

CODIFIED ORDINANCES OF CANAL FULTON
PART ELEVEN - PLANNING AND ZONING CODE

TITLE ONE - Subdivision Regulations

- Chap. 1101. Title; Purpose; Application.
- Chap. 1105. Definitions.
- Chap. 1109. General Procedures.
- Chap. 1113. Minimum Plat Requirements.
- Chap. 1114. Open Space Fees.
- Chap. 1117. Design Standards.
- Chap. 1121. Easements; Installation of Utilities and Public Sites.
- Chap. 1125. Construction Requirements.
- Chap. 1129. Drainage Requirements.
- Chap. 1133. Supplemental Requirements.

APPENDIX

TITLE THREE - Zoning Administration

- Chap. 1141. Purpose; Exemptions; Conformance.
- Chap. 1143. Definitions.
- Chap. 1145. Conditional Zoning Certificates.
- Chap. 1147. Board of Zoning Appeals.
- Chap. 1149. Administrative Fees and Enforcement.
- Chap. 1150. Designation of Historic Landmarks and Historic Districts.

TITLE FIVE - ZONING MAP AND DISTRICTS

- Chap. 1151. Districts Established; Map and Boundaries.
- Chap. 1153. F-P Flood Plain District.
- Chap. 1155. R-R Rural Residential District.
- Chap. 1157. R-1 Single-Family Low Density Suburban Residential District.
- Chap. 1159. R-1-A Single-Family Medium Density Urban Residential District.
- Chap. 1161. R-2 One-and Two-Family Low Density Urban Residential District.
- Chap. 1163. R-3 Medium Density Urban Residential District.

TITLE FIVE - ZONING MAP AND DISTRICTS (Cont.)

- Chap. 1165. R-4 Multifamily Urban Residential District.
- Chap. 1167. R-5 Mobile Home Park Residential District.
- Chap. 1169. B-1 General Retail-Office District.
- Chap. 1171. B-2 General Retail, Office and Motorist Services Business District.
- Chap. 1173. I-1 Industrial District.
- Chap. 1174. Light Industrial Zone (L-1).
- Chap. 1175. Historic District.
- Chap. 1177. R-4A Senior Residential District.

TITLE SEVEN - Zoning Regulations

- Chap. 1181. Sign Regulations.
- Chap. 1183. Parking and Loading Requirements.
- Chap. 1185. Nonconforming Uses.
- Chap. 1187. Supplementary Regulations.

APPENDIX

CODIFIED ORDINANCES OF CANAL FULTON
PART ELEVEN - PLANNING AND ZONING CODE

TITLE ONE - Subdivision Regulations

- Chap. 1101. Title; Purpose; Application.
 - Chap. 1105. Definitions.
 - Chap. 1109. General Procedures.
 - Chap. 1113. Minimum Plat Requirements.
 - Chap. 1114. Open Space Fees.
 - Chap. 1117. Design Standards.
 - Chap. 1121. Easements; Installation of Utilities and Public Sites.
 - Chap. 1125. Construction Requirements.
 - Chap. 1129. Drainage Requirements.
 - Chap. 1133. Supplemental Requirements.
-

CHAPTER 1101
Title; Purpose; Application

<p>1101.01 Title.</p> <p>1101.02 Purpose.</p>	<p>1101.03 Application.</p> <p>1101.04 Costs for street vacation administrative costs assessed.</p>
---	---

CROSS REFERENCES

- Plat acknowledgment and recording - see Ohio R.C. 711.06
 - Plat approval by planning authority - see Ohio R.C. 711.09
-

1101.01 TITLE.

The platting and minimum improvement requirements for the subdivision of land within the City of Canal Fulton, Ohio, in accordance with the adopted General Development Plan, including procedures for the application, administration, and penalties for the violation thereof, shall be known and referred to as **SUBDIVISION REGULATIONS FOR THE CITY OF CANAL FULTON, OHIO.** (Ord. 25-1980. Passed 9-2-80.)

1101.02 PURPOSE.

The general purpose of these Subdivision Regulations shall be to control the subdivision of all land in the City, in accordance with the adopted General Development Plan, in order to promote the public health, safety, comfort, convenience, and general welfare.
(Ord. 25-1980. Passed 9-2-80.)

1101.03 APPLICATION.

A sketch plan and preliminary and final plats shall be required in accordance herewith for the subdivision of any land within the City.
(Ord. 25-1980. Passed 9-2-80.)

**1101.04 COSTS FOR STREET VACATION ADMINISTRATIVE COSTS
ASSESSED.**

In the event of a petition by private persons for the vacation, narrowing, or renaming of a street or alley, in the City, petitioner(s) shall present a plat as required by the Ohio Revised Code, and shall make provision for the payment of the expense of such advertising of a public hearing as may be required.
(Ord. 66-97. Passed 8-23-97.)

CHAPTER 1105
Definitions

1105.01 Definitions.**1105.02 Interpretation of terms or words.**

CROSS REFERENCES

General Code definitions - see ADM. 101.02

Zoning Ordinance definitions - see P. & Z. 1143.01

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

1105.01 DEFINITIONS.

As used in these subdivision regulations:

- (a) "Average Recurrence Interval" means the average interval in years between storm water flows of a given magnitude, or greater, over a period of time, such as 100 years.
- (b) "Council" means the legislative body of Canal Fulton, Ohio.
- (c) "Crosswalk" means a right of way, dedicated to public pedestrian use, which cuts across a long block.
- (d) "Cul-de-sac" means a dead-end street of short length having one end open to traffic and the other end terminating in a vehicular turn-around.
- (e) "Dead-end street" means a street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
- (f) "Easement" means a grant by the owner of the land for the specified use of such land to a person or persons or to the public.
- (g) "Flood Hazard" indicates overflow water having sufficient velocity to transport debris, to scour the surface soil or to dislodge or damage buildings. It also indicates erosion of the banks of watercourses.
- (h) "Flood Plain" means that portion of a river or creek valley adjacent to the river or creek channel which is covered with water when the river or creek overflows its banks at flood stage.
- (i) "General Development Plan" means that plan adopted by the Canal Fulton Council which includes the plan of major streets or highways.
- (j) "Improvements" means street pavements, with or without curbs or gutters, grading, surfacing, sidewalks, crosswalks, water mains, sanitary and storm sewers, and other appropriate items.
- (k) "Inundation" means standing water, or water in motion, of sufficient depth to damage property due to the mere presence of water or to deposition of silt.

- (l) "Lot, parcel" means a division of land separated or proposed to be separated from other divisions of land by description on a recorded subdivision plat, recorded survey map, or by metes and bounds, for purposes of sale, lease, or separate use, and having frontage on a public or private dedicated street.
- (m) "Lot, corner" means a lot at the point of intersection of and abutting on two intersecting streets.
- (n) "Lot, double-frontage" means a lot, other than a corner lot, that abuts more than one street.
- (o) "Monuments" means permanent concrete or iron markers used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary line corners, and points of change in street alignment.
- (p) "Planning Commission" means the Planning Commission of Canal Fulton, Ohio.
- (q) "Performance Bond, Surety Bond, and Maintenance Bond" means an agreement by and between a subdivider or developer and a bonding company in favor of and in such form as approved by the Council, on file in the Municipal Building for the amount of estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement and for an amount of the estimated maintenance cost of the completed physical improvements for the period of time provided in these regulations.
- (r) "Plat."
 - (1) "Preliminary Plat" means a drawing for the purpose of study of a subdivision and, when approved, permits proceeding with the preparation of a final plat.
 - (2) "Final Plat" means a final map of all or a portion of a subdivision which, when approved, shall be in a form suitable for recording.
- (s) "Right of way" means the strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) as grade separation, landscaped areas, viaducts, and bridges.
- (t) "Roadway" means that portion of a highway, including shoulders, for vehicular use. A divided highway has two or more roadways.
- (u) "Shoulder" means the portion of the roadway contiguous with the traveled way for the accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.
- (v) "Sidewalk" means that portion of the road right of way, outside the roadway, which is improved for the use of pedestrian traffic.
- (w) "Street, thoroughfare, or road" means a public or private right of way for vehicular and pedestrian use.
 - (1) "Freeway" means a divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access.

- (2) "Expressway" means a divided arterial highway (not a freeway) for through traffic with full or partial control of access, medians, at grade intersections, and some grade separations.
- (3) "Arterial" means a general term denoting a highway primarily for through traffic usually on a continuous route. This facility provides for through traffic movement between areas, across the county and to and from expressways. An arterial also provides access to abutting property, but parking and loading may be restricted to improve the capacity for moving traffic.
- (4) "Collector" means a street providing for traffic movement between major arterials and local streets, and direct access abutting property. This facility provides for the internal traffic movement within an area of the county.
- (5) "Local" means a street or road whose present function is to provide access to residence, business, or other abutting property. A local moves a vehicle from an individual property to the nearest collector street.
- (x) "Subdivider" means any person, persons or corporation or duly authorized agent who undertakes the subdivision of land as defined in Ohio R.C. 711.001.
- (y) "Subdivision." In accordance with Ohio R.C. 711.001, subdivision means:
 - (1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
 - (2) The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.
- (z) "Vicinity Map" means a drawing at a reduced scale located on the preliminary plat which show legibly, by dimension and/or other means, enough area beyond the bounds of the proposed subdivision to locate and orient the subdivision within Stark County.
- (aa) "Watershed" means the drainage basin in which the subdivision drains or that land whose drainage is affected by the subdivision.
(Ord. 25-1980. Passed 9-2-80.)

1105.02 INTERPRETATION OF TERMS OR WORDS.

For the purpose of these Subdivision Regulations certain terms or words used herein shall be interpreted as follows:

- (a) "Person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- (b) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (c) "Shall" is a mandatory requirement, "may" is a permissive requirement, and "should" is a preferred requirement.
- (d) "Used" or "occupied" include the words "intended, designed or arranged to be used or occupied".
- (e) "Lot" includes the words "plot" or " parcel".
(Ord. 25-1980. Passed 9-2-80.)

**CHAPTER 1109
General Procedures**

1109.01 Compliance required.

1109.02 Division of land without plat.

1109.03 Stages of subdivision approval.

CROSS REFERENCES

Violation of rules and regulations - see Ohio R.C. 711.102
Subdividing by an instrument of conveyance - see Ohio R.C.
711.40

1109.01 COMPLIANCE REQUIRED.

All subdivisions of land as defined herein, whether by instrument of conveyance or otherwise, shall comply with these subdivision regulations and shall be platted in accordance herewith.

(Ord. 25-1980. Passed 9-2-80.)

1109.02 DIVISION OF LAND WITHOUT PLAT.

(a) Whoever divides any parcel of land, whether by instrument of conveyance or otherwise, for which division no plat is required by reason of Ohio R.C. 711.001, and 711.131, shall submit such division, together with a sketch identifying such division, to the Chairman of the Planning Commission or his deputy.

(b) The chairman, or his deputy, shall, within seven working days, stamp such division of a parcel of land "Approved by the Planning Commission of the City of Canal Fulton, Ohio; no plat required", sign his name and the date of approval.

(Ord. 25-1980. Passed 9-2-80.)

1109.03 STAGES OF SUBDIVISION APPROVAL.

Subdivision shall be approved in three stages: sketch plan discussion stage, preliminary plat stage, and final plat stage.

(a) The Sketch Plan Discussion Stage requires the subdivider to discuss the proposed subdivision with the Planning Commission so that he can become familiar with the subdivision regulations and the Commission can be aware of future developments.

(1) Eight copies of the sketch plan shall be submitted to the Chairman of the Planning Commission at least seven days prior to a regularly scheduled meeting.

(2) Within thirty days of submission of the sketch plan the Chairman of the Planning Commission shall mail a report of the comments and suggestions of the City and its engineer to the developer.

- (3) The format and requirements for the sketch plan are found in Chapter 1113.
- (b) The Preliminary Plat shall contain all the requirements of Chapter 1113 and eight copies shall be prepared. Seven copies shall be transmitted to the Chairman of the Planning Commission and one to the City Engineer at least seven days prior to a regularly scheduled meeting.
 - (1) A preliminary plat does not have the legal status of a final plat and it can be modified by the Planning Commission to solve unforeseen problems.
 - (2) A.
 - Plat approval or rejection. In accordance with Ohio R.C. 711.09, the Planning Commission shall certify the date of the plat submission and the approval or the refusal to approve shall take place within thirty days thereafter, or such further time as the applying party may agree to; otherwise, such plat is deemed approved and may be recorded as if bearing such approval.
 - B. A preliminary plat shall be submitted to the Planning Commission prior to the completion of the final surveys of roads and lots and before the start of any grading or construction work upon the proposed streets and before any plat of the subdivision is made in a form suitable for recording. The Planning Commission shall determine whether a preliminary plat is in proper form and shall not receive and consider such a map as filed until it is submitted in accordance with the requirements hereof. Where the preliminary plat covers only a part of the subdivider's entire holding, a sketch of the prospective future development shall be furnished and the street system of the submitted part will be considered in light of adjustments and connection with the street system of the area not submitted for platting.
 - (3) Approval of the preliminary plat and proposed improvements shall be effective for a period of eighteen months. If the final plat has not been recorded within this time limit, the preliminary plat must again be submitted to the Planning Commission for approval. However, if the allotment is in the process of preliminary construction of improvements at the end of such eighteen months, this provision may be waived by the Planning Commission.
- (c) The Final Plat shall upon proper application be submitted to the Planning Commission for approval prior to recording. Final plats shall conform to the approved preliminary plat and to these regulations; however, a final plat may be for all or a portion of the area shown to be subdivided provided that a preliminary plat has been filed and approved for the entire subdivision.
(Ord. 25-1980. Passed 9-2-80.)

CHAPTER 1113
Minimum Plat Requirements

1113.01 Sketch plan.
1113.02 Preliminary plat.

1113.03 Final plat.
1113.04 Fees.

CROSS REFERENCES

Plat and contents - see Ohio R.C. 711.01 et seq.

Plat acknowledgment and recording - see Ohio R.C. 711.06

Plat approval by planning authority - see Ohio R.C. 711.09

1113.01 SKETCH PLAN.

The sketch plan may be in a freehand sketch form and in pencil, showing the proposed layout of streets, lots, and other features in relation to the nearest existing public streets, and other pertinent information relative to location, environment and available services. In addition the sketch plan should be accompanied by a topographical map (USGS or better).
(Ord. 25-1980. Passed 9-2-80.)

1113.02 PRELIMINARY PLAT.

The developer or subdivider shall submit the following:

- (a) Preliminary plat application.
- (b) Where the preliminary plat covers only a part of the subdivider's entire holdings, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the submitted part will be considered in light of adjustments and connections with the street system of the part not submitted.
- (c) Vicinity Map. A vicinity map at a scale of not more than 400 feet to the inch shall be shown on, or accompany, the preliminary plat. The map shall show all existing subdivisions, streets, shopping facilities, schools, parks, playgrounds and tract lines of acreage parcels together with the names of the record owners of parcels of land immediately adjoining the proposed subdivision.
- (d) The preliminary plat shall be prepared on sheets 24" x 36" in size. A preliminary plat containing less than six acres shall be submitted at a scale of one inch equals fifty feet.
- (e) The preliminary plat drawing shall be prepared by a registered surveyor, site planner, (a professional planner certified by the State of Ohio and/or meeting the requirements of Associate Member of the American Institute of Planners), landscape architect, or registered civil engineer. The plan shall be accurately and clearly drawn. The drawing shall include the proposed plan of the subdivision, and shall show the following:

- (1) Identification.
 - A. Proposed name of subdivision (must not duplicate others in the City), tract, and original lot number.
 - B. Names, addresses, and telephone numbers of owners, subdivider, and the person or firm preparing the preliminary plat.
 - C. Scale, north point, and date.
- (2) Existing data.
 - A. Boundary lines: Showing bearings and distances and the method by which they were derived, as surveyed by a registered surveyor, or as shown by existing deed records. If applicable, all corporation lines, section and quarter lines shall be shown.
 - B. Easements: Location, width, and purpose.
 - C. Streets in and adjacent to the subdivision: Names, location, right of way, and roadway width.
- (3) Utilities in and adjacent to the subdivision. Location, size, and flow line elevations of sanitary, storm and combined sewers; location and size of water mains; location, size and type of gas lines, fire hydrants, utility poles, and oil and gas wells and their easement widths. If water mains, sewers, and/or culverts are not adjacent to the tract, indicate the direction and distance to, and size of, the nearest ones showing flow line elevation of sewers and culverts.
- (4) Topography. Show contours with an interval of not more than five feet if ground slope is in excess of four percent (4%) and two feet if ground slope is less than four percent (4%).
- (5) Subsurface conditions on the subdivision. Any conditions that are not typical, such as abandoned mines, etc., if this data is known and available.
- (6) Other conditions within the subdivision.
 - A. Water courses and areas subject to flooding.
 - B. Marshes.
 - C. Rock outcroppings.
 - D. Wooded areas, including the average size and dominant species of tree.
 - E. Any structures or other significant features.
- (7) Other conditions on adjacent land. (With two hundred feet).
 - A. Approximate direction and gradient of ground slope including any embankments or retaining walls.
 - B. Location and type of buildings on unplatted lands.
 - C. Railroad lines.
 - D. Power lines and towers.
 - E. Other nearby nonresidential uses of land.
 - F. Owners of adjacent unplatted land (for adjacent platted land refer to subdivision plat by name, plat book, and pages).
- (8) Zoning requirements.
 - A. District.
 - B. Lot size and building and setback lines as specified in the Canal Fulton Zoning Ordinance.
 - C. Proof of any variance or special exception.

- (9) Planned public improvements. Highways, buildings or other major improvement planned by public authorities for future construction on or near the subdivision.
- (10) Proposals.
- A. Streets: show proposed streets and right-of-way widths. Indicate each street by a proposed name, however, the final decision as to street names is to be made by the Planning Commission.
 - B. Other rights-of-way or easements (including sanitary and storm sewers): Location, width, and purpose.
 - C. Lots: Total number, scaled dimensions, and estimated area of irregular-shaped lots in square feet.
 - D. Land parcels within the subdivision not to be divided into lots.
 - E. Public sites: Reserved or dedicated for parks, playgrounds, or other public use.
 - F. Sites for other uses: Multi-family, shopping facilities, churches, industry, or other nonpublic uses exclusive of single-family dwellings.
 - G. Total site data: Including acreage, number of residential lots, typical lot size, and acres in parks and other public uses.
 - H. When extensive changes of topography are contemplated, a plan showing the changes proposed.
 - I. The Planning Commission may require additional information as it deems necessary.
(Ord. 25-1980. Passed 9-2-80.)

1113.03 FINAL PLAT.

(a) The final plat shall be accompanied by an application and drawn on ink bond tracing cloth or mylar on one or more sheets measuring twenty-four by thirty-six inches at a scale of not more than one hundred feet to the inch. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision.

- (b) The final plat shall show the following:
- (1) Proposed name of subdivision (must not duplicate others in the City), tract and original lot number.
 - (2) Name and address of the developer and the engineering or surveying firm.
 - (3) Location map at 1" = 2000' (USGS) scale with north arrow.
 - (4) Identification of adjoining land by owner and, if a recorded subdivision, lot numbers, the plat book and page where recorded.
 - (5) Total acreage of land platted, total acreage of streets dedicated, and total acreage of lots platted, number of residential lots, and acres in parks and other public uses.
 - (6) Lines and boundaries: center lines and right-of-way lines of streets, easements and other rights-of-way, natural and artificial water courses, streams, shorelines, corporation lines, and property lines of all lots and parcels with distances, radii, arcs, chords, and tangents of all curves (nearest one hundredth of a foot), bearings, or deflection angles (nearest second).

- (7) Location and description of all monuments found, set or to be set.
 - (8) Land for public use: Show boundaries and identify the use of all parcels which are to be dedicated or reserved for public use or easement.
 - (9) Streets: Name and right-of-way width of each street within proposed subdivision and those adjoining.
 - (10) Lot identification: Lots shall be numbered in accordance with City lot numbering system.
 - (11) Certification and seal by a registered surveyor to the effect that the plat represents a survey made by him which balances and closes, and the monuments shown thereon exist or shall be set as shown, and that all dimensional and geodetic details are correct.
 - (12) Notarized certification by the owner or owners of the subdivision and the offer of the dedication of streets and other public areas that there are no unpaid taxes or special assessments against public dedicated land contained in the plat.
 - (13) Endorsement to be completed by the Director of Law when land is to be dedicated for public use, certifying that all lands offered for dedication are free from encumbrances. The subdivider shall provide to the Director of Law such instruments as are necessary to this determination.
 - (14) Approval of City Engineer that required improvements have been satisfactorily installed or adequate financial guarantees have been provided to the satisfaction of Council.
 - (15) Approval of plat by the Chairman of the Planning Commission.
 - (16) Acceptance of dedication by Council.
 - (17) Proper notations for transfer and recording by the County Auditor and County Recorder.
- (c) Recording of the final plat shall be as follows:
- (1) A. The Planning Commission shall act within thirty days of submission of the final plat to the Chairman or within a mutually agreed upon time extension; otherwise, the final plat shall be deemed to have been approved. Written notice of such action will be transmitted by mail to the subdivider, and if disapproved the notice shall include specific reference to the portions of the Subdivision Regulations of which the plat is in violation;
 - B. When final approval is granted by the Planning Commission, the original tracing will be endorsed by the officers of the Planning Commission.
 - (2) A. Upon approval by the Planning Commission and acceptance of the street dedication by Council the plat shall be presented to the County Auditor for transfer and the County Recorder for recording. All fees associated with transfer and recording shall be paid by the subdivider.

- B. After recording of the plat with the Recorder of Stark County, the final tracing, or other reproducible copy, will be retained in the office of the Clerk of Council and shall become and remain the property of Canal Fulton, Ohio.
(Ord. 25-1980. Passed 9-2-80.)

1113.04 FEES.

Any tracing, sketch or plat submitted under these provisions shall be accompanied by the appropriate fee as specified in 1133.06
(Ord. 25-1980. Passed 9-2-80.)

**CHAPTER 1114
Open Space Fees**

1114.01	Planning Commission.	1114.05	Dedication in lieu of fees.
1114.02	Compliance.	1114.06	Utilization of the funds.
1114.03	Fees.	1114.07	Parks and Recreation
1114.04	Dedication of land.		Capital Improvements Fund.

1114.01 PLANNING COMMISSION.

No plat shall be considered approved by the City Planning Commission unless there is dedication of park lands and/or fees on said plat in accordance with the standards hereinafter set forth in Section 1114.04. (Ord. 17-03. Passed 7-1-03.)

1114.02 COMPLIANCE.

Every residential subdivision developer shall dedicate a portion of such land, pay a fee, or do both as hereinafter set forth for the purpose of providing additional open space and recreation facilities, or improving those already within the City. (Ord. 17-03. Passed 7-1-03.)

1114.03 FEES.

(a) New Construction. Prior to construction of a development, a flat fee of two hundred dollars (\$200.00) per dwelling unit shall be levied against the developer(s).

(b) Existing Platted, Residential and/or Meets and Bounds Lots. A flat fee of two hundred dollars (\$200.00) per dwelling unit shall be levied against said lot owner or builder prior to the issuance of a zoning permit. (Ord. 17-03. Passed 7-1-03.)

1114.04 DEDICATION OF LAND.

(a) A developer may, upon written request to the Park Board, designate on his tentative plat as submitted to the City Planning Commission an area to be transferred to the City by warranty deed at the rate of five percent (5%) of the gross acreage of development to be used for additional park land or open space (not less than one-half (½) acre). Upon request, the Park Board meeting jointly with the Planning Commission shall make a recommendation to the Legislative Authority to either accept or reject the alternative to fees. Upon passage of the resolution by Council, the land will be accepted in lieu of fees, with the transfer occurring before approval of the final plat by the Planning Commission. Under no conditions may the land transferred be of less value to the City than that which would have been derived by using the assessment formula as set forth in Section 1114.03.

(b) A developer may, upon written request and approval of City Council, transfer to a Chartered Home Owners' Association to the dedication of said land to be used for a park or open space land. (Ord. 17-03. Passed 7-1-03.)

1114.05 DEDICATION IN LIEU OF FEES.

The acceptance of the dedication of land in lieu of fees will be on the recommendation of the Park Board and discretion of the Planning Commission with final approval of the Council. To override the recommendation by the Park Board and/or Planning Commission, the Legislative Authority will need a two-thirds vote. (Ord. 17-03. Passed 7-1-03.)

1114.06 UTILIZATION OF THE FUNDS.

All fees collected pursuant to Section 1114.03 shall be expended for the acquisition, purchase, developing, or equipping of future or existing parks or open space land. Under no circumstances may said funds be used for the salaries or wages of City employees. (Ord. 17-03. Passed 7-1-03.)

1114.07 PARKS AND RECREATION CAPITAL IMPROVEMENTS FUND.

A Parks and Recreation Capital Improvements Fund shall be and the same hereby is established for the City. All fees collected pursuant to Section 1114.03 shall be deposited in said Fund and all expenditures there from shall be in conformity with Section 1114.06. (Ord. 17-03. Passed 7-1-03.)

**CHAPTER 1117
Design Standards**

1117.01	Physical considerations.	1117.11	Street signs.
1117.02	General street standards.	1117.12	Street names.
1117.03	Street classification.	1117.13	Planting screens or fences.
1117.04	Street right of way.	1117.14	Blocks.
1117.05	Intersections.	1117.15	Lots.
1117.06	Horizontal alignment.	1117.16	Trees.
1117.07	Vertical alignment.	1117.17	Lighting.
1117.08	Cul-de-sacs.	1117.18	Haul road.
1117.09	Temporary dead-end streets.		Appendix
1117.10	Half streets.		

CROSS REFERENCES

Construction requirements - see P. & Z. Ch. 1125

Drainage requirements - see P. & Z. Ch. 1129

Supplemental requirements - see P. & Z. Ch. 1133

1117.01 PHYSICAL CONSIDERATIONS.

(a) Natural Land Use. Subdivisions should be planned to take advantage of the topography of the land to economize in the construction of drainage facilities to reduce the amount of grading, and to minimize destruction of trees and topsoil.

(b) Land Suitability. If the Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision due to flooding, inadequate drainage, soil and rock formations with severe limitations for development, susceptibility to mud slides or earthslides, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature harmful to the health, safety, or welfare of the future residents of the proposed subdivision or community; and if from their investigation it is found to be in the best interest of the public that the land not be subdivided, then the Planning Commission shall not approve the plat unless adequate methods are provided by the subdivider to remedy the problems.

(c) Historic Landmarks and Natural Features. The preservation of historical landmarks shall be required and due consideration shall be given to preserving outstanding natural features such as scenic spots, water bodies or exceptionally fine stands of trees.
(Ord. 25-1980. Passed 9-2-80.)

1117.02 GENERAL STREET STANDARDS.

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

(b) Existing or projected collector streets in adjoining areas shall be continued in new subdivisions and local residential streets shall be continued to prevent dead-end streets.

(c) No street arrangement shall be approved that prevents convenient future access to adjoining undeveloped property.

(d) Local residential streets shall be designed so as not to offer direct routes to through traffic.

(e) Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(f) Where a subdivision borders on or contains a railroad right of way, or limited access highway right of way, the Planning Commission may require a street parallel to and on each side of such right of way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separation.

(Ord. 25-1980. Passed 9-2-80.)

1117.03 STREET CLASSIFICATION.

Street classification is the designation of streets and highways into systems according to the function they perform. The systems used for the Street Classification are:

- (a) Freeway: A divided multi-lane highway for through traffic with all crossroads separated in grade with full control of access.
- (b) Expressway: A divided arterial highway (not a freeway) for through traffic with full or partial control of access, medians, at grade intersections and some grade separations.
- (c) Arterial: A general term denoting a highway primarily for through traffic usually on a continuous route. This facility provides for through traffic movement between areas, across the county, and to and from expressways. An arterial also provides access to abutting property but parking and loading may be restricted to improve the capacity for moving traffic.
- (d) Collector: A street providing for traffic movement between major arterials and local streets, and direct access to abutting property. This facility provides for the internal traffic movement within an area of the City.

- (e) Local: A street or road whose present function is to provide access to residence, business, or other abutting property. A local moves a vehicle from an individual property to the nearest collector.
(Ord. 25-1980. Passed 9-2-80.)

1117.04 STREET RIGHT OF WAY.

<u>Classification</u>		<u>Multi Right-of-Way in Feet</u>	<u>Minimum Pavement Width in Feet</u>
Freeway		150	2-24' pavement and median
Expressway		150	
Arterial		100	48
Collector			
Local	Residential	60	36
	(Multiple Family)	60	36
	(Single and Two Family)	50	27

(Ord. 38-01. Passed 10-16-01.)

1117.05 INTERSECTIONS.

- (a) Streets shall intersect as nearly as possible at right angles and no street shall intersect any other at less than 70° angle.
- (b) Intersections shall have centerline offsets of not less than two hundred feet.
- (c) Right-of-way lines at street intersections shall be rounded with a radius of not less than twenty five feet for arterials, collectors and locals.
- (d) Intersection sight distance standards shall be provided at all intersections of subdivision streets with existing highways as follows: intersections with arterial streets, four hundred seventy-five feet; with collector streets, three hundred fifty feet; with local streets, two hundred thirty-five feet.
(Ord. 25-1980. Passed 9-2-80.)

1117.06 HORIZONTAL ALIGNMENT.

Angles in the horizontal alignment of street lines shall be connected by a curve with a radius on the centerline of not less than one hundred fifty feet for local streets and five hundred feet for collector streets. Between reverse curves there shall be a tangent of at least one hundred feet on collector streets. In the case of unusual topography the City Engineer may reduce the horizontal alignment requirements.
(Ord. 25-1980. Passed 9-2-80.)

1117.07 VERTICAL ALIGNMENT.

- (a) Vertical curves shall provide the following stopping sight distances: arterials, five hundred feet; collectors, three hundred fifty feet; and locals, one hundred fifty feet.

(b) Grades shall not exceed six percent (6%) on collector streets or ten percent (10%) on local streets except in the case of unusual topographic conditions as approved by the City Engineer. No street shall have a grade less than one-half percent (0.5%).
(Ord. 25-1980. Passed 9-2-80.)

1117.08 CUL-DE-SACS.

Streets designed to be permanently dead-ended shall not be longer than six hundred feet and shall be provided at the closed end with a turnaround which may be used when approved by the Planning Commission. If such a street is of a temporary nature and a future extension into adjacent land is anticipated then such turnaround beyond the normal street width shall be in the nature of an easement over the premises included in the turnaround, but beyond the boundaries of the street proper. Such easements shall be automatically vacated to abutting property owners, when the dead-end street is legally extended into adjacent land. If such dead-end street extends only one lot depth past a street intersection, no turnaround will then be required.
(Ord. 25-1980. Passed 9-2-80.)

1117.09 TEMPORARY DEAD-END STREETS.

Temporary dead-end streets shall be permitted only when:

- (a) No lots front, or can be designed to front, on a dead-end street.
- (b) Lots front on a dead-end street that is no longer than two hundred feet.
- (c) The dead-end street is part of a street required by the Planning Commission and a temporary turnaround of a design satisfactory to the Planning Commission is provided.

(Ord. 25-1980. Passed 9-2-80.)

1117.10 HALF STREETS.

(a) Half streets shall not be permitted except where such streets are essential to the reasonable development of the proposed subdivision in conformity with the other requirements of these regulations and where the Planning Commission finds that it will be practicable to require the dedication of the other half of the street when the adjoining property is subdivided.

(b) Wherever an existing half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

(c) Half streets shall be not less than one half the standard width for the appropriate street classification.

(c) Any plat dedicating a temporary dead-end or a half street shall include a plat restriction prohibiting any easement or right-of-access to the temporary dead-end or half-street from any abutting or adjoining property save from lots platted in conformity with these regulations.

(Ord. 25-1980. Passed 9-2-80.)

1117.11 STREET SIGNS.

- (a) The subdivider shall purchase and install these signs:
 - (1) Street name signs at all intersections

(2) All other signs necessary for the public safety (stop, traffic, parking, etc.)

(b) The type and location of all signs shall be approved by the Planning Commission after consultation with the Street Superintendent.
(Ord. 25-1980. Passed 9-2-80.)

1117.12 STREET NAMES.

New streets which are extensions of, or in alignment with, existing street shall bear the name of the existing street. All new street names must be approved by the Planning Commission. All new streets shall be designated as follows:

<u>General Direction</u>	<u>Designation</u>
North and South	Avenues
East and West	Streets
Northeast-Southwest diagonals	Roads
Northwest-Southeast diagonals	Drives
Cul-de-sac or loop streets	Circles

(Ord. 25-1980. Passed 9-2-80.)

1117.13 PLANTING SCREENS OR FENCES.

The Planning Commission may require and permit planting screens or fences where reverse frontage lots abut a major arterial street or between a major arterial thoroughfare and marginal access street, provided that such planting screens or fences shall not constitute a safety hazard. A plan for proposed planting screens or fences shall be submitted for approval with the final plat.
(Ord. 25-1980. Passed 9-2-80.)

1117.14 BLOCKS.

The minimum length of blocks shall be six hundred feet while the maximum length shall be fifteen hundred feet. However, these standards may be varied to provide for :

- (a) Vehicular and pedestrian circulation within the subdivision and access to areas outside the subdivision.
- (b) Limitations and opportunities of topography.
- (c) Zoning requirements and the requirements contained in these regulations as to lot size and dimensions.
- (d) The character of existing and potential future development of areas surrounding the proposed subdivision.
- (e) Irregular shaped blocks (including super blocks) and indented cul-de-sacs containing interior public spaces, will be acceptable when adequately designed and fitted to the overall plan.
(Ord. 25-1980. Passed 9-2-80.)

1117.15 LOTS.

(a) Lots shall be arranged and designed to meet all zoning requirements of the district in which located and are appropriate to the location of the subdivision.

(b) Lots that are not served by a public sanitary sewer shall meet the area requirements established by the Stark County Board of Health.

(c) No building site shall be created that does not front on a public street, except for Planned Unit Residential Developments which contain privately owned streets maintained by a homeowners association.

(d) The average depth of a lot shall not exceed three and one-half times its average width.

(e) Double-frontage or reversed-frontage lots shall be prohibited except where they are deemed necessary by the Planning Commission to provide separation of residential development from traffic arteries or to overcome unusual topographic conditions.

(f) Building setback lines shall not be less than required by applicable zoning regulations.
(Ord. 25-1980. Passed 9-2-80.)

1117.16 TREES.

Where sidewalks are required, the subdivider shall not plant trees in the curb strip between the sidewalk and the curb as they would interfere with buried utilities.
(Ord. 25-1980. Passed 9-2-80.)

1117.17 LIGHTING.

The Developer shall provide adequate street lighting in the public right-of-way as specified by Ohio Edison.
(Ord. 5-87. Passed 2-23-87.)

1117.18 HAUL ROAD.

The Planning Commission may require a temporary construction road to provide access for construction vehicles during the construction of the public portion of a project. All construction vehicles shall be directed by signage, furnished and installed by the developer, to use this temporary road until completion of the construction of the public portion of this project.
(Ord. 71-97. Passed 10-21-97.)

APPENDIX

The Appendix to Chapter 1117 shall be amended to include the following drawings entitled:

50' right of way alternate 1 rigid pavement
50' right of way alternate 2 flexible pavement
50' right of way alternate 3 full depth asphalt
60' right of way alternate 1 rigid pavement
60' right of way alternate 2 flexible pavement
60' right of way alternate 3 full depth asphalt
Standard Concrete Curb and Gutter
Table 1: Minimum pavement standards.

All the above drawings are on file with the City Engineer.
(Ord. 38-01. Passed 10-16-01.)

