

CODIFIED ORDINANCES OF HIRAM

PART ELEVEN - PLANNING AND ZONING CODE

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CODIFIED ORDINANCES OF HIRAM
PART ELEVEN - PLANNING AND ZONING CODE

CHAPTER 1101
Title, Interpretation, Purpose

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1101.01 TITLE.

Chapters 1101 through 1141 of Part Eleven shall be known as the “Zoning Code of the Village of Hiram, Ohio” and is referred to herein as the “Zoning Code”.
(Ord. 88-10. Passed 1-10-89.)

1101.02 PURPOSE.

The purpose of this Zoning Code is to promote and protect the public health, safety, convenience, comfort, prosperity and the general welfare of the Village by regulating the use of buildings, other structures and land for residential, public facilities, businesses, industry or other purposes; by regulating and restricting the bulk, height, design, location of buildings; by regulating and limiting population density; and to divide the land within the Village into use districts for that purpose, and provide procedures for the administration and amendment of this Zoning Code. (Ord. 88-10. Passed 1-10-89.)

1101.03 GENERAL OBJECTIVES.

This Zoning Code is intended to achieve, among others, the following objectives:

- (a) To protect and enhance the character and value of residential, business, industrial, institutional and public uses, and insure their orderly and beneficial development;
- (b) To protect and preserve the cultural resources of the Village;

- (c) To provide for adequate open spaces for light, air and outdoor uses;
- (d) To prevent overcrowding of the land;
- (e) To prevent uncoordinated development;
- (f) To regulate the location of buildings and intensity of uses in relation to streets, so as to cause the least interference with and cause least damage by traffic movements, resulting in less street congestion and improved public safety;
- (g) To encourage land use patterns that insure economical extensions for sewers, water supply, waste disposal and other public utilities, as well as development of recreation and other public facilities;
- (h) To guide the future development of the Village so as to bring about the gradual conformity of land and building uses in accordance with the objectives of the Development Plan of the Village;
- (i) To prevent damage to environmentally sensitive areas;
- (j) To protect ground water quality; and
- (k) To accomplish the goals and purposes set forth in each chapter consistent with the purpose of this Zoning Code.
(Ord. 88-10. Passed 1-10-89.)

1101.04 INTERPRETATION.

In interpretation and implementation of the provisions of this Zoning Code, such provisions shall be held to be the minimum requirements for the promotion of public health, safety and general welfare. Whenever the requirements of this Zoning Code conflict with any other lawfully adopted rules, regulations, ordinances, the most restrictive, or that imposing the higher standards shall govern. (Ord. 88-10. Passed 1-10-89.)

1101.05 VALIDITY.

Should any section of this Zoning Code be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Zoning Code as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid.
(Ord. 88-10. Passed 1-10-89.)

1101.06 REPEALER.

All zoning ordinances adopted prior to the effective date of this Zoning Code are hereby repealed in order to give this Zoning Code full force and effect.
(Ord. 88-10. Passed 1-10-89.)

**CHAPTER 1103
Definitions**

**1103.01 Interpretation of words
or terms.**

1103.02 Definitions.

1103.01 INTERPRETATION OF WORDS OR TERMS.

For the purpose of this Code, certain words shall be interpreted as follows:

- (a) The word “person” includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
- (b) The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
- (c) The present tense includes future tense, the singular number includes the plural and visa versa.
- (d) The words “used” or “occupied” include the words, “intended”, “designed” or “arranged to be used or occupied”.
- (e) The word “lot” includes the words “plot” or “parcel”.
- (f) Any word or term not defined herein shall be given a meaning found in Webster’s Dictionary. (Ord. 88-10. Passed 1-10-89.)

1103.02 DEFINITIONS.

- (1) Abandoned Well: Any producing well which has not been operated for six (6) months, and any drilling operation that has ceased for thirty (30) consecutive days.
- (2) Abut: To physically have property or district lines in common.
- (3) Accessory Use or Structure: A use or structure on the same lot with, and a nature customarily incidental and subordinate to, the principal use or structure.
- (4) Addition: Any construction which increases the size of a building.
(Ord. 88-10. Passed 1-10-89.)
- (5) Adult Residential - Institutional: A facility licensed to provide residential care for 17 or more adults needing daily assistance, but not skilled nursing care, or 11 or more adults receiving skilled nursing care for treatment and healing from sickness/injury.
(Ord. 88-10. Passed 1-10-89; Ord. 89-35. Passed 1-9-90.)

(6) Agriculture: The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses.

(7) Airport: Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary buildings, and open spaces.

(8) Aisle: The traveled way by which cars enter and depart parking spaces.

(9) Alley: See thoroughfare.

(10) Alterations, structural: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

(11) Amendment: A change in an adopted plan for site plans or to the Zoning Code.

(12) Annexation: The incorporation of land from an unincorporated area to a municipality.

(13) Apartment: See dwelling, multi-family.

(14) Applicant: The record owner of the real property, and owner if different from the record owner and producer, it being the intent that the record owner, owner and producer shall comply with all laws and regulations and shall be treated as jointly and severally responsible for all acts performed in drilling, production and abandonment of oil and gas wells.

(15) Automotive, Mobile Home, Travel Trailer, and Farm Implement Sales: The sale or rental of new and used motor vehicles, mobile homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same to be displayed and sold off the premises.

(16) Automotive Repair: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

(17) Automotive Wrecking: The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

(18) Basement: A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.
(Ord. 88-10. Passed 1-10-89.)

(19) Bed and Breakfast Establishment: A use subordinate to single family, owner occupied, dwelling unit use in which overnight guests are provided a sleeping room and board, in return for payment.

(20) Boarding House, Rooming House, Lodge: An owner-occupied building or part thereof, other than a hotel, motel, restaurant, where meals and/or lodging are provided for compensation. These uses shall also be characterized by the joint use by the inhabitants of at least one of the following: Kitchen area, dining room, restroom, bath area.
(Ord. 88-10. Passed 1-10-89; Ord. 89-35. Passed 1-10-90.)

(21) **Buffer Zone:** A strip of land, identified within the Zoning Code, which protects one type of land use from another with which it is incompatible.

(22) **Building:** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels or property.

(23) **Building, Accessory:** A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

(24) **Building Height:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

(25) **Building Line:** A line parallel with and measured from the front lot line, defining the limits of a front yard in which no building or structure may be located above ground, except as provided in this Zoning Code.

(26) **Building, Principal:** A building in which is conducted the main or principal use of the lot on which said building is situated.

(27) **Business, Convenience:** Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores if less than 10,000 square feet in floor area. Uses in this classification tend to serve day-to-day needs in the neighborhood.

(28) **Business, General:** Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day to day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture; department stores and discount stores.

(29) **Business, Highway:** Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend to serve the motoring public. Highway business uses include but need not be limited to such activities as filling stations; truck and auto sales and service; restaurants and motels; and commercial recreation.

(30) **Business, Office Type:** Quasi-commercial uses which may often be transitional between retail business and/or manufacturing, and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic and drafting. Institutional offices of a charitable, philanthropic or religious or educational nature are also included in this classification.

(31) **Business, Services:** Any profit making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.

(32) Business, Wholesale: Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

(33) Cemetery: Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

(34) Central Sewer System: Individual units connected to a common sewage disposal system.

(35) Central Water System: Individual units connected to a common water distribution system.

(36) Certificate of Occupancy: Official certification that a premise conforms to the provisions of the Zoning Code and that such premise may be used or occupied.

(37) Channel: A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

(38) Clinic: A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons, and those who are in need of medical and surgical attention, usually on an outpatient basis.

(39) Club: A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests.

(40) Cluster Development: A development pattern in which the buildings are grouped or "clustered" through a density transfer, rather than spread evenly throughout a parcel as in conventional lot-by-lot development, typically to provide more common open space or special site features, and to reduce costs of development.

(41) Commission: The Village Planning Commission.

(42) Common Land: A parcel, or parcels of land, together with the improvements thereon, the use and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned residential, commercial or industrial development.

(43) Comprehensive Development Plan: A plan, or any portion thereof, adopted by the Planning Commission and the legislative authority of the Village of Hiram, showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives and policies of the community.

(44) Compressor Station: A facility that compresses natural gas for transmission through the pipeline distribution system.

(45) Conditional Use: A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Planning Commission.

(46) Conditional Use Permit: A permit issued by the Zoning Inspector upon approval by the Planning Commission to allow a use other than a principally permitted use to be established within the District.

(47) Condominium: A form of real estate ownership where there is a fee simple ownership of an individual unit and fractional ownership with other persons in the common areas of the project and submitted to the provisions of Ohio R.C. Chapter 5311.

(48) Congregate Living Facility: Any building, residence or other place which operator provides personal services except skilled nursing services for up to 8 persons. Such facilities contain only congregate kitchen, dining and living areas with separate sleeping rooms. (Ord. 88-10. Passed 1-10-89.)

