

CODIFIED ORDINANCES OF GARRETTSVILLE
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CHAPTER 1103
Preliminary Plat Procedure

1103.01 Purpose. 1103.03 Preliminary plat approval.
1103.02 Pre-application conference.

CROSS REFERENCES
Plats - see Ohio R. C. Ch. 711
Specifications for plats - see P. & Z. Ch. 1105

1103.01 PURPOSE.

The purpose of this chapter is to identify the steps that a subdivider must follow to obtain approval and recording of a preliminary plat.
(Ord. 98-19. Passed 6-10-98.)

1103.02 PRE-APPLICATION CONFERENCE.

(a) Preliminary Steps Certification.

- (1) The subdivider shall obtain a preliminary steps certification form (Appendix A) from the Planning Commission which must in turn be signed by the Chairman of the Planning Commission, Safety Committee, Fire Department, Emergency Medical Service, Board of Public Affairs and utility companies concerned. This certificate provides evidence that the subdivider has taken the following steps:
- A. Prior to preparing a preliminary plat, the subdivider shall consult informally with the Planning Commission and the Board of Public Affairs, supply a sketch plan and schedule an inspection of the premises in order that he can become familiar with subdivision requirements, the relation of his property to existing conditions, future plans, and community facilities, utilities and services. Ten copies of the sketch plan shall be provided and it may be at the same time the property is viewed.

- B. The subdivider shall also consult informally with public service companies in order to determine the character and extent of electric power and telephone lines and to determine the most advantageous routing of these lines and other utility easements.
- (2) Prior to the signing of the preliminary steps certificate by the Planning Commission, the Commission shall consider the following principles governing the subdivision of Village land:
 - A. The Planning Commission shall discourage the subdividing of lands that are far in advance of the needs of the community; or which by their location cannot be efficiently served by public utilities, fire protection, police protection or other municipal services; or which are located in areas subject to flooding or are topographically unsuitable for development; or which for any other reason are being unwisely or prematurely subdivided.
- (b) Preliminary Plat Applications.
 - (1) Purpose. The purpose of the preliminary plat is to present on a map all of the data needed to enable the Planning Commission to determine if the proposed layout is satisfactory and will serve the public interest. Drawings of the preliminary plat shall be submitted to the Planning Commission to decide points of disagreement and if the developer may proceed on specified construction work.
 - (2) Application. (Appendix B) The subdivider shall apply in writing on a form provided for such purpose, to the Planning Commission for tentative approval of a subdivision plat designed by a registered civil engineer and surveyed by a registered surveyor prior to or at a regular meeting of the Planning Commission at which the plat is to be considered for filing. Two copies of the application, one copy of the preliminary steps certification (Appendix A), two copies of protective covenants if proposed, twelve prints of a location map, and twelve prints of the preliminary plat of the subdivision shall be filed with the Planning Commission at the time application is made for preliminary approval (See Appendices A, B, C, D, E). The preliminary plat shall be considered officially filed after it is examined by the Planning Commission at a regular meeting and is found to comply with the formal provisions of these Regulations.
 - (3) Review by other public agencies. The Planning Commission shall have the Zoning Inspector, within thirty days after official filing, transmit one copy of the location map and plat for recommendation to the:
 - A. Consulting Engineer;
 - B. Council Committees - utilities, police, fire, EMS, and service;
 - C. Board of Public Affairs;
 - D. Board of Education;
 - E. County Board of Health, where applicable; and
 - F. Environmental Protection Agency, State of Ohio, if necessary.Two copies of the location map and plat shall be retained by the Planning Commission.

- (4) Planning Commission action. Upon receipt of a written report together with recommendations from each of the aforementioned officials, the Planning Commission shall approve, approve conditionally or disapprove the preliminary plat. Written notice of the Planning Commission's action shall be mailed to the subdivider within 90 days after the first regular meeting of the Commission following the date the plat was officially filed. The action of the Planning Commission shall be entered on the official records of the Planning Commission including any recommendations, conditions imposed and the reasons for any approval, modifications or disapproval of a preliminary plat. If zoning regulations are changed or amended before a final approval is obtained from the Planning Commission and accepted by Council, the final plat must comply with the regulations as amended.
- (5) Effect of approval. Approval of a preliminary plat by the Planning Commission is not an acceptance of the subdivision plat for record, but is rather an expression of approval of a general plan as a guide to preparation of a final subdivision plat for approval and recording upon fulfillment of all requirements of these Regulations. Approval shall be effective for a maximum period of twelve months unless, upon application by the developer, the Planning Commission grants an extension. If the final plat has not been submitted for final approval within this time limit, a preliminary plat must again be submitted to the Planning Commission for tentative approval.
- (6) Filing fees and deposits. Fees and deposits for subdivision review shall be governed by the following provisions:
- A. At the time of filing the application for approval of any plat or minor subdivision plan where no plat is required, or general plan in the case of planned developments, there shall be paid to the Village Clerk a filing fee and a deposit of money as hereinafter set forth to insure the payment by the applicant of expenses incurred by the Municipality in the processing of the application and all pertinent papers connected therewith.
- The cost and expense of any investigation which may be necessary by the Village Engineer and other Village officials or other professionals retained by the Village to determine whether such proposed subdivision is in accordance with law and acceptable planning practices, and whether its improvements, if any, have been made or are being made in accordance with the requirements of the Village, the cost of any and all notices required, and all other necessary expenses shall be paid from the deposit.
- In the event that the actual expenditures shall exceed such deposit a written estimate will be provided to the developer, and the excess shall be paid by the applicant upon demand of the Clerk. If such expenditures are less than the required deposit, the balance shall be refunded to the applicant upon the completion of all administrative proceedings involved in connection with the plat or plan. No filing fee shall be refunded or returned.

- B. The filing fee shall be twenty dollars (\$20.00), plus ten dollars (\$10.00) for each lot or proposed dwelling unit, to be paid upon filing of the preliminary plat or minor subdivision plan or general plan in the case of planning unit development.
- C. Deposits for expenses where improvements are necessary shall be as follows:
 - 1. For plat of six to fifteen lots, inclusive - five hundred dollars (\$500.00).
(Ord. 98-19. Passed 6-10-98.)

1103.03 PRELIMINARY PLAT APPROVAL.

The developer shall furnish, with the application for approval of the preliminary plat, the following:

- (a) Certification that he has consulted the Planning Commission, Consulting Engineer, Superintendent of Water/Wastewater, Safety, Utility and Service Committees of Council, County Board of Health if applicable, and Environmental Protection Agency of State of Ohio, if necessary and other interested parties prior to the submission of his preliminary plat. (See Appendix A.)
- (b) Location map showing the relationship of the proposed subdivision to existing community facilities which serve or influence it. Title, names and addresses of subdivider, development planner and surveyor; north point, scale and date; acreage of subdivision; outline and approximate boundary dimensions of subdivision; existing streets, principal utility lines and community features such as schools, parks shall be included. (See Appendix D.)
- (c) The preliminary plat shall be prepared in accordance with the design standards and required improvements set forth in Chapters 1111, 1115, 1165.09 of these Regulations and the Board of Public Affairs Rules and Regulations. The plat shall be designed by a professional city planner, landscape architect or by a registered civil engineer. The plat shall be surveyed by a surveyor registered in the State. The plan shall be accurately and clearly drawn at a scale of 100 feet to one inch. (See Appendix E.) It may be drawn in pencil on transparent tracing material. The drawing shall include the proposed plan or alternate plans of the subdivision, and showing the following:
 - (1) Existing data.
 - A. Boundary lines: the bearings and distance, location and description of all monuments and markers found.
 - B. Easements: the location, width, purpose and restrictions.
 - C. Streets on and adjacent to the tract: the name and right-of-way width and location; type, width, and elevation of surfacing; legally established center line elevations; walks, curb, gutters, culverts, etc.
 - D. Utilities on and adjacent to the tract: the location, size and invert elevation of storm and sanitary sewers; location and size of water mains; the location of gas lines, fire hydrants, electric and telephone poles and street lights. If water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to and size of the nearest ones, showing invert elevation of sewers or include a statement as to how the subdivision shall be serviced by water and sewer.

- E. Ground elevations on the tract, based on sea level datum: for land that slopes less than approximately two percent show spot elevations at all breaks in grade along all drainage channels or swales and at selected points not more than 100 feet apart in all directions; for land that slopes more than approximately two percent either show contours with an interval of not more than five feet if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two feet if necessary because of irregular land or the need for more detailed data for preparing plans and construction drawings.
- F. Subsurface conditions on the tract: any conditions that are not typical such as abandoned mines, gas wells, etc.
- G. Other conditions on the tract: watercourses, marshes, rock outcrops, wooded areas, isolated preservable trees one foot or more in diameter, houses, barns, shacks and other significant features and location of historic sites.
- H. Other conditions on adjacent land: the approximate direction and gradient of ground slope, including any embankments or retaining walls; the character and location of buildings, railroads, power lines, towers and other nearby nonresidential land uses or adverse influences; and owners of adjacent unplatted land. For adjacent platted land refer to the subdivision plat by name, date recorded and number, and show the approximate percent of built-up typical lot size and dwelling type.
- I. Zoning: on and adjacent to the tract.
- J. Proposed public improvements: the highways or other major improvements planned by public authorities for future construction on or near the tract.
- K. Title and certificates: the present tract designation according to the official records in the office of the appropriate recorder; the title under which the proposed subdivision is to be recorded, with the names and addresses of owners, notation stating acreage, scale, north arrow, datum, bench marks, certification of the registered civil engineer or surveyor and date of survey.
- L. Proposed land to be dedicated for public uses or money to be donated in lieu thereof.
- M. The 100 year base flood elevation data shall be provided and the boundary of the flood hazard area shall be delineated on the plat as shown on the flood insurance rate map(s) issued by the Federal Emergency Management Agency.

- (2) Proposals.
- A. Streets: the names; right-of-way and roadway widths; approximate grades and gradients; and similar data for alleys, if any.
 - B. Other rights-of-way or easements: the location, width and purpose.
 - C. Location of utilities: if not shown on other exhibits.
 - D. Lot lines, lot numbers and block numbers.
 - E. Location and description of all monuments and markers set or to be set.
 - F. The location, boundaries, dimensions, and acreage of any open space areas, recreation areas, common areas, water and sewage treatment sites, storm water retention or detention sites, and any other public or private sites or lots. The dimensions may be approximate according to scaled measurements.
 - G. Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings.
 - H. Minimum building setback lines.
 - I. Site data, including total acreage, the number of residential lots, approximate size of each lot and acres in parks, etc.
 - J. Title, scale, north arrow and date.
 - K. A tabulation of the total subdivision data including:
 - 1. Area in sublots (in acres).
 - 2. Area in roads (in acres).
 - 3. Area in open spaces, common areas, recreation areas, water and sewage treatment sites, and any other public or private sites (in acres).
 - 4. Total area in the subdivision (in acres).
 - 5. Total length of roads (lineal feet).
 - 6. Total number of sublots.
 - 7. If two family dwelling units or multiple-family dwelling units are proposed, a statement regarding the number of buildings and dwelling units contained therein for each proposed lot and the total number of buildings and dwelling units for the entire subdivision.
- (d) An outline of any protective covenants proposed.
- (e) The Commission may require additional preliminary drawings showing information such as street profile and grades, typical cross sections of proposed roadways, proposed sanitary and storm sewers and water service or the prospective street system of adjacent land owned by the developer.

CHAPTER 1105
Final Plat Procedure

1105.01	Final plat procedure.	1105.03	Final plat approval.
1105.02	Approval of plats by County Map Department.	1105.04	Minor subdivisions.

CROSS REFERENCES

Plats- see Ohio R. C. Ch. 711

Preliminary plat procedure - see P. & Z. Ch. 1103

1105.01 FINAL PLAT PROCEDURE.

(a) The subdivider shall submit to the Zoning Inspector the following for review twenty-eight (28) days prior to the Planning Commission's next regular meeting.

- (1) One copy of the preliminary plat application showing the Planning Commission's approval and any necessary changes to be made before final plat approval;
- (2) One original tracing and eight prints of the final plat;
- (3) One original tracing and eight prints of improvement/record drawings, and electronic files;
- (4) Two copies of specifications;
- (5) Two copies of protective covenants, if proposed; and
- (6) Indicating that any proposed ponds and/or lakes have been approved by the Portage County Soil and Water Conservation District.

(b) The Zoning Inspector shall transmit one copy of the final plat, improvement drawings, specifications and protective covenants to the:

- (1) County Sanitary Engineer, if applicable.

(c) The Zoning Inspector upon his satisfaction that the final plat with all necessary plans, profiles, and documents is complete shall inform the subdivider to:

- (1) Pay all inspection fees, if applicable;
- (2) Install all improvements or post financial guarantees for completion of such improvements as determined by the Planning Commission.
- (3) The subdivider shall provide a written estimate of the cost of said improvements which shall be reviewed by the Village Engineer. Based upon the Village Engineer's recommendation the bond shall be set at 120% of his estimate for the improvements. Said bond will be retained until as built drawings have been supplied and the improvements are accepted for maintenance by the Village.

- (d) The final plat application procedures are as follows:
- (1) Purpose. The subdivider shall submit a final plat to provide the Planning Commission with evidence that the map records the minor changes in property lines, street and utility layouts that have to be made to meet surveying and installations problems. The final plat shall show that any changes or alterations to the improvements of the site are not in violation with these Subdivision Regulations.
 - (2) Application. The subdivider shall apply in writing on a form provided (Appendix G) for such purpose, to the Planning Commission for final approval and Site Plan Review of a subdivision plat 28 days prior to the regular meeting of the Commission at which it is to be considered for filing. Two copies of the application shall be submitted along with the original tracing of the final plat, the original tracing of plat, the original tracing of the drawings for the required improvements or record drawings, four sets of specifications, two copies of protective covenants, if proposed, one copy of the certification by the Zoning Inspector stating that the developer has: designed and installed improvements in accordance with the provisions of these Regulations and any conditions set forth by the Commission in their approval of the preliminary plan; or posted financial guarantees in sufficient amount to assure completion of all required improvements; and paid all inspection fees. The final plat shall be considered officially filed after it is examined by the Commission at a regular meeting and is found to comply with the formal provisions of these Regulations. Comments by officials and agencies that have received a copy of the final plat as provided for in these regulations shall be made in writing to the Zoning Inspector prior to the meeting date of the Planning Commission at which the final plat is to be considered. If on-site septic systems are proposed, the Planning Commission shall require the Portage County Health Department to review and comment in written form on the final plat before the Planning Commission acts upon it. Additional comments may be made at the meeting at which the plat is to be considered. During the twenty eight (28) day review period specified herein, the Zoning Inspector may forward any comments to the developer or his representative for consideration prior to the Planning Commission meeting at which the plat is to be acted upon.
 - (3) Planning Commission action. If the subdivision complies with all applicable provisions of these Subdivision Regulations, the Commission shall approve the final plat. If the Planning Commission disapproves the plat, such action together with the reasons therefor, shall be entered upon the official application to the Planning Commission and a copy of such record sent to the subdivider so he may correct the final plat and submit the same for final approval at the next meeting of the Planning Commission. Action shall be taken at the next regular meeting Planning Commission following the date of official filing for a final plat or within a mutually agreed upon extension, otherwise the plat shall be deemed to have been approved. Written notice of the Planning Commission's action shall be mailed to the subdivider.

- (4) Form of approval. The approval of the final plat drawing and specifications shall be indicated by a certification to that effect on the original tracing of the plat with the signature of the Chairman of the Commission and Zoning Inspector. The Commission shall retain the original tracing and one duplicate thereof at the developer's expense;
- (5) Effect of approval. Upon final approval of a subdivision involving the creation of new streets, the widening, decreasing or vacation of existing streets or alley or the creation, enlargement or decrease of other lands devoted to public use, the Planning Commission shall transmit notice of such action to Council together with appropriate recommendations concerning the acceptance of dedicated streets and alleys or the vacation thereof, and of the acceptance of other dedicated lands. Final approval of a subdivision by the Planning Commission shall in no way constitute legal acceptance of any dedicated streets, alleys or other open spaces shown upon the plat;
- (6) Forwarding of plats and acceptance. Upon the approval of subdivision, the Planning Commission shall forward the original tracing to the Solicitor who shall prepare the necessary legislation for acceptance of any dedicated streets, alleys, lands for public use or other open spaces by Council. Prior to acceptance by Council, all improvements shall be constructed or their construction guaranteed. Acceptance of the plat by Council does not constitute acceptance of the street for maintenance until improvements have been in place for twelve (12) months;
- (7) Recording. After acceptance of the plat by Council, the developer shall pay the recording fee to the Municipality. The approved plat shall then be filed in the office of the County Recorder and lots may be sold, leased or transferred and building permits issued; and
- (8) Public file. Final plat application and preliminary plat plan with all papers, specifications and maps shall be on public file at City Hall from the origination of formal action until final acceptance of the plat. In no case shall any formal action on acceptance be taken until the final plat application and preliminary plat plan have been on public file a minimum of two weeks.
- (9) Before final approval of a subdivision, the subdivider shall submit three (3) copies of drawings showing cross sections, profiles, elevations, construction details and specifications for all required land improvements. The drawings shall be prepared in accordance with the requirements of Chapters 1111, 1115, 1165 of these Regulations and the Board of Public Affairs Rules and Regulations. Prior to bond being released, said drawings shall be submitted and labeled "As Built".
- (10) Protective covenants in final form shall be recorded separately.
- (11) Title insurance in the amount of one thousand dollars (\$1,000) covering the final plat, showing title to such dedicated lands good in the name of the Municipality shall be submitted prior to recording.

- (12) Certificates or affidavits as may be required in the enforcement of these Regulations.
- (e) Land Splits in Industrial and Commercial Districts Pursuant to an Approved Plat. Notwithstanding any provisions within the Subdivision Regulations to the contrary, the Planning Commission may approve land splits in Industrial and Commercial Zoning Districts consistent with a preliminary plat previously approved by the Commission and Council, including consolidations of lots depicted in the preliminary plat, and upon such approval the land splits may be endorsed by the Clerk of Council and recorded with the County Recorder without further action of Council. Prior to approval of such lot splits, the Commission shall ascertain that all public improvements necessary to service the lots have been installed and appropriate maintenance guarantees received. (Ord. 98-20. Passed 6-10-98.)

1105.02 APPROVAL OF PLATS BY COUNTY MAP DEPARTMENT.

The Portage County Map Department operating under the supervision of the County Auditor shall be directed not to approve plats of land or partial plats of land in the Village for recording upon County records until the same have been approved in writing thereon by the Clerk of Council of the Village. (Ord. 98-20. Passed 6-10-98.)

1105.03 FINAL PLAT APPROVAL.

The developer shall furnish with the application for approval of the final plat, the following:

- (a) Certification by the Zoning Inspector, stating that the developer has designed and installed improvements in accordance with the provisions of the Regulations and conditions set forth by the Planning Commission in their approval of the preliminary plan, or recommended financial guarantees in sufficient amount to assure completion of all required improvements to be posted upon approval of plat, and made arrangement for payment of all inspection fees.
- (b) The final plat shall be submitted in electronic form and ink on tracing cloth or mylar on sheets no larger than twenty-two by twenty-eight inches and shall be at a scale of 100 feet to one inch. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions the final plat may be submitted for approval progressively in contiguous sections satisfactory to the Planning Commission. The final plat shall show the following (Appendix H):
- (1) Control points to which all dimensions, angles and bearings are to be referred and the nearest established street line, section line or other established point.
 - (2) Restrictions, lines and boundaries, center lines and right-of-way lines of streets, easements and other rights of way; natural and artificial watercourses, streams, shore lines; topography and property lines of all lots and parcels with distance, radii, arcs, chords and tangents of all curves to the nearest one-hundredth of a foot, bearings or deflection angles to nearest second.
 - (3) Street name and width of each street within the proposed subdivision and those adjoining; building setback lines.

- (4) Lot and block identification, number or letter, in progressive order, for each lot and block conforming with the Recorder's procedures.
- (5) Dedication and acceptance: show boundaries and by graphic symbols all parcels which are to be dedicated or reserved for public use or easements.
- (6) Monuments and markers, location and description of those found, set or to be set.
- (7) Names of recorded owners of adjoining unplatted land.
- (8) Reference to subdivision plats of adjoining platted land by name, volume and page of the Recorder's maps.
- (9) Notarized certification by the owner of acceptance of plat and statement offering dedication of streets, rights of way and any sites for public use or reserved by deed covenants for common use of all property owners.
- (10) Notarized certification and seal by a registered surveyor as to preparation and details of survey and plat and setting of monuments.
- (11) Approval statement by the Zoning Inspector, Board of Public Affairs, Utility Department, County Board of Health if applicable.
- (12) Recording statement by the County Recorder.
- (13) Transfer statement by the County Auditor and the tax map draftsman.
- (14) Acceptance statement by Council.
- (15) Protective covenants, reference to or included on plat.
- (16) Title of subdivision, municipality, county, state, original township section, tract or lot; scale, shown geographically, north arrow and date.
- (17) Lot acreage shown on each lot.
- (18) Indication of any land subject to inundation or flood hazard by storm water and any land designated as a special flood area on the current Flood Hazard Boundary Map.
- (19) At the time of submission of the final plat the following notations for approval shall appear on the plat.
 - A. For approval of the plat by the chairman and secretary of the Planning Commission.
 - B. For acceptance of the utility easement by applicable public utility companies and acceptance by the appropriate entity of any other easement(s) granted by the owner of the subdivision and shown on the plat.
 - C. For acceptance and approval of the plat by the Mayor and the Clerk of Council.
(Ord. 98-20. Passed 6-10-98.)

1105.04 MINOR SUBDIVISIONS.

(a) Planning Commission May Approve without a Plat. Notwithstanding the provisions of Chapters 1103 or 1105 of these Regulations, the Planning Commission may approve a minor subdivision, as defined herein, without a plat if such minor subdivision meets the conditions and specifications outlined below and would not be contrary to applicable zoning regulations nor the relevant provisions of the Regulations.

(b) Subdivision of Minor Subdivision Plan. The original and at least three copies of the minor subdivision plan along with the application fee established by ordinance of Council shall be submitted to the Zoning Inspector not less than twenty-eight days before the Planning Commission meeting at which consideration is desired.

(c) Specifications for Minor Subdivision Plan. The minor subdivision shall be prepared by registered land surveyor at a scale of not less than 100 feet equals one inch. It shall not exceed twenty-four by thirty-six inches in size, shall include a location map and shall include the following information.

- (1) Location of the minor subdivision, including township, range and section numbers along with a legal description;
- (2) Title, scale, north arrow and the date of survey;
- (3) Name(s) and address(es) of the owner(s), subdivider and the registered surveyor;
- (4) Right of way width, pavement width and street name of all adjoining streets or thoroughfares and any existing streets within the minor subdivision;
- (5) All lot lines adjacent to the abutting the minor subdivision and the use of the corresponding parcels of property;
- (6) Building setbacks and front yard dimensions;
- (7) Layout and size of lots drawn to scale showing bearing and distances as determined by an accurate field survey measured to the nearest one hundredth of a foot. One corner of the lots in the minor subdivision shall be referenced to the street centerline of the nearest established intersection;
- (8) To area in the minor subdivision shown to the nearest one thousandth of an acre;
- (9) The location of existing and proposed drainage courses, drainage tiles, road culverts and other utilities;
- (10) The location, type of material and size of all monuments and markers;
- (11) Certification that the proposed subdivision will provide its water supply and adequate sewerage treatment in accordance with the regulation of the Portage County Health Department or be serviced through the municipal systems;
- (12) Certification of ownership;
- (13) The division may be submitted to the Planning Commission who, with the approval of Council, is authorized to approve such division of land; provided the proposed division is not contrary to applicable platting, subdividing or zoning regulations, and that all information required for the Planning Commission and Council to make a decision has been submitted. On presentation of a conveyance of the parcel, the same shall be stamped by the Zoning Inspector "Approved no plat required." A drawing based on a survey showing location of property and giving such other information as may be necessary shall be required.
(Ord. 98-20. Passed 6-10-98.)

(Note: Appendices A through J are not on file. See Planning and Zoning Code pages 2M through 2BB.)

CHAPTER 1111
Street Regulations and Requirements

1111.01	Conflict.	1111.05	Street improvements.
1111.02	Plat specifications.	1111.06	Maintenance bond.
1111.03	Design standards.	1111.07	Village inspections.
1111.04	Drainage system requirements.		

CROSS REFERENCES

Plat and subdivision defined - see Ohio R.C. 711.001

Inspection of streets and acceptance - see Ohio R.C. 711.08, 711.09

Power to establish and care for streets - see Ohio R.C. 715.19,
717.01, 723.01

Dedication and acceptance - see Ohio R.C. 723.03

Surface treatment - see Ohio R.C. 723.23, 723.31

Sidewalks and gutters - see Ohio R.C. 729.01 et seq.

1111.01 CONFLICT.

Wherever the requirements of the Subdivision Regulations are at a variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standards, shall govern. (Ord. 78-12. Passed 9-6-78.)

1111.02 PLAT SPECIFICATIONS.

The plat plan shall show:

- (a) Streets on and adjacent to the subdivision with names, location, right-of-way and roadway width, center line and ditch line profile; planned public improvements; and highways or other major improvements planned by public authorities for future construction on or near the subdivision, including journalized routes for highways.
- (b) All street, center line data, right-of-way and pavement widths shall be shown. Each type of pavement shall be labeled. Stationing shall begin at the south or west end of the improvement.
- (c) All existing and proposed underground structures located in the street or easement shall be shown on the construction plan and profile drawings. Such underground structures include gas lines, electric and telephone conduits, sanitary and storm sewers, water mains, culverts, etc.
- (d) The final plat shall be reproducible, drawn in ink on tracing cloth or mylar, sheet size 24 inches by 36 inches, and shall be at a scale of not more than 100 feet to one inch.
- (e) Street names shall not duplicate another in the Village postal area and right-of-way width of each street within the proposed subdivision and those adjoining shall be shown. (Ord. 78-12. Passed 9-6-78.)

1111.03 DESIGN STANDARDS.

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

(b) Street Classifications.

- (1) Major arterial thoroughfares shall be planned for continuation of movement of fast traffic between points of heavy traffic generation and from one section of the community to another. They shall contain as few intersections with local streets as possible and shall minimize or prohibit direct access from adjacent properties. Such thoroughfares shall traverse the community and shall be spaced approximately one mile apart.
- (2) Collector streets shall provide a traffic route from local streets to major arterial thoroughfares. These streets shall be spaced approximately one-fourth mile apart.
- (3) Local streets shall provide direct and full access to each lot and shall be laid out so that their use by through traffic will be discouraged. The street system shall be so designed that all proposed streets shall be in general conformity with a plan for the most advantageous development of the entire neighborhood. The streets shall be extended to the boundaries of the tract to be recorded unless prevented by topography or other physical conditions or unless such extension is not necessary or desirable for the coordination of the layout of the subdivision with the development of adjacent tracts. Dead-end streets or cul-de-sacs shall be approved only when necessitated by topography or other physical conditions or where, in the opinion of the Planning Commission, they are appropriate for the type of development contemplated.

- (4) Parallel streets may be required along an existing or proposed major arterial thoroughfare to provide access to lots along such thoroughfares.

(c) Street Right-of-Way Widths and Grades.

<u>Classification</u>	<u>Minimum Right-of-Way Width in Feet</u>	<u>Grades by Percent</u>	
		<u>Maximum</u>	<u>Minimum</u>
Major arterial thoroughfare	80	5	*
Collector, commercial and industrial streets	80	8	*
Local streets			
Urban single-family	50 with curbs	8	*
Urban multi-family	50 with curbs	8	*
Light industrial	60 without curbs	8	*
Parallel streets	40 with curbs	8	*

* Minimum grade should be adequately constructed to accommodate proper drainage according to drainage system requirements as provided in Section 1111.04.

(d) Half Streets. Half streets shall be prohibited except where there is an existing half street adjacent to the subdivision in which case the remaining half of the street shall be platted. (Ord. 78-12. Passed 11-13-91.)

(e) Cul-de-Sacs and Dead-End Streets. Dead end streets shall not be permitted in the Village of Garrettsville. Cul-de-sacs shall not be permitted that exceed 600 feet in length. Those cul-de-sacs that are 600 feet in length or less may be approved with the following criteria:

- (1) Developer demonstrates to the Planning Commission satisfaction the necessity for the cul-de-sac.
- (2) Developer provides a 60 foot right of way for future connection of the street with said right of way being dedicated to the Village and at location determined by the Planning Commission.
- (3) Developer provides a looping of utilities that is acceptable to the Board of Public Affairs.
- (4) It shall be provided at the closed end with a turnaround having an outside pavement diameter of at least 100 feet and street property line diameter of at least 120 feet. (Ord. 2007-23. Passed 7-11-07.)

(f) Corner Radii. Property lines at street intersections shall be rounded with a radius of not less than thirty feet for major arterial thoroughfares, collector and industrial streets, and twenty feet for local streets. Chords or cut-offs may be permitted in place of rounded corners.

(g) Horizontal and Vertical Curves. Angles in the alignment of street lines shall be connected by a curve with a radius on the center line of not less than 150 feet for local streets, 300 feet for collector and industrial streets, and 500 feet for major arterial thoroughfares. Between reverse curves there shall be a tangent at least 100 feet long on major arterial thoroughfares. Every change in street grade shall be made with a vertical curve to provide sight distance suited to the location which in no case shall be less than 300 sight feet from a height of four and one-half feet.

(h) Intersections. Streets shall be laid out to intersect as nearly as possible at right angles and no street shall intersect any other street at an angle of less than sixty degrees. Multiple intersections involving junctions of more than two streets shall be prohibited.

(i) Street Jogs. Street jogs with center line offsets of less than 160 feet shall be prohibited. If deemed necessary by the Planning Commission, the minimum distance between center line offsets may be increased or adjusted. (Ord. 78-12. Passed 9-6-78.)

1111.04 DRAINAGE SYSTEM REQUIREMENTS.

(a) The design criteria for the drainage systems shall be based on the State of Ohio Department of Transportation Design Policy and the drainage requirements (#1 through #8) of the 1963 Portage County Subdivision Regulations, with the exception being a minimum easement width of twenty feet.

(b) These criteria shall apply to development along existing roads as well as those requiring new roads to be constructed.

- (1) Road drainage system. The road storm drainage system shall serve as the local drainage system. It shall be designed to carry roadway, adjacent land, and house storm water drainage. To prevent excessive pipe sizes, storm sewers shall drain into natural waterways as soon as possible.
- (2) Off-road drainage system. The design of the off-road drainage system shall include the watershed affecting the allotment and shall be extended to a watercourse or ditch adequate to receive the storm drainage. (Ord. 78-12. Passed 9-6-78.)
- (3) Subgrade drainage system. All pavement subgrades shall be drained by "longitudinal underdrains", both sides of the pavement. (See Appendix A or B for details.) (Ord. 90-27. Passed 9-12-90.)

1111.05 STREET IMPROVEMENTS.

The subdivider shall design and construct pavements, curbs and gutters of sizes and types not less than as provided for in the table set forth herein for all streets. Pavement cross-sections shall be as specified by the current edition of the State of Ohio Department of Transportation Construction and Material Specifications.

**TABLE I
PAVEMENT SPECIFICATION STANDARDS¹**

<u>Type Street</u>	<u>Subbase²</u>	<u>Compacted Subgrade</u>	<u>Base</u>	<u>Prime or Tack Coat³</u>	<u>Surface</u>	<u>Curb and Gutter⁴</u>	<u>Width Subbase</u>	<u>Traveled Width Surface</u>	<u>Total Width⁵</u>
Urban Single Family Residential	4" - 310	6" Depth	4" - 301	408 - 407	6" - 451	Integral		22'	26'
	4" - 304	6" Depth			7" - 452	Integral		22'	26'
					2.5" - 404	24" Port. Cement Concrete	22'	22'	26'
					or 1.25" - 402 1.25" - 404				
	8" - 304	6" Depth			1.5" - 402	24" Port. Cement Concrete	22'	22'	26'
					1.5" - 404				
		6" Depth	6" - 301	408 - 407	2.5" - 404	24" Port. Cement Concrete	22'	22'	26'
					or 1.25" - 402 1.25" - 404				
Urban Multi-family Residential	4" - 310	6" Depth			6" - 451	Integral		32'	36'
	5" - 304	6" Depth	5" - 301	408 - 407	7" - 452	Integral		32'	36'
					2.5" - 404	24" Port. Cement Concrete	32'	32'	36'
					or 1.25" - 402 1.25" - 404				
	9" - 304	6" Depth			2" - 402	24" Port. Cement Concrete	32'	32'	36'
					2" - 404				
		6" Depth	7" - 301	408 - 407	2.5" - 404	24" Port. Cement Concrete		32'	36'
					or 1.25" - 402 1.25" - 404				
Collector and Industrial	4" - 310	12" Depth			7" - 451	Integral		32'	36'
		12" Depth	8" - 301	408 - 407	8" - 452	Integral		32'	36'
		12" Depth			2.5" - 404	24" Port. Cement Concrete		32'	36'
					or 1.25" - 402 1.25" - 404				

TABLE I (Continued)

- 1 Methods of construction and materials shall meet the requirements of the current State of Ohio Department of Transportation Construction and Material specifications unless otherwise ordered by the Village Inspector.
- 2 All subgrades shall be compacted to one hundred percent (100%) of the maximum laboratory dry weight, for the particular soil in the site, and verified by field tests performed by a qualified soils technician. ODOT Standard Moisture Density Curves may be used.
- 3 The type and quantities of materials to be used will be determined by the Village Inspector. Quality tests and analysis shall be required by the Village Inspector. Where 404 is not laid on 301 base immediately, prime or tack coat will be required.
- 4 Except where 451 and 452 pavement is used, all curbing shall be 24 inches wide combination curb and gutter sections, constructed of Portland cement concrete. Minimum gutter thickness shall be 8 inches.
Residential curb shall be mountable concrete type, 4 inches higher than the gutter. Curbing on collector and industrial streets shall be mountable concrete type, 6 inches higher than the gutter.
Curb openings for drive, ditches, drains, etc., are not permitted.
- 5 Surface width is area between gutters. Total width is face-to-face curbing distances.
- 6 The Contractor shall engage a qualified testing service to verify the quality of concrete placed in pavements, and curb-gutters, by means of field tests for slump (4" max), air entrained (5%-8%) and test cylinders broken at seven days and twenty-eight days.

NOTE:

The basis for the design of pavements is made on the chart as follows:

<u>ITEM</u>	<u>STRUCTURAL NUMBER</u>
404	0.35
402	0.35
301	0.35
304	0.14

The use of a combination of any of these materials that equal or exceed the structural equivalences listed is permissible. In all cases, the surface course may not be substituted, but all substitutions for those listed shall be approved by the Village Inspector.

In lieu of the above, design of pavement may be determined as outlined in the current Ohio Department of Transportation design policy memorandum entitled: "Current Pavement Design Manual - Secondary and Local Roads and Streets."

- (a) Pavements. Higher standards and/or greater widths than indicated herein may be required by the Planning Commission and/or the Village Inspector to adequately provide for unusual soil conditions or extraordinary traffic volumes or loads. After the underground utilities and house connections are installed and rough grading completed, the roadway subgrade shall be shaped, rolled and compacted. (Refer to Table I and Appendix A.) The subdivider may construct a temporary roadway of slag or stone for use during the building construction period. Such pavements shall be maintained in a safe and passable condition by the subdivider without expense to the Village.
- (b) Curbs and Gutters. Concrete curbs and gutters, separate and integral with pavement, shall be provided as indicated in Table I and as indicated by the typical cross section shown in Appendix A. Where curbs exist, downspout and footer drains must be connected to the storm sewer; drains through the curb will not be permitted.
- (c) Sidewalks. Sidewalks shall be provided in urban residential developments. Sidewalks shall be constructed of Portland cement concrete four inches thick with the thickness increased to six inches where the sidewalk is crossed by a driveway. They shall be located as shown by the typical cross section in Appendix A. The construction and materials shall be as specified in the State of Ohio Department of Transportation Construction and Materials Specifications. Sidewalk widths shall be a minimum of four feet. The Planning Commission may allow pedestrian walkways to be substituted for sidewalks. (Ord. 78-12. Passed 9-6-78.)
In all subdivisions approved by the Planning Commission after May 1, 1999 the developer shall install all sidewalks in the subdivision with six months of fifty percent (50%) of the lots being sold or transferred. (Ord. 99-04. Passed 3-10-99.)
- (d) Pedestrian Walkways. Pedestrian walkways, not less than ten feet wide, or of such greater width as deemed necessary by the Planning Commission, shall be required across blocks where the Planning Commission deems that pedestrian access to schools, playgrounds, shopping centers, transportation and other community facilities is necessary. Paving, fencing and other required improvements shall be determined by the Planning Commission, as recommended by the Village Inspector.
- (e) Street Name Signs. To avoid duplication and confusion, the proposed names of all streets shall be approved by the Village Inspector prior to such names being assigned or used. The subdivider shall compensate the Village Inspector who shall install a street sign showing the names of all streets at all street intersections. The signs shall conform to the specifications of the Village Inspector and be mounted at a height of approximately seven feet above the top of the curb or crown of the pavement. The sign shall be located as directed by the Village Inspector.
- (f) Street Lights. The subdivider shall install street lights in accordance with the standards and specifications of the Village. (Ord. 78-12. Passed 9-6-78; Ord. 90-28. Passed 9-12-90.)
- (g) Fire Hydrants. The developer shall furnish and install fire hydrants as required and specified by the Board of Public Affairs. (Ord. 90-28. Passed 9-12-90.)

1111.06 MAINTENANCE BOND.

(a) The maintenance bond period for all work performed shall begin with the date of acceptance for maintenance and shall extend for a period of one year. Acceptance for maintenance is contingent upon completion of required repairs as prescribed by the Village Inspector. At any time during the bond period, the Village may notify the subdivider and his surety that certain repairs are necessary. Within sixty days, weather permitting, after being so notified, the subdivider shall make such repairs as are declared necessary to restore the work to a good and serviceable condition. In the event that the subdivider fails to comply with the order to repair as provided, the repairs shall be made by the Village and the subdivider shall agree to reimburse the Village for the expense so incurred within ten days following the receipt of a statement rendered to the subdivider by the Village for such expense.

(b) The subdivider shall also make repairs due to erosion or abuse by utility companies and shall repair all failures for all other reasons during the maintenance bond period. The streets and other improvements shall be in a condition acceptable to the Village Inspector at the end of the maintenance period. If the subdivider fails to perform such maintenance to the complete satisfaction of Council, Council may use such bond to make the necessary repairs at its discretion.

(c) If the cost of providing security to the Village for the one year period is prohibitive, the subdivider may, with approval of Council, make an assignment of bonds or other form of acceptable security to the Village in the amount of ten percent (10%) of the improvement cost for the first year.

(d) After one year, the subdivider is required to apply for final acceptance by the Village Inspector prior to submitting for Village dedication.

(e) A temporary public turn-around shall be provided and maintained on all uncompleted roads accepted for maintenance. (Ord. 78-12. Passed 9-6-78.)

1111.07 VILLAGE INSPECTIONS.

(a) The Planning Commission shall have the authority to appoint a Village Inspector to ensure that all construction standards required by the Village Zoning Code are adhered with respect to any residential, commercial or industrial construction in the Village. A developer may submit the names of an individual for the Planning Commissions consideration. The determination of the Planning Commission as to who shall be appointed shall be final.

(b) In any project involving water and/or wastewater service, the Planning Commission shall consult the Board of Public Affairs for their recommendation on employing a Village Inspector to ensure that their rules and regulations are complied with.

(c) The cost of such inspector shall be borne by the developer. The Planning Commission shall obtain an estimate of the costs of the inspections and shall obtain a cash bond for such amount from the developer prior to the issuance of any permits.

(d) The inspector shall have an Associates degree in quality control or in equivalent field or shall have the requisite on the job experience that will qualify him to conduct the needed inspections.

- (1) The inspector shall keep a daily log and certify that all necessary Village rules and regulations and ordinances have been complied with by the developer.
- (2) The inspector shall have the authority to stop work on any job if he deems it necessary. (Ord. 93-12. Passed 4-1-93.)

CHAPTER 1115
Drainage Requirements

1115.01	Submission of plans.	1115.05	Paved gutters.
1115.02	Adequate drainage outlet.	1115.06	Easements.
1115.03	Design standards.	1115.07	Storm water management.
1115.04	Ditch protection.	1115.08	Standards of operation.

CROSS REFERENCES

Storm drain conductors and leaders - see OAC 4101:2-51-69
Drainage system requirements - see P. & Z. 1111.04

1115.01 SUBMISSION OF PLANS.

(a) Prior to the start of any construction, including any houses or streets, the developer shall furnish a plot plan showing the slab or floor elevation of each house proposed to be constructed. He shall also show by the use of arrows, how he proposes to drain each lot and show a general runoff pattern of the area to be improved and of adjacent areas which may be affected by the proposed improvement. In lieu of a plat plan, this information may be shown on a specific drainage plan or on the street plan and profile sheets. All house eave spouts shall be connected with tile to a storm sewer house connection.

(b) The developer shall submit on contour maps, or other suitable drainage maps, information relative to the area to be drained, and submit necessary calculations prepared by his registered engineer in determining the proposed water collections system. Minimum requirements for the drawings and calculations of drainage systems shall include the following:

- (1) A map showing the existing topography of the developed area and adjacent land within 300 feet of its boundary. The topographic map shall use a contour interval appropriate to portray clearly the surface conformation and drainage pattern of the area.
- (2) A vicinity map at a scale not less than two thousand (2000) feet to the inch showing the development area in relation to existing roads and nearest thoroughfares, streams and water ways.
- (3) The drainage area for each pipe or drainage structure shall be outlined and have the acreage shown. To show the entire drainage area, additional sheets may be required. If additional sheets are needed, existing aerial mapping or USGS mapping shall be sufficient.

- (4) The acreage of all tributary drainage areas and their sum.
 - (5) Times of concentration, intensity and runoff coefficients used in the Rational Method to estimate the amount of runoff, Overland slopes, curve numbers, hydraulic length, etc. used in the Soil Conservation Service (SCS) Peak Discharge Method. For methods other than previously listed adequate information must be provided to allow for proper review by the Village.
 - (6) Discharge in cubic feet per second (cfs), velocities in feet per second (fps) and any additional data needed to establish that drainage systems will convey the flow.
 - (7) Plan and profile drawings of the drainage course.
 - (8) Cross sections of the drainage course as directed by the Village.
 - (9) Size and types of all drainage improvements including detailed standard drawings of each.
- (Ord. 99-37. Passed 8-11-99.)

1115.02 ADEQUATE DRAINAGE OUTLET.

Surface water runoff from a development shall be drained through an adequate outlet. The location of the outlet shall be approved by the Village. The outlet maybe in a ditch, stream, storm sewer, or approved retention/detention basin, which has sufficient capacity to accommodate the runoff in a reasonable and acceptable manner.

(Ord. 99-37. Passed 8-11-99.)

1115.03 DESIGN STANDARDS.

(a) The design criteria will be based upon information obtained from the current edition of the "Ohio Department of Transportation Manual of Location and Design", (ODOT L & D) and the "Ohio Department of Transportation Construction and Material Specifications. (ODOT C & M).

(b) Run-off or design discharge for storm sewer design, where the contributing area generally consists of pavement and a narrow strip back of the pavement, shall be obtained from the Rational Method.

- (1) All storm sewers shall be designed using the Manning equation and/or the Kutters Formula.
- (2) All storm sewers shall be designed with hydraulic slopes sufficient to provide a mean velocity, when flowing full, of not less than three (3) feet per second. Where the velocity exceeds twelve (12) feet per second, special provisions must be made to protect erosion and displacement.
- (3) All storm sewers shall be properly sized but, in no case, shall a storm sewer be less than twelve (12) inches in diameter.
- (4) All storm sewers shall be sized to flow approximately full for a five (5) year frequency storm. The size shall be determined by working downstream from the inlet of the first sewer run. Hydraulic gradient for flood flow (10 year) should be kept below catch basin grates. This will eliminate storm water from being detained on the ground surface during this period.

- (5) When storm sewers are increased in size in the direction of flow, the invert of the larger pipe shall be at a lower elevation in order to maintain the same energy gradient (crowns of pipes to be at same elevation). A larger pipe shall not discharge into a small pipe unless specifically approved by the Village.

- (c) The rate of runoff shall be computed using the following design frequencies.

Roadway ditches	5 years
Storm sewers	10 years
Culvert under roadways	25 years
Water courses	50 years

The design frequency to be considered for an individual structure or system may be altered by the Village where the health and safety of the residents would be endangered by the hazards of flood waters or increased flow.
(Ord. 99-37. Passed 8-11-99.)

1115.04 DITCH PROTECTION.

- (a) The developer shall adequately protect all roadway ditches and open water-courses to the satisfaction of the Village Inspector by one of the following methods.

- (b) Ditch protection in the form of ODOT C & M Item 659 Seeding and Mulching and ODOT C & M Item 660 Sodding shall be provided. The following shall be allowable ditch velocities on various soil types.

<u>Soil Type</u>	<u>ODOT 659 Velocity fps</u>	<u>ODOT 660 Velocity fps</u>
Sand	1.5	3.5
Firm loam	2	4
Clay	2.5	5
Weathering shales	4.5	6
Gravel	3.5	6

- (c) When the outlet velocity of storm sewers, culvert pipes, drive pipes or side drains is in excess of the above allowable velocities, sufficient length of Rock Channel Protection shall be provided or sedimentation at the time of final approval.

- (d) In all cases, any drainage facility within the subdivision shall be in a stable condition, free from either erosion or sedimentation at the time of final approval.
(Ord. 99-37. Passed 8-11-99.)

- (e) No owner/developer shall create a condition on property that allows erosion or other similar conditions to occur that adversely affects streets, sidewalks or storm sewers. For the purpose of this section "adversely affects" means any blockage, reduction in flow or other conditions that create an unfavorable condition that needs action to correct.
(Ord. 99-10. Passed 3-10-99.)

1115.05 PAVED GUTTERS.

The Planning Commission will not approve any subdivision located in areas subject to periodic flooding, unless the developer or subdivider agrees to perform adequate improvements as render the area safe from flooding. An additional bond in the amount deemed necessary by the Village Inspector must be provided by the developer or subdivider to guarantee that he will comply with the requirements set forth in this entire chapter.
(Ord. 99-37. Passed 8-11-99.)

1115.06 EASEMENTS.

(a) Easements for drainage purposes shall be a minimum of twenty feet in width. The development's owner shall be responsible for obtaining any easements that are required, and shall have properly recorded at the Portage County Recorder's Office. Where the watercourse is large, easement widths shall be increased as determined by the Village Inspector. (See Section 1115.06(d).) Where watercourses cross plotted lots diagonally, the developer shall straighten courses, where practicable, and shall substantially follow subplot lines. Easements shall be shown on the record plat and deeds, and shall cover such existing or reconstructed watercourses.

(b) Additional easement requirements are as follows:

- (1) Easements for drainage purposes shall be constructed or defined on the ground by the developer before construction is started.
- (2) In instances where the existing watercourse is well defined from past storm drainage and where the developer is required to reconstruct watercourse along subplot lines, such reconstruction shall be completed to the satisfaction of the Village Inspector.
- (3) No open ditch shall be constructed within 150 feet of the rear or side of a house, as measured from the house to the edge of the ditch easement.

(c) Existing and new drainage easements shall be shown on the construction including the volume and page number as recorded with the Portage County Recorder's Office.

(d) When a proposed drainage structure extends beyond the limits of the normal public right-of-way, additional right-of-way shall be provided around the structure, by the developer, to allow for adequate maintenance.
(Ord. 99-37. Passed 8-11-99.)

1115.07 STORM WATER MANAGEMENT.

(a) The general intent of storm water management is to prevent damages caused by accelerated storm water runoff from developing areas, while promoting development. In an effort to fulfill this intent the peak rates of runoff and volumes shall be controlled using the "Critical Storm Method". This method is used to determine the design frequencies used to design the detention/retention structures for the development.

(b) Critical Storm Method.

- (1) The peak rate of runoff from a Critical Storm (as determined below) and all more frequent storms occurring on the development area does not exceed the peak rate of runoff from a two (2) year frequency storm (of 24 hour duration) over the same area under pre-development conditions.
- (2) Storms of less frequent occurrence than the critical storm, up to 100 year storm, have peak runoff rates no greater than peak runoff rates from equivalent size storms under pre-development conditions. The Critical Storm for a specific development area is determined as follows:
- A. Determine by appropriate hydrologic methods the total volume of runoff from a two (2) year frequency, 24 hour duration storm occurring over the development area before and after development.
- B. From the volumes determined in subsection (b)(2)A. hereof, determine the percentage increase in volume of runoff due to development and using this percentage, select the 24 hour Critical Storm from the following table.

% Increase in Volume of Runoff		Critical Storm Discharge Limit
<u>(at least)</u>	<u>(but greater than)</u>	<u>Years</u>
0	20	2
20	50	5
50	100	10
100	250	25
250	500	50
500 or more		100

- (3) Storage volume does not have to be provided for runoff from off-site upstream areas. Upstream runoff should be conveyed through the site in accordance with current runoff conditions.
- (4) The requirements for this section for runoff rates and volumes shall be satisfied at each location where runoff rates leaves the development area.
- (5) Small developments (less than 2 acres) may have difficulties providing the required storm management as shown above. The following options may be used to decrease the peak rate of runoff.
Provide detention in parking areas utilizing catch basins with the orifice exiting the bottom of the basins to the storm sewer.
Consider using Vegetative Best Management Practices (BMP). These include the use of grass swales and filter strips. To utilize these BMP's the proposed parking areas and roof drains should discharge into these structures which will detain the peak flow by increasing the flow time across the site. Information on these structures can be found in "Controlling Urban Runoff; a practical manual for planning and designing urban BMP's which can be obtained from the Metropolitan Washington Council of Governments at (202) 962-3256, publication number 87703.
- (6) The Village reserves the right to waive or modify the storm water management requirements for the small developments, after determination of the feasibility of available options.
(Ord. 99-37. Passed 8-11-99.)

1115.08 STANDARDS OF OPERATION.

(a) The road storm sewer system shall serve as the prime drainage system. It shall be designed to carry roadway, adjacent land and house storm water drainage. The design discharge used to determine pavement inlet spacing shall be based on the Rational Method as mentioned above. The gutter flow between inlets shall be analyzed by the equation:

$$Q = .56 Z/NS^{1/2} Y^{8/3}.$$
 as required by the ODOT L & D.

(b) The inlet spacing shall be based on a ten-year frequency, fifteen-minute minimum time of concentration. The spread of water on the pavement shall be limited to two feet into the traveled lane. In addition to the above, storm sewers shall contain inlets, catch basins or manholes at intervals of not over 300 feet.

(c) When the drainage system is outside of the road right of way, the developer shall secure and construct appropriate drainage facilities. Associated easements, right of way acquisition construction, etc. shall be the responsibility of the developer. The drainage facility shall be designed to meet the requirements of this entire Chapter.

(d) All waterways with a design capacity not exceeding the capacity of thirty-six inch concrete pipe shall be enclosed. Existing creeks or ditches constructed by the developer which exceed the above limit, could be enclosed in appropriately sized conduit, otherwise it shall be constructed with a minimum of ten-foot wide continuous earth roadway which is to provide access for maintenance equipment to all sections of the ditch. The ditch easement shall be wide to contain such ditch slopes and roadway with ample clearance for the maintenance equipment. Open ditches shall have 3:1 side slopes and a minimum two-foot bottom width. (Ord. 99-37. Passed 8-11-99.)

(See Book for Charts on Pages 15 through 17)

1131.02 THE GARRETTSVILLE VILLAGE PLAN.

(a) The Village of Garrettsville adopted a comprehensive Village Plan that was reviewed and recommended to the Village Council by the Planning Commission. This plan was adopted by Council in 2000 and shall be used as the basis for proposed zoning changes, development, placement of streets and sidewalks and any other proposed changes to the Village Zoning Code.

(b) The Planning Commission shall utilize the plan in approving developments, zoning changes and amendments, and proposed street and sidewalk placement.

(c) The Planning Commission shall not be strictly bound by its recommendation but shall be entitled to use it as a basis for its decisions.
(Ord. 2006-23. Passed 9-13-06.)

CHAPTER 1135
Definitions

1135.01 Definitions.

1135.02 Definitions for Preservation and Design Review Regulations.

CROSS REFERENCES

Addition of definitions - see P. & Z. 1147.03

1135.01 DEFINITIONS.

(a) Except where specifically defined herein, all words used in the Zoning Ordinance shall carry their customary meanings. Words used in the present tense include the future and the plural includes the singular, the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied".

- (1) "Accessory structure" or "accessory building" means a subordinate secondary structure, the use of which is incidental to that of the principal or main building and which is located on the same lot as the principal or main building. Examples of accessory structures include, but are not limited to, garages, carports and canopies, workshops, studios, greenhouses, picnic shelters, gazebos, pool houses, storage buildings, decks, patios, swimming pools (above or below ground), satellite dish antennas, and athletic/recreational facilities (tennis courts, basketball courts, soccer goals, baseball batting cages and skateboard ramps).
- (2) "Accessory use" means a use customarily incidental and subordinate to the principal use or building, located on the same lot or premises as the principal use or building.
- (3) "Adult bookstore" means an establishment which derives twenty-five percent (25%) or more of its gross income from the sale and rental of, or utilizes twenty-five percent (25%) or more of its retail selling area for the display of, or both, books, magazines, or periodicals, films, tapes and cassettes, which materials have as their major or dominant theme matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas"; as defined thereafter.
- (4) "Adult motion picture theater" means an enclosed motion picture theater or motion picture drive-in theater which derives twenty-five percent (25%) or more of its gross income from the showing of, or utilizes twenty-five percent (25%) or more of its total viewing time for the presentation of, or both, materials for observation by its patrons which have as their major or dominant theme matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined hereinafter.

- (5) "Adult entertainment establishment" means any of the following:
- A. "Adult Arcade" means an establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or anatomical areas. (See the end of the list of adult-use establishments for the Zoning Ordinance's definition of "specified sexual activities" or "specified anatomical areas".)
 - B. "Adult Theatre" means a theater, concert hall, auditorium, or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or by specified sexual activities.
 - C. "Adult Caberet" means a nightclub, bar, restaurant, or similar establishment that regularly features live dancers. The dancers must wear at least "pasties" and a "G string", no nudity permitted.
- For the purposes of the above definitions:
- D. "Specified anatomical areas" means less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if complete and opaquely covered.
 - E. "Specified sexual activities" means human genitals in the state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, and fondling or other erotic touching of human genitals, pubic area, buttocks or female breasts.
- (6) "Alteration", as applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height or by moving from one location to another.
- (7) "Arterial street" means State Street, Main Street, Windham Street, South Street, North Street, Center Street, Freedom Street, Liberty Street and Brosius Road within the Village of Garrettsville.
- (8) "Assisted living facility" means a residential care facility, other than a licensed nursing home, that provides personal care for persons with impairments in performance of daily living and has the capacity to meet unscheduled needs for assistance. Typical to this facility is that each residence is a private occupancy, furnished by occupant, with food service, laundry and gathering areas shared in the facility.
- (9) "Auto graveyard". See "junk yard",
- (10) "Basement" means a story, suitable for business or habitation, partially below the level of the adjoining street or ground and below the first tier of floor beams or joists. When a basement floor is less than two feet below the average grade, it will be rated as the first story or ground floor.

- (11) "Bed and Breakfast Establishment" means an owner occupied single family residence providing temporary lodging (not to exceed seven consecutive days) for hire including sleeping accommodations and breakfast for no more than eight guests.
- (12) "Billboard" means a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises and only incidentally on the premises if at all.
- (13) "Building" means any structure having a roof supported by columns or by walls, including signs, billboards, tents, lunch wagons, dining cars, camp cars or other structures, whether stationary or removable, used for living or business purposes.
- (14) "Building line" means a line parallel to the right-of-way line of the road to which the lot has access, and intersecting the nearest point of the foundation of the principal building to that road right-of-way line.
- (15) "Building, principal" means the building housing the principal activity performed on any lot.
- (16) "Child day care" means administering to the needs of a child (infant, toddler, preschool child, or school child outside of school hours) by a person other than the child's parent or guardian, custodian, or relative by blood, marriage, or adoption, for any part of the twenty-four (24) hour day in a place or residence other than the child's own home. In counting children for the purposes of this Zoning Code, any children under six (6) years of age who are related to the licensee, administrator, or an employee and who are on the premises of the center shall be counted.
- A. "Child Care Center" means any place in which child day care is provided, with or without compensation, for thirteen (13) or more children at one time; or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for seven (7) to twelve (12) children at one time.
- B. "Family Day Care Home, Type A" means a dwelling, which is the permanent residence of the administrator, in which child day care is provided, in compliance with license requirements of the State of Ohio for seven (7) to twelve (12) children at one time.
- C. "Family Day Care Home, Type B" means a permanent residence in which child day care is provided for one (1) to six (6) children at one time and in which no more than three (3) children may be under two (2) years of age at one time.
- (17) "Drive up facilities" means any use which involves sales or services to customers in vehicles or a facility where vehicles are lined up or queued for service such as washing or oil change. Examples of drive up facilities include drive up food windows at restaurants, drive up bank tellers, drive up ATM's (automatic teller machines), book or videotape dropoffs, auto wash, and parcel or material pickup facilities for retail businesses.

- (18) "Dump" means any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration or any other means, and for whatever purpose, of garbage, sewage, trash, refuse, waste material of any kind, junk, discarded machinery, vehicles, or parts thereof, offal or dead animals.
- (19) "Dwelling, one-family" means a detached building designed for, or occupied exclusively by one family.
- (20) "Dwelling, two-family" means a detached building designed for, or converted or occupied exclusively by, two families, living independently of each other.
- (21) "Dwelling, multifamily" means a dwelling designed for, or occupied by, three or more families, living independently of each other.
- (22) "Family" means one or more persons related by marriage or blood relationship or not more than four unrelated persons occupying a premises and living as a single housekeeping unit. This definition is subject to allowances in the Ohio R.C. Chapter 3722 for Adult Care Facilities defined herein:
 - A. "Adult family home" means a residence or facility that provides accommodations to three to five unrelated adults and supervision and personal care services to at least three of those adults.
 - B. "Adult group home" means a residence or facility that provides accommodations to six to sixteen unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

The above are permitted as set forth in Ohio R.C. 3722.03.

- 1. Any person may operate an adult family home licensed as an adult care facility as a permitted use in any residential district or zone, including any single-family residential district or zone of any political subdivision. Such adult family homes may be required to comply with area, height, yard, and architectural compatibility requirements that are uniformly imposed upon all single-family residences within the district or zone.
- 2. Any person may operate an adult group home licensed as an adult care facility as a permitted use in any multiple-family residential district or zone of any political subdivision, except that a political subdivision that has enacted a zoning ordinance or resolution establishing planned-unit development districts as defined in Ohio R.C. 519.021 may exclude adult group homes from such districts, and a political subdivision that has enacted a zoning ordinance or resolution may regulate adult group homes in multiple-family residential districts or zones as a conditionally permitted use or special exception, in either case, under reasonable and specific standards and conditions set out in the zoning ordinance or resolution to:
 - a. Require the architectural design and site layout of the home and location, nature, and height of any walls, screens, and fences to be compatible with adjoining land uses and residential character of the neighborhood;
 - b. Require compliance with yard, and parking, and sign regulation. (Ord. 2007-20. Passed 6-13-07.)

- (23) "Farmers' Market" means any person or group of persons selling fruits, vegetables, flowers, honey, home-baked goods and other produce or agricultural products, from a temporary stand as specified in this Zoning Ordinance.
- (24) "Garage, public" means any garage, other than a private garage, available for the public for storage, where repairs, rental, servicing, adjusting or equipping of motor vehicles is permitted or at which the sale of accessories and filling station service is permitted.
- (25) "Gasoline service station" means any area of land, including any structure or structures thereon, that is or are used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of vehicles. For the purpose of the Zoning Ordinance, there shall also be deemed to be included within this term any area or structure used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles.
- (26) "Height, building" means the vertical dimension measured from the average elevation of the finished lot grade at the front of the building; to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average heights between the plate and ridge of a gable, hip or gambrel roof.
(Ord. 2009-60. Passed 12-9-09.)
- (27) "Home occupation" means any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof; and provided that no article is sold or offered for sale except such as may be produced on the premises by members of the immediate family. Offices, except as otherwise noted herein, clinics, doctors' offices, hospitals, barbershops, beauty parlors, dress shops, automobile repair shops, woodworking shops, welding shops, tea rooms, restaurants, tourist homes, animal hospitals, kennels, among others, shall not be deemed to be home occupations. Any home occupation that creates objectionable noise, fumes, odor, dust, electrical interference or more than normal residential traffic shall be prohibited. Offices shall be permitted as home occupations in areas immediately contiguous to, adjacent to or directly across the street from areas zoned CBD, C-1, C-2 and I.
Home Occupations shall be classified as one of the two following types, and subject to the approval requirements indicated for that type:
- A. Administrative Home Occupation – This is a home occupation which has no clients coming to the dwelling; there is no visible exterior evidence of the occupation; it does not create a need for additional parking and does not create additional traffic. This type of home occupation can be approved administratively by the Zoning Inspector and is not subject to Chapter 1149 herein.
- B. Conditional Use Home Occupation – This is a home occupation which allows clients/customers to come to the dwelling and requires that both the dwelling and home occupation parking needs be met off-street. This type of home occupation is considered a conditional use and must follow the conditional use process outlined in Chapter 1149 of the Codified Ordinances.
(Ord. 2011-38. Passed 11-9-11.)

- (28) “Junk yard and scrap yard” means any land used for abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in running condition, the storage of two or more pieces of used equipment, machinery or parts thereof that are not being used on the premises. Any automobile, truck or other vehicle which is unlicensed and which is not in operating condition shall be deemed a junk vehicle.
- (29) “Livestock” means grazing animals kept either in open fields or structures for training, boarding, home use, sales or breeding and production, including but not limited to:
- (1) All cattle or animals of the bovine species.
 - (2) All horses, mules, burros and asses or animals of the equine species.
 - (3) All goats or animals of the caprine species.
 - (4) All swine or animals of the porcine species.
 - (5) All sheep or animals of the ovine species.
- This definition shall not include pigs weighing under 120 pounds and standing twenty inches or less at the shoulder kept as pets or other small animals.
- (30) “Loading space” means an off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.
- (31) “Lot” means a parcel of land occupied or capable of being occupied by one or more buildings or uses customarily incidental to it, including such open spaces as are required by the Zoning Ordinance.
- (32) “Lot, corner” means a lot at the point of intersection of and abutting on two or more intersecting streets, the angle of intersection being not more than 135 degrees. It is the land occupied by the corner buildings.
- (33) “Lot, depth of” means the mean distance from the right-of-way line of the street at the front of the lot to its opposite rear line measured in the general direction of the side lines of the lot; where the right of way is not established, it shall be assumed to be sixty feet.
- (34) “Lot, interior” means a lot other than a corner lot.
- (35) “Lot lines” means the lines defining the limits of a lot.
- (36) “Lot, width of” means the width measured along the minimum setback line.
- (37) “Lot of record” means a lot which is a part of a subdivision, the plot of which has been recorded in the Office of the Register of Deeds of Portage County; or a lot described by metes and bounds, the deed to which has been recorded in the Office of the Register of Deeds of Portage County.
- (38) “Major thoroughfare” means a thoroughfare designated as a major thoroughfare by the Planning Commission.
- (39) “Minimum building setback line” means the line parallel to the street right of way, side and rear property lines, and at a distance therefrom equal to the required depth of the front, side and rear yards, and extending across the full width and/or depth of the lot. Where the established street right-of-way line, if any, cannot be ascertained it shall be deemed to be thirty feet from the central line of the existing roadway. When a major thoroughfare or collector thoroughfare is designated on the Land Use and Thoroughfare Plan, the front setback line shall be measured from the proposed right of way.

- (40) "Minimum living floor area" means the areas such as living room, bedroom, bathroom, dining room, rooms for cooking, den, library and family rooms, but shall not include areas such as porches, breezeways, terraces, recreation rooms, utility rooms, garages and basements.
- (41) "Net density" means the residential density measured by dividing the number of dwelling units into the lot area, excluding all public or private highways, but including all off-street parking areas and accessory uses.
- (42) "Nonconforming use" means a building, structure or use of land existing at the time of the enactment of the Zoning Ordinance and which does not conform to the use regulations of the district in which it is located.
- (43) "Nursing or convalescent home" means any dwelling with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.
- (44) "Open space" means an area of land which is in its natural state, or is developed only for raising of agricultural crops, or for public outdoor recreation.
- (45) "Parking" means the temporary storage, in operable condition of registered vehicles.
- (46) "Parking space" means an area having a width of not less than nine feet and drives or aisles giving access thereto accessible from streets or alleys and to be used for the storage of parking of passenger automobiles.
- (47) "Parking facilities, adequate" means an area outside the street right of way exclusively used for parking vehicles belonging to employees or patrons of the principal use; of usable shape; improved with bituminous concrete, or equivalent surfacing; graded and drained so as to dispose of all surface water accumulation within the parking area; in close proximity to the principal use; and adequate to accommodate the vehicles of all employees and patrons of the principal use who can reasonably be expected to need parking spaces at one time. Any time there is a change in use or new use created the owner/developer shall submit factual data to the Planning Commission as to the adequacy of the number of parking spaces proposed. The Planning Commission shall have full authority to determine the adequacy of the proposed number based upon the data provided by the owner/developer and the minimums set forth herein. The minimum number of nine foot by twenty-foot spaces deemed to be adequate shall not be less than the number set forth in this section unless specifically approved by the Planning Commission.
- A. Auditorium, stadium, theater or other places of public assemblage: at least one parking space for each eight seats provided for its patrons.
- B. Motels: At least one parking space for each leasing room in excess of those required by staff and employees.
- C. Hotel: At least one parking space for each room in excess of those required by staff and employees.
- D. Restaurant or other eating place: At least one parking space for each four seats, except when it is in a building which provides parking space, in which case the number of places already provided may be taken to be available for the restaurant or other eating place.
- E. Hospital, sanitarium or nursing home: At least one parking space for each five patients in excess of those required for staff and employees.

- F. Plazas or shopping centers: At least one parking space for each 250 square feet of store floor area.
 - G. Stores: (Not in plazas or shopping centers) At least one parking space for 600 square feet of floor area.
 - H. Office buildings: At least one parking space for each 300 square feet of office floor area.
 - I. Industrial or manufacturing establishments: At least one parking space for each 400 square feet of gross floor area.
 - J. Medical/Emergency centers shall provide one parking space for every 150 square feet of area in excess of those required for staff and employees.
 - K. Beauty parlors: Shall provide one parking space for every 200 square feet of area.
 - L. Bed and Breakfast: Shall provide one parking space for each room that is used for lodging in excess of those spaces required for the owner of the premises.
(Ord. 2018-14. Passed 4-11-18.)
- (48) “Quarry” means any use of land for the removal of any mineral or material, including open or strip mining and shaft mining.
- (49) “Sign” means any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.
- (50) “Sign, area of” means that area which is normally visible from any one direction. For example, a rectangular sign four feet by five feet with a display on both sides shall be considered to be twenty square feet. The square footage determination shall be ascertained by adding all sign surface areas and dividing by two. In addition: Signs which require other signs to display full meaning, such as individually displayed letters of the name of an establishment or adjacent pictorial displays, shall be considered one sign.
Sign supporting structures, which by size or ornateness have been designed to attract attention shall be considered part of the sign square footage.
- (51) “Sign, business” means a sign which directs attention to a business or profession conducted on the premises. A “for sale” sign or a “for rent” sign relating to the property on which it is displayed shall not be deemed a “business sign”.
- (52) “Street, private” means a thoroughfare which affords principal means of access to abutting property, but which has not been deeded to the public.
- (53) “Structure” means anything constructed or erected which requires location on the ground, including signs, and billboards, but not including fences or walls used as fences.
- (54) “Structural alterations” means any change in the supporting members of a building such as bearing walls, columns, beams or girders or any substantial changes in the roof and exterior walls.

- (55) “Subdivision” means:
- A. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres in size 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
 - B. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures, the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.
- (56) “Subdivision major” means any division of real property other than a minor subdivision, unless such division is specifically exempted from these regulations, which requires the submission of a plat to the Planning Commission in accordance with these regulations.
- (57) “Subdivision, minor (lot split)” means notwithstanding the provisions of Ohio R.C. 711.011 to 711.13, a proposed division of an original parcel of land along an existing public street or road, not involving the opening, widening or extension of any street or road, and involving no more than five lots from the original tract, and submitted to the Planning Commission for approval without plat in accordance with these regulations.
- (58) “Surveyor” means a professional surveyor authorized to practice surveying by virtue of registration under the statutes of the State of Ohio.
- (59) “Tank, storage” means, in reference to petroleum products, a closed vessel for the storage of liquid hydrocarbon substances of atmospheric pressures.
- (60) “Usable open space” means the required portion of a lot excluding the required front yard area which is unoccupied by principal or accessory buildings and available to all occupants of the building for use for recreational and other leisure activities normally carried on outdoors. This space shall be unobstructed to the sky and shall not be devoted to service or driveways or off-street parking or loading space, and shall be twenty feet in least dimension on the ground. Balconies at least four feet, six inches wide, roof areas which are improved, and side and rear yards which have fences or walls at least five feet high between the open space and adjacent property may also be counted as usable open space.

- (61) "Use" means the principal purpose for which a lot and/or the main building thereon, is designed, arranged or intended and for which it may be used, occupied or maintained.
- (62) "Width, side yard" means the perpendicular distance between the established side lot line and any portion of any structure existing or to be constructed on the lot.
- (63) "Yard depth, front" means the perpendicular distance between the street right-of-way line and the nearest portion of any structure existing or to be constructed. Where the right of way is not established, it shall be assumed to be sixty feet.
- (64) "Yard depth, rear" means an open, unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.
- (65) "Zone" means the area within which only certain uses of land and buildings are permitted; yards and other open spaces are required; lot areas, building height limits, and other requirements are established; all of the foregoing being identical for the zone in which they apply. (Ord. 2009-60. Passed 12-9-09.)

1135.02 DEFINITIONS FOR PRESERVATION AND DESIGN REVIEW REGULATIONS.

The following definitions shall apply only to the provisions of Chapter 1155.

- (a) "Alter" or "alteration" means any material change in the external architectural features of any property which lies within a Preservation District or has been listed under the provisions of this chapter, as a Listed Property, not including demolition, removal or construction, but including the landscaping of real property.
- (b) "Applicant" means any owner, owners, person, persons, association, partnership or corporation who applies for a certificate of appropriateness in order to undertake any change on property subject to this chapter.
- (c) "Change" means any alteration, demolition, removal or construction involving any property subject to the provisions of this chapter including signs.
- (d) "Property" means any place, building, structure, work of art, fixture or similar object, but shall not include real property unless expressly provided.
- (e) "Landscaping" means or includes only such major landscaping work that is to be on open tracts of land, parking lots, streets, alleys and other large open areas, but not including the planting or arrangement of flowers and plants incidental to the enhancement of single properties.
- (f) "Listed Property" means any property which has special character, historical, aesthetic or architectural value as part of the heritage, development or cultural characteristics of the Village, State or the United States and which has been designated as a Listed Property pursuant to the provisions of this Zoning Code.
- (g) "Preservation District" means any area so designated on the Zoning Map in accord with the provisions of this Zoning Code.
- (h) "Member" means any member of the Review Board.
- (i) "Owner" means the owner or owners of record.
- (j) "Review Board" means the Design Review Board established under the provisions of this Zoning Code. (Ord. 2001-11. Passed 4-19-01.)

CHAPTER 1139
Administration and Enforcement

1139.01	Zoning Inspector.	1139.05	Prevention of violations.
1139.02	Zoning certificates required.	1139.99	Penalty.
1139.03	Fees.		
1139.04	Violations.		

CROSS REFERENCES

Planning Commission powers and duties - see Ohio R.C. 713.02, 713.06
 Violation of zoning ordinances - see Ohio R.C. 713.13
 Fee for investigating variance request - see P. & Z. 1143.03(c)
 Amendment fees - see P. & Z. 1147.02(c)

1139.01 ZONING INSPECTOR.

(a) A Zoning Inspector shall be employed to enforce the Zoning Ordinance. The term of employment, rate of compensation and other such conditions shall be set by Council. (Ord. 876. Passed 10-2-74.)

(b) All applications for zoning certificates shall be submitted to the Zoning Inspector who may issue zoning certificates only when all applicable provisions of the Zoning Ordinance have been complied with. All applications for conditional zoning certificates shall be made to the Zoning Inspector and submitted to the Planning Commission which may issue conditional zoning certificates in accordance with Chapter 1149 of the Zoning Ordinance. (Ord. 2011-39. Passed 11-9-11.)

(c) An Assistant Zoning Inspector shall be employed to act in the absence of the regular Zoning Inspector at a rate of compensation to be set by Council.

- (1) The Assistant Zoning Inspector shall have all powers and duties of the Zoning Inspector in his absence.
- (2) The Assistant Zoning Inspector shall attend all Planning Commission meetings, all Design Review Board meetings, and shall perform such other duties as are set by Council and the Planning Commission. (Ord. 97-44. Passed 9-10-97.)

1139.02 ZONING CERTIFICATES REQUIRED.

(a) Before constructing, changing the use of or altering any buildings or accessory structures, or changing the use of any premises, application shall be made to the Zoning Inspector for a zoning certificate. The applications shall include the following information:

- (1) A plot plan drawn to scale showing the exact dimensions of the lot to be built upon.
- (2) The location, dimensions, height and bulk of structures to be erected.
- (3) The intended use.
- (4) The yard, open area and parking space dimensions.
- (5) Written evidence that the responsible health authority has approved the proposed sanitary sewage disposal facilities for the use for which the zoning certificate has been requested.
- (6) Any other pertinent data as may be necessary to determine and provide for the enforcement of the Zoning Ordinance.
(Ord. 2009-61. Passed 12-9-09.)

(b) No zoning certificate shall be granted to build any structure within the Village which has ingress or egress to the highway until the owner of such property has secured a permit from the State Highway Department, the County Engineer, or the proper Village official, whichever authority has jurisdiction, for permission to install a culvert of the proper size and specifications required by the State Highway Department, County Engineer or proper local Village official, whichever authority has jurisdiction, and completed proper installation of such culvert.

(c) Within ten days after the receipt of application, the Zoning Inspector shall issue a zoning certificate if the application complies with the requirements of the Zoning Ordinance and the application is accompanied by the proper fee as indicated in Section 1139.03.

(d) The zoning certificate shall become void at the expiration of six months after date of issuance unless construction is started. If no construction is started or use changed within six months of date of permit, a new permit and fee is required upon application.
(Ord. 876. Passed 10-2-74.)

(e) No zoning certificate shall be issued for the construction of a building or structure where water and/or waste water is not available until the application has been reviewed by the Planning Commission. (Ord. 94-10. Passed 5-11-94.)

(f) Each zoning certificate issued shall include a section wherein the Zoning Inspector shall, at his/her discretion, and based on the type, size, anticipated project duration and anticipated waste material generated, specify whether the site of the work to be performed must include portable toilet facilities (“porta potty”) and/or receptacle for trash and building refuse (“dumpster”). In addition to any other penalties provided for in this Chapter, failure to provide such equipment when the requirement to do so is endorsed on the zoning certificate shall be cause for the issuance of a “Stop Work Order” by the Zoning Inspector, revocation of the zoning certificate, and/or notification of the Portage County Building Department.
(Ord. 2019-33. Passed 11-13-19.)

1139.03 FEES.

(a) The following schedule of fees for zoning certificates, permits and other applications are hereby established, subject to change by the Village Planning Commission as it may from time to time deem necessary with Council approval by resolution without public hearing. Further, Council grants Planning Commission and the Board of Zoning Appeals, as appropriate, authority to waive said fees in whole or in part for not-for-profit organizations or due to hardship, except that any actual costs incurred by the Village in publicizing a hearing or processing an application shall be collected.

	Fee
Amend Zoning Code P.C.	\$ 200.00 Hearing + 3 ads for council
Appeals to BOZA	250.00 Hearing, 3 ads & reg. mail to neighbors
Variance (BOZA)	250.00 Hearing, 3 ads & reg. mail to neighbors
Conditional Use Permit	150.00 Hearing + 1 ad 10 days prior
Renewal of Cond. Use Permit	50.00
Change in Use Commercial	150.00 Inspection by water & fire depts.
Site Plan Review (Commercial Bldg.)	300.00
Single Family Dwelling	150.00
Accessory Structure & Pool	50.00
Multi- Family + additional units	200.00 + \$50.00 for each unit
Signs	75.00
Temporary signs	50.00
Commercial Signage	100.00 + additional 0.10 per sq. ft. max. 10,000 sq. ft. additional 0.20 per sq. ft. over 10,000 sq. ft.
Industrial Signage	200.00 + additional 0.10 per sq. ft. up to \$500.00
Bed & Breakfast	50.00
Historical District (Cert. of App.)	50.00
Fences	50.00
Home Occupation	100.00
Lot splits or augmentations	200.00
Subdivision Plat Review (Preliminary and Final combined fee)	20.00 + 10.00 for each lot or proposed dwelling unit shown on preliminary plat
Amended Final Plat Review (provided initial fee paid in full)	no fee
Any other permit or applications not specified	75.00

(Ord. 2014-10. Passed 2-12-14.)

(b) No zoning certificate be granted to build any structure within the Village which has ingress or egress to the highway until the owner of such property has secured a permit from the State Highway Department, the County Engineer, or the proper Village official, whichever authority has jurisdiction, for permission to install a culvert of the proper size and specifications required by the State Highway Department, County Engineer or proper local Village official, whichever authority has jurisdiction, and completed proper installation of such culvert.

(c) Within ten days after receipt of application, the Zoning Inspector shall issue a zoning certificate if the application complies with the requirements of the Zoning Ordinance and the application is accompanied by the proper fee as indicated in Section 1139.03.

(d) The zoning certificate shall become void at the expiration of six months after date of issuance unless construction is started. If no construction is started or use changed within the six months of date of permit, a new permit and fee is required upon application.

(e) No zoning certificate shall be issued for the construction of a building or structure where water and/or waste water is not available until the application has been reviewed by the Planning Commission. (Ord. 99-07. Passed 3-10-99.)

1139.04 VIOLATIONS.

(a) Buildings erected, altered, moved, razed or converted, or any use of land or premises carried on in violation of any provision of the Zoning Ordinance are declared to be a nuisance per se.

(b) The Zoning Inspector shall inspect each alleged violation and shall, in writing, order correction of all conditions which are found to be in violation of the Zoning Ordinance.

(c) All violations shall be corrected within a period of thirty days after the written order is issued or for a longer period of time as indicated by the Zoning Inspector. Any violation not corrected within a specified time period shall be reported to the Village Solicitor who shall initiate prosecution procedures. (Ord. 876. Passed 10-2-74.)

1139.05 PREVENTION OF VIOLATIONS.

In case any building is, or is proposed to be, located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is, or is proposed to be, used in violation of Ohio R.C. 713.06 to 713.15, inclusive, or of any regulation or provision adopted by Council under such sections, Council, the Village Solicitor, the Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Inspector who shall record such complaint and immediately investigate and report thereon to the Board of Appeals for their ruling. If they rule that a violation has occurred, they shall so instruct the Police. (Ord. 876. Passed 10-2-74.)

1139.99 PENALTY.

The owner or owners of any building or premises or part thereof where anything in violation of the Zoning Ordinance is placed or exists, and any tenant or occupant of such building or premises, and any architect, builder or contractor who assists in the commission of any such violation, and any person who violates any provision of the Zoning Ordinance or fails to comply therewith shall, for each violation of noncompliance, be fined not more than five hundred dollars (\$500.00). Each day such violation or failure to comply exists shall constitute a separate offense. (Ord. 876. Passed 10-2-74.)

CHAPTER 1143
Board of Zoning Appeals

1143.01	Established.	1143.05	Procedure.
1143.02	Organization.	1143.06	Notice of hearings.
1143.03	Appeals.	1143.07	Time limit on variances.
1143.04	Powers and duties.		

CROSS REFERENCES

Appeals from zoning decisions - see Ohio R.C. 713.11, Ch. 2506
Record of public hearings - see P. & Z. 1139.03(d)

1143.01 ESTABLISHED.

A Board of Zoning Appeals is hereby created and shall have all the powers and duties prescribed by law and by the Zoning Ordinance. (Ord. 876. Passed 10-2-74.)

1143.02 ORGANIZATION.

The Board of Zoning Appeals shall consist of three members appointed by the Mayor and approved by Council. Each member shall be appointed for a period of three years, except that one of the initial members shall be appointed for one year and one of the initial members shall be appointed for two years. In the event of death or resignation of a member, the Mayor, with the approval of Council, shall make the appointment for the duration of the unexpired portion of the term of the member. The members of the Board shall be residents of the Village and shall serve without compensation. The Board of Zoning Appeals shall elect a chairman from its membership, shall appoint a secretary, and shall prescribe rules for the conduct of its affairs. The Board of Zoning Appeals shall require a quorum of two members at all its meetings and the concurring vote of two members shall be necessary to effect any order. The Board of Zoning Appeals shall meet at the call of its chairman or two other members and at such other regular times as it may by resolution determine. All meetings of the Board shall be public. The Board of Zoning Appeals chairman or acting chairman may administer oaths and compel the attendance of witnesses in all matters coming within the review of the Zoning Ordinance. (Ord. 2010-09. Passed 3-10-10.)

1143.03 APPEALS.

(a) Appeals to the Board of Zoning Appeals may be taken by any person, firm or corporation, or by any officer, board or department of the Village, deeming himself or itself to be adversely affected by the decision of the Zoning Inspector or Planning Commission respecting the interpretation of the Zoning Ordinance. Appeals shall be made no later than fifteen calendar days after the date of the grievance.

(b) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative officer whose decision is appealed from shall certify to the Board, after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed by other than a restraining order granted by the Board or by a court having lawful jurisdiction.

(c) No fee shall be charged for an appeal from the decision or action of the Zoning Inspector or Planning Commission on questions of interpretation or enforcement of the sections of the Zoning Ordinance.
(Ord. 876. Passed 10-2-74.)

1143.04 POWERS AND DUTIES.

(a) The Board of Zoning Appeals shall hear and determine all appeals from any decision or action of the Zoning Inspector in the administration or enforcement of the Zoning Ordinance. The Board shall hear and determine all appeals from the refusal of the Zoning Inspector or Planning Commission, because of anything contained in the Zoning Ordinance, to issue zoning certificates or conditional zoning certificates, and the Board shall have the power as limited herein to direct the issuance of a zoning certificate or conditional zoning certificate. The Board of Zoning Appeals, as herein created, is a body of limited powers as specifically set forth in this section:

- (1) Interpretation. Upon appeal from a decision by an administrative official, the Board shall have the power to decide any question involving the interpretation of any provision of the Zoning Ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
- (2) Variations. The Board shall have the power to vary or adapt the strict application of any of the requirements of the Zoning Ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case.

(b) No variance in the strict application of any provision of the Zoning Ordinance shall be granted by the Board unless it finds:

- (1) That there are special circumstances or conditions fully described in the findings, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the neighborhood, and that the circumstances or conditions are such that strict application of the provisions of the Zoning Ordinance would deprive the applicant of the reasonable use of such land or building;
- (2) That, for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and
- (3) That the granting of the variance will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(c) In granting any variance, the Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable.

(d) The Board has no authority to authorize a change of any parcel of land from one zoning use district to another zoning use district nor has the Board any authority to allow the construction of uses in any district which uses are not among the list of permitted or conditionally permitted uses for that district, nor has the Board any original jurisdiction to grant conditional zoning certificates. (Ord. 876. Passed 10-2-74.)

1143.05 PROCEDURE.

(a) The Board of Zoning Appeals shall act in strict accordance with the procedures specified by law, including the Zoning Ordinance.

(b) The Board shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote, it shall indicate such fact.

(c) All appeals and applications made to the Board shall be in writing and on the forms prescribed therefor. Every appeal or application shall refer to the specified provision of the Zoning Ordinance involved, and shall exactly set forth the interpretation that is claimed, the use for which the certificate or conditional certificate is sought or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

(d) Every decision of the Board shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case. Each such resolution shall be filed in the office of the Village Clerk by case number under one or another of the following headings: interpretation; certificate; conditional certificate or variances, together with all documents pertaining thereto. The Board shall notify Council of each special permit and each variance granted under the provisions of the Zoning Ordinance

and such notice shall be in writing and filed with the Clerk of Council within three days of the action taken by such Board. In the event that the Board finds it necessary to draw upon any planning, legal, engineering or any other expert testimony, the Board shall charge a reasonable fee in order to cover all expenses of such expert testimony. (Ord. 876. Passed 10-2-74.)

1143.06 NOTICE OF HEARINGS.

When a notice of appeal or variance has been filed in proper form with the Board of Zoning Appeals, the secretary shall immediately place the request for appeal or variance upon the calendar for hearing, with such hearing to be held not less than thirty days nor more than sixty days from the date the application was filed with the Board. The secretary shall cause notices stating the time, place and object of the hearing to be served personally or by mail addressed to the parties making the request for appeal, at least five days prior to the date of the scheduled hearing. All notices shall be sent to addresses given on the application. Such hearings shall be advertised by publication once a week for three consecutive weeks in a newspaper of general circulation in the Village before the date of such hearing. The Board, at its discretion, may send out further notices to publicize such hearings. The Board may recess such hearings from time to time and, if the time and place of the continued hearing is publicly announced at the time of adjournment, no further notice shall be required. (Ord. 876. Passed 10-2-74.)

1143.07 TIME LIMIT ON VARIANCES.

(a) Any variance granted by the Board of Zoning Appeals shall be in effect for one year from the date it is granted. In the event no zoning permit is issued during that period the variance shall lapse at the end of such period.

(b) In the event a zoning permit is issued during the one year period the variance shall be valid until such zoning permit lapses. (Ord. 92-58. Passed 12-9-92.)

CHAPTER 1147
Amendments

1147.01	By Council.	1147.03	Addition of definitions.
1147.02	Applications.	1147.04	Reapplication upon denial.

CROSS REFERENCES

Council may amend districting or zoning - see Ohio R.C. 713.10
Council to hold public hearing - see Ohio R.C. 713.12

1147.01 BY COUNCIL.

(a) Council may from time to time on its own motion, or on petition, or on recommendation of the Planning Commission, amend by ordinance the number, shape or area of districts established on the zoning districts map or the regulations set forth in the Zoning Ordinance. Every such proposed amendment shall be referred in writing by resolution of Council to the Planning Commission for approval, disapproval or recommended modifications, and the Commission shall be allowed a reasonable time, not less than thirty days and not more than sixty days, for consideration and report. No amendment which fails to receive the approval of the Planning Commission shall take effect unless passed by not less than three-fourths vote of the membership of Council.

(b) Council shall hold a public hearing before the adoption of any proposed amendment. Council, by resolution adopted at a stated meeting or at an adjournment thereof, shall fix the time and place of the public hearing on the proposed amendments, and such hearing shall be set not less than thirty days from the date of the first publication as required herein and shall cause notice to be given as follows:

- (1) Council shall cause to be published a notice of such amendment and the time and place of the public hearing once a week for three consecutive weeks in at least one newspaper of general circulation in the Village.
- (2) Council shall cause to have on file for public examination, in the office of the Village Clerk, the text or copy of the text of such ordinance, measure or regulation, together with the maps or plans or copies thereof forming part of or referred to in such ordinance, measure or regulation and the maps, plans and reports submitted by the Planning Commission.
- (3) If the ordinance, measure or regulation intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Village Clerk, by first class mail, at least twenty days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from such parcel or parcels using the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. The notice shall state the

general nature of the proposed amendment as well as the text. The failure of delivery of such notice shall not invalidate any such ordinance, measure or regulation.

- (4) Written notice of the hearing shall be mailed by the Village Clerk, by first class mail, at least twenty days before the date of the public hearing to every association of residents of the Village which shall have registered its name and address for this purpose with the Village Clerk. The notice shall state the general nature of the proposed amendment as well as the text. The failure of delivery of such notice shall not invalidate any such ordinance, measure or regulation. (Ord. 876. Passed 10-2-74.)

1147.02 APPLICATIONS.

All applications for a zoning amendment shall include:

- (a) Evidence that the existing Zoning Ordinance is unreasonable with respect to the particular property and that it deprives the property owner of his lawful and reasonable use of the land. For the purposes of the Zoning Ordinance, a limitation upon the financial gain from the land in question shall not constitute unreasonable zoning.
- (b) Evidence that the proposed amendment would materialize in an equal or better Zoning Ordinance than that existing.
- (c) Any person desiring an amendment to the zoning districts map shall accompany the petition for such amendment, or the ordinance introduced for this purpose, with a statement giving the names and addresses of the owners of all properties within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted. (Ord. 876. Passed 10-2-74.)

1147.03 ADDITION OF DEFINITIONS.

Whenever an amendment is made to the text of the Zoning Ordinance, the appropriate definitions pertinent to such amendments shall be included in Section 1135.01. (Ord. 876. Passed 10-2-74.)

1147.04 REAPPLICATION UPON DENIAL.

After denial of an application for an amendment or supplement by Council, the same application shall not be resubmitted until the expiration of at least one year from the date of Council's denial. (Ord. 78-17. Passed 11-1-78.)

CHAPTER 1149
Conditional Zoning Certificates

1149.01 Purpose.	1149.05 Specific regulations pertaining to certain conditionally permitted uses.
1149.02 Procedures for making application.	1149.06 Similar uses.
1149.03 Basis of determination.	
1149.04 General standards for all conditional zoning certificates.	

CROSS REFERENCES

Council to control bulk, location, lot occupancy, setback - see Ohio R.C. 713.09
 Power to regulate trees and shrubbery - see Ohio R.C. 715.20
 Fences, walls and hedges - see P. & Z. 1165.05
 Planned Unit Developments - see P. & Z. Ch. 1183

1149.01 PURPOSE.

(a) Rather than assigning all uses to special individual and limited zoning districts, it is important to provide reasonable flexibility in requirements for certain kinds of uses that will allow practicable latitude for the investor but that will at the same time maintain adequate security of the health, safety, convenience and general welfare of the community's inhabitants. In order to accomplish such a dual objective, provision is made in the Zoning Ordinance for a more detailed consideration of each of certain specified activities as may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movement, concentration of population, etc.

(b) Land and structure uses possessing characteristics requiring special controls are designated as conditionally permitted uses and are permitted through the issuance of a conditional zoning certificate with such conditions and safeguards attached as may be deemed necessary for the protection of the public interests.

(c) The Planning Commission may authorize the issuance of such conditional zoning certificates for any of the following uses in those districts designated and the following procedures should be followed in submitting a request for such a certificate. (Ord. 876. Passed 10-2-74.)

1149.02 PROCEDURES FOR MAKING APPLICATION.

(a) Submission. Any application shall be submitted to the Planning Commission on a special form for that purpose; each application shall be accompanied by the fee as indicated in Section 1139.03(a).

(b) Data Required with Application.

- (1) Special form supplied by Zoning Inspector, completed by applicant.
- (2) Site plan, plot plan or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, and proposed structures, the type of buildings and their uses.
- (3) Complete plans and specifications for all proposed development and construction.
- (4) A statement supported by substantiating evidence regarding the requirements enumerated in Section 1149.03 through 1149.05, inclusive.

(c) Review by Planning Commission. The Planning Commission shall review the proposed development as presented on the submitted plans and specifications in terms of the standards established in the Zoning Ordinance. Such review shall be completed and made public within sixty-five days from the time of submission.

(d) Hearing. After adequate review and study of any application, the Planning Commission shall hold a public hearing or hearings upon every application after at least one publication in a newspaper of general circulation in the Village at least ten days prior to the date of the hearing; such notice shall indicate the place, time and subject of the hearing.

(e) Issuance and Revocation of Conditional Zoning Certificate. Only upon conclusion of hearing procedures relative to a particular application, may the Planning Commission issue a conditional zoning certificate. The breach of any condition, safeguard or requirement shall automatically invalidate the certificate granted, and shall constitute a violation of the Zoning Ordinance. Such violation shall be punishable as per Sections 1139.04, 1139.05 and 1139.99.

(f) Reapplication. No application for a conditional zoning certificate which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one year or more after such denial, unless there is newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration by the Planning Commission.

(g) Continuation of Existing Uses Conditionally Permissible. All uses existing at the time of passage of the Zoning Ordinance and conditionally permissible in their respective districts under the Zoning Ordinance shall be issued conditional zoning certificates by the Planning Commission within one year after the passage of the Zoning Ordinance. (Ord. 876. Passed 10-2-74.)

1149.03 BASIS OF DETERMINATION.

The Planning Commission shall establish that general standards and the specific standards pertinent to each use indicated herein shall be satisfied by the completion and operation of the proposed development. The Planning Commission may also impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of the Zoning Ordinance will be observed. (Ord. 876. Passed 10-2-74.)

1149.04 GENERAL STANDARDS FOR ALL CONDITIONAL ZONING CERTIFICATES.

The Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use on the proposed location:

- (a) Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Village comprehensive zoning plan of current adoption;
- (b) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;
- (c) Will not be hazardous or disturbing to existing or future neighboring uses;
- (d) Will be served adequately by essential public facilities and service such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- (e) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- (f) Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic noise, smoke, fumes, glare, odors or noise of any nature;
- (g) Will be consistent with the intent and purpose of the Zoning Ordinance;
- (h) Will be in compliance with the Village Subdivision Regulations, the Board of Health standards, and the County Building Code;
- (i) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads. (Ord. 876. Passed 10-2-74.)

1149.05 SPECIFIC REGULATIONS PERTAINING TO CERTAIN CONDITIONALLY PERMITTED USES.

- (a) All structures and activity areas shall be located at least 100 feet from all property lines.

(b) To secure the optimum effect of transition from a residential to a nonresidential district, the Planning Commission shall have the power to determine the need for an amount of: plant materials, walls or fences, or any combination of these on any property line of land under consideration. The plans and specifications including density and height figures for the overall site development shall include the proposed arrangement of such plantings and structures.

(c) There shall be no more than one directional advertisement oriented to each abutting road identifying the activity.

(d) Any temporary structures must be indicated as such on site plans submitted to the Planning Commission for approval. Such structures shall not be continued as permanent structures. The period of continuance shall be set by the Planning Commission. Such structures should be located on major thoroughfares or at intersections of major and/or secondary thoroughfares.

(e) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.

(f) All services permitted shall be performed within a completely enclosed building.

(g) Truck parking areas, maneuvering lanes and accessways to public streets shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site.

(h) Scrap yards, or junk yards, shall be located no closer than 200 feet to any "R" District and/or public street right-of-way line, and shall otherwise have front, side and rear setbacks of at least 100 feet. At least a 100-foot wide strip in the 200-foot setback shall be planted for camouflaging purposes according to the following specifications:

- (1) The 100-foot wide strip shall be planted with pine, Norway spruce or other plants of similar screening value.
- (2) Such trees shall be planted on a staggered pattern with no more than ten feet between trees.
- (3) Trees should be planted that are at the optimum transplanting size and age while still being as large as possible,
- (4) There shall be no burning of refuse, garbage or other waste materials.

(i) The area of use shall be completely enclosed by a six foot high fence with openings no greater than ten percent (10%) of the fence area. (Ord. 876. Passed 10-2-74.)

(j) Bed and Breakfast establishments shall conform to the following regulations:

- (1) All Bed and Breakfast establishments shall maintain a guest register that shall include the guest's name, address, phone number, and vehicle registration which information shall be kept for three years and which register shall be available to the Chief of Police upon request.
- (2) The structure in which the Bed and Breakfast establishment is located must be owner-occupied.

- (3) The number of bedrooms devoted to the bed and breakfast establishment shall not exceed three with a total of six boarders.
- (4) Apply for an annual permit from the Planning Commission.
- (5) Require an application fee for a permit as set forth in Section 1139.03 which shall cover the cost of administration of the permit including inspection to be made prior to issuance.
- (6) Abide by all federal, state and local laws and regulations.
- (7) Signs shall be limited to one on-premise sign not to exceed four square feet/side.
- (8) There shall be one off-street parking space per bed devoted to the Bed and Breakfast establishment.
- (9) All fire, health and safety rules and regulation shall be complied with to assure the safety of the guests.
- (10) Inspections shall be conducted by the Zoning Inspector on at least an annual basis to insure compliance.
- (11) No Bed and Breakfast establishment shall be permitted in a subdivision and shall be located on an arterial street as defined by the Zoning Ordinance.
- (12) All Bed and Breakfast establishments shall be located on a lot with a minimum of one acre of land other than those conditionally permitted in the Residential/Commercial District.
(Ord. 00-27. Passed 8-9-00.)

(k) Adult bookstores, adult motion picture theaters and adult entertainment shall conform with the following standards:

- (1) The proposed use shall not be contrary to the public interest or injurious to nearby properties.
- (2) The proposed use will not enlarge or encourage the development of a blighting influence.
- (3) The establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation.
- (4) No adult bookstore, adult motion picture theater or adult entertainment establishment shall be established within 1,000 feet or less of any residential district, any residential use, or any school, church or park.
- (5) No adult bookstore, adult motion picture theater or adult entertainment establishment shall be established within 1,000 feet of another adult bookstore, adult motion picture theater or adult entertainment establishment. (Ord. 93-38. Passed 11-10-93.)

(l) Outdoor sales or display, outdoor storage, accessory to a permitted use or approved conditionally permitted use:

- (1) Outdoor sales, storage, or display shall only be permitted in areas identified on the approved site plan and shall not exceed an area greater than ten percent (10%) of the enclosed floor area of the use and shall not exceed five thousand (5000) square feet. No such activity shall be located closer than fifty (50) feet to a residential zoning district boundary or road right-of-way abutting any residential zoning district or within fifty (50) feet of any road right-of-way. Such activities shall not occupy any required sidewalk, parking area or driveway.

- (2) Any outdoor sales, storage, or display area located closer than one hundred (100) feet to a residential district shall, if determined to be visible from such district, be screened by a landscape buffer strip or other means indicated on the approved site plan.
 - (3) Illumination of outdoor sales, storage, or display areas shall be designed to prevent glare or direct light from the illumination source into residential areas.
 - (4) Outdoor displays shall be maintained in a neat and orderly fashion.
 - (5) The site plan submitted with an application for a conditional zoning certificate shall indicate the types of merchandise to be displayed, and, if applicable, any seasonal changes of display.
 - (6) Outdoor repair, preparation, cleaning, assembly, disassembly, or other outdoor activities shall not be permitted unless the nature and location of such activity is specifically identified in the application and approved in the conditional zoning certificate. (Ord. 2001-22. Passed 4-19-01.)
- (m) Livestock.
- (1) Minimum acreage. A minimum of two acres shall be required for any livestock.
 - (2) On tracts greater than two acres the owner shall supply documentation that the acreage available shall more than adequately support the proposed number of livestock.
 - (3) Appropriate fencing and screening shall be provided and all livestock shall be kept a minimum of 100 feet from adjoining dwellings. (Ord. 01-36. Passed 8-8-01.)
- (n) Gas/Service Stations.
- (1) Minimum acreage is .5 acres dedicated solely for the service station business.
 - (2) Setbacks from all property lines to be at least 50 ft. from all existing residential use and 40 ft. from the street right of way.
 - (3) Adequate screening as determined by Planning Commission with 8 ft. minimum of fences, shrubs and landscaping.
 - (4) Shall only be in conjunction with already existing business on the same property (or contiguous thereto).
 - (5) Adequate space for turning and lines of vehicles as determined by Planning Commission.
 - (6) Maximum of three (3) pumps-serving six (6) vehicles at a time.
 - (7) Cover or canopy not to exceed the area covered for service and not exceed 20 ft height.
 - (8) Applicant to provide a traffic study on increased traffic if adjacent to a residential district if any additional curb cuts are being utilized.
 - (9) A single air pump on the service island and no stand alone speakers or intercom other than those related to the service pumps is permitted.
 - (10) No outside display of merchandise of any kind is permitted other than gas/service products. Limited to a display not to exceed six (6) feet in length.
 - (11) Lighting shall be directed so that it is totally contained within the limits of the service area.
 - (12) Air tanks, fuel tanks, pumps and canopy shall be removed within 90 days of the last sale of fuel. (Ord. 2006-27. Passed 9-13-06.)

- (o) Indoor Sports Arenas, Indoor Athlete Facilities and Fitness Centers.
- (1) Adequate parking as determined by the Planning Commission with a minimum of 60 spaces.
 - (2) Adequate screening for residential districts and uses.
 - (3) Impact study on residential and pedestrian traffic in an industrial traffic area.
 - (4) Readily convertible to a permitted use in the existing district.
 - (5) Adequate lighting for the exterior of the facility.
(Ord. 2006-25. Passed 9-13-06.)
- (p) Reserved.
- (q) Communication Towers and Facilities.
- (1) Adequate screening from residential districts and uses.
 - (2) Set backs from all property lines should be at least equal to the height of the tower.
 - (3) Adequate security as determined by Planning Commission
(Ord. 2006-39. Passed 11-8-06.)
- (r) Apartments Located Above Commercial Establishments.
- (1) Each such unit shall be a complete living unit, containing housekeeping facilities for entry, living, sleeping, cooking, eating, restroom and bathing which are separate from those of the commercial use on the premises.
 - (2) Each such unit shall be equipped with at least one hard-wired smoke detector and one carbon monoxide detector per level of living space;
 - (3) There shall be two separately accessible entrances/exits per unit.
 - (4) Heat, electricity and public water and sewer must be provided.
(Ord. 2009-41. Passed 10-14-09.)
 - (5) Owner of premises shall apply for an triennial permit from the Planning Commission. (Ord. 2012-09. Passed 5-9-12.)
 - (6) Owner shall remit an application fee for a permit as set forth in Section 1139.03 which shall cover the cost of administration of the permit including inspection to be made prior to issuance.
(Ord. 2009-41. Passed 10-14-09.)
 - (7) Inspections shall be conducted by the Zoning Inspector not less than once every three calendar years, to ensure compliance with the above.
(Ord. 2012-09. Passed 5-9-12.)
 - (8) All fire, health and safety rules and regulations shall be complied with to assure the safety of the residents. (Ord. 2009-41. Passed 10-14-09.)
 - (9) Shall be subject to periodic inspections by a certified fire safety inspector, not less than once every three calendar years, with no less than 48 hours notice to the owner and the occupant.
(Ord. 2012-09. Passed 5-9-12.)
 - (10) Buildings incorporating this use shall for all purposes be considered “commercial” buildings, and shall be subject to all relevant rules and regulations. (Ord. 2009-40. Passed 9-9-09.)
 - (11) Should the Zoning Inspector or Certified Fire Safety Inspector be denied consent to enter a premises subject to this section, either by refusal or non-response of a person authorized to give consent, he shall be authorized to apply to a court of competent jurisdiction for an administrative search warrant authorizing entry in order to carry out the provisions of this section. (Ord. 2016-31. Passed 11-11-16.)

(s) Senior Housing pursuant to Section 1171.06.
(Ord. 2009-41. Passed 10-14-09.)

(t) Farmers' Markets.

- (1) May operate between dawn and dusk from the second weekend in June through the first weekend in November;
- (2) Prior written authorization of the property owner must be obtained;
- (3) Stalls and booths shall not be less than ten (10) feet from the edge of the road surface;
- (4) Vendors in a Farmers' Market may only sell fruits, vegetables, flowers, honey, home-baked goods and other produce or agricultural products;
- (5) The premises shall be maintained in a clean, sanitary condition, and all booths, or stalls shall be removed, and litter and garbage disposed of, at the close of each day's business;
- (6) Regardless of whether the market consists of one individual vendor or an organization or group of multiple vendors, only one conditional use permit need be obtained per season per market.
(Ord. 2009-58. Passed 12-9-09.)

1149.06 SIMILAR USES.

An applicant may submit an application for a conditional zoning certificate for a building or use which is not specifically listed as a permitted use or a conditionally permitted use in a district. The Planning Commission shall interpret this Code to determine if the proposed use is a "similar use". The Planning Commission may approve the use as a conditional use after consideration of the proposed use with respect to the following standards and other applicable provisions of this Code:

- (a) Whether the use has characteristics and impacts consistent with those of one or more of the permitted uses in the district; and the use has characteristics and impacts more consistent with those of the permitted uses of the subject district than with the permitted uses of any other district;
- (b) Whether the establishment of the use in the district will significantly alter the nature of the district;
- (c) Whether the use will create dangers to health and safety or create offensive noise, vibration, dust, heat, smoke, odor, glare, traffic, or other objectionable impacts or influences to an extent greater than normally resulting from permitted uses listed in the subject district;
- (d) Whether the use typically requires site conditions or features, building bulk or mass, parking, or other requirements dissimilar from permitted uses; and whether the typical development of site and buildings for the use is compatible with those required for permitted uses and can be constructed in conformance with the standard regulations for height, lot dimensions, setbacks, etc. of the district. (Ord. 01-21. Passed 4-19-01.)

CHAPTER 1153
Site Plan Review

1153.01	Review of site plan.	1153.04	Conforming construction and maintenance required.
1153.02	Conformance required.	1153.05	Site plan and design plan approval required for alteration of existing buildings and sites.
1153.03	Form of approval in large projects.		

CROSS REFERENCES

Appeals - see P. & Z. 1143.04

Amendments - see P. & Z. Ch. 1147

1153.01 REVIEW OF SITE PLAN.

(a) No permitted commercial or office-research use, nor any conditional use specified under Chapters 1167 through 1182 shall be permitted until review and approval of the site plans by the Planning Commission with findings by the Planning Commission that the plan is consistent with the purposes and requirements of the Zoning Ordinance, and that the specific standards set forth in Chapters 1167 through 1182 and the general requirements set forth below will be met. The Commission may seek expert advice or cause special studies to be made. The Planning Commission shall act on any site plan submitted under this section within sixty days of the time of official submission to the Zoning Inspector, or the secretary of the Planning Commission. Any person submitting a site plan may agree to a longer period of review by the Planning Commission.

(Ord. 876. Passed 10-2-74; Ord. 01-15. Passed 4-19-01.)

(b) The cost of securing expert advice or studies shall be borne by the applicant, but in no event shall such cost exceed the sum of five hundred dollars (\$500.00), which sum shall be on deposit with Council, upon request of the Commission.

(c) In order to promote the orderly development of the site plan to required specifications, the Commission and the Zoning Inspector shall encourage informal discussions by and with the applicant and the Planning Commission prior to formal application for a zoning certificate or conditional zoning certificate.

(d) The site plan shall include:

- (1) The site plan shall be drawn to a legible scale, shall show topographical features of the lot, building placement and activity area, and shall include a circulation and parking plan, planting and landscape plan, and architectural plans with engineering and constructional information. A description of the proposed development or operation shall be provided in sufficient detail to indicate possible emission of energy or matter beyond the lot lines, with engineering plans for the handling of any excesses thereof.

- (2) The site plan shall show that a proper relationship will exist between thoroughfares, service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety on both public and private lands.
- (3) All the development features, including the principal buildings, open spaces, service roads, driveways and parking areas, shall be so located and related as to minimize the possibility of adverse effects upon adjacent development.
- (4) The architectural design of buildings shall be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture materials, line and pattern, and character.
- (5) Building location and placement shall be developed with consideration given to minimizing removal of trees and change of topography.
- (6) Maximum possible visual and auditory privacy for surrounding properties and occupants shall be provided through the design of the relationship among buildings, fences and walls, landscaping, topography and open spaces.
- (7) In large parking areas, visual relief and traffic channelization shall be provided through the use of trees planted and landscaped dividers, islands and walkways.
- (8) Screening of parking areas and service areas from surrounding properties shall be provided through landscaping and/or ornamental walls or fences where necessary to promote harmony with adjacent development. Materials used in any ornamental wall or fence shall be compatible with the character of adjoining properties.
- (9) On-site traffic circulation shall be designed to make possible adequate fire and police protection.
- (10) In the case of commercial or office-research uses, adequate provision shall be made for the disposal of all wastes. Wastes containing poisonous, corrosive, flammable or explosive solids, liquids or gases, shall not be discharged into the sanitary sewer.
- (11) Parking and loading provisions shall meet the requirements of Chapters 1167 through 1181.
- (12) All utilities on site shall be located underground.
- (13) Grading and surface drainage provisions shall be designed to minimize adverse effects on abutting properties, streams and public streets, and to minimize the possibility of erosion. The Commission may require that such grading plans be reviewed by the County Engineer with any costs borne by the developer. The costs of any unusual means necessary to alleviate surface drainage problems on adjacent property due to development shall be borne by the developer of the property causing the problem.
- (14) The design and construction standards of all private roads, driveways and parking areas shall conform to the provisions of the Zoning Ordinance. (Ord. 876. Passed 10-2-74.)
- (15) The Planning Commission shall consider the recommendations of the Design Review Board in approving any Commercial Site Plan Review. The Design Review Board shall review all commercial development and make recommendations to the Planning Commission based upon Chapter 1155 Appendix "C". (Ord. 01-12. Passed 4-19-01.)

1153.02 CONFORMANCE REQUIRED.

(a) All aspects of the development shall conform to the approved site plan. No injurious or offensive effects shall result from the development or operation and the control of effects such as noise, smoke, dust, fumes, odors, electrical interferences, storage and disposal of wastes, shall meet accepted current standards.

(b) It shall be a violation of the Zoning Ordinance for any building or premises to be occupied or used prior to conformance with all applicable requirements of the Zoning Ordinance and completion of required landscaping, drainage, parking and road and driveway improvements according to plans approved by the Planning Commission or the posting of a cash bond with Council in an amount equal to the required improvements. Such bond shall be for a period not to exceed two years and shall provide for the complete construction of the improvements within that period. (Ord. 876. Passed 10-2-74.)

1153.03 FORM OF APPROVAL IN LARGE PROJECTS.

Where the Planning Commission considers it necessary, in order to assure that a large project will be developed consistent with the purposes of the Zoning Ordinance, the Commission may require that plans for a large project be submitted indicating development in phases if such project can logically be divided into phases. The Commission shall review the entire project for conformance with all applicable regulations in the Zoning Ordinance and shall give preliminary approval to the entire project if it so conforms. However, the Commission shall have the power to limit final approval and authorization for the Zoning Inspector to issue zoning certificates to one section or phase of the total development at a time. Approval of subsequent phases shall be given:

- (a) Upon substantial compliance with the plan given preliminary approval;
- (b) Upon conformance with all applicable regulations of the Zoning Ordinance; and
- (c) Upon a finding by the Commission that all preceding phases conform to all requirements of the Zoning Ordinance and conform to approved plans including complete installation of improvements required in the approval of preceding phases, or, in lieu of complete installation, the submission of a financial guarantee acceptable to the Commission assuring that the improvements will be installed within one year of the submission of the guarantee.
(Ord. 876. Passed 10-2-74.)

1153.04 CONFORMING CONSTRUCTION AND MAINTENANCE REQUIRED.

(a) Subsequent to approval of a design plan and or/a site plan, a proposed development shall only be constructed and maintained in conformance with the approved design plan or site plan.

(b) No change in the form of the building, materials, color, architectural details, locations of doors and windows, signs, landscaping, lighting, parking, or other features which are subject to review shall be made without application for amendment and approval of an amended design plan or site plan in the manner required for the original design plan or site plan.

(c) The Zoning Inspector may authorize a change which is subject to subsection (b) above, without review of the site plan by the Planning Commission or review of the design plan by the Design Review Board, if the Inspector determines that the change is minor and is consistent with the purpose and intent of the approved site plan or design plan. The Zoning Inspector may delay any such decision until conferring with the Commission or Board.
(Ord. 01-13. Passed 4-19-01.)

1153.05 SITE PLAN AND DESIGN PLAN APPROVAL REQUIRED FOR
ALTERATION OF EXISTING BUILDINGS AND SITES.

- (a) The purpose of this section shall be to encourage the alteration of existing buildings and site features in a manner which brings them into greater conformity with the standards and guidelines applied to new buildings or site features of the districts.
- (b) Existing buildings and site features located in districts in which design plan or site plan review is required shall not be significantly altered unless the alteration is submitted and approved in a design plan and/or site plan as required for new construction.
- (c) Significant alterations of existing buildings and site features which are subject to the requirements of the foregoing paragraph shall include:
- (1) Building additions exceeding 200 square feet
 - (2) Construction of new drives, loading areas, or parking areas
 - (3) Installation of new landscaping, other than maintenance or replacement of existing dead or damaged landscaping
 - (4) Replacement of any exterior surface of a building, or of a structure with new material, or alteration of the colors of existing surfaces by means of paint, stain, or other treatment
 - (5) Replacement or installation of new lighting, signs, or other accessory structures. (Ord. 2001-14. Passed 4-19-01.)

CHAPTER 1155
Preservation and Design Review

1155.01	Purpose.	1155.07	Certificates of appropriateness.
1155.02	Design Review Board.	1155.08	Guidelines and standards.
1155.03	Preservation District and listed properties.	1155.09	Exclusions.
1155.04	Listed properties (Reserved)	1155.10	Penalty.
1155.05	Procedures for listing properties and designating preservation districts.	1155.11	Appeals.
1155.06	Designation criteria for preservation districts and listed properties.	Appendix A:	Historic Guidelines Preservation District and Listed Properties)
		Appendix B:	Guidelines for Revitalization for Downtown Facade Treatment Program
		Appendix C:	Design Standards for Site Plan Review

CROSS REFERENCES

Definitions - see P. & Z. 1135.02

Appeals - see P. & Z. Ch. 1139

1155.01 PURPOSE.

Council, being mindful of the proud history of this community and of the importance of beauty in the everyday lives of our citizens hereby declares as a matter of public policy that the preservation, restoration, rehabilitation and over all aesthetic improvement of our community are matters of public necessity involving the health, safety, prosperity and welfare of the people. The purpose of this chapter is to:

- (a) Maintain and enhance the distinctive character of the Preservation District by safeguarding the architectural integrity of the various period structures within it and to prevent intrusions and alterations within this district that would be incompatible with this established character.
- (b) Maintain and enhance the distinctive character of certain Listed Properties in the Village by safeguarding the architectural integrity of the various period structures upon those Listed Properties.
- (c) Provide for a means of design review for other aspects of community development within and around the Village that will be of any assistance in achieving a more pleasing environment for the residents of and visitors to the Village.
- (d) Adopt historic design guidelines for the Village.
(Ord. 2001-11. Passed 4-19-01.)

1155.02 DESIGN REVIEW BOARD.

EDITOR'S NOTE: Pursuant to Ordinance 2013-21, the existing Design Review Board is hereby dissolved. All of the powers and duties of the Design Review Board, as enumerated in the Codified Ordinances, and any other relevant Laws and Ordinances, are hereby assigned to the Planning Commission.

All instances of reference to the "Design Review Board" in the Codified Ordinances, and in any and all other relevant situations, shall henceforth be interpreted as The Village of Garrettsville Planning Commission acting in the capacity of the Design Review Board.

- (a) Board Established. In recognition of the need for the establishment of a public body with the authority to advise upon changes to structures and objects in the Preservation District and in other parts of the Village and in order to encourage changes that are compatible with the restoration movement now in progress the Design Review Board (hereinafter, "Review Board") is hereby established.
- (b) The Review Board may consist of members appointed pursuant to Section 1155.02(c), below, or the Village Council may appoint the Planning Commission to perform the functions of the Review Board as set forth in Section 1155.02(e). Council may, by passage of an ordinance for such purpose, dissolve an existing Review Board and assign its duties to the Planning Commission. Council may, by ordinance, re-establish a Review Board to be appointed pursuant to Section 1155.02(c).
- (c) Membership.
 - (1) If it is determined that the Review Board is to be established separately from the Planning Commission, such Review Board shall consist of five members, each appointed for terms of two years. Two members shall be appointed by the Mayor, two members appointed by Council and one member chosen by Planning Commission.
 - (2) All members shall be residents or own property in the Village.
 - (3) Of the membership an effort should be made to nominate and appoint at least one registered architect.
 - (4) The members shall serve without compensation from the Village and may be removed for just cause by the Mayor.
- (d) Organization and Rules.
 - (1) As soon as convenient following their appointment, a Review Board appointed pursuant to Section 1155.02(c) shall meet and organize by election of a chairman and secretary. The Review Board shall adopt its own rules and procedure and provide for regular and special meetings to accomplish the purpose of this Zoning Code.
 - (2) Before adoption of such rules of procedure by the Review Board such rules shall be submitted to the Planning Commission for review and recommendations and to Council for approval. Such rules shall not be adopted without prior Council approval.
- (e) Duties. The Review Board shall have the following duties:
 - (1) The Review Board shall review and act upon all applications for certificates of appropriateness.
 - (2) The Review Board shall conduct or cause to be conducted or assist the conduction of a continuing survey of all areas, places, buildings, structures, homes, works of art or other objects of environmental and aesthetic interest in the Village which the Board on the basis of information available or presented to it, has reason to believe are or will be eligible for designation as a Listed Property or Preservation District.

- (3) The Review Board shall establish criteria, rules and regulations not otherwise included in this chapter for evaluating applications for certificates of appropriateness submitted to it and the manner in which they shall be processed. These criteria shall include specific considerations to be given to building materials, landscaping, signs, lighting and architectural style for properties within a Preservation District. Such criteria, rules and regulations shall not be adopted by the Review Board until after review and recommendations by the Village Planning Commission and approval by Council.
- (4) The Review Board may recommend to the Planning Commission and/or Council, legislation that would best serve to beautify, preserve, restore and develop the Village. Towards these ends, the Review Board shall work with the appropriate Village officials, employees and departments and joint meetings with such officials, employees and departments may be held for this purpose.
- (5) The Review Board may make recommendations to the Planning Commission and/or Council for additions or revisions to this Zoning Code.
- (6) The Review Board may utilize on a permanent or part time basis technical experts and such other employees as may be required to perform its duties, within the appropriations made available therefor.
- (7) The Review Board may, within its capabilities, perform such other design review related tasks as may be requested or authorized by the Planning Commission or Council.
- (8) Adopt guidelines for the revitalization of the Garrettsville Downtown facade treatment program. (Ord. 2013-01. Passed 3-3-13.)

1155.03 PRESERVATION DISTRICT AND LISTED PROPERTIES.

(a) The Preservation District boundaries are shown on the Zoning District Map and include all properties within such boundary.

(b) Property fronting on the opposite side of the boundary street or adjacent to any property within the Preservation District shall only be reviewed and regulated to such degree as to be reasonably compatible with those properties within the district boundary.

(c) If a property within the Preservation District should be sold it is the responsibility of the seller to inform the buyer that there are Preservation restrictions on that property that must be followed and to direct the buyer to the Village Clerk for a list of those restrictions.

(d) No property may be listed and no Preservation District shall be established except upon the approval of Council after review and recommendation by the Village Planning Commission. (Ord. 2001-11. Passed 4-19-01.)

1155.04 LISTED PROPERTIES. (RESERVED)

EDITOR'S NOTE: This section is reserved for future legislation.

1155.05 PROCEDURES FOR LISTING PROPERTIES AND DESIGNATING PRESERVATION DISTRICTS.

(a) The Review Board shall notify the owner of any proposal to list his property. Whenever possible, the Review Board shall secure the owner's written consent for the proposed designation and upon receipt of such consent the property shall be listed upon favorable recommendation by the Review Board to the Planning Commission, and upon review and recommendation by the Planning Commission to Council and upon approval by Council after a public hearing by Council.

(b) In the event that such owner shall refuse or decline to give his written consent to the proposed designation, and the Review Board feels it is of considerable importance to the community that the property be listed, the following procedure shall be followed:

- (1) The Review Board shall schedule a public hearing on the question of the proposed designation, setting forth a date, time and place and causing written notice to be given to the owner or any person having a legal or equitable interest in the property being proposed for designation. The Review Board shall cause a legal notice to be published in a newspaper of general circulation in the Village setting forth the nature of the hearing, the property involved and the date, time and place of the scheduled public hearing.
- (2) The Review Board shall conduct the public hearing and shall provide a reasonable opportunity for all interested parties to express their opinions. Within fifteen days after the hearing the Review Board shall set forth its decision concerning the proposed designation to the Planning Commission.
- (3) The Planning Commission shall within thirty days of its receipt of the recommendations and findings of fact by the Review Board review the same and submit a recommendation to Council along with the recommendation and findings of fact of the Review Board.
- (4) Council shall give due consideration to the findings and recommendations of the Review Board, as well as such views as may have been expressed by persons participating in the hearing before the Review Board, in addition to the recommendation of the Planning Commission, in making its determinations with respect to the proposed designation of any areas, signs, places, buildings, structures, works of art and other similar objects as Listed Properties. Council shall hold a public hearing on any such proposed designation. After a public hearing, council may designate such areas, places, buildings, structures, works of art and other similar objects as a Listed Property.
- (5) After the decision by Council, the Review Board shall notify any owner or any person having a legal or equitable interest in such property of the decision by Council. (Ord. 2001-11. Passed 4-19-01.)

1155.06 DESIGNATION CRITERIA FOR PRESERVATION DISTRICTS AND LISTED PROPERTIES.

In considering the designation of any area, place, building, structure, work of art or similar object in the Village as a Preservation District or Listed Property, the Review Board, Planning Commission and Council, shall apply, in addition to any other available information, the following criteria:

- (a) The character, interest or value of the area or property as part of the development heritage or cultural characteristics of the Village.
- (b) The location as a site of a significant historic event.
- (c) The identification with a person or persons who significantly contributed to the culture and development of the Village.
- (d) The exemplification by the area or property of the cultural economic, social, or historic heritage of the Village.
- (e) The embodiment of distinguishing characteristics of an architectural type or specimen.

- (f) The embodiment of elements of architectural design, detail, materials or craftsmanship which represent architecture of significant character, charm or grandeur.
- (g) A unique location or physical characteristic representing an established and familiar visual feature of a neighborhood or of the Village.
(Ord. 2001-11. Passed 4-19-01.)

1155.07 CERTIFICATES OF APPROPRIATENESS.

(a) Certificate Required.

- (1) Generally. When the owner of a property within a Preservation District or owner of a Listed Property desires to make any change (excluding ordinary maintenance when no color changes are involved) including the construction, reconstruction, alteration or demolition of any property, structure, tree, area or object, and including but not limited to the changes listed in subsections (2), (3), (4), and (5) below, within a Preservation District or for any Listed Property, such owner or his agent shall first secure a certificate of appropriateness from the Design Review Board unless such property is exempted in accord with the exclusions permitted in Section 1155.09.
- (2) Certificate required prior to permits. No permits which require a certificate of appropriateness shall be issued through otherwise established procedures within a Preservation District or for any Listed Property except in cases coming under the section on exclusions unless the application for such permit is approved by the Review Board through the issuance of a certificate of appropriateness in the manner prescribed herein.
- (3) Certificate required for signs.
 - A. No sign permit shall be issued by the Zoning Inspector or through otherwise established procedures for any sign to be erected, placed or significantly modified within a Preservation District or for any sign to be attached to or erected upon any Listed Property unless a certificate of appropriateness has been issued. In the case of signs only, the Zoning Inspector may review the application to ensure compliance with the provisions of this Chapter, the appendices hereto, and all other relevant requirements, and may issue such certificate of appropriateness without submission of the application to the Design Review Board, unless, in the judgment of the Zoning Inspector, review by the Design Review Board is necessary.
 - B. The certificate of appropriateness required herein shall be in addition to issuance of a certificate of zoning compliance by the Zoning Inspector.
- (4) Certificate required for landscaping. No landscaping, as defined in this Zoning Code shall be performed in any Preservation District or Listed Property unless a certificate of appropriateness has first been issued.
- (5) Certificate required for demolition.
 - A. Notice of demolition required. Where a certificate of appropriateness is required by the provisions of this Zoning Code in order to proceed with a demolition, the applicant shall provide a written statement that the property concerned is not historically or architecturally significant or otherwise worthy of preservation.

- B. No demolition of any property which is located within the Preservation District or which is a Listed Property shall be undertaken prior to obtaining a certificate of appropriateness from the Review Board and a demolition permit from the Zoning Inspector unless otherwise provided by law.
- (b) Application and Review.
- (1) Applications for certificates of appropriateness shall be filed with the Zoning Inspector who shall, prior to the issuance of any permits, refer the application to the Review Board for approval or denial, except as provided in section (a)(3), above.
 - (2) If a proposed change is in accordance with the guidelines and criteria for the Design Review Board, including the designated criteria, the Review Board shall issue a certificate of appropriateness.
- (c) Criteria for Evaluating Application for Certificate.
- (1) In considering the appropriateness of any changes, the Review Board or the Zoning Inspector, as appropriate, shall take into account the historical and architectural value and significance, architectural style and general design, arrangement, texture, material and color of the proposed change and the relation thereof to the same or related factors in other properties, objects and areas in the immediate vicinity.
 - (2) Attention shall be taken to avoid the environmentally harmful effect often created by the clash of undisguised contemporary materials with those of older origin, such as aluminum or other metals, plastic, fiberglass and glass improperly used with brick, stone, masonry and wood.
 - (3) Colors of all surfaces shall be as shown in the Garrettsville Village Design Review Color Chart, or approved compatible colors.
 - (4) The Design Review Board shall apply the standards of Appendix A, Historic Design Guidelines.
(Ord. 2013-40. Passed 1-8-14.)

1155.08 GUIDELINES AND STANDARDS.

- (a) Historic Design Guidelines.
- (1) The Design Review Board shall apply the “Village of Garrettsville Historic Design Guidelines”, which are attached as Appendix A of this Chapter, in the review of any application for a certificate of appropriateness in the Preservation District or for any Listed Property.
 - (2) The Design Review Board shall also apply the “Village of Garrettsville Historic Design Guidelines”, in the review of any application for a site plan which involves a structure or site whose age or other characteristics make the consideration of such Guidelines appropriate.
- (b) Revitalization Guidelines. The Design Review Board shall apply the “Guidelines for Revitalization Adopted for the Garrettsville Downtown Facade Treatment Program”, which are attached as Appendix B of this Chapter, in the review of any application for a certificate of appropriateness in the Preservation District.
- (c) Design Standards for Site Plan Review. The Design Review Board shall apply the “Design Standards for Site Plan Review”, which are attached as Appendix C of this Chapter, in the review of any site plan. (Ord. 2001-11. Passed 4-19-01.)

1155.09 EXCLUSIONS.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any property, area or object within a Preservation District or otherwise listed under the provisions of this chapter, provided such work involves no change in material, design, texture, color or outer appearance; nor shall anything in this chapter be construed to prevent any change, including the construction, reconstruction, alteration or demolition of any feature which in the view of the Building-Zoning Inspector acting lawfully is required for the public safety because of an unsafe or dangerous condition. (Ord. 2001-11. Passed 4-19-01.)

1155.10 PENALTY.

(a) Whoever constructs, reconstructs, alters, changes or demolishes any exterior feature of any property, area, object in violation of these Preservation and Design Review Regulations or whoever maintains, changes or installs a sign in violation of this Zoning Code, shall be deemed in violation of this Zoning Code and such violation shall be punishable under Section 1139.99 of this Zoning Code.

(b) In the event any change is made in any property which has been designated a Listed Property or which is situated in a Preservation District, in violation of the provisions of these preservation or Design Review Regulations, the Village may institute appropriate proceedings to prevent such unlawful change. (Ord. 2001-11. Passed 4-19-01.)

1155.11 APPEALS.

(a) In the case of a denied certificate of appropriateness the Review Board shall attempt to work out an alternative plan with the owner or his agent that is acceptable to all parties.

(b) If the Review Board and the owner are unable to work out an alternative plan, or if the owner does not wish to take this action, the owner may make an appeal to the Board of Zoning Appeals in accord with Chapter 1143 of this Zoning Code. (Ord. 2001-11. Passed 4-19-01.)

APPENDIX "A" HISTORIC DESIGN GUIDELINES (for Preservation District and Listed Properties)

A.1 INTRODUCTION.

These design guidelines have been adapted from the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. Specific references are made in these guidelines to Village buildings and local materials and methods of construction have been taken into account in assembling these guidelines. They are intended to aid in small-scale, do-it-yourself rehabilitations of historic buildings, particularly the renovation and improvements to historic storefronts and houses. These guidelines apply equally well to larger renovations, but it is recommended that professional guidance be sought to ensure the proper planning and execution of these projects. In many instances, it may be necessary to seek specific advice and guidance on special situations, as even minor renovations can involve special problems which demand careful planning and execution.

A.2 PRESERVATION TERMINOLOGY.

In planning to work on an historic building, it is important to develop a systematic approach to the project which will yield the desired results. The following are some terms used to describe processes in historic preservation. Some terms are recommended over others in guiding a preservation project. For instance, rehabilitation is preferable to remodeling in most situations, while reconstruction is rarely done because of its great cost.

- (a) "Preservation" is the process of sustaining the form and extent of a structure essentially as it now exists. It aims at halting further deterioration and providing structural stability where required, but does not involve significant rebuilding. Local examples of this are numerous and would include virtually any historic building which has been well maintained and whose owners are continuing to keep the building in good repair.
- (b) "Restoration" is the process of accurately recovering the form and details of a property as it appeared in a particular time by means of removal of later work and the replacement of missing original work. There are very few examples of this approach because it is often very expensive.

In Canton, the Saxton House was a fine Second Empire style house which was historically important as the home of the wife of U.S. President William McKinley. However, years ago, it was drastically altered when additions were made to make it into a commercial building. Within the past few years these additions were removed and missing original features were reconstructed to effect the restoration of this building. Colonial Williamsburg, both the governor's palace and the capitol building, the two most important structures in the community, were missing. They were reconstructed based on existing foundations which were unearthed and on old views when the building still existed.

- (c) “Replication” is the process whereby an original structure is duplicated on another site, often with changes made for the sake of convenience. A wide variation in the quality of replicas exists. Sometimes they are useful when an important part of a group of buildings is no longer standing, but in many instances they can give a false impression of the original object. For example, the original Ohio State Capitol in Chillicothe was demolished in 1855 and a large and beautiful new courthouse was erected on its site. A replica of the 1801 building was later erected a few blocks away to serve as the offices of the local newspaper. But this replica is twice the size of the original and has numerous inaccuracies in its detailing. Independence Hall in Philadelphia has several replicas throughout America, full-size or scaled down, and in varying degrees of quality. The post office in New Philadelphia, Ohio attempts to replicate Independence Hall, but, of course, has been adapted to function as a mail facility.
- (d) “Rehabilitation” (or adaptive re-use) is the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use. In a rehabilitation those portions of the property which are important in illustrating historic, architectural and cultural values are preserved or restored. This process is the most generally useable and respected techniques in dealing with historic buildings today.

Ravenna has a number of older houses where the historic exteriors and significant interior spaces have been restored but the kitchens, bathrooms and mechanical systems have all been updated for modern living. In nearby Kent, an old railroad station has been rehabilitated into a restaurant and an old automobile showroom has been adequately re-used as law offices.

- (e) “Remodeling” is the process of changing or adapting an old building to a new use, but without regard to the effect of these changes or modernizations on the building's original character. This process can often damage an historic building as its essential architectural elements are lost through remodeling. This process is all too common in Villages throughout our country. Preservationists are discouraging its use except in selected instances where the building involved has no architectural or historic interest. For instance, remodeling an old gas station into an office building can result in an attractive and useable structure. But when an historic house is remodeled into a store, sometimes its original features can be lost in the process.

Many of Ravenna's commercial buildings downtown have undergone remodeling, especially on their storefronts. This produces a lower level which is out of harmony with the historic upper floors and can create an appearance which is timely when completed, but soon becomes outdated and worn. One of the biggest problems with remodeling as some preservationists refer to it, is not only that the building's appearance is changed but often the materials used are of inferior quality and contrast with the more substantial materials of the original construction.

A.3 BUILDING EXTERIORS.

- (a) Nothing in these Regulations shall be construed so as to prevent the ordinary maintenance or repair of any exterior elements of any building or structure within the Historic District.
- (b) Painting is to be considered ordinary maintenance and repair. Paint colors shall be as shown in the Garrettsville Village Design Review Color Chart, or approved compatible colors.
- (c) When an architectural detail significant to the character of the building is in a state of disrepair which is hazardous, stabilization or reconstruction shall be the alternatives considered.

A.4 MASONRY, BRICK, STONE AND CONCRETE.

- (a) **Recommended Treatments.** Clean masonry only when necessary to halt deterioration or to remove heavy soiling. Carry out masonry surface cleaning after conducting tests on limited areas not exposed to public view which should have sufficient time to elapse (up to one month or more) to observe the long-range effects of such cleaning. Clean masonry surfaces with the gentlest means possible, such as low-pressure water and detergents, using natural bristle brushes. Inspect painted masonry surfaces to determine whether repainting is necessary. Remove damaged paint only to the next sound layer with the gentlest means possible. Apply compatible paint following proper surface preparation and repaint with colors which are historically appropriate to the building.
- (b) **Treatments Which Are Not Recommended.** **SANDBLASTING BRICK OR STONE SURFACES SHOULD NOT BE UNDERTAKEN AS IT ABRADES THE SURFACE AND CAN CAUSE PERMANENT DAMAGE.** Pressure cleaning using any type of abrasive can be damaging, especially to buildings which are prevalent in the historic district. Cleaning with water pressure can also be damaging both to the masonry and to the mortar joints. Chemical cleaning should not be undertaken without extensive testing; acid should never be used on limestone or marble. Chemical residues should never be left on the building. Paint should not be removed from masonry buildings which were painted historically. Paint which is already firmly adhered to the masonry should not be removed, as it is probably protecting the masonry from further deterioration. Methods of removing paint which are destructive to the masonry should not be used.

A.5 WOOD: CLAPBOARD, WEATHERBOARD, SHINGLES.

- (a) The covering of wood siding, detailing, ornamentation, etc. with aluminum, vinyl or other similar materials, is prohibited except under **EXTREME** circumstances.
- (b) **Recommended Treatments.** Preserve wood features that are important in defining the overall historic character of the building such as siding, cornices, brackets, window hood moldings, pediments, etc. Protect wood features by providing proper drainage so that water does not accumulate. Apply chemical preservatives to wood elements which are exposed to weathering and are traditionally unpainted.

Keep wood surfaces painted to protect them from deterioration. Remove damaged paint prior to painting. In cases where severe paint failure is evident or where multiple layers of paint obscure decorative wood elements such as brackets and spindles, carefully remove the old paint with electric hot-air guns. Use chemical paint strippers only to supplement conventional paint-removal methods such as scraping. Check carefully all wood surfaces to determine whether patching or caulking is necessary. When patching wood surfaces, use compatible materials cut to the same dimensions. Use a high-quality, long-lasting caulk and avoid inexpensive latex caulks which usually have limited life spans.

- (c) **Treatments Which Are Not Recommended.** Do not remove or radically alter wood decorative features as this can jeopardize the historic appearance of the building. The loss of an historic cornice or other decorative trim can greatly change a building's appearance. Do not completely remove the old paint and then use a clear finish such as varnish to create a "natural look." Do not use chemical preservatives such as creosote which can change the appearance of wood features. Do not use destructive paint removal methods. Propane or butane torches cannot only scorch the wood and burn off decorative features, these are also dangerous treatments which may cause fire. If chemicals are used to remove paint and they are not first neutralized, the paint applied over these chemicals may not bond properly.

A.6 ROOFS.

- (a) **Recommended Treatments.** Repair a roof by reinforcing the historic materials which comprise the roof's distinctive appearance. Keep the roof's original appearance intact as the result of repair work. It is important to have the roof membrane free of leaks to avoid damage to the building's interior features. In situations where a feature of the roof is too deteriorated to repair and if the overall form and detailing are still evident, use the physical evidence to guide the new work. For example, a large section of roofing which is deteriorated can be replaced with new materials to match the original. A chimney can be rebuilt according to its original form.

If using the same kind of material is not economically or technically feasible, then a compatible substitute material may be used. If a composition shingle is used (fiberglass or asphalt), they shall be similar in color and appearance. Especially when dealing with slate roofs, it is often less expensive to repair with original materials than to replace the roof with a new material, such as asphalt shingles.

Gutters and downspouts should be kept in good condition. If the building has built-in gutters as an architectural feature, these should be repaired rather than replaced if feasible. In situations where a new gutter and downspout system is required, consider using a system which is identical to the pre-existing deteriorated system. Galvanized metal half-round gutters and round downspout pipes are often preferable to aluminum gutters and downspouts. When replacing or repairing roof drainage systems, be sure to direct runoff away from the foundation to avoid water damage here or to the lower walls. Paint the gutters and downspouts so that they match the colors of the building, but do not accent these features in a trim color, etc., but instead match them to their surrounding wall surfaces.

- (b) **Treatments Which are Not Recommended.** Permitting a leaking roof to remain unprotected so that accelerated damage to interior features such as plaster, wood and paint can occur; using a substitute material for the replacement part that does not give the appearance of the original or is not physically or chemically compatible with the existing materials is a damaging treatment. For example, aluminum is now commonly used as a flashing material for new roofs. Yet if the aluminum comes in contact with older metalwork, it will have a chemical reaction which can damage both materials and result in a leaking roof once again. Buildings built after 1850 probably did not have wood shake shingles, and therefore these (shake shingles) should not be used as a replacement roof. Removing a feature of a building which is unrepairable, such as an ornate chimney, can harm the appearance of the building.

A.7 WINDOWS.

- (a) **Recommended Treatments.** Identify which windows are original and authentic to the period of the building. For example, Federal and Greek Revival style buildings often used small panes of glass that have a wavy hand-blown appearance. Italianate style buildings often had rounded windows. Other distinctive features which are important in interpreting the architecture of the building are hoodmolds, decorated jambs, muntins, glazing, interior and exterior shutters and blinds. Protect and maintain the historic windows by preserving the wood and metal which make up the window frame, sash, muntins and surrounds through appropriate treatments such as cleaning, limited paint removal, rust removal and reapplication of protective coatings such as paint. Make windows weathertight by recaulking and replacing or installing weatherstripping. By doing this, thermal efficiency is improved. Additional energy consideration such as insulating glass or storm window, shall be as approved by the Design Review Commission.

Repair window frames by patching, consolidating or otherwise reinforcing. This could include replacing certain parts of the window, such as a rotted sill or sagging horizontal mutin when they are extensively deteriorated. Use original materials such as wood and metal when replacing elements of windows. Decorative features such as hood moldings can also be replaced if surviving prototypes are readily available for copying. If a window is so badly deteriorated that it cannot be salvaged (and most windows can be salvaged), then replacement windows should be constructed using surviving physical evidence of the original design. If the same material is not technically or economically feasible, then a compatible substitute material may be considered.

- (b) **Treatments Which Are Not Recommended.** Removing or changing windows which are important in defining the overall historical character of the building so that, as a result, the character is diminished. For example, removing two historic double-hung windows and replacing them with a single large picture window can have a drastic effect on the building's appearance. Also, adding new windows where none existed previously can also harm the historic appearance of a building.

Obscuring historic window trim with metal or other materials and stripping windows of historic materials such as wood, cast iron and bronze can be injurious to the historic appearance. Failing to perform maintenance on a regular basis, such as painting and caulking, can also be injurious. Replacing windows when it is possible to repair them can impart an inappropriate new appearance to the building.

Adding new elements which are not original can damage the building's architecture. For example, placing shutters on a Queen Anne style building that never had them originally can alter the building's character. Even worse is the practice of adding shutters which are not even the right size and cannot possibly function.

A.8 PORCHES AND ENTRANCES.

- (a) Preserve porches, entrances and their various elements which are important in defining the overall historic character of the building. Elements of porches and entrances include doors, fanlights, side lights, pilasters, entablatures, columns, stairs, balustrades. Materials which should be preserved include wood, masonry and architectural metal.
- (b) Repair storefronts by reinforcing historic materials. In instances where the storefronts have been modernized, carefully remove the later alterations and inspect for signs or original features or their former location and dimensions. If original elements are missing, conduct research by investigating old photographs or drawings and by examining similar buildings nearby of the same period. Consult with an architect or designer with experience in historic preservation in situations where the originals are missing and a new treatment should be devised.

When general maintenance of windows becomes a problem and original upper story window washes are unrepairable, in many instances, single pane thermal units may be considered as an acceptable alternative. However, none of the defining character (i.e. decorative hoodmolds or gearings) may be altered.

- (c) **Treatments Which Are Not Recommended.** Removing or radically changing storefronts, especially the common tendency to brick-up or otherwise enclose a formerly glazed storefront opening is harmful to the building's historic character. Introducing new elements such as a false mansard roof, coach lanterns, shake shingle roof, non-operable shutters and small-paned windows that cannot be documented historically and changing the location of a storefront's main entrance are all not recommended.

Removing a storefront to create a recessed arcade is also not recommended. Sometimes an historic storefront has undergone changes that were of high-quality and have, over the course of time, become historic in their own right. For example, an Italianate commercial building may have had decorative terra cotta trim and carrara glass added in the early years of this century. It is not recommended that one simply remove these interesting finishes in order to attempt a highly conjectural restoration of the original appearance. Preserve the terra cotta and carrara glass.

Using substitute materials for replacement parts on a storefront that do not convey the original visual appearance is not recommended. Removing a storefront that is unrepairable and then not replacing it; or replacing it with a new storefront that does not convey the same visual appearance is also not recommended. When the original storefront is no longer present then the use of an alternative material may be considered.

A.10 NEW CONSTRUCTION.

- (a) It is not the purpose of these Regulations to prohibit new construction within the historic district. Neither is it the purpose of the Commission to inhibit design creativity for new construction within the historic district. However, because the historic district has certain architectural features which define the neighborhood, new construction shall be of a quality and character that accentuates the surrounding built environment. Specifically, new construction is to be compatible in scale, building material, color and texture to the distinct architectural features of the historic district. This must be assured by the approval of the Design Review Commission.
- (b) Repair entrances and porches and their various elements by reinforcing the historic materials or by limited replacement of elements with the same materials. Where certain elements are missing, such as columns or a balustrade, replace them where surviving prototypes exist to form a basis for duplicating them out of the same materials. Only if a porch is too deteriorated should it be replaced. It must be carefully disassembled, salvaging all decorative features which can be reused and saving at least a prototype of others as a basis for making duplicates. Carefully reconstruct using materials that are compatible with the building. If using the same kind of material is not technically or economically feasible, then a comparable substitute material may be considered. When there are no elements of an original porch remaining and the owner wishes to replicate that porch, he/she shall do so in a way that is compatible with the original porch or period style. The new porch is to match the material and scale of the original porch.
- (c) **Treatments Which Are Not Recommended.** Do not remove or radically alter a porch or entrance which is important in defining the overall historic character of the building, so that as a result the character is diminished. Removing historic materials or elements from an historic porch or entrance is not recommended. If the entrance served by the porch or decorative entranceway no longer functions as such, do not simply remove the feature. Also altering utilitarian or service entrances so that they appear to be formal entrances by adding new decorative elements such as fanlights and columns is also detrimental. Failing to preserve and maintain historic porches and entrances so that they are allowed to deteriorate is not recommended. Complete replacement of these elements when they can be repaired is not only often more costly but it damages the historic integrity of the building. Removing a porch and not replacing it will have a drastic negative effect on a building's character.

A.11 STOREFRONTS.

- (a) There has over the years been more pressure to alter the original storefronts in the community and as such special guidelines apply to these buildings. Storefronts are defined as buildings whose original purpose was commercial (i.e. general merchandise, warehouse offices, financial institutions). These guidelines are not meant to concern buildings whose original purpose was single family residential and have over the years become commercial in use.

- (b) **Recommended Treatments.** Preserve historic storefronts and their functional and decorative features that are important in defining the overall historic character of the building such as display windows, signs, transoms, kick plates, corner posts and entablatures. Protect and maintain the basic elements of the storefronts such as masonry, wood and architectural metals through appropriate treatments such as painting, cleaning and rust removal.

APPENDIX "B" GUIDELINES FOR REVITALIZATION Adopted for Garrettsville Downtown Facade Treatment Program

- B.1 INTRODUCTION, APPLICABILITY.** The following are a number of recommendations that should be used in developing your facade revitalization project. The Facade Treatment Committee will use these guidelines when they evaluate your proposal. Portions of these guidelines were taken from "The Secretary of the Interior's Standards for Rehabilitation" and "Guidelines for Rehabilitating Historic Buildings."
- B.2 GENERAL.**
- Understand total "philosophy" of chamber and renovation committee as to direction of Garrettsville's future downtown area.
 - Evaluate total block in which building is located.
 - Seek any information and/or photographs of building as originally constructed which may give renovation "direction."
 - Determine what portion of existing front may still exist beneath current facade and which portions are still "sound" and may be used.
 - Use materials, types of construction and details similar to adjacent or "target" buildings.
 - Work with Planning Commission when developing plans for renovation.
 - Assure necessary plan approvals are obtained from Zoning Inspector and the Portage County Building Department prior to starting any work.
- B.3 BUILDING SITE.**
- Identify all site design elements and other elements that might be an important part of the property's history and development.
 - Base decisions for new site work on actual knowledge of the past appearance of the property found in photographs, drawings, newspapers, and tax records. If changes are made, they should be carefully evaluated in light of the past appearance of the site.
 - Provide proper site and roof drainage to assure that water does not splash against building or foundation walls, nor drain toward the building.
- B.4 STRUCTURAL SYSTEMS.**
- Recognize the special problems inherent in the structural systems of historic buildings, especially where there are visible signs of cracking, deflection, or failure.
 - Undertake necessary stabilization and repair of weakened structural members and systems.
 - Replace historically important structural members only when necessary.
 - Supplement existing structural systems when damaged or inadequate.
- B.5 EXTERIOR FEATURES.**
- Masonry: Brick, stone, concrete and mortar
 - o Retain original masonry and mortar, whenever possible, without the application of any surface treatment.
 - o Where there is evidence of moisture problems or when sufficient mortar is missing to allow water to stand in the mortar joint, tuck pointing is recommended over the entire surface area not merely on those mortar joints showing deterioration.

- o Duplicate old mortar in composition, color, and texture. Duplicate old mortar in joint size, method of application, and joint profile.
 - o Clean masonry only when necessary to halt deterioration or to remove graffiti and stains and always with the gentlest method possible, such as low pressure water and soft natural bristle brushes.
 - o Repair or replace, where necessary, deteriorated material with new material that duplicates the old as closely as possible.
 - o Replace missing significant architectural features, such as cornices, brackets, railings, and shutters.
 - o Retain the original or early color and texture of masonry surfaces, including early signage wherever possible. Brick or stone surfaces may have been painted or whitewashed for practical and aesthetic reasons.
- Wood: Clapboard, weatherboard, shingles and other wooden siding
 - o Retain and preserve significant architectural features, wherever possible.
 - o Repair or replace, where necessary, deteriorated material that duplicates in size, shape, and texture the old as closely as possible.

Architectural Metals: Cast iron, steel, pressed tin, aluminum and zinc.

- o Retain original material, whenever possible.
- o Clean when necessary with the appropriate methods. Metals should be cleaned by methods that do not abrade the surface.

Roofs and Roofing.

- o Preserve the original roof shape.
- o Retain the original roofing material, whenever possible.
- o Provide adequate roof drainage and insure that the roofing materials provide a weathertight covering for the structure.
- o Replace deteriorated roof coverings with new material that matches the old in composition, size, shape, color, and texture.
- o Reserve or replace where necessary, all architectural features that give the roof its essential character, such as dormer windows, cupolas, cornices, brackets, chimneys, cresting and weather vanes.

Windows and Doors.

- o Retain and repair window and door openings, frames, sash, glass, doors, lintels, sills pediments, architraves, hardware, swings and shutters where they contribute to the architectural and historic character of the building.
- o Improve the thermal performance of existing windows and doors through adding or replacing weatherstripping and adding storm windows and door which are compatible with the character of the building and which do not damage window or door frames.
- o Replace missing or irreparable windows on significant facades with new windows that match the original in material, size, general muntin and mullion proportion and configuration, and reflective qualities of the glass.

Store fronts.

- o Retain and repair existing storefronts including windows, sash, doors, transoms, signage, and decorative features where such features contribute to the architectural and historic character of the building.

- o Where original or early storefronts no longer exist or are too deteriorated to save, retain the commercial character of the building through (1) contemporary design which is compatible with the scale, design, materials, color, and texture of the historic buildings; or (2) an accurate restoration of the storefront based on historical research and physical evidence.

Entrances, porches, and steps.

- o Retain porches and steps that are appropriate to the building and its development. Porches or additions reflecting later architectural styles are often important to the building's historical integrity and, wherever possible, should be retained.
- o Repair or replace, where necessary, deteriorated architectural features of wood, iron, cast iron, tile, and brick.

Exterior Finishes.

- o Only colors approved in the in the Garrettsville Village Design Review Color Chart, or approved compatible colors.

APPENDIX “C” DESIGN STANDARDS FOR SITE PLAN REVIEWS

C.1 PURPOSE.

The purpose of this section is to establish standards for the design, construction, alteration, and reconstruction of buildings and sites which are subject to design review as provided in Chapter 1153: Site Plan. These provisions are intended to promote attractiveness of business areas to customers; to protect and promote property values of the districts; to promote compatibility in the design of buildings and sites in the various parts of the districts; to coordinate the functions and designs of sites in the interest of creating functional districts with cohesive design; and to protect, promote and benefit from the presence of the Preservation District within the Village.

C.2 APPLICABILITY.

- (a) The Design Review Board and the Planning Commission shall apply these standards in reviewing and taking action on all applications for site plans or for amendments to site plans, as provided in Chapter 1155 Preservation and Design Review and in Chapter 1153 Site Plan Review.
- (b) When the site plan is located in the Preservation District or is a Listed Property, and a provision of this section conflicts with a provision of Chapter 1155 Preservation and Design, Appendix A, Historic Design Guidelines, or of Appendix B, Guidelines for Revitalization for Downtown Facade Treatment Program, then the provision of the Historic Design Guidelines or of the Guidelines for Revitalization shall prevail.
- (c) Where enforcement of a standard is impractical in the plan of a building, structure, or site, the Planning Commission may approve an alternative design, provided that the approved design is as consistent with the standard as is reasonable, and provided that approval of the alternative is made on the basis of a finding stated for the record.

C.3 STANDARDS FOR BUILDINGS AND STRUCTURES.

The following standards shall be applied to buildings and structures:

- (a) Architectural Style, Scale, Roof.
 - (I) Except as provided in (II) below, the architectural style and features of a building, the relationships of height to width and the mass of a building, and the roof pitch and materials shall be consistent with or otherwise compatible with those of buildings existing in the same district.
 - (II) If the district abuts the Preservation District, the architectural style and features of a building, the relationships of height to width and the mass of a building, and the roof pitch and materials shall be compatible with the styles or designs of commercial buildings in the Preservation District or of nearby historic residential buildings.
 - (III) In all districts, a pitched roof shall be preferred. Where the floor area of a proposed building makes a low pitch necessary, the roof shall be concealed with parapets or other methods similar to those in the commercial buildings in the Preservation District.
 - (IV) Roof surface materials (except where approved as a flat roof hidden by parapets or other methods as provided in III above) shall be shingles or standing seam metal and shall comply with the color requirements of subsection (c) below.

- (V) Roof-mounted equipment shall be screened by parapets or other approved methods.
- (b) Materials.
 - (I) Except as provided in (II) below, the surface materials of all surfaces of all structures shall be consistent with or otherwise compatible with those of buildings existing in the same district.
 - (II) If the district abuts the Preservation District, the surface materials of all visible surfaces of all structures shall be compatible with the historic materials used on surfaces of commercial buildings in the Preservation District or of nearby historic residential buildings or reasonably similar thereto in design, composition, color, texture and other visual qualities.
 - (III) In districts other than the Preservation District and other than those abutting the Preservation District, the predominant surface material of walls shall be natural brick in an approved color.
 - (IV) The application of paint or other materials to brick surfaces shall be prohibited except as determined by the Design Review Board to be a necessary means to protect deteriorated brick or to maintain a previously painted surface.
 - (V) Materials, such as stucco and mirrored surfaces, which are not historically common to the area are prohibited.
- (c) Color. Colors of all surfaces shall be as shown in the Garrettsville Village Design Review Color Chart, or approved compatible colors.
- (d) Building Setback.
 - (I) In the Preservation District and in any district which abuts the Preservation District, the front wall of the principle building on a site shall be located at the line which is the minimum permitted distance of setback from the front line of the lot.
 - (II) On lots which do not have frontage complying with the requirements of this Zoning Code, buildings shall be located as approved by the Planning Commission, but setbacks shall not be less than the minimum requirements for the District.
- (e) Gasoline service station canopy.
 - (I) A canopy which shelters gasoline pump islands shall be designed in a manner which minimizes the canopy's visual prominence and maximizes compliance with these guidelines.
 - (II) Signs shall not be mounted on the canopy.
 - (III) Lighting shall only be attached to the underside of the canopy for the purpose of illuminating customer service areas to the level of illumination necessary for the fueling activity. Lighting shall be designed to focus light onto the area under the canopy and shall employ cutoff lights or other methods to minimize light spill outside of the canopy area.
 - (IV) The undersurface of a canopy shall not be higher than thirteen and one-half feet (13.5').

- (h) Signs.
- (I) Signs, and all poles, brackets, and structural and decorative elements associated with the signs, shall be consistent or compatible with the style, materials, colors, and other features of the principle building. (Ord. 2001-11. Passed 4-19-01.)
 - (II) Electrical luminescent lighting shall be permitted as window signs upon payment of a permit fee and approval by the Design Review Board. Only two (2) product logo or identification signs of one (1) square foot in area shall be permitted as well as one (1) non-permitted OPEN/CLOSE sign of no more than one (1) square foot. These shall be internal signs, shall count toward the total signage area permitted, and shall be turned off during non-business hours (other than the CLOSED sign). (Ord. 2004-22. Passed 8-11-04.)
 - (III) Excessive illumination of signs is prohibited. (Ord. 2001-11. Passed 4-19-01.)
 - (IV) The color and materials of any sign shall be harmonious with the color and materials of the building identified by the sign. Materials such as wood, wrought iron, steel metal grill work and so forth, which were used in the nineteenth century, are encouraged. Non-historic materials, such as extruded aluminum or plastics are prohibited. Molded signs and parts of signs must have the appearance of wood and are subject to approval.
 - (V) The method of attachment should respect the architectural integrity of the structure and relate to or become an extension of the architecture. No sign shall conceal architectural detail. (Ord. 2002-39. Passed 11-13-02.)

C.4 STANDARDS FOR SITES. The following standards shall be applied to sites:

- (a) Landscaping.
- (I) The front yard area between the principle building and the public right-of-way shall be landscaped with evergreen and deciduous shrubs, small trees, and lawn in an approved plan.
 - (II) Pavement in parking areas and access drives shall be setback from the public right-of-way not less than ten (10) feet and from all property lines not less than five (5) feet. The setback areas shall be landscaped with evergreen and deciduous shrubs, small trees, and lawn in an approved plan.
 - (III) Railroad ties, pressure-treated wood, and similar materials are prohibited.
- (b) Exterior Lighting.
- (I) In the Preservation District and in districts abutting the Preservation District, where illumination is necessary in front yard areas and the areas around buildings, illumination shall be provided using poles, brackets, and fixtures similar to the “Garrettsville style” used for the Boardwalk lighting.
 - (II) All lighting, except low-intensity pedestrian area lighting, shall be “down lighting”, “cutoff fixtures”, or other means which direct light to the areas intended to be lighted, in an intensity not greater than necessary, and which minimizes light spill onto adjacent properties and into the sky.

- (c) Parking.
 - (I) In the Preservation District and in districts abutting the Preservation District, parking lots shall not be located in the front yard, but shall be located on the side or rear of the lot. Parking shall be constructed consistent with the requirements of this Zoning Code, including the provisions of Section 1135.01(36) and parking provisions specific to each district.
 - (II) One (1) tree shall be planted in a planting island or peninsula within the boundaries of the parking lot for every ten (10) parking spaces.

TITLE FIVE - Zoning Districts and Regulations
 Chap. 1161. Districts Established and Zoning Map.
 Chap. 1163. Regulations Applicable to All Districts.
 Chap. 1165. Structure and Construction Regulations.
 Chap. 1167. O-C Open Space and Conservation District.
 Chap. 1169. R-1 Residential District.
 Chap. 1171. R-2 Residential District.
 Chap. 1173. R-3 Residential District.
 Chap. 1174. R-4 Residential District.
 Chap. 1175. C-1 Local Commercial District.
 Chap. 1177. CBD Central Business District.
 Chap. 1179. C-2 General Commercial District.
 Chap. 1180. C-3 Intensive Commercial District.
 Chap. 1181. I Industrial District.
 Chap. 1182. Residential/Commercial District

CHAPTER 1161
 Districts Established and Zoning Map

1161.01	Classification and abbreviation.	1161.04	Interpretation of district
1161.02	Regulations.		boundaries.
1161.03	Zoning districts map.		

CROSS REFERENCES

Division into districts - see Ohio R.C. 713.06, 713.10
 Basis of districts - see Ohio R.C. 713.10
 Council may amend districting or zoning - see Ohio R.C. 713. 10

1161.01 CLASSIFICATION AND ABBREVIATION.

The Village is hereby divided into districts or zones as follows:

- O-C Open Space and Conservation District
- R-1 Residential District
- R-2 Residential District
- R-3 Residential District
- R-4 Residential District
- RC Residential Commercial District
- C-1 Local Commercial District
- CBD Central Business District
- C-2 General Commercial District
- C-3 Intensive Commercial District
- I Industrial District.

(Ord. 876. Passed 10-2-74; Ord. 80-15. Passed 1-7-81; Ord. 01-15. Passed 4-19-01.)

1161.02 REGULATIONS.

(a) All regulations shall be uniform for each class or kind of building or other structure or use, throughout each district or zone.

(b) To facilitate public understanding of the Zoning Ordinance and for the better administration thereof the regulations limiting the use of buildings and land and the bulk and arrangement of buildings are set forth in the annexed schedule for each of the districts established by Section 1161.01. Such schedule is hereby adopted and declared to be a part of the Zoning Ordinance hereinafter referred to as the zoning schedule, and may be amended in the same manner as any other part of the Zoning Ordinance.

Wherever in such schedule there appear the words "Same as in (symbol of district) above" such words shall be construed to include the specific limitations set forth in the same column for the district thus referred to. Otherwise all limitations as to use, percentage of area, permissible height, required yards and minimum sizes thereof and other requirements shall be those set forth in such schedule. (Ord. 876. Passed 10-2-74.)

1161.03 ZONING DISTRICTS MAP.

(a) The districts or zones and their boundary lines are indicated upon a map entitled "The Village of Garrettsville, Ohio, Zoning Districts Map" which map, together with all notations, references and other matters shown thereon is hereby made a part of the Zoning Ordinance. The map shall be maintained in the office of the Village Clerk and shall show all amendments or changes made thereon. (Ord. 876. Passed 10-2-74.)

- (b) (1) The recommendation of the Garrettsville Village Planning Commission, supporting adoption of an updated zoning map for the Village, is hereby accepted.
- (2) The Zoning Map of the Village of Garrettsville, as set forth in "Exhibit A", attached to original Ordinance 2020-45 and incorporated herein by reference, is hereby adopted.
(Ord. 2020-45. Passed 2-10-21.)

1161.04 INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- (a) Where district boundaries are indicated as approximately following the center line or right-of-way line of streets, the center line or alley line of alleys, the center line or right-of-way line of highways, or the center line of a railroad right of way, such lines shall be construed to be such district boundaries.
- (b) Where district boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of streets, the center lines or alley lines of alleys, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the zoning map.
(Ord. 876. Passed 10-2-74.)

CHAPTER 1163
Regulations Applicable to All Districts

1163.01	Minimum requirements.	1163.05	Vacation of public ways.
1163.02	Compliance required.	1163.06	Use of exterior furnaces.
1163.03	Nuisances prohibited.	1163.07	Lot splits and combinations.
1163.04	Lot requirements.	1163.08	Use, Parking and Storage of Recreational Vehicles

CROSS REFERENCES

Violation of zoning ordinances - see Ohio R.C. 713.13
Nonconforming uses - see Ohio R.C. 713.15; P. & Z. Ch. 1193
Change of name, vacating and narrowing streets - see Ohio
R.C. 723.04 et seq.

1163.01 MINIMUM REQUIREMENTS.

In their interpretation and application, the provisions of the Zoning Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety or of the general welfare. Wherever the requirements of the Zoning Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern. (Ord. 876. Passed 10-2-74.)

1163.02 COMPLIANCE REQUIRED.

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used in a manner which does not comply with all of the district provisions established by the Zoning Ordinance for the districts in which the buildings or land are located. Uses which are omitted from the Zoning Ordinance not being specifically permitted shall be considered prohibited until, by amendment, such uses will be consistent with the Zoning Ordinance. (Ord. 876. Passed 10-2-74.)

1163.03 NUISANCES PROHIBITED.

No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of the Zoning Ordinance, and any additional conditions and requirements prescribed, is or may become hazardous, noxious or offensive due to the emission of odor, dust, smoke, fumes, cinders, gas, noise, vibration, electrical interference, refuse matter, water-carried wastes or which will interfere with adjacent landowners' enjoyment of the use of their lands. (Ord. 876. Passed 10-2-74.)

1163.04 LOT REQUIREMENTS.

(a) Required Street Frontage. Every principal building shall be located in a lot having frontage on a public or private street built to standards required of dedicated streets in the Village. The minimum frontage shall be thirty feet and this shall apply to all districts. (Ord. 94-37. Passed 12-14-94.)

(b) Required Lots, Yards and Open Space Unaffected by Change in Ownership. No space which, for the purpose of a building, has been counted or calculated as part of a side yard, rear yard, front yard or other open space required by the Zoning Ordinance, may, by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard or other open space requirements of or for any other building.

(c) Projections into Yard Areas. Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings in a rear yard, except for parking of automobiles as regulated by Chapters 1167 through 1181, except for the ordinary projections of skylight, sills, belt-courses, cornices and ornamental features projecting not more than twelve inches, and except for fences constructed in compliance with Section 1165.05.

Terraces, uncovered porches, platforms and ornamental features which do not extend more than two feet above the level of the ground or first story, may project into a required side yard, provided these projections be distant at least five feet from the adjacent lot line. The ordinary projections of chimneys or flues are permitted into the required side, rear and front yards.

An open, unenclosed porch or paved terrace may project into the front yard for a distance not to exceed ten feet.

(d) Corner Lots.

(1) Required yards facing streets. Corner lots in all districts are required to have the minimum front yard requirements, as indicated in that district, facing both streets.

(2) Visibility at corner lots. No obstruction to view in excess of two feet in height shall be placed on any corner lot within a triangular area formed by the street right-of-way lines and a line connecting them at points thirty feet from the intersection of the street lines, except that shade trees which are pruned so as not to obstruct clear view by motor vehicle drivers are permitted.

(e) Substandard Lots. Any lot not meeting minimum area requirements and being a lot of record or lot for which a land contract has been issued, or any lot within an unrecorded allotment, of which at least one-half of such lots are of record or have been sold on land contract on the effective date of these regulations, may be used for a single-family dwelling irrespective of the area, depth or width of such lot; the width of the yard of any such lot need not exceed ten percent (10%) of the width of the lot; the depth of the rear yard need not exceed twenty percent (20%) of the depth of the lot, provided however, that in no instance shall the minimum dimensions of the side and rear yards be less than five feet and twenty feet respectively.

(f) Outdoor Storage and Business Activities. Storage of materials, equipment and supplies and displays of merchandise shall take place within a completely enclosed building except as otherwise provided in the Zoning Ordinance. (Ord. 876. Passed 10-2-74.)

1163.05 VACATION OF PUBLIC WAYS.

Whenever any street or public way is vacated in the manner authorized by law, the zoning districts adjoining each side of the street or public way shall be automatically extended to the center of such vacations and all area included in the vacation shall thereafter be subject to all regulations of the extended districts. (Ord. 876. Passed 10-2-74.)

1163.06 USE OF EXTERIOR FURNACES.

(a) No Exterior Furnace or Exterior Furnace Device shall be installed, situated or maintained in any exterior location for the purpose of the combustion of any fuel for the creation of heat or energy into any interior space, and no such system or component part thereof shall be permitted to be operated or used in any zone within the Municipality.

(b) The following definitions shall apply to this section:

- (1) "Exterior furnace" means any device, contrivance or apparatus or any part thereof which is installed, affixed or situated out-of-doors for the primary purpose of the combustion of fuel from which heat or energy is derived and intended to be directed therefrom by conduit or other mechanism into any interior space for the supply of heat or energy.
- (2) "Exterior furnace device" means any contrivance, apparatus or part thereof, including a boiler, fire box, exchanger, grate, fuel gun, fuel nozzle, chimney, smoke pipe, exhaust conduit and like devices for the burning of combustible fuels for the creation of heat or energy from an exterior location into an interior location.
- (3) Other terms sometimes used for the above devices are Outdoor Wood Boilers, Exterior Solid Fuel Heating Devices, Outdoor Wood-fire Furnaces, and Outdoor Wood burning Furnaces, and the like.

(c) In order to protect the health, safety and welfare of the entire community, there shall be no grandfathering of any such systems that were in existence prior to the effective date of this section. The use of any such device or system after the effective date of this chapter shall violate the provisions of this chapter. Said shall constitute a nuisance per se and subject the violator to injunctive relief.

(d) This section shall in no way be construed nor is the same intended to prohibit the installation, operation or use of exterior chimneys, stove pipes or similar contrivances that are otherwise in conformity with other federal or state laws, rules or regulations constituting any part of any interior furnace or interior stove system or operation, or any system that provides the exhaust of waste heat, smoke or similar substances from interior spaces, but subject to all applicable laws.

(e) Whoever violates any provision of this section is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days or both. Each day of operation of any such system or device shall be a separate offense. (Ord. 2007-38. Passed 9-12-07.)

1163.07 LOT SPLITS AND COMBINATIONS.

Whenever a person or entity wishes to split or combine existing lots within the Village of Garrettsville, the Mylar and descriptions shall be submitted to the Village Planning Commission for their review and approval. The fee to be charged for this procedure shall be as set forth in Section 1139.03 herein, "Lot Augmentations". (Ord. 2011-06. Passed 4-13-11.)

1163.08 USE, PARKING AND STORAGE OF RECREATIONAL VEHICLES.

(Ord. 2018-49, eff. 5/10/19)

- (a) In any zoning district, a recreational vehicle may not be used as a residential dwelling for more than fourteen (14) consecutive days and no more than twenty-eight (28) total days per calendar year.
- (b) In any residential district, a recreational vehicle parked or stored in the open must bear a current and valid registration. Unregistered recreational vehicles must be stored in an enclosed garage or:
 - (1) parked or stored further back from the street right-of way than the front face of the principal building on the lot, and
 - (2) adequately screened from view from the street and neighboring properties.

CHAPTER 1165
Structure and Construction Regulations

<p>1165.01 Construction begun prior to establishment of Zoning Ordinance.</p> <p>1165.02 Permitted height exceptions.</p> <p>1165.03 Temporary buildings.</p> <p>1165.031 Portable on-demand storage units.</p> <p>1165.04 Outdoor advertising.</p> <p>1165.05 Fences, walls and hedges.</p>	<p>1165.051 Fences in commercial districts.</p> <p>1165.052 Industrial fencing.</p> <p>1165.06 Accessory buildings in residential districts.</p> <p>1165.07 Swimming pools.</p> <p>1165.08 Minimum living floor area per family.</p> <p>1165.09 Street lighting.</p> <p>1165.10 Foundations.</p>
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CROSS REFERENCES

Council to control building heights - see Ohio R.C. 713.08
 Power to regulate fences, billboards and signs - see Ohio R.C. 715.27
 Swimming pools - see OAC Ch. 3701-31
 Fences conditionally permitted - see P. & Z. 1149.05

1165.01 CONSTRUCTION BEGUN PRIOR TO ESTABLISHMENT OF ZONING ORDINANCE.

Nothing contained in this chapter shall hinder the construction of a building or prohibit its use where construction has started before the effective date of this chapter and provided further that such building shall be completed within two years from the date of passage of this chapter. (Ord. 876. Passed 10-2-74.)

1165.02 PERMITTED HEIGHT EXCEPTIONS.

(a) Except as specifically stated in other parts of this chapter, no building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, chimneys, smokestacks, radio and television aerials, wireless masts, water tanks or similar structures may be erected above the height limits herein. No such structure may be erected to exceed by more than fifteen feet the height limits of the district in which it is located; nor shall such structure have a total area greater than twenty-five percent (25%) of the roof area of the building; nor shall such structure be used for any purpose other than a use incidental to the main use of the building, except that radio, television and wireless aerials or masts may be erected to any height. (Ord. 2014-31. Passed 11-12-14.)

(b) Public or quasi-public buildings, when permitted in a district, may be erected to a height not to exceed forty-five feet, except that churches and temples may be erected to a height not to exceed seventy-five feet if the building is set back from each yard line at least one foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is located. (Ord. 876. Passed 10-2-74.)

1165.03 TEMPORARY BUILDINGS.

Temporary buildings for use incidental to construction work may be erected in any of the zone districts herein established. However, such temporary building or buildings shall be removed upon the completion or abandonment of the construction work. (Ord. 876. Passed 10-2-74.)

1165.031 PORTABLE ON-DEMAND STORAGE UNITS.

(a) The term "portable on-demand storage unit", often referred to as "PODS", shall be defined as any container, storage unit, shed-like container or other portable structure that can be used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building, which can be transported by vehicle and left on-site.

- (b)
- (1) PODS may be located as a temporary structure on a residential property within the Village for a period of fourteen (14) days from the time of delivery to time of removal and shall not require a zoning permit.
 - (2) PODS may be located as a temporary structure on a residentially zoned property within the Village for a period exceeding fourteen (14) days from time of delivery to time of removal only upon application for a temporary accessory use permit. The Zoning Enforcement Officer may approve the temporary accessory use permit for a period of time not to exceed thirty (30) days; no fee shall be charged for the initial permit. The Zoning Enforcement Officer may issue up to two additional thirty (30) day extensions, subject to the fee set forth in subsection (f) below, with a maximum of one hundred and four (104) days in any one twelve-month period.
 - (3) PODS in residential areas shall not exceed eight (8) feet in height, eight (8) feet in width and sixteen (16) feet in length. All units exceeding these dimensions shall be classified as "oversized PODS".

(c) PODS located as a temporary structure on commercial or industrial zoned property within the Village and all oversized PODS shall require approval of the Planning Commission. The Planning Commission shall approve the duration of time on a case by case basis for each commercial, industrial, or oversized PODS at the time of review.

(d) PODS shall not be located closer than three (3) feet from any side or rear property line, and shall be located behind the sidewalk in the front yard between the side walk and the principal structure. If there is no sidewalk the PODS unit shall be behind the front setback for the zoning district in which the property is located and cannot restrict vehicle or pedestrian visibility. If there is no front, side or rear property the unit may be located in a designated parking spot. PODS units shall be located only on a driveway, or hard, improved surface.

(e) It shall be the responsibility of the property owner to secure the PODS unit so that it does not endanger the safety of persons or property in the vicinity of the PODS unit. The Zoning Enforcement Officer may order the immediate removal of any unit that is not properly secured and is a danger to the safety of person or property in the vicinity of the PODS unit.

(f) Permit fees for PODS in residential areas shall be twenty dollars (\$20.00) for each thirty day extension issued by the Zoning Enforcement Officer. Permit fees for PODS in all commercial and industrial areas, or oversized PODS upon approval by the Planning Commission, shall be fifty dollars (\$50.00).
(Ord. 2015-40. Passed 12-9-15.)

1165.04 OUTDOOR ADVERTISING SIGNS.

Outdoor advertising signs shall be classified as a business use and shall be erected subject to the provisions of Chapter 1191. (Ord. 876. Passed 10-2-74.)

1165.05 FENCES, WALLS AND HEDGES IN RESIDENTIAL DISTRICTS.

(a) Fences, walls and hedges shall be permitted as follows:

- (1) In front yards, front side yards and both sides of building, no fence shall exceed forty-eight inches in height and at least fifty percent (50%) of the surface area of the face of the fence shall be open to light and air. No fence shall be erected in the right of way. The front yards shall be established by the set back requirements of the zoning district in which the property is located. All fences shall be two feet off the property line.
- (2) For rear yards and rear side yards, fences shall not exceed eighty-four inches in height. All solid fences shall be erected at least five feet from the property line. Non-solid (at least thirty percent (30%) of the surface area of the face open) fences may be erected within two feet of the property line.

(b) The decorative side of all fences shall be placed so that it faces the exterior of the property with poles or other supports placed inside the fence. All fences may be placed on the property line by mutual written agreement of the adjoining neighbors. Written agreements to be filed with Zoning Inspector.

(c) All fences, walls and hedges shall be properly maintained, and appropriate in appearance with the existing character of the immediate area in which it is located and shall not be hazardous or disturbing to existing or future neighborhood uses.

(d) A zoning permit shall be required and the fee paid prior to erecting any fence, wall or hedge. See Section 1139.03, Fees. (Ord. 92-49. Passed 12-9-92.)

1165.051 FENCES IN COMMERCIAL DISTRICTS.

No fences shall be permitted in a Commercial District, i.e. CBD, C-1 and C-2 until the Planning Commission has reviewed and approved said application.
(Ord. 93-19. Passed 6-9-93.)

1165.052 INDUSTRIAL FENCING.

(a) Chain link or other fences that are fifty percent (50%) or more open surface area up to eight feet high and no closer than two feet to the property line shall be permitted in Industrial areas.

(b) A fence may be placed closer to or on the property line and may be less than fifty percent (50%) open surface area if an attached agreement signed by the abutting property owner is filed with the Zoning Inspector. (Ord. 93-18. Passed 6-9-93.)

1165.06 ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS.

(a) Accessory buildings shall be located entirely to the rear of the main building and may be built to within ten feet of the rear lot lines. An accessory building shall not occupy more than thirty percent (30%) of the rear yard.

(b) Accessory buildings in residence districts shall be limited to fifteen feet in height unless a greater height is authorized by the Board of Zoning Appeals. (Ord. 876. Passed 10-2-74.)

1165.07 SWIMMING POOLS.

(a) Privately owned in-ground or above-ground swimming, wading or other pools containing over one and one-half feet of water depth shall be considered as accessory structures for the purpose of the Zoning Ordinance. Such shall not be located in front or side yards, and shall conform to all required yard setback lines. The construction, plumbing and electrical requirements, inspection and other safety facilities shall be regulated by the Village and/or County codes.

(b) Every pool defined as a structure shall be completely surrounded by a fence or wall not less than four feet in height; such fence shall be constructed so as to have no openings, holes or gaps larger than three inches in any dimension, except for doors or gates which shall be equipped with suitable locking devices to prevent unauthorized intrusion. An accessory building may be used in or as part of such enclosure. Pools above-ground having vertical surfaces of at least four feet in height shall be required to have fences and gates only where access may be had to the pool. (Ord. 876. Passed 10-2-74.)

1165.08 MINIMUM LIVING FLOOR AREA PER FAMILY.

* See Definitions Chapter 1135.

(a) Single-Family Detached Dwelling Unit.

- (1) For lots less than a 1/3 acre a minimum of 1400 square feet.
- (2) For lots 1/3 acre and less than 1/2 acre a minimum of 1600 square feet.
- (3) For lots 1/2 acre or more a minimum of 1800 square feet.

(b) Two-Family/Single-Family Attached or Multifamily Dwelling Unit and Platted After Section Takes Effect.

- (1) One bedroom: 900 square feet.
 - (2) Two or more bedrooms: 1100 square feet.
- (Ord. 98-28. Passed 9-9-98.)

1165.09 STREET LIGHTING.

(a) Prior to approval of any subdivision, planned unit development, street extension or new street the developer shall submit plans for installing adequate street lighting at his expense.

(b) Such lighting shall meet all specifications of Ohio Edison Company or other public utility company. (Ord. 90-01. Passed 4-11-90.)

1165.10 FOUNDATIONS.

All residences shall be constructed on a foundation with a perimeter wall extending below the frost line. (Ord. 92-53. Passed 12-9-92.)

CHAPTER 1167
O-C Open Space and Conservation District

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| 1167.01 Purpose. | 1167.04 Parking requirements. |
| 1167.02 Uses. | |
| 1167.03 Area, yard and height regulations. | |

CROSS REFERENCES

- Marking flood areas - see Ohio R.C. 1521.14
 Conservancy districts, purpose - see Ohio R.C. 6101.04
 Off-street parking facilities - see Ohio R.C. 717.05 et seq.
 Open space defined - see P. & Z. 1135.01(a)(33), (45)
 Accessory buildings in residential districts - see P. & Z.
 1165.06
 Swimming pool construction - see P. & Z. 1165.07

1167.01 PURPOSE.

This district is established to reduce the problems created by intensive development of areas having excessively high water tables, organic or other soils unsuitable for most types of urban development, or which are subject to flooding, or which are topographically unsuited for urban type uses. (Ord. 876. Passed 10-2-74.)

1167.02 USES.

Within an O-C Open Space and Conservation District, no building, structure or premises shall be used, arranged to be used or designed to be used except for one or more of the following uses:

(a) Permitted Uses.

- (1) Single-family dwelling;
- (2) Agriculture;
- (3) Roadside stands offering for sale only agricultural products produced on the premises shall be permitted, but only if such stand is not erected nearer than twenty feet to the road line and not less than thirty feet from either side lot line. The operation of such stand shall not create a nuisance for surrounding property owners or uses and shall not create a hazardous traffic situation;
- (4) Hunting preserve;
- (5) Wildlife refuge and game preserve;
- (6) Accessory buildings, incidental to the principal use and which do not include any activity conducted as a business. (Ord. 876. Passed 10-2-74.)
- (7) Public libraries. (Ord. 84-10-2. Passed 10-10-84.)

- (b) Conditionally Permitted Uses. The Planning Commission may issue conditional zoning certificates for uses listed herein subject to Sections 1149.02 through 1149.04 inclusive, and other sections referred to herein.
- (1) Governmentally owned and/or operated parks, playgrounds, and golf courses (except miniature).
 - (2) Recreational uses other than those governmentally owned and/or operated such as swimming pools, golf courses, tennis clubs, riding academies, subject to Section 1149.05(a).
 - (3) Privately owned and/or operated parks, recreational areas and campgrounds, where camping in tents, trailers and other vehicles, cabins, or lodges is permitted by fee, membership or otherwise and for overnight or longer periods of time subject to Section 1149.05(a)(7) to (14).
(Ord. 876. Passed 10-2-74.)
 - (4) Communication Towers subject to Section 1149.05(q).
(Ord. 2006-38. Passed 11-8-06.)

1167.03 AREA, YARD AND HEIGHT REGULATIONS.

(a) Minimum Lot Size. The minimum lot area shall be five acres per dwelling unit, with a minimum lot width at the building setback line of 300 feet.

(b) Minimum Front Yard Depth. The distance of setback from street right of way shall not be less than fifty feet.

(c) Minimum Side Yard Width. On all lots, there shall be two side yards with a total width of not less than thirty feet. The width of the narrowest of the two side yards shall not be less than ten feet.

(d) Minimum Rear Yard Depth. There shall be a rear yard not less than thirty feet deep.

(e) Height of Buildings. No structure shall exceed thirty-five feet in height.
(Ord. 876. Passed 10-2-74.)

1167.04 PARKING REQUIREMENTS.

All dwellings shall provide parking space on the same lot, off the nearest street or road and outside the public right of way, together with means of ingress and egress thereto, for not less than two motor vehicles per dwelling unit. (Ord. 876. Passed 10-2-74.)

CHAPTER 1169
R-1 Residential District

1169.01	Purpose.	1169.063	Variance.
1169.02	Uses.	1169.064	Approval procedures.
1169.03	Area, yard and height regulations.	1169.065	Open space reserve land.
1169.04	Parking requirements.	1169.066	Useable and unusable land.
1169.05	Supplementary regulations.	1169.067	Dwelling density/minimum square footage.
1169.06	Open space development.	1169.068	Access in open space development.
1169.061	Purpose.		
1169.062	Intent and variance.		

CROSS REFERENCES

Off-street parking facilities - see Ohio R.C. 717.05 et seq.
Rest homes and nursing homes - see Ohio R.C. Ch. 3721
Accessory buildings in residential districts - see P. & Z.
1165.06
Signs - see P. & Z. Ch. 1191

1169.01 PURPOSE.

The purpose of this district is to accommodate residential single family development at a low density in a manner which will maximize green area, rural character and promote the health, safety, comfort, convenience and general welfare of present and future residents. To conserve the values of property throughout the Village and to protect the character and stability of the residential areas. (Ord. 00-23. Passed 7-12-00.)

1169.02 USES.

Within an R-1 Residential District, no building, structure or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

(a) Permitted Uses.

- (1) Single-family dwelling;
- (2) Accessory buildings in the side or back yards incidental to the principal use and which do not include any activity conducted as business;
- (3) Signs shall be permitted as regulated by Chapter 1191.
(Ord. 00-23. Passed 7-12-00.)

(b) Conditionally Permitted Uses. The Planning Commission may issue conditional zoning certificates except in subdivisions for uses listed herein, subject to Sections 1149.02 through 1149.04 inclusive and other sections as listed herein:

- (1) Public and parochial schools;
- (2) Churches and other buildings for the purpose of religious worship;
- (3) Governmental or privately owned and/or operated parks, playgrounds, golf courses (except miniature), riding stables, and swim clubs, subject to Section 1149.05(a);

- (4) Institutions for medical care, convalescent homes, nursing homes for the aged and philanthropic institutions, subject to Section 1149.05(a);
- (5) Cemeteries;
- (6) Publicly owned and/or operated buildings and facilities other than those listed above subject to Section 1149.05(a);
- (7) Two-story garages with living quarters in the second story for guests or a servant, and his family, employed by the family occupying the principal building;
- (8) Conditional Use Home Occupation as defined in Section 1135.01(a)(27)B.
- (9) Livestock as defined in Section 1135.02 and subject to Section 1149.05(l). (Ord. 2011-41. Passed 11-9-11.)

1169.03 AREA, YARD AND HEIGHT REGULATIONS.

(a) Minimum Lot Size. The minimum lot area shall be one and one-half acre per dwelling unit with a minimum lot width at the building setback line of 150 feet, unless a larger lot is required by the Portage County Health Department to adequately accommodate individual sanitary sewage disposal systems in view of intended use, soils, topography and other pertinent considerations.

(b) Minimum Front Yard Depth.

- (1) The distance of setback from street right of way shall not be less than seventy feet except as provided by Section 1169.05(a).
- (2) If there is no established right-of-way line for any road or street, the line shall be deemed to be thirty feet from center of the roadway.
- (3) Bay windows, balconies, eaves, chimneys, gutters and down-spouts may project a maximum of 24 inches (.61m.) into required front yard.

(c) Minimum Side Yard Width. On all lots, there shall be two side yards with a total width of not less than thirty feet. The width of the narrowest of the two side yards shall not be less than ten feet. Bay windows, balconies, eaves, chimneys, gutters, and down-spouts may project a maximum of 24 inches (.61m.) into required rear yard.

(d) Minimum Rear Yard Depth. There shall be a rear yard not less than thirty feet deep. Bay windows, balconies, eaves, chimneys, gutters and down-spouts may project a maximum of 24 inches (.61m.) into required rear yard.

(e) Height of Buildings. No structure shall exceed thirty-five feet in height; accessory buildings, fifteen (15) feet.

(f) Lot Coverage. Maximum lot coverage is forty percent (40%).
(Ord. 00-23. Passed 7-12-00.)

1169.04 PARKING REQUIREMENTS.

All dwellings shall provide parking space on the same lot, off the nearest street or road and outside of the public right of way, together with means of ingress and egress thereto, for not less than two motor vehicles per dwelling unit. (Ord. 00-23. Passed 7-12-00.)

1169.05 SUPPLEMENTARY REGULATIONS.

(a) Front Yard Variances in Residential Districts. Where there are existing dwellings within 200 feet of a lot for which a zoning certificate has been requested, and where such existing dwellings have a minimum front yard depth less than that required by Section 1169.03(b), the front yard depth of the lot in question may be modified to equal not less than the mean of the front yard depths of all dwellings within 200 feet of the lot in question but in no case shall a building be placed nearer to the street right-of-way line than twenty-five feet.

(b) Principal Building. No more than one dwelling shall be permitted on any lot unless otherwise specifically stated in the Zoning Ordinance and every dwelling shall be located on a lot having required frontage on a public or private street. (Ord. 00-23. Passed 7-12-00.)

1169.06 OPEN SPACE DEVELOPMENT.

Open space development shall be conditionally permitted in R-1 zoning districts pursuant to the regulations set forth in the following sections. (Ord. 2004-17. Passed 7-14-04.)

1169.061 PURPOSE.

The purpose of this use is to provide for creative development options not readily permitted by the zoning ordinances of R-1. In conjunction with this option, prime consideration will be given to protect existing geographical features (such as woods, wetlands, rock outcroppings, hills, etc.); to prevent drastic alteration of the present skyline view of the tract of land; and to provide for community/open/shared/spaces. (Ord. 2004-17. Passed 7-14-04.)

1169.062 INTENT AND VARIANCE.

It is the intent of these regulations to allow flexibility in development while encouraging larger lots than that of R-2 zoning as well as larger than minimum square footage homes than the requirements set forth in R-2 zoning. (Ord. 2004-17. Passed 7-14-04.)

1169.063 VARIANCE.

Variances to the regulations in this chapter may be granted upon recommendation of the Planning Commission and subsequent approval by Council provided that the applicant can demonstrate that an alternative plan is more appropriate for the development of the Open Space Development and will met both the general intent and design standards of this chapter. (Ord. 2004-17. Passed 7-14-04.)

1169.064 APPROVAL PROCEDURES.

(a) Approval of said Open Space Development shall follow the procedures and guidelines of a subdivision including meeting with the appropriate commissions, and obtain the necessary permits as set forth in Title One, Subdivision Regulations of the Codified Ordinances of Garrettsville.

(b) Open Space Development shall only be applicable to tracts of land consisting of 10 acres of land or more.
(Ord. 2004-17. Passed 7-14-04.)

1169.065 OPEN SPACE RESERVE LAND.

Open Space Reserve Land shall be defined as that portion of the development that shall remain open space as requirements of a subdivision.
(Ord. 2004-17. Passed 7-14-04.)

1169.066 USEABLE AND UNUSABLE LAND.

(a) "Useable land" shall be defined as that portion of the tract that is readily buildable and does not include wetlands, flood plain areas or other geographical features that require extensive site preparations in order to build.

(b) "Unusable land" shall be defined as that land that consists of wetlands, land in a flood plain or land that has unique geographical or other features that require extensive modification to allow it to be used for building purposes.

(1) Natural features such as hills and ridges, trees, wooded areas, rock croppings, ravines, and water courses shall be undisturbed insofar as possible.

(2) In the event of a disagreement over usable and unusable land, the Planning Commission shall make the final determination for the purpose of the proposed development.

(c) Useable or unusable land may be considered for Open Space Reserve purposes, said property to be held and maintained by the homeowners' association established by the developer or by the Village of Garrettsville should it agree to exercise that option.

(1) The aggregate Open Space Reserve lands must account for at least forty percent (40%) of the Open Space Development and shall not be developed and shall be noted on the preliminary and final plats.

(2) Both usable and unusable land shall be considered for Open Space Reserve land.

(3) The location of common open space areas shall be consistent with the objectives of the Village Growth Plan.

(4) A buffer shall be required around the boundary of an Open Space Development to screen and lessen the impact of the development on surrounding properties. The buffer shall be landscaped or natural in accordance with an approved landscape plan and shall be maintained as Open Space Reserve space which may be included as part of the required common open space.

(5) At least twenty-five percent (25%) of the Open Space Reserve shall consist of recreational areas such as paths, parks, and the like.

(d) In considering any reduction of the forty percent (40%) requirement, the Planning Commission shall give added consideration to those developments proposing larger than .5 acre lots and larger than 1,800 square foot dwellings as set forth in R-2 and R-1 zoning. (Ord. 2004-17. Passed 7-14-04.)

1169.067 DWELLING DENSITY/MINIMUM SQUARE FOOTAGE.

(a) In the case of open space the minimum lot size for a single family dwelling shall be permitted to be 0.5 acres with a minimum frontage of 30 feet.

- (1) The remaining acreage shall be considered Open Space Reserve purpose lands, said property to be held and maintained by a homeowners' association established by the developer.
- (2) Minimum dwelling unit square footage shall be in accordance with the appropriate provisions of the R-1 (R-2) zoning ordinances (minimum 1,800 square feet; Section 1165.08).
(Ord. 2004-17. Passed 7-14-04.)

1169.068 ACCESS IN OPEN SPACE DEVELOPMENT.

(a) Open Space Development shall be required to allow access to all existing adjacent streets of the Village per the Village Growth Plan; or

(b) An easement shall be provided to the Village to any existing external road for the purpose of future connecting roads in order to meet the goals of the Village Development Plan where no current road is proposed.
(Ord. 2004-17. Passed 7-14-04.)

CHAPTER 1171
R-2 Residential District

1171.01	Purpose.	1171.04	Parking requirements.
1171.02	Uses.	1171.05	Supplementary regulations.
1171.03	Area, yard and height regulations.	1171.06	Senior Housing Overlay District.
		1171.07	Old Town Walkable Neighborhood Housing Overlay District.

CROSS REFERENCES

Off-street parking facilities - see Ohio R.C. 717.05 et seq.
Rest homes and nursing homes - see Ohio R.C. Ch. 3721
Accessory buildings in residential districts - see P. & Z. 1165.06
Signs - see P. & Z. Ch. 1191

1171.01 PURPOSE.

The purpose of this district is to accommodate residential development at densities of two to four families per net acre in areas which are, or can be at the time of development, serviced by central water and sewer facilities, storm sewers and paved streets with curbs and gutters. (Ord. 876. Passed 10-2-74.)

1171.02 USES.

Within an R-2 Residential District, no building, structure or premises shall be used, arranged to be used or designed to be used except for one or more of the following uses:

(a) Permitted Uses.

- (1) Single-family dwelling;
- (2) Accessory buildings incidental to the principal use and which do not include any activity conducted as business.
(Ord. 876. Passed 10-2-74.)

(b) Conditionally Permitted Uses. The Planning Commission may issue conditional zoning certificates for uses listed herein, subject to Sections 1149.02 through 1149.04 inclusive, and other sections as listed herein except that no conditional use shall be permitted in a subdivision except for Home Occupations as defined in Section 1135.01(a)(27).

- (1) Public and parochial schools;
- (2) Churches and other buildings for the purpose of religious worship;
- (3) Governmentally or privately owned and/or operated parks, playgrounds, golf courses (except miniature), riding stables and swim clubs, subject to Section 1149.05(a);
- (4) Fire Departments, Emergency Medical Facilities, Institutions for medical care, convalescent homes, nursing homes for the aged and philanthropic institutions subject to Section 1149.05(a);
- (5) Cemeteries;
- (6) Publicly owned and/or operated buildings and facilities other than those listed above subject to Section 1149.05(a);

- (7) Conditional Use Home Occupation as defined in Section 1135.01(a)(27)B.
- (8) Bed and Breakfast establishments subject to Section 1149.05(j).
- (9) Livestock as defined in Section 1135.02 and subject to Section 1149.05(l). (Ord. 2011-37. Passed 11-9-11.)

1171.03 AREA, YARD AND HEIGHT REGULATIONS.

(a) Minimum Lot Size. The minimum lot area shall be one half acre (21,780 square feet) per dwelling unit with a minimum lot width at the building setback line of seventy feet. Central sanitary sewer and water facilities shall be required. Dwellings not serviced by central sanitary sewer and water facilities and within this district shall conform to the minimum lot size requirements of Section 1169.03(a).

(Ord. 96-24. Passed 9-11-96.)

(b) Minimum Front Yard Depth.

- (1) The distance of setback from street right of way shall not be less than forty feet except that residences fronting on a state highway shall be set back from the street right of way not less than seventy feet.
- (2) If there is no established right-of-way line for any road or street, such line shall be deemed to be thirty feet from center of the roadway. (Ord. 876. Passed 10-2-74.)

(c) Minimum Side Yard Width.

- (1) On all lots, less than .5 acres there shall be two side yards with a total width of not less than twenty feet. The width of the narrowest of the two side yards shall not be less than eight feet.
- (2) For lots .5 acres and greater there shall be two side yards with a total width of not less than 30 feet. The width of the narrowest of the two side yards shall not be less than 12 feet. (Ord. 99-03. Passed 3-10-99.)

(d) Minimum Rear Yard Depth. There shall be a rear yard not less than thirty feet deep.

(e) Height of Buildings. No structure shall exceed thirty-five feet in height. (Ord. 876. Passed 10-2-74.)

(f) Minimum Living Floor Area. Notwithstanding the provisions of Section 1165.08(a) of these regulations, the following minimum living area standards are adopted by this District:

- (1) For single-story dwelling units, a minimum of 1200 square feet.
- (2) For two-story dwelling units, a minimum of 1500 square feet.

(Ord. 2009-16. Passed 6-10-09.)

1171.04 PARKING REQUIREMENTS.

All dwellings shall provide parking spaces on the same lot, off the nearest street and outside of the public right of way, together with means of ingress and egress thereto, for not less than two motor vehicles per dwelling unit.

(Ord. 876. Passed 10-2-74.)

1171.05 SUPPLEMENTARY REGULATIONS.

No more than one dwelling shall be permitted on any lot unless otherwise specifically stated in the Zoning Ordinance and every dwelling shall be located on a lot having required frontage on a public or private street.
(Ord. 876. Passed 10-2-74.)

1171.06 SENIOR HOUSING OVERLAY DISTRICT.

This District shall be a conditionally permitted use in the R-2 zoning district subject to the following standards and Planning Commission approval.

- (a) Purpose. In recognition of the growing number of senior adults who require, or prefer high-quality, low maintenance, fully accessible housing and the Village's desire for these people to remain in the Garrettsville community. It is therefore proposed to create an overlay zoning district to accommodate construction of such housing.
- (b) Objectives. To regulate the location and construction of senior adult housing so that such developments:
 - (1) Are located in close proximity to essential services and amenities;
 - (2) Meet high standards for quality and ease of maintenance;
 - (3) Provide for exterior maintenance to be under the control of a homeowners association or other arrangement that will provide uniform, high-quality maintenance;
 - (4) Meet the accessibility requirements of the Americans with Disabilities Act;
 - (5) Are designed to include 30% readily accessible open space for the common uses of owners/renters and guests, such as walking paths, outdoor games, gathering areas and nature preserves;
 - (6) May include Assisted Living Facilities as defined in Section 1135.01(a)(8);
 - (7) Are designed to be compatible with adjacent land uses within the existing R-2 zoning district.
- (c) Scope.
 - (1) The minimum size of development shall be five (5) acres, outside the right of way of existing or proposed streets;
 - (2) The above standards shall apply to both Independent Living Facilities and Assisted Living Facilities as described herein.
- (d) Design Standards for Independent Living Facilities.
 - (1) The maximum density shall be eight (8) dwelling units per occupied/deeded acre. Example: 20 dwelling units = 2.5 acre leaving 2.5 acres of open space (individual parcels may vary in size);
 - (2) Duplex and town home units shall be not less than 800 sq. ft. of living space each;
 - (3) Clustered dwelling units shall be not less than 1000 sq. ft. of living space each;
 - (4) Each individual living dwelling units shall include:
 - A. Not less than 2 bedrooms;
 - B. Not less than one full bathroom;
 - C. At least a one-car garage plus parking for 2 additional cars;

- (5) Open space shall be designed to accommodate targeted uses such as walking paths, outdoor games, gathering areas and nature preserves, and shall be accessible via designated paths or walkways;
 - (6) Recreation spaces shall incorporate suitable safety features including lighting, fencing, etc.;
 - (7) Minimum lot frontage on cul-de-sacs shall be 30 feet;
 - (8) Minimum lot frontage on other lots shall be subject to the approval of the Planning Commission;
 - (9) Maximum building height shall be two stories;
 - (10) Clustered single-family dwelling shall be arranged to provide:
 - A. Not less than 16 feet clear distance between buildings;
 - B. A minimum 30 foot setback from the right of way;
 - C. A minimum 20 foot rear yard depth.
 - (11) Common wall structures (town homes and duplexes) shall contain not more than 4 dwelling units including garages and parking areas as before stated;
 - (12) Minimum clear distance between structures/clusters shall be 30 feet.
- (e) Design Standards for Assisted Living Facilities.
- (1) The maximum density for Assisted Living facilities shall be 12 units per acre for a single-story facility, 24 units per acre for a two story facility, 36 units for a three-story facility. No assisted living facility shall exceed three stories and thirty-five (35) feet in height.
 - (2) Building setbacks shall be as follows:
 - A. Not less than 10 feet sideline clearance to neighboring property lines;
 - B. Not less than 50 feet clear distance between buildings;
 - C. A minimum 50 foot setback from the right of way or as needed to provide for circulation and parking;
 - D. A minimum 50 foot rear yard depth.
 - (3) The individual Living Units in each assisted living facility shall adhere to the following requirements:
 - A. Each living unit shall be not less than 400 square feet;
 - B. Each living unit shall have private sleeping and hygiene facilities;
 - C. Each living unit shall be occupied by no more than one resident, except in the case of married couples.
 - (4) The following requirements shall apply to each assisted living facility:
 - A. Shall provide appropriate congregate living and dining space for residents;
 - B. Shall provide on-site facilities for meal preparation and laundry;
 - C. Shall provide no less than one (1) parking space for every two (2) living units;
 - D. Should include protected outdoor courtyard-type gathering area;
 - E. Should include covered loading and entry areas.
- (f) Eligibility. At the time of purchase or leasing, residents/owners shall be not less than 55 years of age, but excepting spouses, adult care-givers, and adults with mobility handicaps requiring ADA accessibility.
- (g) Impacts. All costs for required new or upgraded utilities, streets, sidewalks, lighting and buffer construction shall be borne by the developer/landowner. (Ord. 2009-41. Passed 10-14-09.)

1171.07 OLD TOWN WALKABLE NEIGHBORHOOD HOUSING
OVERLAY DISTRICT.

This District shall be a conditionally permitted use in the R-2 zoning district subject to the following standards and Planning Commission approval.

- (a) Purpose. In recognition of the growing number of individuals who require, or prefer high-quality, low maintenance housing providing uniform, reasonably priced, lawn and landscape care, mowing and maintenance in a walkable neighborhood setting and of the Villages desire to attract and retain these individuals in the Garrettsville community there is hereby created an overlay zoning district to accommodate construction of such housing.
- (b) Objectives. To regulate the location and construction of "Walkable Neighborhood" housing so that such developments:
 - (1) Are located in close proximity to essential services and amenities and are located and designed to provide a sense of community and privacy and security;
 - (2) Meet high standards for quality and ease of maintenance;
 - (3) Provide for snowplowing of drives and walks, lawn mowing and landscape maintenance to be under the control of a homeowners association, membership in which will be mandatory;
 - (4) Are designed to be compatible with adjacent land uses within the existing R-2 zoning district.
- (c) Scope.
 - (1) The minimum size of an Old Town Walkable Neighborhood development shall be five (5) acres, exclusive of right of way or of existing or proposed streets;
 - (2) Sidewalks shall be provided on both sides of all streets and roads within any such development.
- (d) Design Standards for Old Town Walkable Neighborhood Housing.
 - (1) The maximum density shall be four (4) dwelling units per acre;
 - (2) All homes shall be detached single family containing a minimum of 1,200 sq. ft. of living space;
 - (3) Each single family home shall include:
 - A. Not less than 2 bedrooms;
 - B. Not less than one full bathroom;
 - C. At least a two-car garage;
 - D. At least an 18' width driveway.
 - (4) Minimum lot frontage on cul-de-sac lots shall be 30 feet;
 - (5) Minimum lot frontage on other lots shall be 40 feet at building setback;
 - (6) Maximum building height shall be two stories;
 - (7) Minimum requirements shall be:
 - A. One-quarter acre per lot;
 - B. Five feet per side yard;
 - C. A minimum 30 foot setback from the right of way;
 - D. A minimum 30 foot rear yard depth.
 - (8) The proposed Deed Restrictions or Covenant creating the obligation of each lot owner to belong to and financially support the homeowners association shall be subject to review and approval of the Village solicitor prior to approval of the creation of each overlay district development proposed pursuant to this section.
(Ord. 2013-30. Passed 9-11-13.)

CHAPTER 1173
R-3 Residential District

1173.01 Purpose.	1173.04 Parking requirements.
1173.02 Uses.	1173.05 Supplementary regulations.
1173.03 Area, yard and height regulations.	

CROSS REFERENCES

Off-street parking facilities - see Ohio R.C. 717.05 et seq.
Rest homes and nursing homes - see Ohio R.C. Ch. 3721
Accessory buildings in residential districts - see P. & Z. 1165.06
Signs - see P. & Z. Ch. 1191

1173.01 PURPOSE.

The purpose of this district is to encourage apartment development at densities up to eight dwelling units per net acre in support of the development of a community core. Development is to consist primarily of row houses and garden apartments, and in groupings, which will promote the inclusion of parks, recreation areas, green space and provide for the efficient development and utilization of community facilities such as water and sewers, streets and commercial services. (Ord. 98-45. Passed 12-9-98.)

1173.02 USES.

Within an R-3 Residential District, no building, structure or premises shall be used, arranged to be used or designed to be used except for one or more of the following uses:

(a) Permitted Uses.

- (1) Single-family dwellings;
- (2) Two-family dwellings;
- (3) Multifamily dwellings of the townhouse, row house, garden apartment or multistory type;
- (4) Accessory buildings incidental to the principal use and which do not include any activity conducted as business;
- (5) Signs shall be permitted as regulated by Chapter 1191.

(b) Conditionally Permitted Uses. The Planning Commission may issue conditional zoning certificates for uses listed herein, subject to Sections 1149.02 through 1149.04 inclusive, and other sections as listed herein.

- (1) Churches and other buildings for the purpose of religious worship;
- (2) Institutions for medical care, hospitals, clinics, sanitariums, convalescent homes, nursing homes for the aged and philanthropic institutions subject to Section 1149.05(a);
- (3) Publicly owned and/or operated buildings and facilities other than those listed above subject to Section 1149.05(a).
(Ord. 876. Passed 10-2-74.)

1173.03 AREA, YARD AND HEIGHT REGULATIONS.**(a) Minimum Lot Size.**

- (1) Single-family dwellings. Same as Section 1171.03(a).
- (2) Two-family dwellings. The minimum lot area shall be 6,000 square feet per dwelling unit with a minimum lot width at the building setback line of 100 feet. Central sanitary sewer and water facilities shall be required. (Ord. 876. Passed 10-2-74.)
- (3) Multifamily dwellings. The minimum lot area shall be 12,000 square feet plus 5,000 square feet for each dwelling unit over two. The minimum lot width shall be 150 feet at the building setback line. Central sanitary sewer and water facilities shall be required. Further the developer shall provide a minimum of 1/3 acre green space for every 2/3 acre utilized by the units and parking. Green space shall be land left in its natural state, park or recreation area, swimming or other outdoor activity areas or such other uses as the Planning Commission approves. (Ord. 98-46. Passed 12-9-98.)

(b) Minimum Front Yard Depth.

- (1) The distance of setback from street right of way shall not be less than forty feet plus one foot for each one foot of building height in excess of twenty-five feet. (Ord. 2002-07. Passed 4-10-02.)
- (2) If there is no established right-of-way line for any road or street, such line shall be deemed to be thirty feet from center of the roadway.

(c) Minimum Side Yard Width.

- (1) Single-family and two-family dwellings. Same as Section 1171. 03(c).
- (2) Multifamily dwellings. There shall be two side yards each of which shall be ten feet plus one foot for each two feet of building height in excess of twenty-five feet.

(d) Minimum Rear Yard Depth. There shall be a rear yard not less than thirty feet plus one foot for each two feet of building height in excess of twenty-five feet.

(e) Height of Buildings. No structure shall exceed fifty feet in height.

(f) Minimum Usable Open Space. At least twenty percent (20%) of the lot area shall be devoted to usable open space. (Ord. 876. Passed 10-2-74.)

1173.04 PARKING REQUIREMENTS.

Parking space for all dwellings shall be provided off the nearest street and outside of the public right of way, together with means of ingress and egress thereto, for not less than two motor vehicles per dwelling unit. Each parking space shall be not less than 200 square feet, exclusive of all drives. Parking areas shall not be closer than fifteen feet to any property line, which fifteen feet shall be landscaped and maintained to provide an obscuring screen between parking areas and abutting residential properties. (Ord. 876. Passed 10-2-74.)

1173.05 SUPPLEMENTARY REGULATIONS.

(a) Number of Dwellings Per Lot. No more than one dwelling shall be permitted on any lot except that multifamily dwellings held in one ownership may be grouped on one lot so long as all detached buildings are separated from each other by a distance no less than the heights of the buildings so grouped.

(b) Site Plan Review. All multifamily uses permitted shall be permitted only after the review and approval of the site plans by the Planning Commission and upon finding by the Planning Commission that:

- (1) The site plan shows that a proper relationship does exist between thoroughfares, service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety.
- (2) All the development features including the principal buildings, open spaces, service roads, driveways and parking areas are so located and related as to minimize the possibility of any adverse effects upon adjacent development.
- (3) The site plan includes adequate provision for the screening of parking areas, service areas and active recreation areas from surrounding properties by landscaping and/or ornamental wall or fence.
- (4) Grading and surfacing drainage provisions are adequate for the conditions. All private streets, driveways and parking areas are of usable shape and improved with asphaltic or concrete binder or other durable and dustless pavement or surface.
- (5) Maximum possible privacy for each apartment shall be provided through good design and use of proper building materials and landscaping. Visual privacy should be provided through structural screening and landscaping treatment. Auditory privacy should be provided through soundproofing.
- (6) The architectural design of apartment buildings should be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, line, pattern and character.
- (7) Building location and placement should be developed with consideration given to minimizing removal of trees and change of topography.
- (8) Television antenna shall be centralized.
- (9) On-site circulation shall be designed to make possible adequate fire and police protection.
- (10) In large parking areas, visual relief shall be provided through the use of tree-planted and landscaped dividers, islands and walkways. No parking or service areas shall be permitted between any street and the main building. (Ord. 876. Passed 10-2-74.)
- (11) Paved off-street parking and service areas shall be required. Parking spaces shall contain at least 200 square feet and shall be provided at the rate of two spaces per dwelling unit in each apartment building. Paved vehicular access drives of at least ten feet in width shall be required for parking areas of ten vehicles or less capacity, and two-way drives of twenty feet paving width minimum shall be required for parking areas of eleven or more vehicle capacity. (Ord. 2015-11. Passed 4-8-15.)

(c) Conformance with Site Plan. The use, placement and dimensions of all buildings, driveways, sidewalks, parking areas, curb cuts and recreation areas, and the installation of landscaping, fences and walls shall conform to the approved site plan. (Ord. 876. Passed 10-2-74.)

CHAPTER 1174
R-4 Residential District

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| 1174.01 Purpose; utilities required. | 1174.04 Parking requirements. |
| 1174.02 Uses. | |
| 1174.03 Area, yard and height regulations. | |

CROSS REFERENCES

Signs - see P. & Z. Ch. 1191

1174.01 PURPOSE; UTILITIES REQUIRED.

The purpose of the R-4 District (Duplex Housing) is to permit the establishment of medium density, two-family duplex dwellings, not to exceed four duplexes per acre. Public water and central sewer services are required. (Ord. 80-15. Passed 1-7-81.)

1174.02 USES.

Within an R-4 Residential District, no building, structure or premises shall be used, arranged to be used or designed to be used except for the following uses:

- (a) Permitted Uses.
 - (1) Duplexes.
 - (2) Signs shall be permitted as regulated by Chapter 1191 hereof. (Ord. 80-15. Passed 1-7-81.)
- (b) Conditionally Permitted Uses. The Planning Commission may issue Conditional Zoning Certificates for uses listed herein, subject to Sections 1149.02 through 1149.04 inclusive and other sections as listed herein.
 - (1) Institutions for medical care such as hospitals, clinics, sanitariums, convalescent homes, nursing homes for the aged and philanthropic institutions subject to Section 1149.05(a).
 - (2) Churches and other buildings for the purpose of religious worship.
 - (3) Governmentally and privately owned and/or operated parks, playgrounds, golf courses, (except miniatures), riding stables and swim clubs, subject to Section 1149.05(a).
 - (4) Public and parochial schools.
 - (5) Conditional Use Home Occupation as defined in Section 1135.01(a)(27)B.
 - (6) Publicly owned and/or operated buildings and facilities other than those listed above subject to Section 1149.05(a).
 - (7) Cemeteries. (Ord. 2011-40. Passed 11-9-11.)

1174.03 AREA, YARD AND HEIGHT REGULATIONS.

(a) Minimum Lot Size. The minimum lot size shall be 10,000 square feet per duplex with a minimum lot width at the building setback line of ninety feet. Central sanitary sewer and water facilities shall be required.

(b) Minimum Front Yard Depth.

(1) The distance of the setback from the street right-of-way shall not be less than forty feet.

(2) If there is no established right-of-way line for any road or street, such line shall be deemed to be thirty feet from the center of the roadway.

(c) Minimum Side Yard Width. On all lots there shall be two side yards. Each shall not be less than ten feet plus one foot for every two feet over twenty-five feet in height.

(d) Minimum Rear Yard Depth. There shall be a rear yard of not less than thirty feet deep.

(e) Maximum Height of Building. No structure shall exceed thirty-five feet in height.

(Ord. 80-15. Passed 1-7-81.)

1174.04 PARKING REQUIREMENTS.

All dwellings shall provide parking spaces on the same lot off the nearest street and outside of the public right of way, together with means of ingress and egress, thereto, for not less than two motor vehicles per dwelling unit. (Ord. 80-15. Passed 1-7-81.)

CHAPTER 1175
C-1 Local Commercial District

1175.01 Purpose.	1175.04 Parking and loading requirements.
1175.02 Uses.	1175.05 Supplementary regulations.
1175.03 Area, yard and height regulations.	

CROSS REFERENCES

Off-street parking facilities - see Ohio R.C. 717.05 et seq.
Signs - see P. & Z. Ch. 1191

1175.01 PURPOSE.

This district is established to provide locations for convenience retail goods and personal services typically purchased daily or weekly for personal or home use. It shall also be the purpose of this district to promote compatibility of uses with abutting and nearby districts zoned for dwellings. (Ord. 2001-16. Passed 4-19-01.)

1175.02 USES.

Within a C-1 Local Commercial District, no building, structure or premises shall be used, arranged to be used, or designed to be used, except for one or more of the following uses:

- (a) Permitted Uses.
 - (a) Personal services, including dry cleaning and laundry agency, (not including plant) barber and beauty shop, shoe repair shop, tailor and dressmaker.
 - (b) Preparation and processing of food and drink to be retailed on premises, including bakery, delicatessen, meat market, confectionery, restaurant, soda fountain, tavern, dairy store.
 - (c) Convenience food sales.
 - (d) Video rental.
- (b) Conditionally Permitted Uses. The Planning Commission may issue conditional zoning certificates for uses listed herein, subject to Sections 1149.02 through 1149.04 inclusive, and other sections as listed herein.
 - (a) Type A family day care home, Type B family day care home.
 - (b) Similar uses, subject to the review and standards established in 1149.06. (Ord. 2001-16. Passed 4-19-01.)

1175.03 AREA, YARD AND HEIGHT REGULATIONS.

- (a) Minimum Front Yard Depth. The distance of setback from street right of way shall not be less than forty (40) feet.
- (b) Minimum Side Yard Width. There shall be a side yard at least twenty-five (25) feet in width when adjacent to a residential district and on the side adjacent to the residential district only.
- (c) Minimum Rear Yard Depth. There shall be a rear yard not less than thirty (30) feet deep.
- (d) Height of Buildings. No structure shall exceed thirty-five (35) feet in height.
- (e) Buffer Required. In a side yard or rear yard adjacent to an R-1, R-2, R-3, or R-4 district, or other residential district, the following improvements shall be installed in a manner designed to reduce the impacts of the commercial use on the abutting residential district:
- (1) A solid masonry wall or wooden fence, not less than four (4) feet in height, parallel to the common boundary of the districts.
 - (2) Landscape plants including, for each ten (10) feet of the length of the common boundary of the districts, not less than: two (2) evergreen shrubs; and two (2) deciduous shrubs or small ornamental trees. The design and arrangement of the wall or fence and landscape plants shall be as approved by the Planning Commission giving consideration to the effect on the abutting uses and the long-term maintenance of the buffer area. The owner shall be required to maintain and replace the wall or fence and landscape plants as needed to continue it as approved.
- (f) Screening of Service Structures. Service structures and uses, including but not limited to waste storage containers and areas and equipment such as air conditioning units, shall be screened by solid fences and/or landscaping as approved by the Planning Commission. (Ord. 2001-16. Passed 4-19-01.)

1175.04 PARKING AND LOADING REQUIREMENTS.

- (a) Parking. Adequate parking facilities, as defined in Section 1135.01, shall be provided outside the street right of way to meet all the parking needs. The nearest edge of such facilities shall be within twenty (20) feet of the principal permitted use or building. All parking areas shall be separated from the street right of way and from any abutting residential district by a twenty (20) foot strip of land, landscaped and appropriately maintained.
- (b) Loading.
- (1) Every building used for commercial purposes shall have sufficient provisions for truck loading and unloading so that such activity may be conducted completely outside the street right of way.
 - (2) Loading operations, including but not limited to deliveries and waste hauling, shall only be conducted between the hours of 7:00 a.m. and 9:00 p.m. (Ord. 2001-16. Passed 4-19-01.)

1175.05 SUPPLEMENTARY REGULATIONS.

Drive up facilities, outdoor speakers, outdoor sales and display, and other equipment and activities located or conducted outside of completely enclosed buildings are prohibited in this district. (Ord. 2001-16. Passed 4-19-01.)

CHAPTER 1177
CBD Central Business District

1177.01	Purpose.	1177.03	Area, yard and height regulations.
1177.02	Uses.	1177.04	Parking requirements.

CROSS REFERENCES
Signs - see P. & Z. Ch. 1191

1177.01 PURPOSE.

The purpose of this district is to promote the continuation and rejuvenation of a compact, multi-purpose business core in Garrettsville which will:

- (a) Attract a wide range of customers from throughout the Village and the region;
- (b) Contribute to the image of Garrettsville as an economically healthy and attractive community;
- (c) Respect and take advantage of the diverse properties within the district, both older historic areas and more contemporary areas;
- (d) To the extent appropriate and necessary for preservation of the historic area, apply differing regulations to the older historic areas and more contemporary areas;
- (e) Take advantage of the potential for unique commercial development related to Eagle Creek; and
- (f) Recognize the necessity for public parking areas serving a number of establishments, particularly in the historic areas.
(Ord. 2001-17. Passed 4-19-01.)

1177.02 USES.

Within a CBD Central Business District, no building, structure or premises shall be used, be arranged to be used, or be designed to be used, except for one or more of the following uses:

- (a) Permitted Uses.
 - (1) Personal services, including but not limited to dry cleaning and laundry agency, (not including plant) barber and beauty shop, shoe repair shop, tailor and dressmaker.
 - (2) Preparation and processing of food and drink to be retailed on premises, including bakery, delicatessen, meat market, confectionery, restaurant, soda fountain, tavern, dairy store.
 - (3) Offices, including doctor, dentist, real estate, insurance, engineering, lawyers, architects and other professions.

- (4) Food sales, excluding supermarkets.
 - (5) Drug store.
 - (6) Clothing and apparel store, interior decorators, florist and gift shop, hardware store.
 - (7) Bank.
 - (8) Retail businesses except as otherwise regulated in this Chapter.
 - (9) Business services including printing, publishing, mailing, copying, computer services.
 - (10) Artist studio.
 - (11) Fitness center.
- (b) Conditionally Permitted Uses. The Planning Commission may issue conditional zoning certificates for uses listed herein, subject to Section 1149.04, inclusive, and other sections as listed herein: (Ord. 2001-17. Passed 4-19-01.)
- (1) Apartments located above commercial establishments subject to Section 1149.05(r). (Ord. 2009-40. Passed 9-9-09.)
 - (2) Day care center.
 - (3) Public uses and facilities.
 - (4) Similar uses, subject to the review and standards established in 1149.06. (Ord. 2001-17. Passed 4-19-01.)
 - (5) Farmers' Markets subject to Section 1149.05(t). (Ord. 2009-58. Passed 12-9-09.)

1177.03 AREA, YARD AND HEIGHT REGULATIONS.

(a) Minimum Front Yard Depth. The principle building shall be set back from the street right-of-way as approved by the Planning Commission, generally at the same distance as existing buildings on abutting lots or consistent with the majority of buildings in the district, but in no case more than five (5) feet closer to or further from the street right-of-way than such existing buildings.

(b) Minimum Side Yard Width. No side yard is required.

(c) Minimum Rear Yard Depth. There shall be a rear yard not less than thirty (30) feet deep.

(d) Height of Buildings. No structure shall exceed thirty-five (35) feet in height.

(e) Screening of Service Structures. Service structures and uses, including but not limited to waste storage containers and areas and equipment such as air conditioning units, shall be screened by solid fences and/or landscaping as approved by the Planning Commission.

(f) Buffer Required. In a side yard or rear yard adjacent to an R-1, R-2, R-3, or R-4 District, or other residential district, the following improvements shall be installed in a manner designed to reduce the impacts of the commercial use on the abutting residential use:

- (1) A solid masonry wall or wooden fence, not less than four (4) feet in height, parallel to the common boundary of the districts.
- (2) Landscape plants including, for each ten (10) feet of the length of the common boundary of the districts, not less than: two (2) evergreen shrubs; and two (2) deciduous shrubs or small ornamental trees. Where the installation of landscaping is infeasible, the Planning Commission may waive this requirement.

The design and arrangement of the wall or fence and landscape plants shall be as approved by the Planning Commission giving consideration to the effect on the abutting use and the long-term maintenance of the buffer area. The owner shall be required to maintain and replace the wall or fence and landscape plants as needed to continue it as approved.
(Ord. 2001-17. Passed 4-19-01.)

1177.04 PARKING REQUIREMENTS.

(a) Parking. Adequate parking facilities, as defined in Section 1135.01, shall be provided outside the street right of way to meet all parking needs. The nearest edge of such facilities shall be within twenty (20) feet of the principal permitted use or building. All parking areas shall be separated from the street right of way by a minimum five (5) foot strip of land, landscaped and appropriately maintained and from any abutting residential district by a twenty (20) foot strip of land, landscaped and appropriately maintained.

(b) Exemption. The area defined as the Historic District and those existing businesses on Windham Street that are store front and do not have off-street parking are exempt from this Section 1177.04.

(c) Recreational Vehicles. Other than in the case of automobile dealerships, off-street parking of boats, recreational vehicles, travel trailers, campers or similar vehicles is prohibited. (Ord. 2009-39. Passed 10-14-09.)

1177.05 SUPPLEMENTARY REGULATIONS.

(a) The intent of the CBD District is to create a concentrated, compact commercial area in the traditional commercial center of the Village. Additional areas shall only be zoned into this District which are adjacent to or across a street from existing areas of the District.

(b) Preservation District, also known as the Historic District.

(1) Those areas of the CBD District which are designated, by the provisions of Chapter 1155 Preservation and Design Review, as the Preservation District (also known as the Historic District) shall be subject to all provisions of this Chapter 1177 which specifically apply to the Historic District. The provisions of Chapter 1155 shall supersede the provisions of this Chapter 1177 in those areas of the CBD District which is designated as the Preservation District.

(2) Notwithstanding any provisions of 1177.02 the following uses shall not be permitted or conditionally permitted in the Preservation District:

- A. Gasoline service stations.
- B. Auto and truck sales, other equipment.
- C. Auto wash.
- D. Drive-up facility.

(c) Notwithstanding the list of uses established for this District in Section 1177.02, businesses permitting on-premises consumption of alcoholic beverages, other than those producing alcoholic beverages on the premises allowed under Ohio R.C. 4303.02 and 4303.021, shall not be permitted or conditionally permitted in the CBD District.

(d) Outdoor sales and display are prohibited.
(Ord. 2001-17. Passed 4-19-01.)

CHAPTER 1179
C-2 General Commercial District

1179.01 Purpose.	1179.04 Parking and loading
1179.02 Uses.	requirements.
1179.03 Area, yard and height regulations.	1179.05 Supplementary regulations.

CROSS REFERENCES

Standards for handling flammable liquids at service stations - see Ohio R.C. 3737.17
 Self-service filling stations - see Ohio R.C. 3741.14; OAC 1301:7-7-16(K)
 Secondhand automobile dealers and salesmen - see Ohio R.C. Ch. 4517
 Signs - see P. & Z. Ch. 1191

1179.01 PURPOSE.

The purpose of this district is to accommodate multi-purpose retail and business development free from residential and industrial activities.
 (Ord. 2001-18. Passed 4-19-01.)

1179.02 USES.

Within a C-2 General Commercial District, no building, structure or premises shall be used, arranged to be used, or designed to be used, except for one or more of the following uses:

- (a) Permitted Uses.
- (1) Personal services, including dry cleaning and laundry agency, (not including plant) barber and beauty shop, shoe repair shop, tailor and dressmaker.
 - (2) Preparation and processing of food and drink to be retailed on premises, including bakery, delicatessen, meat market, confectionery, restaurant, soda fountain, tavern, dairy store.
 - (3) Offices, including doctor, dentist, real estate, insurance, engineering, lawyers, architects and other professions.
 - (4) Food sales, including supermarket.
 - (5) Drug store.
 - (6) Clothing and apparel store, furniture store, interior decorators, appliance store, florist and gift shop, hardware store.
 - (7) Bank.
 - (8) Type A family day care home or Type B family day care home
 - (9) Hardware.
 - (10) Signs shall be permitted as regulated by Chapter 1191.
 - (11) Fitness center
 - (12) Business services including printing, publishing, mailing, copying, computer services. (Ord. 2001-18. Passed 4-19-01.)
 - (13) Sweepstakes/internet device cafes subject to the regulations set forth in Chapter 733 of the Codified Ordinances.
 (Ord. 2011-11. Passed 4-13-11.)

- (b) Conditionally Permitted Uses. The Planning Commission may issue conditional zoning certificates for uses listed herein, subject to Sections 1149.02 through 1149.04 inclusive, and other sections as listed herein.
- (1) Amusement and recreation.
 - (2) Drive-in eating establishments.
 - (3) Indoor cinemas
 - (4) Funeral and interment services
 - (5) Child day care center
 - (6) Any use which is listed as a permitted use and which is operated with a drive-up facility.
 - (7) Any use which is listed as a permitted use and which is operated with outdoor sales or display.
 - A. Gasoline/Service Stations subject to Section 1149.05(n).
 - (8) Similar uses, subject to the review and the standards established in 1149.06.
(Ord. 2001-18. Passed 4-19-01; Ord. 2006-26. Passed 9-13-06.)
 - (9) Farmers' Markets subject to Section 1149.05(t).
(Ord. 2009-58. Passed 12-9-09.)

1179.03 AREA, YARD AND HEIGHT REGULATIONS.

(a) Minimum Front Yard Depth. The distance of setback from street right of way shall not be less than forty (40) feet, except that gasoline pumps may be set back not less than thirty (30) feet. (Ord. 2001-18. Passed 4-19-01.)

(b) Minimum Side Yard Width.

- (1) The minimum side yard width shall be five (5) feet.
- (2) There shall be one side yard having a width not less than fifteen (15) feet. This requirement may be waived by the Planning Commission where an alternative permanent access to the rear of the lot is provided.
- (3) There shall be a side yard of fifty (50) feet when on that side of a lot which is adjacent to a residential district.
(Ord. 2002-14. Passed 4-10-02.)

(c) Minimum Rear Yard Depth. There shall be a rear yard not less than fifty (50) feet deep.

(d) Height of Buildings. No structure shall exceed thirty-five (35) feet in height.

(e) Screening of Service Structures. Service structures and uses, including but not limited to waste storage containers and areas and equipment such as air conditioning units, shall be screened by solid fences and/or landscaping as approved by the Planning Commission.

(f) Buffer Required. In a side yard or rear yard adjacent to an R-1, R-2, R-3, or R-4 district, or other residential district, the following improvements shall be installed in a manner designed to reduce the impacts of the commercial use on the abutting residential use:

- (1) Landscape plants including, for each ten (10) feet of the length of the common boundary of the districts, not less than: two (2) evergreen shrubs; and two (2) deciduous shrubs or small ornamental trees.
The design and arrangement of the wall or fence and landscape plants shall be as approved by the Planning Commission giving consideration to the effect on the abutting uses and the long-term maintenance of the buffer area. The owner shall be required to maintain and replace the wall or fence and landscape plants as needed to continue it as approved.
(Ord. 2001-18. Passed 4-19-01.)

1179.04 PARKING AND LOADING REQUIREMENTS.

(a) Parking. Adequate parking facilities, as defined in Section 1135.01, shall be provided outside the street right of way to meet all the parking needs. The nearest edge of such facilities shall be within two hundred (200) feet of the principal permitted use or building. All parking areas shall be separated from the street right of way and from any abutting residential district by a twenty (20) foot strip of land, landscaped and appropriately maintained.

(b) Loading. Every building used for commercial purposes shall have sufficient provisions for truck loading and unloading so that such activity may be conducted completely outside the street right of way. (Ord. 2001-18. Passed 4-19-01.)

1179.05 SUPPLEMENTARY REGULATIONS.

Merchandise to be sold at retail on the premises may be displayed out-of-doors except that no such display area shall be within fifty feet of any residential district nor within fifty (50) feet of any street right of way. Display areas shall be screened from abutting residential uses by a twenty (20) foot landscaped strip sufficient to minimize undesirable visual effects of such display area. Such landscaped buffer shall be maintained in a neat and orderly fashion. (Ord. 2001-18. Passed 4-19-01.)

CHAPTER 1180
C-3 Intensive Commercial District

1180.01 Purpose.	1180.04 Parking and loading requirements.
1180.02 Uses.	1180.05 Supplementary regulations.
1180.03 Area, yard and height regulations.	

1180.01 PURPOSE.

The purpose of this district is to accommodate retail and business development which may have significant impacts which can be appropriately planned and sited on large sites in a large area which is effectively buffered from residential uses and other impact-sensitive areas. (Ord. 2001-19. Passed 4-19-01.)

1180.02 USES.

Within a C-3 Intensive Commercial District, no building, structure or premises shall be used, arranged to be used, or designed to be used, except for one or more of the following uses:

- (a) Permitted Uses.
- (1) Personal services, including dry cleaning and laundry agency, (not including plant) barber and beauty shop, shoe repair shop, tailor and dressmaker.
 - (2) Preparation and processing of food and drink to be retailed on premises, including bakery, delicatessen, meat market, confectionery, restaurant, soda fountain, tavern, dairy store.
 - (3) Offices, including doctor, dentist, real estate, insurance, engineering, lawyers, architects and other professions.
 - (4) Food sales, including supermarket.
 - (5) Drug store.
 - (6) Clothing and apparel store, furniture store, interior decorators, appliance store, florist and gift shop, hardware store.
 - (7) Bank.
 - (8) Type A family day care home or Type B family day care home.
 - (9) Carpenter, cabinet, upholstering, sheet metal, plumbing, heating, air conditioning, sign painting, painting and similar establishments.
 - (10) Hardware and building material sales.
 - (11) Fitness center.
 - (12) Business services including printing, publishing, mailing, copying, computer services.
 - (13) Repair services for machinery and equipment, including repair garages and speciality establishments such as motor, body and fender, radiator, motor tune-ups, muffler shops, tire repairing, sales and service, including vulcanizing, subject to Section 1149.05(f).

- (14) Light assembly work including metal products, paper products, plastic products, textile products, wood products and rubber products where the only work involved is putting parts together without any manufacturing or other processes subject to specific requirements set forth in Chapter 1149. (Ord. 2001-19. Passed 4-19-01.)
- (15) Wineries, Breweries and Liquor Distilleries for the manufacture, distribution and on-premises consumption of wine, beer and spirituous liquor. (Ord. 2012-10. Passed 5-9-12.)
- (b) Conditionally Permitted Uses. The Planning Commission may issue conditional zoning certificates for uses listed herein, subject to Sections 1149.02 through 1149.04 inclusive, and other sections as listed herein.
 - (1) Any use which is listed as a permitted use and which is operated with a drive-up facility, including drive-in eating establishments.
 - (2) Amusement and recreation.
 - (3) Child day care center.
 - (4) Animal sales and services, including grooming, veterinary, hospital, retail sales, supplies.
 - (5) Indoor cinemas.
 - (6) Any use which is listed as a permitted use and which is operated with outdoor sales or display.
 - (7) Automobile, truck, trailer and farm implement sales, service and storage, both new and used.
 - (8) Wholesale establishments, excluding coal, coke and bulk storage outdoors.
 - (9) Gasoline service station.
 - (10) Auto wash.
 - (11) Funeral and interment services.
 - (12) Similar uses, subject to the review and the standards established in 1149.06. (Ord. 2001-19. Passed 4-19-01.)
 - (13) Farmers' Markets subject to Section 1149.05(t). (Ord. 2009-58. Passed 12-9-09.)

1180.03 AREA, YARD AND HEIGHT REGULATIONS.

- (a) Minimum Front Yard Depth. The distance of setback from street right of way shall not be less than forty (40) feet, except that gasoline pumps may be set back not less than thirty (30) feet. (Ord. 2001-19. Passed 4-19-01.)
- (b) Minimum Side Yard Width.
 - (1) The minimum side yard width shall be five (5) feet.
 - (2) There shall be one side yard having a width not less than fifteen (15) feet. This requirement may be waived by the Planning Commission where an alternative permanent access to the rear of the lot is provided.
 - (3) There shall be a side yard of fifty (50) feet when on that side of a lot which is adjacent to a residential district. (Ord. 2002-15. Passed 4-10-02.)
- (c) Minimum Rear Yard Depth. There shall be a rear yard not less than fifty (50) feet deep.
- (d) Height of Buildings. No structure shall exceed thirty-five (35) feet in height.

(e) Screening of Service Structures. Service structures and uses, including but not limited to waste storage containers and areas and equipment such as air conditioning units, shall be screened by solid fences and/or landscaping as approved by the Planning Commission.

(f) Buffer Required. In a side yard or rear yard adjacent to an R-1, R-2, R-3, or R-4 District, or other residential district, the following improvements shall be installed in a manner designed to reduce the impact of the commercial use on the abutting residential use:

- (1) Landscape plants including, for each ten (10) feet of the length of the common boundary of the districts, not less than: two (2) evergreen shrubs; and two (2) deciduous shrubs or small ornamental trees.

The design and arrangement of the wall or fence and landscape plants shall be as approved by the Planning Commission giving consideration to the effect on the abutting uses and the long-term maintenance of the buffer area. The owner shall be required to maintain and replace the wall or fence and landscape plants as needed to continue it as approved. (Ord. 2001-19. Passed 4-19-01.)

1180.04 PARKING AND LOADING REQUIREMENTS.

(a) Parking. Adequate parking facilities, as defined in Section 1135.01, shall be provided outside the street right of way to meet all the parking needs. The nearest edge of such facilities shall be within two hundred (200) feet of the principal permitted use or building. All parking areas shall be separated from the street right of way and from any abutting residential district by a twenty (20) foot strip of land, landscaped and appropriately maintained.

(b) Loading. Every building used for commercial purposes shall have sufficient provisions for truck loading and unloading so that such activity may be conducted completely outside the street right of way. (Ord. 2001-19. Passed 4-19-01.)

1180.05 SUPPLEMENTARY REGULATIONS.

Merchandise to be sold at retail on the premises may be displayed out-of-doors except that no such display area shall be within fifty feet of any residential district nor within fifty (50) feet of any street right of way. Display areas shall be screened from abutting residential uses by a twenty (20) foot landscaped strip sufficient to minimize undesirable visual effects of such display area. Such landscaped buffer shall be maintained in a neat and orderly fashion. (Ord. 2001-19. Passed 4-19-01.)

CHAPTER 1181
I Industrial District

1181.01 Purpose.	1181.04 Parking, loading and screening requirements.
1181.02 Uses.	1181.05 Supplementary regulations.
1181.03 Area, yard and height regulations.	

CROSS REFERENCES

Off-street parking facilities - see Ohio R.C. 717.05
et seq.
Signs - see P. & Z. Ch. 1191

1181.01 PURPOSE.

The purpose of this district is to provide for and accommodate industrial uses in the fields of repair, storage, manufacturing, processing, wholesaling and distribution, free from the encroachment of residential, retail and institutional uses. The uses allowed are those which, because of their normally unobjectionable characteristics, can be in relatively close proximity to residential and commercial districts.
(Ord. 92-55. Passed 12-9-92.)

1181.02 USES.

Within an I-Industrial District, no building, structure or premises shall be used, arranged to be used or designed to be used, except for one or more of the following uses:

(a) Permitted Uses.

- (1) Light manufacturing and assembling of the following: canvas products, glass and optical products from previously manufactured glass, jewelry, clocks, scientific and other precision instruments, sporting goods, toys and novelties, plastics, electric and electronic equipment, machine shop products.
- (2) Assembly of the following: metal products, paper products, plastic products, textile products, wood products, rubber products.
- (3) Services including the following: automobile, truck, farm machinery and trailer repair (including body repair and painting), cabinet and carpenter shops, dry cleaning plants, laboratories (research, experimental and testing), laundry plants, plumbing repair and service shops, printing and publishing offices.

- (4) Warehousing.
 - (5) Wholesale storage of petroleum and gasoline.
 - (6) Contractors' yards and storage facilities.
 - (7) Signs shall be permitted as regulated by Chapter 1191.
- (b) Conditionally Permitted Uses. The Planning Commission may issued conditional zoning certificates for uses listed herein, subject to Section 1149.02 through 1149.04 inclusive, and other sections as listed herein:
- (1) EDITOR'S NOTE: Former subsection (b)(1) was repealed by Ordinance 96-08, passed April 10, 1996.
 - (2) Oil and/or gas drilling and operation necessary for their extraction and marketing subject to Section 1149.05(b) and (e) and Chapter 1195. (Ord. 92-55. Passed 12-9-92.)
 - (3) Adult bookstores subject to Section 1149.05(k).
 - (4) Adult motion picture theaters subject to Section 1149.05(k).
 - (5) Adult entertainment establishments subject to Section 1149.05(k). (Ord. 93-39. Passed 11-10-93.)
 - (6) Indoor sports arenas, indoor athletic facilities, fitness centers subject to Section 1149.05(o). (Ord. 2006-24. Passed 9-13-06.)

1181.03 AREA, YARD AND HEIGHT REGULATIONS.

(a) Minimum Front Yard Depth. The distance of setback from street right-of-way line shall not be less than eighty feet, unless located in an Industrial Park area in which case the setback shall be not less than forty feet.

(b) Minimum Side Yard Width. There shall be a side yard width on each side of thirty feet except that where abutting a residential district, the side yard shall be not less than fifty feet.

(c) Minimum Rear Yard Depth. There shall be a rear yard not less than thirty feet deep, except that where abutting a residential district, the rear yard depth shall be not less than 100 feet. (Ord. 92-55. Passed 12-9-92.)

1181.04 PARKING, LOADING AND SCREENING REQUIREMENTS.

(a) Parking. Adequate parking facilities, as defined in Section 1135.01, shall be provided outside the street right of way to meet all the parking needs. In no event shall the number of parking spaces be less than equal to one and one-half times the number of employees of the proposed use. All parking areas shall be separated from the street right of way and from an abutting residential district by a twenty-foot strip of land, landscaped and appropriately maintained.

(b) Loading. Every building having 5,000 square feet or over gross floor area shall be provided with at least one truck loading and unloading space not less than twelve feet in width, forty feet in length and fourteen foot clearance. One additional truck space of these dimensions shall be provided for every additional 20,000 square feet or fraction shall be provided as area additional to off-street parking spaces as required, and shall not be considered as supplying off-street parking space.

(c) Screening. Screening and/or fencing shall be required when abutting residential areas for rear and side yards. (Ord. 92-55. Passed 12-9-92.)

1181.05 SUPPLEMENTARY REGULATIONS.

(a) Outdoor Storage. Outdoor storage of building materials, construction equipment and goods for distribution shall be permitted only if the outdoor storage area is at least 200 feet from the nearest residential district, or if the outdoor storage area is separated from the residential district by a six-foot high solid fence or wall. Outdoor storage area shall conform with the yard requirements of Section 1181.03(b) and (c).

(b) Outdoor Storage of Hazardous Materials. Outdoor storage of contractors supplies, materials, petroleum, gasoline or other hazardous materials shall require security fencing at least six feet high around such areas.

(c) Upkeep of Premises. The property shall be neatly maintained at all times and not become an eyesore to surrounding properties.
(Ord. 92-55. Passed 12-9-92.)

CHAPTER 1182
Residential/Commercial District

1182.01 Purpose.	1182.04 Parking requirements.
1182.02 Uses.	1182.05 Supplementary regulations.
1182.03 Area, yard and height regulations.	1182.06 Authority of Design Review Board.

CROSS REFERENCES

Off-street parking facilities - see Ohio R.C. 717.05 et seq.
Signs - see P. & Z. Ch. 1191

1182.01 PURPOSE.

The purpose of the R-C District is to provide a buffer zone and a smooth transition between areas traditionally considered residential and areas traditionally considered commercial. It is meant to accommodate small office and/or retail establishments in existing buildings that were or are being used as residences or as accessory buildings. (Ord. 2001-20. Passed 4-19-01.)

1182.02 USES.

Within the R-C District no building, structure or premises shall be used, arranged to be used or designed to be used except for the following uses:

- (a) Permitted Uses.
 - (1) Single-family dwelling.
 - (2) Two-family dwelling.
- (b) Conditionally Permitted Uses. The Planning Commission may issue conditional zoning certificates for uses listed herein, subject to Section 1149.02 through 1149.04 inclusive and other sections as listed herein.
 - (1) Offices such as attorneys, doctors, real estate, insurance, travel agency or other professions.
 - (2) Retail sales of antiques, rare books, collectibles, gift shops, art shops.
 - (3) Similar uses, subject to the review and the standards established in 1149.06. (Ord. 2001-20. Passed 4-19-01.)

1182.03 AREA, YARD AND HEIGHT REGULATIONS.

Existing lots shall be deemed adequate provided all other requirements can be met. (Ord. 2001-20. Passed 4-19-01.)

1182.04 PARKING REQUIREMENTS.

Parking facilities shall be provided and maintained sufficient to serve the parking demand which is projected for the proposed use, including employees and customers. The applicant for the use shall present information to the satisfaction of the Planning Commission project parking demand. (Ord. 2001-20. Passed 4-19-01.)

1182.05 SUPPLEMENTARY REGULATIONS.

(a) No outside display of goods shall be permitted.

(b) All R-C Districts shall be contiguous to C-1, C-2 or CBD Commercial Districts or contiguous to existing R-C Districts. (Ord. 2001-20. Passed 4-19-01.)

1182.06 AUTHORITY OF DESIGN REVIEW BOARD.

All property in the Residential-Commercial District shall be subject to the review, rules and regulations of the Design Review Board. (Ord. 2001-20. Passed 4-19-01.)

TITLE SEVEN - Additional Zoning Standards

- Chap. 1191. Signs.
- Chap. 1193. Nonconforming Uses.
- Chap. 1195. Oil and Gas Drilling.
- Chap. 1197. Satellite Signal Receiving Earth Stations.
- Chap. 1199. Exterior Maintenance Code.

CHAPTER 1191

Signs

1191.00	Purpose.	1191.04	General regulations.
1191.01	Residential Districts.	1191.05	Administration and procedures.
1191.02	Commercial and Industrial Districts.	1191.06	Definitions.
1191.03	All districts.	1191.07	Amortization of nonconforming signs. (Reserved.)

CROSS REFERENCES

- Power to regulate advertising - see Ohio R.C. 715.65
- Advertising on State and interstate highways - see Ohio R.C. Ch. 5516
- Billboard defined - see P. & Z. 1135.01(a)(5)
- Business sign defined - see P. & Z. 1135.01(a)(40)
- Sign and billboard fee - see P. & Z. 1139.03(c)
- Outdoor advertising signs - see P. & Z. 1165.04

1191.00 PURPOSE.

(a) In the interest of promoting the general health, safety, and welfare of residents of Garrettsville, these sign regulations are established to provide for the use, location and size of signs in a manner that ensures that signs are in harmony with the character of the associated use and surrounding area.

- (b) As more specifically set forth herein, the purposes of these sign regulations are to:
- (1) Promote and maintain attractive, high quality residential, commercial and industrial districts.
 - (2) Provide reasonable, yet appropriate methods and conditions for identifying institutions, businesses and industrial establishments.
 - (3) Control the size and location so that signs will be aesthetically harmonious with their surroundings.
 - (4) Eliminate any conflict which would be hazardous between identification signs and traffic control signs and devices.

- (5) Provide review procedures which enable the Village to comprehensively evaluate the appropriateness of the sign relative to the site, building and surroundings.
- (6) Ensure that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment.
- (7) Prohibit all signs not expressly permitted by this Code.

(c) In establishing these purposes, the Village has determined that signs which do not comply with these regulations (including but not limited to type, size, location, and limitation on the number of signs) are a public nuisance. Unregulated signs are unduly distracting to motorists and pedestrians, and thereby create a traffic hazard and reduce the effectiveness of signs needed to direct the public. (Ord. 2002-39. Passed 11-13-02.)

1191.01 RESIDENTIAL DISTRICTS.

Signs shall be permitted in the R1, R2, R3, and R4 Districts as provided herein and as otherwise provided in this Chapter.

Table 1191.01: SIGNS IN RESIDENTIAL DISTRICTS

Use	Permitted Sign Type	Maximum Number	Maximum Area	Maximum Height	Minimum Setback from Right-of-way	Other Regulations
Home Occupation	Wall	1	6 sq. ft.	NA	NA.	1191.01(b)
Subdivision Sign, Temporary	Freestanding	1 per subdivision entrance	36 sq. ft.	5 ft.	10 ft.	1191.01(g)
Subdivision Sign, Permanent	Freestanding	2 per subdivision entrance	55 sq. ft.	5 ft.	10 ft	1191.01(f)
Public or Semi-Public Use: Directory or Activity Sign	Wall or Freestanding	1 per street frontage	36 sq. ft	5 ft.		1191.01(d)
Public or Semi-Public Use: Name Sign	Wall	1	8 sq. ft.	NA	NA	1191.01(d)
Nonconforming Business	Wall	1	10 sq. ft.	NA	NA	1191.01(e)
Bed and breakfast	Freestanding	1	15 sq. ft.	4 ft.	10 ft.	1191.01(a)
Private merchandise sale	Freestanding	1 per street frontage	6 ft.	4 ft	10 ft	1191.01(c)
Signs permitted in all districts				See 1191.03		

- (a) Bed and Breakfast. May be approved by the Zoning Inspector, but shall require approval by the Design Review Board upon request of the Zoning Inspector.
- (b) Home Occupation. Illumination prohibited.
- (c) Private Merchandise Sale. A temporary sign which advertises the location of a private merchandise sale (yard or garage sale) may be displayed only on the lot on which the sale occurs and only during the time in which the sale is in progress. Signs shall conform with the requirements of Chapter 711.

- (d) Public and Semipublic Uses. Changeable copy signs shall comply with all requirements of subsection 1191.04(p).
- (e) Signs for Nonconforming Businesses. Illumination prohibited. May be approved by the Zoning Inspector, but subject to approval of Design Review Board and/or Planning Commission upon request of the Zoning Inspector. Shall be mounted on a front wall or side wall parallel to street frontage only.
- (f) Subdivision Sign, Permanent. A sign identifying a subdivision or other single or multi-family development may be erected In a residential development of twenty acres or more, two signs may be erected at each principal entrance. May be approved by the Zoning Inspector, but subject to review by Design Review Board upon request of the Zoning Inspector.
(Ord. 2013-39. Passed 1-8-14.)
- (g) Subdivision Sign, Temporary. Subdivisions with six or more lots may display a temporary subdivision sign identifying the subdivision at each street entrance to the subdivision. Signs shall not be closer to any other property line than the applicable building setback line. Permit is for one year and is subject to renewal. Illumination prohibited.
- (h) Temporary Signs. Except as otherwise provided in this Chapter, a temporary sign may be installed, provided that the sign complies with all height, setback, and area provisions for a permanent sign permitted in the same location, and provided that a permanent sign of the same type is not already installed. The sign may be erected for a period of not longer than thirty (30) days.
(Ord. 2002-39. Passed 11-13-02.)

1191.02 COMMERCIAL AND INDUSTRIAL DISTRICTS.

Signs shall be permitted in the C1, C2, C3, CBD, RC, and I Industrial Districts as provided herein and as otherwise provided in this Chapter.

Table 1191.02: SIGNS IN COMMERCIAL & INDUSTRIAL DISTRICTS					
Permitted Sign Type	Maximum Number of Signs	Maximum Sign Area	Maximum Height	Minimum Setback from Public Right-of-Way	Other Regulations

Note: Signs in the C1, C2, C3, RC, CBD and I Districts are subject to the regulations at 1191.02(a) for Comprehensive Sign Plan

C1 and RC DISTRICTS

Wall Sign	1	1.0 sf per 1.0 linear foot of front wall	NA	NA	1191.02(i)
Wall Sign (2nd Frontage)	1	0.5 sf per 1.0 linear foot of side wall	NA	NA	1191.02(i)
Window Signs	See 1191.02(j)				
Signs permitted in Districts	See 1191.03				

C2 DISTRICT

Wall Sign	1	1.0 sf per 1.0 linear foot of front wall	NA	NA	1191.02(i)
Wall Sign (2nd Frontage)	1	0.5 sf per 1.0 linear foot of side wall	NA	NA	1191.02(i)
Freestanding Sign	See 1191.02(c)				
Window Signs	See 1191.02(j)				
Signs permitted in all Districts	See 1191.03				

C3 DISTRICT

Wall Sign	1	1.0 sf per 1.0 linear foot of front wall	NA	NA	1191.02(i)
Wall Sign (2nd Frontage)	1	0.5 sf per 1.0 linear foot of side wall	NA	NA	1191.02(i)
Freestanding Sign	See 1191.02(c)				
Window Signs	See 1191.02(j)				
Signs permitted in all Districts	See 1191.03				

CBD DISTRICT

Wall Sign	1	1.0 sf per 1.0 linear foot of front wall	NA	NA	1191.02(i)
Wall Sign (2nd Frontage)	1	0.5 sf per 1.0 linear foot of side wall	NA	NA	1191.02(i)
Freestanding Sign	See 1191.02(c)				
Portable Signs	See 1191.02(e)				
Window Signs	See 1191.02(j)				
Signs permitted in all Districts	See 1191.03				

PRESERVATION (HISTORIC) DISTRICT

Freestanding Sign	1	16 sq. ft.	15 ft.	5 ft.	1191.02(c)
Portable Signs	See 1191.02(e)				
Signs permitted in all Districts	See 1191.03				

I INDUSTRIAL DISTRICT

Wall Sign	1	1.0 sf per 1.0 linear foot of front wall	NA	NA	1191.02(i)
Freestanding Sign	1	25 sq.ft.	5 ft.	10 ft.	
Signs permitted in all Districts	See 1191.03				

(Ord. 2005-39. Passed 11-9-05.)

- (a) Comprehensive Sign Plan Required. The permanent signs on each lot in the commercial and industrial districts shall be designed to provide a comprehensive, compatible appearance in terms of color, style, and other features.
- (1) Three or fewer signs. On any lot on which three (3) or fewer signs are erected or proposed to be erected, the owner shall, when applying for a sign permit, submit a sign program description which may include a statement and/or illustrations indicating the intended design features of the proposed and future signs. If approved by the Zoning Inspector, the proposed sign and future signs on the lot shall comply with the sign program description.
- (2) Four or more signs. On any lot on which four (4) or more signs are erected or proposed to be erected, the owner shall, when applying for a sign permit, submit a Comprehensive Sign Plan to control all future signs.
- A. An agreement shall be made to incorporate design criteria requirements in all future relationships, contractual or otherwise, with tenants and other parties desiring signs at the subject center or complex.
- B. Existing signs will be permitted to remain as long as the same tenant is in the same location. If the existing tenant wishes to change said sign in any way, or a new tenant occupies the location, then the sign shall conform to the comprehensive sign plan.
- C. The overall sign plan for the lot shall provide for consistency among signs on the premises with regard to at least five of the following: material, location of each sign on the building(s); sign proportions; color schemes; lettering or graphic style; lighting; area allocated to each tenant.
- D. The Comprehensive Sign Plan may be approved by the Zoning Inspector, but may be subject to review by the Design Review Board and approval of the Planning Commission at the discretion of the Zoning Inspector.
- E. Comprehensive Sign Plan shall identify any existing signs which do not conform to the required plan.
- (b) Commercial banners. On-site commercial banners advertising special promotions or events shall be allowed for four (4) periods a year, each period not to exceed thirty (30) days. Banners shall not exceed one hundred (100) feet in area. A sign permit is required, but a fee shall not be charged.
(Ord. 2013-39. Passed 1-8-14.)
- (c) Freestanding signs.
- (1) In the CBD, C2 and C3 Districts, one (1) freestanding sign shall be permitted on a lot which has frontage on a state highway. Sign setback, area, and height shall be as follows, based on lot frontage:

- A. Sign shall be setback from the public right-of-way and from any property line not less than 5 feet. The Planning Commission may vary this requirement where site conditions make compliance impractical. No part of any sign at any elevation shall overhang the right-of-way.
 - B. Sign height shall not exceed twenty (20) feet. The Planning Commission may vary this requirement where site conditions make compliance impractical.
 - C. Sign area shall not exceed seventy-five (75) square feet.
- (2) **Freestanding Sign, 2nd Frontage.** On a lot having frontage on more than one state highway, one (1) additional freestanding sign may be erected on the additional frontage, provided that frontage is at least two hundred (200) feet. The sign shall comply with all provisions of subsection (c)(1) above.
- (3) **Joint Freestanding Sign.** On a lot on which five (5) or more individual businesses are located in independent units, one (1) freestanding sign and one (1) freestanding sign, 2nd frontage, shall be permitted in lieu of the signs permitted in Subsections c1 and c2 and complying with the provisions of those Subsections, respectively, except that the area of each sign shall not exceed one hundred (100) square feet.
- (4) In the Preservation/Historic District, freestanding signs shall comply with the following additional provisions:
- A. Shall not be internally lighted. Lighting may be done from above or below with spotlights.
 - B. Shall be visually compatible to the Preservation district. Surrounding signs, structures and proposed sign height will be considered in determining the sign area which would be appropriate. (Ord. 2005-39. Passed 11-9-05.)
 - C. Materials shall be subject to review by the Design Review Board and/or approval of the Planning Commission at the discretion of the Zoning Inspector. (Ord. 2013-39. Passed 1-8-14.)
- (d) **Landscaped Area Required.** A landscaped area of at least fifty (50) square feet shall be provided, centered around the base of all free-standing signs. This landscaped area shall be comprised of a variety of natural materials, to include but not limited to shrubs, hedges, trees, plants, turf, earth mounds, annual and perennial flowers, and ground covers. Turf shall be limited to a maximum fifty percent (50%) of the total landscaped area. The use of evergreen materials is strongly recommended.
- (e) **Portable signs (sidewalk signs).** Portable signs are permitted on the public sidewalk as provided in Table 1191.02 and subject to the following requirements:
- (1) A permit shall be obtained which shall entitle the owner to display a portable sign during the period from April 1 to November 1 for a single year, in accordance with all other applicable regulations.
 - (2) Portable signs shall be removed by November 1st and shall be placed no earlier in the year than April 1st.
 - (3) Portable signs shall be not higher than four (4) feet, not lower than three (3) feet, and not wider than two (2) feet. With the sign in place, there shall be a minimum of four (4) feet free and clear of the sidewalk of a business frontage. Signs should be weighted and wind stable. Under heavy wind conditions signs should be removed from the sidewalk.
 - (4) One (1) portable sign per business is allowed.
 - (5) A portable sign shall not be illuminated.

- (f) Restaurant Drive-thru Menu Sign. In addition to the sign otherwise permitted by this code, a drive through restaurant shall be permitted one (1) menu sign per drive through lane, placed in proximity to the drive through lane for the purpose of ordering. Any speaker or other sound-generating device shall not be audible from any adjacent parcel. The sign shall have sign area not exceeding twenty-five (25) square feet in area and shall not exceed five (5) feet in height above grade, and shall require a sign permit. Letters, numbers, and symbols on the sign shall be small enough that they are not legible from the public street.
- (g) Gasoline service stations, Additional Signs Permitted. Gasoline service stations may display the following additional signs.
- (1) One (1) double-faced sign not exceeding five (5) square feet on a side is permitted for each set of motor fuel pumps identifying “self-service” or “full service”
 - (2) Signs limited to the identification of the brand name, logo or type of fuel sold projecting above the pumps are permitted.
 - (3) Any such signs as may be required by law.
- (h) Projecting Signs. A projecting sign may be installed in lieu of a permitted freestanding sign. The projecting sign shall comply with the following provisions:
- (1) Not more than one (1) sign per each pedestrian level tenant per street frontage, and one (1) sign for each upper floor tenant is permitted.
 - (2) Shall not exceed eighteen (18) square feet in sign area.
 - (3) Shall not to exceed horizontally more than one-half the distance of the width of the sidewalk from the property line to the curb.
 - (4) For pedestrian level establishments the sign shall be contained in a rectangle whose top edge does not exceed the second story window sill. The bottom edge shall have a minimum clearance of ten (10) feet above the sidewalk.
 - (5) For establishments wholly contained on upper floors, the sign shall be contained within a rectangle whose top edge does not exceed the next higher story level window sills. For establishments contained on the top floor level, the sign shall be contained within a rectangle whose top edge does not exceed the roof lines. (Ord. 2005-39. Passed 11-9-05.)
 - (6) Shall not be internally illuminated. May be lit externally with the proposed method of lighting subject to approval by the Zoning Inspector, or the Design Review Board upon request of the Zoning Inspector. The illumination shall be screened so as not to have an adverse effect on pedestrian and vehicular traffic or surrounding properties.
 - (7) Sign materials may be subject to approval of Design Review Board at the discretion of the Zoning Inspector. (Ord. 2013-39. Passed 1-8-14.)

- (i) Wall Signs
- (1) Each business shall be permitted one (1) wall sign mounted on the one wall of the building which most closely parallels the street frontage of the lot and which is restricted to the space which the business occupies.
 - (2) Wall Sign, 2nd Frontage. Lots having frontage on more than one street or which have buildings which abut a parking area located in the rear or side yard shall be permitted a second wall sign on one wall which faces the second street frontage or parking area. The sign area of the wall sign shall not exceed one-half (1/2) square foot per lineal foot of the secondary street frontage or of the length of the wall facing the parking lot, shall not exceed twenty-five (25) square feet, and shall not exceed the primary sign's area. (Ord. 2005-39. Passed 11-9-05.)
 - (3) Where a sign, as provided in Subsection (i)(1) or (i)(2) above is shown to be impractical or inappropriate, a wall sign on an alternate wall, such as a wall facing a parking lot located in the rear or side yard of the lot, may be approved by the Zoning Inspector; Planning Commission approval (and, in the Preservation District, Design Review Board approval) may be required at the discretion of the Zoning Inspector. (Ord. 2013-39. Passed 1-8-14.)
 - (4) No wall sign shall project more than one (1) foot beyond the face of the wall on which it is mounted except as necessary to be mounted in a vertical plane on the lower slope of a mansard roof.
 - (5) Bank Machine Wall Signs. In addition to signs otherwise permitted by this code, banks are permitted one wall sign to identify a bank machine. Said sign shall not exceed four (4) square feet in area.
 - (6) Awning Sign. Awning signs shall be permitted in the C1, C2, C3, RC, CBD and I Districts as provided below:
 - A. Symbols will be permitted provided the total area of any symbol and any lettering comprises no more than one-third of the awning area.
 - B. The bottom of any awning shall be at least seven (7) feet above the sidewalk.
 - C. No sign, awning, canopy or other apparatus pertaining to signs shall be kept or maintained by supports or permanent posts or poles between the property line and curb
- (j) Window Signs. Window signs shall be permitted as follows:
- (1) The total area of window signs shall not exceed fifty percent (50%) of the total glass area on each wall.

- (2) A zoning permit shall be required for any permanent window sign, including any sign which is painted upon or otherwise permanently affixed to the glass of a window or door and any sign which is permanently installed closer than three (3) feet to the glass of a window or door in a manner visible from the public right-of-way.
- (3) A zoning permit is not required for a temporary window sign.
- (k) Temporary Signs. Except as otherwise provided in this Chapter, a temporary sign may be installed, provided that the sign complies with all height, setback, and area provisions for a permanent sign permitted in the same location, and provided that a permanent sign of the same type is not already installed. The sign may be erected for a period of not longer than thirty (30) days. (Ord. 2002-39. Passed 11-13-02.)
- (l) Flashing Signs or Signs with Flashing Lights. In C-1, C-2 and C-3 districts on State Highways, a free standing or wall sign may flash or contain flashing lights subject to these regulations:
 - (1) Size- a flashing sign shall be no larger than 3 feet by 4 feet and the area flashing shall not constitute more than 40% of the area of the sign.
 - (2) Free standing signs shall be positioned a minimum of 20 feet outside the right of way or at the building site if a wall sign.
 - (3) A flashing sign shall be defined as having illumination that flashes at least once every 8 seconds and no more than once every second.
 - (4) Flashing signs shall not mimic traffic control devices, emergency and safety vehicles, construction sites or any other similar activity that may create a hazard to traffic.
 - (5) All lighting shall be such as to not cause a problem to safety or infringe on residential uses with respect to the brightness and positioning and shall be reviewed by the Chief of Police and Fire Chief. (Ord. 2005-39. Passed 11-9-05.)
- (m) Large Portable Signs (Mobile).
 - (1) For purposes of this section, and to differentiate from "Sidewalk Signs" as set forth in section 1191.02(e), a "Large Portable Sign" is of the sort that is frequently mounted upon a trailer or a chassis and two-wheeled mechanism to permit ready transportation by towing behind a vehicle. Such signs are further characterized by structural features such as a metal frame surrounding a translucent plastic face, generally present on both sides, into which changeable copy lettering may be inserted, and internal illumination. Such signs are considered semi-permanent, and are thus distinguished from "Temporary Signs" as set forth in 1191.02(k).

- (2) Requirements.
- A. Shall only be permitted in the C1, C2, C3, CBD, RC, and I (Industrial) zoning districts.
 - B. May be no larger than 32 square feet on each side, front and back.
 - C. No portable sign shall extend nearer than fifteen feet from the street line.
 - D. When installed at the location to which they relate, any transportation mechanism (wheels) must be removed and the sign supported by legs directly in contact with the ground.
 - E. Flashing lights incorporated into the structure of the sign are permitted when in compliance with section 1191.02(I).
 - F. Internal illumination is permitted.
 - G. Submission of any Large Portable Sign permit application must be accompanied by an annual permit fee of five hundred dollars (\$500.00). Such fee will be returned to the applicant if the application is rejected. Approved permits shall be valid for one year from the date of issuance, and must be renewed annually by re-application and submission of the prescribed permit fee.
(Ord. 2011-36. Passed 11-9-11.)
 - H. Prior to the issuance of a permit, a Large Portable Sign permit application may require review by the Design Review Board at the request of the Zoning Inspector.
(Ord. 2013-39. Passed 1-8-14.)
 - I. All approved signs shall be maintained in good repair, including surfaces free from cracks, breaks, rust or other damage; electrical fittings in compliance with the National Electrical Code, and otherwise in an aesthetically acceptable condition as determined by the Zoning Inspector.
 - J. All Large Portable Signs shall comply with any additional sign requirements specific to the Zoning District in which it is located.
- (3) Violation. Violation of any provision of this section shall be subject to prosecution and the penalties set forth in Section 1139.99 of the Codified Ordinances of the Village of Garrettsville.
(Ord. 2011-36. Passed 11-9-11.)

1191.03 ALL DISTRICTS.

The following signs may be installed in any district without a permit provided that they comply with the provisions of Section 1191.04

(a) Special Event Signs.

- (1) Community event sign. A sign may be erected for the purpose of promoting or recognizing a community event.
 - A. Written request for the sign shall be submitted to the zoning Inspector. Authorization shall be subject to approval by the Mayor.
 - B. Community event signs shall not exceed one hundred twenty-five (125) square feet.
 - C. The sign shall not remain erected for more than sixty (60) days and may be erected within the public right-of-way of public property, providing the sign does not create a traffic hazard.
 - D. Nonprofit or charitable events sponsored by a corporate sponsor may use the corporate name and logo on community event signage.
- (2) Street banners. Streets banners for special events, festivals, holiday, or observances, school functions, and charitable events are permitted subject to the following conditions:
 - A. Application for a street banner shall be filed with the Zoning Inspector at least two (2) weeks prior to the intended date of installation of the street banner.
 - B. The maximum width of the banner shall be three (3) feet and the maximum length shall be forty (40) feet. Banners and anchors shall be designed to withstand seventy (70) mile per hour wind.
 - C. The banners will not be displayed sooner than three (3) weeks prior to the event and shall be removed within five (5) days following the event, weather permitting.
 - D. Political, religious and commercial event street banners are prohibited. Nonprofit or charitable events sponsored by a corporate sponsor may use the corporate name and logo on banners.

- (b) Contractors' Signs. One sign announcing the names, addresses and telephone numbers of contractors, subcontractors and material-men participating in the construction of a building and/or actual construction period providing that said signs are only located on the parcel of land being improved, shall not exceed thirty-two (32) square feet in total display surface, shall not exceed five feet in height above grade, and shall be set back ten (10) feet from the public right-of-way, nor closer to any other property line than the applicable building setback line. Said sign shall be removed within ten (10) days after completion of the project or expiration of the building or zoning permit for the project.

- (c) Cornerstones. Signs in the nature of cornerstones, commemorative tablets, memorial plaques, and historical signs, to be limited in size to ten (10) square feet and not illuminated.

- (d) Flags. Flags of a government or of political, civic, philanthropic, educational, religious, and commemorative flags for officially designated events. All users shall meet the following requirements:

- (1) No flags may be used for commercial advertising.
- (2) No flag pole may be over thirty (30) feet in height
- (3) All illuminated flags shall meet the lighting standards of this chapter.
- (4) No more than two of the same type of flag may be flown from any parcel. Governmental agencies are exempt from these requirements.

- (e) Government Signs. Signs erected and maintained in discharge of any governmental function, or required by any law, ordinance or governmental regulations, including legal notices, traffic regulations, or similar regulatory devices.

- (f) Holiday Signs. Signs clearly in the nature of decorations, associated with any national, state, local or religious holiday, to be limited to sixty (60) days in one year. Such sign may be of any illumination or animation, provided that it does not create safety and visibility hazards and provided that it is not erected on public land or in a public right-of-way. Said signs shall not display commercial advertising.
- (g) Political Signs. Signs or posters informing the public of an issue, candidate, levy or other item subject to a public election shall be permitted as follows:
 - (1) Sign shall not be illuminated, or create safety or visibility hazards.
 - (2) Sign shall not be erected on public land, utility poles, or in the public right-of-way.
 - (3) The candidate and/or the election committee shall be responsible for the placement and removal of such signs or posters, which shall be placed no sooner than sixty (60) days prior to the election and removed no later than seven (7) days after the election.
 - (4) A bond of one hundred dollars (\$100.00) to be paid to the Village Clerk-Treasurer which will be returned upon the removal of all signs.
- (h) Real Estate Signs. A sign which advertises the sale, lease or rental of premises on which the sign is directly located, including private real estate signs and model home signs. Real estate signs shall not be permitted off-site. There shall be a limit of one (1) sign for every three hundred (300) feet of street frontage. Such sign shall not exceed six (6) square feet in a residential area and thirty-two (32) square feet in business or manufacturing districts, except that real estate signs in the Preservation District shall not exceed ten (10) square feet. Real estate signs shall not be illuminated, shall not be located closer than ten (10) feet to property lines except if mounted on the wall of a principle building.
- (i) Traffic and Directional Signs. Traffic and directional signs indicating points of entry or exit for a facility of off-street parking areas, provided such signs are limited to four (4) square feet in area and three (3) feet in height, do not interfere with safe traffic circulation and do not interfere with or obstruct the view of drivers exiting onto highways or thoroughfares.
- (j) Signs required by law, not to exceed the minimum requirements for such signs established by law.
- (k) Any sign smaller than two (2) square feet in area and not otherwise regulated. (Ord. 2002-39. Passed 11-13-02.)

1191.04 GENERAL REGULATIONS.

The following regulations and restrictions shall apply to all districts and to all signs located and erected within the Village.

- (a) Location. No sign shall be located within the right-of-way of any public or private road within the Village, except as otherwise provided in these regulations. No sign shall be erected or painted upon a roof, fence, tree, standpipe, fire escape, utility pole, or upon any other object or structure not specifically approved in these regulations. (Ord. 2002-39. Passed 11-13-02.)
- (b) Lighting.
 - (1) Movement. No sign shall incorporate movement or illusion of movement other than changeable copy signs under Section 1191.04(p) and those signs permitted under Section 1191.02. (Ord. 2005-40. Passed 11-9-05.)
 - (2) Intensity. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity and color, no sign shall be illuminated by or contain flashing, intermittent, rotating or moving lights, or incorporate reflective materials which imitate or create the illusion of flashing or moving lights.

- (3) Illumination. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or other nuisance.
- (c) Sight Interference. No sign shall be permitted which interferes with the visibility of pedestrian or vehicular traffic entering, leaving or operating on thoroughfares.
- (d) Safety and Stability Required. Signs shall be constructed to withstand wind pressures of 80 mile per hour winds with a 1.2 gust factor, and shall be fastened, suspended or supported so that they will not be a menace to persons or property. No sign shall be erected or constructed that is unsafe, insecure, a fire hazard, a wind hazard, a barrier to needed light or air, or is in any way a menace to public safety and welfare
- (e) Maintenance. All signs shall be erected and maintained in a safe and secure condition or shall be removed by the owner or person responsible for maintaining the sign
- (1) All supports, braces, and structural parts shall be maintained in a safe and sound condition.
 - (2) Any illumination and all wiring associated with a sign shall be maintained in safe condition and complete working order.
 - (3) All surfaces of the sign and supports shall be maintained in good condition to prevent peeling of paint, corrosion, rust, fading, rotting, or other deterioration.
 - (4) Broken or damaged parts shall be replaced or repaired.
 - (5) Landscape areas required in association with ground signs shall be maintained free of weeds and debris. Plants approved with the sign shall be maintained in good condition and replaced when damaged or dead.
- (f) Traffic Safety; Colors; Signs shall not closely resemble or approximate the shape, form and color of official traffic signs, signals and devices. Signs shall be in accordance with the Village Design Review Board Color Chart with the exception of trademarks and logos.
- (g) Lettering. There shall not be more than three styles and not more than three sizes of lettering used for any sign including symbols but not trademarks or logos.
- (h) Projection. No part of any wall-mounted sign shall extend more than twelve (12) inches from the building on which it is located except as necessary to be mounted in a vertical plane on a the lower slope of a mansard roof.
- (i) For structures and uses having no direct frontage on public roads, as within shopping centers, frontage shall be counted as the projection of the building line onto adjacent drives or parking areas.
- (j) Removal. When a sign is removed for any reason, except for maintenance, subject to the provisions of 1191.04(o)(2)(b) a permit for a replacement sign shall be obtained, or all mast arms, guys of any nature, clips, brackets and all structures of the old sign shall be removed with the sign.
- (k) Address Required. Every owner, occupant(s), and person, having control of a residential, business, manufacturing, public, or other building shall display the numerical address of the building as provided herein.
- (1) The address shall be displayed in Arabic numbers not less than three (3) inches in height.
 - (2) The color of the numbers shall contrast with the color of the surface on which they are mounted and the numbers shall be clearly visible from the street on which the building is numbered.
 - (3) The numbers shall be placed on the front of the building facing the street on which the building is numbered

- (4) For buildings not having entrance doors facing the street on which the building is numbered, numbers of all units within such building shall be placed either on the wall of the building facing the street on which the building is numbered or on a sign in compliance with this section.
 - (5) The owner of a residential building may post additional sets of address numbers provided that one set complies with the provisions of this section.
 - (6) Whoever violates this section or any part thereof, shall comply within thirty (30) days after receipt of written notice of violation from the Zoning Inspector. Upon expiration of the thirty days and failure to comply with the provision of this section within that period, the owner, occupant, or person having control of the building shall be deemed in violation. Each subsequent day constitutes a separate violation.
- (l) Special Regulations in the Preservation District and Listed Properties. Areas and properties having architectural, historical or scenic merit may be identified in the Village. An area of architectural, historical or scenic merit is an area whose special and unique visual characteristics or natural beauty requires special regulations to insure that all signage and graphics are compatible. Generally, regulations in such areas shall be more restrictive than regulations otherwise permitted in the districts of the Village. Signs within such areas shall be controlled within the legislation establishing and regulating such areas. The Design Review Board may establish a historical classification for individual existing signs and establish regulations regarding such historic signs.
- (m) Prohibited Signs. The following signs are prohibited except as otherwise specifically permitted by other provisions of this Chapter.
- (1) Portable signs, except as specifically provided herein. Prohibited portable signs also include signs attached to, painted on, or placed on a motor vehicle, trailer, or other licensed or unlicensed vehicle or conveyance, self-propelled or otherwise, parked or used upon any lot, and which is visible from a public right-of-way, excepting an identification sign which is affixed to a vehicle regularly operated in the pursuance of day-to-day business or activity of an enterprise;
 - (2) Roof signs. Except on the lower slope of a mansard roof, no sign shall be erected upon, against, or directly above a roof or roof eave, or on top or above the parapet, or on a functional architectural appendage above the roof or roof eave.
 - (3) Signs or advertising devices which attempt, or appear to attempt, to direct the movement of traffic, or which interfere with, imitate or resemble an official sign, signal or device
 - (4) Architectural lighting which incorporates movement or the illusion or movement shall be considered an attraction generating device.
 - (5) Awnings. Awnings which internally light more than a limited sign area of the awning are prohibited. Transparent or translucent awnings which are internally lighted to create a band of light on a building are prohibited.
 - (6) Billboards and other off premises signs. Any sign which advertises goods, services, facilities, events or activities not related to its location or which directs persons to different premises from those on which the sign is located if such sign is attached to the outside surface of a building or structure, or to trees, fence posts, telephone posts, or is free standing.

- (7) Flashing signs. Generally, signs which flash, blink, revolve or otherwise convey motion. However, some of these sign types may be appropriate in a particular circumstance, such as the traditional rotating barbers pole or signs that depict time and temperature.
 - (8) A sign constructed of paper, cloth, cardboard, or materials determined by the Zoning Inspector to be insufficiently durable for the proposed location, use, or life expectancy of the sign;
 - (9) Pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices;
 - (10) Inflatable images;
 - (11) Signs containing flashing, moving, intermittent, or running lights or which imitate traffic control devices;
 - (12) Signs which employ any part or element which revolves, rotates, whirls, spins or otherwise makes use of motion to attract attention;
 - (13) Beacons or searchlights;
 - (14) Signs which hang less than ten (10) feet above a pedestrian walkway or less than fourteen (14) feet above a vehicular path.
- (n) Abandoned Signs.
- (1) If any sign shall become abandoned, in the manner defined herein, such sign is declared to be a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and a blighting influence on nearby properties. An abandoned sign is defined as any sign that meets any one of the following criteria:
 - A. Any sign associated with an abandoned nonconforming use
 - B. Any sign that remains after the termination of a business. A business had ceased operations if it is closed to the public for at least one hundred-eighty (180) consecutive days.
 - C. Any sign that is not maintained in accordance with this chapter.
 - (2) When the Zoning Inspector finds upon investigation that a sign has been abandoned, as defined herein, he shall notify the owner of said sign and the owner of the land on which the sign is located, by certified mail or by personal delivery, of his findings. Such notice shall advise the sign and property owners that the sign has been declared abandoned and shall be removed within thirty days from the date of mailing of said notice. The sign owners or property owners may appeal such decision to the Board of Zoning Appeals.
 - (3) It shall be the duty of the Zoning Inspector to maintain a photograph and file on said sign together with a written report of his findings for submission to the Board of Zoning Appeals upon request.
 - (4) If the sign is not removed, as ordered, the same may be removed by the Village at the expense of the lessee or owner. If the Village is not immediately reimbursed for such costs, the amount thereof shall be certified to the County Auditor for collection as a special assessment against the property on which sign is located.

- (o) Nonconforming Signs.
- (1) Definition. Every sign or advertising structure which existed before the effective date of this chapter, which was permitted by the Zoning Code prior to this date, and which was properly permitted and which is not in conformance with the provisions of this chapter, shall be deemed nonconforming. All nonconforming signs shall be maintained in accordance with this chapter: A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this section. Should any replacement or relocation take place without being brought into compliance, the sign shall be considered illegal.
- (2) Termination. A nonconforming sign shall immediately lose its legal nonconforming status, and therefore shall be brought into conformance with this chapter or be removed when any of the following occur:
- A. Relocation or replacement of the sign, or any alteration in the size or structure.
- B. In the case where damage occurs to the sign to the extent of fifty percent (50%) or more of either the structure or its replacement value, the sign shall be brought into compliance. Where the damage to the sign is less than fifty percent (50%) of the structure or its replacement value, the sign shall be repaired within sixty days of the date of the signs damage. (Ord. 2002-39. Passed 11-13-02.)
- (p) Changeable or Animated Copy Signs. Any permitted sign may have Changeable or Animated copy sign subject to the following conditions:
- (1) Either computer driven or manually changeable or animated copy sign is permitted.
- (2) A changeable or animated copy sign on which copy other than time and temperature is in fact changed more frequently than every two seconds is prohibited.
- (3) No more than fifty percent (50%) of the area of a single sign shall be usable for changeable or animated copy sign; except institutional or theater signs which shall have no more than eighty percent (80%) useable for changeable or animated copy sign.
- (4) Changeable or animated copy sign may be used in residential districts for signs for permitted public or semipublic uses only. (Ord. 2005-41. Passed 11-2-05.)

1191.05 ADMINISTRATION AND PROCEDURES.

- (a) Permits and Inspections
- (1) Permit Required. No person shall locate, alter, replace or relocate any sign, or cause a sign to be located or maintained, unless all provisions of this chapter have been met. To assure compliance with these regulations, a sign permit shall be required for each sign unless specifically exempted in Section 1191.03. The Zoning Inspector shall be responsible for the issuance of a permit when assured that all provisions of this chapter have been met by the applicant. A commercial sign permit application may require submission to the Design Review Board for review at the discretion of the Zoning Inspector. (Ord. 2013-39. Passed 1-8-14.)

- (2) Permit Application Information. Application for a sign permit shall be made on forms provided by the Zoning Inspector and shall contain or have attached thereto the following information.
 - A. The name, address and phone number of the applicant;
 - B. A drawing showing the design proposed, the size and style of letters, lines and symbols, as well as the method of illumination;
 - C. The exact location of the sign in relation to the building and property lines; and
 - D. Details and specifications for construction.
 - E. Any other information required by the Zoning Inspector, Design Review Board, or the Planning Commission to determine or ensure compliance with these regulations.
 - F. Certificate of Appropriateness from Design Review Board if applicable.
 - (3) Fee. An applicant for a sign permit shall pay a fee as provided by Ordinance of Council.
 - (4) Issuance. A sign permit shall then be issued within forty-five (45) days or the Zoning Inspector shall notify the applicant in writing of a refusal to issue the permit and the reasons thereof.
 - (5) Term of Permit. A sign permit shall be valid so long as the sign complies with the terms and conditions of this Zoning Ordinance. The sign permit shall expire if the sign is not installed within six (6) months after the permit is issued.
 - (6) Inspection. All signs erected within the Village are subject to inspection, whether a permit is required or not. The Zoning Inspector or any other official of the Village is hereby authorized to enter upon any property or premise to determine if the provisions of this section are being complied with. Such inspection may be made at any reasonable time. The Zoning Inspector shall order removal of any sign that is not maintained in accordance with the provisions of this chapter.
(Ord. 2002-39. Passed 11-13-02.)
- (b) Design Review.
- (1) Purpose. Design review promotes the public health, safety and welfare by regulating signs within the Commercial Districts, Preservation District, also known as the Historic District, in other specified districts of the Village, and in Listed Properties. It is intended to protect property values, preserve the dignity and architectural significance of the Preservation district, preserve its scenic and natural beauty, and provide a more enjoyable and pleasing community for Village residents. These regulations provide for procedures and standards for the review of signs consistent with those applied to other uses and structures in these districts and properties.
 - (2) Procedure for Design Review of Signs. At the time of application for a permit for a sign or in a reasonable time thereafter, the Zoning Inspector shall advise the applicant if review by the Design Review Board is required according to these regulations or in the discretion of the Zoning Inspector, including the provisions of this chapter and of Chapters 1153 and 1155 and review shall be conducted according to the provisions thereof.

- (3) Exemptions from Design Review. Design Review shall not be required for changes to approved changeable copy signs as provided in these regulations, and shall not be required to conduct ordinary maintenance or repair of any sign.
- (4) Any property owner renting or leasing a building in the Preservation District shall be responsible for informing any prospective tenant that they must make application to the Zoning Inspector before any changes to the building or related signage, and that review by the Design Review Board may be required. (Ord. 2013-39. Passed 1-8-14.)

(c) Removal of Signs. Portable or temporary signs in existence at the effective date of this section which do not comply with the provisions of this chapter and all other signs hereto erected or displayed without legal authorization or for which a legal nonconforming status has not been established shall be removed within ten (10) days after the delivery of written notice to that effect by the Zoning Inspector to the owner of the premises on which such signs are located. (Ord. 2002-39. Passed 11-13-02.)

1191.06 DEFINITIONS.

(a) “Awning” means a roof-like cover, often of fabric, metal, or glass, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door, or other area. “Awning sign” means any sign which is attached to or made a part of an awning.

(b) “Banner” means a non-rigid cloth, plastic or canvas sign typically related to a special event or promotion.

(c) “Billboard” means a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises or lot on which the sign is located.

(d) “Changeable copy sign” means a sign or portion of a sign that permits computer driven or manually changeable copy, but not including messages or symbols which move or appear to move.

(e) “Flag” means an ensign, standard, colors, or emblem of a government body, association, group, business or corporation. Strings of flags are not included in this definition.

(f) “Freestanding sign” means a sign affixed to a foundation or mounted on a pole, but not attached to a building or other permanent structure.

(g) “Frontage” means, in reference to a lot, that lot line (usually the front lot line or, on a corner lot, a side lot line) which coincides with the line of the public right-of-way. In reference to a building, “frontage” means that side of the building which is presented as the front of the building as defined by this Code or by the original zoning application or site plan review.

(h) “Illuminated Sign”: “Internally illuminated sign” means a sign with internal light emitting through the sign face. “Externally illuminated sign,” means a sign which is illuminated by an external source which reflects light off the surface of a sign face.

- (i) “Mansard roof” means a roof with two slopes on each of four sides, the lower steeper than the upper. The upper slope may be flat.
- (j) “Permanent sign” means a sign which is not a temporary sign, as defined herein, and which has one or more of the following characteristics
- (1) Is intended to be used for a period of more than one year
 - (2) Is constructed in a manner or of materials which are suitable for long-term display and maintenance
 - (3) Is permanently attached to a structure or to the ground.
- (k) “Portable sign” means a temporary sign that is not permanently affixed to a building or structure on the ground. (Includes vertical stanchion; A-shaped sandwich sign.) including any sign that is designed in such a way to allow it to be moved from one location to another without any change in its structure, components or members, trailer signs, A-frame signs, self-supporting signs, and air activated attraction devices.
- (l) “Projecting sign” means any sign attached perpendicular to the wall of a principle building and projecting horizontally more than twelve (12) inches from the building face
- (m) “Public or semi-public use” means a property or building held, used, or controlled exclusively for public purposes by a governmental agency. A property or building held, used, or controlled by a non-governmental entity having a use which is institutional in nature and serving a public need and generally open to the public, such as churches, hospitals, schools, libraries, and museums, but not including such uses as a bar, restaurant, or recreational facility operated as a commercial enterprise.
- (n) “Sign” means a structure or part thereof, or any device attached to land, buildings, or any object of any nature, which is displayed for purposes of advertisement, announcement, declaration, demonstration, identification, or expression or to direct attention to a person, institution, organization, activity, place, object, product or business..
- (o) “Sign area” means
- (1) Sign area shall include the face of all the display area of the sign not including the bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the sign.
 - (2) Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign unless two display faces join back to back, are parallel to each other and are not more than twelve (12) inches apart, or form a V-angle of less than forty-five degrees. For spherical signs, the sphere shall be bisected by an imaginary line through the center of the sphere shall be counted as the sign face. For cubical signs, the area of all display faces shall be included in determining the area of the sign.
 - (3) The area of letters, numbers or emblems mounted on a building wall or wall extension shall be computed by enclosing such sign with the smallest single continuous perimeter around the letters, numbers or emblems and determining its area

(p) “Temporary sign” means a sign which is not a permanent sign, as defined herein, and which has one or more of the following characteristics:

- (1) Is intended to be used for a period of less than one year
- (2) Is established subject to a time-limited or renewable permit
- (3) Is constructed in a manner or of materials (such as cloth, paper, or fabric or other temporary material) which are unsuitable for long-term display and maintenance
- (4) Is not permanently attached to a structure or to the ground.

(q) “Wall sign” means a sign attached to a building face, vertical wall of a building with the exposed face thereof in a plane parallel to the plane of the wall. “Wall signs” include murals, messages, graphics and other designs painted along with any letters or numerals mounted on buildings and any extensions thereon.

(r) “Window sign” means a sign, which is physically affixed to or painted on the glass or other structural component of a window and visible from a public way. A sign within a building, located not more than three (3) feet from a window, and clearly designed and oriented in a manner visible from a public way is also included within the meaning of a “window sign”. For purposes of Chapter 1191, “window” means the transparent glass or plastic area of an opening, such as a window or door, in the exterior wall of a building.
(Ord. 2002-39. Passed 11-13-02.)

1191.07 AMORTIZATION OF NONCONFORMING SIGNS.
(Reserved)

**CHAPTER 1193
Nonconforming Uses**

<p>1193.01 Regulations. 1193.02 Alterations. 1193.03 Extensions. 1193.04 Construction approved prior to the Zoning Ordinance.</p>	<p>1193.05 Displacement. 1193.06 Discontinuance or abandonment. 1193.07 Restoration. 1193.08 Restoration and/or extensions for single family non-conforming uses.</p>
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CROSS REFERENCES

Nonconforming uses, retroactive measures - see Ohio R.C. 713.15
Nonconforming use defined - see P. & Z. 1135.01(a)(31)

1193.01 REGULATIONS.

The lawful use of any building or land existing at the effective date of the Zoning Ordinance may be continued within the limitations as hereinafter described although such use does not conform with the provisions of the Zoning Ordinance. (Ord. 876. Passed 10-2-74.)

1193.02 ALTERATIONS.

A nonconforming building or structure may be altered, improved or reconstructed, but not enlarged or extended, provided such work does not exceed in aggregate cost, fifty percent (50%) of the total replacement value of the building or structure. Evidence of total replacement value shall be by objective appraisal and shall be submitted by affidavit to the Board of Zoning Appeals. (Ord. 876. Passed 10-2-74.)

1193.03 EXTENSIONS.

A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a nonconforming building or structure which existed prior to the enactment of the Zoning Ordinance shall not be deemed the extension of such nonconforming use. (Ord. 876. Passed 10-2-74.)

**1193.04 CONSTRUCTION APPROVED PRIOR TO THE ZONING
ORDINANCE.**

Nothing in the Zoning Ordinance shall prohibit the completion or construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of the Zoning Ordinance, provided that construction is commenced within ninety days after the issuance of such permit; that construction is carried on without interruption for a continuous period in excess of thirty days; and that the entire building shall be completed within one year after the issuance of the building permit. (Ord. 876. Passed 10-2-74.)

1193.05 DISPLACEMENT.

No nonconforming use shall displace, in part or whole, a conforming use, nor shall a nonconforming use replace another nonconforming use unless the former more nearly conforms to the district regulations than the latter. (Ord. 876. Passed 10-2-74.)

1193.06 DISCONTINUANCE OR ABANDONMENT.

Whenever a nonconforming use has been discontinued or abandoned for a period, as specified below, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of the Zoning Ordinance.

Discontinuance shall be deemed to have occurred when any, several or all of the following conditions have occurred:

- (a) Vacancy of a building originally designed or arranged for the nonconforming use for a continuous period of two years.
- (b) Vacancy of land for period of ninety days.
- (c) Vacancy of any building, other than in subsection (a) hereof, for a period of six months.
- (d) Clear intent on the part of the owner to abandon the nonconforming use. (Ord. 876. Passed 10-2-74.)

1193.07 RESTORATION.

Except as provided in Section 1193.08 herein, no building damaged by fire or other causes to the extent of more than fifty percent (50%) of its total replacement value shall be repaired or rebuilt except in conformity with the regulations of the Zoning Ordinance. Evidence of total replacement value shall be by objective appraisal and shall be submitted by affidavit to the Board of Zoning Appeals. (Ord. 2015-28. Passed 8-19-15.)

1193.08 RESTORATION AND/OR EXTENSIONS FOR SINGLE FAMILY NONCONFORMING USES.

(a) When the owner of a single family residence located in a commercial or industrial district seeks to restore if it has been destroyed by an Act of God or fire said restoration shall be conditionally permitted in CBD, C-1, C-2 and Industrial Districts and the Planning Commission shall establish specific criteria for this Conditional Permit.

(b) When the owner of a single family residence located in a commercial or industrial district wishes to add onto or extend this non-conforming use, it shall be conditionally permitted in CBD, C-1, C-2 and Industrial Districts and the Planning Commission shall establish specific criteria for this Conditional Permit.

(c) When a single-family dwelling located in any residential district, the use or location of which does not conform to the provisions of this section, is damaged by fire, explosion, act of God, or the public enemy, it may be restored or rebuilt and continued in such nonconforming use, provided that the following conditions are met:

(1) The damaged or destroyed building was not located in such a manner so as to encroach on adjacent property, and

(2) Such restoration or rebuilding would not extend or expand the existing use.

If any part of the damaged or destroyed building encroached on adjacent property, the location of the restored or rebuilt structure is subject to approval by the Board of Zoning Appeals. If the restoration or rebuilding of the structure involves extension or expansion of the use, then the provisions of Section 1193.03 shall apply. (Ord. 2015-28. Passed 8-19-15.)

**CHAPTER 1195
Oil and Gas Drilling**

1195.01	Compliance required.	1195.04	Liability insurance.
1195.02	Application.	1195.05	Standards of operation.
1195.03	Performance bond.		

CROSS REFERENCE
Oil and gas wells - see Ohio R.C. Ch. 1509

1195.01 COMPLIANCE REQUIRED.

Drilling oil and/or gas wells and the operations necessary for their extractions and marketing shall be subject to the regulations in this chapter. (Ord. 78-10. Passed 6-7-78.)

1195.02 APPLICATION.

Owner or lessee shall submit an application for a conditional zoning certificate and supply the following information and/or documents:

- (a) Copy of State permit including State approved well location and site.
- (b) Include location and design of access road, including size and location of culverts and proposed structures. (Ord. 78-10. Passed 6-7-78.)

1195.03 PERFORMANCE BOND.

Post performance bond in the amount of five thousand dollars (\$5,000) to guarantee restoration of roads, underground utilities, restoration of site and proper maintenance of tanks, structures, equipment and access road. Bond may be reduced to one thousand dollars (\$1,000) upon restoration of site and satisfaction for damages to roads, underground utilities and site restoration. This one thousand dollars (\$1,000) shall then become a maintenance and final restoration bond upon abandonment of well. (Ord. 78-10. Passed 6-7-78.)

1195.04 LIABILITY INSURANCE.

Furnish evidence of comprehensive liability insurance in the amount of at least five hundred thousand dollars (\$500,000) prior to construction or drilling. The Village shall also be named as additional insured in the amount of five hundred thousand dollars (\$500,000). (Ord. 78-10. Passed 6-7-78.)

1195.05 STANDARDS OF OPERATION.

- (a) Conditional permit shall be void unless drilling is commenced within six months after date of issue.
- (b) All restoration shall be completed within six months after fracturing is completed.
- (c) Wells and pumps shall be located at least 200 feet from right-of-way line and 500 feet from any inhabited dwelling unless approved by the owner of such dwelling.
- (d) Brine and waste pits shall comply with State regulations. Brine pits shall be filled upon termination of the fracturing process. Brine shall not be emptied into waterways or water courses.
- (e) Service roads shall be covered with sufficient slag, gravel or limestone to keep roads clear during and after drilling and to permit entrance by emergency vehicles. Culverts shall be provided as necessary to prevent interference with natural drainage.
- (f) All storage tanks and appurtenant equipment on the site shall be regularly cleaned, painted and properly maintained.
- (g) All pumps shall be electrically operated unless the Planning Commission for good cause shown approves some other source of power.
- (h) The well, tanks and appurtenant equipment shall be attractively landscaped with trees and/or shrubbery to meet Planning Commission approval.
- (i) The developer and/or driller shall protect trees and vegetation by removing only that which is absolutely necessary and shall take precaution to prevent unnecessary erosion or damage to lands adjacent to the actual drilling site.
- (j) Restoration shall be completed within six months after the fracturing is completed unless for good cause shown the Planning Commission grants an extension.
- (k) The site shall be fenced with adequate and suitable fencing if required by the Planning Commission.
- (l) Village shall be notified when a well is to be abandoned.
- (m) Drillers and developers shall cooperate with local Fire Department and supply information as to who shall be notified in case of emergency. (Ord. 78-10. Passed 6-7-78.)

CHAPTER 1197
Satellite Signal Receiving Earth Stations

1197.01	Definition.	1197.04	Inspection of installation.
1197.02	Permit required.	1197.05	Location of satellite earth station.
1197.03	Application for permit; plans; fee.	1197.06	Earth station support structures.

CROSS REFERENCES

Unauthorized CATV connections - see Ohio R.C. 4933.42

1197.01 DEFINITION.

"Satellite earth station" means an antenna of any size, shape or description designed for the purpose of receiving microwave transmission directly or indirectly from satellites. (Ord. 85-29. Passed 12-11-85.)

1197.02 PERMIT REQUIRED.

(a) No person, firm or corporation shall erect a satellite earth station in the Village without a permit, and no installation or erection shall commence before such permit is issued in accordance with Section 1197.03 (b).

(b) Installations shall be for the personal use of the residents and occupants and the dish shall display no advertising or graphic material. (Ord. 85-29. Passed 12-11-85.)

1197.03 APPLICATION FOR PERMIT; PLANS; FEE.

(a) Any owner who desires to construct or erect a satellite earth station may apply to the Zoning Inspector for the permit referred to in Section 1197.02. A part-owner, occupant or renter shall have written permission from the owner of the lot, premises, or parcel of land within the Municipality on which such construction or erected satellite station is proposed.

(b) The Zoning Inspector shall issue such permit provided the applicant submits a written application upon forms provided by the Zoning Inspector along with a plot plan of the lot, premises or parcel of land, showing exact location of the proposed earth station and all other buildings on the subject lot; a description of the kind of earth station proposed; plans showing specifications and elevations of the proposed location; and sufficient details to show the method of assembly and construction.

(c) The application shall indicate the owner or owners of the subject property, the occupant of the subject premises and the contractor or other person who shall be permitted to construct or erect the proposed satellite earth station.

(d) Prior to issuing the permit, the Zoning Inspector shall determine the adequacy of the screening and the effect of such placement upon the surrounding properties. All requirements for screening set by the Zoning Inspector shall be met prior to installation. Appeals may be made to the Board of Zoning Appeals. (Ord. 85-29. Passed 12-11-85.)

1197.04 INSPECTION OF INSTALLATION.

Inspections of installation by the Zoning Inspector shall be in accordance with a schedule established by the Zoning Inspector and may be reinspected should, in the opinion of the Zoning Inspector, any structural or electrical deficiencies become apparent. (Ord. 85-29. Passed 12-11-85.)

1197.05 LOCATION OF SATELLITE EARTH STATION.

(a) No earth station shall be erected in a front or side yard or no closer than ten feet of any lot line.

(b) No earth station shall be erected on the roof top of any structure.

(c) Upon written request to the Board of Zoning Appeals, they may waive the provisions of subsections (a) and (b) hereof if they find that such erection is consistent with sound engineering practice and after they have consulted with the Zoning Inspector regarding such request. (Ord. 85-29. Passed 12-11-85.)

1197.06 EARTH STATION SUPPORT STRUCTURES.

(a) The maximum diameter of any earth station shall not exceed twelve feet.

(b) Only metal support construction shall be permissible.

(c) The structure must be in conformance with the National Electric Code, Article 800 and related articles as referenced.

- (d) Only a concrete base shall be employed in line with grade.
- (e) The maximum height of any earth station shall be sixteen feet from grade level.
- (f) The structure, including foundation, shall be designed to withstand wind force of up to seventy miles per hour in conformance with generally accepted engineering practices.
- (g) Any driving motor shall be limited to 110 volt maximum power design, be encased in protective guards and be in compliance with requirements as provided in the National Electric Code, Article 800.
- (h) All underground electrical wiring shall be encased in approved PVC conduit or rigid conduit with an eight inch cover, and overhead wiring shall also meet the approval of the Building Code and comply with the requirements as provided in the National Electric Code, Article 800 and subsequent articles.
- (i) The earth station shall be bonded to an eight foot grounding rod and in accordance with the requirements as provided in the National Electric Code.
- (j) Should guy wires be used, they shall be confined within a fenced area or be protected by a suitable shield. (Ord. 85-29. Passed 12-11-85.)

CHAPTER 1199
Exterior Maintenance Code

1199.01	Title and scope.	1199.10	Abandoned structures and unoccupied lots.
1199.02	Purposes.	1199.11	Property Maintenance Advisory Board.
1199.03	Findings; declaration of policy.	1199.12	Noncompliance with final orders.
1199.04	Application.	1199.13	Costs certified to the County Auditor.
1199.05	Conflict of laws.	1199.14	Remedies not exclusive.
1199.06	Enforcement.	1199.99	Penalty.
1199.07	Maintenance responsibility.		
1199.08	General exterior maintenance requirements.		
1199.09	Yard maintenance.		
1199.091	Maintenance of detention basins, retention ponds, and other drainage improvements.		

1199.01 TITLE AND SCOPE.

(a) This chapter shall be known as the Exterior Property Maintenance Code of the Village of Garrettsville, Ohio

(b) This chapter is strictly limited to the establishment of standards for the maintenance of exterior surfaces and exterior functioning units of all residential, retail, agricultural, commercial and industrial structures and buildings within the Village, including yard areas immediately contiguous thereto. No provisions of this chapter shall, in any way, directly or indirectly, be interpreted to interfere with, or to limit the right of, any owner or resident to inhabit real property owned or leased by them in such a manner and form as they may determine appropriate, consistent with other applicable provisions of law. This chapter is directed to visual problems and deteriorated property values which may on occasion cause blighting conditions within the Village. All matters of the interior use, occupancy or habitation of any structure or building within the Village are specifically excluded from the provisions of this chapter. (Ord. 2017-02. Passed 4-19-17.)

1199.02 PURPOSES.

The purpose of this code is to protect the public health, safety and welfare by establishing standards governing the maintenance, appearance and exterior condition of all premises throughout the Village; to fix certain responsibilities and duties upon owners, residents and managers of the same as to both separate and correlative responsibilities and duties; to authorize and establish procedures for the exterior inspection of such premises; to fix penalties for the violations of this code; to provide for the repair, demolition or vacation of premises unfit for human habitation, occupancy or use. This code is hereby declared to be remedial and essential for the public interest, and is intended that this code be construed and interpreted to implement the purposes as stated herein. (Ord. 2017-02. Passed 4-19-17.)

1199.03 FINDINGS; DECLARATION OF POLICY.

It is hereby found and declared that there exist in the Village various and several structures, including yard areas immediately contiguous thereto, which are deteriorated or defective with respect to exterior maintenance and further, that such conditions, including, but not limited to, structural deterioration, lack of maintenance, the exterior appearance of premises and the existence of exterior fire hazards and unsanitary conditions, constitute an immediate threat to the health, safety, welfare and reasonable comfort of the residents and inhabitants of the Village. It is further found and declared that, by reason of lack of maintenance and progressive deterioration, the exterior appearance of certain properties has the further effect of creating blighting conditions and initiating depressed neighborhood groupings, and if the same are not curtailed and corrected, the conditions are likely to grow and spread and necessitate, in time, the expenditure of public funds to correct and eliminate the same, and that by reason of timely regulations and restrictions as herein contained, the growth of such blight may be prevented and the immediate neighborhood and property values thereby maintained. (Ord. 2017-02. Passed 4-19-17.)

1199.04 APPLICATION.

Every residential, nonresidential or mixed occupancy building, and the land on which it is situated, used or intended to be used for dwelling, commercial business or industrial occupancy, shall comply with the provisions of this code, whether or not such building shall have been constructed, altered or repaired before or after enactment of this code, and without regard to any permits or licenses which shall have been issued for the use or occupancy of the building or premises for the construction or repair of the building, or for the installation or repair equipment or facilities prior to the effective date of this code. This code establishes standards for the initial and continued occupancy and use of all such structures and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the building. Where there is mixed occupancy, residential or nonresidential use therein shall be nevertheless regulated by and subject to the provisions of this code. (Ord. 2017-02. Passed 4-19-17.)

1199.05 CONFLICT OF LAWS.

In any case where a provision of this code imposes a higher standard than that set forth in any other ordinance of the Village or law of the State, then the standard set forth herein shall prevail, but if a provision of this code imposes a lower standard than that imposed by any other ordinance of the Village or law of the State, then the higher standard contained in any such other ordinance or law shall prevail. (Ord. 2017-02. Passed 4-19-17.)

1199.06 ENFORCEMENT.

The enforcement of the provisions of the code shall be the responsibility of the Village Zoning Inspector and the Planning Commission.

- (a) In cases of citizen complaints, an evaluation will be conducted by the Planning Commission at its next regular meeting. The Planning Commission will be notified of the address of the potential violation as part of the meeting agenda to provide an opportunity for individual viewing prior to the meeting. (Ord. 2017-02. Passed 4-19-17.)
- (b) Notice: Where a violation of any provision of this code is found to exist, the Zoning Inspector shall cause a written notice of such violation to be served upon the person responsible for the correction thereof. The notice shall specify the violation committed and shall provide for a reasonable period of time, not less than fifteen (15) days nor more than 90 days, to correct or abate the violation. Every notice shall state that if the violation is not corrected within the time provided therein, in addition to any other remedy allowed in this chapter, the Village may undertake correction of the violation(s), that all costs and administrative expenses incurred by the Village in doing so shall be charged to the owner, and if not paid, certified to the County Auditor for entry upon the tax duplicate of the property and shall be a lien upon such lands. The procedure for so doing is set forth in section 1199.12.

In the event that weather is a major consideration in correcting or abating a violation, the Zoning Inspector may extend the time set forth herein to not less than an additional thirty days, but not more than sixty days, immediately following the occurrence of appropriate weather conditions, such schedule being consistent with the weather conditions.

Notice may be served personally or by certified mail addressed to the last known address of the person to be served or by leaving a copy thereof at the usual residence of the person to be served. If the last known address cannot be ascertained, the notice shall be posted on the outside front entrance of the structure in alleged violation. Such delivery or mailing shall be deemed legal service of notice. If the owner or other person having charge of the land is a nonresident of the Village whose address can be reasonably ascertained, the notice shall be sent to his address by certified mail. If the address of the owner or other person having charge of the land is unknown, it is sufficient to publish the notice once in a newspaper of general circulation in the County.

In the absence of an appeal, as provided below, the completion of notice and failure to comply shall constitute a final order as to these administrative proceedings. (Ord. 2021-09. Passed 6-9-21.)

- (c) Corrective Action Delay: In the event the property owner can demonstrate that corrective action to abate violation within the time frame outlined in (b) above would impose serious financial hardship or ruin, the Zoning Inspector is empowered, subject to review by the Planning and Zoning Commission, to delay the initiation of any corrective action upon receiving a commitment in writing from the property owner that: (1) the property owner voluntarily and freely accepts the determination that his property is in violation of this Code and must be improved to eliminate such violation(s); and (2) the property owner makes a specific "time commitment" representation as to when the violation elimination activity will be initiated, and when all such actions will be completed, eliminating any and/or all such violation(s). Such time period may be unique to each commitment, but shall not exceed two (2) years. Any property owner receiving a corrective action delay shall periodically report at regular intervals to the Zoning Inspector on the progress made toward both beginning the remediation activity and eliminating any/all violations.
- (d) Appeal: Within 30 days of the date of service of notice, any person affected by the notice may request a hearing thereon before the Board of Zoning Appeals by filing a written request with the Clerk of the Board. The Chairperson of the Board, upon receipt of the request, shall, within 30 days from that date, and upon five days notice to the party and the Zoning Inspector, set the matter down for hearing. The Board may sustain, modify or dismiss, in whole or in part, any action required to correct or abate the violation set forth in the notice and shall issue an order incorporating its determinations. Any order of modification or dismissal shall be effective for two years following the date of issuance of such order, and thereafter the subject matter of such order of modification or dismissal may be amenable to further inspection, notice and appeal as set forth herein.
- The Board of Zoning Appeals shall consider only the following in determining appropriate action to be taken:
- (1) That any modification of the original order of the Zoning Inspector shall not, in any material way, alter the standards of this code and shall not affect detrimentally the health or safety of occupants or the health, safety or welfare of the occupants or owners of adjacent premises or of the immediate neighborhood; and

- (2) That strict enforcement would constitute an undue and unnecessary hardship on the owner, manager or resident, by reason of compelling an expenditure for repair of the premises which would be substantially disproportionate to any benefit to health, safety or welfare of the community that might be derived therefrom.

No license or permit or other certification of compliance with this code shall constitute a defense against any violation of any other local ordinance applicable to any structure or premises, nor shall any provision herein relieve any owner, manager or resident from complying with any other provision, nor any official of the Village from enforcing any such other provision.
(Ord. 2017-02. Passed 4-19-17.)

1199.07 MAINTENANCE RESPONSIBILITY.

(a) The owner of every single or multiple unit structure within the Village shall be responsible for maintaining the exterior surfaces of the same in conformance with the provisions of this code.

(b) The owner of every single or multiple unit structure within the Village shall be responsible for maintaining the yard area immediately contiguous thereto in conformance with the provisions of this code.

(c) No agreement between a property owner and a resident or any other party shall relieve the property owner of the obligations imposed under this chapter
(Ord. 2017-02. Passed 4-19-17.)

1199.08 GENERAL EXTERIOR MAINTENANCE REQUIREMENTS.

The exterior surfaces and all exterior members of all structures within the Village, be the same functional or aesthetic, shall be free of unsightly deterioration.
(Ord. 2017-02. Passed 4-19-17.)

1199.09 YARD MAINTENANCE.

(a) Refuse:

- (1) No furniture (except lawn furniture in good repair), mattresses, household furnishings, rugs, appliances, abandoned railroad ties, tires, wheels, abandoned vehicle parts, dilapidated automobiles or automobile parts shall be placed or stored in any yard area contiguous to any structures within the village over a period in excess of forty-eight hours, provided, however, that such of the items as are set for herein are usually good and ordinarily placed for scheduled refuse hauling may be so placed for a period of time not to exceed the next regularly scheduled refuse hauling date. "Exemption to the 48 hour limitation is provided to commercial entities whose storage of automotive-related items is consistent with their normal business practice." Property owners and/or residents are urged to remove emptied trash receptacles or recycle bins from the roadside within 24 hours after collection to a sheltered area convenient for use.
- (2) Property areas of all premises shall be kept free of readily observable accumulations of debris. This section does not apply to legitimate building materials stored on lots with projects in progress, or as otherwise permitted in this Zoning Code.

(b) Accessory Structures:

- (1) All structures located in the yard area contiguous to all zoning categories within the Village, such as sheds, barns, garages, bins and the like, shall be maintained in good repair in conformance with other provisions of this code having regard to foundations, roofs and exterior surfaces.

- (2) Any broken, deteriorated or decayed fence, yard enclosure or other device or structure located in the yard area contiguous to all zoning categories within the Village shall be repaired or removed.

(c) Ground-Surface Hazards: Holes, cracks, excavations, breaks, projection and obstructions at any place on the premises which are a hazard to persons using the premises shall not be permitted.

(d) Sidewalks: Shall be maintained in good repair in accordance with Codified Ordinances Chapter 905. (Ord. 2017-02. Passed 4-19-17.)

1199.091 MAINTENANCE OF DETENTION BASINS, RETENTION PONDS, AND OTHER DRAINAGE IMPROVEMENTS.

(a) The owner of any lot which contains a detention basin, retention pond or other drainage improvement shall maintain that drainage improvement to provide for adequate disposal of subsurface and surface water disposal. Maintenance of the detention basin, retention pond or other drainage improvement shall include the following items:

- (1) Erosion control of the slopes of the detention basin or retention pond to maintain the original slope design;
- (2) Removal of any trash or debris from the detention basin or retention pond;
- (3) Management of vegetation and mowing of grass adjacent to detention basin or retention pond;
- (4) Inspection and cleaning of any inlet or outlet pipes or concrete channel;
- (5) Removal of algae or other vegetation growth from the surface of the water;
- (6) Removal of sedimentation in the detention basin or retention pond or other drainage improvement if it accumulates to a level that is greater than 25% of the original design depth;
- (7) Maintenance of any mechanical pumps, fountains, or other mechanical equipment that were included in the original design of the detention basin, retention pond or other drainage improvement.
- (8) The need for maintenance can be minimized by designing low maintenance facilities. There are many design options which can result in nearly maintenance-free storm water control. Low maintenance is a priority in the design of all facilities.
- (9) Multi-use facilities incorporating assets such as aesthetics and recreation can be incorporated with the design of these facilities.

(b) Any detention basin, retention pond or other drainage improvement that is constructed by a developer will be continuously maintained by the owner or subsequent owners through a homeowners association in title of the affected lands unless it is officially accepted by the Village for maintenance. The developer shall cause the maintenance obligation to be inserted in the chain of title to the affected lands as a covenant running with the land in favor of the Village.

All facilities must be inspected and maintained by the homeowners association twice yearly on May 1 and again on November 1 and periodically throughout the year to ensure that the facilities are operational.

(c) Any detention basin, retention pond or other drainage improvement that is not properly maintained in accordance with the standards set forth in Section 1199.091(a) shall be deemed to be a nuisance, and the Zoning Inspector may take action to seek abatement of the nuisance pursuant to the procedure set forth in Section 1199.06.

(d) In the event that the nuisance is not abated within the time frame specified in the Zoning Inspector's written notice of violation or any authorized extension thereof, the Zoning Inspector may, in addition to any other remedies authorized under this Zoning Code, elect to authorize the Village Street Department to take all steps necessary to abate the nuisance. This section does not apply to underground detention basins, which shall be the exclusive responsibility of the owner, developer, and/or homeowners association.

(e) The Village shall keep an itemized account of expenses incurred for abatement of any nuisance arising from the failure to maintain any detention basin, retention pond or other drainage improvement. The total cost incurred for administration, labor, personnel, materials and equipment in abatement of the nuisance may be collected by the Fiscal Officer by one of the following methods of collection:

- (1) The Fiscal Officer may commence civil litigation against the property owner to collect the costs; or
- (2) The Fiscal Officer may assess the costs to the owner of the property where the detention basin, retention pond or other drainage improvement is located, and the property owner shall have thirty (30) days after the receipt of the proposed assessment to pay the assessment directly to the Village. In the event the assessment remains unpaid after thirty (30) days, the Fiscal Officer may certify the costs to the County Auditor to be placed upon the tax duplicate of the property to be a lien upon the property and to be collected as other property taxes and returned to the Village, with the effect that the total cost of the work constitutes a lien on the property which has priority ahead of any and all mortgages and other liens on the property; or
- (3) The Fiscal Officer may assess the costs to all property owners of lots in the recorded subdivision plat in which the detention basin, retention pond or drainage improvement is located. This cost shall be divided equally between all lots in the subdivision, and the property owners of the lot shall be responsible for payment of the assessed cost for each lot. The Fiscal Officer shall provide written notice to each property owner of the proposed assessment, and the property owners shall have thirty (30) days after receipt of the notice of proposed assessment to pay the assessment directly to the Village. In the event the assessment remains unpaid after thirty (30) days, the Fiscal Officer may certify the costs to the County Auditor to be placed upon the tax duplicate of the property to be a lien upon the property and to be collected as other property taxes and returned to the Village, with the effect that the assessment constitutes a lien upon the property which has priority ahead of any and all mortgages and other liens on the property; or
- (4) The Fiscal Officer may bill the expenses to a homeowners association created in conjunction with any development in which the detention basin, retention pond or drainage improvement is located, as set forth in Section 1199.091(b). The Fiscal Officer shall provide an itemized account of the expenses incurred and demand for payment thereof to the representative board of the homeowners association, which shall have thirty (30) days after receipt of the account and demand to pay the costs directly to the Village. In the event the costs remains unpaid after thirty (30) days, the Fiscal Officer may commence civil litigation against the homeowners association to collect the costs.

(f) The remedies set forth in this section are not exclusive and the applicability or availability of one remedy shall not prejudice or act as a bar to the pursuit of any other appropriate remedy, whether specified herein or otherwise available at law. (Ord. 2020-08. Passed 9-9-20.)

1199.10 ABANDONED STRUCTURES AND UNOCCUPIED LOTS.

(a) If any structure shall become abandoned for a period of more than 90 days, such structure may be presumed to be a nuisance affecting or endangering surrounding property values and to be detrimental to the public health, safety, convenience, comfort, property or general welfare of the community and shall be abated. For the purpose of this section, "abandon" shall mean to give up occupancy in the structure with the intent of never again claiming occupancy in the structure.

(b) Whenever the Zoning Inspector shall find that any structure has been abandoned, notice shall be given in the same manner as a service of summons in a civil case or by certified mail addressed to the owner of record of the premises at his or her last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods, to abate such abandoned condition within thirty days either by placing the structure in operation in accordance with this section, by adapting and using the structure for another use permitted in the zoning district, or by razing the structure, removing all debris, signs, goods, supplies and equipment, and filling depressions to the grade level of the lot, provided, however, that if the structure is used after the notice is given and remains in operation for ninety consecutive days, the provisions of this section shall not apply.

(c) Upon the failure, neglect or refusal of any owner to comply with the notice to abate such abandonment, the Zoning Inspector shall advise the Village Solicitor of all the facts and the Village Solicitor shall proceed to exercise on behalf of the Village any remedy which shall then be available to it to secure an abatement of such abandonment, including any that pertains to the abatement of a public nuisance, and to recover any damages or enforce any penalties which may be recovered or imposed at the instance of the Village, including all damages reasonable under Ohio R.C. 715.26 and 715.261.

(d) Unoccupied, empty or inoperative structures, whether or not abandoned, together with the lot upon which any such structure is located and with any other unoccupied or empty lot, shall be maintained in accordance with the provisions of this code. Any such lot shall be provided with grass or other appropriate ground cover or landscaping material so as to assure absorption of rainfall and prevent erosion and rapid runoff of surface water. The owner shall cut and maintain all grass or other ground cover and remove all rubbish and weeds from the premises. The parking of motor vehicles upon said premises shall be prohibited, and the Zoning Inspector may order the owner of the premises to install fencing which is in compliance with the Garrettsville Village Zoning Code and which will be sufficient to block motor vehicles access to said property. (Ord. 2017-02. Passed 4-19-17.)

1199.11 PROPERTY MAINTENANCE ADVISORY BOARD.

(a) Board Established. In order to provide guidance and support to the Zoning Inspector in matters of notices, decisions or determinations relative to the application and interpretation of this Code, there shall be and is hereby created a Property Maintenance Advisory Board. The Board shall meet at the request of the Zoning Inspector. The Zoning Inspector shall be an ex officio member of said Board. The Board shall render its advice and recommendations to the Zoning Inspector.

(b) Limitations on Authority. Guidance and recommendations by the Board shall be based on claims that the intent of this Code or the rules legally adopted hereunder have been incorrectly interpreted; the provisions of this Code do not fully apply; or an equivalent method of compliance is proposed. The Board shall have no authority to waive requirements of this Code. The Board, through consultation with the Solicitor, shall, by majority vote, determine which violations shall be the subject of legal action and the time frame for such action.

(c) Composition. The Garrettsville Planning Commission shall act as the Property Maintenance Advisory Board. (Ord. 2017-02. Passed 4-19-17.)

1199.12 NONCOMPLIANCE WITH FINAL ORDERS.

Whenever the person charged herein with the maintenance of a structure or premises fails to comply with any final order as provided in this code, the Property Maintenance Advisory Board may authorize one or more of the following actions:

- (a) Authorize the Village Solicitor or appropriate Village Law Enforcement Officer to institute an appropriate action at law;
- (b) Authorize the Street Superintendent to correct or cause to be corrected any violations of this chapter, and assess the property owner as provided for herein. When the Street Superintendent or other designated official causes land to be cleaned of litter, refuse or other items, a statement of costs thereof shall be mailed to the owner of such land by certified mail, return receipt requested. Such statement of cost shall include the following:
 - (1) Administration and supervision;
 - (2) Transportation of equipment;
 - (3) Equipment rental;
 - (4) Equipment operator(s); and
 - (5) Incidental labor.

The minimum fee to be charged shall be in no case less than seventy-five dollars (\$75.00) for the first hour or portion thereof and fifty dollars (\$50.00) for each additional hour or portion thereafter. (Ord. 2021-09. Passed 6-9-21.)

1199.13 COSTS CERTIFIED TO THE COUNTY AUDITOR.

The Street Superintendent or other designated official shall make a written account and take all steps necessary to certify all unpaid costs to the County Auditor including a proper description of the premises involved. Such amounts shall be entered upon the tax duplicate and be a lien upon the lots or land from and after the entry and be collected as other taxes and returned to the General Fund of the Village. (Ord. 2021-09. Passed 6-9-21.)

1199.14 REMEDIES NOT EXCLUSIVE.

The remedies set forth in this section are not exclusive and the applicability or availability of one remedy shall not prejudice or act as a bar to the pursuit of any other appropriate remedy, whether specified herein or otherwise available at law. (Ord. 2021-09. Passed 6-9-21.)

1199.99 PENALTY.

(a) Whoever violates any provision of this code, or fails to comply with any final order as provided herein shall be guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00). A separate offense shall be deemed committed each day on which a violation or noncompliance occurs or continues.

(b) Whoever violates or fails to comply with any of the provisions of this code, or fails to comply with any final order as provided herein, on more than one subject matter in any two-year period separate and distinct from a conviction upon a prior subject matter or any continued daily violation of such prior subject matter, shall be, upon conviction of any subsequent offense occurring within two years of the prior conviction, guilty of a misdemeanor of the first degree. A separate offense on such subsequent subject matter within two years shall be deemed committed each day on which a violation or noncompliance occurs or continues. (Ord. 2017-02. Passed 4-19-17.)