CHAPTER 1121
Easements, Installation of Utilities and Public Sites

1121.01 Easements.

1121.03 Public sites.

1121.02 Installation of utilities.

CROSS REFERENCES

Fee of designated public land to vest when plat recorded - see
Ohio R.C. 711.07, 711.11

Engineer to approve plats - see Ohio R.C. 711.08, 711.09

1121.01 EASEMENTS.

(a) When rights of way are required by utility companies in residential developments for installation of utility distribution lines above or below ground on private property, the developer, owner, or petitioner shall grant easements for such lines and areas as are needed by the utilities for installation, maintenance and replacement of their lines and needed equipment including street lighting.

(b) Easements shall be provided on both sides of all drainage ditches or open water courses. The width of drainage easements shall be sufficient to provide for access to the drainage course. It shall be wide enough for its reasonable protection, widening, deepening, realignment, or enclosure.

(Ord. 25-1980. Passed 9-2-80.)

1121.02 INSTALLATION OF UTILITIES.

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

(a) Water.

(1) All subdivisions shall have City water for domestic use and fire protection. Adequate size water mains properly connected to the public water supply system shall be provided in accordance with the specifications established by the City Engineer and adopted by the Council. (Reference the City water and sewer regulations adopted June 17, 1975, or later revisions.)

(Ord. 25-1980. Passed 9-2-80.)

(2) The City Manager shall determine all water service requirements including size and type of lateral line, curb box, and water meter. All fire hydrants, valves, and fittings shall be installed under the direction of the City Engineer.

(Ord. 23-88. Passed 7-5-88.)

- (b) Storm Sewers.
- (1) Proper and adequate disposal of storm water shall be provided. The type, extent, location, and capacity of drainage facilities shall meet the design standards established by the Village Engineer and adopted by Council. All surface drainage facilities shall connect to an adequate drainage course. Land that is subject to flooding from time to time shall be provided with such improvements as may be required to remove flooding hazards from proposed subdivision lots.
(Ord. 25-1980. Passed 9-2-80.)
 - (2) All downspout drains and sump pump outlet drains shall be connected to the street storm sewer system. The minimum size of drain shall be four inches and shall be installed a minimum of eighteen inches below ground level. Drains shall be connected to storm sewer at manholes or catch basins to facilitate cleanout.
(Ord. 23-88. Passed 7-5-88.)
- (c) Sanitary Sewers. Sanitary sewers shall be installed in any subdivision where such sewers can be connected by means of gravity fall to existing sewer facilities. (Reference the City water and sewer regulations adopted June 17, 1975, or later revisions.) At least one lateral shall be installed to the property line of each lot platted. Such laterals shall be sealed in accordance with the requirements of the City Engineer until used. (Ord. 25-1980. Passed 9-2-80.)
- (d) Utilities to be located in street rights-of-way shall be placed in the ground before any pavement is constructed in the proposed street, unless otherwise provided for by joint agreement of the City Engineer and the utility company. Natural gas lines, however, shall be installed outside the right-of-way in a utility easement to avoid interference with streets and City utilities. Gas lines will be permitted to be installed in the right of way for road crossings and customer services lines only. (Ord. 22-00. Passed 8-1-00.)
- (e) The design and location of proposed utilities shall provide for their future extension to adjacent lands so that the entire area can be served with a coordinated system of utilities.
(Ord. 25-1980. Passed 9-2-80.)

1121.03 PUBLIC UTILITIES.

Where a large scale development occurs necessitating additional community facilities not shown in the General Development Plan, the Planning Commission may require the dedication or reservation of sites meeting the requirements for schools and other neighborhood purposes.
(Ord. 25-1980. Passed 9-2-80.)

CHAPTER 1125
Construction Requirements

<p>1125.01 Construction, improvement plans and specifications.</p> <p>1125.02 Preconstruction meeting and work schedules.</p> <p>1125.03 Construction inspections.</p> <p>1125.04 Construction responsibilities.</p> <p>1125.05 Agreements and guarantees.</p>	<p>1125.06 Pavement.</p> <p>1125.07 Curb and gutter.</p> <p>1125.08 Sidewalk.</p> <p>1125.09 Storm sewers.</p> <p>1125.10 Monuments.</p>
---	---

CROSS REFERENCES

Cornerstone and permanent marks - see Ohio R.C. 711.03, 711.14
Supplemental requirements - see P. & Z. Ch. 1133

1125.01 CONSTRUCTION, IMPROVEMENT PLANS AND SPECIFICATIONS.

(a) Drawings showing cross sections, profiles, elevations, construction details, and specifications for all required improvements shall be prepared by a professional engineer. The improvement plans shall be prepared in accordance with the standards set forth in Appendix A, obligated to the conditions specified in these regulations.

(b) If it becomes necessary to modify the improvements as approved, due to unforeseen circumstances, the subdivider shall inform the City Engineer in writing of the conditions requiring the modifications. Written authorization from the Council, upon approval by the City Engineer, to make the required modification, must be received before proceeding with the construction of the improvement.

(c) At completion of the construction, and before acceptance, the subdivider shall furnish the City Engineer a set of tracings for permanent record, showing the locations, sizes, and elevations of all improvements as constructed.
(Ord. 25-1980. Passed 9-2-80.)

1125.02 PRECONSTRUCTION MEETING AND WORK SCHEDULES.

Prior to the commencement of any project, a preconstruction meeting will be held with the City Engineer. At this time the project will be discussed in regard to procedure, materials, inspection, etc.
(Ord. 25-1980. Passed 9-2-80.)

1125.03 CONSTRUCTION INSPECTIONS.

(a) Responsible Official. The City Engineer or his designated agent shall be responsible for the inspection of all street improvements including storm and sanitary sewers.

(b) Authority and Duties of Inspector. Inspectors retained by the City shall be authorized to inspect all work done and all materials furnished. Such inspection may extend to all or any part of the work and to the preparation, fabrication, or manufacture of the materials to be used. The inspector shall not be authorized to revoke, alter, or waive any requirements of the specifications or plans. He shall be authorized to call the attention of the contractor to any failure of the work or materials to conform to the specifications and contract. He shall have the authority to reject materials which do not meet specification requirements or suspend the portion of the work involved until any question at issue can be referred to and decided by the City Engineer. Periodic inspection during the installation of improvements shall be made by the inspector to insure conformity with the approved plans and specifications as contained in the subdivider's construction agreement.

(c) Final Inspection. Upon completion of all the improvements, the subdivider shall request in writing a final inspection by the City Engineer as required under Ohio R.C. 711.091. The City Engineer or his deputy shall make a final inspection of streets, storm sewers and sanitary sewers. Inspections shall be promptly made after request.
(Ord. 25-1980. Passed 9-2-80.)

1125.04 CONSTRUCTION RESPONSIBILITIES.

(a) Cooperation of Subdivider and/or Contractor. The subdivider and/or contractor shall have available on the project, at all times, a clearly readable copy of all required plans and specifications. He shall cooperate with the inspector and with other contractors in every way possible. The subdivider and/or contractor shall at all times have a competent representative acting as his agent on the project. The representative shall be capable of reading and thoroughly understanding the plans and specifications and he shall receive instructions from the inspector. The representative shall have full authority to execute the orders or directions of the inspector and to promptly supply such materials, tools, plant equipment, and labor as may be required. The inspector's orders should be executed without delay. A representative shall be furnished irrespective of the amount of work sublet.

(b) Grade Stakes. Pavement and pipe grade stakes shall be set at twenty-five foot intervals on horizontal and vertical curves and for all grades less than one percent (1%). Tangent pavement grades and pipe grades over one percent (1%) may be set at a maximum interval of fifty feet. The inspector may ask for additional grade stakes if it is deemed necessary. Other means of line and grade may be used as approved by the City Engineer.

(c) Repair of Damage. Any damage done to the improvements by construction traffic, local traffic, or by any other means shall be repaired or the damaged materials replaced in a satisfactory condition.

(d) Continual and Final Clean Up. During construction the developer shall have a duty to keep the street pavement reasonably free from excessive accumulations of mud and dirt. Upon completion of the work and before acceptance the subdivider and/or contractor shall clean all ground occupied or affected by him in connection with the work. The entire area shall be left in a neat and presentable condition. (Ord. 25-1980. Passed 9-2-80.)

(e) Maintenance of Improvements. The subdivider shall be responsible for maintenance of the improvements installed and shall be responsible for providing the services necessary to guarantee access to all the occupied lots, until final acceptance by Council upon recommendation by the City Engineer. The subdivider shall be given adequate and appropriate notice by the City Engineer or Council of the need for such maintenance or service. The performance of such work shall be guaranteed by a maintenance bond, the amount of which shall be determined by the City Engineer and approved by Council. No improvement shall be accepted by the Council until the expiration of the maintenance period required by Section 1133.03(a).

The subdivider shall maintain all improvements for such periods as specified in Section 1133.03 Maintenance Guarantees.
(Ord. 74-96. Passed 1-7-97.)

- (f) (1) Where the City Engineer determines that improvements in excess of the size needed to serve the proposed subdivision are necessary to facilitate the orderly development of nearby land which is an integral part of the neighborhood service or drainage area, the subdivider shall install all improvements required to serve his subdivision plus the additional oversize and off-site improvements required.
- (2) The City shall at its option reimburse the subdivider for the difference in cost between the minimum standards and the oversize improvements occurring within the boundaries of the subdivision. Such improvements shall be available for connections by individual property owners and/or subdividers of adjoining land subject to the pro-rata reimbursement to the developer of the cost of the improvement.
(Ord. 25-1980. Passed 9-2-80.)

1125.05 AGREEMENTS AND GUARANTEES.

All bonds and insurance required under this section shall be approved by Council and shall be deposited and remain at all times with the Clerk.
(Ord. 25-1980. Passed 9-2-80.)

1125.06 PAVEMENT.

(a) See Section 1117.03. All methods of construction, materials and machinery used shall meet the requirements of the most recently published "Ohio Department of Transportation's (ODOT's) Pavement Design Manual for Secondary Roads and Streets," and in accordance with the typical design section (See Appendix A).

(b) Since the integrity of the pavement structure depends upon the structural stability of the subgrade, all soil subgrade shall be prepared in accordance with ODOT's Construction and Material Specifications Item 203.13. Subgrades shall be inspected and approved by the City Engineer before any materials are placed. Roadway sections and details are shown in Appendix A. (Ord. 25-1980. Passed 9-2-80.)

1125.07 CURB AND GUTTER.

Concrete curb and gutter, separate or integral with pavement, shall be provided for all roadway sections as required in the manner indicated by the typical cross sections in Appendix A. Back of curb shall be concentric with right of way line at all intersections.
(Ord. 25-92. Passed 5-19-92.)

1125.08 SIDEWALKS.

(a) Sidewalks shall be provided along both sides of all streets in new subdivisions located in residential and business districts. Sidewalks shall be provided for all new buildings and developments which abut existing streets having curbs or curb and gutter. Sidewalks shall be located as shown by the typical sections in the Appendix. Back of sidewalk shall be located one foot inside of the right of way line. Sidewalks shall have a minimum width of four feet where there is a fifty foot right of way and five feet where there is a sixty foot right of way. Sidewalks shall be constructed of concrete four inches thick with the thickness increased to six inches where the sidewalk is crossed by a driveway.
(Ord. 38-01. Passed 10-16-01.)

(b) Sidewalks in the Downtown Business Area shall have a minimum width of five feet. New and replacement sidewalks shall conform to or be compatible with existing concrete and brick. Plans for new or replacement sidewalk shall be submitted to the City Engineer for approval prior to installation.

(c) Curb ramps shall be provided between sidewalk and curb at street intersections. Curb ramps shall have a thickness of six inches and shall otherwise conform to Ohio Department of Transportation, Standard Construction Drawings, latest edition.
(Ord. 25-92. Passed 5-19-92.)

1125.09 STORM SEWERS.

Storm sewers shall be provided for all roadway sections as required in Chapter 1129, Drainage Requirements. Under drains shall be provided as required by the City Engineer.
(Ord. 25-1980. Passed 9-2-80.)

1125.10 MONUMENTS.

A monument shall be accurately placed at each corner and at changes in direction of the boundary of the subdivision, at each street intersection, at points of curves of streets, and at intermediate points as may be required by the City Engineer. The top of the monuments shall be set at the finished grade upon the completion of the grading of the streets and lots. Iron pins shall be set at all lot corners.
(Ord. 25-1980. Passed 9-2-80.)

**CHAPTER 1129
Drainage Requirements**

1129.01	General requirements.	1129.04	Drainage plans.
1129.02	Design of drainage facilities.	1129.05	Construction plans.
1129.03	Easements for drainage purposes.		

CROSS REFERENCES

Construction agreement - see P. & Z. 1133.01
Variances - see P. & Z. 1133.08

1129.01 GENERAL REQUIREMENTS.

(a) Subdivisions shall be protected from flood hazard and inundation by storm water, springs, and other surface waters. The design and construction of drainage facilities shall be such that all water courses traversing the subdivision and water emanating from outside and/or within the subdivision will be carried through and off the subdivision without any injury to roadway, residential sites, or residences to be installed within the tract.

(b) Existing water courses entering the subdivision shall be received and discharged from the subdivision as nearly as possible in the manner as existed prior to the construction of the drainage facilities within the subdivision. Design of drainage facilities within the subdivision shall conform to the ultimate drainage plan for areas within the subdivision watershed. Run-off water originating in a subdivision shall be drained to an adequate outlet. All acts of pollution as defined in Division A of Ohio R.C. 6111.01 shall be prohibited. Also no "sewage", "industrial wastes", or "other wastes", as defined in Ohio R.C. 6111.01, may be discharged into any water course from the subdivision.

(c) A drainage plan shall be submitted simultaneously with the plat of any subdivision, showing the proposed scheme of surface drainage. All necessary facilities including underground pipe, inlets, catch basins or open drainage ditches shall be installed to provide for the adequate disposal of subsurface and surface water and maintenance of natural drainage courses. The types and sizes of all drainage facilities used to carry water through and off the subdivision must be approved by the City Engineer and conform to the specifications in Appendix A.

(d) Where an adequate public storm sewer main is available at the plant boundary, the subdivider shall construct a storm sewer system to connect with the storm sewer main. If such storm sewer systems are not accessible, adequate storm drainage shall be provided by natural drainage channels with easements of adequate width as approved by the City Engineer.

(e) As a safety measure for the protection of the health and welfare of the people of Canal Fulton, Ohio, the Council reserves the right to disapprove any subdivision which is subject to periodic flooding, contains extremely poor drainage facilities or has other physical impairment. However, if the subdivider agrees to make such improvements as will make the area completely safe for residential occupancy, provided that in lieu of the improvements the subdivider shall furnish a surety bond or a certified check covering the cost of the required improvements, the subdivision may be approved subject, however, to the approval of the Stark County Board of Health and the City Engineer.
(Ord. 25-1980. Passed 9-2-80.)

1129.02 DESIGN OF DRAINAGE FACILITIES.

(a) Hydrologic Design. Those waterways set forth in an adopted master plan for drainage for Stark County shall be designed and constructed for the quantities of water indicated in such master plan. All other drainageways shall be designed in accordance with the following frequencies:

- (1) Major Waterways. Major waterways are defined as those with a tributary area in excess of six square miles. Such major waterways shall be designed for an average recurrence interval of fifty years.
- (2) Secondary Waterways. Secondary waterways are defined as those with a tributary area of between one-half and six square miles. Such secondary waterways shall be designed for an average recurrence interval of ten to twenty-five years.
- (3) Minor Waterways. Minor waterways are defined as those with 320 acres or less of tributary area. Such minor waterways shall be designed for an average recurrence interval of five to ten years.

Design quantities of flow for major waterways and waterways included in an adopted master plan for drainage will be provided the subdivider by the county. Design flows for secondary water ways shall follow the procedures outlined in Circular No. 4 of the Hydraulics Branch of the Bureau of Public Roads or Bulletin 43, Ohio Department of Natural Resources. Design flows for minor drainage facilities shall be computed by the use of the Rational formula:

$$Q = C i A$$

Wherein: Q = Cubic feet per second
C = Run-off coefficient
i = Intensity of rain fall, inches per hour
A = Tributary area

Note: C = 0.4 for typical subdivisions. C shall vary from 0.4 to 0.6 or higher for high density allotments and special conditions such as large per cent of paved area, steep slopes and impervious soils. Intensity (i) to be determined using ten year frequency curve.

(b) Hydraulic Design.

- (1) The hydraulic design of the subdivision shall be such that, after accumulating all energy losses through the various drainage transmission systems within the subdivision, depth of flow in the streets shall not exceed curb heights for ten year average recurrence intervals and for more remote events depth of flow or ponding shall not exceed a level which would cause inundation of foundations or basements in residences constructed within the subdivision. Within the subdivision, catch basins shall be so placed along the streets that the width of flow in the gutter will not exceed two feet for a one year average recurrence interval and will not exceed top of curb for a ten year average recurrence interval.
- (2) Site grading within the subdivision shall be such that all lots will readily drain.

(c) Structural Design. All bridges, culverts, catch basins, manholes, inlet structures, etc., placed within the subdivision shall conform to standard plans on file with the City. Structural design of all drainage facilities shall be subject to the approval of the City Engineer.

- (1) Open Channels. Minimum centerline radius of constructed channels shall be a minimum of five times the top width of the channel. Minimum bottom width of constructed channels shall be three feet.
 - A. Earth channels constructed within the subdivision shall have side slopes of 2:1 or flatter. Revetment, bank stabilization and stream bed stabilization, along constructed or natural channels, will be required if the channel velocities are sufficient to cause bank or invert erosion.
 - B. The top of bank shall be so graded that side drainage will enter channels only at points where structures are provided to prevent bank erosion. The design of open channels shall be in accordance with the Bureau of Public Roads publication, "Design of Roadside Drainage Channels," Hydraulic Design Series No. 4. Earth channels constructed within the subdivision, in those areas not revetted, shall be seeded over the prepared area (fertilized and limed) with a mixture of 55 pounds of Kentucky Bluegrass (*Poa Pratensis*) and 75 pounds of Creeping Red Fescue (*Restuca rubra*) per acre to establish a vegetative cover.
- (2) Closed Conduits. Excepting for adequate natural waterways, as hereinafter defined and except for allowable gutter flows, all storm drainage within the subdivision which is capable of being transmitted in a reinforced concrete pipe thirty inches or less in diameter, shall be carried in a closed conduit. Minimal conduit size shall be twelve inches diameter RCP or twelve inches diameter CMP. Minimum clearance between top of pipe and ground shall be fifteen inches.

- A. The alignment of closed conduits shall be as nearly straight as practicable without undue bends and angle points; manholes or catch basins shall be provided at all angle points and at intervals not to exceed 300 feet for thirty inches and under 500 feet for over thirty inches. Inverted siphons shall not be permitted except for temporary structures.
 - B. Plain concrete pipe or equivalent may be used outside of road rights-of-way provided the strength of such pipe is sufficient to withstand loads imposed on it. In areas having run-off water with acid content or other corrosive effects, all pipe shall be provided with additional lining to assure a project life of fifty years. The above-stated pipe policy and the pipe policy used by the State of Ohio Department of Transportation (ODOT) shall be used in designing storm sewer systems.
- (3) Bridges. All drainage structures having a span of ten feet or greater and all pipes having a diameter or span of ten feet or greater shall be defined as bridges. All calculations and plans pertaining to bridges shall require both preliminary and final approval from the Stark County Bridge Engineer.
- (4) Culvert.
- A. Minor Culvert. All culverts having a diameter of thirty-six inches or less shall be designated as minor culverts and shall be subject to the same requirements as part 2, "Closed Conduits". Minor culverts should extend from right of way to right of way.
 - B. Major Culvert. All culverts having a diameter greater than thirty-six inches shall be designated as major culverts. All major culverts shall be designed in accordance with the requirements of Circular No. 4 of the Hydraulics Branch of the Bureau of Public Roads or Bulletin 43 published by the Ohio Department of Natural Resources and shall be subject to the approval of the City Engineer. Major culverts should extend from right of way to right of way.
(Ord. 25-1980. Passed 9-2-80.)

1129.03 EASEMENTS FOR DRAINAGE PURPOSES.

(a) Easements for Closed Conduits and Appurtenances Thereof. An easement of no less than twenty feet in width and sufficient to contain the closed conduits shall be established on the final map of the subdivision as follows:

"Public Drainage Easement"

Drainage easements for closed conduits shall not traverse a building site and shall, insofar as possible, be placed along or adjacent to lot boundary lines in a straight alignment without angle points.

(b) Easements Along Streams. Whenever any stream or important surface drainage course is located within the area being subdivided, the subdivider shall provide an easement of sufficient width for the purpose of widening, deepening, relocating, improving or protecting the stream for drainage.
(Ord. 25-1980. Passed 9-2-80.)

1129.04 DRAINAGE PLANS.

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

- (a) Hydrologic Calculations. At all critical points within the subdivision the following information shall be shown.
- (1) Tributary drainage areas delineated on the map.
 - (2) Times of concentration.
 - (3) Intensity.
 - (4) Run-off coefficients.
 - (5) Design flow.
- (b) Hydraulic Calculation.
- (1) The plan and profile of all drainageways shall be provided including a cross section of open channels showing the maximum depth of flow.
 - (2) Sizes and types of drainage improvements shall include all special structures, typical sections, and easement widths.
 - (3) Supporting calculations for upstream and downstream channel capacities as they affect overflow or backwater within the subdivision. Such calculations shall be substantiated by such additional survey information as is required to determine profile and cross-section of the upstream and downstream channel reaches under consideration.
 - (4) Sufficient contours and grading details to indicate proposed street grades and elevations and site grades and elevations throughout the subdivision.
(Ord. 25-1980. Passed 9-2-80.)

1129.05 CONSTRUCTION PLANS.

The final construction plans for drainage within the subdivision shall conform to the provisions of Subdivision Regulations and to any special conditions as required by the Planning Commission in approving the preliminary map. All construction plans shall be stamped with the seal of a professional engineer registered in the State of Ohio as required by Ohio R.C. Chapter 4733. Such construction plans for drainage shall be approved by the City Engineer prior to the construction of any drainage facilities within the subdivision.
(Ord. 25-1980. Passed 9-2-80.)

CHAPTER 1133
Supplemental Requirements

1133.01	Construction agreement.	1133.06	Fees.
1133.02	Installation of utilities and performance guarantee.	1133.07	Violations and penalties.
1133.03	Maintenance guarantees.	1133.08	Variances.
1133.04	Recording of plat.	1133.09	Appeals.
1133.05	Revision of plat after approval.	1133.10	Validity and effective date.

CROSS REFERENCES

Council to hold public hearing on general platting rules
and regulations - see Ohio R.C. 711.09

Violations of rules and regulations - see Ohio R.C. 711.102

1133.01 CONSTRUCTION AGREEMENT.

(a) To assure construction and installation of improvements required by these Subdivision Regulations, the subdivider shall execute a construction agreement with Council in form and substance approved by the Director of Law. This agreement shall provide that all such improvements shall be constructed and installed at the subdivider's expense in compliance with the standards and specifications for each of the various types of improvements; such improvements shall be available to and for the benefit of the lands within such subdivision; that such improvements will be completed and installed within eighteen months of the date of approval of the final plat. Any further provisions that the Director of Law may deem necessary in the public interest may be added.

(b) The construction agreement shall further provide that, in the case where approval of the final plat has been given before construction of improvements and a performance guarantee has been provided and if the improvements are not completed within the specified time, the City, upon proper notice, may complete the improvements and recover full costs and expenses thereof from the subdivider and may appropriate such portion of money or bonds posted for the faithful performance of such works.

(Ord. 25-1980. Passed 9-2-80.)

1133.02 INSTALLATION OF UTILITIES AND PERFORMANCE GUARANTEE.

(a) The public utilities and other required improvements required herein shall be installed, or their installation guaranteed, in conformance with the provisions of these regulations before the issuance of a permit to construct a building upon a lot and before the sale or lease of a lot.

(b) The developer may execute and file with the Clerk of Council financial guarantees in lieu of actual installation or completion of the required improvements. Such guarantees may be in form of a performance or surety bond, a certified check, or any other type of surety approved by Council.

- (1) The financial guarantees shall be in an amount equal to the estimated total cost of materials and labor required to install or construct the improvements. Such costs shall be verified by the City Engineer. When any portion of an improvement has, upon inspection, been found satisfactorily completed, a reduction in the bonds, or partial withdrawal of funds equal to the estimated costs of such completed improvements, may be authorized by Council.
- (2) The terms of such guarantees shall be determined by the Planning Commission; however, they shall not be for a period of more than two years unless Council, by resolution, extends the time.
- (3) The City Water, Sewer, and Street Superintendents and the City Engineer shall make the inspection required for the release of the performance guarantee upon the demand of the Subdivider or the Developer; and if such improvements specified in these regulations have been completed, shall promptly certify and report to Council as to the acceptance of the improvements and the release of the performance bond.
- (4) After construction of such improvements, the subdivider's engineer, or his successor in interest, shall file with Council an affidavit setting forth that all the required improvements have been constructed in accordance with the plans and specifications approved under the provisions of these regulations, including such modifications or variances granted by Council.
(Ord. 25-1980. Passed 9-2-80.)

1133.03 MAINTENANCE GUARANTEES.

(a) The maintenance bond shall be of such amount as determined by the City Engineer and approved by Council and shall be arranged for a period of two years for the date of acceptance and improvements by the City Engineer. The two year maintenance period may begin upon the completion of the street but prior to the construction of the surface course, so long as the surface course is constructed within the first year of the maintenance period.
(Ord. 24-03. Passed 7-1-03.)

(b) The maintenance bond shall be determined by taking into consideration topography, soil conditions, and prevailing costs of labor and materials. No maintenance bond shall be less than one thousand dollars (\$1,000).

(c) The subdivider shall be responsible for routine maintenance of all improvements and shall repair all failures due to faulty construction as soon as they become apparent.

(d) The subdivider shall also make repairs due to erosion or abuse by utility companies installing utilities and shall repair all failures for all other reasons during the maintenance bond period. He shall restore the roads and streets at the end of the maintenance period.
(Ord. 25-1980. Passed 9-2-80.)

1133.04 RECORDING OF PLAT.

No plat of any subdivision shall be recorded in the office of the County Recorder or have any validity until it has been approved in the manner prescribed herein. In the event any such unapproved plat is recorded, it shall be considered invalid; and Council shall institute proceedings to have the plat stricken from the county records. (Ord. 25-1980. Passed 9-2-80.)

1133.05 REVISION OF PLAT AFTER APPROVAL.

No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after approval has been given by the Planning Commission and an endorsement is made in writing on a plat, unless the plat is first resubmitted and the changes approved by the Planning Commission. (Ord. 25-1980. Passed 9-2-80.)

1133.06 FEES.**(a) Filing Fees.**

- (1) Filing fees in the amount fixed as follows shall be paid when the application for a schedule is submitted:
 - A. Preliminary Plan Fees:
 - \$ 20.00, plus
 - .50 per lot for the first 50 lots, plus
 - .40 per lot for lots 51-100, plus
 - .30 per lot for all lots over 100
 - B. Final Plat Fees:
 - \$ 10.00, plus
 - .50 per lot for the first 50 lots, plus
 - .40 per lot for lots 51-100, plus
 - .30 per lot for all lots over 100.
 - C. Variance request: \$25.00 minimum
 - D. Preliminary Plan time extension fee: \$10.00
 - E. Preliminary Plan Resubmittal Fee: Where the approved preliminary plan has not been changed but the approval period has expired, the fee shall be one-half the preliminary plan fee.
- (2) The filing fee shall be paid in legal tender or by check or money order made payable to the Council and deposited with the Clerk of Council. No plat shall be considered filed until the above fees have been so deposited. (Ord. 25-1980. Passed 9-2-80.)

(b) Plan Checking and Field Inspection Fees.

- (1) When plans, profiles and specifications for public improvements including, but not limited to streets, sidewalks, storm sewers and sanitary sewers, are submitted to the City by a developer, they shall be forwarded to the City Engineer who shall review them and/or forward the plans, profiles, and specifications to the City's consulting engineer for analysis and comment. The City Engineer and/or City's consulting engineer shall directly bill the developer for the examination of plans, profiles and specifications based on the current hourly contract rates the City pays for engineering services.
- (2) The developer shall also pay directly to the City Engineer and/or City's consulting engineer fees to defray the cost of inspecting subdivision public improvements. The charge for field inspection shall be based on the current hourly contract rates the City pays for engineering services.

- (3) Invoices prepared by the City Engineer or the City's consulting engineer for improvement plan review or field inspection shall detail the date services were performed, the nature of the work, the title of the individual responsible for the work, the hours spent doing the work, the hourly rate and the total charge for the work. A copy of the invoice shall be forwarded to the City.
- (4) Disputes between the developer and the City Engineer and/or City consulting engineer shall be reviewed and adjudicated by the Planning Commission upon filing of a written request for hearing by any party.
- (5) The developer's financial guarantee for installation and completion of required public improvements shall not be released until fees charged by the City Engineer or the City's consulting engineer for plan examination and field inspection are paid in full.
(Ord. 31-95. Passed 5-16-95.)

1133.07 VIOLATION AND PENALTIES.

(a) Whoever willfully violates any rule or standard herein adopted by Council or fails to comply with any order issued pursuant thereto, shall forfeit and pay not less than ten dollars (\$10.00) or more than one thousand dollars (\$1,000) in accordance with Ohio R.C. 711.102.

(b) Such sum may be recovered with costs in a civil action brought in the court of common pleas in the county in which the land lies relative to which such violation occurred, by the legal representative of the City in the name of the City.

(c) Written notice shall be served upon persons acting in violation of these regulations. Such written notice shall describe the violation, remedies required, and penalties provided by law.
(Ord. 25-1980. Passed 9-2-80.)

1133.08 VARIANCES.

The Planning Commission may grant variances to these Regulations when unusual or exceptional factors or conditions require such modifications provided that the Planning Commission shall:

- (a) Find that unusual topographical or exceptional physical conditions exist.
- (b) Find that strict compliance with these Regulations would create an extraordinary hardship in the face of the exceptional conditions.
- (c) Permit any modification to depart from these Regulations only to the extent necessary to remove the extraordinary hardship.
- (d) Find that any modification granted will not be detrimental to the public interest nor in conflict with the intent and purpose of these Regulations.
- (e) Require such other conditions to be met by the proposed plat as the Planning Commission may find necessary to accomplish the purposes of these Regulations when modified. (Ord. 25-1980. Passed 9-2-80.)

1133.09 APPEALS.

Rights of appeal shall be as set forth in Ohio R.C. Chapter 711 or other applicable sections of the Ohio Revised Code. (Ord. 25-1980. Passed 9-2-80.)

1133.10 VALIDITY AND EFFECTIVE DATE.

(a) If any article, section, paragraph, clause, phrase, or part of these Subdivision Regulations is held invalid by a court, such judgement shall not affect the validity of the remaining provisions of these Regulations.

(b) These standards shall be in effect at the earliest time provided by law.
(Ord. 25-1980. Passed 9-2-80.)

TITLE THREE - Zoning Administration

- Chap. 1141. Purpose; Exemptions; Conformance.
 Chap. 1143. Definitions.
 Chap. 1145. Conditional Zoning Certificates.
 Chap. 1147. Board of Zoning Appeals.
 Chap. 1149. Administrative Fees and Enforcement.
 Chap. 1150. Designation of Historic Landmarks and Historic Districts.

**CHAPTER 1141
 Purpose; Exemptions; Conformance**

1141.01	Purpose.	1141.03	Conformance.
1141.02	Outdoor advertising.	1141.04	Inapplicability of town- ship zoning.

CROSS REFERENCES

- Zoning of annexed areas - see Ohio R.C. 303.25, 519.18
 Violations of zoning ordinances - see Ohio R.C. 713.13
 Enforcement - see P. & Z. Ch. 1149

1141.01 PURPOSE.

The Planning Commission of any municipal corporation may frame and adopt a plan for dividing the municipal corporation or recommendations of the commission, in the interest of the public health, safety, convenience, comfort, prosperity or general welfare, for the limitations and regulation of the height, bulk and location, including percentage of lot occupancy, setback building lines, and area and dimensions of yards, courts and other open spaces, and the uses of buildings and other structures and of premises in such zones or districts.
 (Ord. 22-1972. Passed 8-1-72.)

1141.02 OUTDOOR ADVERTISING.

For the purpose of Ohio R.C. Sections 713.01 to 713.15, inclusive, outdoor advertising shall be classified as a business use and be permitted in all districts zoned for industry, business or trade.

(Ord. 22-1972. Passed 8-1-72.)

1141.03 CONFORMANCE.

No person shall erect, construct, alter, repair or maintain any building or structure or use any land in violation of any zoning ordinance or regulation enacted pursuant to Ohio R.C. Sections 713.06 to 713.12, inclusive, or Section 3 of Article XVIII, Ohio Constitution. In the event of any such violation, or imminent threat thereof, the municipal corporation, or the owner of any contiguous or neighboring property who would be especially damaged by such violation, in addition to any other remedies provided by law, may institute a suit for injunction to prevent or terminate such violations.

(Ord. 22-1972. Passed 8-1-72.)

1141.04 INAPPLICABILITY OF TOWNSHIP ZONING.

Regulations enacted by a board of township trustees under Ohio R.C. 519.02 to 519.25, inclusive, shall not apply within municipal corporations, except that where township territory, subject to such regulations, is incorporated, such regulations shall apply wherein and be enforced by the township officials until the election and qualification of the officers for the newly incorporated territory, and for not to exceed ninety days thereafter, to enable the officers of the newly incorporated territory to an existing municipal corporation the zoning regulations then in effect shall remain in full force and shall be enforced by the township officials until the legislative authority of such municipal corporation shall officially adopt the existing zoning regulations for such territory.

(Ord. 22-1972. Passed 8-1-72.)

CHAPTER 1143
Definitions

1143.01 Definitions.

CROSS REFERENCES

Subdivision Regulation definitions - see P. & Z. 1105.01
Flood District definitions - see P. & Z. 1153.02

1143.01 DEFINITIONS.

For the purpose of this Zoning Ordinance, certain terms are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "shall" is mandatory and not directory; the word "building" shall include the word "structure"; the word "used" shall include the words "arranged", "designed", "constructed", "altered", "converted", or "intended to be used"; and a "person" shall mean, in addition to an individual, a firm, corporation, association or any legal entity which may own and/or use land buildings.

- (1) "Accessory building or use" means a subordinate building or use customarily incidental to, and located upon the same lot occupied by the main building and use. A guest house or accessory living quarters shall be considered as an accessory use.
- (2) "Agriculture" means the use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce, provided that the operation of such accessory use shall be secondary to that of the normal agricultural activities, and provided that the above uses shall not include the commercial feeding of garbage or offals to swine and other animals. A use shall be classified as agriculture only if agriculture is the principal or main use of the land.
- (3) "Alley" means a public thoroughfare which affords only a secondary means of access to a lot of abutting property.
- (4) "Apartment": See "Dwelling, Town House, Row House, or Multifamily".
- (5) "Automobile service station" means a place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.

- (6) "Automobile wrecking yard" means the use of more than twenty-five square feet of any land, building or structure used for the purpose of wrecking, dismantling or storing, for private and/or commercial purposes, any discarded motor vehicle.
- (7) "Basement" means a story having more than one-half of its height below grade. A basement shall not be counted as a story for the purpose of height regulations. (Ord. 22-1972. Passed 8-1-72.)
- (8) "Bed and breakfast inns" means a building other than a motel, hotel or boarding house where for compensation by the day or week, meals or lodging are provided for not more than four persons. (Ord. 23-87. Passed 5-19-87.)
- (9) "Board" means the Board of Zoning Appeals as created by this Zoning Ordinance.
- (10) "Boarding house" means a building other than a hotel or motel where for compensation by the week or month, meals or lodging and meals are provided for at least but not more than twenty persons.
- (11) "Building" means any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattels.
- (12) "Building, height of" means the vertical distance from the finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge of a gable, hip or gambrel roof.
- (13) "Building lines" means the line defining the minimum front, side and rear yard requirements outside of which no building or structure may be located, except as otherwise provided herein.
- (14) "Building, principal" means the building on a lot used to accommodate the primary use to which the premises are devoted.
- (15) "Building signs" means a sign which identifies the business or profession conducted or the principal products sold upon the premises.
- (16) "Car port" means a covered automobile parking space not completely enclosed by walls or doors. A car port shall be subject to all the provisions prescribed in these regulations for a private garage or accessory building. (Ord. 22-1972. Passed 8-1-72.)
- (17) "Child day care centers" means any place licensed by the Ohio Department of Human Services as a Child Day Care Center and which supplies care for five or more infants, toddlers, preschool children or school age children outside of school hours and which fully complies with all the requirements imposed by Ohio R.C. Chapter 5104 and the Administrative Regulations contained in Chapter 5101 of the Administrative Code. (Ord. 52-87. Passed 1-5-88.)
- (18) "Clinic" means any building or other structure devoted to the medical diagnosis, treatment and care of human out patients.
- (19) "Commission" means the City Planning Commission.

- (20) "Court" means an open unoccupied and unobstructed space other than a yard on the same lot with a building or group of buildings.
- (21) "Convalescent home" means a "rest home" or "board home" for the aged or mentally or physically infirmed conducted within any abode, building, institutional residence or home used for the reception and care, for a consideration, of three or more persons who, by reason of age or mental or physical infirmities, are not capable of properly caring for themselves or who are sixty-five years of age or more, and for which a license has been issued by the Department of Public Welfare of the State of Ohio.
- (22) "Density" means the number of families residing on, or dwelling units developed on, a gross acre of land.
(Ord. 22-1972. Passed 8-1-72.)
- (23) "Development disability" means a disability that originated before the attainment of eighteen years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services.
(Ord. 36-85. Passed 10-15-85.)
- (24) "Discarded motor vehicle" means any inoperable motor propelled vehicle or accessory to same, which is in the process of being wrecked, dismantled or stored and which does not have a license thereon which is valid or was valid not more than six months previous.
- (25) "District" means a section or sections of the incorporated territory of the City for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.
- (26) "Dwelling" means any building, or portion thereof, which is designed or used primarily for residence purposes, including one-family, two-family and multifamily but not including hotels, motels, boarding houses, lodging houses and tourist dwellings. An attached garage for purposes of determining the front, side and rear yards shall be considered a part of the dwelling.
(Ord. 22-72. Passed 8-1-72.)
- (26.5) "Dwelling, attached single-family" means dwelling units which are attached structurally to one another, are owned individually, and maintain separate identities through such features as separate ground floor entrances, services, attached garages and other design elements, with common open space, and building and grounds maintenance the responsibility of a homeowner association.
(Ord. 47-94. Passed 8-16-94.)
- (27) "Dwelling, single-family" means a dwelling designed for or used exclusively for residence purposes by one family.
- (28) "Dwelling, two-family" means a building designed and used exclusively by two families living independently of each other.
- (29) "Dwelling, multifamily" means a dwelling designed for or occupied by three or more families living independently of each other.
- (30) "Dwelling, group" means a single-family, two-family or multifamily dwellings, or their combination located on one lot and around a common court or courts.

- (31) "Dwelling unit" means one or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same, and including room or rooms for living, sleeping and eating.
- (32) "Essential services" means the erection, construction, alteration or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communications, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduit, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.
- (33) "Family" means one or more persons occupying a dwelling unit and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house, hotel, tourist dwelling, a sorority or fraternity. A family may also include domestic servants and gratuitous guests.
(Ord. 22-1972. Passed 8-1-72.)
- (34) "Family home" means a residential facility that provides room and board, personal care, habilitation services and supervision in a family setting for not more than eight persons with developmental disabilities.
(Ord. 36-85. Passed 10-15-85.)
- (35) "Flood crest" means the maximum elevation reached by the flood waters at a given location.
- (36) "Flood plain" means that portion of a river or creek valley adjacent to the river or creek channel which is covered with water when the river or creek overflows its banks at flood stage.
- (37) "Flood proofing" means the preparing of a building to withstand flood waters without damaging the living or working areas.
- (38) "Floor area" means the sum of the gross horizontal areas of the one or several floors of a building, measured from the exterior faces of exterior walls or from the center line of common walls separating two buildings; floor area, for the purposes of these Regulations, shall not include basement, garage, elevator and stair bulkheads, attic space, terraces, breezeways, open porches and uncovered steps.
- (39) "Frontage" means all the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street or, if the street is dead-ended, all the property abutting on one side between an intersecting street and the dead-end of a street.
- (40) "Garage, private" means an accessory building or an accessory portion of the main building, enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling to which it is accessory.

- (41) "Garage, auto service shop" means a building or portion of a building, in which repairs are made to motor vehicles, and in which there is no painting of cars or body and fender work done.
- (42) "Garage, public" means a building, or portion of a building, in which more than four motor vehicles are, or are intended to be, housed under arrangements made with patrons for renting or leasing such space and accommodation and in which no repair work is carried on.
- (43) "Grade, finished" means for buildings abutting one street only, the elevation of the sidewalk at the center of the wall facing the street (or the elevation of the center line of the street where no sidewalk exists); for buildings having walls facing more than one street, the average elevation of the sidewalk at the centers of all walls facing the streets; for buildings having no walls facing the street, the average level of the finished surface of the ground adjacent to the exterior walls of the buildings. (Any wall approximately parallel to a street line is to be considered as facing the street.)
- (44) "Grade, natural" means the elevation of the undisturbed natural surface of the ground prior to any excavation or fill.
- (45) "Gross acre" means land area, measured on the horizontal plane, and including land occupied by all natural and man-made features of the landscape. (Ord. 22-1972. Passed 8-1-72.)
- (46) "Group home" means a residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine but not more than sixteen persons with developmental disabilities. (Ord. 36-85. Passed 10-15-85.)
- (47) "Guest house or accessory living quarters" means living quarters located on the second floor of a private garage for the use of persons employed on the premises, or for the temporary use by guests of the occupants of the premises. Such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling.
- (48) "Home occupation" means any use or profession customarily conducted entirely within a dwelling and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of dwelling for dwelling purposes and does not change the character thereof.
- (49) "Hospital" means any building or other structure containing beds for at least four patients and devoted to the medical diagnosis, treatment or other care of human ailments.
- (50) "Hotel" means a building in which lodging is provided and offered to the public for compensation and which is open to transient guests, as distinguished from a boarding house or a lodging house.
- (51) "Institution" means a building occupied by a nonprofit corporation or a nonprofit establishment for public use.
- (52) "Intermediate regional flood" means a flood having an average frequency of occurrence in the order of once in 100 years although the flood may occur in any year.

- (53) "Junk yard" means the use of more than twenty-five square feet of any land, building or structure, whether for private and/or commercial purposes, where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicles, paper, rags, rubber, cordage, barrels, etc., are sold, stored for more than fifteen days, bought, exchanged, baled, packed, sorted, disassembled, dismantled or handled.
- (54) "Loading house" 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.
- (55) "Lodging house" means a building where lodging only is provided by the week or the month for compensation for three or more, but not more than twenty persons.
- (56) "Lot" means a piece, parcel or plat of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces and access to or frontage on a public street, as required by these Regulations.
- (57) "Lot area" means the computed area contained within the lot lines. Where the lot has been conveyed to the center of the street the area of the lot lying within the established street right of way shall not be included as part of the lot area for the purpose of these Regulations.
- (58) "Lot, corner" means a lot at the junction of and abutting upon two intersecting streets.
- (59) "Lot coverage" means the portion of the lot area that is covered by any buildings.
- (60) "Lot, depth" means the mean horizontal distance between the right-of-way line of the street and the rear lot line.
- (61) "Lot, double frontage" means a lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.
- (62) "Lot, interior" means a lot other than a corner lot.
- (63) "Lot, lines" means the property lines defining the limits of a lot.
- (64) "Lot lines, front" means the line separating a lot from the street on which the lot fronts.
- (65) "Lot line, rear" means the lot line opposite and most distant from the front lot line.
- (66) "Lot line, side" means any lot line other than a front or rear lot line; a side lot line separating a lot from a street is called a side street lot line; a side lot line separating a lot from another lot or lots is called an interior side lot line.
- (67) "Lot of record" means a lot which is a part of a subdivision, the map of which has been recorded in the office of the Recorder of Stark County; or a parcel of land, the deed to which was of record on or prior to the effective date of these Regulations.
- (68) "Lot, width of" means the width measured along the minimum building setback line.

- (69) "Minimum building setback line" means a line parallel to the street right-of-way line and at a distance therefrom equal to the required depth of the front yard, and extending across the full width of the lot. Where the street right-of-way line is not established, the right of way shall be assumed to be sixty feet.
- (70) "Mobile home." See "Trailer".
- (71) "Motel" means any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed as overnight sleeping quarters for automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motor lodges and tourist courts.
- (72) "Nonconforming use" means any building or land lawfully occupied by a use on the effective date of this Zoning Ordinance or any amendment or supplement thereto, which does not conform to the use regulations of the district in which it is situated.
- (73) "Parking space" means an off-street space or berth for the temporary parking of a vehicle for a period longer than required to load or unload persons or goods.
- (74) "Planned unit residential development" means a planned, integrated residential development of at least ten acres where minimum lot size and dwelling type may be modified somewhat to achieve particular design objectives and the economical provision of open space and utilities and increase the overall density limitations of the district in which the planned unit residential development is located and complying with other pertinent requirements of this Zoning Ordinance as interpreted by the City Planning Commission.
- (75) "Public utility" means any person, firm, corporation, governmental agency or board fully authorized to furnish and furnishing to the public, electricity, gas, steam, telephone, telegraphy, transportation, water or any other similar public utilities.
(Ord. 22-1972. Passed 8-1-72.)
- (76) "Residential facility" means a home or facility in which a person with a developmental disability resides, except a home subject to Ohio R.C. Chapter 3721 or the home of a relative or legal guardian in which a person with a developmental disability resides.
(Ord. 36-85. Passed 10-15-85.)
- (77) "Roadside stands" means a removable structure used or intended to be used solely by the owner or the tenant of a property on which it is located for the sale of seasonal agricultural products produced on the premises and to be removed and stored back of the building line on the property at the conclusion of the seasonal sales. No illuminated signs shall be used to advertise such products.
- (78) "Sign" means any structure, or natural object such as a tree, rock, bush, and the ground itself, or part thereof, or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization or business, or which shall display or include any letter, word, banner, flag, pennant, insignia, device or representation used as or which is the nature of an announcement, direction or advertisement. For the purpose of these Regulations the word "sign" does not include the flag, pennant, badge or insignia of any government, or governmental agency or of any charitable, religious, educational or similar organization.

- (79) "Standard project flood" means the flood that may be expected from the most severe combination of meteorological and hydrological conditions in the Tuscarawas River drainage basin.
- (80) "Story" means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
- (81) "Story, half" means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use.
- (82) "Street, public" means a public thoroughfare which has been dedicated to the public for use or subject to public easements therefore, and which affords the principal means of access to abutting property.
- (83) "Street, private" means a thoroughfare which affords principal means of access to abutting property, but which has not been dedicated to the public, or subject to public easements therefore.
- (84) "Street right-of-way lines" means a dividing line between a lot, tract or parcel of land and a contiguous street. Where the lot, tract or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the inside line of land reserved for street purposes.
- (85) "Structure" means anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including advertising signs, billboards, pergolas, farmers' roadside stands, but not including fences, or walls used as fences.
- (86) "Structural alterations" means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area of cubical contents of the building.
- (87) "Swimming pool, family" means a swimming pool used or intended to be used solely by the owner or lessee thereof and his family, and by friends invited to use it without payment of any fee.
- (88) "Swimming pool, commercial" means a body of water in an artificial receptacle or other container, whether located indoors or outdoors, used or intended to be used for public, semi-public or private swimming by adults and/or children, whether or not any charge or fee is imposed upon adults or children, operated and maintained by any person as herein defined, whether he be an owner, lessee, operator, licensee or concessionnaire, exclusive of a family pool as defined herein, and shall include all structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, and also all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels and community associations.
- (89) "Thoroughfare" means a street or alley.
- (90) "Tourist dwelling" means a dwelling where overnight accommodations are provided for tourists.

- (91) "Trailer" or "mobile home" means any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation, or use as a selling or advertising device, or use for storage of conveyance for tools, equipment or machinery and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor powers.
- (92) "Trailer park" or "mobile home park" means a tract or parcel of land open to the public upon which spaces for trailers or mobile homes are provided for a consideration, whether for overnight, by the day, the week, the month, or longer.
- (93) "Use" means the purpose for which a building or premises is or may be occupied. In the classification of uses, a "use" may be a use as commonly understood or the name of an occupation, business, activity or operation carried on, or intended to be carried on in a building or on premises, or the name of a building, place or thing which name indicates the use or intended use.
- (94) "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 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.
- (95) "Yard" means an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.
- (96) "Yard, front" means yard extending across the full width of a lot and being the perpendicular distance between the street right-of-way line and the nearest portion of any building or structure existing or proposed for construction on such lot. Where the right-of-way line is not established, the right of way shall be assumed to be sixty feet.
- (97) "Yard, rear" means a yard extending across the full width of a lot between the side lot lines and being the perpendicular distance between the rear lot line and the nearest portions of any building or structure existing or proposed to be constructed on such lot. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall be in all cases at the opposite end of the lot from the front yard.
- (98) "Yard, side" means a yard between the nearest portion of any building or structure existing or proposed to be constructed on such lot and the side lines of the lot and extending from the front yard to the rear yard.
- (99) "Zoning Map" means the "Zoning District Map of the City of Canal Fulton, Stark County, Ohio".
(Ord. 22-1972. Passed 8-1-72.)

CHAPTER 1145
Conditional Zoning Certificates

1145.01 Purpose.	1145.03 Basis determination.
1145.02 Procedures for making application.	1145.04 Regulations pertaining to conditionally permissible uses.

CROSS REFERENCES

Board of Zoning Appeals - see P. & Z. Ch. 1147

Administration and enforcement - see P. & Z. Ch. 1149

1145.01 PURPOSE.

To provide for issuance of conditional zoning certificates where conditionally permitted uses are provided for in this Zoning Ordinance.
(Ord. 22-1972. Passed 8-1-72.)

1145.02 PROCEDURES FOR MAKING APPLICATION.

Any application for a conditional zoning certificate for any land or structure use permitted under this Zoning Ordinance shall be submitted in accordance with the following procedures:

- (a) Application Submitted to the Zoning Inspector. Any application for a conditional zoning certificate shall be made to the Zoning Inspector and submitted to the Planning Commission on a special form for that purpose. Each application shall be accompanied by the payment of a fee of fifty dollars (\$50.00) which fee shall not be refundable. In addition, the Planning Commission, where appropriate, may refer an application to qualified consultants for a report if it deems the proposed use may cause the emission of dangerous or objectionable elements or require special study. The cost of such report shall be at the expense of the applicant and such report shall be furnished to the Planning Commission as soon as it is practicable.
- (b) Data Required with Application.
 - (1) Form supplied by Planning Commission 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, the location of all existing adjacent and proposed structures, the types of buildings, their uses and the acreage or area involved, including that for parking.

- (3) Complete plans and specifications for all proposed development and construction, and, where appropriate, reclamation.
- (4) A statement supported by substantiating evidence regarding the requirements enumerated in Section 1145.03.
- (c) Review by the 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 this Zoning Ordinance. Such review by the Planning Commission shall be completed and made public within ninety-five days of the date 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 City 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 Certificates; Violation and Penalty. Only upon conclusion of hearing procedures relative to a particular application and adequate review and study 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 this Zoning Ordinance.
- (f) 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 from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration as determined by the Planning Commission. At the expiration of one year from the date of the original application, each reapplication shall be accompanied by a fee of twenty-five dollars (\$25.00).
- (g) Termination. The conditional zoning certificate shall become void at the expiration of one year after date of issuance unless the structure of alteration thereof is started.
- (h) Continuation of Existing Uses Conditionally Permissible. All uses existing at the time of passage of this Zoning Ordinance and conditionally permissible in their respective districts under this Zoning Ordinance shall be issued conditional zoning certificates by the Planning Commission within one year after the passage of this Zoning Ordinance.
(Ord. 22-1972. Passed 8-1-72.)

1145.03 BASIS DETERMINATION.

The Planning Commission shall establish beyond reasonable doubt that the 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 this Zoning Ordinance will be observed.

- (a) General Standards. 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:
- (1) 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 use will not change the essential character of the same area;
 - (2) Will not be hazardous or disturbing to existing or future neighboring uses;
 - (3) Will not be detrimental to property in the immediate vicinity or to the community as a whole;
 - (4) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
 - (5) Will be in compliance with State, County, and City regulations;
 - (6) 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. 22-1972. Passed 8-1-72.)

1145.04 REGULATIONS PERTAINING TO CONDITIONALLY PERMISSIBLE USES.

- 101 Loud speakers which cause a hazard or annoyance shall not be permitted.
- 102 All points of vehicular entrance or exit should be located no closer than 200 feet from the intersection of two major thoroughfares; or no closer than 100 feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
- 103 There shall be no more than one advertisement oriented to each abutting road identifying the activity.
- 104 No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 105 Elementary school structures should be located on a collector thoroughfare.
- 106 Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 107 Such uses shall not require uneconomical extensions of utility services at the expense of the community.
- 108 Such uses should be properly landscaped to be harmonious with surrounding residential uses.

109 Such structures should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities. (Ord. 22-1972. Passed 8-1-72.)

109(b) Any conditionally permitted uses should have adequate parking space for the intended use of the property. (Ord. 23-87. Passed 5-19-87.)

110 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; a bond may be required to insure that this provision will be met.

111 Customary home occupations, subject to the requirements of this subsection as follows:

- (1) Handicraft, dressmaking, millinery, laundering, baking and operation of a beauty shop.
- (2) The professional offices of a physician, surgeon, dentist, lawyer, engineer or other like profession (veterinarian, real estate, insurance, C.P.A.).
 - (a) Such use shall be conducted entirely within the dwelling unit and no use of any accessory building or yard space shall be permitted.
 - (b) Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
 - (c) Such use shall be conducted only by persons residing in the dwelling unit.
 - (d) There shall be no display nor stock in trade nor commodities sold except those which are produced on the premises.
 - (e) The use shall not involve the use of more than thirty-three and one-third percent (33 1/3%) of the floor area of only one story.
 - (f) No newspaper, radio or television service shall be used to advertise such home occupations.
 - (g) One unlighted name plate not more than two square feet in area announcing the name and home occupation shall be permitted.
 - (h) Such uses shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference or other causes.

112 Special provisions for group dwellings:

- (1) Group dwellings shall be considered as one building for the purpose of determining front, side and rear yard requirements, the entire group as a unit requiring one front and rear and two side yards as specified for dwellings in the appropriate district.
- (2) Each two or two and one-half story group dwelling development shall have a minimum court of forty feet in width and forty feet in length, in addition to its required yards, and each one story group dwelling development shall have a minimum court of thirty feet in width and thirty feet in length, in addition to its required yards.

- (3) In a group dwelling development, no two separate dwelling structures shall be closer to each other along the sides or end of a court than fifteen feet.
- (4) The court shall be unoccupied by any building or other structures, except fire hydrants, utility poles or other street improvements.
- (5) The court shall have an unobstructed opening, not less than thirty feet wide, onto the front yard of a lot which has a width not less than that required in the district in which it is located.
- (6) All dwelling structures of the group except those facing a public street shall face upon the court.

113 Such uses shall be permitted under the following conditions:

- (1) Provided that such facilities be located at the extremity of the business districts so as not to interfere with the pedestrian interchange between stores in the district and provided further, that it would not limit expansion of the pedestrian-oriented facilities.
- (2) No more than two driveway approaches shall be permitted directly from any thoroughfare and shall not exceed thirty feet in width at the property line.
- (3) If the property fronts on two or more streets, the driveways shall be located as far from the street intersections as is practical.
- (4) At least a six-inch high pedestrian safety curb shall be installed along the street right-of-way lines except at driveways' approaches.

114 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.

115 General provisions: It is the intent of this subsection to permit the application of modern planning techniques in the development of residential areas providing:

- (1) A variety of housing types;
- (2) A more flexible placing of buildings on the land;
- (3) Flexibility in placing accessory facilities such as garages or parking spaces;
- (4) Flexibility of architectural design; and
- (5) The clustering of houses and multi-family dwelling units so that large areas of land can be left in open space.

The benefits to the developer in a planned unit residential development are:

- (1) Construction of housing at a greater density than would ordinarily be permitted in the same district under conventional zoning;
- (2) A wider choice of housing types than would ordinarily be permitted in the same district under conventional zoning;
- (3) Less extensive and thus more economical street lengths due to clustering of the dwelling units; and
- (4) Less extensive and more economical extension of water, sewer and other utilities.

The benefits to the community are:

- (1) Open space available for community benefit;
- (2) More economical maintenance of sewer, water and other utilities due to the clustering of the dwelling units; and
- (3) An attractive development option to encourage community development on a planned basis.

The planned unit residential development shall be constructed substantially according to a pre-determined and approved plan subject to the following general requirements:

- (1) A planned unit residential development shall cover an area of not less than ten contiguous acres which shall not be divided into parts;
 - (a) By any state or federal limited access highways;
 - (b) By any large area of land not included in the proposed development; or
 - (c) By any railroad rights of way. The existence of public or private streets or highways (other than limited access highways), electrical transmission lines, transmission pipes or other rights of way (in fee or easement) within any area shall not be considered as any large area of land not included when determining if an area is contiguous.
- (2) Central sanitary sewerage facilities and central water facilities shall be required.
- (3) Thirty percent (30%) of the total land areas must be devoted to open space dedicated to public use or for the exclusive use of residents of the planned unit development. No single park or open space area in a planned unit residential development shall contain less than three acres of contiguous land.
- (4) In large planned unit residential developments where a school enrollment burden may result from the anticipated increased population, the Planning Commission may require a percentage of the land not to exceed five percent (5%) to be deeded to the school district for use as a school site. If additional school site area is required, then a portion of the open space as required may be deeded to the school district at the discretion of the Planning Commission to supplement the school site area.
- (5) The housing density of a planned unit residential development shall not exceed eight dwelling units per acre of land excluding land required for open space and school sites. (Ex. 10 acres x 30 percent for open space leaves 7 acres. 7 cards x 8 DU/acre = 56 total units.)
- (6) A planned unit residential development shall consist of at least twenty percent (20%) and no greater than thirty-five percent (35%) single-family dwelling units. The remaining units may consist of any combination of townhouse, row house or garden apartment types of multi-family dwelling units. The single-family units shall be placed in proximity to existing residences to act as a buffer from the multi-family dwellings.

- (7) No single-family lot shall be less than 7,500 square feet or have less than fifty feet of frontage on a public dedicated street. The yards shall comply with the yard requirements of the district in which the development is located including the options for variable lot size, flexible setback and zero lot line (proportionally reduced).
- (8) Multi-family development shall require a minimum lot size of 4,300 square feet per dwelling unit. All other lot requirements and yard requirements of the R-4 Residential District for multi-family dwellings shall apply to the Planned Unit Residential Development.
- (9) Off-street parking shall be provided as regulated by Chapter 1183.
- (10) Developments regulated by this subsection shall conform in all ways to the subdivision regulations of the City.
- (11) Any additional conditions deemed necessary by the Planning Commission to safeguard the health, safety, welfare and property values of the community may be imposed.

Preliminary Plan Requirements. At the time of establishment of a planned unit residential development a general plan for the development of the entire area shall be filed by the owner(s) of the land with the Planning Commission. The general plan (which may be set forth on one or more maps or in one or more instruments) shall have been signed by all owners of property within the entire area to be developed, shall have been drawn to a reasonable scale, shall have been prepared by an architect, engineer, surveyor or planner-in-charge authorized to practice in the State of Ohio, and shall show the following:

- (1) The boundaries of the entire planned unit residential development.
- (2) The acreage of the entire planned unit residential development.
- (3) The topography of the district including contours of no greater vertical interval than two feet.
- (4) The proposed street system for the development.
- (5) The location and numbers of spaces of the proposed parking lots within the development.
- (6) The areas of the district to be used for single-family dwellings and the areas for multi-family dwellings designating the type of multi-family dwellings proposed.
- (7) The number of dwelling units by type and the number of bedrooms per unit by type.
- (8) The density by dwelling units per acre not to exceed eight dwelling units per acre of permitted developable land.
- (9) The projected ultimate population of the development.
- (10) The area(s) of the district proposed as open space which shall not be less than thirty percent (30%) of the total acreage of the development and no single open space area shall be less than three acres.
- (11) Descriptive data as to the methods to be employed to preserve and maintain the open space in perpetuity.

- (12) The location and size of school site(s) proposed which shall not be greater than five percent (5%) of the total acreage of the district. School site(s) being included only if the population of the proposed development would create a school enrollment burden as determined by the Planning Commission prior to development of plans for the project. The location of the site(s) shall be acceptable to the Northwest Local School District.
- (13) Description and location of proposed water and sewer facilities and the feasibility of extension into the development.

Final Plan Requirements. Actual development within a planned unit residential development may be accomplished in geographical segments. Each segment shall contain a minimum of ten acres and shall be referred to as an area. Final development plans for the entire project need not be filed before construction is commenced in any area, but a final plan for an area within the project must be filed and approved prior to construction in that particular area. If the entire project is to be constructed at once and not in geographical segments or areas, then the preliminary and final plan may be approved at the same time.

Prior to final approval of final development plans for any area, such land may be used only for the uses as permitted and regulated by conventional zoning in the residential zone in which the planned unit residential development is located.

Such final development plan for an area of ten acres or greater must show the following:

- (1) The area to be developed and the area to be devoted to open spaces for the use of all residents of the area with accurate acreage, courses and distances, as determined by a licensed surveyor who shall sign such plan and certify the accuracy thereof.
- (2) A title guarantee, prepared by a reputable title company, showing the legal description of the land which has been set aside for open space; and showing appropriate restrictions limiting the use of such land to recreation and open space in perpetuity: either through dedication of land to the City or designating the land for the exclusive use of development residents; and granting owners and residents of the area to be developed a right and easement of use in such open space and designating the responsibilities connected with such right and easement.
- (3) The location of all buildings, descriptive data as to the type of buildings and the number of dwelling units in each separate type and bedrooms per unit of apartment (multi-family dwelling) buildings.
- (4) Evidence that the final development plan for an area conforms substantially to the prior approved preliminary plan. Any changes from the preliminary plan must be shown and approved before the final plan is valid.
- (5) If school site(s) are required, the title to the site(s) shall have been transferred to the local school district or written confirmation shall have been obtained from the School Board that the Board has acquired such legal or equitable interest in the school site(s) as to insure the dedication of the site(s) for school purposes.

- (6) If the development options of Subsection 126, 127 or 128 hereof are used, the plan shall show the required information.

116 An integrated planned commercial development which is a grouping of three or more commercial establishments which have common vehicular parking facilities, controlled access to abutting streets, and are developed under a unified site plan, shall be permitted provided the following conditions are met:

- (1) Only those types of business uses permitted for conventional development in the district shall be permitted in integrated planned business developments.
- (2) The minimum setback building line shall be 100 feet measured from the street right-of-way line.
- (3) Side yards and rear yards shall be required only on the perimeter of the planned development and shall be thirty feet except that where the business development is adjacent to a residential zone the side and/or rear yard shall be fifty feet on the side(s) abutting the residential zone only.
- (4) All points of entrance and/or exit shall be located no closer than 200 feet to the intersection of two thoroughfares.
- (5) The minimum site size to be considered for an integrated planned shopping development shall be two acres.

117 All facilities and structures shall meet all County and/or State of Ohio health, building, electrical, other applicable codes and City codes.

118 All activities, programs and other events shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.

119 The proposed project shall conform to all requirements and/or conditions as the Planning Commission may deem necessary to meet the following criteria:

- (1) Vehicular approaches to the property shall be so designed as not to create an interference with traffic on surrounding public streets or roads.
- (2) 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 sound proofing.
- (3) The architectural design of apartment buildings should be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, line and pattern, and character.
- (4) Building location and placement should be developed with consideration given to minimizing removal of trees and change of topography.

- (5) T.V. antenna shall be centralized.
- (6) On-site circulation shall be designed to make possible adequate fire and police protection.
- (7) 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.
- (8) 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; all parking and service areas shall be paved with concrete, asphalt or equivalent, and shall be no closer than twenty feet from any residential structure. 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.
- (9) The property must be served by centralized sewer approved by the State and County Health Departments and operated and maintained according to the inspection and rules of the Stark County Health Department.

120 No zoning certificate shall be issued until final site plans have been submitted and approved by the Planning Commission. Such site plans shall show the following: drainage (including storm water), and approved by the City Engineer, location of all buildings, fuel tanks (if any), off-street parking and service facilities, water supply, sanitation, walks, fences, walls, landscaping, outside lighting, traffic flow and its relation to abutting streets. No zoning certificate shall be issued until the approval by the State and County Health Departments has been obtained concerning the proposed sanitary sewerage facilities.

121 The design and construction of all access drives, access points to public streets, and parking and service areas shall be approved by the Planning Commission.

122 A performance bond or other financial guarantee acceptable to Council shall be placed with the Zoning Inspector to insure that the landscaping be installed, that the hard-surfacing of the access drives and parking and service areas be installed and that adequate storm water drainage be installed, all in accordance with Council's and the Planning Commission's approved plans.

123 All activities, except those required to be performed at fuel pumps, shall be carried on inside a building; if work is performed on a vehicle, such vehicle shall be entirely within a building.

124 In the interests of the health, safety, general welfare and the protection of property values of the community, the area and adjoining land uses, the Planning Commission may require any conditions deemed necessary; and in regard to an industrial operation whose effects on adjacent premises, the area or the community are not readily known, the Commission may seek expert advice on what conditions should be imposed on the particular industrial operation to reasonably modify any injurious or offensive effects likely to result from such an operation. The cost of securing such expert assistance shall be borne by the applicant.

125 All structures and activity areas should be located at least 100 feet from all property lines.

126 Upon issuance of a conditional zoning certificate by the Planning Commission stating the desire to vary individual lot sizes, varying individual lots sizes may be permitted provided that the overall density requirements of the zoning district or districts within which the project is located are not exceeded. The average net area of all lots within a variable lot size development shall not be less than the minimum lot size within which the development is located.

- (1) Minimum lot sizes for variable density development shall be:
- | | | |
|-----|---------------|---|
| R-1 | | 8,000 sq. ft. with centralized sewer and water |
| R-2 | Single-family | 6,000 sq. ft. with centralized water and sewer |
| | Two-family | 10,000 sq. ft. with centralized water and sewer |
| R-3 | Single-family | 6,000 sq. ft. with centralized water and sewer |
| | Two-family | 10,000 sq. ft. with centralized water and sewer |
| | Multi-family | 15,000 sq. ft., plus 2,000 sq. ft. for each dwelling unit over three with centralized water and sewer |
- (2) Unless otherwise specified during subdivision review, minimum yard and frontage requirements for each lot in a variable density development may be reduced in proportion to the total reduction in lot size below the standard zoning requirements for the zone in which the lot is located.
- (3) Each variable lot size development shall consist of a minimum of three acres.

127 Upon issuance of a conditional zoning certificate by the Planning Commission stating the desire to use flexible setbacks, the front yard setbacks in a residential subdivision may be varied to allow an average setback of thirty-five feet throughout such subdivision and meeting the following requirements:

- (1) The minimum front yard setback allowed will be twenty-five feet.
- (2) The building setbacks of lots adjacent to existing structures must conform to the setback of the existing structures except in the extension of an existing flexible setback subdivision.
- (3) The flexible setback option is applicable only to a platted subdivision.
- (4) Review of a flexible setback subdivision by the Planning Commission will include consideration of the flexible setbacks as a condition for approval of the subdivision. Subdivision approval and flexible front yard setback approval may take place concurrently.

- (5) Upon approval of the flexible front yard setback, such setback lines will be placed on the subdivision map and filed with the Zoning Inspector.
- (6) At the time of filing, the approved flexible front yard setback lines will become binding to each lot as they appear on the final subdivision map.

128 Upon issuance of a conditional zoning certificate by the Planning Commission stating the desire to develop a zero lot line subdivision, a subdivision may be developed eliminating the side yard requirement and permitting residential dwellings to be built on the side yard lot line of each lot in a subdivision provided the following requirements are met:

- (1) The zero lot line option is applicable only to a platted subdivision.
- (2) No part of the structure shall project into the adjacent yard.
- (3) Each home in the subdivision will be placed as near the right or left lot line as the furthest structural projection will permit. The lot line chosen will be adhered to around an entire block within the subdivision.
- (4) Lots adjacent to existing structures are eligible for zero lot line only if the lot line furthest from the existing structure is used. If this is not possible, the side yard restrictions of the zone or zones in which the subdivision is being built must be adhered to for all those lots adjacent to existing structures. This does not apply to the extension of an existing zero lot line subdivision.
- (5) Review of a zero lot line subdivision by the Planning Commission will include consideration of the zero lot line option as a condition for approval of the subdivision. Subdivision approval and zero lot line approval may take place concurrently.
- (6) Upon approval of the zero lot lines, such zero lot lines will be placed on the subdivision map and filed with the Planning Commission.
- (7) At the time of filing, the approved zero lot lines will become binding to each lot as they appear on the final subdivision map.
- (8) The entire subdivision must have an agreement of cooperation between property owners granting permission to enter the property adjacent to the zero lot lines for safety purposes and performance of necessary maintenance.

129 A mobile home for residential purposes may be permitted by the Planning Commission under a conditional use permit subject to the following purposes, requirements and conditions:

- (1) For the purpose of providing housing in a mobile home for the immediate members of the family residing in a dwelling already constructed on the lot, and for the following circumstances only:
 - (a) In case of fire, flood, storm or any similar act of God which destroys the present dwelling, a mobile home may be permitted for a period not to exceed one year.
 - (b) For the purpose of permitting the immediate members of the family to reside in a mobile home may be permitted for a period not to exceed one year.

- (2) All mobile homes shall have adequate health facilities including running water and toilet facilities inside the mobile home connected to an approved sanitary sewerage system.
- (3) The required health facilities may be connected to available approved facilities of a permanent residence or business.
- (4) If no approved facilities are available, the same must be established and must conform to the health requirements as regulated by the Stark County General Health District.
- (5) Only one mobile home may be permitted at any existing residence and it must be located in the rear yard directly in back of the permanent residence and must conform to all yard setback requirements.
- (6) Mobile homes shall have a maximum of 500 square feet of living space.
- (7) A permit shall be required for every mobile home and shall be for a period not to exceed one year beginning at the time of issuance of such permit and may be renewed annually upon approval by the Planning Commission and subject to Chapter 143.

Should the emergency or hardship be relieved during the permit year, the permit may be revoked after thirty days notice and the trailer must be removed. The proportion of the unused permit year shall be the basis for return of permit fees charged for the total year.

130 In areas adjoining the Flood Plain District lying at sea level elevations between 952 and 957 feet, all residential, commercial, industrial and public structures shall be floodproofed to prevent water damage to the building and its contents. The 957 foot elevation at the Market Street Bridge marks the Standard Project Flood level which, according to the U.S. Army Corps of Engineers, is the highest conceivable flood in Canal Fulton, based on meteorological and hydrological data for the Tuscarawas River Valley. Floodproofing and other flood protection measures should be allowed only upon issuance of a special use permit by the Planning Commission.

- (1) Residential Areas. In residential structures the first floor finished surface shall be above 957 feet (Standard Project Flood). If placed on fill, the fill shall be above 952 feet (Intermediate Regional Flood). The fill should extend at such elevation at least fifteen feet beyond the limits of any structure or building erected thereon.
- (2) Commercial Areas. Commercial buildings or structures generally should be raised with no first floor or nonfloodproofed portions of the basement floor below the flood protection elevation. Accessory land uses such as yards, railroad tracks and parking lots may be at lower elevations. However, in the absence of an adequate local flood warning system, no area should be designed for use by the public which would be inundated to a depth greater than two feet or subjected to flood velocities greater than four feet per second upon the occurrence of the regional flood.

- (3) Manufacturing and Industrial Areas. Manufacturing and industrial buildings, structures and appurtenant works should be raised or floodproofed to the flood protection elevation. Measures should be taken to minimize interference with normal plant operations especially for streams having protracted flood durations. Certain accessory land uses such as yards, railroad tracks and parking lots may be at lower elevations.
- (4) Public Utilities, Roads and Bridges. Public utilities facilities, roads, railroad tracks and bridges within the regulatory flood plain should be designed to minimize increases in flood elevations and should be compatible with existing local comprehensive flood plain development plans. When failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area, elevating or floodproofing to the flood protection elevation should be provided. Where failure or interruption of service would not endanger life or health, a lesser degree of protection may be provided for minor or auxiliary roads, railroad tracks or utilities. Any structure constructed by State agencies or local units of government should comply with the regulations.
- (5) Storage of Materials. Material that, in time of flooding, are buoyant, flammable, explosive or could be injurious to human, animal or plant life should be stored at or above the flood protection elevation, floodproofed, or protected by structural measures consistent with the standards set forth herein. Furthermore, storage of materials likely to cause pollution of the water, as defined by Ohio law, if subject to flooding, are prohibited unless adequate safeguards approved by the State water pollution control agency are provided.
(Ord. 22-1972. Passed 8-1-72.)

131 Group homes and family homes shall be permissible when the following conditions are met:

- (a) Such facility shall be architecturally compatible with other residential dwellings in the immediate neighborhood and shall maintain the same degree of compatibility in the future (an improvement required by Code for access to or exit from the building shall not be deemed incompatible merely because surrounding buildings lack such facilities).
- (b) Such a facility shall require no special off-street parking facilities.
- (c) Such a facility shall generate no traffic unreasonably greater in volume or different in nature than would otherwise normally occur in the neighborhood in which it is located.
- (d) Group homes shall be occupied by no more than sixteen residents, exclusive of staff, limited by the size of the existing or proposed building and its allocations of space for sleeping quarters.

(e) Family homes shall be occupied by no more than eight residents, exclusive of staff, limited by the size of the existing or proposed building and its allocation of space for sleeping quarters.

(f) Such a facility shall utilize for resident sleeping no more than thirty-five percent (35%) of the minimum net floor area for sleeping quarters.

(g) No identification sign other than required house numbers shall be erected on such a facility.

(h) Such a facility shall be located no closer to another residential social service facility; to any institution similar in nature but occupied by more than sixteen residents; or to a nursing home, rest home or home for the aging; than 1,000 feet measured on a straight line radius from the building so used to the building proposed to be used.

(i) There shall be no more than two such facilities located within one precinct of the City.

- (j) Such a facility, prior to occupancy and continuously thereafter, shall:
- (1) Be licensed or certified by a Federal, State, or local agency which requires potential residents.
 - (2) Comply with all applicable City Code requirements.
(Ord. 36-85. Passed 10-15-85.)

132 No entrances or exits to or from first floor apartments shall be permitted from streets in the business district used primarily for business. Access to apartments shall be from side streets or alleys. First floor apartments shall not occupy the entire front one-third of a building facing a street used primarily for business purposes. The front one-third of the building shall be reserved for business purposes only. (Ord. 7-91. Passed 4-2-91.)

133 Outdoor dining on public property shall be permissible when the following conditions are met:

- (a) Tables, chairs and furnishings shall be arranged so as not to interfere with pedestrian movement on sidewalks, ingress into or egress from buildings, or otherwise interfere with the proper and safe movement of people or vehicles on City streets, alleys, rights of way or other municipally owned property.
- (b) Tables, chairs and furnishings shall be arranged so as not to obstruct the view of adjacent businesses unless the owners of such businesses have no objections to such obstruction.
- (c) A Certificate of Appropriateness for tables, chairs and furnishings must be obtained from the Historic Preservation Commission for outdoor dining in the Historic District.
- (d) Prior to commencing outdoor dining activities, the applicant must submit to the Law Director a Certificate of Insurance naming the City as certificate holder and additional insured. Minimum general liability coverage limits shall be as follows:
\$1,000,000 occurrence/\$2,000,000 aggregate.
- (e) Outdoor electrical installations must comply with the National Electrical Code.
- (f) All required permits are obtained from the Stark County Health Department.
- (g) Provisions are made for trash disposal and litter control.
(Ord. 45-94. Passed 8-16-94.)

CHAPTER 1147
Board of Zoning Appeals

1147.01	Established.	1147.08	Powers and duties.
1147.02	Composition and appointment.	1147.09	Appeals.
1147.03	Organization.	1147.10	Applications.
1147.04	Quorum.	1147.11	Procedure.
1147.05	Meetings.	1147.12	Notice of hearings.
1147.06	Witnesses.	1147.13	Decisions.
1147.07	Proceedings.	1147.14	Fees.

CROSS REFERENCES

Appeals from zoning decisions - see Ohio R.C. 713.11,
Ch. 2506
Violation of zoning ordinances - see Ohio R.C. 713.13

1147.01 ESTABLISHED.

A Board of Zoning Appeals is hereby created and shall have all the powers and duties prescribed by law and by this Zoning Ordinance.
(Ord. 22-72. Passed 8-1-72.)

1147.02 COMPOSITION AND APPOINTMENT.

The Board shall consist of five members appointed by Council. The members shall be residents of the incorporated area of the City. Each member shall serve until his successor is appointed and qualified. Members shall be removable for nonperformance of duty, misconduct in office, or other cause by Council, upon written charges being filed with Council, after public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten days prior to the hearing, either personally, by registered mail or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by appointment of Council and shall be for the unexpired term.
(Ord. 18-76. Passed 9-7-76.)

1147.03 ORGANIZATION.

The Board shall elect a chairman from its membership, shall appoint a recording secretary and shall prescribe rules for the conduct of its affairs.
(Ord. 22-72. Passed 8-1-72.)

1147.04 QUORUM.

Three members of the Board shall constitute a quorum at all meetings. A concurring vote of three members shall be necessary to effect an order, take action, make decisions or act on any authorization.

(Ord. 22-72. Passed 8-1-72.)

1147.05 MEETINGS.

The Board shall meet at the call of its chairman and at such other times as it may determine. All meetings of the Board shall be open to the public.

(Ord. 22-72. Passed 8-1-72.)

1147.06 WITNESSES.

The Board chairman or acting chairman may administer oaths and the Board may compel the attendance of witnesses in all matters coming within the purview of the Board.

(Ord. 22-72. Passed 8-1-72.)

1147.07 PROCEEDINGS.

The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of Council and shall be a public record.

(Ord. 22-72. Passed 8-1-72.)

1147.08 POWERS AND DUTIES.

The Board of Zoning Appeals shall have the following powers:

- (a) The Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by the Zoning Inspector in the enforcement of this Zoning Ordinance.
- (b) The Board shall have the power to authorize, upon appeal, in specific cases, such variances from the terms of the Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this Zoning Ordinance will result in unnecessary hardship, and so that the spirit of this Zoning Ordinance shall be observed and substantial justice done. In granting a variance, the Board may impose such conditions as it may deem necessary to protect the public health, safety and morals and in furtherance of the purposes and intent of this Zoning Ordinance.
- (c) The Board shall have no authority to permit a use where such use is not permitted by this Zoning Ordinance.

(Ord. 22-72. Passed 8-1-72.)

1147.09 APPEALS.

Appeals to the Board may be taken by any person or by any officer, board or department of the City, deeming himself or itself to be adversely affected by the decision of the Zoning Inspector or any decision in which the Board has original jurisdiction. Such appeals shall be taken within twenty days after the decision. The appellant shall post security for the cost of all action required for the hearing

of the appeal. An appeals shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector whose decision is appealed, shall certify to the Board after the notice of the 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 cases, proceedings shall not be stayed by other than a restraining order granted by the Board or by a court having lawful jurisdiction. Within its powers, the Board may reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination as in its opinion ought to be done, and to that end shall have all the powers of the Zoning Inspector from whom the appeal is taken, and it may issue or direct the issuance of a permit or certificate. The Board shall decide all such appeals within a reasonable time after date of hearing.

(Ord. 22-72. Passed 8-1-72.)

1147.10 APPLICATIONS.

An application, in cases in which the Board has original jurisdiction under the provisions of this Zoning Ordinance, may be taken by any property owner, including a tenant, or by governmental officer, department, board and bureau. Such application shall be filed with the Zoning Inspector who shall transmit the same to the Board.

(Ord. 22-72. Passed 8-1-72.)

1147.11 PROCEDURE.

The Board of Zoning Appeals shall act in accordance with the procedure specified by law including this Zoning Ordinance. All appeals and applications made to the Board shall be in writing and on the forms prescribed therefor. Every appeal of application shall refer to the specified provision of the ordinance involved, and shall exactly set forth the interpretation that is claimed, 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. Every decision of the Board shall be by resolution, each of which shall contain a full record of the findings of the Board by case number under one or another of the following headings: Interpretation; Variance; Other decisions; together with all documents pertaining thereto.

(Ord. 22-72. Passed 8-1-72.)

1147.12 NOTICE OF HEARINGS.

When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the secretary shall immediately place such request for appeal upon the calendar for hearing, and 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 appeals at least ten days prior to the date of the scheduled hearing. All notices shall be sent to addresses given in the last assessment roll. Such hearings shall be advertised by one publication in one or more newspapers of general circulation in the City at least ten days before the date of such hearing. The Board at its discretion may send out further notices to publicize such hearing. The Board may recess such hearings from time to time, and if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

(Ord. 22-72. Passed 8-1-72.)

1147.13 DECISIONS.

A certified copy of the Board's decision shall be transmitted to the applicant or appellant and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him and he shall incorporate the terms and conditions of the same in the zoning certificate to the applicant or appellant, whenever a permit is authorized by the Board. A decision of the Board shall not become final until the expiration of five days from the date such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.
(Ord. 22-72. Passed 8-1-72.)

1147.14 FEES.

Any request for an interpretation, exception, variance or appeal from the Board shall be accompanied by a fee set forth in Section 143.01(d) of the Canal Fulton Codified Ordinances which fee shall not be refundable. The fee shall be raised in order to cover all necessary publication, legal, engineering and planning expenses.
(Ord. 18-76. Passed 9-7-76.)

CHAPTER 1149
Administrative Fees and Enforcement

1149.01	Zoning Inspector.	1149.06	Stop work order.
1149.02	Planning Commission.	1149.07	Certificate of compliance.
1149.03	Submission of applications.	1149.08	Application, plan review and inspection fees.
1149.04	Zoning certificates required.	1149.09	Violations.
1149.05	Site plan review and field inspection.	1149.99	Penalty.

CROSS REFERENCES

Violation of zoning ordinances - see Ohio R.C. 713.13
Appeals - see P. & Z. 1147.09

1149.01 ZONING INSPECTOR.

For the purposes of enforcing the Zoning Ordinance, Council shall establish and fill the position of Zoning Inspector, together with such assistants as Council deems necessary. The term of employment, rate of compensation and other such conditions shall be set by Council.
(Ord. 22-72. Passed 8-1-72.)

1149.02 PLANNING COMMISSION.

The Planning Commission shall have the power to administer Chapter 1145 and shall have the power to issue conditional zoning certificates as specified and regulated in this Zoning Ordinance.
(Ord. 22-72. Passed 8-1-72.)

1149.03 SUBMISSION OF APPLICATIONS.

All applications for zoning certificates shall be submitted to the Zoning Inspector who may issue zoning certificates when all applicable provisions of this Zoning Ordinance have been complied with.
(Ord. 22-72. Passed 8-1-72.)

1149.04 ZONING CERTIFICATES REQUIRED.

(a) Before constructing or altering any sign, structure, parking lot or building, including accessory buildings, and before doing grading work on any lot, application shall be made to the Zoning Inspector for a Zoning Certificate. The application shall include the following information:

- (1) A site plan drawn to scale showing streets, and the exact dimensions and areas of the lot on which the work will take place. Site plans for development in R-3, R-4, R-5, B-1, B-2 and I districts shall be submitted to the Planning Commission and approved before issuance of a Zoning Certificate.

- (2) The site plan shall show the location, dimensions, height and bulk of structures to be erected.
- (3) The intended use.
- (4) The proposed number of sleeping rooms, dwelling units, occupants, employees and other uses.
- (5) The yard, open area, and parking space dimensions, including front, side and rear yard setbacks.
- (6) Conformance with Section 1187.06, entitled "Sewerage and Water Facilities".
- (7) Any other pertinent data as required by the Zoning Inspector, Engineer (i.e., City Engineer or City consulting engineer), or Planning Commission, as may be necessary to ensure construction in compliance with the Zoning Code and good construction practices.
(Ord. 22-97. Passed 4-1-97.)

1149.05 SITE PLAN REVIEW AND FIELD INSPECTION.

(a) Site plans for development in F-P, R-R, R-1, R-1-A and R-2 districts, exclusive of development subject to Zoning Code, Title One, "Subdivision Regulations", shall be reviewed by the Zoning Inspector.

(b) Site plans for development in R-3, R-4, R-5, B-1, B-2 and I districts shall be referred to the Engineer for review. The Engineer shall report findings to the Planning Commission with a recommendation for acceptance, modification or rejection.

(c) No site plan shall be approved by the Planning Commission or a Zoning Certificate issued by the Zoning Inspector until the site plan meets all requirements of this Zoning Code.

(d) Design of development in R-3, R-4, R-5, B-1, B-2 and I districts shall, where applicable, follow requirements of Zoning Code, Title One, "Subdivision Regulations", as well as any supplemental standards or specifications on file with the Engineer.

(e) Upon approval of a site plan by the Zoning Inspector or Planning Commission, and issuance of a Zoning Certificate by the Zoning Inspector, a developer may commence work.

(f) In the event a developer desires to revise a plan after a Zoning Certificate is issued, and such revision contains changes in the size, location, height of buildings, open spaces, topography, or parking areas, or changes conditions of approval, and such changes require review by the Zoning Inspector, Engineer or Planning Commission, the developer shall apply for a modification of the Zoning Certificate and pay the application fee for a Zoning Certificate.

(g) The Zoning Inspector or Engineer, as necessary, shall conduct field inspections to insure construction in compliance with the approved site plan and Zoning Code requirements.
(Ord. 22-97. Passed 4-1-97.)

1149.06 STsOP WORK ORDER.

If the Zoning Inspector or Engineer finds that work is being done contrary to the approved site plan or Zoning Code, a Stop Work Order shall be posted on the site. A copy of the Stop Work Order shall be sent Certified Mail to the developer with an explanation of why work was stopped. Work shall not resume until the Stop Work Order has been lifted by the Zoning Inspector or Engineer. (Ord. 22-97. Passed 4-1-97.)

1149.07 CERTIFICATE OF COMPLIANCE.

When it is found that work has been done in compliance with the site plan and Zoning Code, the Zoning Inspector or Engineer shall cause to be issued a Certificate of Compliance indicating that the premises may be used as indicated on the Zoning Certificate, provided that permits and approvals pursuant to all other applicable local, County and State codes have been obtained. (Ord. 22-97. Passed 4-1-97.)

1149.08 APPLICATION, PLAN REVIEW AND INSPECTION FEES.

(a) See Chapter 143 of the Codified Ordinances for zoning application fees.

(b) Any person, firm, corporation or owner who or which submits a site plan for development in a R-3, R-4, R-5, B-1, B-2 or I district shall be required to deposit one thousand dollars (\$1,000) with the Clerk of Council to cover the costs of site plan review and field inspection by the Engineer. No site plan shall be considered for review unless the deposit is made.

(c) Charges for site plan review and field inspection shall be made against the deposit required in subsection (b) hereof. Charges shall be based on actual time spent in review of site plans or for field inspection. Charges shall be based on the current hourly contract rates the City pays for engineering services.

(d) For each development in a R-3, R-4, R-5, B-1, B-2 or I district, the Engineer shall prepare a monthly invoice to the City detailing dates services are performed, nature of the work, the title of individual responsible for the work, the hours spent doing the work, the hourly rate, and total charge for the work. The charges listed on the invoice shall be charged against the deposit required in subsection (a). The balance of the deposit shall be refunded to the applicant when a Certificate of Compliance has been issued.

(e) If the costs of site plan review and field inspection services exceed the one thousand dollar (\$1,000) deposit, the applicant shall pay the City a supplemental deposit of two hundred fifty dollars (\$250.00) upon recommendation of the Engineer. Additional supplemental deposits in the amount of two hundred fifty dollars (\$250.00) shall be levied by the Engineer, as needed.

(f) A Certificate of Compliance shall not be issued until such time that the full costs of site plan review and field inspection have been paid for.

(g) Disputes between the developer and Engineer regarding site plan review, field inspection and related fees shall be reviewed and adjudicated by the Planning Commission upon filing of a written request for hearing by either party.
(Ord. 22-97. Passed 4-1-97.)

1149.09 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 any provisions of this Zoning Ordinance or supplements or amendments thereto, Council, the prosecuting attorney of the County, the Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintain or use.
(Ord. 22-72. Passed 8-1-72.)

1149.99 PENALTY.

Whoever violates any provisions of this Zoning Ordinance or supplements or amendments thereto shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) for a first offense, and one thousand dollars (\$1,000) for each subsequent offense. (Ord. 39-00. Passed 1-2-01.)

CHAPTER 1150
Designation of Historic Landmarks and Historic Districts

- | | |
|---|---------------------------------------|
| 1150.01 Designation authorized. | 1150.03 Notice of designation. |
| 1150.02 Procedures for designating historic landmarks and historic districts for preservation. | |

CROSS REFERENCES
Historic District - see P. & Z. Ch. 1175

1150.01 DESIGNATION AUTHORIZED.

(a) Pursuant to the procedure hereinafter set forth in this chapter, the City Council, on the recommendation of the Historic Preservation Commission, may by ordinance:

- (1) Designate as an historic landmark an individual structure or other feature or an integrated group of structures and features on a single site having a special historic or architectural value.
- (2) Designate as an historic district an area containing a number of structures on separate sites having a special historic or architectural value.

(b) Each such designating ordinance shall include a description of the characteristics of the historic landmark or historic district that justified designation and a description of the particular features that should be preserved, and shall include a legal description of the location and boundaries of the historic landmark site or historic district. Any such designation shall be in furtherance of and in conformance with the purposes and standards of this Chapter. The historic property included in any such designation shall be subject to the controls and standards set forth in this chapter. (Ord. 12-03. Passed 4-1-03.)

1150.02 PROCEDURES FOR DESIGNATING HISTORIC LANDMARKS AND HISTORIC DISTRICTS FOR PRESERVATION.

(a) Nominations. A nomination for designation may be made by the Historic Preservation Commission, the City Council, or by any citizen, by filing an application with the Historic Preservation Commission. The Chair of the Commission and one other member of the Commission shall then contact the owner or owners of such proposed historic landmark or historic district outlining the reasons and effects of designation as an historic property and, if possible, shall secure the consent of the owner or owners to such designation before the nomination is accepted as complete for review. Nominations for designation of an historic district must be signed by at least twenty-five percent (25%) of the owners within the proposed district. Fifty-one percent (51%) of the owners within the proposed district must approve the proposed designation before the City Council will proceed to adopt a designating ordinance.

(b) Commission Review with Owner's Consent. If the owner of the proposed Historic Landmark site nominated for designation consents to the review, no more than sixty days after the filing of the application, the Commission shall review the application for conformance with the established criteria for designation and with the purposes of this Chapter. Within sixty days after the conclusion of its review, the Commission shall either approve, modify and approve, or disapprove the proposal, and if approved, shall refer the proposal with a copy of its report and recommendation to City Council.

(c) Commission Review Without Owner's Consent. In the case of any proposed Historic district, and in the case of a proposed historic landmark site where the owner of the site nominated for designation does not consent to the review, the Commission shall hold a public hearing on the proposal not more than sixty days after the filing of the application.

- (1) Notice of public hearing shall be in accordance with this Code's public notice requirements, except that notice by first class mail to property owners within 300 feet of the property in question shall not be required. In lieu thereof, the Commission shall mail written notices of the hearing to the owners of all the sites included in the proposed designation. In addition, in cases of nomination by fewer than all of the owners of the property, notice shall be mailed at least ten days prior to the hearing date to the owners of all property included in the proposed designation. Failure to send notice by mail to any such owner where the address of such owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the proposed designation.
- (2) Commission shall review the application for conformance of the proposed designation with the established criteria for designation and the standards of this section within sixty days after the conclusion of the public hearing. The Commission shall either approve, modify and approve, or disapprove the proposal, and if approved, shall refer the proposal with a copy of its report and recommendation to City Council.
(Ord. 12-03. Passed 4-1-03.)

1150.03 NOTICE OF DESIGNATION.

When an historic landmark or historic district has been designated by The Historic Preservation Commission and City Council, the Mayor or City Manager shall promptly notify the owners of the sites included therein and shall cause a copy of the designating ordinance as described above to be recorded with Stark County Clerk and Recorder.
(Ord. 12-03. Passed 4-1-03.)

TITLE FIVE - ZONING MAP AND DISTRICTS

- Chap. 1151. Districts Established; Map and Boundaries.
 Chap. 1153. F-P Flood Plain District.
 Chap. 1155. R-R Rural Residential District.
 Chap. 1157. R-1 Single-Family Low Density Suburban Residential District.
 Chap. 1159. R-1-A Single-Family Medium Density Urban Residential District.
 Chap. 1161. R-2 One- and Two-Family Low Density Urban Residential District.
 Chap. 1163. R-3 Medium Density Urban Residential District.
 Chap. 1165. R-4 Multifamily Urban Residential District.
 Chap. 1167. R-5 Mobile Home Park Residential District.
 Chap. 1169. B-1 General Retail-Office District.
 Chap. 1171. B-2 General Retail, Office and Motorist Services Business District.
 Chap. 1173. I-1 Industrial District.
 Chap. 1174. Light Industrial Zone (L-1).
 Chap. 1175. Historic District.
 Chap. 1177. R4-A Senior Residential District.

CHAPTER 1151
Districts Established; Map and Boundaries

- | | | | |
|----------------|------------------------------------|----------------|---|
| 1151.01 | Establishment of districts. | 1151.03 | Zoning Districts Map. |
| 1151.02 | Districts enumerated. | 1151.04 | Interpretation of district boundaries. |

CROSS REFERENCES

- Council may amend districting - see Ohio R.C. 713.10
 Basis of districts - see Ohio R.C. 713.10
 Nonconforming uses - see Ohio R.C. 713.15; P. & Z. Ch. 1185

1151.01 ESTABLISHMENT OF DISTRICTS.

The incorporated territory of the City is hereby divided into zone districts. All such regulations are uniform for each building, structure or use within each zone district. (Ord. 22-1972. Passed 8-1-72.)

1151.02 DISTRICTS ENUMERATED.

F-P	Flood Plain District
R-R	Rural Residential District
R-1	Single-Family Low Density Suburban Residential District
R-1-A	Single-Family Medium Density Urban Residential District
R-2	One-and Two-Family Low Density Urban Residential District
R-3	Medium Density Urban Residential District
R-4	Multifamily Urban Residential District
R-5	Mobile Home Park Residential District
B-1	General Retail-Office District
B-2	General Retail Office and Motorist Services Business District
I-1	Restricted Industrial District
	Historic District (Ord. 22-1972. Passed 8-1-72.)
L-1	Light Industrial Zone. (Ord. 18-03. Passed 7-1-03.)

1151.03 ZONING DISTRICTS MAP.

The districts and their boundary lines are indicated upon a map entitled "Zoning Districts Map of the City of Canal Fulton, Stark County, Ohio," which map is made a part of this Zoning Ordinance. Such Zoning Districts Map together with all notations, references and other matters shown thereon are hereby declared a part of this Zoning Ordinance. (Ord. 22-1972. Passed 8-1-72.)

1151.04 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 Boundaries Approximately Follow Streets, Alleys, or Highways. Where district boundaries are indicated as approximately following the centerline or right-of-way line of streets, the centerline or alley line of alleys, or the centerline or right-of-way lines of highways, such lines shall be construed to be such district boundaries.
- (b) Where Boundaries Parallel Street Right-of-Way Lines, Alley Lines, or Highway Right-of-Way Lines. Where district boundaries are so indicated that they are approximately parallel to the centerlines or right-of-way lines of streets, the centerlines or alley lines of alleys, or the centerlines 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 such Zoning Map.
- (c) 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. 22-1972. Passed 8-1-72.)

**CHAPTER 1153
F-P Flood Plain District**

- | | |
|--|---|
| <p>1153.01 Statutory authorization; findings of fact; purpose; objectives.</p> <p>1153.02 Definitions.</p> <p>1153.03 General provisions.</p> | <p>1153.04 Administration.</p> <p>1153.05 Provisions for flood hazard protection.</p> |
|--|---|

CROSS REFERENCES

- Basis of zoning districts - see Ohio R.C. 713.10
 Levees - see Ohio R.C. 717.01
 Construction permits and prohibitions for dams, dikes or levees - see Ohio R.C. 1521.06
 Marking flood areas - see Ohio R.C. 1521.14
 Conservancy districts - see Ohio R.C. 6101.04

1153.01 STATUTORY AUTHORIZATION; FINDINGS OF FACT; PURPOSE AND OBJECTIVES.

(a) Statutory Authorization.

Article XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, Council of the City of Canal Fulton, State of Ohio does ordain as follows:

(b) Findings of Fact.

- (1) The flood hazard areas of the City of Canal Fulton are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

(c) Statement of Purpose. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;

- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(d) Methods of Reducing Flood Losses. In order to accomplish its purposes, this chapter includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 12-95. Passed 3-21-95.)

1153.02 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

- (a) "Accessory structure" means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.
- (b) "Appeal" means a request for review of the Zoning Inspector's interpretation of any provision of this chapter or a request for a variance.
- (c) "Area of shallow flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- (d) "Area of special flood hazard" means the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Areas of special flood hazard are designated by the Federal Emergency Management Agency as Zone A, AE, AH, AO, A1-30, and A99.
- (e) "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one-hundred (100) year flood.
- (f) "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

- (g) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (h) "Federal Emergency Management Agency" (FEMA) means the agency with the overall responsibility for administering the National Flood Insurance Program.
- (i) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters, and/or
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (j) "Flood Insurance Rate Map" (FIRM) means an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard.
- (k) "Flood Insurance Study" means the official report in which the Federal Emergency Management Agency has provided flood profiles, floodway boundaries, and the water surface elevations of the base flood.
- (l) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1.0 foot.
- (m) "Historic Structure" means any structure that is:
 - (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - A. By an approved state program as determined by the Secretary of the Interior; or
 - B. Directly by the Secretary of the Interior in states without approved programs.
- (n) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is built in accordance with the applicable design requirements specified in this chapter for enclosures below the lowest floor.
- (o) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
- (p) "Manufactured home park" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code, for which the Public Health Council has exclusive rule making power.

- (q) "Manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code, for which the Public Health Council has exclusive rule making power.
- (r) "New construction" means structures for which the "start of construction" commenced on or after the initial effective date of the City of Canal Fulton's Flood Insurance Rate Map, and includes any subsequent improvements to such structures.
- (s) "Recreational vehicle" means a vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (t) "Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.
- (u) "Structure" means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
- (v) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (w) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:
 - (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
 - (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure"; or
 - (3) Any improvement to a structure which is considered new construction.
- (x) "Variance" means a grant of relief from the standards of this chapter consistent with the variance conditions herein. (Ord. 12-95. Passed 3-21-95.)

1153.03 GENERAL PROVISIONS.

(a) Lands to Which this Chapter Applies. This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City of Canal Fulton as identified by the Federal Emergency Management Agency, including any additional flood hazard areas annexed by the City of Canal Fulton that are not identified on the effective Flood Insurance Rate Map.

(b) Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study for the City of Canal Fulton." This study, with accompanying Flood Boundary and Floodway Maps and/or Flood Insurance Rate Maps dated July 5, 1982 and any revisions thereto is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at City Hall, 155 E. Market Street, Canal Fulton, Ohio 44614.

(c) Compliance. No structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this chapter and all other applicable regulations which apply to uses within the jurisdiction of this chapter, unless specifically exempted from filing for a development permit as stated in Section 1153.04(b).

(d) Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(e) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under State statutes. Where a provision of this chapter may be in conflict with a State law, such State law shall take precedence over the chapter.

(f) Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the City of Canal Fulton, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on this chapter or any administrative decision lawfully made thereunder.

(g) Violations and Penalties. Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor of the fourth degree. Any person who violates this chapter or fails to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Canal Fulton. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Canal Fulton from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Canal Fulton shall prosecute any violation of this chapter in accordance with the penalties stated herein. (Ord. 12-95. Passed 3-21-95.)

1153.04 ADMINISTRATION.

(a) Establishment of Development Permit. A Development Permit shall be obtained from the Zoning Inspector before construction or development begins within any area of special flood hazard established in Section 1153.03(b). Application for a Development Permit shall be made on forms furnished by the Zoning Inspector and may include, but not be limited to: site specific topographic plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. The following information is required:

- (1) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures located in special flood hazard areas where base flood elevation data are utilized;
- (2) Elevation in relation to mean sea level to which any proposed structure will be floodproofed in accordance with Section 1153.05(b)(2)A., where base flood elevation data are utilized;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 1153.05(b)(2)A., where base flood elevation data are utilized;
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished.

(b) Exemption from Filing a Development Permit. An application for a Development Permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$1,000.00. Any proposed action exempt from filing for a Development Permit is also exempt from the standards of this chapter.

(c) Designation of the Flood Damage Prevention Ordinance Administrator.
The Zoning Inspector is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

(d) Duties and Responsibilities of the Zoning Inspector. The duties and responsibilities of the Zoning Inspector shall include but are not limited to:

- (1) Permit review.
 - A. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
 - B. Review all development permits to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the Department of the Army under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.
 - C. Review all development permits to determine if the proposed development is located within a designated floodway. Floodways are delineated in the Flood Boundary and Floodway Map or the Flood Insurance Rate Map of the Flood Insurance Study. Floodways may also be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the encroachment provision of Section 1153.05(c)(1) is met.

- (2) Use of other base flood elevation and floodway data. Areas of special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency in accordance with Section 1153.03(b), are designated as Zone A on the community's Flood Insurance Rate Map. Within these areas, the Zoning Inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, including data obtained under Section 1153.05(b)(6), in order to administer Sections 1153.05(b)(1) and (2) and (c).
- (3) Information to be obtained and maintained. Where base flood elevation data are utilized within areas of special flood hazard on a community's Flood Insurance Rate Map, regardless of the source of such data, the following provisions apply:
- A. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and record whether or not such structures contain an enclosure below the lowest floor;
 - B. For all new or substantially-improved floodproofed nonresidential structures:
 - 1. Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and,
 - 2. Maintain the floodproofing certifications required in subsection (a)(3) hereof.
 - C. Maintain for public inspection all records pertaining to the provisions of this chapter.
- (4) Alteration of watercourses.
- A. Notify adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. A watercourse is considered to be altered if any change occurs within its banks.
 - B. Maintain engineering documentation required in subsection (a)(4) hereof that the flood carrying capacity of the altered or relocated portion of said watercourse will not be diminished.
 - C. Require that necessary maintenance will be provided for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished.
- (5) Interpretation of flood boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Where a map boundary and field elevations disagree, the elevations delineated in the flood elevation profile shall prevail. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection (e) hereof.
- (e) Variance Procedure.
- (1) Appeal Board.
 - A. The Planning Commission as established by the City of Canal Fulton shall hear and decide appeals and requests for variances from the requirements of this chapter.

- B. The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Zoning Inspector in the enforcement or administration of this chapter.
 - C. Those aggrieved by the decision of the Planning Commission or any taxpayer, may appeal such decision to the Stark County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.
 - D. In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - 1. The danger that materials may be swept onto other lands to the injury of others;
 - 2. The danger to life and property due to flooding or erosion damage;
 - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 4. The importance of the services provided by the proposed facility to the community;
 - 5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - 6. The necessity to the facility of a waterfront location, where applicable;
 - 7. The compatibility of the proposed use with existing and anticipated development;
 - 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
 - E. Upon consideration of the factors of subsection (e)(1)D., and the purposes of this chapter, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
 - F. The Zoning Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (2) Conditions for variances.
- A. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - B. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- C. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in subsection (e)(1)D., have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- D. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- E. Variances shall only be issued upon:
 - 1. A showing of good and sufficient cause;
 - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - 3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this chapter, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection (e)(1)D., or conflict with existing local laws or ordinances.
- F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
(Ord. 12-95. Passed 3-21-95.)

1153.05 PROVISIONS FOR FLOOD HAZARD PROTECTION.

(a) General Standards. In all areas of special flood hazard the following standards are required:

- (1) Anchoring.
 - A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - B. All manufactured homes, not otherwise regulated by the Ohio Revised Code pertaining to manufactured home parks, shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- (2) Construction materials and methods.
 - A. All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
 - B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and

- C. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (3) Utilities. The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:
- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
- B. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- C. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (4) Subdivision proposals.
- A. All subdivision proposals, including manufactured home subdivisions, shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals, including manufactured home subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage; and
- D. All subdivision proposals, including manufactured home subdivisions, shall meet the specific standards of subsection (b)(6).
- (5) Standards in areas of special flood hazard without base flood elevation data. In all areas of special flood hazard identified as Zone A on the Flood Insurance Rate Map where base flood elevation data are not available from any source, the following provisions apply:
- A. New Construction and substantial improvement of any residential, commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated to at least two feet above the highest adjacent natural grade.

(b) Specific Standards. In all areas of special flood hazard where base flood elevation data have been provided as set forth in Section 1153.03(b); Section 1153.04(b)(2); or subsection (b)(6) hereof, the following provisions are required.

- (1) Residential construction.
- A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to the base flood elevation.
- B. In AO zones new construction and substantial improvements shall either have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number on the community's Flood Insurance Rate Map (at least two feet if no depth number is specified), and adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

- (2) Nonresidential construction.
- A. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
1. Be floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the base flood elevation. In order to be eligible for lower flood insurance rates, the structure should be floodproofed at least one foot above the base flood elevation.
 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection. Such certification shall be provided to the official as set forth in Section 1153.04(a)(3).
- B. In AO zones new construction and substantial improvements shall either have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number on the community's Flood Insurance Rate Map (at least two feet if no depth number is specified); or be floodproofed to that level consistent with the floodproofing standards of subsections (b)(2)A.1, 2 and 3, and adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- (3) Accessory structures.
- A. A relief to the elevation or dry floodproofing standards may be granted for accessory structures (e.g., sheds, detached garages) containing 576 square feet or less in gross floor area. Such structures must meet the encroachment provisions of subsection (c)(1) hereof and the following additional standards:
1. They shall not be used for human habitation;
 2. They shall be designed to have low flood damage potential;
 3. They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;
 4. They shall be firmly anchored to prevent flotation; and,
 5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.
- (4) Manufactured homes and recreational vehicles. The following standards shall apply to all new and substantially improved manufactured homes not subject to the manufactured home requirements of Section 3733.01, Ohio Revised Code:
- A. Manufactured homes shall be anchored in accordance with subsection (a)(1)B. hereof.
- B. Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at the base flood elevation.

These standards also apply to recreational vehicles that are either located on sites for 180 days or more, or are not fully licensed and ready for highway use.

- (5) Enclosures below the lowest floor. The following standards apply to all new and substantially improved residential and nonresidential structures which are elevated to the base flood elevation using pilings, columns, or posts. Fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must:
- A. Be certified by a registered professional engineer or architect; or,
 - B. Must meet or exceed the following criteria:
 - 1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - 2. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other openings provided that they permit the automatic entry and exit of floodwaters.
- (6) Subdivisions and large developments. In all areas of special flood hazard where base flood elevation data have not been provided in accordance with Section 1153.03(b) or Section 1153.04(d)(2), the following standards apply to all subdivision proposals, including manufactured home subdivisions, and other proposed developments containing at least 50 lots or 5 acres (whichever is less):
- A. The applicant shall provide base flood elevation data performed in accordance with standard engineering practices;
 - B. If subsection (b)(6)A. hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of subsections (a) and (b).
- (c) Floodways.
- (1) Areas with floodways. The Flood Insurance Study referenced in Section 1153.03(b) identifies a segment within areas of special flood hazard known as a floodway. Floodways may also be delineated in other sources of flood information as specified in Section 1153.04(d)(2). The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential. The following provisions apply within all delineated floodway areas:
- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a hydrologic and hydraulic analysis performed in accordance with standard engineering practices demonstrates that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.
 - B. If subsection (c)(1)A. hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of subsection (b) hereof.

- C. Any encroachment within the floodway that would result in an increase in base flood elevations can only be granted upon the prior approval by the Federal Emergency Management Agency. Such requests must be submitted by the Zoning Inspector to the Federal Emergency Management Agency and must meet the requirements of the National Flood Insurance Program.
- (2) Areas without floodways. In all areas of special flood hazard where FEMA has provided base flood elevation data as set forth in Section 1153.03(b), but FEMA has not delineated a floodway, the following provisions apply:
- A. New construction, substantial improvements, or other development (including fill) shall only be permitted if it is demonstrated that the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than 1 (one) foot at any point.
- B. If subsection (c)(2)A. hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.
(Ord. 12-95. Passed 3-21-95.)

CHAPTER 1155
R-R Rural Residential District

1155.01 Purpose.	1155.04 Yard requirements.
1155.02 Uses.	1155.05 Maximum building height.
1155.03 Lot requirements.	

CROSS REFERENCES

Basis of districts - see Ohio R.C. 713.10
 Conditional zoning certificates - see P. & Z. Ch. 1145
 Nonconforming uses - see P. & Z. Ch. 1185
 Supplemental regulations - see P. & Z. Ch. 1187

1155.01 PURPOSE.

The purpose of this District is to accommodate residential development in areas which cannot be reasonably serviced by City water and/or sanitary sewer facilities and where the underground water supply or the soil conditions for septic tanks are inadequate to accommodate a higher density. Portions of this district are subject to periodic flooding and elevations should be checked before building permits are issued.
 (Ord. 22-1972. Passed 8-1-72.)

1155.02 USES.

Within an R-R Rural 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 subject to subsection 130 of Section 1145.04.
 - (2) Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
 - (3) Signs, as regulated by Chapter 1181.
 - (4) Off-street parking as permitted and regulated in Chapter 1183.
- (b) Conditionally Permitted Uses. The Planning Commission may issue conditional zoning certificates for uses listed herein subject to the general requirements of Chapter 1145 and to the specific requirements of Section 1145.04 referred to below:
- (1) Home occupations subject to Subsection 119.
 - (2) Private or governmentally owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies and other similar recreational facilities and/or uses, but excluding such commercial

- recreations uses as drive-in theaters, miniature golf courses and golf-driving ranges. Uses permitted under this category shall be subject to Subsections 101, 102, 103, 104, 110, 117, 118, 125, 130.
- (3) Governmentally or privately owned and/or operated parks, recreational areas and campgrounds where camping in tents, trailers and other vehicles, or otherwise, and for overnight or longer periods of time; and day camps, summer camps, health camps and other types of outdoors and/or recreationally oriented uses which involve facilities for group activities and accommodations. Uses permitted under this category shall be subject to Subsections 101, 102, 103, 104, 110, 117, 118, 125, 130.
 - (4) Public and parochial schools subject to Subsections 101, 102, 103, 104, 105, 106, 107, 108, 130.
 - (5) Churches and other buildings for the purpose of religious worship subject to Subsections 101, 102, 103, 104, 106, 108, 109, 130
 - (6) Agricultural buildings and uses provided:
 - A. Buildings used to house farm animals shall be located no less than 200 feet from all property lines.
 - B. Livestock or poultry raising or breeding for commercial purposes shall only be permitted on lots of five acres or more.
 - C. Residential structures that meet the requirements of Subsection 130.
 - (7) Roadside stands, offering for sale only agricultural products which are produced on the premises, including only one sign advertising such products not exceeding twenty square feet in area may be erected beyond the building line on lands used for agricultural purposes. Such roadside stand and sign shall not be erected nearer than thirty feet from either side lot line. Such stand, sign and required off-street parking shall be located and set back in such a manner so as not to create a traffic hazard.
 - (8) Public facilities as deemed necessary by the Planning Commission and Council.
(Ord. 22-1972. Passed 8-1-72.)
 - (9) Bed and Breakfast Inns subject to Subsections 103 and 117.
(Ord. 23-87. Passed 5-19-87.)

1155.03 LOT REQUIREMENTS.

- (a) Minimum lot area per dwelling unit or other main or permitted use - one acre.
- (b) Minimum lot width at building line - 150 feet.
- (c) Minimum lot frontage - ninety feet.
(Ord. 22-1972. Passed 8-1-72.)

1155.04 YARD REQUIREMENTS.

- (a) Minimum front yard depth - sixty feet.
- (b) Minimum rear yard depth - fifty feet.
- (c) Minimum side yard width on each side - twenty-five feet.
(Ord. 22-1972. Passed 8-1-72.)

1155.05 MAXIMUM BUILDING HEIGHT.

Thirty-five feet.

CHAPTER 1157
R-1 Single-Family Low Density Suburban Residential District

1157.01 Purpose.	1157.04 Yard requirements.
1157.02 Uses.	1157.05 Maximum building height.
1157.03 Lot requirements.	1157.06 Minimum floor space.

CROSS REFERENCES

Basis of districts - see Ohio R.C. 713.10
 Conditional zoning certificates - see P. & Z. Ch. 1145
 Nonconforming Uses - see P. & Z. Ch. 1185
 Supplemental regulations - see P. & Z. Ch. 1187

1157.01 PURPOSE.

This District is established to accommodate single-family residential dwellings at a maximum density of four dwelling units per acre and provided with City sewer and water facilities. The stipulated densities are intended to provide for areas of suburban character in the community and to prevent excessive demands on sewerage and water systems, streets, schools and other community facilities.

(Ord. 22-1972. Passed 8-1-72.)

1157.02 USES.

Within an R-1 Low Density Suburban 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 residential dwelling.
 - (2) Accessory uses incidental to the principal use which do not include any activity conducted as a business.
 - (3) Signs as permitted and regulated in Chapter 1181.
 - (4) Off-street parking as permitted and regulated in Chapter 1183.
- (b) Conditionally Permitted Uses. The Planning Commission may issue conditional zoning certificates for uses listed herein subject to the general requirements of Chapter 1145 and to the specific requirements of Section 1145.04 referred to below:
- (1) Planned unit residential developments subject to Subsection 115.
 - (2) Home occupations subject to Subsection 111.
 - (3) Private or public parks, playgrounds and/or picnic areas subject to Subsections 101, 102, 103, 104, 110, 117, 125.
 - (4) Public and parochial schools subject to Subsections 101, 102, 103, 104, 105, 106, 107, 108.

- (5) Churches and other buildings for the purpose of religious worship subject to Subsections 101, 102, 103, 104, 106, 108, 109.
- (6) Public facilities subject to Subsections 108, 110.
(Ord. 22-1972. Passed 8-1-72.)
- (7) Family homes licensed under Ohio R.C. 5123.19, subject to Subsection 131 of Section 1145.04.
(Ord. 36-85. Passed 10-15-85.)
- (8) Bed and Breakfast Inns subject to Subsection 103 and 117.
(Ord. 23-87. Passed 5-19-87.)

1157.03 LOT REQUIREMENTS.

- (a) Minimum lot areas - 10,000 square feet with sanitary sewer.
- (b) Minimum lot width at building line - eighty feet with City water and sewer.
- (c) Minimum lot frontage - fifty feet.
- (d) Or, as an option, the applicant may apply for a variable lot size development subject to the requirements in Subsection 126 of Section 1145.04.
(Ord. 22-1972. Passed 8-1-72.)

1157.04 YARD REQUIREMENTS.

- (a) Minimum front yard depth - thirty-five feet.
- (b) Minimum rear yard depth - forty feet.
- (c) Minimum side yard width - ten feet.
- (d) Or, as an option, the applicant may apply for flexible front yard setbacks subject to the requirements of Subsection 127 of Section 1145.04
- (e) Or, as an option, the applicant may apply for zero lot lines subject to the requirements of Subsection 128 of Section 1145.04.
(Ord. 22-1972. Passed 8-1-72.)
- (f) When existing adjacent buildings have front yard depths greater than thirty-five feet, new construction shall match adjacent front yard depths.
(Ord. 48-89. Passed 2-6-90.)

1157.05 MINIMUM BUILDING HEIGHT.

Thirty-five feet.
(Ord. 22-1972. Passed 8-1-72.)

1157.06 MINIMUM FLOOR SPACE.

Single-family dwellings - 1,000 square feet for single-story structures; 800 square feet for the first floor of two-story structures and the lower two levels of living space in split-level structures.
(Ord. 8-1980. Passed 4-1-80.)

CHAPTER 1159
R-1-A Single-Family Medium Density Urban Residential District

1159.01 Purpose.	1159.04 Yard requirements.
1159.02 Uses.	1159.05 Maximum building height.
1159.03 Lot requirements.	1159.06 Minimum floor space.

CROSS REFERENCES

Basis of districts - see Ohio R.C. 713.10
 Conditional zoning certificates - see P. & Z. Ch. 1145
 Nonconforming uses - see P. & Z. Ch 1185
 Supplemental regulations - see P. & Z. Ch. 1187

1159.01 PURPOSE.

The purpose of this District is to provide for single-family residence at a maximum density of six dwelling units per acre.
 (Ord. 12-1975. Passed 6-4-75.)

1159.02 USES.

Within an R-1-A Single-Family Low Density Urban 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 residential dwelling.
 - (2) Accessory uses incidental to the principal use which do not include any activity conducted as a business.
 - (3) Signs as permitted and regulated in Chapter 1181.
 - (4) Off-street parking as permitted and regulated in Chapter 1183.
- (b) Conditionally Permitted Uses. The Planning Commission may issue conditional zoning certificates for uses listed herein subject to the general requirements of Chapter 1145 and to the specific requirements of Section 1145.04 referred to below:
- (1) Planned unit residential developments subject to Subsection 115.
 - (2) Home occupations subject to Subsection 111.
 - (3) Private or public parks, playgrounds and/or picnic areas subject to Subsections 101, 102, 103, 104, 110, 117, 125.
 - (4) Public and parochial schools subject to Subsections 101, 102, 103, 104, 105, 106, 107, 108.
 - (5) Churches and other buildings for the purpose of religious worship subject to Subsections 101, 102, 103, 104, 106, 108, 109.

- (6) Public facilities subject to Subsections 108, 110.
(Ord. 12-1975. Passed 6-4-75.)
- (7) Family homes licensed under Ohio R.C. 5123.19, subject to Subsection 131 of Section 1145.04
(Ord. 36-85. Passed 10-15-85.)
- (8) Bed and Breakfast Inns subject to Subsections 103 and 117.
(Ord. 23-87. Passed 5-19-87.)

1159.03 LOT REQUIREMENTS.

- (a) Minimum lot area - 7,500 square feet with sanitary sewer.
- (b) Minimum lot width at building line - sixty feet with City sewer and water.
- (c) Minimum lot frontage - forty feet.
- (d) Or, as an option, the applicant may apply for a variable lot size development subject to the requirements in Subsection 126 of Section 1145.04.
(Ord. 12-1975. Passed 6-4-75.)

1159.04 YARD REQUIREMENTS.

- (a) Minimum front yard depth - thirty feet.
- (b) Minimum rear yard depth - thirty feet.
- (c) Minimum side yard width - ten feet.
- (d) Or, as an option, the applicant may apply for flexible front yard setbacks subject to the requirements of Subsection 127 of Section 1145.04.
- (e) Or, as an option, the applicant may apply for zero lot lines subject to the requirements of Subsection 128 of Section 1145.04.
(Ord. 12-1975. Passed 6-4-75.)

1159.05 MAXIMUM BUILDING HEIGHT.

Forty feet. (Ord. 12-1975. Passed 6-4-75.)

1159.06 MINIMUM FLOOR SPACE.

Single-family dwellings - 900 square feet for single story structures and 600 square feet for the first floor of two-story structures.
(Ord. 12-1975. Passed 6-4-75.)

CHAPTER 1161
R-2 One- and Two-Family Low Density Urban Residential District

1161.01	Purpose.	1161.04	Yard requirements.
1161.02	Uses.	1161.05	Maximum building height.
1161.03	Lot requirements.	1161.06	Minimum floor space.

CROSS REFERENCES

Basis of districts - see Ohio R.C. 713.10
 Conditional zoning certificates - see P. & Z. Ch. 1145
 Nonconforming uses - see P. & Z. Ch. 1185
 Supplemental regulations - see P. & Z. Ch. 1187

1161.01 PURPOSE.

The purpose of this District is to provide for single- and two-family residences at a density of five to seven dwelling units per acre.
 (Ord. 22-1972. Passed 8-1-72.)

1161.02 USES.

Within an R-2 One- and Two-Family Low Density Urban 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) Two-family dwelling.
 - (3) Accessory buildings or uses incidental to the principal use which do not include any activity conducted as a business.
 - (4) Signs as permitted and regulated in Chapter 1181.
 - (5) Off-street parking as permitted and regulated in Chapter 1183.
- (b) Conditionally Permitted Uses. The Planning Commission may issue conditional zoning certificates for uses listed herein subject to the general requirements of Chapter 1145 and to the specific requirements of Section 1145.04, referred to below:
- (1) Planned unit residential developments subject to Subsection 115.
 - (2) Home occupation subject to Subsection 111.
 - (3) Private or public parks, playgrounds and/or picnic areas subject to Subsections 101, 102, 103, 104, 110, 117, 125.
 - (4) Public and parochial schools subject to Subsections 101, 102, 103, 104, 105, 106, 107, 108.
 - (5) Churches and other buildings for religious worship subject to Subsections 101, 102, 103, 104, 106, 108, 109.

- (6) Public facilities subject to Subsections 108, 110.
(Ord. 22-1972. Passed 8-1-72.)
- (7) Family homes licensed under Ohio R.C. 5123.19 subject to Subsection 131 of Section 1145.04.
(Ord. 86-35. Passed 10-15-85.)
- (8) Child day care centers subject to all regulations contained in Chapter 1145.
(Ord. 52-87. Passed 1-5-88.)
- (9) Bed and Breakfast Inns subject to Subsection 103 and 117.
(Ord. 23-87. Passed 5-19-87.)

1161.03 LOT REQUIREMENTS.

- (a) Minimum Lot Area.
 - (1) Single-family dwelling - 8,000 square feet with sanitary sewer.
 - (2) Two-family dwelling - 12,000 square feet with sanitary sewer.
 - (3) Or, as an option, the applicant may apply for a variable lot size development subject to the requirements of Subsection 126 of Section 1145.04.
- (b) Minimum Lot Width at Building Line.
 - (1) Single-family dwelling - seventy feet with sanitary sewer.
 - (2) Two-family dwelling - ninety feet with sanitary sewer.
- (c) Minimum lot frontage - fifty feet.
(Ord. 22-1972. Passed 8-1-72.)

1161.04 YARD REQUIREMENTS.

- (a) Minimum front yard depth - thirty-five feet.
- (b) Minimum rear yard depth - thirty-five feet.
- (c) Minimum side yard width - ten feet.
- (d) Or, as an option, the applicant may apply for flexible front yard setbacks subject to the requirements of Subsection 127 of Section 1145.04.
- (e) Or, as an option, the applicant may apply for zero lot lines subject to the requirements of Subsection 128 of Section 1145.04.
(Ord. 22-1972. Passed 8-1-72.)

1161.05 MAXIMUM BUILDING HEIGHT.

Thirty-five feet. (Ord. 22-1972. Passed 8-1-72.)

1161.06 MINIMUM FLOOR SPACE.

- (a) Single-family dwellings - 900 square feet for single story structures and 800 square feet for the first floor of two-story structures.
- (b) Two-family dwellings - 750 square feet for each dwelling unit.
(Ord. 22-1972. Passed 8-1-72.)

CHAPTER 1163
R-3 Medium Density Urban Residential District

1163.01 Purpose.	1163.04 Yard requirements.
1163.02 Uses.	1163.05 Maximum building height.
1163.03 Lot requirements.	1163.06 Site plan requirements.
	1163.07 Off-street parking and loading
	1163.08 Minimum floor space.

CROSS REFERENCES

Basis of districts - see Ohio R.C. 713.10
 Conditional Zoning Certificates - see P. & Z. Ch. 1145
 Nonconforming Uses - see P. & Z. Ch. 1185
 Supplemental Regulations - see P. & Z. Ch. 1187

1163.01 PURPOSE.

The purpose of this District is to encourage a relatively high density residential development in areas generally adjacent to the built-up sections of the community or in areas of existing development of such density, and thereby providing a more orderly and efficient extension of public facilities. The development is to consist of single-family, two-family and limited multi-family dwellings not exceeding a density of eight dwelling units per net acre, and only in areas served with City sewer and water facilities.

(Ord. 22-1972. Passed 8-1-72.)

1163.02 USES.

Within an R-3 Medium Density 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) Two-family dwelling.
 - (3) Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
 - (4) Signs as permitted and regulated in Chapter 1181.
 - (5) Off-street parking as permitted and regulated in Chapter 1183.
 - (6) Public facilities subject to Subsections 108 and 110 of Section 1145.04.
- (b) Conditionally Permitted Uses. The Planning Commission may issue conditional zoning certificates for uses listed herein subject to the general requirements of Chapter 1145 and to the specific requirements of Section 1145.04, referred to below:

- (1) Quasi-public, institutionally or organizationally owned and/or operated recreational instructional and meeting facilities, such as those developed and used by the YMCA-YWCA, Boy Scouts or various fraternal or community service groups, subject to Subsections 107, 108, 110, 118.
- (2) Multi-family dwellings of the row house, townhouse, and garden apartment types, subject to Subsections 104, 107, 108, 112, 119, 120, 121, 122.
- (3) Institutions for human medical care - hospitals, clinics, sanitariums, convalescent homes, nursing homes, child day care centers, homes for the aged and philanthropic institutions subject to Subsections 101, 102, 104, 106, 107, 108, 110, 125.
- (4) Institutions for higher education subject to Subsections 101, 102, 103, 104, 106, 108, 125.
- (5) Home occupations subject to Subsection 111.
- (6) Group dwellings subject to Subsection 112.
- (7) Temporary buildings for uses incidental to construction work subject to Subsections 110, 114.
- (8) Public and parochial schools subject to Subsections 101, 102, 103, 104, 105, 106, 108.
- (9) Churches and other buildings for the purpose of religious worship subject to Subsections 101, 102, 103, 104, 106, 108, 109.
- (10) Public facilities subject to Subsections 108, 110.
(Ord. 22-1972. Passed 8-1-72.)
- (11) Family homes and group homes licensed under Ohio R.C. 5123.19, subject to Subsection 131 of Section 1145.04.
(Ord. 36-85. Passed 10-15-85.)
- (12) Bed and Breakfast Inns subject to Subsections 103 and 117.
(Ord. 23-87. Passed 5-19-87.)

1163.03 LOT REQUIREMENTS.

- (a) Minimum Lot Area.
 - (1) Single-family dwelling - 8,000 square feet.
 - (2) Two-family dwelling - 12,000 square feet.
 - (3) Multi-family dwelling - 18,000 square feet, plus 3,000 square feet for each dwelling unit over three.
 - (4) Or, as an option, the applicant may apply for a variable lot size development subject to the requirements of Subsection 126 of Section 1145.04.
- (b) Minimum Lot Width at Building Line.
 - (1) Single-family dwelling - sixty feet.
 - (2) Two-family dwelling - ninety feet.
 - (3) Multi-family dwelling - 100 feet.
- (c) Minimum lot frontage - forty-five feet.
- (d) Minimum usable open space - at least thirty percent (30%) of the actual lot area shall be devoted to usable open space.
- (e) Maximum lot coverage - twenty-five percent (25%).
(Ord. 22-1972. Passed 8-1-72.)

1163.04 YARD REQUIREMENTS.

- (a) Minimum front yard depth - thirty-five feet.
- (b) Minimum rear yard depth - thirty feet.
- (c) Minimum side yard width - eight feet.
- (d) Or, as an option, the applicant may apply for flexible front yard setbacks subject to the requirements of Subsection 127 of Section 1145.04.
- (e) Or, as an option, the applicant may apply for zero lot lines subject to the requirements of Subsection 128 of Section 1145.04.
(Ord. 22-1972. Passed 8-1-72.)

1163.05 MAXIMUM BUILDING HEIGHT.

Thirty-five feet. (Ord. 22-1972. Passed 8-1-72.)

1163.06 SITE PLAN REQUIREMENTS.

- (a) Review of Site Plan. All multi-family uses permitted under Section 1163.02 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 surface drainage provisions are reviewed and approved by the City Engineer.
 - (5) The design and construction standards of all private streets, driveways and parking areas are to be built following approval of plans by the City Engineer according to construction standards specified in the City Subdivision Regulations. The proposed development conforms to all applicable provisions of the Subdivision Regulations.
 - (6) 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.
 - (7) The architectural design of apartment buildings should be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, line and pattern, and character.

- (8) Building, location and placement should be developed with consideration given to minimizing removal of trees and change of topography.
- (9) T.V. antenna shall be centralized.
- (10) On-site circulation shall be designed to make possible adequate fire and police protection.
- (11) In large parking areas, visual relief shall be provided through the use of tree planted and landscape dividers, islands and walkways. No parking or service areas shall be permitted between any street and the main building.
- (12) 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; and 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.

(b) Conformance with Site Plan.

- (1) 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.
- (2) A performance bond or other financial guarantee of one hundred percent (100%) shall be placed with the Clerk of Council to insure that the landscaping be installed, that the hard surfacing of the private drives and parking areas be installed, and that the surface water drainage be installed, all in conformance with approved plans.
(Ord. 22-1972. Passed 8-1-72.)

1163.07 OFF-STREET PARKING AND LOADING.

As regulated by Chapter 1183.

(Ord. 22-1972. Passed 8-1-72.)

1163.08 MINIMUM FLOOR SPACE.

- (a) Single-family dwellings - 800 square feet.
- (b) Two-family dwellings - 750 square feet for each dwelling unit.
- (c) Multi-family dwellings.
 - (1) Efficiency - 550 square feet per unit.
 - (2) One bedroom - 650 square feet per unit.
 - (3) Two bedroom - 750 square feet per unit.
 - (4) Three bedroom - 850 square feet per unit.(Ord. 22-1972. Passed 8-1-72.)

CHAPTER 1165
R-4 Multifamily Urban Residential District

1165.01 Purpose.	1165.06 Site plan requirements.
1165.02 Uses.	1165.07 Off-street parking and loading.
1165.03 Requirements.	1165.08 Minimum floor space.
1165.04 Yard requirements.	1165.09 Attached single-family requirements.
1165.05 Maximum building height.	

CROSS REFERENCES

Basis of districts - see Ohio R.C. 713.10
 Conditional Zoning Certificates - see P. & Z. Ch. 1145
 Nonconforming Uses - see P. & Z. Ch. 1185
 Supplemental Regulations - see P. & Z. Ch. 1187

1165.01 PURPOSE.

The purpose of this District is to encourage apartment development and attached single-family dwelling complexes at densities up to twelve dwelling units per net acre. Development is to consist primarily of townhouses, attached single-family dwellings, and garden apartments and in groupings which will provide for the efficient development and utilization of community facilities such as water and sewers, streets and schools. (Ord. 47-94. Passed 8-16-94.)

1165.02 USES.

Within an R-4 Multifamily Urban 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. (Ord. 22-1972. Passed 8-1-72.)
 - (3) Multifamily dwellings and attached single-family dwellings of the duplex, townhouse, row house and garden apartment type. Subject to the site plan requirements of Section 1165.06; attached single-family dwellings also subject to Section 1165.09. (Ord. 47-94. Passed 8-16-94.)
 - (4) Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
 - (5) Signs as permitted and regulated in Chapter 1181.
 - (6) Off-street parking as permitted and regulated in Chapter 1183.
- (b) Conditionally Permitted Uses. The Planning Commission may issue conditional zoning certificates for uses listed herein subject to the general requirements of Chapter 1145 and to the specific requirements of Section 1145.04, referred to below:

- (1) Quasi-public, institutionally or organizationally owned and/or operated recreational, instructional and meeting facilities, such as those developed and used by the YMCA-YWCA, Boy Scouts or various fraternal or community service groups, subject to Subsections 107, 108, 110, 118.
- (2) Institutions for human medical care - hospitals, clinics, sanitariums, convalescent homes, nursing homes, child day care centers, homes for the aged and philanthropic institutions subject to Subsections 101, 102, 104, 106, 107, 108, 110, 125.
- (3) Temporary buildings for uses incidental to construction work subject to Subsections 110, 114.
- (4) Rooming house and boarding house accommodations subject to Subsections 108, 110.
- (5) Institutions for higher education subject to Subsections 101, 102, 103, 104, 106, 108, 125.
- (6) Public and parochial schools subject to Subsections 101, 102, 103, 104, 105, 106, 108.
- (7) Churches and other buildings for religious worship subject to Subsections 101, 102, 103, 104, 106, 108.
- (8) Home occupations subject to Subsection 111.
- (9) Group dwellings subject to Subsection 112.
- (10) Planned unit residential development subject to Subsection 115.
- (11) Public facilities subject to Subsections 108, 110.
(Ord. 22-1972. Passed 8-1-72.)
- (12) Family homes and group homes licensed under Ohio R.C. 5123.19, subject to Subsection 131 of Section 1145.04.
(Ord. 56-85. Passed 10-15-85.)
- (13) Bed and Breakfast Inns subject to Subsections 103 and 117.
(Ord. 23-87. Passed 5-19-87.)

1165.03 LOT REQUIREMENTS.

- (a) Minimum Lot Area.
 - (1) Single-family dwelling - 7,000 square feet.
 - (2) Two-family dwelling 10,000 square feet.
(Ord. 22-1972. Passed 8-1-72.)
 - (3) Multifamily dwelling and attached single-family dwelling(s) - 12,000 square feet plus 3,000 square feet for each dwelling unit over three.
(Ord. 47-94. Passed 8-16-94.)
- (b) Minimum Lot Width at Building Line.
 - (1) Single-family dwelling - sixty feet.
 - (2) Two-family dwelling - eighty-five feet.
(Ord. 22-1972. Passed 8-1-72.)
 - (3) Multifamily dwelling and attached single-family dwelling(s) - 100 feet.
(Ord. 47-94. Passed 8-16-94.)
- (c) Minimum lot frontage - forty feet.
- (d) Minimum Usable Open Space. At least twenty-five percent (25%) of the actual lot area shall be devoted to usable open space.
- (e) Maximum Lot Coverage.
 - (1) Twenty-five percent (25%).

- (2) Parking buildings (garages, carports) when having no part of the buildings used for residence purposes, shall be considered as equal to one-half of its area as part of lot coverage. (Ord. 22-1972. Passed 8-1-72.)

1165.04 YARD REQUIREMENTS.

(a) Minimum front yard depth - thirty feet plus one foot for each two feet of building height in excess of two stories above grade.

(b) Minimum rear yard depth - thirty feet plus one foot for each two feet of building height in excess of two stories above grade.

(c) Minimum Side Yard Width.

- (1) Single-family dwelling - eight feet.
- (2) Two-family dwelling - ten feet. (Ord. 22-1972. Passed 8-1-72.)
- (3) Multifamily and attached single-family dwelling(s) - ten feet plus one foot for each two feet of building height in excess of two stories above grade.

(d) As an option, the applicant may apply for zero lot lines subject to the requirements of Subsection 128 of Section 1145.04. (Ord. 47-94. Passed 8-16-94.)

1165.05 MAXIMUM BUILDING HEIGHT.

Forty feet. (Ord. 22-1972. Passed 8-1-72.)

1165.06 SITE PLAN REQUIREMENTS.

(a) Review of Site Plan. All multifamily and attached single-family uses permitted under Section 1165.02 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 surface drainage provisions are reviewed and approved by the City Engineer.
- (5) The design and construction standards of all private streets, driveways and parking areas are to be built following approval of plans by the City Engineer according to construction standards specified in the City Subdivision Regulations. The proposed development conforms to all applicable provisions of the Subdivision Regulations.
- (6) Maximum possible privacy for each apartment and attached single-family dwellings 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.

- (7) The architectural design of apartment buildings and attached single-family dwellings should be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, line and pattern, and character.
- (8) Building, location and placement should be developed with consideration given to minimizing removal of trees and change of topography.
- (9) T.V. antenna shall be centralized.
- (10) On-site circulation shall be designed to make possible adequate fire and police protection.
- (11) 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.
- (12) 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; and 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.

(b) Conformance with Site Plan. Complete conformance to all aspects of approved site plans shall be required as soon as possible but no later than one year after initial approval except that items affecting public safety shall be completed by the time of occupancy. (Ord. 22-1972. Passed 8-1-72; Ord. 47-94. Passed 8-16-94.)

1165.07 OFF-STREET PARKING AND LOADING.

As regulated by Chapter 1183.
(Ord. 22-1972 Passed 8-1-72.)

1165.08 MINIMUM FLOOR SPACE.

(a) Single-family and attached single-family dwellings - 800 square feet.
(Ord. 47-94. Passed 8-16-94.)

(b) Two-family dwellings - 750 square feet for each dwelling unit.

(c) Multifamily Dwellings.

- (1) Efficiency - 600 square feet per unit.
 - (2) One bedroom - 700 square feet per unit.
 - (3) Two bedroom - 800 square feet per unit.
 - (4) Three bedroom - 900 square feet per unit.
- (Ord. 22-1972. Passed 8-1-72.)

1165.09 ATTACHED SINGLE-FAMILY REQUIREMENTS.

(a) Attached single-family dwellings shall have a maximum of six units attached.

(b) The required open space shall either be held in corporate ownership by the owner(s) of the project area for use of the residents within the attached dwelling units or dedicated to a homeowners association that will have title to the land to be retained as common open space for use of the residents of the attached dwelling units.

(c) The legal articles of the homeowners association are subject to review and approval of the Planning Commission and Council and shall include adequate provisions for the perpetual maintenance of the common areas including, but not limited to open space, parking, utility areas and driveways. (Ord. 47-94. Passed 8-16-94.)

CHAPTER 1167
R-5 Mobile Home Park Residential District

1167.01 Purpose.	1167.05 Mobile home park requirements.
1167.02 Uses.	1167.06 Mobile home and mobile home lot requirements.
1167.03 Application.	1167.07 Site plan requirements.
1167.04 General standards.	

CROSS REFERENCES

Basis of districts - see Ohio R.C. 713.10
 Conditional Zoning Certificates - see P. & Z. Ch. 1145
 Nonconforming Uses - see P. & Z. Ch. 1185
 Supplemental Regulations - see P. & Z. Ch. 1187

1167.01 PURPOSE.

It is the purpose of this District to provide for the establishment of mobile home parks in the City and to regulate these parks together with the use of mobile homes therein. (Ord. 22-1972. Passed 8-1-72.)

1167.02 USES.

Within an R-5 Mobile Home Park District no building, structure or premises shall be used except for one or more of the following uses:

- (a) Permitted Uses.
- (1) Mobile home (trailer) in a park only, as permitted and regulated in Section 1167.07.
 - (2) Accessory buildings incidental to the principal uses which do not include any activity conducted as a business. One administrative office shall be permitted in the park in the home of the manager or caretaker.
 - (3) Signs as permitted or regulated in Chapter 1181.
(Ord. 22-1972. Passed 8-1-72.)

1167.03 APPLICATION.

When a person desires to establish a mobile home park he may apply to Council for such purpose by submitting to it an application together with a plot plan prepared by and bearing the seal of an Ohio registered engineer or architect, complete in detail, and showing the following:

- (a) Location and legal description.
- (b) Entrance to and exits from the park.
- (c) Vehicular roadways, driveways and pedestrian walks.
- (d) Design showing size and arrangement of mobile home lots, units, location of roadways, recreational areas and utility or service buildings.

- (e) The location of individual parking spaces and off-street visitor parking lots.
- (f) Topography by two-foot contour intervals.
- (g) Vegetative screening on and surrounding the park.
- (h) Provisions for trash and garbage removal.
- (i) Gas, electric and telephone service connections to each lot.
- (j) Provisions for lighting of roadways, driveways and pedestrian walks.
- (k) Water and sewer availability and distribution lines to each lot.
- (l) Streets adjacent to the park that will handle traffic to and from it including names, location and right-of-way and pavement widths.
- (m) Watercourses and areas subject to flooding.
(Ord. 22-1972. Passed 8-1-72.)

1167.04 GENERAL STANDARDS.

The Planning Commission, upon receipt of an application for a mobile home park from Council for review, shall evaluate the application in accordance with the following general standards:

- (a) A mobile home park shall have access to adequate streets and highways with pavement not less than thirty-six feet wide.
- (b) Environmental factors involved shall be such that livability in a mobile home park will be pleasant and that there will be no adverse effects on surrounding uses or property values. In considering livability, recognition shall be given to the mobile home park setting, the availability of schools and shopping facilities and the nature of abutting zone districts.
- (c) A mobile home park shall not be located in an area where it would be completely surrounded by single-family residences or R-1 or R-2 zone districts, nor in an area where the entrance and exits would front on an R-1 or R-2 district.
- (d) The mobile home park shall be so arranged that all mobile home lots and accessory buildings shall face on interior roadways. Any lots abutting outside dedicated streets shall be separated by a greenbelt buffer consisting of evergreen shrubbery or similar vegetation.
- (e) A mobile home park of more than 100 mobile home lots shall have more than one entrance and exit to a public street or highway.
(Ord. 22-1972. Passed 8-1-72.)

1167.05 MOBILE HOME PARK REQUIREMENTS.

No application for a mobile home park shall be approved by the Planning Commission, nor shall a mobile home park be permitted or maintained thereafter, unless it meets the following specifications:

- (a) Minimum size - fifteen acres.
- (b) Minimum number of units - twenty-five mobile home units.
- (c) Minimum width - 300 feet.
- (d) Minimum front yard setback - fifty feet.
- (e) Minimum rear yard setback - twenty-five feet.
- (f) Minimum side yard setback - twenty-five feet.
(Ord. 22-1972. Passed 8-1-72.)

1167.06 MOBILE HOME AND MOBILE HOME LOT REQUIREMENTS.

No application for a mobile home park shall be approved by the Planning Commission, nor shall a mobile home park be permitted or maintained thereafter, unless the mobile home lots and the placement of mobile homes thereon meet the following specific requirements:

- (a) Minimum area of mobile home lot - 5,000 square feet.
 - (b) Minimum area of mobile home - each mobile home unit shall have a minimum of 500 square feet of living space per family.
 - (c) Maximum building height - twenty-five feet.
 - (d) Minimum lot width at building line - fifty feet.
 - (e) Minimum front yard setback - twenty-five feet.
 - (f) There shall be a minimum of thirty feet clearance between individual mobile homes, both at the sides and rear.
 - (g) No accessory building shall be located closer than six feet to the side and rear lot lines.
- (Ord. 22-1972. Passed 8-1-72.)

1167.07 SITE PLAN REQUIREMENTS.

No application for a mobile home park shall be approved by the Planning Commission, nor shall a mobile home park be permitted or maintained thereafter, unless it meets the following requirements:

- (a) The applicant shall have permission, in writing, from the Ohio and Stark County Health Departments, approving the site and park plan and including but not limited to health precautions relating to garbage and trash containers, collection and disposal, rodent and insect control and sanitary and storm sewers.
- (b) All mobile home lots shall abut upon a public street of not less than thirty-six feet pavement width and sixty feet right-of-way width. On-street parking shall be permitted on one side only.
- (c) Every mobile home lot shall provide a minimum of two paved automobile parking spaces, and in addition the park operator shall provide a separate visitor parking lot, providing a minimum of one parking space for every two individual mobile home lots. Such parking lot shall conform to all yard requirements and shall be suitably paved to eliminate dust and dirt.
- (d) All mobile homes shall be parked on and securely attached by means of anchor bolts to a concrete slab, the area of which must conform to the size of the mobile home. The space between the concrete slab and the mobile home shall be enclosed with a concrete masonry wall with mortar joints. There shall be one access opening of fireproof construction in the wall to permit entry to the enclosed space and to provide for ventilation.
- (e) The wheels and towing hitch shall be removed from each mobile home before anchoring to the concrete slab.
- (f) All utility installations including electric power lines, telephone lines, gas lines and television lines and service connections therefor, shall be underground.
- (g) There shall be no exterior television or radio antennas except a community type antenna for the use of all park residents.
- (h) A safe, usable recreation area shall be conveniently located in every mobile home park and shall not occupy less than ten percent (10%) of the total area of the park.

- (i) A performance bond or other financial guarantee of 100 percent (100%) of the development cost shall be placed with the Clerk of Council to insure that the landscaping be installed, that the hard surfacing of the private drives and parking areas be installed, and that the surface water drainage be installed, all in conformance with approved plans.
- (j) Fees for mobile home parks shall be in accordance with Chapter 143.
(Ord. 22-1972. Passed 8-1-72.)

CHAPTER 1169
B-1 General Retail Office District

1169.01 Purpose.	1169.05 Maximum building height.
1169.02 Uses.	1169.06 Parking and loading requirements.
1169.03 Lot requirements.	1169.07 Site plan requirements.
1169.04 Yard requirements.	

CROSS REFERENCES

Basis of districts - see Ohio R.C. 713.10
 Conditional Zoning Certificate - see P. & Z. Ch. 1145
 Nonconforming Uses - see P. & Z. Ch. 1185
 Supplemental Regulations - see P. & Z. Ch. 1187

1169.01 PURPOSE.

The purpose of this District is to provide for a variety of retail, service and administrative establishments which are required to serve a large trading area population.
 (Ord. 22-1972. Passed 8-1-72.)

1169.02 USES.

Within a B-1 General Retail-Office 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) Department store.
- (2) Off-street public parking lot.
- (3) Establishments engaged in the retail trade of:
 - A. Drugs.
 - B. Book and stationery store.
 - C. Apparel store.
 - D. Florist shop.
 - E. Antique store.
 - F. Sporting goods store.
 - G. Jewelry store.
 - H. Optical goods store.
 - I. Furniture, home furnishing, and office equipment and office supplies store.
 - J. Beverages including liquor.
 - K. Restaurant.
 - L. food sales including supermarket.
 - M. Hardware, paint, floor coverings, wallpaper, materials and objects for interior decorating, auto accessories and repair of household appliances.

- N. Preparation and processing of food and drink to be retailed on premises including bakery, delicatessen, meat market, confectionery, restaurant, ice cream parlor, soda fountain.
- O. Eating and drinking establishments but excluding drive-in restaurants.
- (4) Establishments engaged primarily in the fields of finance, insurance and real estate:
 - A. Bank.
 - B. Credit agency other than a bank.
 - C. Investment firm.
 - D. Insurance carrier.
 - E. Real estate and insurance company.
 - F. Investment company.
- (5) Establishments engaged in providing a variety of services to individuals and business establishments, such as:
 - A. Personal services such as barber and beauty shops, shoe repair shops, laundries and dry cleaning.
 - B. Business services such as advertising agency, news services, maid service and employment agencies.
 - C. Medical and other health services.
 - E. Legal services.
 - F. Accounting, auditing and bookkeeping services.
 - G. Nonprofit, professional, charitable and labor organizations.
 - H. Dance studio and school.
 - I. Bowling alley.
 - J. Motion picture and theatrical playhouse.
 - K. Child and adult day care center.
 - L. Video rental and sales.
- (6) Accessory buildings incidental to the principal uses which do not include any activity conducted as a business.
- (7) Accessory uses clearly incidental to the uses permitted on the same premises.
- (8) Travel agency, passenger-transportation agency and terminal.
- (9) Signs-as regulated by Chapter 1181.
(Ord. 22-1972. Passed 8-1-72; Ord. 25-92. Passed 5-19-92.)
- (b) Conditionally Permitted Uses. The Planning Commission may issue conditional zoning certificates for uses listed herein subject to the general requirements of Chapter 1145 and to the specific requirements of Section 1145.04, referred to below:
 - (1) Drive-in banking facilities subject to Subsection 102.
 - (2) Clubs, lodges, fraternal, charitable or social agencies subject to Subsection 102, 103, 105, 110.
 - (3) Temporary buildings for uses incidental to construction work subject to Subsection 114. (Ord. 22-1972. Passed 8-1-72.)
 - (4) Veterinarian hospital or clinic.
 - (5) Apartment above businesses. (Ord. 8-1980. Passed 4-1-80.)
 - (6) Amusement arcades with adequate off-street parking.
(Ord. 5-87. Passed 2-23-87.)
 - (7) Bed and Breakfast Inns subject to Subsections 103 and 117.
(Ord. 23-87. Passed 5-19-87.)
 - (8) First floor apartments subject to subsection 132.
(Ord. 7-91. Passed 4-2-91.)
 - (9) Outdoor dining on public property subject to subsection 133.
(Ord. 45-94. Passed 8-16-94.)

1169.03 LOT REQUIREMENTS.

- (a) Minimum lot area. - none.
- (b) Minimum lot width at building line - none.
- (c) Minimum lot frontage - none.
(Ord. 22-1972. Passed 8-1-72.)

1169.04 YARD REQUIREMENTS.

- (a) Minimum front yard depth - none.
- (b) Minimum rear yard depth - none.
- (c) Minimum side yard width on each side - none.
- (d) Front yards and side yards - adjacent to residential districts shall meet the front and side yard requirements of the adjacent residential district.
(Ord. 22-1972. Passed 8-1-72.)

1169.05 MAXIMUM BUILDING HEIGHT.

Eighty feet. (Ord. 22-1972. Passed 8-1-72.)

1169.06 PARKING AND LOADING REQUIREMENTS.

As regulated by Chapter 1183.
(Ord. 22-1972. Passed 8-1-72.)

1169.07 SITE PLAN REQUIREMENTS.

(a) Review of Site Plan. All multifamily uses permitted under Section 1165.02 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 provisions for the screening of parking areas, service areas and active recreation areas from surrounding properties by landscaping and/or ornamental wall or fence.
- (4) Grading and surface drainage provisions are reviewed and approved by the City Engineer.
- (5) The design and construction standards of all private streets, driveways and parking areas are to be built following approval of plans by the City Engineer according to construction standards specified in the City Subdivision Regulations. The proposed development conforms to all applicable provisions of the Subdivision Regulations.

- (6) 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.
 - (7) The architectural design of apartment buildings should be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, line and pattern, and character.
 - (8) Building, location and placement should be developed with consideration given to minimizing removal of trees and change of topography.
 - (9) T.V. antenna shall be centralized.
 - (10) On-site circulation shall be designed to make possible adequate fire and police protection.
 - (11) 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.
 - (12) 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; and 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.
- (b) Conformance with Site Plan.
- (1) 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.
 - (2) Complete conformance to all aspects of approved site plans shall be required as soon as possible but no later than one year after initial approval except that items affecting public safety shall be completed by the time of occupancy.
(Ord. 18-86. Passed 7-1-86.)

CHAPTER 1171
B-2 General Retail, Office and Motorist Services Business District

1171.01 Purpose.	1171.05 Maximum building height.
1171.02 Uses.	1171.06 Parking and loading requirements.
1171.03 Lot requirements.	1171.07 Outdoor display areas.
1171.04 Yard requirements.	1171.08 Site plan requirements.

CROSS REFERENCES

Basis of districts - see Ohio R.C. 713.10
 Conditional Zoning Certificates - see P. & Z. Ch. 1145
 Nonconforming Uses - see P. & Z. Ch. 1185
 Supplemental Regulations - see P. & Z. Ch. 1187

1171.01 PURPOSE.

This District is established to provide for uses in addition to those specified for the General Business District and thereby provide service and sales in support of the primary business activities in the community. This District includes activities which because of their nature, such as their tendency to encourage traffic congestion and parking problems, storage problems or certain other inherent dangers create special problems, and are, therefore, best distinguished from other commercial activity. Their location is advantageous at specified points on major thoroughfares and at outlying locations in the community.
 (Ord. 22-1972. Passed 8-1-72.)

1171.02 USES.

Within a B-2 Intensive and Motorist Services Business 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) All uses permitted in the B-1 General Retail Office District.
- (2) Food sales including supermarket.
- (3) Filling station.
- (4) Car wash subject to off-street parking requirements of Section 1183.02(q).
- (5) Garden supply sales.
- (6) Preparation and processing of food and drink to be retailed on premises including bakery, delicatessen, meat market, confectionery, restaurant, ice cream parlor, soda fountain, tavern.
- (7) Administrative, business or finance office and organization.
- (8) Mini storage.
- (9) Pet care, boarding and grooming.
- (10) Amusement and recreation including social hall and drive- in theaters.

- (11) Professional office and clinic.
 - (12) Cultural, educational or religious facility.
 - (13) Cultural, educational, recreational or religious facility, maintained by government, religious institution or nonprofit organization.
 - (14) Display or showroom where merchandise sold is stored elsewhere.
 - (15) Hotel, motel, tourist home.
 - (16) Mortuary.
 - (17) Office or organization primarily engaged in accounting, architecture, advertising, art, correspondence, design, editing, engineering, insurance, photography, health, research and other similar uses.
 - (18) Off-street public parking lot and garage.
 - (19) Passenger-transportation agency and terminal.
 - (20) Printing, blueprinting, newspaper printing, telegraphic service.
 - (21) Club, lodge and fraternal organizations.
 - (22) Hardware, lumberyard, feed mill.
 - (23) Automobile, truck, trailer and farm implement rental, sales and services, towing and storage both new and used.
 - (24) Drive-in establishments including restaurants.
 - (25) Fuel, food and goods distribution station but excluding coal and coke.
 - (26) Monument sale and display.
 - (27) Plant greenhouse.
 - (28) Wholesale establishments.
 - (29) The following uses when conducted not closer than within fifty feet of any R District:
 - A. Carpenter, cabinet, upholstering, sheet metal, plumbing, heating, roofing, air conditioning, sign painting and other similar establishments.
 - B. Repair services for machinery and equipment including repair garages and specialty establishments such as motor, body and fender, radiator, motor tune-ups, muffler shops, tire repairing sales and service including vulcanizing.
 - (30) Retailing of other similar goods and articles than those listed and which are customarily consumed, used and stored within a dwelling.
 - (31) Accessory uses clearly incidental to the uses permitted on the same premises.
 - (32) Signs - as regulated by Chapter 1181.
- (b) Conditionally Permitted Uses. The Planning Commission may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Chapter 1145 and to the specific requirements of Section 1145.04, referred to below:
- (1) Churches and other buildings for the purpose of religious worship subject to Subsection 101, 102, 103, 104, 106, 108.

- (2) Temporary buildings for uses incidental to construction work subject to Subsection 114.
(Ord. 22-1972. Passed 8-1-72.)
- (3) Veterinarian hospital or clinic.
- (4) Apartments above businesses.
(Ord. 8-1980. Passed 4-1-80.)
- (5) Bed and Breakfast Inns subject to Subsection 103 and 117.
(Ord. 23-87. Passed 5-19-87.)
- (6) Warehouse and bulk storage subject to subsection 101, 104, 117, 121 and 130.
- (7) Light manufacturing and assembly of components produced off premises subject to subsection 101, 103, 104, 113, 117, 121, 123, 124 and 130.
(Ord. 25-92. Passed 5-19-92.)
- (8) Outdoor dining on public property subject to subsection 133.
(Ord. 45-94. Passed 8-16-94.)

1171.03 LOT REQUIREMENTS.

- (a) Minimum lot area - none.
- (b) Minimum lot width at building line - none.
- (c) Minimum lot frontage - none.
(Ord. 22-1972. Passed 8-1-72.)

1171.04 YARD REQUIREMENTS.

- (a) Minimum front yard depth - fifty feet.
- (b) Minimum rear yard depth - twenty-five feet.
- (c) Minimum side yard width - fifty feet when adjacent to a residential district and on the side adjacent to the residential district only.
(Ord. 22-1972. Passed 8-1-72.)

1171.05 MAXIMUM BUILDING HEIGHT.

Thirty-five feet. (Ord. 22-1972. Passed 8-1-72.)

1171.06 PARKING AND LOADING REQUIREMENTS.

As regulated by Chapter 1183. (Ord. 22-1972. Passed 8-1-72.)

1171.07 OUTDOOR DISPLAY AREAS.

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 (R) district. Display areas shall be screened from abutting residential uses by landscaping sufficient to minimize undesirable visual effects of such display area; such landscaped buffer shall be maintained in a neat and orderly fashion.

(Ord. 22-1972. Passed 8-1-72.)

1171.08 SITE PLAN REQUIREMENTS.

(a) Review of Site Plan. All multifamily uses permitted under Section 1165.02 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 surface drainage provisions are reviewed and approved by the City Engineer.
- (5) The design and construction standards of all private streets, driveways and parking areas are to be built following approval of plans by the City Engineer according to construction standards specified in the City Subdivision Regulations. The proposed development conforms to all applicable provisions of the Subdivision Regulations.
- (6) 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.
- (7) The architectural design of apartment buildings should be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, line and pattern, and character.
- (8) Building, location and placement should be developed with consideration given to minimizing removal of trees and change of topography.
- (9) T.V. antenna shall be centralized.
- (10) On-site circulation shall be designed to make possible adequate fire and police protection.
- (11) 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.
- (12) 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; and 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.

(b) Conformance with Site Plan.

- (1) 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.
- (2) Complete conformance to all aspects of approved site plans shall be required as soon as possible but no later than one year after initial approval except that items affecting public safety shall be completed by the time of occupancy.
(Ord. 18-86. Passed 7-1-86.)

**CHAPTER 1173
I-1 Industrial District**

1173.01 Purpose.	1173.05 Maximum building height.
1173.02 Uses.	1173.06 Parking and loading requirements.
1173.03 Lot requirements.	1173.07 Site plan requirements.
1173.04 Yard requirements.	

CROSS REFERENCES

Basis of districts - see Ohio R.C. 713.10
 Conditional Zoning Certificates - see P. & Z. Ch. 1145
 Nonconforming Uses - see P. & Z. Ch. 1185
 Supplemental Regulations - see P. & Z. Ch. 1187

1173.01 PURPOSE.

This District is established to provide for and accommodate administrative facilities, research institutions and other industrial uses in the fields of repair, storage, manufacturing, processing, wholesaling and distribution free from encroachment of residential, commercial 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. 22-1972. Passed 8-1-72.)

1173.02 USES.

Within and I-1 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) Administrative, executive, financial, professional, accounting, clerical, drafting and other similar offices.
- (2) Experimental testing and research facilities, providing such testing or experimentation creates no hazard or common law nuisance beyond the confines of the building.
- (3) Motor freight garage, truck or transfer terminal, office warehousing and storage.
- (4) Distributors' warehouse and wholesale outlet, including such break-bulk operations as bottling and/or packaging.
- (5) The manufacture, compounding, porcessing, assembling and packaging of such products as:

- A. Bakery and dairy goods, candy, cosmetics, pharmaceuticals, toiletries and other food products, except when such operation would create a hazard or common law nuisance beyond the confines of the building.
- B. Electrical and electric appliances, instruments and devices, television sets, radios, phonographs and household appliances.
- C. Musical instruments, toys, novelties and other similar small rubber, plastic or metal products.
- D. Products from previously and elsewhere prepared materials such as cardboard, cellophane, clay, cloth, fibers, glass, leather, metals, paper, plastics, precious or semi-precious metals and/or stones, rubber, wax or wood; all equipment and operations shall be within a completely enclosed building, and no operation shall create a hazard or nuisance beyond the confines of the building.
- E. Professional, scientific and controlling instruments; clerical and office equipment, and similar products.
- F. Pottery and figurines, using previously pulverized clay, and kilns fired only with gas or electricity.
- G. Electric and neon signs, billboards and other commercial advertising structures.
- H. Laboratories and processing - experimental, film or testing provided no operation shall be conducted or equipment used which would create hazards, noxious or offensive conditions.

In the interests of the community and other industries within the District, the Zoning Inspector shall in regard to an industrial operation whose effects on adjacent premises are not readily known, refrain from issuing a zoning certificate and shall refer the request to the Planning Commission for an interpretation of whether or not the industrial use is a permitted use under the requirements of this section. The Commission may seek expert advice on what conditions should be imposed on the particular industrial operation to reasonably modify any injurious or offensive effects likely to result from such an operation. The cost of securing such expert assistance shall be borne by the applicant.

- (6) The following uses, provided storage is within an enclosed building or an area enclosed on all sides by a solid masonry wall or a minimum six foot painted fence with openings no greater than fifteen percent (15%).
 - A. Building materials, sales yard and lumber yard including mill work when within a completely enclosed building.
 - B. Contractor's equipment storage yard or plant, or storage and rental of equipment commonly used by contractors.
 - C. Fuel, food and goods distribution station, warehouse and storage, but excluding coal and coke. Inflammable liquids, underground storage only if located less than 300 feet from any R District.
 - D. Public storage garage and yards.
- (7) The following uses when conducted no closer than within 100 feet of any R District.
 - A. Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.

- B. Blacksmith, welding or other metal working shops, including machine shop operations of the tool, die and gauge types.
 - C. Carpenter, cabinet, upholstering, sheet metal, plumbing, heating, roofing, air conditioning, sign painting, painting and other similar establishments.
 - D. Foundry, casting lightweight nonferrous metals, not causing noxious fumes or odors.
 - E. Ice manufacturing and cold storage plant; creamery and bottling plant.
 - F. Laundry, cleaning and dyeing plant.
 - G. Repair services for machinery and equipment including repair garages and specialty establishments such as motor, body and fender, radiator, motor tune-ups, muffler shops, tire repairing sales and service including vulcanizing.
 - H. Stone or monument works not employing power tools; or if employing such tools then within a completely enclosed building.
 - I. Veterinarian hospital or clinic.
- (8) Plant greenhouse.
 - (9) Public utility rights of way and pertinent structures.
 - (10) Off-street public parking lot and garage.
 - (11) Accessory uses clearly incidental to the uses permitted on the same premises.
 - (12) Signs - as regulated by Chapter 1181.
- (b) Conditionally Permitted Uses. The Planning Commission may issue conditional zoning certificates for uses listed herein subject to the general requirements of Chapter 1145 and to the specific requirements of the subsections of Section 1145.04 referred to below:
- (1) Temporary buildings for uses incidental to construction work subject to Subsection 114. (Ord. 22-1972. Passed 8-1-72.)
 - (2) Bed and Breakfast Inns subject to Subsections 103 and 117. (Ord. 23-87. Passed 5-19-87.)
 - (3) Outdoor dining on public property subject to subsection 133. (Ord. 45-94. Passed 8-16-94.)

1173.03 LOT REQUIREMENTS.

- (a) Minimum lot area - one-half acre.
- (b) Minimum lot width - 100 feet.
- (c) Minimum lot frontage - 100 feet. (Ord. 22-1972. Passed 8-1-72.)

1173.04 YARD REQUIREMENTS.

- (a) Minimum front yard depth - fifty feet, except as otherwise required in subsection (d).
- (b) Minimum rear yard depth - twenty-five feet except as otherwise required in Section 1173.02 and in subsection (d).
- (c) Minimum side yard width - twenty-five feet, except as otherwise required in Section 1173.02 above and in subsection (d).

(d) Yards Adjoining Any Residential District. Where the boundary of an I District adjoins the boundary line of any residence (R) District, the minimum front, rear or side yard, as the case may be, shall be 100 feet. The area abutting the residential boundary, to a depth of fifty feet, shall be landscaped and maintained so as to minimize any undesirable visual effects of an industry on adjacent residential uses; the balance of the yard area shall be used for open space or vehicular parking.
(Ord. 22-1972. Passed 8-1-72.)

1173.05 MAXIMUM BUILDING HEIGHT.

Fifty feet, except as provided otherwise in Chapter 1151.
(Ord. 22-1972. Passed 8-1-72.)

1173.06 PARKING AND LOADING REQUIREMENTS.

As regulated by Chapter 1183. (Ord. 22-1972. Passed 8-1-72.)

1173.07 SITE PLAN REQUIREMENTS.

(a) Review of Site Plan. All multifamily uses permitted under Section 1165.02 shall be permitted only after the review and approval of the site plans by the Planning Commission that:

- (1) The site plan shows that a proper relationship does exist between thoroughfares, service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety.
- (2) All the development features including the principal buildings, open spaces, service roads, driveways and parking areas are so located and related as to minimize the possibility of any adverse effects upon adjacent development.
- (3) The site plan includes adequate provision for the screening of parking areas, service areas and active recreation areas from surrounding properties by landscaping and/or ornamental wall or fence.
- (4) Grading and surface drainage provisions are reviewed and approved by the City Engineer.
- (5) The design and construction standards of all private streets, driveways and parking areas are to be built following approval of plans by the City Engineer according to construction standards specified in the City Subdivision Regulations. The proposed development conforms to all applicable provisions of the Subdivision Regulations.
- (6) 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.
- (7) The architectural design of apartment buildings should be level with consideration given to the relationship of adjacent development in terms of building height, mass, texture, line and pattern, and character.
- (8) Building, location and placement should be developed with consideration given to minimizing removal of trees and change of topography.

- (9) T.V. antenna shall be centralized.
 - (10) On-site circulation shall be designed to make possible adequate fire and police protection.
 - (11) 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.
 - (12) 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; and 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.
- (b) Conformance with Site Plan.
- (1) The use, placement and dimensions of all buildings, recreation areas and the installation of landscaping, fences and walls shall conform to the approved site plan.
 - (2) Complete conformance to all aspects of approved site plans shall be required as soon as possible but no later than one year after initial approval except that items affecting public safety shall be completed by the time of occupancy.
(Ord. 18-86. Passed 7-1-86.)

**CHAPTER 1174
Light Industrial Zone (L-1)**

<p>1174.01 Light Industrial Zone defined.</p> <p>1174.02 Restrictions.</p> <p>1174.03 Uses Permitted; Agricultural, Commercial and Light Industrial.</p> <p>1174.04 Uses permitted; storage.</p> <p>1174.05 Uses prohibited.</p> <p>1174.06 Lot and yard requirements.</p>	<p>1174.07 Building line variations.</p> <p>1174.08 Building height.</p> <p>1174.09 Parking and loading requirements.</p> <p>1174.10 Outdoor display areas.</p> <p>1174.11 Conditional uses.</p> <p>1174.12 Uses requiring special notice.</p>
--	--

CROSS REFERENCES

Basis of districts - see Ohio R.C. 713.10
 Conditional Zoning Certificates - see P. & Z. Ch. 1145
 Nonconforming Uses - see P. & Z. Ch. 1185
 Supplemental Regulations - see P. & Z. Ch. 1187

1174.01 LIGHT INDUSTRIAL ZONE DEFINED.

The Light Industrial Zone is a land use classification for a district suitable for manufacturing and processing of a non-nuisance character. The purpose of the Light Industrial Zone is to encourage the development of manufacturing and wholesale business that is clean, quiet, and free of noise, odor, dust, and smoke.
 (Ord. 18-03. Passed 7-1-03.)

1174.02 RESTRICTIONS.

In the Light Industrial Zone, no building or premises shall be used nor any building or structure be hereafter erected, altered, or occupied except in compliance with all provisions of this Ordinance. A Light Industrial lot shall have direct access from a public road, or the frontage road or interior road serving more than one Light Industrial lot shall have direct access from a public road. (Ord. 18-03. Passed 7-1-03.)

1174.03 USES PERMITTED; AGRICULTURAL, COMMERCIAL AND LIGHT INDUSTRIAL.

- (a) All uses permitted in the B-2 General Retail, Offices and Motorist Service Business District.
- (b) Public Parks.
- (c) Light Industrial uses that meet the following requirements:
- (1) Are carried on in such a manner and with such precautions against fire and explosion hazards as provided by the Uniform Building Code.
 - (2) Screen or store all raw materials, finished products, machinery, and equipment, including company-owned or operated trucks, within a building, a fence, or vegetative barrier as required by this chapter.
 - (3) Emit no obnoxious odors of any kind.
 - (4) Exhaust no waste or dust created by business operation into the air.
 - (5) Discharge no treated or untreated sewage or waste into any reservoir or lake. Discharge and disposal of untreated sewage or industrial waste shall comply with the standards approved by the State Department of Health.
 - (6) Be conducted so that direct and indirect illumination shall not exceed 0.2 foot candle across lot lines of the subject property.
 - (7) Conduct no mining, extraction, filling, or soil-stripping operations.
 - (8) Use only oil, gas or electricity as industrial fuel.
 - (9) Noise levels shall be kept at a minimum, so as not to cause a nuisance to adjoining property owners. (Ord. 18-03. Passed 7-1-03.)

1174.04 USES PERMITTED; STORAGE.

On any property of whatever size with frontage on a public street the following uses are permitted:

- (a) Storage of materials and machinery - storage areas must conform to the minimum setback regulations of the Zone.
(Ord. 18-03. Passed 7-1-03.)

1174.05 USES PROHIBITED.

Prohibited uses in the Light Industrial Zone include, but are not limited to, the following:

- (a) General Residential Uses.
- (b) Public and private schools, general hospitals, sanatoriums, churches, and cemeteries.
- (c) Stockyards, soap manufacture, glue manufacture, tannery, paper manufacture, wool scouring and cleaning, cotton textile sizing, scouring, leaching, dyeing, and similar uses; varnish manufacture, creosote, and products manufacture.
- (d) The production of corrosive and noxious chemicals, including, but not limited to, acids, acetylene gas, ammonia, chlorine, and bleaching compounds.
- (e) The production and process of coal and coal tar, the processing of petroleum and petroleum products, petroleum refining, and the above-ground storage of less than twenty thousand (20,000) gallons (per site) of petroleum products.

- (f) The extraction, preparation, and processing of dust-producing mineral products including, but not limited to abrasive, cement, lime, fertilizer, plaster, crushed stone, mining of sand, gravel, topsoil.
- (g) The smelting and reduction of metallic ores including, but not limited to, blast furnaces, open hearth, and electric furnaces, bessemer converters, and non-ferrous metal smelters.
- (h) The manufacture and storage of explosive products, including, but not limited to dynamite, commercial explosives, T.N.T., military explosives, and fireworks.
(Ord. 18-03. Passed 7-1-03.)

1174.06 LOT AND YARD REQUIREMENTS.

- (a) Lots:
 - (1) Minimum lot area - one-half acre.
 - (2) Minimum lot width at building line - none.
 - (3) Minimum lot frontage - none.
- (b) Yard:
 - (1) Minimum front yard depth - fifty feet.
 - (2) Minimum rear yard depth - twenty-five feet.
 - (3) Minimum yard width - one hundred feet when adjacent to a residential district and on the side adjacent to the residential district only.
(Ord. 18-03. Passed 7-1-03.)

1174.07 BUILDING LINE VARIATIONS.

Where there is an established building line in a Light Industrial Zone, a commercial or industrial building may be built on the established building line. The established building line shall be determined by sixty-five percent (65%) of the existing buildings within two hundred feet from each side of the lot. (Ord. 18-03. Passed 7-1-03.)

1174.08 BUILDING HEIGHT.

No building hereafter created or structurally altered in a Light Industrial Zone shall exceed three stories or a maximum height of thirty-five feet.
(Ord. 18-03. Passed 7-1-03.)

1174.09 PARKING AND LOADING REQUIREMENTS.

As regulated by Chapter 1183. (Ord. 18-03. Passed 7-1-03.)

1174.10 OUTDOOR DISPLAY AREAS.

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. Display areas shall be screened from abutting residential uses by landscaping sufficient to minimize undesirable visual effects of such display area; such landscape buffer shall be maintained in a neat and orderly fashion. (Ord. 18-03. Passed 7-1-03.)

1174.11 CONDITIONAL USES.

- (a) Public Utility Complex Facility.
- (b) Lighting for any outdoor recreation facility, regardless of whether the use requesting such lighting is a permitted use or a conditional use.

- (c) Special events location.
 - (d) Any wholesale, retail, or service business.
 - (e) Public or private office buildings.
 - (f) Wireless Communication Facility (WCF).
- (Ord. 18-03. Passed 7-1-03.)

1174.12 USES REQUIRING SPECIAL NOTICE.

Railroad car or truck cargo container/trailer used for storage or any other purpose not associated with the active operation of a railroad or trucking business.
(Ord. 18-03. Passed 7-1-03.)

**CHAPTER 1175
Historic District**

<p>1175.01 Purpose.</p> <p>1175.02 Historic District boundaries.</p> <p>1175.03 Modification of the Historic District and inclusion of additional landmarks.</p> <p>1175.04 Historic Preservation Commission.</p> <p>1175.05 Criteria for appropriateness.</p>	<p>1175.06 Demolition or removal of a structure.</p> <p>1175.07 Pre-application conference.</p> <p>1175.08 Review procedure.</p> <p>1175.09 Submission requirements.</p> <p>1175.10 Maintenance.</p> <p>1175.11 Penalties.</p>
---	--

CROSS REFERENCES

Basis of districts - see Ohio R.C. 713.10
 Conditional zoning certificates - see P. & Z. Ch. 1145
 Nonconforming uses - see P. & Z. Ch. 1185
 Supplemental regulations - see P. & Z. Ch. 1187

1175.01 PURPOSE.

In order to promote the economic and general welfare of the people of the City and of the public generally, and to insure the harmonious, orderly and efficient growth and development of the City, it is deemed to be essential by the Council that the qualities relating to the history of the City and a harmonious outward appearance of a structure which preserves property values and attracts tourists and residents alike be preserved; some of these qualities being the continued existence and preservation of historic areas and buildings; continued construction of buildings in historic styles and general harmony as to style, form, color, proportion, texture and material between buildings of historic design and those of more modern design; that such purpose is advanced through the preservation and protection of the old historic or architecturally worthy structures and quaint neighborhoods which serve as visible reminders of the historical and cultural heritage of the City, the State of Ohio and the Nation. Parking is an essential concern for the on going economic vitality of the Historic District and should be of primary concern. (Ord. 20-1978. Passed 9-19-78.)

1175.02 HISTORIC DISTRICT BOUNDARIES.

(a) The Historic District shall be a floating zoning district and shall be superimposed over other residential, business, or industrial districts (see attached map). In addition, the District shall include other noncontiguous parcels so designated by the Historic Preservation Commission and delineated by lot numbers, as part of an Historic District or a landmark shall be designated with the suffix "H" following the District symbol, such as R-1 (H) for a Single-Family Low Density Suburban Residential District. Designation of an Historic District or a landmark shall not affect the uses permitted in such a district.

(b) Beginning at a point in the center of the intersection of Leaver Road and Locust Street. Thence in a southeasterly direction to the center of the intersection of Locust Street and Water Street, and proceeding in a southwesterly direction to the center of the intersection of Water Street and Ohio Court. Thence southeasterly to the intersection of Ohio Court and the center line of Fenn Place. Thence northeasterly along the rear property lines dividing lots 314, 315 and 316 from lots 305, 306, 307 presently owned by the Board of Education. Proceeding across Locust Street and northeasterly on Fenn Place to the center of the intersection of Fenn Place and Utah Court and Market Street. Thence easterly to the center of the intersection of Market Street and Cherry Street. Proceeding southwesterly to a point in the center of Cherry Street that intersects the extension of the northeast boundary of out lot 42 and following the boundary of out lot 42 to a point where it intersects the rear boundary of lot 430. Proceeding southwesterly on the rear boundary of lots 430, 429, 428 and 427 to the intersection of Dakota Street and Fisk Place. Continuing in a straight line southwesterly down the center of Fisk Place to the intersection of Fisk Place and Ohio Court. Thence southeasterly on the center of Ohio Court to the center of Norton Street continuing southwesterly on Norton Street to the center of Canal Street. Thence southeasterly to the intersection of Canal Street and the center of Cornell Place, then proceeding southwesterly on Cornell Place and continuing southwesterly in a direct line across the Canal and through out lot 19 across the Tuscarawas River to the intersection with the easterly Conrail tracks. Proceeding generally northwesterly along the track to a point at the intersection of a line extending southwesterly from the center of Water Street to the track. Thence northeasterly along such extension and Water Street to the intersection of Water Street with the center of Walnut Street. Thence northwesterly on Walnut Street to the intersection with an unnamed alley between lot 240 and lots 355 and 369. Proceeding across High Street and northeasterly on Leaver Road to the true point of beginning.

(c) Permitted or conditional uses, lot and yard requirements and building height shall be regulated by such requirements as are contained in the various residential, business and industrial districts of the Zoning Ordinance.

(d) Where this District imposes a greater restriction upon the use, location, size or character of buildings or premises than are imposed or required by other regulations, this chapter and such other regulations shall both apply.
(Ord. 20-1978. Passed 9-19-78.)

1175.03 MODIFICATION OF THE HISTORIC DISTRICT AND INCLUSION OF ADDITIONAL LANDMARKS.

(a) Modification of the District shall follow the procedure in appendix of the Zoning Code as it pertains to a change in any zoning district. The majority of the structures in the area must meet the following criteria:

HISTORICAL, CULTURAL IMPORTANCE

- (1) Has significant character, interest or value, as part of the development, heritage or cultural characteristics of the City, State or Nation; or is associated with the life of a person significant in the past; or

- (2) Is the site of an historic event with a significant effect upon society; or
- (3) Exemplifies the cultural, political, economic, social or historic heritage of the community; or

ARCHITECTURAL, ENGINEERING IMPORTANCE

- (4) Portrays the environment in an era of history characterized by a distinctive architectural style; or
- (5) Embodies those distinguishing characteristics of an architectural type or engineering specimen; or
- (6) Is the work of a designer whose individual work has significantly influenced the development of Canal Fulton; or
- (7) Contains elements of design, detail, materials or craftsmanship which represent a significant innovation; or

GRAPHIC IMPORTANCE

- (8) By being part of or related to a square, park or other distinctive area, should be developed or preserved according to a plan based on a historic, cultural or architectural motif; or
- (9) Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or city; or

ARCHEOLOGICAL IMPORTANCE

- (10) Has yielded, or may be likely to yield, information important in pre-history or history. (Ord. 20-1978. Passed 9-19-78.)

(b) For the purposes of this chapter, the following words are defined as follows:

- (1) "Alteration" means any act or process that changes either one or more of the exterior architectural features of a structure; or one or more of the physical features of a site or district.
- (2) "Certificate of appropriateness" means a certificate issued by the Historic Preservation Commission showing approval of plans for construction, alteration, demolition, or relocation of structures that would affect the Historic District or a Historical Landmark.
- (3) "Compatibility" means consistent with, harmonious with, and/or enhancing the mixture of complementary architectural styles either of the architecture of an individual structure or the character of the surrounding structures.
- (4) "Demolition" means the substantial deterioration or complete or substantial removal or destruction of any historic structure or any structure which is located within the Historic District.
- (5) "Designated Historic District" means the geographically definable area that has been designated as such by the City because of its historic significance and importance to the community and is officially included in the City, the County of Stark, the State of Ohio, and the National Register of Historic Places.
- (6) "Designated Historic Landmark" means a structure or site within the City of Canal Fulton officially included in the City, County of Stark, State of Ohio, and the National Register of Historic Places.
- (7) "Exterior Architectural Features" means the exterior architectural features of a structure, including, but not limited to the color, kind and texture of building materials, and the type, design and character of windows, door and appurtenances.

- (8) “Historic Preservation Commission” means the citizen’s commission appointed by the Mayor of the City of Canal Fulton and approved by its City Council to make recommendations on the designation and preservation of the Historic District, historic landmarks and historic structures and to administer the City’s historic preservation program.
- (9) “Historic property” means the cultural resources, including buildings, structures, objects, sites and district, that are of historic significance.
- (10) “Historic significance” means the attributes of the Historic District, a site or structure that possess integrity of location, design, setting, materials, workmanship, feeling and association, and
 - A. That are associated with events that have made a significant contribution to the patterns of our history; or
 - B. That are associated with the lives of persons significant in our past; or
 - C. That embody the distinctive characteristics of a type, period or method of construction, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
 - D. That have yielded, or may be likely to yield, information important in history.
- (11) “Noncontributing structures” means structures or physical features that may be within the Historic District, but are not of historic significance per se; however, the relationship of these structures with the contributing structures may be important in the preservation of the Historic District.
- (12) “Site” means the scene of an activity that has historic significance to the City. The site may or may not include structures; for example: parks, abandoned mining or agricultural areas, and archeological site.
(Ord. 9-03. Passed 4-1-03.)

(c) The Historic Preservation Commission and the City Council shall consider the following criteria in reviewing nominations of properties for designation:

- (1) Historic landmarks. Historic landmarks must be at least fifty years old and meet one or more of the criteria for architectural, social/historic or geographic/environmental significance as described below.

Architectural Criteria:

- A. Exemplifies special elements of an architectural style or period.
- B. Example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally, or locally.
- C. Demonstrates superior craftsmanship or high artistic value.
- D. Represents an innovation in construction, materials or design.
- E. Style particularly associated with Canal Fulton, Stark County, or one of its neighborhoods.
- F. Represents a built environment of a group of people in an era of history.
- G. Pattern or grouping of elements representing at least one of the above criteria.
- H. Significant historic renovation.

Social/Historic Criteria.

- A. Site of historic event that had an effect upon society.
- B. Exemplifies cultural, political, economic or social heritage of the community.
- C. Association with a notable person or the work of a notable person.

Geographic/Environmental Criteria.

- A. Enhances sense of identity of the community.
- B. An established and familiar natural setting or visual feature of the community.

Historic Sites Shall Meet One or More of the Following Criteria:**Architectural Criteria.**

- A. Exhibits distinctive characteristics of a type, period or manner of construction.
- B. A unique example of structure.

Social/Historic Criteria.

- A. Demonstrable potential to make an important contribution to the knowledge of the area's history.
- B. An association with an important event in the area's development.
- C. An association with a notable person(s) or the work of a notable person(s).
- D. A typical example/association with a particular ethnic group.
- E. A unique example of an event in the history of Canal Fulton.

Geographic/Environmental Criterion.

- A. Geographically or regionally important.

All sites will be evaluated for their physical integrity using the following criteria, but a site need not meet all of the following criteria:

- A. Shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, state, or nation.
- B. Retains original design features, materials and/or character.
- C. Original location or same historic context after having been moved.
- D. Has been accurately reconstructed or restored based on documentation.

(Ord. 10-03. Passed 4-1-03.)

1175.04 HISTORIC PRESERVATION COMMISSION.

(a) **Composition and Appointment.** The Historic Preservation Commission shall consist of seven members appointed by the Mayor with the advice and consent of Council. The members shall be appointed from each of the following organizations or professions:

- (1) The Canal Fulton Heritage Society;
 - (2) The Canal Fulton Chamber of Commerce;
 - (3) The Canal Fulton Planning Commission;
 - (4) An architect, landscape architect or city planner;
 - (5) The Canal Fulton Council;
- (Ord. 20-1978. Passed 9-19-78.)
- (6) A homeowner who resides in the District.

- (7) An owner of a business property located within the District. Such business property owner shall also be a resident of the City of Canal Fulton, Ohio. Architects, Landscape Architects or City Planners mentioned in 1175.04(a)(4) may be nonresidents.
(Ord. 45-92. Passed 10-6-92.)
- (b) Compensation. Members of the Preservation Commission shall serve without pay but may be reimbursed by the City for necessary expense incurred in connection with their duties.
- (c) Organization; Officers; Rules; Meetings.
- (1) At their first meeting, members shall elect officers who shall serve terms of one year.
 - (2) The Commission shall establish any rules necessary for the orderly conduct of its business.
 - (3) All meetings of the Preservation Commission shall be open to the public.
 - (4) The Commission shall keep a record, which shall be open to the public, of its resolutions, procedures and action.
- (d) Powers and Duties. The Historic Preservation Commission shall have the following powers and duties:
- (1) To recommend to Council the geographic boundaries of additions to or changes in the Historic District, and to recommend those buildings and structures which should be designated Historic Landmarks.
(Ord. 20-1978. Passed 9-19-78.)
 - (2) To review applications for zoning permits within the Historic District for conformance with these regulations, and to issue certificates of appropriateness prior to issuance of any building or zoning permit, pertaining to exterior signage, landscaping, construction, erection, alteration, removal, moving or demolition of any building within the Historic District or any structure or lot designated as an Historic Landmark.
(Ord. 20-1978. Passed 9-19-78; Ord. 23-87. Passed 5-19-87.)
 - (3) To advise the Planning Commission, Council and others on matters involving structures and areas of historic or architectural significance. Further, to assemble and make available information pertaining to historic preservation.
 - (4) To conduct such studies and research on the historic or architectural significance of buildings, structures, features, sites, objects and surroundings in the City as are necessary and to adopt general criteria for the review of proposed construction or alteration within the Historic District.
 - (5) To hold such public hearings or meetings as the Preservation Commission may deem necessary or appropriate to the conduct of its business.

- (6) To make recommendations concerning the establishment of an appropriate system of markers for historic structures and areas, to advise owners or residents of historically and/or architecturally significant structures or areas on problems and techniques, and resources for historic preservation, to make recommendations concerning the preparation of maps, brochures and descriptive material about the City's structures and areas of historic and/or architectural significance.
- (7) Acquisition of historic easements. The City may acquire, by the purchase, donation or condemnation, historic easements in any area within its jurisdiction wherever and to the extent that Council, upon the recommendation of the Commission, determines that the acquisition will be in the public interest, consistent with the general purposes of this section of the Zoning Ordinance. For the purpose of this section, the term "historic easement" means any easement, restriction, covenant or condition running with the land.
(Ord. 20-1978. Passed 9-19-78.)
- (8) Review resources nominated for designation as either an historic landmark or structure and recommend that City Council designate by ordinance those resources qualifying for such designation.
- (9) After the Historic Preservation Commission proposes a designation(s) of any area, place, building, or structure as a landmark, it will take the following actions:
 - A. The Historic Preservation Commission shall advise the Planning Commission of the proposed designation and secure from the Planning Commission its opinion and recommendation as to any other planning consideration which may be relevant to the proposed designation, together with its recommendation of approval, rejection or modification of the proposed designation. The recommendation shall become part of the official record concerning the proposed designation and shall be submitted by the Historic Preservation Commission along with its recommendation to City Council. The Historic Preservation Commission may make such modifications, changes and alterations concerning the proposed designation as it deems necessary in consideration of the recommendation by the Planning Commission.

- B. The Historic Preservation Commission shall thereafter notify the owner of such property of the proposed designation. Whenever possible, the Commission shall secure the owner's written consent or submittal of the proposed designation, together with its recommendation and findings of fact, to Council. In the event that the owner refuses or declines to give his written consent to the proposed designation, the Commission 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 persons having a legal or equitable interest in the property being proposed for designation. The Commission shall cause a legal notice to be published in a newspaper of general circulation in the City setting forth the nature of the hearing, the property involved and the date, time and place of the scheduled public hearing.
- C. The Commission shall conduct the public hearing and provide a reasonable opportunity for all interested parties to express their opinions under such rules as the Commission may adopt for the purpose of governing the proceedings of the hearings. Each speaker shall be fully identified as to name, address and the interests which he represents. The Commission shall make a determination with respect to the proposed designation in writing within thirty days after the initial hearing date and shall notify any owner or any person having a legal or equitable interest in the property, as well as such other interested parties as may request a copy thereof. The Commission shall set forth in its recommendation such findings of fact which constitute the basis for its decision and shall transmit the recommendation concerning the proposed designation to Council.
- D. City Council shall give due consideration to the findings and recommendations of the Commission, as well as such views as may have been expressed by persons participating in the hearing before the Commission, in addition to the recommendation of the Planning Commission, in making its determination with respect to the proposed designation of any areas, places, buildings, or structures as landmarks. Council may, in its discretion, hold public hearings on any such proposed designation, whether designation is proposed only with the consent of the owner, or after public hearings before the Commission. Upon its conclusion, the City Council may designate by ordinance the areas, places, buildings, or structures as landmarks.

- E. As soon as is reasonably possible, the Commission shall file with the County Recorder of Deeds a certified copy of the designation ordinance together with a notice briefly stating the fact of designation and a summary of the effects the designation will have. The Commission, further shall send by registered mail a certified copy of the ordinance and a copy of the notice hereinabove described to the owner and any person having a legal or equitable interest in the property. (Ord. 11-03. Passed 4-1-03.)

1175.05 CRITERIA FOR APPROPRIATENESS.

The following are criteria to be used in evaluating appropriateness of structures and/or alterations of such structures within the Historic District.

(a) Spacing.

- (1) "Lot coverage" is the percentage of lot area covered by the primary structure; building to lot coverage provides an important component of building spacing by being a measure of the density of developed land along each block front and on each lot. New construction should have a lot coverage similar to those of existing buildings in the area. For example, compare:

- (2) "Setback" is the distance from the edge of the right of way to the building front. Uniformity of front yard setback establishes a framework of order and coherence, and insures a strong and continuous streetscape. Consistency of setback is an especially important unifying factor where building styles vary. For example, compare:

- (3) "Building height" is the distance from the average finished grade at its intersection with the front of the building to the highest point of the building. Consistency of height is an important factor contributing to the scale and character of an area. Buildings quite different from the predominate pattern of an area will disrupt the area's structural relatedness. It should be realized that the perceived height frequently differs from actual height. The perceived height is a product of the number of stories, the relationship of height and width, the height of porches, and other visual factors. The actual height depends mainly on the height of each story and pitch of the roof. Both measurements of height should be considered. For example, compare:
- (4) "Spacing of buildings" refers to the distance between adjacent buildings. Closely spaced buildings have a strong spatial tension, or attraction between them, while buildings distant from each other have little force of attraction. Additionally, regular patterns of spacing convey a sense of order and cohesion; regularity of rhythm adds strength and continuity to the streetscape for an observer moving along a street. The spacing of buildings will be affected by the minimum side yard requirements in the Zoning Ordinance. For example, compare:

- (b) Architectural Design Components. "Architectural design components" refers to aspects of the design of each individual building. These components must be compatible within the building as a unit as well as with the buildings's surroundings. Design components help provide a sense of unity and coherence within the historic area.
- (1) Exterior building and roofing materials. The dominant building material for a particular streetscape may be brick or wood siding for example; or the dominant roofing material may be asbestos shingles or tin. A mixture of materials adds variety to an area, but a degree of variety which becomes chaotic should be avoided. Ideally, materials used in new construction or remodeling should exhibit an affinity with existing materials in the area. Additionally, some buildings and roofing materials (such as artificial brick or stone siding) may be inappropriate for the style or character of existing buildings; the use of such materials in remodeling should be discouraged.
 - (2) Exterior texture effects result from the nature of the materials used, such as the horizontal regularity of wood siding, or the roughness of brick with tooled joints. Texture may also result from the repetition of architectural details, such as porch balustrades. New buildings using textured materials or details are less obtrusive in old areas of finely scaled detail.
 - (3) Proportion of width to height of openings. This proportion of width to height applies to openings within the facade, such as doors and windows. In a sequence of buildings, the use of similarly proportioned openings will help establish the relatedness of structures. Openings which vary significantly from that which exists in surrounding buildings may have a disruptive effect on the character of an area. For example, compare:

- (4) Architectural styles. Use of forms which are especially indigenous to the area, such as porches or cupolas, should be encouraged in order to enhance the elements which contribute to the distinctive character of the district. Motifs in detailing which are prevalent in the district, such as certain stained glass forms or types of bracketing, should be retained whenever possible for their continued contribution to the area's unique qualities.
- (5) Roof form and pitch in relation to facade. Roof forms in a given streetscape may be gable, hip, gambrel, mansard or flat, and pitches may vary. Roof forms and pitches should be in harmony with the predominant type in the neighborhood. For example, compare:
 - (6) Shape and form of the building. The basic shape and form of the facades of new structures or additions should be compatible with facades' shapes and forms already existing in the area. Facades with highly or unorthodox shapes and forms may not be in harmony with existing structures, and they may call undue amounts of attention to themselves. Similar consideration should likewise be given to the shape and form of the building as a whole. Construction of additions and appendages should follow the guidelines under subsection (b) hereof, so that they will respect the original design in the use of materials and details, as

well as shape and form. (However, it must be recognized that "Victorian" architecture delighted in unusual shapes and forms and asymmetry. Victorian houses may have polygonal bays, turrets, unusual gables, and oddly placed windows. "Unusual" additions to such structures may be entirely compatible with the original design and may fit well in the neighborhood, if they are thoughtfully designed.)

- (7) Architectural detailing. Details such as lintels, stained glass, foundation materials and chimneys give a building or set of buildings an identity and distinctive character. Older buildings in particular tend to display a very fine level of detail. New construction should seek to reflect the level of detail in an area; blank facades introduced into an area of detailed buildings will disrupt the quality of design.

- (8) Color. Appropriate paint colors should be recommended for each building according to the age and architecture represented. The colors of adjacent buildings, as well as the streetscape in general, should be taken into account. It might be decided, for instance, that where red is an appropriate color based upon the age and architecture of the building, it might still be preferable to decide in favor of gray because of colors of the adjacent structures and the general streetscape.

When the concern is with new construction in a preservation district, care should be taken to avoid colors of contemporary origin that clash or loudly contrast with the older colors. Earth shades are preferable for new construction, or colors which predominate in the surrounding older buildings so as to minimize the impact of any conflict in design.

It should be noted here that excellent contemporary architecture is not in conflict with the concept of a preservation district. It is only necessary that due consideration is given to the spirit and atmosphere of the immediate area.

Color choices will be conditioned upon the areas of color surfaces involved, the material to be affected and the issue of building color versus signage or accent color. No prior draft of rules can possibly determine color appropriateness in all areas.

- (c) Signage. The existing articles of the Zoning Ordinance dealing with signage would apply to the Historic District with the additional guidelines.

- (1) The signage for a particular building or shop be reduced to the fewest separate panels and/or statements possible. The description of goods or services beyond the basic statement of the nature of the business, should be restricted. Example: "The Old World Delicatessen" would not be followed with the usual "wine, pop, cola, beer and party mixes sold here". Any owner has the right to place signage within the shop window to more fully elaborate on his goods, providing the signs are not contrary to the intent of the total signage criteria. (See subsection (c)(5) hereof.)

- (2) Most buildings are designed with a definite panel or framed zone for the sign mounting. This should be used with the sign taking a complimentary shape.
- (3) Letter styles are many. Keep to one, or at most two, styles or faces at each shop. This enhances readability as well as creates a more dependable "logo" for the shop.
- (4) Colors are a highly subjective item. Colors should be highly compatible within the sign itself and should correlate with the building colors. Bizarre color combinations intended to shock the eye should be restricted as being incompatible with the streetscape. Good contrast is essential for distant readability. Some established logos will warrant recognition.
- (5) Material used can be a variable, but natural looking materials are desirable.
- (6) Excellent signs already in place would be cited as a guide for future sign-making petitioners. A body of sign photos or drawings from elsewhere can be used as preliminary guidelines.
- (7) Signage needed for public instruction should be the subject of a special program and assignment wherein all existing signage (locational, directional, instructive) be reviewed for effective size, placement and message. A new consistent logo and letter style should be developed and put to use in future sign replacement. The culminating design should reflect excellence of letter design - clear and vigorous, not whimsical.
- (8) Signage need not always be externally fixed on a building. The fine art of lettering on glass, once very common, deserves a comeback and would be a sound solution. Projecting signs can be highly successful if thoughtfully styled and scaled to avoid either a heavy or a trivial appearance. The goal is to match sign with building or product and to do so within reasonable limits of size and placement and with compatibility with the streetscape.
- (9) It is further recommended that no signage of commercial nature be erected in the right of way or tree lawn. Vistas up and down the street are injured by such pole or stem-mounted signs, especially where excellent tree forms cover the message in the first place. Projecting signs are not out of place when formally attached to the building facade, but their size becomes critical to avoid blocking the view of the buildings beyond.
(Ord. 20-1978. Passed 9-19-78.)

1175.06 DEMOLITION OR REMOVAL OF A STRUCTURE.

(a) Demolition or Removal Procedure. The Zoning Inspector shall notify the Commission of any application involving the demolition, partial demolition or removal of a structure or a significant accessory structure. The Commission shall schedule a public hearing at a date within thirty days of filing of application with the Zoning Inspector, with proper notification through the newspaper at least ten days prior to the hearing, and shall notify the applicant in writing. At the hearing, the Commission shall be able to request any or all of the following information:

- (1) A report from the Commission architect, on the state of repair and structural stability of the structure under consideration.
- (2) Information and graphics on the extent and process of demolition or removal, including information on any proposed changes in landscaping.
- (3) Evidence of any hardship that would result in substantial economic loss to the applicant from denial of the petition.
- (4) An assessment of any alterations in the essential character of the area which would occur as a result of the demolition or removal action.

(b) Decision of the Commission. If the Commission decision is to postpone the demolition or removal, the Commission shall notify the owner in writing. During the period set forth for postponement of the requested action, the Commission shall explore alternatives to demolition or removal. The period set for postponement of the requested action shall not be greater than six months from the time of filing the request with the Zoning Inspector except by agreement of the owner/applicant. Such alternatives may include consultation with private civic groups, interested private citizens and other public boards or agencies in an effort to find a persuasive means of preserving the structure. If sale of the property is considered a feasible alternative by the owner, an appraisal shall be obtained by the Commission to establish a fair selling price. If the appraisal obtained by the Commission is unsatisfactory to the owner/applicant, he may obtain his own appraisal. The building must remain on the open market not less than six months.

- (1) If after the expiration of the listing, no alternative agreement has been reached with the applicant, the Commission shall issue a certificate of appropriateness for demolition or removal of the structure in question.
- (2) In granting the certificate of appropriateness, the Commission shall prescribe any conditions it deems necessary to minimize the adverse impact of the requested demolition or removal.
(Ord. 20-1978. Passed 9-19-78.)

1175.07 PRE-APPLICATION CONFERENCE.

Prior to the preparation of extensive drawings and specifications, the individual proposing a change within the district shall present within ten days prior to a regular meeting a set of rough sketches to the chairman for consideration and advice from the Commission. In case of minor repair or alterations to existing buildings, the Commission may give preliminary and final approval at one review session.

(Ord. 20-1978. Passed 9-19-78.)

1175.08 REVIEW PROCEDURE.

(a) A zoning certificate shall be required for the construction, erection, alteration, removal, moving or demolition (hereafter referred to as change) of any structure or building in the Historic District or one designated as an Historic Landmark. The certificate shall not be issued where such action will affect the exterior architectural features of any such structure or building, unless and until a certificate of appropriateness has been issued by the Historic Preservation

Commission. Upon application for a zoning certificate with respect to any structure or building in the above categories, the Zoning Inspector shall submit such application, together with all the requirements of Section 1175.09 within five days of receipt thereof to the Historic Preservation Commission for its consideration.

(b) Upon receipt by the Commission of the zoning permit application and related materials for any such proposed change, the Commission shall provide notice to the applicant and meet to consider the application within fourteen working days of receipt of the materials. If the application is approved, the Commission shall issue to the applicant within five days a certificate of appropriateness. The certificate expires twelve months from the date of issuance.

(c) If not approved, the Commission shall issue to the applicant a statement of specific reasons for denial of the certificate together with suggested revisions in the plan which would lead to approval. The applicant may resubmit application at any time.

(d) Denial by the Commission of a certificate of appropriateness may be appealed by the applicant to the Planning Commission in accordance with Chapter 1147. After such request from the applicant, the Planning Commission shall notify the applicant by certified mail of the date of the hearing. In addition the date and location of the meeting shall be published at least once in a paper of local circulation not less than fifteen days prior to the date of the hearing. A majority vote of the Planning Commission shall be necessary to grant a certificate.
(Ord. 20-1978. Passed 9-19-78.)

1175.09 SUBMISSION REQUIREMENTS.

(a) Every zoning certificate application for a structure to be built or remodeled within the Historic District in the City shall be approved by the Zoning Inspector and the Historic Preservation Commission. In order for the above mentioned application to be so approved, the applicant shall submit to the Zoning Inspector two sets of complete drawings and supplemental specifications, prepared in accordance with good architectural practice, indicating the building or structure exactly as it is proposed to be built. These submission requirements may be modified by the Zoning Inspector and Preservation Commission in cases where minor alteration is involved. Such documents accurately drawn to scale and dimensioned, shall include and conform to the following requirements:

- (1) A site or plot plan showing the plot configurations and its perimeter dimensions, all structures on the site with locating dimensions, location of all structures adjacent to the site within fifty feet of the property line and all vehicular drives, roads, related parking areas, main walks, walls, additions, locations and names of adjacent streets, a north arrow, first floor level, existing and finished grade elevations at each corner of the site shall be indicated; and
- (2) Four elevations including a front, rear and two side elevations, together with additional views or cross sections, if necessary, to completely indicate the exterior appearance of any new structures or modifications to existing structures. All elevations shall be drawn to the same scale, which shall be not less than one-quarter of an inch to the foot, except that the front elevation

- may be drawn to a larger scale. Each elevation shall show the accurate location of windows, doors, shutters, chimneys, porches and other architectural features, all materials and finishes, and an accurate finish grade line; and
- (3) A completely dimensioned floor plan of each level of the construction, drawn to the same scale as the front elevation; and
 - (4) Additional details to show unusual constructions.
 - (5) Color samples of all major finish materials.
 - (6) Photographs of (1.) existing structures that are to remain on the site, and (2.) of structures which are situated on any of the lots described in Section 1175.08. for additions to existing structures, photographs of all elevations from which the addition can be seen.
- (Ord. 20-1978. Passed 9-19-78.)

1175.10 MAINTENANCE.

(a) Ordinary Maintenance Allowed for Public Safety.

- (1) Nothing in Sections 1175.07 or 1175.08 shall be construed to prevent the ordinary maintenance or repair of any exterior feature in a Historic District or of any landmark which does not involve a change in design, material, color or outer appearance thereof.
- (2) Nothing in Sections 1175.07 or 1175.08 shall prevent the construction, reconstruction, alteration, restoration or demolition of any such feature which the Building Inspector or similar official shall certify is required by the public safety because of unsafe or dangerous conditions.

(b) Maintenance and Repair Required.

- (1) Neither the owner of nor the person in charge of a structure within a Historic District or of a designated landmark shall permit such structure or landmark to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature so as to produce or tend to produce, in the judgment of the Preservation Commission, a detrimental effect upon the character of the district as a whole or the life and character of the landmark or structure in question, including but not limited to:
 - A. The deterioration of exterior walls or other vertical supports;
 - B. The deterioration of roofs or other horizontal members;
 - C. The deterioration of exterior chimneys;
 - D. The deterioration or crumbling of exterior plaster or mortar;
 - E. The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;
 - F. The deterioration of any feature, so as to create or permit the creation of any hazardous or unsafe condition or conditions.
- (Ord. 20-1978. Passed 9-19-78.)

1175.11 PENALTIES.

See Sections 1149.06 and 1149.99

CHAPTER 1177
R-4A Senior Residential District

1177.01 Purpose.	1177.06 Site plan requirements.
1177.02 Uses.	1177.07 Off-street parking and loading.
1177.03 Lot requirements.	1177.08 Minimum floor space.
1177.04 Yard requirements.	1177.09 Attached single-family requirements.
1177.05 Maximum building height.	

CROSS REFERENCES

Basis of districts - see Ohio R.C. 713.10
 Conditional zoning certificates - see P. & Z. Ch. 1145
 Nonconforming uses - see P. & Z. Ch. 1185
 Supplemental regulations - see P. & Z. Ch. 1187

1177.01 PURPOSE.

(a) The purpose of this District is to encourage apartment development and attached single-family dwelling complexes for seniors age fifty-five or older at densities up to eight dwelling units per net acre. At all times, at least one senior shall reside in any such unit. Development is to consist primarily of townhouses, attached single-family dwellings, and garden apartments and in groupings which will provide for the efficient development and utilization of community facilities such as water and sewers.

(b) "Senior". A senior shall be defined as a person age fifty-five or older. (Ord. 31-99. Passed 9-7-99; Ord. 8-00. Passed 4-18-00.)

1177.02 USES.

Within an R-4A Senior 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 and attached single-family dwellings of the duplex, triplex, quadplex, townhouse, row house and garden apartment type. Subject to the site plan requirements of Section 1177.06; attached single-family dwellings also subject to Section 1177.09.

- (4) Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
- (5) Signs as permitted and regulated in Chapter 1181.
- (6) Off-street parking as permitted and regulated in Chapter 1183.
- (b) Conditionally Permitted Uses. The Planning Commission may issue conditional zoning certificates for uses listed herein subject to the general requirements of Chapter 1145 and to the specific requirements of Section 1145.04, referred to as follows:
 - (1) Quasi-public, institutionally or organizationally owned and/or operated recreational, instructional and meeting facilities, such as those developed and used by the YMCA-YWCA, Boy Scouts or various fraternal or community service groups, subject to Subsection 107, 108, 110, 118.
 - (2) Institutions for human medical care-hospitals, clinics, sanitariums, convalescent homes, nursing homes, child day care centers, homes for the aged and philanthropic institutions subject to Subsections 101, 102, 104, 106, 107, 108, 110, 125.
 - (3) Temporary buildings for uses incidental to construction work subject to Subsection 110, 114.
 - (4) Rooming house and boarding house accommodations subject to Subsections 108, 110.
 - (5) Institutions for higher education subject to Subsection 101, 102, 103, 104, 106, 108, 125.
 - (6) Public and parochial schools subject to Subsections 101, 102, 103, 104, 105, 106, 108.
 - (7) Churches and other buildings for religious worship subject to Subsections 101, 102, 103, 104, 106, 108.
 - (8) Home occupations subject to Subsection 111.
 - (9) Group dwellings subject to Subsection 112.
 - (10) Planned unit residential development subject to Subsection 115.
 - (11) Public facilities subject to Subsections 108, 110.
 - (12) Family homes and group homes licensed under Ohio R.C. 5123.19, subject to Subsection 131 of Section 1145.04.
 - (13) Bed and Breakfast Inns subject to Subsections 103 and 117.
(Ord. 31-99. Passed 9-7-99; Ord. 8-00. Passed 4-18-00.)

1177.03 LOT REQUIREMENTS.

- (a) Minimum Lot Area.
 - (1) Single-family dwelling - 7,000 square feet.
 - (2) Two-family dwelling 10,000 square feet.
 - (3) Multifamily dwelling and attached single-family dwelling(s) - 12,000 square feet plus 3,000 square feet for each dwelling unit over three.
- (b) Minimum Lot Width at Building Line.
 - (1) Single-family dwelling - sixty feet.
 - (2) Two-family dwelling - eighty-five feet.
 - (3) Multifamily dwelling and attached single-family dwelling(s) - 100 feet.

- (c) Minimum lot frontage - forty feet.
- (d) Minimum Usable Open Space. At least twenty-five percent (25%) of the actual lot area shall be devoted to usable open space.
- (e) Maximum Lot Coverage.
 - (1) Twenty-five percent (25%).
 - (2) Parking buildings (garages, carports) when having no part of the buildings used for residence purposes, shall be considered as equal to one-half of its area as part of lot coverage.
(Ord. 31-99. Passed 9-7-99; Ord. 8-00. Passed 4-18-00.)

1177.04 YARD REQUIREMENTS.

- (a) Minimum front yard depth - thirty feet plus one foot for each two feet of building height in excess of two stories above grade.
- (b) Minimum rear yard depth - thirty feet plus one foot for each two feet of building height in excess of two stories above grade.
- (c) Minimum Side Yard Width.
 - (1) Single-family dwelling - ten feet.
 - (2) Two-family dwelling - fifteen feet.
 - (3) Multifamily and attached single-family dwelling(s) - 20 feet plus one foot for each two feet of building height in excess of two stories above grade.
(Ord. 31-99. Passed 9-7-99; Ord. 8-00. Passed 4-18-00.)

1177.05 MAXIMUM BUILDING HEIGHT.

Forty feet. (Ord. 31-99. Passed 9-7-99; Ord. 8-00. Passed 4-18-00.)

1177.06 SITE PLAN REQUIREMENTS.

- (a) Review of Site Plan. All multifamily and attached single-family uses permitted under Section 1177.02 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 surface drainage provisions are reviewed and approved by the City Engineer.
 - (5) The design and construction standards of all private streets, driveways and parking areas are to be built following approval of plans by the City Engineer according to construction standards specified in the City Subdivision Regulations. The proposed development conforms to all applicable provisions of the Subdivision Regulations.

- (6) Maximum possible privacy for each apartment and attached single-family dwellings 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.
- (7) The architectural design of apartment buildings and attached single-family dwellings should be developed with consideration given to the relationship of adjacent development in terms of building height mass, texture, line and pattern, and character.
- (8) Building, location and placement should be developed with consideration given to minimizing removal of trees and change of topography.
- (9) T.V. antenna shall be centralized.
- (10) On-site circulation shall be designed to make possible adequate fire and police protection.
- (11) 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.
- (12) 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; and 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 vehicles capacity.

(b) Conformance with Site Plan. Complete conformance to all aspects of approved site plans shall be required as soon as possible but no later than one year after initial approval except that items affecting public safety shall be completed by the time of occupancy. (Ord. 31-99. Passed 9-7-99; Ord. 8-00. Passed 4-18-00.)

1177.07 OFF-STREET PARKING AND LOADING.

As regulated by Chapter 1183.

(Ord. 31-99. Passed 9-7-99; Ord. 8-00. Passed 4-18-00.)

1177.08 MINIMUM FLOOR SPACE.

- (a) Single-family and attached single-family dwellings - 800 square feet.
- (b) Two-family dwellings - 750 square feet for each dwelling unit.
- (c) Multifamily Dwellings.
 - (1) Efficiency - 600 square feet per unit.
 - (2) One bedroom - 700 square feet per unit.
 - (3) Two bedroom - 800 square feet per unit.
 - (4) Three bedroom - 900 square feet per unit.

(Ord. 31-99. Passed 9-7-99; Ord. 8-00. Passed 4-18-00.)

1177.09 ATTACHED SINGLE-FAMILY REQUIREMENTS.

- (a) Attached single-family dwellings shall have a maximum of six units attached.

(b) The required common areas shall be held in ownership by the owner of the project area for use of the residents within the attached dwelling units.

(Ord. 31-99. Passed 9-7-99; Ord. 8-00. Passed 4-18-00.)

TITLE SEVEN - Zoning Regulations

- Chap. 1181. Sign Regulations.
 Chap. 1183. Parking and Loading Requirements.
 Chap. 1185. Nonconforming Uses.
 Chap. 1187. Supplementary Regulations.

**CHAPTER 1181
Sign Regulations**

- | | |
|---|--|
| <p>1181.01 Purpose.
 1181.02 Permitted signs.
 1181.03 General requirements.</p> | <p>1181.04 Zoning certificate fee for signs.
 1181.05 Amortization of nonconforming signs.</p> |
|---|--|

CROSS REFERENCES

- Power to regulate advertising - see Ohio R.C. 715.65
 Advertising on State and interstate highways - see
 Ohio R.C. Ch. 5516

1181.01 PURPOSE.

The purpose of this chapter is to promote the general health, safety and welfare of the residents of the City and maintain high property values by:

- (a) Providing reasonable, yet appropriate conditions for identifying goods sold or produced, or services rendered, or providing other information, in all zoning districts.
- (b) Controlling the size, location and design so that the appearance of permanent signs will be aesthetically harmonious with their surroundings.
- (c) Eliminating any conflict which would be hazardous between business or identification signs and traffic control signs and devices.
- (d) Assuring that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment.
- (e) Assuring that the property rights of individuals are honored and observed.
- (f) Reducing sign clutter. (Ord. 72-97. Passed 10-21-97.)

1181.02 PERMITTED SIGNS.

(a) The following signs are permitted in all R and B districts:

- (1) One name plate not exceeding two square feet in area will be permitted for each dwelling.
- (2) A church, school, community center or other public or institutional building may have for its own use an announcement sign or bulletin board not over twenty square feet in area which shall not project in to the right of way of any dedicated street.
- (3) One unlighted name plate not more than three square feet in area announcing the name and occupation shall be permitted for a "home occupation". Such sign shall not project in the right of way of any dedicated street. (Ord. 16-1978. Passed 6-7-78.)
- (4) One unlighted real estate, or real estate auction, sign not exceeding six square feet in area pertaining only to the sale, lease or rent of the particular building, property or premises upon which displayed. Off premises, directional "open house" signs pertaining to sale, lease or rent of a property may be posted if the following conditions are met:
 - A. Signs are placed on private property or right of way on private property with the permission of owners on whose properties the signs are being placed.
 - B. Signs are posted no sooner than forty-eight hours prior to open houses and are taken down immediately after open houses conclude.
 - C. No City control sign bracket is available for that area. (See Ordinance No. 51-97.)

Posting of real estate signs on utility poles is prohibited.
(Ord. 72-97. Passed 10-21-97.)

- (5) One temporary real estate sign advertising the development of the premises upon which it stands or the opening of a new subdivision within which such sign is located may be located and maintained upon the issuance of a temporary twelve-month renewable zoning certificate and shall be removed from the premises within thirty days of the sale or rental thereof. Such sign shall not exceed fifty square feet in area nor shall it project into the right of way of any dedicated street.
- (6) Signs incident to legal process and necessary to the public safety and welfare, however their size shall be the minimum necessary to guarantee their effectiveness.
- (7) Signs of a community interest located proximate to the corporate limits may be erected with approval of the Planning Commission. In addition, the fee may be waived.
- (8) Residents posting signs in conjunction with a "garage" sale (which term shall include yard sale, porch sale, moving sale, house sale or similar terms) in a house, garage or yard, or chattel auction, may post signs on the property where the sale or auction is taking place. Off premises directional signs pertaining to the sale may be posted if the following conditions are met:
 - A. Signs are placed on private property with the permission of owners on whose properties the signs are being placed.
 - B. Signs are posted no sooner than twenty-four hours prior to sales and are taken down immediately after the conclusion of sales.

Posting of garage sale signs on utility poles is prohibited.
(Ord. 72-97. Passed 10-21-97.)

(b) The following signs are permitted in all B districts provided no business sign shall be located closer than twenty-five feet to any lot located in any R district.

- (1) Signs appropriate to a public or quasi-public building for the purpose of displaying the name and activities or services therein. Such sign shall not exceed twenty square feet in area and shall be restricted to the premises. Such sign shall not project into the right of way of any dedicated street.
- (2) One unlighted real estate sign not exceeding twelve square feet in area pertaining only to the sale, lease or rent of the particular building, property or premises upon which displayed. Such sign shall not project into the right of way of any dedicated street.
- (3) One temporary real estate sign advertising the development of the premises upon which it stands or the opening of a new subdivision within which such sign is located may be located and maintained upon the issuance of a temporary twelve-month renewable zoning permit and shall be removed from the premises within thirty days of the sale or rental thereof. Such sign shall not exceed fifty square feet in area nor shall it project into the right of way of any dedicated street.
(Ord. 16-1978. Passed 6-7-78.)
- (4) One exterior business sign may be erected which advertises a business or service conducted upon the premises and/or advertises products, merchandise or commodities stocked and sold on the premises. Such sign shall not exceed in area ten percent (10%) of the total frontage area of the premises, or thirty-six square feet, whichever is the larger. This formula will apply to those structures with fifty feet or more setback from right of way. All exterior business signs on structures closer than fifty feet from right of way will not exceed twenty square feet in area or ten percent (10%) of the total frontage area, whichever is smaller. Such sign shall be affixed flat against the wall of the building or may project therefrom not more than five feet. The bottom of a projecting sign shall be at least ten feet above the finished grade of the building. Projecting signs shall not be over twelve feet in height and in no case shall exceed the height regulations. No sign shall project in to the right of way of a dedicated street. (Ord. 8-1980. Passed 4-1-80.)
- (5) One pole type business sign which advertises a business or service conducted upon the premises and/or advertises products, merchandise or commodities stocked and sold on the premises may be permitted, provided such sign shall not have an area of more than forty square feet (sixty square feet in a B-2 zone). Such sign shall not be over twenty-five feet in height. No sign shall project into the right of way of any dedicated street. In the case of contiguous or adjacent structures jointly managed, owned or leased, the businesses therein shall be limited to one sign, the overall size of which shall be determined by the following formula: (number of businesses) (fifteen square feet). An additional fifteen percent (15%) of the figure obtained by use of the formula may be granted by the Planning Commission if the sketch of the sign is submitted before construction for architectural approval. (Ord. 33-02. Passed 9-17-02.)

- (6) One portable sign, not more than thirty-two square feet per side, limited to two sides, may be permitted to announce special events, special sales or change of ownership not to exceed four times per calendar year per individual, business, or organization within the City of Canal Fulton. A portable sign may be displayed for a period of time not to exceed thirty consecutive days per calendar year quarter. A thirty day waiting period shall be enforced between consecutive quarters before a portable sign may be displayed again by an individual, business or organization within the City. (Ord. 7-03. Passed 2-18-03.)

(c) The following signs are permitted in the I districts provided no sign shall be located closer than twenty-five feet to any lot located in any R district.

- (1) One unlighted real estate sign not exceeding fifteen square feet in area pertaining only to the sale, lease or rent of the particular building, property or premises upon which displayed. Such sign shall not project into the right of way of any dedicated street.
- (2) One temporary real estate sign advertising the development of the premises upon which it stands or the opening of a new industrial park within which such sign is located may be located and maintained upon the issuance of a temporary twelve-month renewable zoning certificate and shall be removed from the premises within thirty days of the sale or rental thereof. Such sign shall not exceed eighty square feet in area nor shall it project into the right of way of any dedicated street.
- (3) One exterior sign may be erected which advertises an industrial activity conducted upon the premises and/or advertises products, merchandise or commodities produced on the premises. Such sign may be affixed flat against the wall of buildings or may project therefrom, not more than five feet. The bottom of a projecting sign shall be at least ten feet above the finished grade of the building. Projecting signs shall not be over twelve feet in height and in no case shall exceed the height regulations, nor exceed in area fifteen percent (15%) of the total frontage area of the premises, or fifty square feet, whichever is the larger. This formula will apply to those structures with fifty feet or more setback from right of way. All exterior business signs on structures closer than fifty feet from right of way will not exceed twenty square feet in area or ten percent (10%) of the total frontage area, whichever is smaller. No sign shall project into the right of way of any dedicated street.
- (4) One pole type business sign which advertises a business or service conducted upon the premises and/or advertises products, merchandise or commodities stocked and sold on the premises may be permitted, provided such sign shall not exceed an area of twenty-five square feet. Such sign shall not be over twenty-five feet in height. No sign shall project into the right of way of any dedicated street.
- (5) One temporary sign as set forth in subsection (b)(6) hereof. (Ord. 16-1978. Passed 6-7-78.)

(d) Any sign not expressly permitted in the above subsections (a), (b) and (c) of Section 1181.02 are prohibited within the City of Canal Fulton. (Ord. 8-03. Passed 2-18-03.)

1181.03 GENERAL REQUIREMENTS.

(a) Signs shall not project over or obstruct the required windows or doors of any building, or attach to or obstruct a fire escape.

(b) Signs shall not be erected so as to obstruct traffic sight lines or traffic control lights at street intersections, or signals at railroad grade crossings.

(c) Signs visible from a street shall not contain an arrow or words such as "stop", "go", "slow", etc. or otherwise resemble highway traffic or directional signals.

(d) No sign shall be located within any public right of way.

(e) Signs which are illuminated shall use indirect lighting only. The source of light shall not be visible from the street, and no flashing, revolving or intermittent illumination shall be permitted.

(f) A sign for which a valid zoning permit has been issued may be moved to a different location with no additional fee upon approval by the Zoning Inspector.

(g) A sign for which a valid zoning permit has been issued may be repainted or the plastic panels may be replaced with no additional fee so long as the size and location remain the same.

(h) Measurement of sign area:

(1) The area of a sign which consists of individual letters attached directly to a structure shall be the area of the smallest rectangle which shall be inclusive of all the individual letters.

(2) The area of a sign shall include any border, decorative or otherwise, that exceeds four inches.

(Ord. 16-1978. Passed 6-7-78.)

(i) Political signs not exceeding six square feet are permitted on private property. Political signs may be posted up to forty-five days before an election and must be taken down no later than seven days after the election. (Ord. 72-97. Passed 10-21-97.)

1181.04 ZONING CERTIFICATE FEE FOR SIGNS.

See Chapter 143.

1181.05 AMORTIZATION OF NONCONFORMING SIGNS.

Within ninety days of the adoption of this chapter, the Zoning Inspector shall notify by certified letter, the owners of all signs determined to be nonconforming. Such letter shall inform the owner of the required removal of the sign according to the schedule below. Dates for removal will be determined from the date of notification.

(1) Signs of less than twenty-five square feet in area - two years.

(2) Painted signs between twenty-five and fifty square feet in area - three years.

(3) Plastic signs between twenty-five and fifty square feet in area - four years.

(4) Painted signs in excess of fifty square feet in area - five years.

(5) Plastic signs in excess of fifty square feet in area - eight years.

(6) Billboards - ten years.

(Ord. 16-1978. Passed 6-7-78.)

CHAPTER 1183
Parking and Loading Requirements

1183.01	Off-street parking.	1183.04	Loading and unloading space requirements.
1183.02	Minimum number of off-street parking spaces required.	1183.05	Parking and loading requirements for uses not specified.
1183.03	General regulations.		

CROSS REFERENCES

Off-street parking facilities - see Ohio R.C. 717.05 et seq.

1183.01 OFF-STREET PARKING.

In all districts, in connection with every building or part thereof hereafter created, sufficient parking facilities shall be provided off-street to meet all the parking needs; the edge of such facilities shall be within 500 feet of the principal permitted use or building. (Ord. 22-1972. Passed 8-1-72.)

1183.02 MINIMUM NUMBER OF OFF-STREET PARKING SPACES REQUIRED.

(a) Auditorium, stadium and similar uses - one for each four seats based on maximum seating capacity.

(b) Business and professional offices, banks and studios - one for each 150 square feet, or fraction thereof, of floor area, plus one space for each two employees.

(c) Churches and school auditoriums - one for each three seats in principal auditorium, based on maximum seating capacity.

(d) Clubs and lodges - one per 150 square feet, or fraction thereof, of floor area or one for each three seating spaces in the assembly room.

(e) Dwelling - two for each dwelling unit plus one additional for each five dwelling units in multifamily dwellings or developments.

(f) Hospitals - one parking space for each bed, plus space for each three employees.

(g) Hotels, motels and tourist homes - one parking space for each one sleeping room.

- (h) Medical and dental offices and clinics - five for each physician or dentist plus one for each two other employees.
- (i) Restaurants - one for each two seats.
- (j) Retail stores and personal service shops, etc. - one for each 400 square feet or fraction thereof, of floor area, plus one for each two employees.
- (k) Indoor theaters - one for each three seats.
- (l) Lodging houses, boarding houses - one for each three guest rooms.
- (m) Libraries and museums - one for each 500 square feet, or fraction thereof, of floor area.
- (n) Automobile repair garages - one for each two employees plus one for each 500 square feet, or fraction thereof, of floor area.
- (o) Food locker - one for each two employees plus one for each 500 square feet, or fraction thereof, of floor area.
- (p) Roadside stand - two parking spaces.
- (q) Car Washes.
 - (1) Automatic car wash. Car washes in which vehicles are mechanically moved through the production line shall have and maintain ten paved off-street parking spaces on the premises for each lineal feet of production line within the confines of the building. In addition, there shall be provided at the exit, at least two and one-half off-street parking spaces per exit lane; such parking spaces shall be available at all times during the operation of the washing facility for vehicular storage of vehicles entering or exiting the washing facility.
 - (2) Semi-automatic car wash. Car washes in which automatic machinery is used to wash the vehicle, but the vehicle provides the power through the production line shall have and maintain on the premises at least eight paved off-street parking spaces for each stall for the use of vehicles entering the facility. In addition, there shall be provided at the exit at least one and one-half off-street parking space per exit lane; and such parking spaces shall be available at all times during the operation of the washing facility for vehicular storage of the vehicles entering or exiting the washing facility.
 - (3) Manual car wash. Car washes in which vehicles are manually washed and provide their own power through the stall shall have and maintain on the premises at least five paved off-street parking spaces for each parking stall. In addition, such parking spaces shall be available at all times during the operation of the washing facility for the vehicular storage of vehicles entering or exiting the washing facility.
(Ord. 22-1972. Passed 8-1-72.)

1183.03 GENERAL REGULATIONS.

(a) Floor Area. For the purposes of this section, "floor area" in offices, merchandising and service types of uses shall mean the area used for service to the public and exclude areas used principally for nonpublic purposes such as storage, incidental repair, processing, show windows, rest rooms and dressing rooms. In measurement for parking space, fractions of required floor area over one-half shall require one parking space. (Ord. 22-1972. Passed 8-1-72.)

(b) Parking Space Size. Off-street accessory parking areas shall comply with the following minimum requirements for length and width of parking spaces.

- (1) Parallel parking spaces shall have a length of twenty-three feet and a width of ten feet.
- (2) Ninety, sixty and forty-five degree parking spaces shall have a length of eighteen feet and a width of nine feet.

All parking space requirements shall be exclusive of access drives and aisles. All parking area dimensions shall conform with the parking details figure in the Appendix. (Ord. 23-87. Passed 5-19-87.)

(c) Parking Area Design. Such parking areas shall be of usable shape, improved with bituminous, concrete or equivalent surfacing, and so graded and drained as to dispose of all surface water accumulation within the area, in accordance with the requirements of the City Engineer. All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining premises or streets and no open light sources such as the stringing of lights bulbs shall be permitted. Wheel guards, including bumper guards as may be necessary, shall be provided in connection with any off-street parking area of five cars or more, and shall be constructed so as to confine the storm water surface drainage to the premises; to contain the cars on sloping surfaces; and to prevent bumper overhang. (Ord. 22-1972. Passed 8-1-72.)

(d) Entrances and Exits. Access drives shall be located to minimize traffic congestion. At street intersection corners, the edge of the drive approach shall be at least twenty feet from the center of the curve as measured along the face of curb or edge of roadway. There shall not be more than two drive approaches to any one street. Drive approaches shall have a minimum width of ten feet at back of walk or right-of-way line, and a maximum width of forty feet at the curb or edge of roadway. All drive approaches shall be of concrete and shall conform to the drive approach detail shown in the Appendix. (Ord. 23-88. Passed 7-5-88.)

(e) Yard Restrictions. Off-street parking facilities shall not occupy any part of any required front or side yard in all R district areas, but where open may be included as part of a required open space for a rear yard. In all B and I district areas, open off-street parking facilities may be located in the required front yard provided that at least a ten foot wide landscaped strip is located between the parking area and the street right-of-way line. In all B and I district areas, open off-street parking facilities may occupy the required rear yard.

(f) Locating. The parking spaces required for dwelling units shall be located on the lot and parking spaces required for other uses shall be located on the lot or within 500 feet of the main use measured along lines of public access to the property but shall not be allowed in residential districts except as provided in subsection (h) hereof.

(g) Joint Use. Parking spaces already provided to meet off-street parking requirements for places of public assembly, commercial and industrial establishments, lying within 500 feet of a church measured along lines of public access, and that are not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays and are made available for other parking, may be used to meet not more than seventy-five percent (75%) of the off-street parking requirements of a church.

Parking spaces already provided to meet off-street parking requirements for business and industrial establishments lying within 500 feet of a place of public assembly along lines of public access, that are not normally in use between the hours of 6:00 p.m. and midnight and are made available for other parking may be used to meet not more than fifty percent (50%) of the total requirements of parking space.

(h) Parking Lots in Residential Districts. The Planning Commission may issue a conditional zoning certificate for parking lots in residential districts subject to this chapter, Chapter 1145, and the following conditions:

- (1) The parking lot shall be accessory to and for the use in connection with one or more permitted or conditionally permissible uses in an adjoining business or industrial district.
- (2) Such parking lot shall abut at least fifty feet, either directly or across an alley or street in the district in which the use for which the parking is provided, permitted or conditionally permissible.
- (3) Such parking lot shall be used solely for the parking of passenger vehicles and no commercial repair work or service of any kind shall be conducted on such parking lot.
- (4) No sign of any kind, other than those designating entrance, exits and conditions of use shall be maintained on such parking lot.
- (5) Entrances and exits shall be at least twenty feet distance from any adjacent property located in any residential district.
- (6) Such parking lot shall be efficiently screened on each side by a fence of acceptable design, wall or compact hedge. Such fence, wall or hedge shall be not less than four feet in height and no solid portion shall be more than six feet in height and shall be maintained in good condition. The planting strip for hedges shall be no less than three feet in width. At least one water outlet shall be provided not more than fifty feet from the lot for maintenance of plant materials. The space between such fence, wall or hedge and the side lot line of adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition.

- (7) The Planning Commission may modify the foregoing requirements in specific cases where desirable or warranted, owing to unusual topography, physical conditions and the use and character of adjacent properties. The Planning Commission may also impose such additional requirements as it may deem necessary in view of the aforesaid considerations.
(Ord. 22-1972. Passed 8-1-72.)

1183.04 LOADING AND UNLOADING SPACE REQUIREMENTS.

Every building used for nonresidential purposes which customarily receives or distributes goods by motor vehicle shall provide sufficient space on the premises for all loading and service purposes on the basis of the following minimum regulations:

- (a) Every building having over 5,000 square feet of 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 feet clearance. An additional truck space of these dimensions shall be provided for every additional 20,000 square feet or fraction thereof, of gross floor area in the building.
- (b) Access to truck loading and unloading space shall be provided directly from a public street or alley or from any right of way that will not interfere with public convenience and that will permit the orderly and safe movement of such trucks.
- (c) Loading space as required under this section shall be provided as area additional to off-street parking spaces as required under Section 1183.01 and shall not be considered as supplying off-street parking space.
(Ord. 22-1972. Passed 8-1-72.)

1183.05 PARKING AND LOADING REQUIREMENTS FOR USES NOT SPECIFIED.

Where the off-street parking and loading requirements for a use are not specifically defined herein, the parking and loading facilities for such use shall be developed so as to be sufficient to meet all the parking and loading needs of the proposed use; no parking, loading or servicing shall be done on the right of way of any publicly dedicated thoroughfare .
(Ord. 22-1972. Passed 8-1-72.)

CHAPTER 1185
Nonconforming Uses

1185.01 Purpose.

1185.02 Regulations.

1185.03 Continuation of existing uses conditionally permissible under this Zoning Ordinance.

CROSS REFERENCES

Nonconforming uses; retroactive measures - see Ohio R.C. 713.15
Appeals - see P. & Z. 1147.09

1185.01 PURPOSE.

The purpose of this chapter is to provide for the continuation of uses that do not conform to the existing zoning, but which were in operation prior to the enactment of this Zoning Ordinance or amendments thereto.
(Ord. 22-1972. Passed 8-1-72.)

1185.02 REGULATIONS.

The lawful use of any building or land existing at the effective date of this Zoning Ordinance or amendments thereto may be continued, although such use does not conform with the provisions of this Zoning Ordinance.

- (a) Alterations. A nonconforming building, structure or use existing at the time this Zoning Ordinance takes effect, may be altered or enlarged so as to extend such nonconforming use, not to exceed an additional fifty percent (50%), upon approval of the Planning Commission.
- (b) Nonconforming to Nonconforming Use. A nonconforming use may be changed to another nonconforming use provided that the proposed nonconforming use is identical or in less conflict with character and use of the district than the existing nonconforming use as determined by the Planning Commission.
- (c) Restoration. Nothing in this Zoning Ordinance shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure, damaged by fire, collapse, explosion or acts of God, subsequent to the date of this Zoning Ordinance wherein the expense of such work does not exceed sixty percent (60%) of the replacement cost of the building or structure at the time such damage occurred.
- (d) Construction Approved Prior to Zoning Ordinance. Nothing in this Zoning Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a zoning certificate has been issued prior to the effective date of this Zoning Ordinance or any amendment thereto provided that construction is commenced within

ninety days after the issuance of such certificate; that construction is carried on diligently and without interruption for a continuous period in excess of thirty days; and that the entire building shall have been completed within two years after the issuance of such zoning certificate.

- (e) Displacement. No nonconforming use shall be extended to displace a conforming use.
- (f) Discontinuance of Abandonment. Whenever a nonconforming use has been discontinued for a period of two years or more, any further use shall be in conformity with the provisions of this Zoning Ordinance.
- (g) Unsafe Structures. Nothing in this Zoning Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.
- (h) Certificate of Nonconforming Use. Within one year of the effective date of this Zoning Ordinance, the Zoning Inspector shall issue a certificate of nonconforming use to all nonconforming use property, the use of which does not conform to the provisions of the use zone in which the property is located.
 - (1) In accordance with the provisions of this section, no use of land, buildings or structures shall be made other than that specified on the certificate of nonconforming use unless such use shall be in conformance with the provisions of the use zone in which the property is located.
 - (2) A copy of each certificate of nonconforming use shall be filed in the office of the Planning Commission, and a copy retained by the Zoning Inspector.
- (i) District Changes. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, the foregoing provisions shall also apply to any nonconforming use existing therein. (Ord. 22-1972. Passed 8-1-72.)

1185.03 CONTINUATION OF EXISTING USES CONDITIONALLY PERMISSIBLE UNDER THIS ZONING ORDINANCE.

All uses existing at the time of passage of this Zoning Ordinance or amendments thereto and conditionally permissible in their respective districts under this Zoning Ordinance shall be issued a conditional zoning certificate within one year after the passage of this Zoning Ordinance or amendments thereto. The certificates shall be issued by the Planning Commission. (Ord. 22-1972. Passed 8-1-72.)

**CHAPTER 1187
Supplementary Regulations**

1187.01	Permitted use.	1187.16	Accessory building.
1187.02	Permitted height exceptions.	1187.17	Temporary buildings.
1187.03	Front yard variances in residential districts.	1187.18	Inconsistencies.
1187.04	Corner lot.	1187.19	Prohibited uses.
1187.05	Zoning certificate.	1187.20	Compliance with Building Regulations.
1187.06	Sewerage and water facilities.	1187.21	Swimming pools.
1187.07	Transition areas.	1187.22	Fences, walls and hedges.
1187.08	Essential services.	1187.23	Business displays.
1187.09	Construction.	1187.24	Fencing of hazardous locations.
1187.10	Principal building.	1187.25	Fire hydrants.
1187.11	Substandard lots.	1187.26	Water mains.
1187.12	Lots, yards and open space.	1187.27	Residential utility barns or sheds.
1187.13	Projections into yard areas.	1187.28	Residential decks.
1187.14	Visibility at corner lots.	1187.29	Sidewalks in business zones.
1187.15	Dwelling other than a main structure.		

CROSS REFERENCES

Zoning applies to housing projects - see Ohio R.C. 3735.44

Airport zoning - see Ohio R.C. Ch. 4563

Referral of zoning permit applications to Director of Transportation - see Ohio R.C. 5511.01

1187.01 PERMITTED USE.

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 these Zoning Regulations for the districts in which the building or land is located. Uses which are omitted from these Zoning Regulations, not being specifically permitted, shall be considered prohibited until, by amendment, such uses are written into these Zoning Regulations.

(Ord. 22-1972. Passed 8-1-72.)

1187.02 PERMITTED HEIGHT EXCEPTIONS.

(a) Except as specifically stated in other parts of these Zoning Regulations 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, flagpoles, 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.

(b) Public or semipublic 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. 22-1972. Passed 8-1-72.)

1187.03 FRONT YARD VARIANCES IN RESIDENTIAL DISTRICTS.

In any R district where the average depth of at least two existing front yards on lots within 200 feet of the lot in question, and within the same block, whose front yard depth is less or greater than the least front yard depth prescribed elsewhere in these Zoning Regulations, the required depth of the front yard on such lot shall be modified. In such cases, the front yard depth shall not be less than the average depth of such existing front yards on the two lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining, provided, however, that the depth of the front yard on any lot shall not be less than twenty-five feet and need not exceed 100 feet.

(Ord. 48-89. Passed 2-6-90.)

1187.04 CORNER LOTS.

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

(Ord. 22-1972. Passed 8-1-72.)

1187.05 ZONING CERTIFICATE.

No zoning certificate shall be issued for a structure which does not connect to a water system and sanitary sewer system which has been tested and approved by the City, or is currently in use, on a dedicated public roadway.

(Ord. 25-92. Passed 5-19-92.)

1187.06 SEWERAGE AND WATER FACILITIES.

All structures shall be connected to the City sanitary sewerage system and to the City water system where available.

(Ord. 22-1972. Passed 8-1-72.)

1187.07 TRANSITION AREAS.

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 and 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. (Ord. 22-1972. Passed 8-1-72.)

1187.08 ESSENTIAL SERVICES.

Essential services as defined by these Zoning Regulations shall be permitted as authorized under any franchise or that may be regulated by any law of the State of Ohio; it being the intention hereof to exempt such essential services from the application of these Zoning Regulations. (Ord. 22-1972. Passed 8-1-72.)

1187.09 CONSTRUCTION.

Nothing contained in these Zoning Regulations shall hinder the construction of a building or prohibit its use where construction has started before the effective date of these Zoning Regulations provided that foundations have been put in place before such effective date of these Zoning Regulations and provided further that such building shall be completed within two years from the date of passage of these Zoning Regulations. (Ord. 22-1972. Passed 8-1-72.)

1187.10 PRINCIPAL BUILDING.

No more than one dwelling shall be permitted on any lot unless otherwise specifically stated in these Zoning Regulations and every dwelling shall be located on a lot having required frontage on a public street. (Ord. 22-1972. Passed 8-1-72.)

1187.11 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 Zoning 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 and twenty feet respectively. (Ord. 22-1972. Passed 8-1-72.)

1187.12 LOTS, YARDS AND OPEN SPACE.

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 these Zoning Regulations, may, by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard or other open space requirement of or for any other building. (Ord. 22-1972. Passed 8-1-72.)

1187.13 PROJECTIONS INTO YARD AREAS.

(a) Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of skylights, sills, cornices and ornamental features projecting not to exceed twelve inches. This requirement shall not prevent the construction of fences not exceeding six feet in height except on that portion of lots within thirty feet of the intersection of two or more streets. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three feet above the level of the ground (first) story may project into a required side yard, provided these projections be distant at least two feet from the adjacent lot line. The ordinary projections of chimneys or flues are permitted into the required side, rear and front yards.

(b) An open, unenclosed porch, or paved terrace may project into the front yard for a distance not to exceed ten feet.
(Ord. 22-1972. Passed 8-1-72.)

1187.14 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 street trees are permitted which are pruned at least eight feet above the established grade of the roadway so as not to obstruct clear view by motor vehicle drivers.
(Ord. 22-1972. Passed 8-1-72.)

1187.15 DWELLING OTHER THAN A MAIN STRUCTURE.

No residential structure shall be erected upon a lot with another dwelling, except that a two-story garage with living quarters upon the second floor may be permitted provided such quarters are occupied by guests or a servant (and his family) employed by the family occupying the main structure.
(Ord. 22-1972. Passed 8-1-72.)

1187.16 ACCESSORY BUILDING.

Accessory buildings and/or dish type satellite signal receiving stations which are not part of the main building shall not be located closer than fifteen feet from the main building, may not be built within eight feet of the rear and side lot lines and must conform to the front yard building setback line. An accessory building and/or dish type satellite signal receiving station which is not part of the main building shall not occupy more than thirty percent (30%) of the required rear yard, or 800 square feet, whichever is less, and shall not be located nearer than sixty feet from any front lot line or side street lot line. Accessory buildings and/or dish type satellite signal receiving stations in residence districts shall be limited to fifteen feet in height, unless a greater height is authorized by the Board of Zoning Appeals. This height limitation does not apply to roof-mounted or antenna-mounted dish type satellite signal receiving stations that are designed to withstand a wind force of eighty-five miles per hour.
(Ord. 48-84. Passed 12-18-84; Ord. 23-87. Passed 5-19-87.)

1187.17 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. 22-1972. Passed 8-1-72.)

1187.18 INCONSISTENCIES.

In the event the requirements or regulatory provisions of this Zoning Regulations are found to be inconsistent one with another, the more restrictive or greater requirements shall be deemed in each case to be applicable.

(Ord. 22-1972. Passed 8-1-72.)

1187.19 PROHIBITED USES.

No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of these Zoning Regulations, and any additional conditions and requirements prescribed, is or may become hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, electrical interference, refuse matter or water carried waste.

(Ord. 22-1972. Passed 8-1-72.)

1187.20 COMPLIANCE WITH BUILDING REGULATIONS.

All structures shall comply with the standards and requirements of the building regulations adopted and administered by the City, Stark County and/or the State of Ohio.

(Ord. 22-1972. Passed 8-1-72.)

1187.21 SWIMMING POOLS.

(a) Public or private in-ground or above-ground swimming, wading or other pools having the minimum capacity to contain four feet of water depth shall require a permit, shall not be located in front yard and shall conform to the following:

- (1) Eight foot side and rear lot lines.
- (2) Above-ground pools exclusively of any decks going part way around or all the way around may not be built within eight feet of the rear or side lot lines.
- (3) In-ground pools may not have any below grade exterior wall built within eight feet of the rear or side lot lines.

The construction, plumbing, and electrical requirements, inspection and other safety facilities shall be regulated by the County or State codes. (Ord. 19-01. Passed 6-19-01.)

(b) All permanent outdoor swimming pools shall be enclosed with fencing. In-ground pools and the area immediately surrounding the pool shall be enclosed by a fence having a minimum height of four feet. Above-ground pools shall have a side wall/fence height of a minimum of four feet. Above-ground pools shall be equipped with a locked gate or ladder, which shall be secured to prevent entry when the pool is not in use. A removed ladder may be substituted. (Ord. 33-00. Passed 11-7-00.)

1187.22 FENCES, WALLS, AND HEDGES.

(a) Fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge along the sides or front edge of any front yard shall be over two and one-half feet in height. (Ord. 22-1972. Passed 8-1-72.)

(b) Fences, walls or hedges may be permitted along the side or rear lot lines to a height of not more than six feet above the grade provided at least ten percent (10%) when dry of the vertical surface of any fence or wall shall be open to light and air; and that any fence, wall or hedge shall be well maintained, will be harmonious and appropriate in appearance with the existing character of the immediate area in which it is to be located, and will not be hazardous or disturbing to existing or future neighboring uses. Stockade-style fences are authorized if otherwise in compliance with this section. (Ord. 31-98. Passed 9-1-98.)

(c) Informal planting may be higher than six feet.
(Ord. 22-1972. Passed 8-1-72.)

1187.23 BUSINESS DISPLAYS.

In all business districts, all businesses, services and merchandise displays shall be conducted within a completely enclosed building except as otherwise provided in this Zoning Ordinance.

(Ord. 22-1972. Passed 8-1-72.)

1187.24 FENCING OF HAZARDOUS LOCATIONS.

(a) Suitable fencing shall be required surrounding all hazardous industrial, commercial or business establishments and operations within the City. The fencing shall take into account the type of activity, the location of the activity with reference to pedestrian or other travel, the proximity of children and similar factors. The fences shall be constructed of suitable material, considering the above factors and other structures and fences in the neighborhood. The fence shall not be hazardous to passers-by.

(b) In the event the Zoning Inspector determines that this section is not being complied with, he shall issue a citation to the owner or operator of the premises or operation concerned. The owner or operator shall have such time as the Zoning Inspector grants, not less than thirty days, to erect a suitable fence.

(c) In the event that the owner or operator disagrees with the need for a fence, or its location or material, he may appeal to the Board of Zoning Appeals in the same manner as any other person aggrieved by an action of the Zoning Inspector.
(Ord. 23-1979. Passed 12-18-79.)

1187.25 FIRE HYDRANTS.

Fire hydrants shall be required to be installed on existing or extended water mains at the spacing shown herein of any developer, contractor, owner or entity of any sort that constructs or causes to be constructed any sort of new development in the zones as follows: In R1 and R2 hydrant spacing shall be every 500 feet, and in R3, R4, B1 and B2 hydrant spacing shall be as directed by the City Engineer and the Fire Chief, upon review of the proposed plans and consideration of the layout; type of construction, type of occupancy and other such pertinent factors.

(Ord. 18-18-86. Passed 7-1-86.)

1187.26 WATER MAINS.

Water mains shall be required to be looped to form a grid-type water distribution system in a general pattern consistent with good engineering practice according to American Water Works Association standards. Such looping shall be consistent with the general pattern of interconnecting mains in that portion of the City, except that mains encroaching on the corporation limits may be required to be looped regardless of the area grid pattern as no other possibility for looping may be reasonably possible.

(Ord. 18-86. Passed 7-1-86.)

1187.27 RESIDENTIAL UTILITY BARN OR SHEDS.

(a) Residential utility barns or sheds are defined as structures with no permanent foundation, commonly with wooden skid runners used as floor joists placed in direct ground contact. These structures shall further be defined as having at least twenty-four square feet in area.

(b) Such structures shall not be permitted in the front or side yards in residential zones.

(c) If a structure is detached from the main dwelling unit, it must maintain at least four foot minimum setback requirement from the side and rear property lines and this four foot area must be maintained with the same appearance as the rest of the yard.

(d) A residential utility barn or shed attached or butted up to the rear of the main dwelling unit will be considered "attached" to it and will be required to maintain the same setback as the dwelling unit.

(e) A residential utility barn or shed shall have an area no greater than 150 square feet or thirty percent (30%) of the rear yard, whichever is less and shall not exceed twelve feet in height. (Ord. 32-98. Passed 9-1-98.)

1187.28 RESIDENTIAL DECKS.

(a) Open front, rear or side yard decks shall be permitted to extend into any required yard provided the following criteria are met:

- (1) Such deck floor surface shall not exceed thirty-six inches in height.
- (2) Such decks shall not extend into the required front yard a distance of more than ten feet.
- (3) Such decks shall not come closer than two feet to the side and rear property lines.

(b) Decks over thirty-six inches in height shall comply with all zoning setback requirements as the main structure does according to the zone it is located, except that the rear set back line for the deck shall be twenty feet or as an option, the applicant may apply for flexible rear yard set backs subject to requirements of the Planning Commission. (Ord. 7-01. Passed 4-3-01.)

1187.29 SIDEWALKS IN BUSINESS ZONES.

In all business zones, at the time of issuance of a zoning permit under this Code, sidewalks shall be constructed adjoining all streets, in compliance with the provisions and standards of Section 1125.08 of this Planning and Zoning Code. (Ord. 8-02. Passed 3-5-02.)

CITY OF CANAL FULTON

APPLICATION FOR ZONING CERTIFICATE

DATE _____ APPLICATION NUMBER _____

NAME OF APPLICANT _____

ADDRESS _____
PHONE NUMBER (HOME) _____ (WORK) _____

NAME OF PROPERTY OWNER _____

ADDRESS _____
PHONE NUMBER (HOME) _____ (WORK) _____

APPLICATION IS HEREBY MADE FOR A ZONING CERTIFICATE FOR THE FOLLOWING PROPOSED WORK:

- _____ CONSTRUCTION OF A NEW BUILDING
- _____ ADDITION TO A BUILDING
- _____ ALTERATION TO A BUILDING
- _____ OTHER WORK - DESCRIBE _____

APPLICATION IS HEREBY MADE FOR A ZONING CERTIFICATE FOR A CHANGE IN IN THE USE OF A BUILDING OR LOT:

PRESENT USE _____

PROPOSED USE _____

ADDRESS OF PROPERTY INVOLVED _____

ZONING DISTRICT (Circle Applicable Zones) F-P R-R R-1 R-1-A R-2 R-3
R-4 R-5 B-1 B-2 I-1 Hist. Dist.

LOCATION OF PROPERTY: _____ SIDE OF _____
North, South, East, or West Street, Avenue, or Road

APPROXIMATELY _____ FEET _____ OF THE INTERSECTION
North, South, East, or West

OF _____
Street, Avenue, or Road

CITY OF CANAL FULTON, OHIO

APPLICATION FOR ZONING SIGN CERTIFICATE

Date_____ Application Number_____

Name of Applicant_____

Address_____ Phone Number_____

Address of Property where sign change or Addition of New Sign is Requested:

Type of Sign Change:_____ Change to Existing Sign_____ Addition of New Sign_____

Type of Sign:_____Affixed to the Surface of Building _____Free Standing/Pole Type_____

Dimension of Sign:

Height of Sign_____Feet _____Inches

Length of Sign_____Feet _____Inches

Total Surface Area of Sign_____Feet _____Inches

Height Fron Ground to Bottom of Sign_____Feet _____Inches

Zoning District Where Sign Will Be Located:

_____Residential _____Business _____Industrial _____Historical

SECTION 1181.03 GENERAL REQUIREMENTS:

(a) Signs shall not project over or obstruct the required windows or doors of any building, or attach to or obstruct a fire escape.

(b) Signs shall not be erected so as to obstruct traffic sight lines or traffic control lights at street intersections, or signals at railroad grade crossings.

(c) Signs visible from a street shall not contain an arrow or words such as "stop", "go", "slow", etc. or otherwise resemble highway traffic or directional signals.

(d) No sign shall be located within any public right of way.

(e) Signs which are illuminated shall use indirect lighting only. The source of light shall not be visible from the street, and no flashing, revolving or intermittent illumination shall be permitted.

SUBMIT A SKETCH WITH ALL PERMITS SHOWING: DESIGN OF SIGN, STYLE OF LETTERING AND EMBELLISHMENT.

Signature of Applicant

NOTE: Sign certificates shall become void at the expiration of one (1) year after date of issuance unless construction is started. If no construction is started or use changed within one (1) year of date of permit, a new permit is required upon proper application

Approved_____

Denied_____

Sign Fee_____

Variance Fee_____

CERTIFICATE OF APPROPRIATENESS:

Zoning Inspector

Date