(49) Conservation Subdivision: The grouping of homes onto part of a parcel, with the remaining acreage preserved as open space lands. Conservation subdivision developments emphasize the preservation of natural environment as a basis for grouping of dwellings. Homes are separated from adjacent property or other groupings of dwellings by the substantial open space that is permanently protected from development. (Ord. 99-12. Passed 7-13-99.)

(50) Contractor: Any third party engaged by an owner or producer to conduct drilling, producing or other operations.

(51) Corner Lot: See lot types.

(52) Council: The Hiram Village Council.

(53) Cul-de-sac: See thoroughfare.

(54) Cultural Resources: Sites, structures and artifacts which are associated with our heritage. Their significance is archeological, historical, aesthetic, architectural or has a local cultural significance.

(55) Cultural Resource District: An area designated by ordinance which must contain one or more archaeological, historic, aesthetic, architectural or culturally significant features and/or landmarks, or the Cultural Resource District may have significance because of a collection of structures, artifacts, or sites which may contribute to the overall integrity of the theme, but may have little significance individually.

(56) Dead-end Street: See thoroughfare.

(57) Dedication: The transfer of property from private to public ownership.

(58) Deleterious Matter: Any chemical, salt water, oil field brine, waste oil, waste emulsified oil, basic sediment, mud, or injurious substance produced or used in the drilling, development, transportation, refining and processing of oil and gas.

- (59) Density: A unit of measurement; the number of dwelling units per acre of land.
- A. Gross density: the number of dwelling units per acre of total land to be developed.
 - B. Net density: the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.
- (60) Division: The Division of Oil and Gas, Department of Natural Resources for the State of Ohio.
- (61) Dwelling: Any building or structure (except a manufactured home as defined by Ohio R.C. 4501.01) which is wholly or partly used or intended to be used for living or sleep by one or more human occupants.
- (62) Dwelling, Manufactured Home: Any non-self propelled vehicle, transportable in one or more sections, which in the traveling mode, is eight (8) feet or more in width or forty (40) body feet in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without foundation when connected to the required utilities and includes the plumbing, heating, and electrical systems contained therein.
- (63) Dwelling Unit: Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family.
- (64) Dwelling, Single Family: A detached dwelling, designed exclusively for occupancy by one family.
- (65) Dwelling, Two-Family: A building, designed and used exclusively by two (2) families, living independently of each other.
- (66) Dwelling, Multi-Family: A building, designed and used exclusively by three or more families, living independent of each other.
- (67) Dwelling, Modular: A factory assembled dwelling unit, which when constructed or placed on the site, is self sufficient, except for necessary preparations for its placement, but not a mobile home or manufactured home. Modular homes must meet the requirements of the Ohio Building Code as adopted by Portage County.
- (68) Dwelling, Dormitory: A building, or part thereof, owned and operated by a school or college, where meals and/or lodging are provided for fees, for three or more unrelated persons.
- (69) Dwelling, Row House/Town House: Three or more one-family units, each having access on the first floor to the ground with common walls separating the dwelling units.
- (70) Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property.
- (71) Entertainment Facilities: Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

(72) Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission or distribution systems, collection, communications, supply or disposal systems, or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or similar equipment and accessories in connection therewith, which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety or general welfare, but not including buildings.

(73) Family: One person, a group of persons related by blood, marriage or legal adoption, or up to two unrelated, adult individuals in a dwelling unit.
(Ord. 88-10. Passed 1-10-89.)

(74) Fence: A barrier two feet or taller which appears to be permanent.
(Ord. 91-13. Passed 9-10-91.)

(75) Flood Plain: That land, including the flood fringe and the floodway, subject to inundation by the regional flood. (100 year interval average frequency).

(76) Floodway: That portion of the flood plain, including the channel which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

(77) Floodway Fringe: That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

(78) Floor Area, Gross: The sum of all the horizontal areas of every floor of a building, measured from the interior faces of the exterior walls. Except as otherwise specified, the floor area of a building includes halls, stairways, elevator shafts, floor space used for mechanical equipment, attached garages, roofed porches, attics with 7'10" headroom, floor area devoted to accessory uses.

(79) Floor Area, Living: The sum of the gross horizontal area of the floors of a residential building, excluding the basement floor areas not devoted to residential use: porches, terraces, garages, or other spaces not in compliance with Building Code specifications for habitable space.

(80) Floor Area, Ratio: The total floor area of a building or buildings on a lot divided by the area of the lot. Example: floor area ratio of 2 on a 10,000 square foot lot allows a developer to have buildings not exceeding 20,000 square feet.

(81) Food Processing: The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

(82) Garages, Private: A detached accessory building or an accessory portion of a principal building for the parking or temporary storage of automobiles, travel trailers, and/or boats of the occupants of the premises.

(83) Garage, Public: A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

(84) Garage Sale: (Lawn sale, rummage sale). The sale of tangible personal property, which is advertised by any means where the public is or can be made aware of the sale.

(85) Garage, Auto Service Stations: Buildings and premises where repairs and servicing of vehicles is the primary use and where retail sales of auto parts and supplies may be made, incidental to the auto service and repair function.

(86) Gas: All natural and other fluid hydrocarbons not herein defined as oil, including condensate. "Condensate" means liquid hydrocarbons that were originally in a gaseous phase in the reservoir.

(87) Gas Station: Buildings or premises where gas, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed. Minor auto services may be rendered. Uses permissible at a gas station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. A gas station is not a repair shop or a body shop.

(88) Grade, Finished: The average level of the finished surface of the ground adjacent to the exterior walls of a building or in the case of earth bermed buildings, the ground adjacent to the berm.

(89) Grade, Natural: The elevation of the undisturbed natural surface of the ground prior to an excavation or fill. (Ord. 88-10. Passed 1-10-89.)

(90) Group Home (Adult): A housing and care facility licensed or certified to serve adults needing daily assistance, but not skilled nursing care, operating as a single housekeeping unit. (Ord. 2015-19. Passed 9-8-15.)

(91) Hospital: A building which maintains an establishment for the medical, surgical or psychiatric care of bed patients for longer than 24 hours; which is open to the general public 24 hours a day for emergency care; which has a minimum of ten patient beds, and an average of 2,000 patient days/year, and which has on duty a registered nurse 24 hours a day.

(92) Hotel or Motel and Apartment Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public as opposed to a boarding house, rooming house, lodging house, or dormitory.

(93) Institution - Human Care: A building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitation, counseling or other correctional services.

(94) Institution - Educational, Religious, Charitable: Buildings and/or land designed to aid individuals in educational, religious, charitable or other such pursuits. (Ord. 88-10. Passed 1-10-89.)

(95) Junk Shop, Junk Buildings, Junk Yards: Any area of at least 75 square feet of land, buildings, or structures, whether for private 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 stored; any land used for storing or keeping of two or more junk motor vehicles in the open, on any premises for more than 72 hours. (Ord. 88-10. Passed 1-10-89; Ord. 89-35. Passed 1-9-89.)

- (96) Junk Vehicles: Any vehicle meeting the following:
- A. Extensively damaged: such damage includes but is not limited to any one of the following: missing wheels, tires, motor or transmission; or
 - B. Inoperable; or
 - C. Unlicensed.
- (97) Kennel: Any lot or premises on which 2 or more dogs, more than 3 months of age, are bred, or trained.
- (98) Landscaping: Changing or adding to the original vegetation or scenery of a piece of land to produce an aesthetic affect appropriate for the land use.
- (99) Loading Space, Off-Street: Space logically and conveniently located for merchandise and material pickups and deliveries, by commercial vehicles on the same lot as the building or group of buildings and located totally outside of any street or alley right-of-way.
- (100) Location Map: See Vicinity Map.
- (101) Lot: A lot is a parcel of land sufficient in size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required.
- (102) Lot Coverage: The ratio of enclosed ground floor area to all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
- (103) Lot Depth Line: The mean horizontal distance between the right-of-way line and the rear lot line.
- (104) Lot Frontage: The horizontal distance measured between the side lot lines at the street right-of-way line.
- (105) Lot Width: The horizontal distance measured between the side lot lines at the building set back line.
- (106) Lot of Record: A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded prior to the effective date of this Zoning Code.
- (107) Lot Types:
- A. Corner Lot: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
 - B. Interior Lot: A lot with only one frontage on a street.
 - C. Through Lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
 - D. Reversed frontage lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

(108) Major Thoroughfare Plan: The portion of comprehensive plan adopted by the Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

(109) Maintenance and Storage Facilities: Land, buildings and structures devoted primarily to the maintenance and storage of construction equipment and material.

(110) Manufacturing, Light: Manufacturing or other industrial uses which are usually controlled operations: relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

(111) Manufacturing, Extractive: Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any mineral natural resource.

(112) Marquee: Any hood or awning of permanent construction projecting from the wall of a building, above an entrance over a street or sidewalk, or portion thereof.

(113) Manufactured Home Park: Any site, or tract of land under single ownership, upon which three or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.

(114) Nuisance: Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

(115) Nonconformities: A building, structure or use of land existing at the time of enactment of this Zoning Code, and subsequent amendments, and which does not conform to the regulations of the district or zone in which it is situated.

(116) Nursing Home: (Institutional) A state licensed home or facility for the care and treatment of people on a long term basis. (See Rest Home).

(117) Nursery, Plant Materials: Land, building, structure or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening and landscaping.

(118) Oil: Crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir.

(119) Oil and Gas Wells: All wells as defined herein for the production or extraction or injection of oil and/or gas and/or associated waste brines.
(Ord. 88-10. Passed 1-10-89.)

(120) Open Space: An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, and any other recreational facilities that the Planning Commission deems permissive. Streets, parking areas, structures for habitation, and required side, front and rear yards, and wetlands shall not be included. Bodies of water as well as any area within a designated flood hazard area, shall comprise more than 50 percent of the required common open space.

(Ord. 88-10. Passed 1-10-89; Ord. 97-34. Passed 2-10-98.)

(121) ORC: Shall mean the Ohio Revised Code.

(122) Owner: The person who has the right to drill on a tract or drilling unit and to drill into and produce from a pool and appropriate the oil and gas that is produced therefrom for themselves or others and as registered with the permit issued by the Ohio Division of Oil and Gas.

(123) Parking Space: An area adequate for parking an automobile with room for opening doors on both sides, exclusive of passageways and driveways giving access to the automobile.

(124) Performance Bond or Surety Bond: An agreement by a subdivider or developer with the Village of Hiram for the estimated amount of construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's or developer's agreement.

(125) Permittee: The person to whom is issued a permit or permits.

(126) Person: Shall mean and include any person, firm, partnership, association, corporation, trust, cooperative or other type of organization.

(127) Personal Services: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

(128) Planned Unit Development: An area of land in which a variety of housing types and subordinate commercial and industrial facilities may be accommodated in a unified, pre-planned environment under more flexible standards, such as lot sizes, and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

(129) Planning Commission: The public body empowered to prepare plans and administer land use controls.

(130) Professional Activities: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

(131) Plat: A map of a subdivision.

(132) Producer: The owner of a well capable of or producing oil or gas or both, or a person intending to produce an oil and/or gas well. Production shall include transmission of oil and gas within pipelines when used in this Zoning Code.

(133) Pollution: The contamination or other alteration of the physical, chemical or biological properties of any natural waters of the Village, or such discharge of any liquid, gaseous or solid substance into the air or any water of the Village that will or is likely to create a nuisance or render such air or waters harmful or detrimental or injurious to public health, safety or welfare; to domestic, commercial, agricultural, recreational or other beneficial uses; or to livestock, animals or aquatic life.

(134) Public Service Facility: The erection, construction, alteration, operation or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

(135) Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, bicycle path; or other ways in which the general public or a public entity have a right or which are dedicated, whether improved or not.

(136) Quaispublic Use: Churches, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic or non-profit nature.

(137) Recreation Facilities: Public or private facilities that may be classified as either “extensive” or “intensive” depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, bowling alleys and tennis courts.

(138) Recycling Facility: A building in which recyclable materials are processed for sale; materials are collected in enclosed containers.

(139) Research Activities: Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

(140) Rest Home or Nursing Home: (Non-Institutional) A facility licensed or certified to provide domiciliary care for 9 to 16 individuals who are dependent on the services of others by reasons of health, physical or mental impairment (not mental retardation or developmental disabilities) but who do not require skilled nursing care.

(141) Retirement Home Facility: A facility providing living quarters, either owned or rented to persons age 55 years of age or older. Such facility may be a single structure or a group of structures, and may include medical, recreational and commercial services if such services are available and predominantly designed for residents and their guests. Developed as a Planned Unit Development.

(142) Road Right-of-Way: A strip of land taken or dedicated or reserved for the public, or in the case of private streets, for the benefitting property owners.

(143) Roadside Stand: A temporary structure designed or used for display or sale of agricultural and related products by the owner or lessee of the property on which it is located. Products are sold from the premises.

(144) Satellite Signal Reception Device: A structure or combination of structures, designed to receive television broadcasts or other signals from earth orbiting communication satellites.

(145) Screening Strip: A strip of land planted with evergreen, shrubs, or other materials to serve as a natural fence, or to limit access of neighboring lots.

(146) Seat: For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed, or indicated, or each twenty-four (24) lineal inches of benches, pews or space for loose chairs.
(Ord. 88-10. Passed 1-10-89.)

(147) Setback Line: A line established by the Zoning Code, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, including but not limited to accessory buildings, and structures may be located above ground, except as may be provided in said Zoning Code.
(Ord. 98-22. Passed 10-13-98.)

(148) Sewers, On-Site: A septic tank, or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of the health department or other officials having jurisdiction.

(149) Sidewalk: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

(150) