage shall continue without further consideration of such sites.

(3) If an agency responds with a need for land within the designated time, then the Planning Commission shall forthwith assist with negotiations for the same between the subdivider and the agency in this regard and the sites shall be available to the requesting entity by one of the following methods:

A. Statutory dedication without compensation to the subdivider.

B. Statutory dedication with reasonable compensation to the subdivider.

C. Appropriation by the Village or public agency.

D. Reservation by appropriate legal instrument for acquisition of a period of one year after the approval of the preliminary plan. Such reservation shall provide for the specific release of the land from these requirements reverting full legal title to the subdivider, or his successors or assigns if the agency has not obtained a contract to acquire the land or has not filed appropriate proceedings within the one year limitation.

E. Any other method arrived at by mutual agreement.

(4) Failure of the Planning Commission to notify an agency under subsection (a)(1) hereof shall not create any rights in such body and shall have the same effect as making no response after being notified and shall not make defective the subsequent subdivision proceedings hereunder.

##### (b) Open Space and Parks.

(1) There shall be no requirement of a subdivider to provide parks or other open space except as required or specified in applicable zoning regulations.

(2) When the Village desires land within the subdivision for such use, then such governmental agency within the time designated in the notice under subsection (a)(1) hereof shall notify the subdivider through the Planning Commission.

(3) The Village shall specify the quantity, description, location and use (passive or active) of the land so desired and designate the public entity that would be responsible for the development and maintenance of the use and expense thereof.

(4) If the Village specifies its desire, as set forth in subsection (b)(3) hereof, then the Planning Commission shall forthwith assist with negotiations for the same between the subdivider and the Village and land shall be available by one of the following methods:

A. Statutory dedication without compensation to the subdivider to the Village to accept the same and to maintain and develop the land.

B. Statutory dedication with reasonable compensation to the subdivider to the Village to accept the same and to maintain and develop the land.

C. Reservation by appropriate legal instrument for acquisition of a defined area by the Village to accept, develop and maintain the same for the specific use for a period of one year after the approval of the preliminary plan. Such reservation shall provide for the specific release of the land from these requirements reverting legal title to the subdivider, or his successors or assigns if the Village has not obtained a contract to acquire the land or has not filed appropriation proceedings within the one year limitation.

D. Any other method arrived at by mutual agreement, including the reservation or grant of land by private deed or covenants for the use of the property owners within the proposed subdivision with provision being made for the development and maintenance thereof.

(5) The Village may encourage open space subdivisions wherein private property owners through the use of a homeowner's association will conserve and maintain open space and recreation areas for the private use of property owners within the subdivision.

(6) Failure of the Planning Commission to notify a governmental agency under subsection (b)(2) hereof on the preceding page shall not create any rights in such agency and shall have the same effect as making no response after being notified and shall not make defective the subsequent subdivision proceedings hereunder.

(c) Property Reservation. Any reservation of property for a period of one year referred to above shall be null and void if the subdivision plat of which it is a part does not receive final approval or is withdrawn before final approval by the subdivider. It is the intent herein not to create a burden on the land if it is not to be subdivided. Any legal instrument creating such a reservation shall so state.

(Ord. 77-19. Passed 6-2-77.)

#### 1119.05 EXTRA SIZE AND OFF SITE IMPROVEMENTS.

When streets or utilities are not available at the boundary of a proposed subdivision there by necessitating off-site extensions or improvements of streets or utilities, and when extra size (greater in size than is required to serve the proposed subdivision) utility lines and streets are required for the proper future growth of an area,

the Planning Commission may require as a condition precedent to approval of a preliminary plan and subdivision plat, assurances that such off-site extensions and extra size improvements will be provided in accordance with the following:

(a) Utility Extensions. Utility extensions from the proposed subdivision shall be installed and constructed in such a location, in such a manner and size as to make their extension usable in accordance with governmental regulations for servicing adjacent areas and with reference to drainage utilities, such adjacent area shall include the downstream area of the particular drainage district and the uphill drainage and extra size lines as determined by reasonable engineering standards.

(b) Off-Site Extensions. If the Planning Commission, in conjunction with Council, finds that off-site extensions require crossing undeveloped lands and that a special assessment would not be warranted against such lands until some future time or if a governmental expenditure for such purpose is not then warranted, and if this same condition exists on extra size facilities which will later benefit and enhance other property, then the developer may be required, as a condition to approval, to obtain all necessary easements or rights of way and improvements so constructed shall be dedicated and granted to the public and not maintained under private ownership. All such improvements shall be available for connections by developers of adjoining lands.

(c) Reimbursement. To provide for reimbursement to the developer for costs of such installation of off-site extensions and extra size facilities (such costs to include construction costs, all engineering costs properly allocated thereto and all costs for legal services allocated thereto, and any other costs necessary and proper in determining the entire cost of such improvement), contractual arrangements shall be made between Council and the developer, approved by the Village Engineer, setting forth the total amount of reimbursement, together with a pro-rata usage reimbursement plan including the nature and method of determining the amount of such reimbursement and the time or times at which the same shall occur. Such contractual arrangements shall be accomplished and completed prior to the improvements being started. It is the intent to secure reimbursement to the developer at such time or times as connections to the off-site improvements are made and extra size facilities are used by developers of adjoining or benefiting lands.

As future development occurs on adjoining or benefiting lands, the original developer shall be reimbursed in accordance with the contractual arrangements referred to above and each successive developer shall exhibit to the Planning Commission a receipt showing reimbursement prior to final subdivision approval relating to such adjoining or benefiting lands.

(d) Deposit. Council may construct and pay for the off-site extensions and extra size facilities and assess the costs to the owners benefited and require a deposit from the developer as described in Section 1119.06. Council may establish a rotary fund to pay for such development costs and not collect the assessment on the intervening land until it is developed.

(e) Pro-Rating Costs. In making determinations for pro-rating costs for the construction off-site extensions or extra size improvements, the Planning Commission shall consider, in addition to the standard set forth in this section and other regulations of the State, or Village, the following conditions.

(1) The relative location and size of the proposed subdivision.

- (2) The traffic estimated to be generated by the development in relation to present streets.
  - (3) The natural drainage area for sewers and service area for water.
  - (4) The development benefits that will accrue to the subdivision.
  - (5) The sequence of land and utility developments in the vicinity.
  - (6) Any other conditions it may deem necessary.
- (Ord. 77-19. Passed 6-2-77.)

#### 1119.06 CONSTRUCTION IMPROVEMENT REQUIREMENTS.

(a) Preconstruction Meeting and Work Schedules. Prior to any construction of any project involving the Village Engineer a preconstruction meeting will be held between the subdivider and the Village Engineer. At this time the project will be discussed in regard to procedure, materials and inspection.

(b) Construction Improvements Inspection.

(1) Responsible officials. The Village Engineer or his representative shall be responsible for the inspection of all improvements.

(2) Authority and duties. The Village Engineer or representative shall be authorized to inspect the construction of all improvements and all materials furnished. Such inspection may extend to all or any part of the improvements and to the preparation, fabrication or manufacture of materials to be used. The Village Engineer shall designate the Inspector and the Inspector shall not be authorized to revoke, alter or waive any requirements of the improvement specifications or plans. He shall be authorized to call the attention of the contractor to any failures of the work or materials to conform to the improvement 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.

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

(3) Final inspection. Upon completion of all 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 shall make a final inspection of all street improvements, storm and sanitary sewer and water improvements.

(c) Construction Improvement Responsibilities.

(1) Cooperation of subdivider and/or contractor. The subdivider shall have available on the project, at all times, two copies of all approved improvement plans and specifications. He shall cooperate with the Village Engineer and with other contractors in every way possible. The subdivider shall at all times have a competent superintendent acting as his agent on the project. The superintendent shall be capable of reading and thoroughly understanding the improvement plans and specifications and he shall receive instructions from the Inspector. The Village Engineer's orders shall be excuted without delay.

(2) Repair of damaged improvements. Any damage done to the improvements by construction traffic or by any other means shall be repaired or the

damaged materials replaced to the satisfaction of the Village Engineer before the next item of construction is begun.

(3) 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 occupied lots, including plowing snow, until final acceptance by the Village. The subdivider shall be given notice by the Village Engineer of the need for such maintenance or service. If the subdivider fails to perform such necessary maintenance or service within thirty days from the date the notice was issued by the Village Engineer, the Village may perform such service and bill the subdivider for such service. Payment shall be guaranteed by the performance bond.

(d) Assurance of Completion of Improvements Guarantee.

(1) Assurance of completion of improvements. No lot, proposed lot, or parcel of land which is subject to these Regulations shall be sold or leased, nor shall there be any building permit issued for the construction of a building on such lot or parcel of land until the improvements required by those regulations, or assurance of their completion have been completed. The assurance of completion of improvements shall be satisfied by the furnishing of a performance bond, or surety bond as approved by the Village Solicitor.

When the performance bond and assurance of completion of improvements has been satisfied, the Village, if requested by the subdivider, will provide a written document accepting the improvements for ownership and for future maintenance.

(2) Reduction of bond. The developer shall give written notice to the Village Engineer when improvements covered by bond have been completed; that the Village Engineer shall then make any and all inspections essential to the determination that such improvements conform to all standards of this ordinance; and that the Village Engineer within fourteen days of receiving the heretofore described written notice, convey a written report to Council, and the developer, stating his approval or disapproval, as the case may be. In the event the Village Engineer disapproves, he shall state his reasons for doing so in a written report to both parties.

Upon approval of the improvements, the performance bond or surety bond shall be replaced by a maintenance bond equal to ten percent (10%) of the performance bond for a duration of one year. This will be released after final acceptance inspection.

(3) The subdivider shall furnish evidence of general public liability, and property damage insurance coverage in the amounts of five hundred thousand dollars (\$500,000) for death of or injury to any one person, one million dollars (\$1,000,000) for death of or injury to two or more persons in any one accident and five hundred thousand dollars (\$500,000) for property damage in any one accident in an insurance company authorized to do business in the State. Such insurance shall indemnify and save harmless the Village from any and all liability arising by reason of the conditions of the streets of such subdivision or out of the construction or installation of all such improvements. A copy of the insurance policy shall remain at all times with the Village.

(Ord. 77-19. Passed 6-2-77.)

1119.07 MINIMUM LENGTHS.

All improvements as described in this Chapter shall be constructed in lengths of not less than 400 feet as part of a single project unless the Village Service Engineer for good cause shown shall authorize the construction improvements of a lesser length.

Whoever violates subsection (a) hereof shall be guilty of a minor misdemeanor. (Ord. 90-26. Passed 5-3-90.)

CHAPTER 1121

Administration and Enforcement

- 1121.01 Administration.
- 1121.02 Recording of plat.
- 1121.03 Sale of land within subdivisions.
- 1121.04 Revision of plat after approval.
- 1121.05 Filing, plan review and inspection fees.
- 1121.06 Variances.
- 1121.07 Appeal.
- 1121.08 Calculation and collection of fees.
- 1121.99 Penalty.

CROSS REFERENCE

- Title, scope and jurisdiction - see P. & Z. Ch. 1111
- Subdivision procedures - see P. & Z. Ch. 1115

1121.01 ADMINISTRATION.

These Regulations shall be administered by the following State and/or Village agencies or their designated representatives:

(a) The Planning Commission, through the Chairman, shall act as the coordinating agency, responsible for receiving, processing and reviewing all minor (except those which meet all requirements of Section 1115.02(a)) and major subdivisions as to conformity with zoning and other regulations which affect the division of land, and for approving the design layout of the preliminary plan and final plat.

(b) The Ohio Environmental Protection Agency and the Richland County Health Department, whichever has jurisdiction, shall be responsible, along with the Village Engineer, for reviewing and approving the type of water and sanitary sewer system designed to serve minor and major subdivisions.

(c) The Village Engineer shall be responsible for reviewing, inspecting and approving the improvement plans and installation of streets and other utility systems. The Village Engineer shall also be responsible for insuring that the improvement specifications set forth in Chapter 1119 are met as a subdivision is developed in order to assure both soundness of layout and economy of construction and maintenance.

(d) Council shall be responsible for managing all affairs required in connection with the dedication of public rights-of-way and other public sites designated on a minor or major subdivision.

(Ord. 77-19. Passed 6-2-77.)

#### 1121.02 RECORDING OF PLAT.

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.

(Ord. 77-19. Passed 6-2-77.)

#### 1121.03 SALE OF LAND WITHIN SUBDIVISIONS.

No owner or agent of the owner of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of, or by the use of a plat of the subdivision before such plat has been approved and recorded in the manner prescribed in these Regulations. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the application of these Regulations.

(Ord. 77-19. Passed 6-2-77.)

#### 1121.04 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, and an endorsement is made in writing on a plat, unless the plat is first resubmitted and the changes approved by those public bodies in authority.

(Ord. 77-19. Passed 6-2-77.)

#### 1121.05 FILING, PLAN REVIEW AND INSPECTION FEES.

(a) Filing Fees. Make payable to the Village of Ontario.

(1) Major subdivision. At the time of submitting the application for preliminary plan approval and for each final plat approval the subdivider shall pay a filing fee of fifty dollars (\$50.00).

(2) Planned unit development. At the time of submitting for preliminary plan approval, the subdivider shall pay a filing fee of one hundred dollars (\$100.00) and for each final plat shall pay a filing fee of fifty dollars (\$50.00).

(Ord. 97-9. Passed 2-20-97.)

(b) Plan Review and Inspection Fees. Plans, quantities and an itemized cost estimate prepared by a professional engineer shall be submitted to the Village Engineer for review and approval for all street, storm sewer, outlet drainage, sanitary sewer and water line improvements. A certified check in the amount of three percent (3%) of the approved construction cost estimates shall be deposited with the Village to pay the costs of inspection of such construction to assure its conformance with the approved plans. The check shall be made out to the Clerk-Treasurer of the Village of Ontario and no construction shall be commenced until this money is deposited. A record shall be kept of the actual costs incurred by the Village Engineer or his representatives for said inspection and shall be charged against the amount deposited and any remaining money shall be

returned to the developer. In the event that the actual inspection costs exceed the deposit, the developer shall, upon invoice, immediately pay the additional costs to the Village. (Ord. 98-9. Passed 3-5-98.)

#### 1121.06 VARIANCES.

The following Regulations shall govern the granting of variances.

(a) Where the Administrative Authority finds that extraordinary hardship may result from strict compliance with these Regulations, due to exceptional topographic or other physical conditions, it may vary the Regulations so as to relieve such hardship, provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these Regulations or the desirable development of the neighborhood and community. Such variations shall not have the effect of nullifying the intent and purpose of these Regulations, the Comprehensive Plan, or the Zoning Ordinance.

(b) In granting variances or modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.

(c) Any variances granted by the Planning Commission shall be noted in the official minutes along with the reasons which justified the granting of the variance.

(Ord. 77-19. Passed 6-2-77.)

#### 1121.07 APPEAL.

Any person who believes he has been aggrieved by the Regulations or the action of the Planning Commission, has all the rights of appeal as set forth in Ohio R.C. Chapter 711 or any other applicable section of the Ohio Revised Code.

(Ord. 77-19. Passed 6-2-77.)

#### 1121.08 CALCULATION AND COLLECTION OF FEES.

The Village Engineer will check all developer's plans to determine compliance with the zoning and subdivision regulations and to compute for actual costs of the development to see that it coincides with the developer's estimated cost of the development. The actual cost is the cost which the Village would be required to pay if it was required to contract for the construction of the improvements. It will be the duty of the Village Engineer to collect this information along with the inspection fee costs and supply the Developer, the Village Administrator, the Zoning Inspector and the Village Clerk-Treasurer with this information. This is to be completed after the final approval of the plans that the Planning Commission has approved. The Clerk-Treasurer will collect the inspection fees and notify the Village Administrator, Zoning Inspector, and Village Engineer that the fees have been paid. All plans must be approved and fees paid before any work is started.

(Ord. 97-57. Passed 9-25-97.)

#### 1121.99 PENALTY.

The following penalties shall apply to the violations of these Regulations.

(a) Whoever violates any rule or regulation adopted by Council for the purpose of setting standards and requiring and securing the construction of improvements

within a subdivision or fails to comply with any order pursuant thereto is creating a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the Village or any citizen thereof. Whoever violates these Regulations shall forfeit and pay not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000). Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas of Richland County, Ohio.

(b) A County Recorder who records a plat contrary to the provisions of these Regulations shall forfeit and pay not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00), to be recovered with costs in a civil action by the Village Solicitor in the name and for the use of the Village.

(c) Whoever, being the owner or agent of the owner of any land within a municipal corporation, transfers any lot, parcel or tract of such land from or in accordance with a plat of a subdivision before such plat has been recorded in the office of the County Recorder, shall forfeit and pay the sum of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each lot, parcel or tract of land so sold. The description of such lot, parcel or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this section. If such land is within a municipal corporation, such sum may be recovered in a civil action brought in the Court of Common Pleas of Richland County by the legal representative of the Village in the name of the Village.

(d) Any person who disposes of, offers for sale or lease for a time exceeding five years any lot or any part of a lot in a subdivision before provisions of these Regulations are complied with, shall forfeit and pay the sum of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each lot or part of a lot so sold, offered for sale or leased, to be recovered with costs in a civil action, in the name of the Village Clerk-Treasurer for the use of the Village.

(Ord. 77-19. Passed 6-2-77.)

## CHAPTER 1123

### Requirements for Planned Development

EDITOR'S NOTE: Former Chapter 1123 was repealed by Ordinance 97-57, passed September 25, 1997.)

EDITOR'S NOTE: Appendices one through nineteen are present by way of example only and in cases of conflict between the text and the appendices the text shall control pursuant to Ordinance 97-57, passed September 25, 1997.

Appendices 1 to 10 (See Codified Ordinance Book)

TITLE FIVE - Zoning Administration

- Chap. 1131. Definitions.
- Chap. 1133. Title, Interpretation and Validity.
- Chap. 1135. Application, Enforcement and Penalty.
- Chap. 1137. Zoning Permits.
- Chap. 1139. Planning Commission.
- Chap. 1141. Variances.
- Chap. 1143. Zoning District Map.
- Chap. 1145. Amendments.

CHAPTER 1131

Definitions

1131.01 Meanings of words.

CROSS REFERENCES

- Subdivision Regulations definitions - see P. & Z. Ch. 1113
- Sign definitions - see P. & Z. 1185.01

1131.01 MEANINGS OF WORDS.

(a) As used in this Zoning Ordinance the following terms shall have the following meanings:

(1) "Accessory buildings" means a building located on property under common ownership with the principal building which is secondary in importance to the main building, including but not limited to detached garages, storage buildings, barns, shelters and decorative structures. A swimming pool shall be deemed an accessory building for the purposes of this Zoning Ordinance.

(Ord. 86-44. Passed 8-7-86.; Ord. 87-2 Passed 1-2-87.)

(2) "Accessory use" means any activities which are incidental, subordinate and customarily carried on in addition to the primary use of the premises. In residential districts this shall include activities which are in the nature of a hobby or recreation and not carried on with the intent to make a profit for the land occupant. It shall also include activities related to the occupant's employment off premises that are occasionally carried on in the premises. Such activities shall not be deemed a home occupation. Accessory uses may include satellite television reception equipment or electricity producing windmills provided these shall be located only in rear yard areas and shall meet the minimum rear and side yard setback requirements for the district in which they are located.

Accessory uses shall also include:

- A. Residential accommodations for servants, caretakers or night watchmen in any use district.
- B. swimming pools, tennis courts and other personal recreational facilities.
- C. Off-street loading and parking facilities and the storage of goods used, produced or offered for sale which shall be accessory uses in business, warehouse or industrial districts only and subject to all regulations of the district where located.
- D. Garage or other casual sales of personal property shall be considered an accessory use so long as they are limited to three times a year and for no longer than three days each time. The advertising restrictions contained in this section shall not apply to such sales.
- E. The storage of motor vehicles, trailers, recreational vehicles or boats owned by residents of the premises only. Storage of any such items for nonresidents of the premises whether or not a fee is charged, shall not be deemed an accessory use. All such items shall be stored no closer to the street than the minimum front yard setback requirements of the district.
- F. Accessory use shall include the keeping of dogs, cats or other domesticated pets, but shall not allow the keeping of exotic or dangerous animals such as, but not limited to, lions, tigers, leopards, panthers, cougars, bobcats, bears, wolves, foxes, apes, gorillas, poisonous or constrictor snakes, crocodiles or alligators.
- G. The sale of fruits or vegetables grown on the premises where sold.
- H. Any activity which is the subject of any advertising including, but not limited to newspaper, magazine, radio, television, poster, billboard, handbills, direct mailing, yearbooks, telephone directory or other publications shall not be deemed to be an accessory use.
- I. No zoning permit shall be required to engage in an accessory use.

(3) "Agriculture" means the use of land for farming purposes including dairying, pasturage, agriculture, floriculture, horticulture, viticulture, animal and poultry husbandry. Any processing of agriculture products shall be limited to that incidental, subordinate and customarily carried on at the agriculture stage of production but the processing of agriculture products beyond this point shall not be deemed to be an agriculture use.

(4) "Alteration" means any change, addition or rearrangement in construction or type of occupancy, or change in the structural parts of a building such as walls, windows, partitions, columns, girders, or the moving from one location or position to another.

(5) "Apartment" means a room or suite of rooms in a multi-family dwelling designed and intended to be occupied as a residence by a single-family.

A. "Apartment-studio" means an apartment consisting of one principal room along with a kitchen and a bathroom.

B. "Apartment-one bedroom" means an apartment consisting of two principal rooms along with a kitchen and bathroom.

C. "Apartment-two bedroom" means an apartment consisting of three principal rooms along with a kitchen and bathroom.

D. "Apartment-three or more bedrooms" means an apartment consisting of four or more principal rooms along with a kitchen and bathroom.

(6) "Arterial thoroughfares" means West Fourth Street, State Route 309, Park Avenue West and Lexington-Springmill Road.

(7) "Basement" means that portion of a building which is partially below and partially above ground level, and so located that the vertical distance from the grade to the floor below is greater than the vertical distance from the grade to the ceiling. If the ground adjacent to the building is not entirely level, the ground level shall be computed by determining the average elevation of the ground for each face of the building, and taking the average of such total averages.

(8) "Boarding or rooming house" means a dwelling other than a hotel or motel in which lodging or lodging and meals are furnished to two or more persons for compensation.

(9) "Building" means any structure designed, built or occupied by human beings for any purpose which is permanently affixed to the land and has one or more floors and a roof. When a structure is separated by a fire wall, each such separated portion of such structure shall be deemed a separate building. A building shall not include such structures as billboards, fences, radio towers, or structures such as water towers, tanks, grain elevators or similar structures with interior spaces not ordinarily accessible for human habitation or commercial activities.

(10) "Building height" means the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of an mansard roof; and to the average height between eaves and the ridge line of a gable, hip, or gambrel roof. Where a building is located on sloping terrain or the side of a hill, the height may be measured from the average elevation of the finished grade at the building wall.

(11) "Building line" means a line defining the minimum front, side or rear yard requirements.

(12) "Business or trade schools" means privately-owned instructional institutions which teach specialized skills designed to enhance employment opportunities.

(13) "Church, synagogues or temple" means a building or group of buildings controlled by a religious body organized to sustain public worship where persons regularly assemble primarily for religious worship.

(14) "Collector thoroughfare" means Lexington-Ontario Road, Rock Road, Lewis Road, Stumbo Road, State Route 314, Shelby-Ontario Road, Longview Avenue, Walker Lake Road, Home Road and Beer Road.

(15) "Convalescent home" means a residential facility which provides therapy and rehabilitative services to persons recovering from illness or injury.

(16) "Driveway" means area of a lot intended to be used by motor vehicles to travel over the lot to or from a public street.

(Ord. 86-44. Passed 8-7-86.)

(17) "Dwelling" means a building designed or used as the living quarters for one or more families. "Dwelling," "single-family dwelling," "two-family dwelling," or "multiple-family dwelling" shall not be deemed to include motel, hotel, or

rooming house. A dwelling may include a manufactured home provided it meets all of the following requirements:

A. The manufactured home is affixed to a permanent foundation and connected to storm sewer, sanitary sewer and the Village water system.

B. The manufactured home, excluding any addition, shall have a width of at least twenty-two feet at one point and a length of at least twenty-two feet at one point. The total living area of the manufactured home, excluding garages, porches, or attachments, must be at least equal to or greater than any minimum dwelling size applicable within the applicable zoning district.

C. The manufactured home shall have a minimum 3:12 residential roof pitch, conventional residing siding, and a six-inch minimum eave overhang, including appropriate guttering.

D. The manufactured home was manufactured after January 1, 1995.

(Ord. 99-30. Passed 7-1-99.)

(18) "Erected" means built, constructed, altered, moved upon, reconstructed, or any physical operations on the premises including excavation, fill, drainage and the like.

(19) "Excavation" means any breaking of ground, except agriculture, gardening or ground care.

(20) "Family" means one or more persons living together as a single housekeeping unit and related by blood, marriage or adoption.

(21) "Fence" means a structure designed or intended to enclose or screen.

(22) "Floor area - minimum" means for the purpose of computing the minimum allowable floor area per dwelling unit, the sum of the horizontal areas of each floor of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area measurement is exclusive of areas devoted to basements, unfinished attics, attached garages, breezeways, and enclosed or unenclosed porches.

(23) "Floor area - usable or open to the public" means that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the buildings measured from the interior faces of the exterior walls. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded.

(24) "Fraternal, social, service or veterans organizations" means a private club organized around a common interest or goal which is jointly supported, meets periodically and providing recreational activities and/or meals for members and guests.

(25) "Fraternity, or sorority house" means a residential facility occupied by a number of persons unrelated by blood, marriage or adoption who maintain a common bond of purpose or interest whether or not formally expressed.

(26) "Garage" means an accessory building or portion of a main building designed and intended primarily for the storage of vehicles or boats owned or

used by the occupants of the building, but may also be used incidentally for the storage of other personal property.

(27) "Ground level" means the elevation established for the purpose of regulating the number of stories and the height of a building. The ground level shall be the level of the ground adjacent to the walls of the building if finished ground is level. If the ground is not entirely level, the ground level shall be determined by computing the average elevation of the ground for each face of the building, and taking the average of such total averages.

(Ord. 86-44. Passed 8-7-86.)

(28) "Home occupation" means any activity carried on within a residential district with the purpose and intent to make a profit through the sale of goods or services, whether or not a profit is, in fact, made. Such occupation must be incidental to and subordinate in importance to the use of the premises for residential purposes. The sale of food or beverages, fireworks, guns, or ammunition, the operation of pawn shops or tattoo parlors shall not be permitted as a home occupation.

(Ord. 96-71. Passed 12-19-96.)

An activity which meets the definition of a home occupation shall be allowed as a conditionally permitted use in any residential district within the Village provided each of the following criteria are present:

- A. The activity is carried on completely within a dwelling unit;
- B. It is incidental and subordinate to the primary use of the premises as a dwelling;
- C. It does not involve the employment of nonresidents of the dwelling;
- D. No materials or stock in trade are stored outside of the dwelling;
- E. No modification of the external parts of the building shall be permitted;
- F. A single, unlit sign of no greater than two square feet shall be permitted;

(Ord. 86-44. Passed 8-7-86.)

G. Any garage attached to the principal house on the premises may be used provided such use does not preclude the storage therein of the number of motor vehicles for which it was designed.

H. No more than thirty percent (30%) of the first floor area including any attached garage shall be used for a home occupation.

(Ord. 87-2. Passed 1-2-87.)

A conditional zoning permit shall be required for a home occupation.

(29) "Industrialized unit" means a building unit or assembly of closed construction fabricated in an off-site facility that is substantially self-sufficient as a unit or as part of a greater structure and that requires transportation to the site or intended use. Industrialized unit includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed

structural entity. An industrialized unit does not include a manufactured home or mobile home as defined herein.

(Ord. 99-30. Passed 7-1-99.)

(30) "Hotel or motel" means every establishment kept, used or held out to the public to offer sleeping accommodations to transient guests for compensation.

(31) "Junk" means scrap metals of all types, bones, rags, used bottles or cans or paper packaging, old or used machinery, tools equipment, appliances, motor vehicles or parts thereof, used construction materials and any and all other manufactured goods which are so worn, deteriorated or obsolete so as to make them unusable in their present condition, but which may be subject to salvage or remanufacture.

(32) "Junkyard" means a place, whether inside or outside a building, where junk is bought, sold, exchanged, baled, packed, disassembled, stored or handled.

(33) "Loading space" means an off-street space or berth outside the street right-of-way line on the same lot with a building or group of buildings, for the temporary parking of a vehicle while loading or unloading merchandise or materials.

(34) "Local streets" means all other public streets in the Village not specified as arterial thoroughfares or collector streets.

(35) "Lot" means a parcel or parcels of land under common ownership occupied or intended to be occupied by one or more buildings and the accessory buildings together with such setback areas as are required by this Zoning Ordinance. A lot may or may not be specifically designated as a separate parcel by the County Auditor.

A. "Lot area" means the total horizontal area within the lot lines of the lot.

B. "Lot, corner" means a lot at the point of intersection of and abutting on two or more intersecting streets.

C. "Lot depth" means the horizontal distance between the street right-of-way line and rear lot lines measured along the median between the side lot lines.

D. "Lot interior" means a lot other than a corner lot.

E. "Lot lines" means the lines defining the limits of a lot as described below:

1. "Front lot line" means in the case of an interior lot, is that line separating such lot from the street. In the case of a corner lot, or double frontage lot, is that line separating such lot from either street.

2. "Side lot line" means any lot line other than the front or rear lot line.

3. "Rear lot lines" means the lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot.

F. "Lot width" means the horizontal distance measured between the side lot lines, and along the minimum building setback line.

(Ord. 86-44. Passed 8-7-86.)

(36) "Manufactured home" means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and

Urban Development pursuant to the Manufactured Housing Construction and Safety Standards Act of 1974, and that has a permanent label or tag affixed to it certifying compliance with all applicable federal construction and safety standards.

(Ord. 99-30. Passed 7-1-99.)

(37) "Merchandise" means all tangible personal property offered for sale, rental or lease.

(38) "Minimum building setback line" means an imaginary line across a property parallel to the public street on which the property is located at a point equal to the minimum front yard setback requirement of that district.

(39) "Mobile home" means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis foundation, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of Section 3781.06 of the Ohio Revised Code or as an industrialized unit as defined in division (C)(3) of Section 3781.06 of the Ohio Revised Code.

(Ord. 99-30. Passed 7-1-99.)

(40) "Nightclub" means a tavern which either provides live entertainment or permits dancing by patrons.

(41) "Nonconforming building" means a building lawfully existing at the time of the enactment of this Zoning Ordinance and which does not conform to the area and height regulations of the district in which it is located.

(42) "Nonconforming use" means a use lawfully existing at the time of the enactment of this Zoning Ordinance, and which does not conform to the use provisions of the district in which it is located.

(43) "Nursing home" means a residential facility which provides skilled nursing care as defined in Ohio R.C. 3721.01(D), to individuals who by reason of illness or physical or mental impairment require such care.

(44) "Off-street parking lot" means a facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering and providing access for entrance and exit so as to provide for the parking of more than two vehicles.

(45) "Open space" means any part of a lot which is in its natural state, open and unobstructed except for natural vegetation.

(46) "Parking space" means an area of definite length and width, exclusive of aisles and drives or entrances giving access thereto, and fully accessible for the temporary storage of motor vehicles.

(47) "Private swimming or tennis clubs" means buildings and grounds owned by a nonprofit organization used for swimming or tennis for recreational purposes by members who are invited or elected to join with the use of the facilities restricted to members and their guests and not open to the general public.

(48) "Psychiatric" means that branch of medicine which deals with mental, emotional or behavioral disorders.

(49) "Public utility" means any person, firm, corporation, governmental agency or board or other entity other than the Village authorized to furnish and furnishing under governmental regulations to the public, electricity, gas, steam, telephone, telegraph, cable television service, transportation, water or sewerage.

(50) "Recreational" means the use of land for entertainment by active participation of patrons such as sporting events or games of skill.

(51) "Recreational vehicle" means a vehicular portable structure designed to be used as a temporary dwelling for travel or recreation purposes and includes travel trailers, motor homes and truck campers.

(52) "Restaurant" means a public eating establishment in which the primary function is the preparation and serving of food for consumption on or off the premises but is not licensed by the state to sell beer or intoxicating liquor.

(53) "Rest home" means a residential facility which provides personal assistance for persons who are dependent upon the assistance of others by reason of age or physical or mental impairment but not requiring skilled nursing care as defined in Ohio R.C. 3721.01(D).

(54) "Retail sale" means the transfer of title to personal property for the purpose of consumption or use as opposed to resale.

(55) "Story" means that part of a building, included between the surface of one floor and the surface of the next floor above or if there is no floor above, the the ceiling next above.

(56) "Street" means a right of way which affords the principal means of access to abutting property and which has been dedicated or deeded to the public use and accepted by the Village.

(57) "Structure" means anything constructed or erected which requires location on or below the ground, or attachment of something having a location on the ground.

(58) "Tavern" means an establishment open to the public which sells food and is licensed to sell beer or intoxicating liquor by the State but does not provide live entertainment or permit dancing by patrons.

(59) "Temporary use or building" means a use or building permitted by the Planning Commission to exist during periods of construction of the principal building or use, or for special events.

(60) "Trailer" means any non-selfpropelled vehicle originally designed or adapted to be pulled by a motor vehicle to provide its motive power, and designed, intended or used to carry or store goods including a vehicle originally designed or intended to be used on rails such as a box car, caboos or other railroad car.

(61) "Use" means the principle purpose for which land, or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

(62) "Wholesale sale" means the transfer of title to personal property for the purpose of resale.

(63) "Yards" means the open spaces on the same lot as the principal building, unoccupied and unobstructed from the ground upward except for natural vegetation and further defined as follows:

A. "Front yard" means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the street right-of-way line and the nearest point of the principal building.

B. "Side yard" means an open space between the side lot line and the principal building, extending from the front yard to the rear yard, the width of

which is the minimum horizontal distance from the nearest point on the side lot line to the nearest point of the principal building.

C. "Rear yard" means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building.

(64) "Obscuring greenbelt" means trees, shrubs or other living plant material which obstructs the view. Whenever a greenbelt or obscuring greenbelt is required by this Zoning Ordinance, it shall be in place as soon as the building is occupied and shall thereafter be trimmed, maintained or replanted as needed to preserve its obscuring function.

(Ord. 86-44. Passed 8-7-86.)

(65) "Retirement centers" means a residential facility designed primarily for the elderly which may include a nursing home, rest home or individual apartment units in combination along with retail facilities and other accessory uses intended primarily to serve residents.

(66) "Swimming pool" means a tank of concrete, plastic or other material intended to be used for swimming and constructed on or below the surface of the ground at a fixed location. Small portable wading pools intended only for use by children and easily moved shall not be considered a swimming pool.

(67) "Shopping center" means two or more retail stores or service establishments which are physically connected to each other and served by common parking areas.

(Ord. 87-2. Passed 1-2-87.)

(68) "Personal storage warehouse facilities" means an enclosed part of a building rented or leased for the purpose of storing personal property which is separately secured and accessible only by the renter or lessee and constructed as part of a number of such facilities under common ownership.

(Ord. 87-71. Passed 11-19-87.)

(69) "Truck stop" means a commercial operation which is designed or intended to cater or does in fact cater to the operators of commercial cars, commercial tractors with or without trailers or semi-trailers by providing one or more of the following services as part of an operation under common or cooperative ownership or management: restaurant, motel, fuel, maintenance, repair or accessories, rental or lease of commercial cars, commercial tractors, trailers or semi-trailers or engaging in the practice of arranging for or facilitating the transportation of goods between truckers and their customers.

(Ord. 88-42. Passed 6-16-88.)

## CHAPTER 1133

### Title, Interpretation and Validity

- 1133.01 Title.
- 1133.02 Short title.
- 1133.03 Authority and purpose.

- 1133.04 Relationship to other legislation.  
1133.05 Construction.  
1133.06 Separability.

#### CROSS REFERENCES

Application, enforcement and penalty - see P. & Z. Ch. 1135  
Amendments - see P. & Z. Ch. 1145

#### 1133.01 TITLE.

An ordinance imposing comprehensive regulations upon the use of land within the Village of Ontario, Ohio by dividing the Village into various use districts, imposing regulations as to the use of land, the location, height and bulk of buildings and other structures, establishing off-street parking requirements, creating a Planning Commission and granting to it certain powers, creating the position of Zoning Inspector and granting that person certain powers, providing for zoning permits, conditional zoning permits and variances, providing for a system to amend this Ordinance, providing for penalties for violation of this ordinance and a procedure to enforce its provisions, and adopting an Official Zoning District Map.  
(Ord. 86-44. Passed 8-7-86.)

#### 1133.02 SHORT TITLE.

This ordinance shall be known and may be cited in all proceedings as the "Zoning Ordinance of the Village of Ontario, Ohio."  
(Ord. 86-44. Passed 8-7-86.)

#### 1133.03 AUTHORITY AND PURPOSE.

This ordinance is enacted pursuant to the authority vested in this Village by the Ohio Constitution Article XVIII, Section 3 and is intended to exercise the broadest authority permitted by law over the use of land within the Village. It is the finding of Council that the public health, safety, morals and welfare are directly and significantly affected by the use of land and it is the intention of Council to exercise its authority to the fullest to preserve and protect not only the public health, safety, morals and welfare, but also the value of land and the aesthetics of this community while at the same time recognizing and protecting the rights of individuals to use their land as they deem best.  
(Ord. 86-44. Passed 8-7-86.)

#### 1133.04 RELATIONSHIP TO OTHER LEGISLATION.

This Zoning Ordinance is intended to be comprehensive legislation with respect to the use of land within this Village. It is intended to repeal and supersede all prior zoning ordinances only, and shall not be deemed to repeal the Village Subdivision Regulations, Ordinance 77-19, as amended, the Codified Ordinances, or any ordinances, resolutions or rules of the Village Administrator dealing with water, sanitary sewers, streets or storm sewers as are presently in effect. In the event of an inconsistency between this Ordinance, and any existing ordinance, resolution or rule, this Ordinance shall prevail.  
(Ord. 86-44. Passed 8-7-86.)

#### 1133.05 CONSTRUCTION.

The following rules shall be applied in the construction and application of this Zoning Ordinance:

- (a) Compliance with the Constitution of the United States and with the State of Ohio was intended;
- (b) Compliance with state statutes insofar as they are mandatory was intended;
- (c) A just and reasonable result was intended;
- (d) A result feasible of execution was intended;
- (e) The title of all sections of this Ordinance are intended for identification only and in the event of a conflict between the title and the text of section, the text shall control;
- (f) The word "shall" is mandatory, the word "may" is permissive;
- (g) In the event a word or phrase is not defined in this Ordinance, it shall be presumed to be used in its ordinary dictionary definition;
- (h) In the event of a conflict between a general provision and a specific provision, the specific provision shall control;
- (i) Words used in the singular shall include the plural and words used in the plural shall include the singular;
- (j) Words used in the present shall include the future;
- (k) The conjunction "and" means all connected items shall apply; the conjunction "or" means any of the connected items may apply singly or in combination; the phrase "either or" means that the connected items shall apply singly, but not in combination.

(Ord. 86-44. Passed 8-7-86.)

#### 1133.06 SEPARABILITY.

If any section of this Zoning Ordinance is declared invalid, unenforceable or unconstitutional by a court of competent jurisdiction with respect to the application of that section to a particular parcel of land or a particular owner of that land, such invalidity, unenforceability or unconstitutionality shall not be deemed to affect the validity, enforceability or constitutionality of that provision as to any other parcel of land or any other owner of land. If any section of this Ordinance is declared invalid, unenforceable or unconstitutional, per se, by a court of competent jurisdiction, such declaration shall not affect any other section of this Ordinance or the Ordinance as a whole. The balance of this Ordinance shall remain in full force and effect and the section declared invalid, unenforceable or unconstitutional shall be deemed to have never been enacted.

(Ord. 86-44. Passed 8-7-86.)

### CHAPTER 1135

Application, Enforcement and Penalty

1135.01	Application.
1135.02	Zoning of annexed areas.
1135.03	Exclusionary nature of Zoning Ordinance.
1135.04	Repeal.
1135.05	Effective date.
1135.06	Zoning Inspector.
1135.07	Fees.
1135.08	Violations; notice.
1135.09	Additional remedies; parties.
1135.99	Penalty.

#### CROSS REFERENCES

Title, interpretation and validity - see P. & Z. Ch. 1133  
 Zoning permits - see P. & Z. Ch. 1137  
 Amendments - see P. & Z. Ch. 1145

#### 1135.01 APPLICATION.

This Zoning Ordinance applies to all land and to every structure lying within the corporate limits of the Village of Ontario, Ohio as those limits now exist or may hereinafter be extended by annexation except land owned by this Village. Land owned by the United States of America, the State of Ohio, Richland County, Springfield Township, the Ontario Local School District or any other political subdivision or any department or agency of any of them shall be subject to this Ordinance except to the extent expressly exempted by law.  
 (Ord. 86-44. Passed 8-7-86.)

#### 1135.02 ZONING OF ANNEXED AREAS.

Land annexed to the Village shall remain subject to the township zoning in effect prior to annexation until and unless Council by ordinance designates the zoning district into which this land shall be placed.  
 (Ord. 86-44. Passed 8-7-86.)

#### 1135.03 EXCLUSIONARY NATURE OF ZONING ORDINANCE.

This Zoning Ordinance shall be deemed to be exclusionary in nature and any use of land not specifically allowed by this Ordinance in a district or in any district shall be deemed to be a use which was intentionally excluded from the district or all districts.  
 (Ord. 86-44. Passed 8-7-86.)

#### 1135.04 REPEAL.

Ordinance 69-58 known as the Village of Ontario Zoning Ordinance and all amendments thereto and Ordinance 71-26 known as the Village of Ontario sign ordinance and all amendments thereto be and the same are hereby repealed.  
 (Ord. 86-44. Passed 8-7-86.)

#### 1135.05 EFFECTIVE DATE.

This Zoning Ordinance shall be in full force and effect from and after the earliest period allowed by law.  
(Ord. 86-44. Passed 8-7-86.)

1135.06 ZONING INSPECTOR.

(a) Creation and Appointment. There is hereby created the position of Zoning Inspector for the Village of Ontario, Ohio. The Zoning Inspector shall be appointed by the Mayor and may be removed by the Mayor at any time. He or she shall be paid such compensation as Council shall direct.

(b) Powers and Duties. The Zoning Inspector shall have the following powers and duties:

- (1) Issue zoning permits for one- and two-family dwelling units and accessory uses thereto, provided the proposed use is permitted under the Zoning Ordinance and the applicant has paid the appropriate fee;
- (2) Issue sign permits provided the proposed sign is in accordance with the Zoning Ordinance and the applicant has paid the proper fee;
- (3) Issue zoning permits for business, office, warehouse and industrial uses and accessory uses thereto, after the site plan has been approved by the Planning Commission and the applicant has paid the proper fee;
- (4) Issue conditional zoning permits and variance permits after approval by the Planning Commission;
- (5) Investigate alleged violations of the Zoning Ordinance;
- (6) Attend all regular and special meetings of the Planning Commission and all regular meetings of Council, and such other meetings as the Mayor or Council shall direct;
- (7) Keep records of all activities of his office and to report annually at the first meeting in January to Council as to the various classes of permits issued during the preceding year;
- (8) Maintain regular office hours for the issuance of permits;
- (9) Determine that all construction has occurred only in accordance with the provisions of any permit, conditional permit or variance issued;
- (10) Perform such other duties as Council, the Planning Commission or the Mayor directs with respect to the enforcement of the Zoning Ordinance;
- (11) Maintain the Official Zoning Map of the Village and make all changes of use districts thereon immediately after their approval by Council.

(Ord. 86-44 Passed 8-7-86.)

1135.07 FEES.

No application for a zoning permit, conditional zoning permit, variance, appeal or application for rezoning or amendment to this Zoning Ordinance shall be accepted unless the applicant shall pay to the Zoning Inspector the following fees:

Zoning Permits

Residential uses	Fee (dollars)
One-family dwelling	\$ 25.00

Two-family dwelling	25.00
Multi-family dwelling - per building	100.00
Other residential use - per building	100.00
Accessory building - less than 200 square feet	10.00
Accessory building - 200 square feet or more	25.00
Business use	100.00
Office use	100.00
Warehouse use	100.00
Industrial use	100.00
Conditional Zoning Permit	25.00
Variance	150.00
Appeal to Planning Commission	25.00
Application for rezoning or amendment to Zoning Ordinance	150.00

Whenever actual construction of any structure or the use of any land for which a Zoning Permit or Conditional Zoning Permit is required has commenced before a Zoning Permit or Conditional Zoning Permit has been issued, the fee for either permit shall be one hundred dollars (\$100.00) in lieu of the fee hereinabove established. The Planning Commission shall have the authority to waive the provision of this section in those cases in which the applicant can establish good cause for the failure to obtain the required permit before beginning construction.

(Ord. 86-44. Passed 8-7-86; Ord. 87-2. Passed 1-2-87.)

#### 1135.08 VIOLATIONS; NOTICE.

(a) No person shall build or remodel any structure so as to change its exterior dimensions, including the building or remodeling of accessory buildings or change any use of a structure or change the use of land within this Village without first obtaining a Zoning Permit or Conditional Zoning Permit as required by this Zoning Ordinance. No person shall fail to comply with all terms and conditions of any Zoning Permit or Conditional Zoning Permit issued hereunder.

(b) Any person who commences any building, remodeling or change in the use of any structure or land without first obtaining the appropriate permit under this Zoning Ordinance, or who violates any provision of a Zoning Permit or Conditional Zoning Permit, shall upon discovery be given a written notice to apply for the appropriate permit or cease the violation of such provision within ten days.

(Ord. 86-44. Passed 8-7-86.)

#### 1135.09 ADDITIONAL REMEDIES; PARTIES.

(a) In addition, whoever constructs or remodels any structure or uses any land without obtaining the permits required by this Zoning Ordinance or violates any

provision of a Zoning Permit or Conditional Zoning Permit, may be subject to action for an injunction, declaratory relief or other appropriate remedy instituted by this Village to abate or prevent the violation.

(b) Any landowner who will be particularly damaged by any violation of this Zoning Ordinance may proceed by way of injunction, declaratory relief or other appropriate remedy against the violator to abate or prevent the violation. The failure of the Village to commence such proceedings shall not preclude such landowner from commencing such action. Demand upon the Village or its Solicitor shall not be required as a prerequisite to the commencement of such action nor shall the Village be a necessary party thereto.

(c) In any action whether criminal or civil brought in respect to this Zoning Ordinance, either the landowner or the person or corporation actually violating the Ordinance shall be a proper party defendant.  
(Ord. 86-44. Passed 8-7-86.)

#### 1135.99 PENALTY.

(a) No person whether owner, lessee or occupant of any land within this Village shall:

- (1) Fail to obtain a zoning permit or conditional zoning permit where required to do so by the Zoning Ordinance;
- (2) Use any land structure or building within this Village in violation of any provision of this Zoning Ordinance;
- (3) Fail to correct any violation of this Zoning Ordinance after having been advised of such violation.

(b) Whoever violates this section shall be guilty of a minor misdemeanor and upon conviction shall be fined not in excess of one hundred dollars (\$100.00).  
(Ord. 92-5. Passed 1-16-92.)

### CHAPTER 1137 Zoning Permits

- 1137.01 Conditional Zoning Permits.
- 1137.02 Application for conditional permit.
- 1137.03 Application for Zoning Permit.
- 1137.04 Expiration.
- 1137.05 Owner's consent.
- 1137.06 Violations.

### CROSS REFERENCES

Zoning Inspector's powers and duties - see P. & Z. 1135.06

Fees - see P. & Z. 1135.07

1137.01 CONDITIONAL ZONING PERMITS.

In addition to the permitted uses in certain districts created under this Zoning Ordinance, provision is made for conditionally permitted uses. It is the duty of the Planning Commission to grant or deny conditionally permitted uses. The purpose of making a use conditionally permitted is to allow a more detailed consideration and regulation of these uses which by their nature may present unique land use problems. In determining whether or not to grant a conditional use permit, the Planning Commission shall determine whether each specific condition listed in this Zoning Ordinance has been met.

(Ord. 86-44. Passed 8-7-86.)

1137.02 APPLICATION FOR CONDITIONAL PERMIT.

All applications for Conditional Zoning Permits shall be made upon forms provided by the Zoning Inspector. Each application shall be accompanied by site plan of the entire parcel drawn to a scale of one inch equals twenty feet. Each application shall be accompanied by the fee as established hereafter. The application shall be considered at the next regular meeting of the Planning Commission occurring more than seven days after filing, or at a special meeting called for this purpose. Notice shall be given to the applicant at the time the application is received of the date of the meeting at which the application will be considered. The Planning Commission may waive the time limit of this section for good cause.

(Ord. 86-44. Passed 8-7-86.)

1137.03 APPLICATION FOR ZONING PERMIT.

(a) All applications for Zoning Permits shall be made upon forms provided by the Zoning Inspector. Each application shall be accompanied by a site plan of the entire parcel drawn to a scale of one inch equals twenty feet. Each application shall be accompanied by the appropriate fee required by Section 1135.07. If the application is for a one or two-family dwelling unit or for a use accessory thereto and meets all the requirements of this Zoning Ordinance, the Zoning Inspector shall issue the permit. If the application is for any other use, the Zoning Inspector shall refer it to the Planning Commission which shall review the application and site plan and upon their approval, direct the Zoning Inspector to issue the Zoning Permit.

(Ord. 86-44. Passed 8-7-86.)

(b) Notwithstanding the provisions of subsection (a), the Zoning Inspector shall not issue any zoning permit or conditional zoning permit unless as part of the application there is submitted satisfactory evidence that the applicant has been issued a water tap permit and a sanitary sewer tap permit by the Village Administrator. This requirement shall not apply for zoning permits or conditional zoning permits issued in parts of the Village where such utilities are not available or where because of unusual circumstances, the Village Administrator has waived in writing the requirement of this subsection.

(Ord. 95-24. Passed 8-17-95.)

#### 1137.04 EXPIRATION.

Whenever a Zoning Permit or Conditional Zoning Permit is issued, the construction under such permit shall begin within six months after issuance and shall be completed within eighteen months after issuance.

Upon written application and upon the showing of good cause to the Planning Commission, an additional period of time to begin or complete construction may be granted. Whenever construction is not begun or completed within the time specified in this section including any extension granted by the Planning Commission, the Zoning Permit or Conditional Zoning Permit shall expire and no further use of the land for which such a permit is required shall be allowed until another permit is issued.

(Ord. 86-44. Passed 8-7-86.)

#### 1137.05 OWNER'S CONSENT.

All applications for any permit under this Zoning Ordinance shall be signed by the landowner or be accompanied by written evidence that the landowner has authorized the application to be filed.

(Ord. 86-44. Passed 8-7-86.)

#### 1137.06 VIOLATIONS.

Any Zoning Permit or Conditional Zoning Permit issued under this Zoning Ordinance shall be valid only so long as each and every condition imposed by this Ordinance or the Planning Commission shall be complied with by the landowner or tenant. Any violation of any of the conditions of the permit shall be deemed to void the permit and make the continued use of the land a violation of this Ordinance which may be prosecuted or enjoined under Sections 1135.08 and 1135.09.

(Ord. 86-44. Passed 8-7-86.)

### CHAPTER 1139

#### Planning Commission

- 1139.01 Creation, appointments and vacancies.
- 1139.02 Organization and functions.
- 1139.03 Meetings.
- 1139.04 Powers and duties.
- 1139.05 Hearings; appeals; variances.
- 1139.06 Additional conditions for site plan or Zoning Permit approval.
- 1139.07 Minimum site plan requirements.

#### CROSS REFERENCES

- Planning Commission - see Ohio R.C. 713.01 et seq.
- General provisions of Municipal zoning - see Ohio R.C. 713.12 et seq.
- Variances - see P. & Z. 1141.01

Zoning Ordinance amendments - see P. & Z. Ch. 1145

1139.01 CREATION, APPOINTMENTS AND VACANCIES.

There is hereby created a Planning Commission composed of the Mayor, one member of Council appointed by Council for his/her term of office on Council and three residents of the Village appointed by the Mayor for six-year overlapping terms.

(a) In the event of the death of the Councilmember of the Planning Commission, his or her resignation from this Commission, or resignation from Council, Council shall appoint another of its members to serve the remainder of the unexpired term.

(b) In the event of the death or resignation of a citizen member of the Planning Commission, the Mayor shall appoint some other resident of the Village for the remainder of the unexpired term.

(c) The unexcused absence of any member of the Planning Commission from three consecutive monthly meetings or the establishing of a permanent residence outside of the Village shall be deemed a resignation.

(Ord. 86-44. Passed 8-7-86.)

1139.02 ORGANIZATION AND FUNCTIONS.

The Planning Commission shall:

(a) Elect a chairman and vice-chairman from among its members to serve for their term upon the Planning Commission;

(b) Keep a complete record of its proceedings including the vote of each member on all motions before the Commission;

(c) Within the limits of the money appropriated for it, shall purchase such supplies and equipment as it finds necessary to carry out its duties;

(d) Retain or otherwise employ within the limits of the money appropriated for it such consultants as it finds necessary to carry out its duties;

(e) Establish a schedule for its meetings which shall include at least one regular meeting per month and such additional meetings as are necessary to carry out its duties; and

(f) Adopt rules and regulations to govern the conduct of its meetings.

(Ord. 86-44 Passed 8-7-86.)

1139.03 MEETINGS.

At least three members must be present at any meeting before any official business can be conducted. An affirmative vote of three members shall be necessary to pass any motion before the Planning Commission. The abstention or refusal to vote of any member shall not be counted for or against the motion and the member so abstaining or refusing to vote shall be deemed absent for the purpose of the motion upon which he or she abstains or refuses to vote. All meetings of the Commission shall be open to the public at all times. Reasonable steps shall be taken to notify the public and the news media of the time of all regular and special meetings. All records of the Commission shall be public records and shall be filed with the Village Clerk-Treasurer.

(Ord. 86-44. Passed 8-7-86.)

#### 1139.04 POWERS AND DUTIES.

The Planning Commission shall have the following powers and duties:

- (a) Initiate amendments to the Village Zoning Ordinance including both changes in the text or changes of the use district of any parcel of land;
- (b) Review applications for amendments to the Village Zoning Ordinance and to make recommendations to Council thereon, including both changes in the text or changes of the use district of any parcel of land whether initiated by Council or initiated by any owner or lessee of the land in question;
- (c) Review and approve or deny the platting or other subdivision of land within the Village in accordance with the Village Subdivision Regulations;
- (d) Review and approve or deny site plans for the use of land within the Village for all uses except one- and two-family dwelling units. All site plans shall be drawn on a scale of one inch to twenty feet;
- (e) Grant variances in the use of land permitted in a particular district where the proposed use is similar in character to the uses already permitted in the district and the proposed use will be consistent with the overall character of the district as stated in this Zoning Ordinance. No use variance shall be permitted under this subsection where the effect of such variance would be to rezone the land to another use district as, for example, where the use in question is already expressly permitted in another use district;
- (f) Grant variances from the literal requirements of the requirements of this Zoning Ordinance where because of unique circumstances applicable to the particular property under consideration, the literal application of a particular provision of this Zoning Ordinance will cause undue hardship and the variance will not be detrimental to the overall purpose of this Zoning Ordinance;
- (g) Hear and decide appeals from any decision of the Zoning Inspector in denying or granting a zoning permit or sign permit under this Zoning Ordinance;
- (h) Issue Conditional Zoning Permits where such permits are provided for a particular use within a use district and where the Commission finds that each of the specific conditions has been met or that the waiver of one or more of the specific conditions will be in accordance with the standards herein provided.

(Ord. 86-44. Passed 8-7-86.)

#### 1139.05 HEARINGS; APPEALS; VARIANCES.

- (a) All appeals to the Planning Commission from any decision of the Zoning Inspector shall be filed within thirty days of the decision appealed. It shall be initiated by filing with the Clerk-Treasurer, a written appeal on the form provided and must be accompanied by the fee required by Section 1135.07.
- (b) All requests for variances or conditional permits to the Planning Commission shall be filed with the Clerk-Treasurer, or with the Planning Commission when in open session, on a form provided and shall be accompanied with the appropriate fee required by Section 1135.07.
- (c) Hearings on appeals or on applications for variances shall be held at the next regular Planning Commission meeting occurring more than fourteen days after the

application is filed or at such special meeting called for this purpose. The fourteen day requirement herein may be waived by the Commission for good cause shown.

(d) At the hearing on variances, all testimony shall be received under oath or affirmation, a verbatim record of the proceedings shall be kept, the application shall be allowed upon application and deposit of fees to the issuance of subpoenas for the attendance of witnesses, all testimony shall be subject to cross examination.

(e) The Commission shall render its decision within a reasonable time after the hearing not to exceed sixty days and advise the applicant in writing thereof.  
(Ord. 86-44. Passed 8-7-86.)

#### 1139.06 ADDITIONAL CONDITIONS FOR SITE PLAN OR ZONING PERMIT APPROVAL.

In the interest of protecting the public health, safety and welfare, preserving the value of surrounding properties, and aesthetic values within the Village as a whole, the Planning Commission is expressly authorized to impose any of the following requirements as a condition to the approval of any site plan or the issuance of a Zoning Permit or a Conditional Zoning Permit:

- (a) The location, width, radius and number of driveways entering onto any public street;
- (b) The requirement that barriers be established to prevent access to a public street at any other location than established driveways;
- (c) A limitation upon access to certain public streets where there are more than one public street abutting the property;
- (d) Limitations upon the use of required setbacks for all purposes;
- (e) Limitations on the intensity and location of lighting and requirements that lighting be shielded from adjoining properties;
- (f) Requirements that surface water be detained, channelized or otherwise carried from the property to public storm sewers so as to avoid injury to adjoining properties;
- (g) Requirements that culverts be installed parallel to the road under any proposed driveway so as not to interfere with the existing flow of surface water. The size of the culvert shall be determined based upon accepted engineering standards.

(Ord. 86-44. Passed 8-7-86; Ord. 87-2 Passed 1-2-87; Ord. 93-55. Passed 9-2-93.)

#### 1139.07 MINIMUM SITE PLAN REQUIREMENTS.

All site plans required to be submitted to the Planning Commission under the provisions of Section 1139.04(d) shall contain to the extent required by the applicable provision of this section the following items:

- (a) General location map, north arrow, scale and name of development.
- (b) Name, address and telephone number of developer and person preparing site plan.

- (c) Scale drawing of the parcel or parcels involved and the proposed development on the parcel including size and location of all buildings and other structures.
- (d) Zoning and present use of parcel or parcels involved and all adjacent parcels.
- (e) All existing survey monuments shall be shown, there shall be at least two monuments established for each development site.
- (f) All setbacks shall be shown.
- (g) All parking including size, orientation and number shall be shown along with appropriate calculations on number of spaces required.
- (h) All parking and maneuvering lanes to be hard surface (asphaltic or portland cement concrete) shall be delineated.
- (i) Location and description of any other special amenities proposed to meet the zoning required (i.e. Greenbelt, landscaping).
- (j) Size, number and location of all proposed signs.
- (k) Proposed construction schedule.  
(Ord. 90-86. Passed 12-20-90.)
- (l) The location of all existing utility lines and appurtenances (water, sanitary sewer, storm sewer) on the parcel and on streets adjoining the parcel.
- (m) The location and width of all private driveways and public streets which intersect the street or streets which the parcel abuts and which are located within 1,000 feet of any part of the parcel.
- (n) The Zoning Inspector is authorized and directed to refuse to accept any proposed site plan tendered to him if he determines that it is inaccurate, illegible or not in compliance with this section.  
(Ord. 97-47. Passed 8-21-97.)

CHAPTER 1141  
Variances

- 1141.01 Variances.
- 1141.02 Notice of hearing.

CROSS REFERENCES

- Planning Commission - see P. & Z. Ch. 1139
- Amendments to Zoning Ordinance - see P. & Z. Ch. 1145

1141.01 VARIANCES.

The Planning Commission has the authority to waive or modify any specific condition where because of unusual circumstances relating to the property in question or unusual hardship upon the owner, the strict application of all conditions would be inequitable.

(Ord. 86-44. Passed 8-7-86.)

#### 1141.02 NOTICE OF HEARING.

The Clerk-Treasurer of this Village shall give notice of the time and place of the public hearing on all requests for variances by first-class mail at least ten days prior to the hearing to all owners of property within, contiguous to and directly across the street from the parcel or parcels involved. The notice shall be mailed to the address listed in the current County Auditor's tax duplicate. The failure of delivery of such notice shall not invalidate any subsequent action with respect to the proposed variance.  
(Ord. 86-44 Passed 8-7-86.)

### CHAPTER 1143

#### Zoning District Map

- 1143.01 Official Zoning District Map.
- 1143.02 Interpretation of district boundaries.

#### CROSS REFERENCES

- Variances - see P. & Z. Ch. 1141
- Amendments - see P. & Z. Ch. 1145
- Districts generally - see P. & Z. Ch. 1151
- Supplementary district regulations - see P. & Z. Ch. 1181

#### 1143.01 OFFICIAL ZONING DISTRICT MAP.

The location of each of the zoning districts provided for in this Zoning Ordinance are shown upon the Official Zoning District Map which is incorporated by reference and made a part of original Ordinance 86-44. Such Official Zoning District Map is identified by a certificate signed by the Mayor, Clerk-Treasurer and Zoning Inspector in the following form:

**THIS IS THE OFFICIAL ZONING DISTRICT MAP OF THE VILLAGE OF  
ONTARIO, RICHLAND COUNTY, OHIO DULY ADOPTED BY THE COUNCIL OF  
THIS VILLAGE IN ORDINANCE 86-44 ON AUGUST 7, 1986.**

(Ord. 86-44. Passed 8-7-86.)

#### 1143.02 INTERPRETATION OF DISTRICT BOUNDARIES.

The Official Zoning District Map provided for in Section 1143.01 shall determine the zoning district wherein any parcel of land lies. The map was prepared with the intention of having all zoning district lines follow streets, railroads, section, half-section, quarter-section and existing property lines. The Zoning Inspector shall initially determine the district in which any parcel of land lies and any person dissatisfied with that decision may appeal the same to the Planning Commission.  
(Ord. 86-44. Passed 8-7-86.)

## CHAPTER 1145

### Amendments

- 1145.01 Initiation.
- 1145.02 Procedure.
- 1145.03 Public hearing.
- 1145.04 Notice to property owners.
- 1145.05 Council action.

### CROSS REFERENCES

- Council - see ADM. Ch. 121
- Planning Commission - see P. & Z. Ch. 1139
- Variances - see P. & Z. Ch. 1141
- Zoning District Map - see P. & Z. Ch. 1143

#### 1145.01 INITIATION.

The provisions of this Zoning Ordinance and the Official Village Zoning District Map may from time to time be amended by Council by ordinance. Such amendment may be initiated in any one of the following manners:

- (a) By filing an application with the Clerk-Treasurer on a form provided by the Zoning Inspector and signed by the owner of the land seeking the amendment or by any interested person seeking an amendment to the text of this Zoning Ordinance. Such application must be accompanied by the fee provided in Section 1135.07;
- (b) By motion of Council directed to the Planning Commission and requesting a recommendation concerning an amendment to the text of this Zoning Ordinance or a change of the use district of any parcel of land within the Village;
- (c) By motion of the Planning Commission directed to Council recommending an amendment to the text of this Zoning Ordinance or a change of a use district of any parcel of land.

(Ord. 86-44. Passed 8-7-86.)

#### 1145.02 PROCEDURE.

Upon receipt of an application to amend this Zoning Ordinance or the adoption of a motion by Council to amend it, the application or motion shall be referred to the Planning Commission. Planning Commission shall consider the application or motion at its next regular meeting or at a special meeting called for this purpose.

Upon review and consideration of the proposed amendment the Planning Commission shall make a report to Council. The report shall:

- (a) Recommend that the rezoning or amendment to the text be adopted in accordance with the application or Council motion; or
- (b) Recommend that the rezoning or amendment to the text be adopted in a form modified by the Planning Commission from the application or motion as originally submitted to the Planning Commission; or

(c) Recommend that the application for the rezoning or amendment to the text be denied.

All recommendations of the Planning Commission shall be concurred in by at least three members of the Commission. Such recommendation shall be returned to Council no later than Council's second regular meeting after submission of the proposed amendment or application to the Planning Commission. The failure of the Commission to make a recommendation in the time provided herein shall be deemed to be a recommendation in favor of the amendment or rezone.

(Ord. 86-44. Passed 8-7-86.)

#### 1145.03 PUBLIC HEARING.

Upon receipt of a recommendation on an amendment or rezoning from the Planning Commission, or an amendment or rezoning initiated by Planning Commission, Council shall set a public hearing upon the proposed amendment or rezoning which shall be held no earlier than thirty days after notice of this hearing has been given by one publication in a newspaper of general circulation within the Village. Such hearing may be held at either a regular or special Council meeting.

(Ord. 86-44. Passed 8-7-86.)

#### 1145.04 NOTICE TO PROPERTY OWNERS.

In the event the proposed amendment involves the rezoning of ten or fewer parcels of land as listed on the County Auditor's current tax duplicate, the Clerk-Treasurer shall also give notice of the time and place of the public hearing by first class mail at least twenty days before such hearing to all owners of property within, contiguous to and directly across the street from the parcel or parcels involved. The notice shall be mailed to the address listed on the current County Auditor's tax duplicate. The failure of delivery of such notice shall not invalidate any subsequent action with respect to the proposed amendment. During the thirty day period specified above, the ordinance containing the proposed amendment along with the application and any map and the report of the Planning Commission along with any other documents relating thereto shall be on file in the office of the Clerk-Treasurer for public inspection.

(Ord. 86-44. Passed 8-7-86.)

#### 1145.05 COUNCIL ACTION.

The proposed amendment shall be placed before Council in the form of an amendment to this Zoning Ordinance and may be voted upon at the same meeting at which the public hearing is held or at a subsequent regular or special meeting. Any amendment which differs in any respect from the recommendation of the Planning Commission may be adopted only by a three-fourths vote of Council. Any amendment which is in all respects in accordance with the recommendations of the Planning Commission may be adopted by a majority vote of Council. All amendments shall go into effect in thirty days of adoption unless the ordinance adopting the same is declared to be an emergency measure, in which case the amendments shall go into immediate effect.

(Ord. 86-44. Passed 8-7-86.)

TITLE SEVEN - Zoning Districts

- Chap. 1151. Districts Generally.
- Chap. 1153. R-1 Residential District.
- Chap. 1155. R-2 Residential District.
- Chap. 1157. R-3 Residential District.
- Chap. 1159. Multi-Family Dwelling Units.
- Chap. 1161. B-1 Neighborhood Business District.
- Chap. 1163. B-2 General Business District.
- Chap. 1165. OS Office-Service District.
- Chap. 1167. WH Warehouse District.
- Chap. 1169. I-1 Industrial District.
- Chap. 1170. Schedule of Standard District Regulations for Residential

and OS Districts.

CHAPTER 1151  
Districts Generally

1151.01 Establishment of districts.

CROSS REFERENCES

- Zoning District Map - see P. & Z. Ch. 1143
- Supplementary district regulations - see P. & Z. Ch. 1181

1151.01 ESTABLISHMENT OF DISTRICTS.

For the purpose of determining the regulations of land and structures as imposed by this Zoning Ordinance, the corporate limits of the Village are hereby divided into the following use districts:

R-1	Residential District
R-2	Residential District
R-3	Residential District
B-1	Neighborhood Business District
B-2	General Business District
OS	Office Service District
WH	Warehouse District
I-1	Industrial District

(Ord. 86-44. Passed 8-7-86.)

CHAPTER 1153  
R-1 Residential District

- 1153.01 Purpose.
- 1153.02 Permitted uses.
- 1153.03 Conditionally permitted uses.
- 1153.04 Lighting.
- 1153.05 Loudspeakers.
- 1153.06 Minimum lot size.
- 1153.07 Building size and height.
- 1153.08 Lot sizes.
- 1153.09 Lot width; setbacks.
- 1153.10 Minimum floor area.
- 1153.11 Garages.
- 1153.12 Conditions on golf courses.

#### CROSS REFERENCES

- Supplementary district regulations - see P. & Z. Ch. 1181
- Minimum required parking spaces for residential uses - see P. & Z. 1183.06(b)
- Signs permitted in residential districts - see P. & Z. 1185.05

#### 1153.01 PURPOSE.

The purpose of the R-1 Residential District is to provide for low density residential development with a minimum on nonresidential intrusion.  
(Ord. 86-44. Passed 8-7-86.)

#### 1153.02 PERMITTED USES.

Within the R-1 Residential District the following uses and no others shall be permitted:

- (a) One-family dwelling units;
  - (b) Agriculture uses;
  - (c) Accessory uses to any of the above.
- (Ord. 86-44. Passed 8-7-86; Ord. 99-42. Passed 8-5-99.)

#### 1153.03 CONDITIONALLY PERMITTED USES.

(a) Within the R-1 Residential District the following uses shall be conditionally permitted:

- (1) Home occupations;
  - (2) Churches, synagogues and temples for religious worship;
  - (3) Public or private schools certified by the State of Ohio and offering courses in grades kindergarten through high school;
  - (4) Private swimming or tennis clubs;
  - (5) Accessory uses to any of the above except home occupations.
  - (6) Golf courses subject to the conditions contained in Section 1153.12
- (Ord. 86-44. Passed 8-7-86; Ord. 87-2 Passed 1-2-87; Ord. 99-30. Passed 7-1-99.)

(b) Access. All uses conditionally permitted under subsection (a)(2) to (4) hereof shall have access directly onto an arterial or collector thoroughfare and all driveways shall exit onto such streets. All driveways shall enter the street right-of-way at a point that is at least 100 feet from the nearest intersection of public streets.

(c) Screening. All uses permitted under subsection (a)(3) or (4) hereof shall be surrounded by a fence at least six feet high on all sides except the side abutting a public street.  
(Ord. 86-44. Passed 8-7-86.)

#### 1153.04 LIGHTING.

All exterior lighting in this district shall be shielded so as not to shine onto adjoining properties.  
(Ord. 86-44. Passed 8-7-86.)

#### 1153.05 LOUDSPEAKERS.

No loudspeakers shall be allowed outside of any building nor shall they be permitted to be used inside any building in such a manner that they are designed or intended to broadcast outside of such buildings.  
(Ord. 86-44. Passed 8-7-86.)

#### 1153.06 MINIMUM LOT SIZE.

(EDITOR'S NOTE: See Section 1170.01.)

#### 1153.07 BUILDING SIZE AND HEIGHT.

(EDITOR'S NOTE: See Section 1170.01.)

#### 1153.08 LOT SIZES.

(EDITOR'S NOTE: See Section 1170.01.)

#### 1153.09 LOT WIDTH; SETBACKS.

(EDITOR'S NOTE: See Section 1170.01.)

#### 1153.10 MINIMUM FLOOR AREA.

(EDITOR'S NOTE: See Section 1170.01.)

#### 1153.11 GARAGES.

Each dwelling unit shall have a minimum of one garage with interior dimensions of not less than twelve by twenty-two feet and shall be located on the same lot as the dwelling unit.  
(Ord. 86-44. Passed 8-7-86.)

#### 1153.12 CONDITIONS ON GOLF COURSES.

(a) Golf courses may include those features which are customarily associated such as a driving range, putting green, a clubhouse, pro-shop and restaurant.

- (b) All buildings shall be subject to the following setbacks:
  - (1) Front property line 100 feet from the street right of way which may not be used for parking.
  - (2) Side and rear property lines 100 feet.
- (c) Minimum property size 75 acres in a contiguous parcel.
- (d) Hard surface parking area shall be provided as follows:
  - (1) Six per hold plus one space for the maximum number of employees to be present at any time.
  - (2) One additional space for each three seats in a restaurant open to the public.
- (e) All lighting shall be shielded so as to not shine on adjacent property.
- (f) No outside loud speakers shall be permitted.
- (g) One lighted sign visible from the public right of way no higher than ten feet in height and not to exceed a total of ninety square feet per side shall be permitted.
- (h) No building shall exceed one story.  
(Ord. 99-30. Passed 7-1-99.)

CHAPTER 1155  
R-2 Residential District

- 1155.01 Purpose.
- 1155.02 Permitted uses.
- 1155.03 Conditionally permitted uses.
- 1155.04 Lighting.
- 1155.05 Loudspeakers.
- 1155.06 Minimum lot size.
- 1155.07 Building size and height.
- 1155.08 Lot sizes.
- 1155.09 Lot width and setback.
- 1155.10 Minimum floor area.
- 1155.11 Garages.

CROSS REFERENCES

- Supplementary district regulations - see P. & Z. Ch. 1181
- Minimum required parking spaces for residential uses - see P. & Z. 1183.06(b)
- Signs permitted in residential districts - see P. & Z. 1185.05

1155.01 PURPOSE.

The purpose of the R-2 Residential District is to provide for moderate density residential development with a minimum of nonresidential intrusion.

(Ord. 86-44. Passed 8-7-86.)

1155.02 PERMITTED USES.

Within the R-2 Residential District the following uses and no others shall be permitted:

- (a) One-family dwelling units;
- (b) Two-family dwelling units;
- (c) Agriculture uses;
- (d) Accessory uses to any of the above.

(Ord. 86-44. Passed 8-7-86.)

1155.03 CONDITIONALLY PERMITTED USES.

(a) Within the R-2 Residential District the following uses shall be conditionally permitted:

- (1) Home occupations;
- (2) Churches, synagogues and temples for religious worship;
- (3) Public or private schools certified by the State of Ohio and offering courses in grades kindergarten through high school;

- (4) Private swimming or tennis clubs;
- (5) Accessory uses to any of the above except home occupations.

(Ord. 86-44. Passed 8-7-86; Ord. 87-2 Passed 1-2-87.)

(b) Access. All uses conditionally permitted under subsection (a)(2) to (4) hereof shall have access directly onto an arterial or collector street and all driveways shall exit onto such streets. All driveways shall enter the street right of way at a point that is a least 100 feet from the nearest intersection of public streets.

(c) Screening. All uses permitted under subsection (a)(3) or (4) hereof shall be surrounded by a fence at least six feet high on all sides except the side abutting a public street.

(Ord. 86-44. Passed 8-7-86.)

1155.04 LIGHTING.

All exterior lighting in the R-2 Residential District shall be shielded so as not to shine onto adjoining properties.

(Ord. 86-44. Passed 8-7-86.)

1155.05 LOUDSPEAKERS.

No loudspeakers shall be allowed outside of any building nor shall they be permitted to be used inside any building in such a manner that they are designed or intended to broadcast outside of such buildings.

(Ord. 86-44. Passed 8-7-86.)

1155.06 MINIMUM LOT SIZE.  
(EDITOR'S NOTE: See Section 1170.01.)

1155.07 BUILDING SIZE AND HEIGHT.  
(EDITOR'S NOTE: See Section 1170.01.)

1155.08 LOT SIZES.  
(EDITOR'S NOTE: See Section 1170.01.)

1155.09 LOT WIDTH AND SETBACK.  
(EDITOR'S NOTE: See Section 1170.01.)

1155.10 MINIMUM FLOOR AREA.  
(EDITOR'S NOTE: See Section 1170.01.)

1155.11 GARAGES.

Each dwelling unit shall have a minimum of one garage with interior dimensions of not less than twelve by twenty-two feet and which shall be located on the same lot as the dwelling unit.

(Ord. 86-44. Passed 8-7-86.)

## CHAPTER 1157

### R-3 Residential District

- 1157.01 Purpose.
- 1157.02 Permitted uses.
- 1157.03 Conditionally permitted uses.
- 1157.04 Minimum lot size.
- 1157.05 Building size and height.
- 1157.06 Lot sizes.
- 1157.07 Lot width.
- 1157.08 Setback.
- 1157.09 Minimum floor area.
- 1157.10 Garages.
- 1157.11 Lot area, setbacks and height limitations for certain uses.

### CROSS REFERENCES

Supplementary district regulations - see P. & Z. Ch. 1181

Minimum required parking spaces for residential uses - see P. & Z.

1183.06(b)

Signs permitted in residential districts - see P. & Z. 1185.05

1157.01 PURPOSE.

The purpose of the R-3 Residential District is to provide for a wide variety of residential uses ranging from moderate density single-family residential to multi-family. It also provides an area for various quasi-residential uses that are not appropriate in a single-family district.

(Ord. 86-44. Passed 8-7-86.)

#### 1157.02 PERMITTED USES.

Within the R-3 Residential District the following uses and no others shall be permitted:

- (a) One-family dwelling units;
- (b) Two-family dwelling units;
- (c) Multi-family dwelling units;
- (d) Agricultural uses;
- (e) Nursing homes, rest homes and convalescent homes and retirement centers, homes for the mentally retarded or physically handicapped excluding those whose primary purpose is psychiatric or drug or alcohol addiction treatment;
- (f) Fraternity and sorority houses;
- (g) Rooming or boarding homes;
- (h) Funeral homes;
- (i) Accessory uses to any of the above.

(Ord. 86-44. Passed 8-7-86; Ord. 87-2. Passed 1-2-87.)

#### 1157.03 CONDITIONALLY PERMITTED USES.

(a) Within the R-3 Residential District the following uses shall be conditionally permitted:

- (1) Home occupations;
- (2) Churches, synagogues and temples for religious worship;
- (3) Public or private schools certified by the State and offering courses in grades kindergarten through high school;
- (4) Private swimming or tennis clubs;
- (5) Accessory uses to any of the above except home occupations.

(Ord. 86-44. Passed 8-7-86; Ord 87-2 Passed 1-2-87.)

(b) Access. All uses conditionally permitted under subsection (a)(2) to (4) hereof shall have access directly onto an arterial or collector street and all driveways shall exit onto such street. All driveways shall enter the street right of way at a point that is at least 100 feet from the nearest intersection of public streets.

(c) Screening. All uses permitted under subsection (a)(3) or (4) hereof shall be surrounded by a fence of at least six feet high except the side abutting a public street.

(Ord. 86-44. Passed 8-7-86.)

#### 1157.04 MINIMUM LOT SIZE.

(EDITOR'S NOTE: See Section 1170.01.)

#### 1157.05 BUILDING SIZE AND HEIGHT.

(EDITOR'S NOTE: See Section 1170.01.)

1157.06 LOT SIZES.

(EDITOR'S NOTE: See Section 1170.01.)

1157.07 LOT WIDTH.

(EDITOR'S NOTE: See Section 1170.01.)

1157.08 SETBACK.

(EDITOR'S NOTE: See Section 1170.01.)

1157.09 MINIMUM FLOOR AREA.

(EDITOR'S NOTE: See Section 1170.01.)

1157.10 GARAGES.

Each dwelling unit shall have a minimum of one garage with interior dimensions of not less than twelve by twenty-two feet which shall be located on the same lot as the dwelling unit.

(Ord. 86-44. Passed 8-7-86.)

1157.11 LOT AREA, SETBACKS AND HEIGHT LIMITATIONS FOR CERTAIN USES.

(EDITOR'S NOTE: See Section 1170.01.)

## CHAPTER 1159

### Multi-Family Dwelling Units

1159.01 Building height; minimum floor area.

1159.02 Minimum lot area.

1159.03 Lighting.

1159.04 Loudspeakers.

1159.05 Lot area, setbacks and height limitations for multi-family dwelling units.

### CROSS REFERENCES

Supplementary district regulations - see P. & Z. Ch. 1181

Minimum required parking spaces for residential uses - see P. & Z.

1183.06(b)

Signs permitted in residential districts - see P. & Z. 1185.05

1159.01 BUILDING HEIGHT; MINIMUM FLOOR AREA.

No multi-family building shall exceed three stories in height. Each dwelling unit shall contain the following minimum floor area:

	Square feet
Studio apartment	450
One-bedroom apartment	550
Two-bedroom apartment	670
Three or more bedroom apartment	800

(Ord. 86-44. Passed 8-7-86.)

#### 1159.02 MINIMUM LOT AREA.

No parcel of land upon which a multi-family dwelling is constructed shall contain less than 20,000 square feet if a municipal or Ohio EPA approved sewer system is available and not less than one acre if no such sewer system is available. No more than forty-five percent (45%) of the parcel shall actually be covered with buildings.  
(Ord. 86-44. Passed 8-7-86.)

#### 1159.03 LIGHTING.

All exterior lighting in this district shall be shielded so as not to shine onto adjoining properties.  
(Ord. 86-44. Passed 8-7-86.)

#### 1159.04 LOUDSPEAKERS.

No loudspeakers shall be allowed outside of any building nor shall they be permitted to be used inside of any building in such a manner that they are designed or intended to broadcast outside of such building.  
(Ord. 86-44. Passed 8-7-86.)

#### 1159.05 LOT AREA, SETBACKS AND HEIGHTS LIMITATIONS FOR MULTI-FAMILY DWELLING UNITS.

All multi-family units shall meet the following requirements:

- (a) Minimum front yard setback shall be thirty feet.
- (b) Minimum side yard setback shall be fifteen feet.
- (c) Minimum rear yard setback shall be forty feet.
- (d) Whenever more than one building is located on the same lot, the minimum distance between buildings shall be twenty feet.

(Ord. 86-44. Passed 8-7-86.)

### CHAPTER 1161

#### B-1 Neighborhood Business District

- 1161.01 Purpose.
- 1161.02 Permitted uses.
- 1161.03 Conditionally permitted uses.
- 1161.04 Office uses permitted.

- 1161.05 Excluded uses.
- 1161.06 Setbacks.
- 1161.07 Greenbelt requirements.
- 1161.08 Attached one-family dwelling units.
- 1161.09 Freestanding one-family dwelling unit.

**CROSS REFERENCES**

Supplementary district regulations - see P. & Z. Ch. 1181  
Minimum required parking spaces for commercial uses - see P. & Z.

1183.06(b)

Signs permitted in commercial districts - see P. & Z. 1185.06

**1161.01 PURPOSE.**

The purpose of the B-1 Neighborhood Business District is to allow business uses to a limited extent which are convenient to residential areas but do not appreciably affect the surrounding area.

(Ord. 86-44. Passed 8-7-86.)

**1161.02 PERMITTED USES.**

Within the B-1 Neighborhood Business District all businesses except those excluded under Section 1161.05 or made conditionally permitted under Section 1161.03 which are engaged in the retail sale of goods or services are permitted subject to the following:

- (a) No single business shall have a usable floor area in excess of 3,000 square feet.
- (b) No single building used for business shall have a greater usable floor area of more than 6,000 square feet.
- (c) All merchandise shall be stored completely within an enclosed building and none shall be displayed out of doors.
- (d) Accessory uses to any of the above.  
(Ord. 86-44. Passed 8-7-86; Ord. 87-2. Passed 1-2-87.)

**1161.03 CONDITIONALLY PERMITTED USES.**

Within the B-1 Neighborhood Business District the following conditionally permitted uses are permitted:

- (a) Gasoline service stations subject to the provisions of Chapter 1189.
- (b) Attached one-family dwelling units subject to the provisions of Section 1161.08.
- (c) Accessory uses to any of the above.  
(Ord. 86-44. Passed 8-7-86; Ord. 87-2. Passed 1-2-87.)
- (d) Freestanding one-family dwelling units subject to the conditions contained in Section 1161.09.  
(Ord. 89-6. Passed 2-16-89.)

**1161.04 OFFICE USES PERMITTED.**

Within the B-1 Neighborhood Business District all uses permitted in the District under Section 1165.01 shall be allowed subject to the conditions as to height, lot size and setbacks contained in Sections 1165.05 to 1165.08 inclusive.

(Ord. 86-44. Passed 8-7-86.)

#### 1161.05 EXCLUDED USES.

Notwithstanding the provisions of Section 1161.02, the following businesses shall not be permitted in the B-1 Neighborhood Business District:

- (a) Sale or repair of automobiles, used automobile or truck parts, trucks, trailers, campers, recreational vehicles, motor homes, motorcycles, boats, farm equipment, construction machinery and industrial machines;
- (b) Sale of building materials in bulk, but this provision shall not apply to items traditionally sold in a hardware or department store;
- (c) Trees, shrubs, plants, lawn and garden equipment and supplies;
- (d) Warehouses, moving and storage businesses or truck terminals;
- (e) Taverns or nightclubs;
- (f) Junkyards, garbage or rubbish haulers or recycling operations;
- (g) Sewer or septic tank cleaning or repairing;
- (h) Automobile wrecking or salvage yards;
- (i) Processing, manufacturing or assemble operations except as are incidental to the retail sale of goods.

(Ord. 86-44. Passed 8-7-86.)

- (j) Personal storage warehouse facilities.

(Ord. 87-71. Passed 11-19-87.)

#### 1161.06 SETBACKS.

The following setbacks shall be required in the B-1 Neighborhood Business District:

- (a) Front yard setback thirty feet;
- (b) Rear Yard. Rear yard setbacks shall be a minimum of thirty feet or twenty percent (20%) of the total depth of the lot whichever is less, but in no event, less than ten feet. If a rear yard abuts a residential district or existing residential use, the minimum rear yard setback shall not be used for any other purpose and shall be maintained as green space only and planted with grass, trees, shrubs or flowers.

(Ord. 93-56. Passed 9-2-93.)

- (c) There shall be no required side yard setback between businesses which are located in the same building, but there shall be a minimum of an eight foot setback between any building and the side yard line which shall not be used for any other purpose. If the side yard abuts a residential district or existing residential use the minimum side yard setback on that side shall be thirty feet which shall not be used for any other purpose.

(Ord. 86-44. Passed 8-7-86; Ord. 87-2. Passed 1-2-87; Ord. 93-56. Passed 9-2-93.)

- (d) Where a freestanding one-family dwelling unit is permitted in this district under Section 1161.03(d) the minimum side yard setback on the side facing such dwelling shall be eight feet.

(Ord. 89-6. Passed 2-16-89.)

1161.07 GREENBELT REQUIREMENTS.

(a) The land within the B-1 Neighborhood Business District which abuts a residential district or existing residential use shall, in addition to the required setback, have an obscuring greenbelt at least six feet in height along the side abutting the residential district or existing residential use.

(Ord. 86-44. Passed 8-7-86.)

(b) The property owner shall be responsible for the continued proper maintenance of the greenbelt and shall maintain it so it provides a neat and attractive appearance..

(c) All unhealthy or dead plant material shall be replaced during the next planting season.

(Ord. 89-24. Passed 6-15-89.)

1161.08 ATTACHED ONE-FAMILY DWELLING UNITS.

A one-family dwelling unit shall be allowed in this district provided it meets the following requirements:

(a) Minimum floor area of 700 square feet;

(b) No more than one dwelling unit shall be permitted per building;

(c) Each such dwelling unit shall be attached to or constructed within a building containing a business use;

(d) Accessory uses as permitted in the R-2 Residential District.

(Ord. 86-44. Passed 8-7-86.)

1161.09 FREESTANDING ONE-FAMILY DWELLING UNIT.

Where a one-family dwelling unit is a freestanding building, it shall meet all the requirements including front, side and rear setbacks, building size, lot size and width, provided in the R-2 Residential District as provided in this Zoning Ordinance.

(Ord. 89-6. Passed 2-16-89.)

CHAPTER 1163

B-2 General Business District

1163.01 Purpose.

1163.02 Permitted uses.

1163.03 Conditionally permitted uses.

1163.04 Excluded uses.

1163.05 Height requirements.

1163.06 Setbacks.

1163.07 Greenbelt requirements.

- 1163.08 Attached one-family dwelling units.
- 1163.09 Churches, synagogues and temples for religious worship.
- 1163.10 Freestanding one-family dwelling unit.
- 1163.11 Personal Storage Warehouse facilities.
- 1163.12 Sexually orientated businesses.

**CROSS REFERENCES**

- Supplementary district regulations - see P. & Z. Ch. 1181
- Minimum required parking spaces for commercial uses - see P. & Z.
- 1183.06(b) Signs permitted in commercial districts - see P. & Z. 1185.05

**1163.01 PURPOSE.**

The purpose of the B-2 General Business District is to provide a zone for the conduct of business uses of all types.  
(Ord. 86-44. Passed 8-7-86.)

**1163.02 PERMITTED USES.**

Within the B-2 General Business District the following uses are permitted:

- (a) All uses permitted in the Office Service Districts under Section 1165.01;
  - (b) Business engaged in the sale of goods or services to the public except those excluded under Section 1163.04 or made conditionally permitted under Section 1163.03;
  - (c) Indoor recreational uses;
  - (d) Restaurants, taverns and nightclubs;
  - (e) Hotels and motels;
  - (f) Outdoor recreational uses except motor vehicle or motorcycle racing;
  - (g) Fraternal, social, service or veterans organizations;
  - (h) Nursing homes, rest homes, convalescent homes and retirement centers;
  - (i) Funeral homes;
  - (j) Business or trade schools;
  - (k) Accessory uses to any of the above.
- (Ord. 86-44. Passed 8-7-86.)

**1163.03 CONDITIONALLY PERMITTED USES.**

Within the B-2 General Business District the following conditionally permitted uses are permitted:

- (a) Gasoline service stations subject to the provisions of Chapter 1189;
- (b) Attached one-family dwelling units subject to the provisions of Section 1163.08;
- (c) Churches, synagogues and temples for religious worship subject to the provisions of Section 1163.09;
- (d) Accessory uses to any of the above.  
(Ord. 86-44. Passed 8-7-86; Ord. 87-2. Passed 1-2-87.)
- (e) Freestanding one-family dwelling units subject to the conditions contained in Section 1163.10.

(Ord. 89-6. Passed 2-16-89.)

(f) Personal Storage Warehouse facilities subject to the conditions contained in Section 1163.11.

(Ord. 94-24. Passed 6-16-94.)

#### 1163.04 EXCLUDED USES.

Notwithstanding Section 1163.02, within the B-2 General Business District the following uses shall not be permitted:

- (a) Automobile wrecking or salvage yards;
- (b) Junkyards, garbage or rubbish haulers or recycling operations;
- (c) Sewer or septic tank cleaning or repairing;
- (d) Processing, manufacturing or assemble operations except as are incidental to the sale of goods.

(Ord. 86-44. Passed 8-7-86; Ord. 94-24. Passed 6-16-94.)

#### 1163.05 HEIGHT REQUIREMENTS.

The maximum height of any building shall be seventy-five feet excluding water tanks, aeriels, chimneys and other appurtenances which may exceed this height.

(Ord. 86-44. Passed 8-7-86.)

#### 1163.06 SETBACKS.

(a) Side Yard. There shall be no required side yard setback between businesses which are located in the same building, but there shall be a minimum of an eight foot setback between any building and the side yard line which shall not be used for any other purpose. If the side yard abuts a residential district or existing residential use the minimum side yard setback on that side shall be thirty feet which shall not be used for any other purpose.

(Ord. 86-44. Passed 8-7-86.)

(b) Rear Yard. Rear yard setbacks shall be a minimum of thirty feet or twenty percent (20%) of the total depth of the lot whichever is less, but in no event, less than ten feet. If a rear yard abuts a residential district or existing residential use, the minimum rear yard setback shall not be used for any other purpose and shall be maintained as green space only and planted with grass, trees, shrubs or flowers.

(Ord. 93-56. Passed 9-2-93.)

(c) Front Yard. Front yard setbacks shall be a minimum of thirty feet.

(Ord. 86-44. Passed 8-7-86; Ord. 87-2. Passed 1-2-87.)

(d) Where a freestanding one-family dwelling unit is permitted in this district under Section 1161.03(e) the minimum side yard setback on the side facing such dwelling shall be eight feet.

(Ord. 89-6. Passed 2-16-89.)

#### 1163.07 GREENBELT REQUIREMENTS.

(a) Those parcels within a B-2 General Business District which abut a residential district or existing residential use shall, in addition to the required setback, have an obscuring greenbelt at least six feet in height along the side abutting such residential district or existing residential use.  
(Ord. 86-44. Passed 8-7-86.)

(b) The property owner shall be responsible for the continued proper maintenance of the greenbelt and shall maintain it so it provides a neat and attractive appearance.

(c) All unhealthy or dead plant material shall be replaced during the next planting season.  
(Ord. 89-24. Passed 6-15-89.)

#### 1163.08 ATTACHED ONE-FAMILY DWELLING UNITS.

A one-family dwelling unit shall be allowed in this district provided it meets the following requirements:

- (a) Minimum floor area of 700 square feet;
- (b) No more than one dwelling unit shall be permitted per building;
- (c) Each such dwelling unit shall be attached to or constructed within a building containing a business or office use;
- (d) Accessory uses as permitted in the R-2 Residential District.  
(Ord. 86-44. Passed 8-7-86.)

#### 1163.09 CHURCHES, SYNAGOGUES AND TEMPLES FOR RELIGIOUS WORSHIP.

Churches, synagogues and temples for religious worship shall be allowed in this district provided they meet the following requirements:

- (a) All exterior lighting shall be shielded so as not to shine onto adjoining properties;
- (b) No loudspeakers shall be allowed outside of any building nor shall they be permitted to be used inside any building in such a manner that they are designed or intended to broadcast outside of such building;
- (c) Minimum lot size two acres;
- (d) No more than twenty-five percent (25%) of the lot area shall be covered by building;
- (e) No building shall be more than three stories in height except for a steeple, chimney, elevator, aerial or other appurtenance;
- (f) The minimum lot width at the minimum building setback line shall be 100 feet;
- (g) Minimum setbacks:
  - Front yard thirty feet;
  - Side yard fifteen feet;
  - Rear yard forty feet;
- (h) Accessory buildings subject to the requirements of Section 1181.10.  
(Ord. 86-44. Passed 8-7-86.)

1163.10 FREESTANDING ONE-FAMILY DWELLING UNIT.

Where a one-family dwelling unit is a freestanding building, it shall meet all the requirements including front, side and rear setbacks, building size, lot size and width, provided in the R-2 Residential District as provided in this Zoning Ordinance. (Ord. 89-6. Passed 2-16-89.)

1163.11 PERSONAL STORAGE WAREHOUSE FACILITIES.

Personal Storage Warehouse facilities shall be permitted provided the Planning Commission determines that each of the following conditions exist:

- (a) That the site is located on Stumbo Road or is part of an existing personal storage warehouse facility.
- (b) That the site lies at least 1,000 feet from the nearest property zoned or used for residential purposes or is part of an existing personal storage warehouse facility.
- (c) That the following setbacks exist:
  - Front yard - one hundred fifty feet
  - Side yard - twenty feet
  - Rear yard - thirty feet
- (d) The minimum lot area shall be 20,000 square feet;
- (e) That the overall design and color scheme for the facility is compatible with the surrounding area and not designed to attract attention by the use of unusually bright, garish or contrasting colors.

(Ord. 95-54. Passed 11-2-95.)

1163.12 SEXUALLY ORIENTATED BUSINESSES.

(a) As used in this section the following definitions shall apply:

(1) "Sexually oriented business" means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

(2) "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing or "specified sexual activities" or "specified anatomical areas."

(3) "Adult bookstore" or "adult video store" means a commercial establishment which utilizes twenty-five percent (25%) or more of its retail selling area for the purpose of sale or rental for any form of consideration any one or more of the following:

A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas", or

B. Instruments, devises, or paraphernalia which are designed for use in connection with "specified sexual activities."

(4) "Adult cabaret" means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- A. Persons who appear in a state of nudity; or
- B. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- C. Film, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(5) "Adult motion picture theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "special sexual activities" or "specified anatomical areas."

(6) "Adult motel" means a hotel, motel or similar commercial establishment which:

- A. Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproduction which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
- B. Offers a sleeping room for rent for a period of time that is less than ten hours; or
- C. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

(7) "Adult theater" means a theater, concert hall, establishment which regularly features persons who appear in a state of nudity of live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas."

(8) "Escort agency" means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.

(9) "Nude motel studio" means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, photographed, or similarly depicted by other persons who pay money or any form of consideration.

(10) "Sexual encounter center" means a business or commercial enterprise that, as one of its primary purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

(11) "Specified anatomical areas" means human genitals in a state of sexual arousal.

(12) "Specified sexual activities" means and includes any of the following:

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- B. Sex acts, normal or perverted actual or simulated, including intercourse, oral copulation, or sodomy;
- C. Masturbation, actual or simulated; or
- D. Excretory functions as part of or in connection with any of the activities set forth in A. through C.

(b) Only within the B-2 General Business District shall sexually orientated businesses be permitted and only if the Planning Commission determines that each of the following conditions have been met:

(1) That the parcel of land upon which the sexually orientated business is located at a minimum of 500 feet from the nearest parcel of land containing a school church or residence.

(2) That the parcel of land upon which the sexually orientated business is located is a minimum of 500 feet from any other parcel of land containing a sexually orientated business.

(3) Section 1137.01 and 1137.02 governing conditional zoning permits and Section 1139.06 and 1139.07 governing site plan approval shall also apply to an application for a conditional zoning permit under this section.

(Ord. 95-42. Passed 10-23-95.)

## CHAPTER 1165

### OS Office-Service District

- 1165.01 Permitted uses.
- 1165.02 Conditionally permitted uses.
- 1165.03 Setbacks.
- 1165.04 Height requirements.
- 1165.05 Lot sizes.
- 1165.06 One-family dwelling units.
- 1165.07 Incidental sales.
- 1165.08 Outside storage.

### CROSS REFERENCES

Multi-family dwelling units - see P. & Z. Ch. 1159

Supplementary district regulations - see P. & Z. Ch. 1181

Minimum required parking spaces for residential uses - see P. & Z.

1183.06(b)

Signs permitted in business districts - see P. & Z. 1185.06

### 1165.01 PERMITTED USES.

Within the OS Office-Service District the following uses are permitted:

- (a) Accountant offices  
Advertising agencies  
Answering services  
Architects  
Attorney offices  
Banks  
Cable TV  
Chiropractor offices  
Computer offices  
Credit agencies  
Credit unions  
Dental offices  
Employment agencies  
Engineers  
Financial planning consultants  
Governmental offices  
Insurance offices  
Loan companies  
Medical offices  
Nonprofit corporate offices  
Private investigators  
Private security  
Psychologists  
Radio and television stations  
Real estate sales offices  
Savings and loans  
Stockbrokers  
Title insurance companies  
Travel agencies
- (b) Other office uses similar to those listed above.
- (c) Accessory uses.  
(Ord. 86-44. Passed 8-7-86.)
- (d) Funeral Homes. (Ord. 97-42. Passed 8-7-97.)

1165.02 CONDITIONALLY PERMITTED USES.

Within the OS Office-Service District the following uses are conditionally permitted:

- (a) Freestanding one-family dwelling units;
- (b) Attached one-family dwelling units;
- (c) Accessory uses to such dwelling units.  
(Ord. 86-44. Passed 8-7-86.)
- (d) Churches, synagogues and temples for religious worship shall be allowed in this district provided they meet the following requirements:
  - (1) All exterior lighting shall be shielded so as not to shine onto adjoining properties;

(2) No loudspeakers shall be allowed outside of any building nor shall they be permitted to be used inside any building in such a manner that they are designed or intended to broadcast outside of such building;

(3) Minimum lot size two acres;

(4) No more than twenty-five percent (25%) of the lot area shall be covered by building;

(5) No building shall be more than three stories in height except for a steeple, chimney, elevator, aerial or other appurtenance;

(6) The minimum lot width at the minimum building setback line shall be 100 feet;

(7) Minimum setbacks:  
Front yard thirty feet;  
Side yard fifteen feet;  
Rear yard forty feet;

(8) Accessory buildings subject to the requirements of Section 1181.10.

(Ord. 92-42. Passed 7-16-92.)

#### 1165.03 SETBACKS.

(EDITOR'S NOTE: See Section 1170.01.)

#### 1165.04 HEIGHT REQUIREMENTS.

(EDITOR'S NOTE: See Section 1170.01.)

#### 1165.05 LOT SIZES.

(EDITOR'S NOTE: See Section 1170.01.)

#### 1165.06 ONE-FAMILY DWELLING UNITS.

(EDITOR'S NOTE: See Section 1170.01.)

#### 1165.07 INCIDENTAL SALES.

The sale of goods in connection with the operation of an office shall be permitted provided that the sales of products shall not be the subject of any exterior advertising on the premises and shall remain an incidental aspect of the office operation.

(Ord. 86-44. Passed 8-7-86.)

#### 1165.08 OUTSIDE STORAGE.

Within the OS Office-Service District no equipment or stock in trade may be stored outside of a building, except motor vehicles used in connection with the office use.

(Ord. 86-44. Passed 8-7-86.)

## CHAPTER 1167

### WH Warehouse District

- 1167.01 Purpose.
- 1167.02 Permitted uses.
- 1167.03 Lot area; lot width.
- 1167.04 Setbacks.
- 1167.05 Fences.
- 1167.06 Outdoor storage.

**CROSS REFERENCES**

- Supplementary district regulations - see P. & Z. Ch. 1181
- Minimum required parking spaces for business uses - see P. & Z. 1183.06(b)(18)
- Signs permitted in business districts - see P. & Z. 1185.06

**1167.01 PURPOSE.**

The purpose of the WH Warehouse District is to provide an area within the Village where the transfer and storage of goods can occur separate and apart from the manufacturing process.

(Ord. 86-44. Passed 8-7-86.)

**1167.02 PERMITTED USES.**

The following uses and no others shall be allowed in the WH Warehouse District:

- (a) Truck terminals;
- (b) Warehouses;
- (c) Storage and transfer facilities;
- (d) Wholesale storage and distribution facilities;
- (e) The use of premises for office, processing or assembly purposes which are reasonably necessary in connection with the primary purpose of the district as specified in this section;
- (f) Accessory uses to any of the above.

(Ord. 86-44. Passed 8-7-86; Ord. 87-45. Passed 8-6-87.)

- (g) Personal storage warehouse facilities.  
(Ord. 87-71. Passed 11-19-87.)

**1167.03 LOT AREA; LOT WIDTH.**

(a) Minimum Lot Area. The minimum lot area within the WH Warehouse District shall be 20,000 square feet.

(b) Minimum Lot Width. The minimum lot width in the WH Warehouse District shall be 100 feet at the minimum building setback line.

(Ord. 86-44. Passed 8-7-86.)

**1167.04 SETBACKS.**

(a) Side Yard. The minimum side yard setback in the WH Warehouse District shall be twenty feet.

(b) Rear Yard. The minimum rear yard setback in the WH Warehouse District shall be fifty feet.

(c) Front Yard. The minimum front yard setback in the WH Warehouse District shall be fifty feet.  
(Ord. 86-44. Passed 8-7-86.)

#### 1167.05 FENCES.

Parcels within the WH Warehouse District shall have in addition to the required building setback, a six foot high obscuring fence along all sides of the property except the front which abuts a residential district. This fence shall be constructed no closer to the front property line than the minimum building setback line along the sides of the property.  
(Ord. 86-44. Passed 8-7-86.)

#### 1167.06 OUTDOOR STORAGE.

Raw materials, finished products, work in process, machinery or equipment except motor vehicles may not be stored outside of an enclosed structure except in the side or rear yards. No storage shall be allowed on the areas required by Section 1167.04(a) or (b) as rear and side yard setback areas. Any such items shall be concealed by an appropriate obscuring fence so that they are not visible from adjacent properties or the public street upon which the building is located. The area of outside storage shall not exceed twenty-five percent (25%) of the area of inside storage.  
(Ord. 86-44. Passed 8-7-86.)

### CHAPTER 1169

#### I-1 Industrial District

- 1169.01 Purpose.
- 1169.02 Permitted uses.
- 1169.03 Lot area; lot width.
- 1169.04 Setback.
- 1169.05 Fences.
- 1169.06 Outdoor storage.
- 1169.07 Excluded uses.
- 1169.08 Conditionally permitted uses.

#### CROSS REFERENCES

- Supplementary district regulations - see P. & Z. Ch. 1181
- Minimum required parking spaces for industrial uses - see P. & Z. 1183.06(b)(18)
- Signs permitted in industrial districts - see P. & Z. 1185.06

1169.01 PURPOSE.

The purpose of the I-1 Industrial District is to allow for an area within the Village where manufacturing, assembling and processing of raw materials or parts can occur without detrimental effect upon the balance of the Village.

(Ord. 86-44. Passed 8-7-86.)

1169.02 PERMITTED USES.

The following uses shall be permitted in the I-1 Industrial District:

(a) Manufacturing and assembly of products from raw materials or component parts except as otherwise expressly prohibited.

(b) The incidental use of premises which are primarily manufacturing in nature for offices, storage or shipping in connection with the manufacturing process.

(c) All uses permitted in the WH Warehouse District.

(d) Accessory uses to any of the above.

(Ord. 86-44. Passed 8-7-86.)

1169.03 LOT AREA; LOT WIDTH.

(a) Minimum Lot Area. The minimum lot area within the I-1 Industrial District shall be two acres.

(b) Minimum Lot Width. The minimum lot width in the I-1 Industrial District shall be 200 feet.

(Ord. 86-44. Passed 8-7-86.)

1169.04 SETBACK.

(a) Side Yard. The minimum side yard setback in the I-1 Industrial District shall be twenty feet.

(b) Rear Yard. The minimum rear yard setback in the I-1 Industrial District shall be fifty feet.

(c) Front Yard. The minimum front yard setback in the I-1 Industrial District shall be fifty feet.

(Ord. 86-44. Passed 8-7-86.)

1169.05 FENCES.

Parcels within the I-1 Industrial District shall have, in addition to the required building setback, a six foot high obscuring fence along all sides of the property except the front which abuts a residential district. This fence shall be constructed no closer to the front property line than the minimum building setback line along the sides of the property.

(Ord. 86-44. Passed 8-7-86.)

1169.06 OUTDOOR STORAGE.

Raw materials, finished products, work in process, machinery or equipment may not be stored outside of an enclosed structure except in the side or rear yards. No storage

shall be allowed on the areas required by Section 1169.04(a) or (b) as rear and side yard setback area. Any such materials shall be hidden by an appropriate obscuring fence so that they are not visible from adjacent properties or the public street upon which the building is located. The area of outside storage shall not exceed twenty-five percent (25%) of the building area.  
(Ord. 86-44. Passed 8-7-86.)

#### 1169.07 EXCLUDED USES.

Notwithstanding any other provision of this Zoning Ordinance the following uses are determined to be inconsistent with the proper use of land within this Village and shall not be permitted in any use district:

- (a) Manufacture or storage of explosives including fireworks or matches;
- (b) Manufacture of fertilizer;
- (c) Junkyards, scrap yards or motor vehicle wrecking yards;
- (d) Slaughterhouses;
- (e) Asphalt manufacture or refining;
- (f) Brick or tile manufacture;
- (g) Cement, plaster or mortar manufacture;
- (h) Cresosote manufacture;
- (i) Fat rendering or production of animal or vegetable products by boiling or distillation;
- (j) Garbage and waste disposal plants or incinerators;
- (k) Petroleum refineries;
- (l) Paper, pulp, cardboard and building board manufacture;
- (m) Roofing material manufacture;
- (n) Solid waste, hazardous waste or radioactive waste disposal facilities;
- (o) Pesticide manufacture;
- (p) Rubber manufacture or reclamation;
- (q) Stockyards;
- (r) Tanning, curing or processing of hides or animal skins;
- (s) Gas and oil wells;
- (t) House trailers and house trailer parks;
- (u) Crematories.  
(Ord. 86-44. Passed 8-7-86.)
- (v) Truck stops.  
(Ord. 88-42. Passed 6-16-88.)

#### 1169.08 CONDITIONALLY PERMITTED USES.

(a) As used in this section, the term Communication Tower shall mean a structure over thirty-five feet in height above grade level which is intended for transmitting receiving or relaying cellular telephone special mobile radio or personal communications systems or other forms of wireless communications but shall not include:

- (1) Commercial radio or television transmission towers;
- (2) Amateur radio antennas or towers;

- (3) Television receiving towers which are accessory to homes, businesses, industry or government buildings; or
- (4) Government or private two-way radio communication towers.

(b) Within the I-1 Industrial District only communication towers shall be permitted provided the Planning Commission determines that each of the following conditions have been met.

(1) The base of such tower shall be surrounded by a fence eight foot in height with a locked gate and located as close as is practical to the tower.

(2) The base of said tower and any accessory buildings shall be inside of the fence and shielded by a green belt of living plant material well maintained and replanted as necessary in order to provide year around obstruction from public view.

(3) No lights shall be permitted on the tower except those specifically required by a federal law or regulation.

(4) The site shall be a minimum of 500 feet from the nearest parcel of land zoned or used for residential purposes.

(5) The minimum set back line between the base of the tower and all adjacent properties shall be the height of the tower.

(6) Underground wiring shall be required.

(7) No employees shall be permitted at the tower site on a regular basis.

(8) If the tower is abandoned it shall be removed within ninety days of its last date of operation.

(9) Appropriate building and electrical permits will be obtained and all construction shall be in accordance with the appropriate building and electrical codes.

(10) The applicant shall demonstrate that all less intrusive alternatives and locations including leasing space on existing towers are not feasible for its operation.

(11) Section 1137.01 and 1137.02 governing conditional zoning permits and Section 1139.06 and 1139.07 governing site plan approval shall also apply to an application for a conditional permit under this section.

(Ord. 95-36. Passed 10-23-95.)

## CHAPTER 1170

### Schedule of Standard District Regulations for Residential and OS Districts

1170.01 Schedule limiting lot area, density height and bulk by zoning district.

1170.01 SCHEDULE LIMITING LOT AREA, DENSITY HEIGHT AND BULK BY ZONING DISTRICT.

Zoning District Designation	Maximum Net Density	Minimum Lot: Setback	Minimum Floor Area per Dwelling Unit (Square Feet)	Maximum Height of Building	Minimum Yard Coverage per Lot	Building
	Area (square feet) (a)	Width (feet) (a)	In Feet	In Stories	Front	
Yard	Each Side Yard	Rear Yard				
R-1 Low Density	2.6	14,450	85	25	2	35 8.5 40 (b)
25%						
R-2 Medium Density						
One Family	3.0	11,600	80	25	2	35 8 40 (b) 25%
Two Family	4.6	15,000	100	25	2	35 10 40 (b)
25%						
R-3 High Density						
One Family	3.0	11,600	80	25	2	35 8 40 (b) 25%
Two Family	4.6	15,000	100	25	2	35 10 40 (b)
25%						
Multiple Family	(c)	(c)	(c)	25	2	35 10 40 (c)
25%						
OF Office Service				25	2	30(d) (e) 20(f)

Notes to Section 7.01

(a) Where centralized sewer and water systems are not provided, the minimum lot area shall be one (1) acre and the minimum lot width shall be one hundred and fifty feet (150').

(b) The minimum floor area shall be:  
 One Family Dwelling Unit 1,200 square feet  
 Two Family Dwelling Unit 1,000 square feet per dwelling unit

(c) Required Area Allowances for Multiple Family Uses:

	Net Living Area (square feet)	Allowable Floor Area Ratio (i)	Minimum Open Space Ratio (ii)	Maximum Density per Acre	Minimum Number of Car Spaces (iv)	Maximum Allowable Parking Space Ratio
Townhouses						
One Story	1,024	6.6	0.156	0.628	0.036	13 2.2
Two Story	1,320	8.8	0.266	0.453	0.043	18 2.2
Apartments						
Efficiency	600	11.0	0.152	0.456	0.028	22 2.2

One Bedroom	1,000	9.3	0.214	0.440	0.026	18	2.2
Two Bedroom	1,100	8.6	0.217	0.432	0.049	17	2.2
Three Bedroom	1,200*	7.9	0.226	0.431	0.068	16	2.2

\* For each bedroom in addition to the three (3) bedrooms permitted an additional area of three hundred (300) square feet shall be added to the minimum floor area of twelve hundred (1,200) square feet.

(i) Floor Area Ratio (FAR) times the land area (LA) equal the maximum total amount of floor area acceptable for the development:  $FAR \times LA = \text{Max. Floor Area}$

(ii) Open Space Ratio (OSR) times the land area (LA) equals the minimum amount of open space acceptable for development:  $OSR \times LA = \text{Min. Open Space}$

(iii) Livability Space Ratio (LSR) times the land area (LA) equals the minimum amount of livability space acceptable for the development:  $LSR \times LA = \text{Min. Livability Space}$

(iv) Parking Space Ratio (PSR) times the number of living units (LU) equals the minimum number of car parking spaces required for residents:  $PSR \times LU = \text{Min. Parking Spaces}$

(d) In the R-3 Residential District the front, side and rear yard requirements do not refer to the spacing between buildings for a multiple family development for two or more buildings on the same lot. The minimum distance between any two buildings shall not be less than thirty feet (30'). Whenever the side or rear yard of a multiple family development abuts onto a one-family development the minimum side and rear yard depth shall be forty feet (40').

(e) Off street parking shall be permitted to occupy part of the required front yard after approval of the parking plan layout and driveways by the Village Planning Commission. A greenbelt fifteen feet (15') wide shall be maintained between the edge of the parking lot and the street right-of-way line.

(f) No side yards are required along the interior lot lines of the district, provided that if walls of structures facing any interior side lot line contain windows, or other openings, then the side yard shall not be less than ten feet (10'). If a side or rear yard abuts onto a residential district the minimum yard setback shall be twenty feet (20') on the side abutting a residential district.

(Ord. 99-43. Passed 8-19-99; Ord. 00-12. Passed 4-6-00.)

## TITLE NINE - Zoning Standards and Special Provisions

Chap. 1181. Supplementary District Regulations.

Chap. 1183. Parking Requirements.

Chap. 1185. Signs.

Chap. 1187. Nonconforming Uses.

Chap. 1189. Gasoline Service Stations.  
Chap. 1191. Fences.  
Chap. 1193. Trailers.  
Chap. 1195. Wellhead Protection Plan.  
Appendix - Forms

## CHAPTER 1181

### Supplementary District Regulations

- 1181.01 Conditions applicable to all districts.
- 1181.02 Lot width requirements.
- 1181.03 Frontage.
- 1181.04 Corner lots.
- 1181.05 Principal building.
- 1181.06 Calculation of open space.
- 1181.07 Drainage channels.
- 1181.08 Water and sewer connections.
- 1181.09 Temporary buildings.
- 1181.10 Accessory buildings.
- 1181.11 Landscaping requirements.
- 1181.12 Outdoor lighting requirements.
- 1181.13 Exclusion of travel trailers, park trailers or mobile homes.

### CROSS REFERENCES

Zoning definitions - see P. & Z. 1131.01  
Zoning Permits - see P. & Z. Ch. 1137  
Parking requirements - see P. & Z. Ch. 1183  
Nonconforming uses - see P. & Z. Ch. 1187

#### 1181.01 CONDITIONS APPLICABLE TO ALL DISTRICTS.

The following conditions shall be applicable to all land, buildings and structures within the Village of Ontario, Ohio.

(Ord. 86-44 Passed 8-7-86.)

#### 1181.02 LOT WIDTH REQUIREMENTS.

All buildings except accessory buildings shall be situated on a parcel of property which meets the minimum width requirements at the minimum building setback line imposed within the zoning district wherein the property is located.

(Ord. 86-44. Passed 8-7-86.)

#### 1181.03 FRONTAGE.

No structure shall be constructed which does not meet the minimum frontage requirements of Section 1181.02 either:

- (a) Along a duly dedicated and accepted public street, or

(b) Along a duly dedicated public street for which a performance bond issued by an insurance or surety bonding company authorized to do business in the State of Ohio or an irrevocable bank letter of credit to guarantee construction of said street has been accepted by Village Council and the terms and conditions of that bond or letter or credit have not been broken.

(Ord. 97-39. Passed 8-7-97.)

#### 1181.04 CORNER LOTS.

Property situated at the intersection of two public streets shall meet the minimum setback requirements as required in that district along both such streets.

(Ord. 86-44. Passed 8-7-86.)

#### 1181.05 PRINCIPAL BUILDING.

In residential districts no more than a single one or two-family dwelling unit shall be allowed on any single parcel of land as carried on the county auditor's tax duplicate on the date of the application for a Zoning Permit. This provision shall not apply to accessory buildings.

(Ord. 86-44. Passed 8-7-86.)

#### 1181.06 CALCULATION OF OPEN SPACE.

All land that is used for setback requirements shall be and remain under ownership of the owner of the building or structure for which the setbacks are established and may not be sold to any adjoining property owner to the extent that such sale would reduce the land below the minimum setback or area required by this ordinance. No land may be used to satisfy the setback or area requirements of more than one building except an accessory building.

(Ord. 86-44. Passed 8-7-86.)

#### 1181.07 DRAINAGE CHANNELS.

The Zoning Inspector and the Planning Commission shall have the authority to require as a condition of the granting of an Zoning Permit or Conditional Zoning Permit that existing drainage channels be maintained or relocated so as to avoid flooding or damage to adjoining properties from surface water.

(Ord. 86-44. Passed 8-7-86.)

#### 1181.08 WATER AND SEWER CONNECTIONS.

Issuance of a Zoning Permit, Conditional Zoning Permit or the approval of a site plan shall not be deemed a guarantee that municipal water or sewer service will be available to the property. All connections to water and sewer systems shall be in accordance with the ordinances and rules of the Village and the Village Administrator.

(Ord. 86-44. Passed 8-7-86.)

#### 1181.09 TEMPORARY BUILDINGS.

Temporary buildings for uses incidental to construction shall be allowed upon the construction site without a Zoning Permit for a period not to exceed one year. Such use

for a period of longer than one year must be approved by the Planning Commission on such terms as it deems to be in the public interest.  
(Ord. 86-44. Passed 8-7-86.)

#### 1181.10 ACCESSORY BUILDINGS.

Accessory buildings as defined in this Zoning Ordinance shall be permitted in all districts provided that their use is incidental, subordinate and customary to the primary use of the property upon which they are located.

(a) An accessory building which is physically attached to or located within eight feet of the principal building shall be deemed a part of the principal building for all purposes.

(Ord. 92-26. Passed 4-16-92.)

(b) No accessory building shall be located in any front yard;

(c) Accessory buildings shall be located at least eight feet from the side property lines and at least eight feet from the rear property lines;

(d) No accessory building shall exceed the height of the principal building on the lot;

(e) No accessory building shall be used for human habitation;

(f) Accessory buildings shall not occupy more than fifty percent (50%) of the total lot area minus that occupied by the principal building and all required setbacks.

(Ord. 86-44. Passed 8-7-86.)

#### 1181.11 LANDSCAPING REQUIREMENTS.

(a) In those situations in which a site plan is required to be submitted and approved under Section 1135.08 and Section 1137.03 for any property within the B-1 Neighborhood Business District, B-2 General Business District, or OS Office Service District, the following provisions shall apply.

(b) As used in this section "living landscape materials" includes grass, ground cover, vines, shrubs, trees, hedges and perennial flowers.

(c) Non-living landscape materials shall include crushed brick, pea gravel, beach pebbles, flagstone, sand, ornamental stones, boulders, bricks or crushed brick.

(d) (1) Landscaping composed of living plant materials shall be used in an area equal to at least ten percent (10%) of the minimum front yard setback area, but may be located anywhere between the road right of way and the principal building.

(2) Except to the extent that the balance of the front yard setback area is used for parking, driveways, maneuvering lanes or sidewalks as otherwise permitted or required under the Zoning Ordinance, the remainder of the front yard setback area shall be landscaped with either living or non-living landscaped materials.

(e) No bare earth shall be permitted to be exposed after the project is completed.

(f) Common or naturally occurring weeds shall not be permitted as part of the landscape plan.

(g) No landscape materials which are placed within ten feet of the street right of way shall exceed twenty-four inches in height.

(h) All landscape materials shall be installed in a manner which is in accordance with acceptable construction planting practices.

(i) Landscape materials approved in the site plan shall be installed within twelve months of the approval of the site plan.

(j) The property owner shall be responsible for the continued proper maintenance of all landscape materials and shall keep them so as to present a neat and attractive appearance.

(k) All unhealthy and dead plant material shall be replaced during the next planting season.  
(Ord. 89-24. Passed 6-15-89.)

#### 1181.12 OUTDOOR LIGHTING REQUIREMENTS.

In districts B-1, B-2, OS, I and WH, any outdoor lighting shall be shielded or focused in such a manner so that it does not shine directly upon any residentially zoned or residentially used property.

(Ord. 94-52. Passed 11-17-94.)

#### 1181.13 EXCLUSION OF TRAVEL TRAILERS, PARK TRAILERS OR MOBILE HOMES.

No person shall within any district in this Village use any travel trailer, park trailer, or mobile home as defined in Ohio R.C. 4501.01, or any non-permanently sited manufactured home as a dwelling unit.

(Ord. 99-30. Passed 7-1-99.)

### CHAPTER 1183

#### Parking Requirements

- 1183.01 Purpose.
- 1183.02 Permits conditioned on adequate parking.
- 1183.03 Use of parking spaces.
- 1183.04 Front yard parking.
- 1183.05 Parking areas.
- 1183.06 Parking spaces.
- 1183.07 Location of parking spaces.

- 1183.08 Joint parking areas.
- 1183.09 Use of setback areas for parking.
- 1183.10 Variances.
- 1183.11 Access to parking spaces.
- 1183.12 Unspecified uses.

**CROSS REFERENCES**

- Parking definitions - see P. & Z. 1131.01 (a)(43),(45)
- Zoning Permits - see P. & Z. Ch. 1137
- Variances - see P. & Z. 1141.01
- Nonconforming uses - see P. & Z. Ch. 1187

**1183.01 PURPOSE.**

Regardless of the zoning of the district the use of the property shall determine the number of parking spaces required by this Zoning Ordinance. It is the purpose of these provisions to require a landowner to provide sufficient parking space on the owner's property for the maximum number of vehicles which may be present at any one time; to provide for a system of safe ingress and egress and to minimize the number of cars that are parked upon public streets.  
(Ord. 86-44. Passed 8-7-86.)

**1183.02 PERMITS CONDITIONED ON ADEQUATE PARKING.**

No Zoning Permit or Conditional Zoning Permit shall be issued for any commercial, industrial or residential land use which does not comply with the off-street parking and maneuvering lane requirements of this Zoning Ordinance.  
(Ord. 86-44. Passed 8-7-86.)

**1183.03 USE OF PARKING SPACES.**

All off-street parking spaces shall be used only for the temporary parking of motor vehicles. Except in residential districts no long term storage or repair work, except in the case of an emergency shall be performed in any off-street parking area.  
(Ord. 86-44. Passed 8-7-86.)

**1183.04 FRONT YARD PARKING.**

In business or office districts, no required off-street parking area shall be located within ten feet of the street right-of-way line.  
(Ord. 86-44. Passed 8-7-86.)

**1183.05 PARKING AREAS.**

(a) Conversion. No area designated for off-street parking may be sold, the lease thereon permitted to be cancelled nor converted to another use if in so doing the minimum number of parking spaces required by this Zoning Ordinance are not retained.

(b) Surface. All off-street parking areas and all driveways, except driveways for one or two-family dwelling units, shall be Portland cement concrete or asphaltic concrete and well drained.

(Ord. 86-44. Passed 8-7-86.)

1183.06 PARKING SPACES.

(a) Size. All off-street parking spaces required by this Zoning Ordinance shall be laid out and maintained as follows:

Parking Angle at Base Line (degrees)	Parking Width Space Length (ft.)		
	Maneuvering Lane Width (ft.)		
45	8' 4"	20	12
60	8' 6"	20	15
90	9'	20	20

(b) Minimum Required Parking Spaces. The following shall be the minimum number of spaces required:

Residential Uses

- (1) One or two-family dwelling units, two per dwelling unit which may include parking space in the garage.
- (2) Multiple family dwelling units, two per dwelling unit plus one for each full-time employee which may include parking spaces in garages.

Commercial Uses

- (3) Retail stores and shopping centers three spaces for each 1,000 square feet of floor area open to the public.
- (4) Banks, savings and loans or credit unions one for each employee and one for each 100 square feet of floor area open to the public.
- (5) Office use one for each employee and one for each 200 square feet of usable floor space.
- (6) Restaurants, taverns, nightclubs one space for each employee and one space for each three customer seats.
- (7) Funeral homes one space for each fifty square feet of area used for displaying bodies.
- (8) Schools: Elementary and junior high two for each classroom and one for every eight seats in the room with the largest seating capacity. High school one for each employee and one for every ten students. Business or trade schools one for each employee and one for every two students.
- (9) Hotels or motels one space for each employee, and five for every four guest rooms.
- (10) Rest, nursing or convalescent homes one space for each employee and one space for every four patients or residents.
- (11) Indoor recreation one space for each employee and one space for each 200 square feet of area open to the public.
- (12) Outdoor recreation except golf courses one space for each employee and one for each 300 square feet open to the public.

- (13) Bowling alley one space for each employee and four spaces for each alley or lane.
  - (14) Private club or lodge one space for each employee and one space for every three seats.
  - (15) Churches one space for every three seats in the largest room.
  - (16) Rooming, boarding, fraternity or sorority houses one space for each two residents.
- Warehouse and Industrial Uses
- (17) One space for each employee on the largest shift.  
(Ord. 86-44. Passed 8-7-86; Ord. 99-30. Passed 7-1-99.)

#### 1183.07 LOCATION OF PARKING SPACES.

All parking shall be located on a lot owned or leased by the applicant and the Planning Commission may require proof of the applicant's right to use any nonowned property.

(Ord. 86-44. Passed 8-7-86.)

#### 1183.08 JOINT PARKING AREAS.

No parking area may be used to meet the requirements of this Zoning Ordinance for two or more land uses unless the area is adequate to satisfy the requirements of this Ordinance for all such uses simultaneously.

(Ord. 86-44. Passed 8-7-86.)

#### 1183.09 USE OF SETBACK AREAS FOR PARKING.

Unless otherwise specified in this Zoning Ordinance, setback areas may be used for parking.

(Ord. 86-44. Passed 8-7-86.)

#### 1183.10 VARIANCES.

Where because of unusual circumstances with respect to the land use or unusual topographical features the number or size of parking spaces required by this Zoning Ordinance are in excess of those that are likely to be actually needed, the Planning Commission shall have the authority to reduce the requirements of Sections 1183.06 or 1183.07.

(Ord. 86-44. Passed 8-7-86.)

#### 1183.11 ACCESS TO PARKING SPACES.

Access to all off-street parking spaces and loading docks shall be by means of a maneuvering lane. Except for one and two-family residential driveways, no parking space shall be arranged so as to require backing directly onto a public street.

(Ord. 87-2. Passed 1-2-87.)

#### 1183.12 UNSPECIFIED USES.

Whenever this Zoning Ordinance fails to provide the parking space requirements for a specific use, the Planning Commission is authorized to designate the appropriate number of parking spaces and shall make the compliance with its order a condition of the

site plan approval. In reaching its decision, the Planning Commission shall consider the following factors:

- (a) The maximum number of employees, customers and other persons who will be on the premises at any one time.
- (b) The length of time each person will be present.
- (c) The likelihood that persons will arrive by motor vehicle.
- (d) The number of spaces required by Section 1183.06 for uses comparable to the proposed use.

(Ord. 86-44. Passed 8-7-86.)

## CHAPTER 1185

### Signs

- 1185.01 Definitions.
- 1185.02 Purpose.
- 1185.03 Exceptions.
- 1185.04 Permit required; form; fee.
- 1185.05 Signs permitted in residential districts.
- 1185.06 Signs permitted in business, office, warehouse and industrial districts.
- 1185.07 Size limitations.
- 1185.08 Pole or pylon signs.
- 1185.09 Lighting.
- 1185.10 Sign erectors.
- 1185.11 Signs in public right-of-way.
- 1185.12 Compliance with State law.
- 1185.13 Temporary signs.
- 1185.14 Variances.
- 1185.15 Prohibited locations.
- 1185.16 Removal of unsafe signs.
- 1185.17 Political, religious or charitable signs.
- 1185.18 Shopping center signs.
- 1185.19 Construction of signs.
- 1185.20 Abandoned signs.
- 1185.21 Installation.

### CROSS REFERENCES

- Power to regulate billboards and signs - see Ohio R.C. 715.27
- Power to regulate advertising - see Ohio R.C. 715.65
- Advertising on State and Interstate highways - see Ohio R.C. Ch. 5516
- Zoning definitions - see P. & Z. 1131.01
- Variances - see P. & Z. 1141.01
- Ohio Basic Building Code - see BLDG. Ch. 1301

#### 1185.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply:

- (a) "Commercial sign" means a sign used to promote the sale of a product or service.
- (b) "Off-premises activities sign" means a sign denoting the name of a business, its products, services, logo, slogans or other information relating to goods or services which are not sold on the premises where the sign is located.
- (c) "On premises activities sign" means a sign denoting the name of a business or its products, services, logo, slogans or other information relating to goods or services sold on the premises where the sign is located.
- (d) "Pole sign" means a sign wholly supported by a structure placed on or into the ground.
- (e) "Projecting sign" means a sign which is affixed to a wall or other structure in such a manner as to form a ninety degree angle therewith.
- (f) "Pylon sign" means a sign with an enclosed base which appears to be an integral part of the sign.
- (g) "Shopping center" means a group of contiguous retail stores originally planned and developed as a single unit with common off-street parking facilities.
- (h) "Sign" means any object which is used to display words, letters, pictures, or symbols with the intent to convey a message or attract attention.
- (i) "Temporary signs" means a sign which is not permanently affixed to the ground or building and is capable of being moved with a minimum of effort.
- (j) "Wall sign" means a sign attached to or erected against or applied directly upon a wall of a building or other structure and may be an integral part of the wall with the exposed face of the sign in a plane parallel to the plane of the wall.

(Ord. 86-44. Passed 8-7-86.)

#### 1185.02 PURPOSE.

It is determined that the use of land for the location of signs is a significant use of land within the Village. In order to promote the aesthetics of the Village and to reduce the hazards to motorists and pedestrians from the distractions caused by signs, these regulations are enacted as the minimum necessary to protect the public safety and welfare.

(Ord. 86-44. Passed 8-7-86.)

#### 1185.03 EXCEPTIONS.

The following signs shall be permitted in all districts within the Village and no sign permit shall be required for them:

- (a) Traffic control or other regulatory or identification signs erected by the Federal, State, County, Township or Village governmental authorities.
- (b) One sign per parcel advertising the sale, rental or lease of real estate provided such signs are located on the premises that are the subject of the sale, rental, lease, unlighted and no larger than ten square feet.
- (c) Political signs provided they are removed no later than ten days after the election at which the candidate or issue appears on the ballot.

(d) In residential districts, garage, basement, porch or other casual sale signs provided no more than three such sales are held per year and the signs are present for no more than three days each time.

(e) Signs erected for the convenience of the public showing the location of telephones, bus stops and other public conveniences.

(f) Real estate open house or directional signs provided they are displayed for no more than one day a week for any property.

(g) Construction project identification signs denoting the owner or developer, the architect, engineer or contractor and information concerning the project located on the premises where the construction is taking place and no larger than forty square feet.

(h) Temporary banners or signs announcing educational, religious or public events no larger than twenty square feet and located on the premises where the event is to occur.

(Ord. 86-44. Passed 8-7-86.)

#### 1185.04 PERMIT REQUIRED; FORM; FEE.

(a) Permit Required. With the exception of those signs listed in Section 1185.03, and those excluded under Section 1185.17, no person, firm or corporation shall erect, enlarge or structurally alter any sign within the Village without first obtaining a permit from the Village Zoning Inspector. No permit shall be required for the change in an existing sign which does not increase its size or change its structural nature. Whenever the size of a sign is regulated or the fee for a sign permit is based upon the size of the sign, such measurement shall be based upon total display area.

(b) Permit Form. The Zoning Inspector shall provide application forms for a sign permit which, when approved by him, shall become the sign permit. The application shall contain the following information:

(1) Name and address of the owner of the property where the sign is to be erected.

(2) Name and address of the sign erector.

(3) A description of the sign including the materials used in its construction, its size and the details and calculations of its structural design including the design of its foundation in such a form that the Village Engineer requires so that its safety can be assured.

(4) A diagram of the proposed sign and its location on the property.

(5) Such application shall be accompanied by the following fees:

Signs of four square feet or less \$ 10.00

Signs of more than four square feet

but less than twelve square feet 25.00

Signs of over twelve square feet 25.00 plus \$1.00 per foot

over twelve square

(6) The maximum fee for any sign shall not exceed \$200.00.

(Ord. 86-44. Passed 8-7-86; Ord 87-2. Passed 1-2-87.)

#### 1185.05 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS.

Commercial signs are hereby determined to be a nonresidential use of land and no commercial signs except as expressly hereinafter permitted in this section shall be allowed in the R-1, R-2 or R-3 Residential Districts within the Village.

(a) A single sign of no more than two square feet advertising a home occupation.

(b) Signs identifying a nursing home, rest home, convalescent home, fraternity or sorority house, rooming or boarding house, group home or apartment building or complex or a subdivision not to exceed in size twenty-five square feet.

(Ord. 86-44. Passed 8-7-86.)

#### 1185.06 SIGNS PERMITTED IN BUSINESS, OFFICE, WAREHOUSE AND INDUSTRIAL DISTRICTS.

In the business, office, warehouse and industrial districts the following signs are permitted:

(a) All signs allowed in the residential districts under Section 1185.05.

(b) On premises activities signs as hereinafter regulated.

(c) Off premises activities signs subject to the following:

The minimum lot width for the location of any off-premises sign shall be two hundred feet. In addition no sign shall be located within one thousand feet of any existing off-premises sign nor within two hundred-fifty feet of any street right-of-way intersection. Each off-premises sign shall not exceed six hundred square feet of total display area.

(Ord. 94-36. Passed 9-15-94.)

#### 1185.07 SIZE LIMITATIONS.

In any business, office, warehouse or industrial district, each establishment shall be allowed the following signs for advertising on premises activities:

(a) One wall sign with a maximum area of forty square feet for each 1,000 square feet of floor area open to the public, but in no event larger than 300 square feet.

(b) In lieu of one wall sign stated in subsection (a) hereof, one projecting sign with a maximum area of twenty square feet per side for each 1,000 square feet of area open to the public but in no event larger than 150 square feet per side.

(c) One pole or pylon sign with a maximum area of 150 square feet per side.

(d) Accessory signs such as those denoting brand names of articles sold or credit cards accepted not to exceed twenty square feet per business.

(Ord. 87-2. Passed 1-2-87.)

#### 1185.08 POLE OR PYLON SIGNS.

(a) Heights. No pole or pylon sign shall be higher than thirty feet from the ground.

(b) Location. No pole or pylon sign shall be located closer than ten feet of the public right of way nor closer than twenty feet of any adjoining property lines.

(Ord. 92-5. Passed 1-16-92.)

#### 1185.09 LIGHTING.

All signs that are lighted shall have the lighting arranged in such a manner as to minimize its effects upon neighboring properties or adjacent streets, and shall not be designed or located to cause confusion with traffic control lights. All lighting shall be of constant intensity and no flashing, intermittent, rotating or moving lights shall be allowed. (Ord. 86-44. Passed 8-7-86.)

#### 1185.10 SIGN ERECTORS.

(a) No person, partnership or corporation shall erect, enlarge or structurally alter any sign within this Village:

- (1) Which contains any electric connection; or
- (2) Which, when completed, is ten or more feet off the ground; or
- (3) Which is larger than twenty-five square feet.

Unless such person, partnership or corporation is the holder of a current sign erector's license issued under this chapter.

(b) An application for such license shall be filed with the Village Zoning Inspector and shall contain the following information:

- (1) Name and address of the sign erector;
- (2) Description of the types of signs the sign erector plans to erect;
- (3) Evidence that the sign erector has in effect general liability

insurance providing coverage for wrongful death and bodily injury in an aggregate amount of at least five hundred thousand dollars (\$500,000).

(4) Payment of a fee of sixty dollars (\$60.00). Upon a determination by the Zoning Inspector that the sign erector has met the requirements of this section he shall issue a sign erector's license which shall be valid for a period of one year from its date of issue.

(Ord. 86-44. Passed 8-7-86; Ord 87-2. Passed 1-2-87.)

#### 1185.11 SIGNS IN PUBLIC RIGHT-OF-WAY.

No signs except those erected by a governmental agency shall be permitted upon the public right-of-way and any sign so located shall be deemed a public nuisance subject to immediate removal.

(Ord. 86-44. Passed 8-7-86.)

#### 1185.12 COMPLIANCE WITH STATE LAW.

All signs erected in this Village in addition to complying with the provisions of this chapter shall comply where applicable with Ohio R.C. Chapter 5516.

(Ord. 86-44. Passed 8-7-86.)

#### 1185.13 TEMPORARY SIGNS.

Temporary signs not exceeding fifty square feet in area shall be allowed in all business, office, warehouse and industrial areas in addition to all other signs permitted by this chapter. A sign permit shall be required for each temporary sign. Notwithstanding Section 1185.04(b), the fee for a temporary sign shall be five dollars (\$5.00) per month or part thereof, and shall be payable in advance. The applicant shall indicate upon the

application the number of months the sign will be displayed and pay the fee for such period of time before the sign permit is issued.

After the expiration of the initial permit period the permit may be renewed upon the payment of the monthly fee.

(Ord. 86-44. Passed 8-7-86.)

#### 1185.14 VARIANCES.

(a) The Planning commission is hereby authorized to grant variances from any of the provisions of this chapter if it determines from the evidence presented that the literal application of these provisions will cause undue hardship or practical difficulties. The Planning Commission shall in granting a variance from the requirements of this chapter consider the following factors:

(1) The extent to which the variance will impair vehicular or pedestrian traffic by distracting attention from traffic control signals.

(2) The extent to which any variance will interfere with ingress or egress including sight distance to the applicant's property or any adjacent property.

(3) The extent of which any variance will interfere with public utility poles, wires or other facilities or traffic control devices.

(4) The extent to which the variance will have an adverse effect upon property values in the area.

(5) The extent to which the variance will detract from the appearance of the area.

(b) Procedure. Whenever the Zoning Inspector is unable to issue a sign permit because the proposed sign does not comply with the provisions of this chapter, he shall advise the applicant of his/her right to appeal to Planning Commission for a variance. Such appeal shall be in writing accompanied by a fee of twenty-five dollars (\$25.00) and the hearing thereon shall be conducted in accordance with the provisions of Section 1139.05(c), (d) and (e).

(Ord. 86-44. Passed 8-7-86.)

#### 1185.15 PROHIBITED LOCATIONS.

No sign shall be allowed to overhang a public street or sidewalk nor be located within six feet horizontally or twelve feet vertically of any electrical lines or appurtenances.

(Ord. 86-44. Passed 8-7-86.)

#### 1185.16 REMOVAL OF UNSAFE SIGNS.

If the Zoning Inspector finds that any sign within the Village presents a risk of harm to persons or property, he shall immediately give written notice to the landowner where the sign is located. Unless the unsafe condition is remedied within ten days, the Zoning Inspector shall cause the sign to be removed. In the event of a clear and present danger that the sign will fall or otherwise injure a pedestrian or motorist, the Zoning Inspector may cause the sign to be removed without prior notice.

(Ord. 86-44 Passed 8-7-86.)

1185.17 POLITICAL, RELIGIOUS OR CHARITABLE SIGNS.

In addition to the signs excluded from regulation by Section 1185.03, this chapter is not intended to apply to signs advocating political, religious or philosophical points of view which are located on private property. No permit shall be required for such signs nor shall the other restrictions of this chapter be applicable to them.  
(Ord. 86-44. Passed 8-7-86.)

1185.18 SHOPPING CENTER SIGNS.

In lieu of the pole or pylon sign allowed by Section 1185.07(c) only one pole or pylon sign shall be permitted in any shopping center on each public street which the shopping center abuts. Each sign allowed under this provision shall be no higher than thirty feet and have a total display area that shall not exceed thirty square feet for each separate store or business located in the shopping center.  
(Ord. 87-2. Passed 1-2-87.)

1185.19 CONSTRUCTION OF SIGNS.

All signs shall be constructed in accordance with the Ohio Basic Building Code and applicable electrical regulation and shall be subject to building and electrical inspection by Richland County.  
(Ord. 86-44. Passed 8-7-86.)

1185.20 ABANDONED SIGNS.

Any business which ceases to operate shall remove all signs from the premises. Upon failure to do so, the Zoning Inspector shall give notice to the owner of the property to remove such sign. Unless the sign is removed within ten day thereafter, the Village may remove the sign at the landowner's expense.  
(Ord. 86-44. Passed 8-7-86.)

1185.21 INSTALLATION.

All signs shall be installed in accordance with the applicable provisions of the Ohio Basic Building Code. In the event that a sign is more than ten feet tall, the Zoning Inspector may request that the Village Engineer review the construction plans in order to be certain that the sign will not be a hazard to the public. The actual charges paid by the Village for the engineer's review shall be added to the cost of the sign permit.  
(Ord. 86-44. Passed 8-7-86.)

CHAPTER 1187

Nonconforming Uses

- 1187.01 Intent.
- 1187.02 Single nonconforming lots of record.
- 1187.03 Nonconforming uses of land.
- 1187.04 Nonconforming structures.

- 1187.05 Nonconforming uses of structures and land in combination.
- 1187.06 Repairs and maintenance.
- 1187.07 Exceptions.

#### CROSS REFERENCES

- Nonconforming use defined - see P. & Z. 1131.01(a)(41)
- Variances - see P. & Z. 1141.01
- Accessory buildings - see P. & Z. 1181.10

#### 1187.01 INTENT.

Within the districts established by this Zoning Ordinance or amendments that may later be adopted, there exist lots, uses of land, structures, and uses of structures and land in combination which were lawful before this Ordinance was passed or its present amendments adopted, but which would be prohibited, regulated or restricted under the terms of this Ordinance or amendments. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Nonconformities are declared by this Ordinance to be incompatible with permitted uses in the districts in which such use is located. A nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged more than ten percent (10%). However, a nonconforming use which is consistent with the current zoning may be substituted for an existing use. Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, providing that work shall be carried out diligently. (Ord. 86-44. Passed 8-7-86.)

#### 1187.02 SINGLE NONCONFORMING LOTS OF RECORD.

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on a single lot of record at the effective date of adoption or amendment of this Zoning Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable within the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements of this Zoning Ordinance other than lot area or lot width shall be obtained only through action of the Planning Commission as provided in Section 1139.04. No portion of any lot shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance. (Ord. 86-44. Passed 8-7-86.)

#### 1187.03 NONCONFORMING USES OF LAND.

Where, at the time of adoption of this Zoning Ordinance, lawful uses of land exist which would not be permitted by this Ordinance, the uses may be continued so long as they remain otherwise lawful, provided:

(a) No such nonconforming uses shall be enlarged or increased, nor extended, to occupy more than ten percent (10%) more of the area of land than was occupied at the effective date of the adoption or amendment of this Ordinance;

(b) No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of the adoption or amendment of this Ordinance;

(c) If any nonconforming uses of land are discontinued or abandoned for more than two years, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located;

(d) No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

(Ord. 86-44. Passed 8-7-86.)

#### 1187.04 NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of the adoption or amendment of this Zoning Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(a) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged or extended more than ten percent (10%), moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

(b) Should such nonconforming structure or nonconforming portion of a structure be accidentally destroyed, it may be reconstructed as it existed before destruction provided the reconstruction shall begin within one year and completed within two years. Such reconstruction shall not result in a larger structure than existed before such destruction by more than ten percent (10%).

(c) Should any structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Ord. 86-44. Passed 8-7-86.)

#### 1187.05 NONCONFORMING USES OF STRUCTURES AND LAND IN COMBINATION.

If a lawful use involving individual structures, or a structure and land in combination, exists at the effective date of adoption or amendment of this Zoning Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(a) No existing structure devoted to a use not permitted by this Zoning Ordinance in the district in which it is located shall be enlarged or extended by more than

ten percent (10%) moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

(b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such a use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building;

(c) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use for a period of two years, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;

(d) When a nonconforming use of structure, or structure and land in combination, is discontinued or abandoned for more than two years, the structure or structure and land combination shall not thereafter be used except in conformity with the regulations of the district in which it is located;

(e) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(Ord. 86-44. Passed 8-7-86.)

#### 1187.06 REPAIRS AND MAINTENANCE.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased except as hereabove provided. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(Ord. 86-44. Passed 8-7-86.)

#### 1187.07 EXCEPTIONS.

(a) Single Dwelling Unit. Notwithstanding the provisions of Sections 1187.01 to 1187.06 inclusive, any one or two-family dwelling unit located in any use district in the Village may be expanded or enlarged so long as its use is not changed from that of a one or two-family dwelling unit. Such expansion or enlargement shall be subject to the minimum setback requirements of Section 1155.09(b).

(b) Accessory Use. Notwithstanding the provisions of Sections 1187.01 to 1187.06 inclusive, the owner or occupant of any one or two-family dwelling unit located in any use district may engage in any accessory use or construct any accessory building that would be permitted in the R-1 Residential District, in accordance with the provisions of Section 1181.10.

(Ord. 86-44. Passed 8-7-86.)

CHAPTER 1189  
Gasoline Service Stations

1189.01 Requirements.

CROSS REFERENCES

Zoning definitions - see P. & Z. 1131.01  
As conditionally permitted use - see P. & Z. 1161.03, 1163.03  
Outside storage of materials - see P. & Z. 1165.08, 1169.06  
Parking requirements - see P. & Z. Ch. 1183  
Nonconforming uses - see P. & Z. Ch. 1187

1189.01 REQUIREMENTS.

Whenever gasoline service stations are listed as a conditionally permitted use in any district in the Village, the following requirements shall apply:

- (a) Gasoline service stations shall be limited to the sale of motor vehicle fuel, oil, tires, batteries, accessories and incidental repair work. Such work shall not include body repair, painting, tire recapping, engine rebuilding or overhauling.
- (b) Curb cuts for ingress and egress shall be limited to a specific number as approved by the Planning Commission and the balance of the property shall be barricaded from access to the streets.
- (c) All curb cuts shall be at least 100 feet from the nearest intersection.
- (d) The minimum lot area shall be 20,000 square feet.
- (e) Service stations shall be shielded on all sides which abut onto a residential district or existing residential use, except the street side, by an obscuring fence at least six feet in height.
- (f) No inoperative motor vehicles shall be stored on the premises except those which are presently being worked upon.
- (g) The rental of trucks or trailers may also be carried on as part of the gasoline service station business provided that the total lot shall be not less than one acre.
- (h) The entire surface used for motor vehicle movement or storage shall be paved with asphalt or concrete.
- (i) All pump islands shall be located at least twenty-five feet from the street right-of-way.
- (j) All buildings shall have a setback of at least forty feet from the front lot line and from any side lot line which abuts a public street. The building setback line which does not abut a public street and the rear lot line shall be fifteen feet.
- (k) All lighting shall be shielded from adjoining properties.
- (l) One parking space shall be provided on the premises for each employee and one space for each 200 square feet of floor area devoted to the sale of nonautomotive products. The space used for vehicle fueling shall not be used to meet these parking requirements.
- (m) No used motor vehicle parts including tires shall be stored outside of any building.

(Ord. 86-44. Passed 8-7-86.)

## CHAPTER 1191

### Fences

1191.01 Swimming pool fences and setbacks.

### CROSS REFERENCES

Fence defined - see P. & Z. 1131.01(a)(21)

Residential district requirements - see P. & Z. 1153.02(c), 1155.03(c),

1157.03(c)

Industrial district fencing requirements - see P. & Z. 1169.05

Supplementary district regulations - see P. & Z. Ch. 1181

#### 1191.01 SWIMMING POOL FENCES AND SETBACKS.

All inground swimming pools shall be surrounded on all sides otherwise accessible to the public by a fence designed to prevent access by small children and at least four and one-half feet in height from the ground with a gate for access. All swimming pools including both inground and aboveground shall comply with the same setback requirements and accessory buildings in the district in which the swimming pool is located.

(Ord. 87-2. Passed 1-2-87.)

## CHAPTER 1193

### Trailers

1193.01 Trailers used for storage.

1193.02 Trailer as temporary dwelling.

### CROSS REFERENCES

Occupying a moving trailer - see TRAF. 331.35

Trailer defined - see P. & Z. 1131.01(a)(59)

As excluded use in industrial district - see P. & Z. 1169.07(t)

Gasoline service stations - see P. & Z. Ch. 1189

#### 1193.01 TRAILERS USED FOR STORAGE.

No trailer whether operable or not shall be used for the storage of goods in any use district. A trailer may be used as a temporary construction office or toolshed during the construction or remodeling of any structure.

(Ord. 86-44. Passed 8-7-86.)

#### 1193.02 TRAILER AS TEMPORARY DWELLING.

In the event of the accidental destruction or damage to any dwelling unit within the Village, the owner thereof may for a period of time not to exceed one year reside in a house trailer upon the premises while the dwelling unit is being rebuilt.

(Ord. 86-44. Passed 8-7-86.)

## CHAPTER 1195

### Wellhead Protection Plan

- 1195.01 Definitions.
- 1195.02 Creation of Wellfield Protection Zone 1 (WPZ1) and Wellfield Protection Zone 2 (WPZ2.)
- 1195.03 Land use within Zone 1 (WPZ1).
- 1195.04 Exceptions and guidelines for WPZ1.
- 1195.05 Prohibited uses in WPZ2.
- 1195.06 Regulated land uses in WPZ2.
- 1195.07 Exemptions and guidelines for WPZ2.
- 1195.08 Enforcement of the Wellfield Protection Plan.
- 1195.09 Scope.

#### 1195.01 DEFINITIONS.

As used in this chapter:

(a) "Aboveground storage tank" means any tank, pipe or other vessel, used singularly or in combination, at least ninety percent (90%) of which is above the surface of the ground and used for materials holding, storage or containment.

(b) "Aquifer" means a consolidated or unconsolidated geologic formation or series of formation that are hydraulically interconnected and that have the ability to receive, store, or transmit water to wells or springs.

(c) "Bulk storage" means the holding or containment of dry, semi-dry or liquid materials in large quantities, either packaged or loose, usually dispensed in smaller quantities for sale, use, or consumption. Large quantities are defined as "quantities greater than those associated with normal household use." Normal household use is the amount of regulated substance a prudent person would have available in their home (or office) for performing routine cleaning, insect control, or use at a place of residence.

(d) "Contaminant" means any substance, which, if introduced into ground water, would degrade the quality of said water.

(e) "Five-year time-of-travel zone" means the area the public water supply Wellfield delineated by the five-year-time-of travel contour.

(f) "Ground water" means any water below the surface of the earth in a zone of saturation.

(g) "Ground Water Professional" means any person certified by the Association of Ground Water Scientists and Engineers to conduct hydrogeologic studies or who through education, professional training and professional experience is determined to be competent in hydrogeology.

(h) “Hazardous wastes” means wastes that are listed specifically as hazardous and/or exhibits one or more characteristics of hazardous wastes as defined by OAC 3745.51.

(i) “Non-conforming facility or use” means any facility or land use which, if new, would not be allowed under the provisions of this chapter. It includes structures and land uses, which became located within WHPZ1 and WHPZ2 because of a change in the zone boundaries or by the adoption of this chapter.

(j) “One-year time-of-travel zone” means the area around the public water supply Wellfields delineated by the one-year time-of-travel contour.

(k) “Potable water” means water which is satisfactory for drinking, culinary and domestic purposes.

(l) “Regulated substances” means:

(1) Every substance material or waste found listed in 40 CFR Part 261, or 40 CFR Part 302;

(2) All materials which exhibit the characteristics of hazardous waste (ignitability, corrosivity, reactivity and toxicity) as defined in 40 CFR Part 261;

(3) Petroleum products, including heating fuels and waste oils; and

(4) Any solid or semi-solid material which, if left to stand or if exposed to water, will leach out of wholly or partially dissolve forming hazardous materials as defined in subsections (1) to (3).

(m) “Time-of-travel contour” means a series of points when connected together form a boundary from which water takes an equal amount of time to reach a given destination such as a well or Wellfield.

(n) “UST” means one or any combination of tanks, including underground pipes connected thereto, that are used to contain an accumulation of regulated substances, the volume of which, including the volume of the underground pipes connected thereto, is ten percent (10%) or more beneath the surface of the ground, as defined in OAC 1301:7-9-02.

(o) “Village” means the municipal corporation of the Village of Ontario, Richland County, Ohio.

(p) “Well” means any excavation, regardless of design or method of construction, done or used for the purpose of removing ground water from an aquifer, or for the purpose of determining the quality, quantity or level of ground water on a continuing basis.

(q) “Wellfield” means track of land that contains a number of wells for supplying drinking water.

(r) “Wellhead Protection Zones’ Map” means an official map adopted by the Village and delineated to indicate the area(s) of the City which lie inside the wellhead protection zones.

(s) “Wellfield Protection Zone (WPZ1)” means at a minimum is the area within the one year time-of-travel contour. The boundary may be changed to add areas outside the one year-time-of travel contour to ease its definition (i.e. use of street boundaries). See Wellhead Protection Zones’ Map attached hereto.

(t) “Wellfield Protection Zone (WPZ2) means at a minimum, it is the area within or inside the five year time-of-travel contour, and outside the one year time-of-travel contour. The boundary can be changed to add areas outside the five year time-of-

travel contour to case its definition (i.e. use of street boundaries). See Wellhead Protection Zones' Map attached hereto.  
(Ord. 98-35. Passed 9-28-98.)

1195.02 CREATION OF WELLFIELD PROTECTION ZONE 1(WPZ1) AND WELLFIELD PROTECTION ZONE 2 (WPZ2).

(a) Zone WPZ1 is the area within the one-year time-of-travel contour as depicted on the Wellhead Protection Zones' Map attached hereto and described as follows:

Starting from the intersection of Lexington-Springmill Road and Park Avenue West;

West along Park Avenue West to Frazier Road;

A straight line from the above intersection to the intersection of Beer Road and Route 309;

A straight line from the above intersection to the intersection of Stumbo Road and the west entry drive of the Richland Mall;

North along Stumbo Road to West Fourth Street;

East along West Fourth Street to Willowood Drive East;

A straight line from the above intersection to the intersection of Sunset Drive and Park Avenue West; and

West along Park Avenue West to Lexington-Springmill Road. The place of beginning.

(b) Zone WPZ2 is the area within the five-year time-of-travel contour, and outside the one-year time-of-travel contour as depicted on the Wellhead Protection Zones' Map attached hereto and described as follows:

Starting from the intersection of Lexington-Springmill Road and Millsboro East Road;

West along Millsboro East Road to Chambers Road;

A straight line from the above intersection to the intersection of Lewis Road and Park Avenue West;

A straight line from the above intersection to the intersection of West Fourth Street and Fulwell Drive;

North along Fulwell Drive to Ferguson Road;

East along Ferguson Road to Lexington-Springmill Road;

A straight line from the above intersection to the intersection of Home Road and the entry drive to the County Fairgrounds;

South along Home Road to Park Avenue West;

West along Park Avenue West to Scotland Boulevard;

A straight line southwest from Scotland Boulevard to the southern boundary of the Village corporation limits;

A straight line west from the above point along the boundary to a point adjacent to Tappan Company facility, along Tappan Park Drive; and

A straight line to the northwest to the intersection of Lewis Road and Park Avenue West. The place of beginning.

(c) The one-year and five-year time-of-travel contour depicted on the map is set for a pumping rate of eight million gallons per day (the maximum amount the water plant can treat). If this amount increases, the Village Water Department will have to update the map using the MODFLOW ground water Model provided during the development of Wellhead Protection Plan. Council, by ordinance may adopt these revised maps which shall then become part of this chapter.

(Ord. 98-35. Passed 9-28-98.)

#### 1195.03 LAND USE WITHIN ZONE 1 (WPZ1).

Zone WPZ1 contains the Village Wellfield, and in order to protect the Wellfield, the following uses are prohibited in the Wellfield Protection Zone 1:

- (a) Disposal of solid waste.
- (b) Disposal of hazardous waste.
- (c) Storage of road salt or other deicing chemicals and the dumping of snow containing deicing chemicals.
- (d) Animal feed lots.
- (e) The outside storage of herbicides, pesticides, fertilizers or fungicides.
- (f) Dry cleaning and commercial laundry establishments.
- (g) Industrial uses which discharge processes waters onsite.
- (h) Chemical bacteriological laboratories.
- (i) Metal polishing, finishing, and plating establishments, which includes auto body repair establishments.
- (j) Commercial wood finishing, preserving, painting and furniture stripping establishments.
- (k) Commercial printing, photo copying and photographic processing establishments.
- (l) Motor vehicle service and repair shops, junkyards, motor vehicle junkyards, motor vehicle salvage operations, car washes as well as any similar use, which might potentially effect ground water quality. Motor vehicle service and repair establishments include auto body repair and painting, quick lube stations, any

establishment which performs mechanical repairs such as transmission, drive train, engine, brakes, or mufflers. These restrictions also apply to commercial/industrial equipment, earth moving equipment, tractors, motorcycles, and airplanes.

- (m) Trucking and bus terminals.
  - (n) Machine shops or foundries.
  - (o) Leather tanning and finishing.
  - (p) Electrical component manufacturing or assembly.
  - (q) New installation of underground storage tanks of liquid petroleum and/or chemical products of any kind.
  - (r) Storage of liquid petroleum products of any kind in excess of 15 gallons except for storage in a free standing container within a building, or fuel for heating of that building. (Fuel tanks of parked vehicles are not included in this section).
  - (s) Storage of petroleum and/or any other regulated substances in underground storage tanks.
  - (t) Any other use which involves, as principle activity, the manufacture, storage, use, transportation, or disposal of toxic or hazardous material.
- (Ord. 98-35. Passed 2-98-98.)

#### 1195.04 EXCEPTIONS AND GUIDELINES FOR WPZ1.

Any business, facility, or structure within WPZ1 which is established prior to the date on which this chapter takes effect shall be identified in this chapter as a non-conforming facility. Nonconforming facilities are allowed to conduct business, but are to be regulated by the Village and shall follow these guidelines.

- (a) All non-conforming facilities must register with the Village-Engineering Department.
- (b) The registration shall be submitted by the owner or operator of the facility on forms provided by the Village Engineer on a bi-annual basis (every two years), or when ownership of the facility changes, if the ownership change occurs within the two-year reporting period, and shall contain at a minimum, the following information:
  - (1) Name of facility;
  - (2) Street and mailing address of facility;
  - (3) The designated individual to contact at the facility;
  - (4) A complete list of all chemicals, pesticides, fuels and other regulated substances as defined in Section 1195.01 to be used or stored on the premises in quantities greater than those associated with normal household use accompanied by a description of measures proposed to protect such materials from vandalism, corrosion and leakage, and to provide for control of spills;
  - (5) A complete list of potential toxic or hazardous wastes to be generated, indicating storage and disposal methods; and
  - (6) For underground storage of regulated substances, the BUSTR identification number will be provided.
- (c) Monitoring wells shall be established for all industrial and commercial facilities utilizing or storing hazardous or toxic materials; the number, construction and location of the wells shall be determined by the Village Engineering Department. Once constructed, the wells shall be analyzed for TCL volatiles, SVOCS, and TAL metals to determine background levels for the location. After initial testing, wells will be analyzed

for TCI volatiles, and any other compounds detected in the background analysis, which may pose a threat to the Wellfield on an annual basis.

The Environmental Specialist shall determine the sampling schedule for each site on an individual basis.

(d) If a non-conforming facility or business wishes to upgrade and/or expand its operation, it may be granted a variance by the Division of Water and/or Environmental Specialist if said facility or business can demonstrate an overall reduction of risk to the aquifer and/or Wellfield, through a pollution prevention program instituted by the facility.

(e) When a non-conforming facility closes for a period of time greater than six months, it will lose its non-conforming zoning exception. No new or similar non-conforming facility may open at the site.

(f) All facilities with USTS:

(1) Shall have upgraded USTS by December 22, 1998, in accordance with the Bureau of Underground Storage Tank Registration, OAC 1301:7-9-06;

(2) Shall have the monitoring systems installed by December 22, 1998, in accordance with the Bureau of Underground Storage Tank Registration, OAC 1301:7-9-07; and

(g) All facilities which through the generator, transportation, disposal, or storage of hazardous substances file reports to the EPA under the guidelines of the Resources Conservation and Recovery Act must also present the Village Engineer with a copy of the report at the time the report is filed with the Ohio EPA.

(Ord. 98-35. Passed 9-28-98.)

#### 1195.05 PROHIBITED USE IN WPZ2.

The following uses are prohibited in WPZ2:

(a) Disposal of solid waste;

(b) Disposal of hazardous waste;

(c) The outside storage of herbicide, pesticide, fertilizer and fungicide; and

(d) Any other use which involves, as principal activity, the manufacturing, storage, use, transportation or disposal of toxic or hazardous material.

(Ord. 98-35. Passed 9-28-98.)

#### 1195.06 REGULATED LAND USES IN WPZ2.

(a) All practices, and facilities prohibited in WPZ1 but not prohibited in WPZ2 will follow the guidelines of non-conforming facilities located in WPZ1.

(b) Any petition to install new underground storage tanks for liquid petroleum and/or chemical products of any kind must first be reviewed by the Village Engineer to determine its relative position to the Wellfield, its potential impact on the aquifer, and then approved by the Village Council, based upon the Village Engineer's recommendation.

(c) Any facility, which closes for more than six months must be reviewed and approved by the Village Engineer and the Village Council before it may reopen. If approval is not granted, it shall not be permitted to re-open.

(d) Any regulated facilities or establishments wishing to open must have the approval of the Village Engineer and the Village Council.  
(Ord. 98-35. Passed 9-28-98.)

#### 1195.07 EXEMPTIONS AND GUIDELINES FOR WPZ2.

Any business facility or structure within WPZ2, which is established prior to the effective date of this chapter shall be identified as non-conforming facilities, and are allowed to continue to conduct business under the following guidelines:

(a) All non-conforming facilities in WPZ2 shall follow the same guidelines given for non-conforming facilities in WPZ1.

(Ord. 98-35. Passed 9-28-98.)

#### 1195.08 ENFORCEMENT OF THE WELLFIELD PROTECTION PLAN.

(a) Administrative. The Water Superintendent is hereby, appointed to administer the Wellfield Protection Plan described in this chapter.

(b) Record Keeping. A copy of the records pertaining to registration under this chapter shall be retained for not less than seven years, and shall be made available for review by the Village Engineer's Office upon written request. All such copies of the records shall be transferred to any owner or operator of an establishment that is sold, leased, transferred to, or received by a new owner or operator. The transfer of copies of the records shall in no way eliminate or prevent the necessity of the new owner or operator to register with the Village Engineer's Office as required by this chapter.

(c) Notice of Violation. Any person found in violation of any provision of this chapter, any order, requirement, rule or regulation issued under the authority of such sections will be served with a written notice stating the nature of the violation, and providing reasonable time for compliance. If the Water Superintendent has previously issued a schedule of compliance or issued an order addressing the same type of or a similar violation and the time for compliance has passed the Village may dispense with establishing another time period for compliance.

(d) Notice. The notice shall be served in the manner provided by law for the service of civil process. Where the address of the violator is unknown, service may be made upon the owner of the property involved at the tax-mailing address of the owner as shown on the County tax record.

(e) Inspections. Subject to applicable provisions of law, the Water Superintendent, or authorized designee bearing proper identification, shall be permitted to enter private property at any reasonable time, with reasonable cause or with prior notification, for such purposes as inspection, observation, measurement, sampling and records examination pertaining to the requirements of this chapter to ensure that activities are in accordance with the provisions of this Ordinance. Upon request of the entity which is the subject of the inspection and if permitted by the Ohio Public Records Law, information obtained as a result of the inspection shall be maintained as confidential. If

the owner or tenant does not consent to the entry for the above-stated purposes, the Village may apply to a court of competent jurisdiction for an appropriate warrant or other authority to enter said property.

(f) Penalties. Any person, firm, corporation, or business entity who violates or continues to violate any provisions of this chapter beyond the time limit for compliance set forth by the Village shall be guilty of a misdemeanor of the first degree, and upon conviction shall be punished by a fine not more than one thousand dollars (\$1,000) and/or six months imprisonment. Each day a violation continues, after notification, shall constitute a separate offense.  
(Ord. 98-35. Passed 9-28-98.)

#### 1195.09 SCOPE.

This chapter shall be deemed to create two overlay zones, which shall impose within the districts, described in Section 1195.02 prohibitions of certain land uses and limitations on land uses, which are in addition to those regulations provided in other provisions of the Village Zoning Ordinance.

Nothing in this Ordinance shall be deemed to permit a landowner to use land in any manner which is not permitted by the regulations applying to the underlying zoning district.

(Ord. 98-35. Passed 9-28-98.)

A conditional zoning permit is hereby granted in accordance with this application and subject to the following conditions established by this Planning Commission and approved by Council under Section 1137.01.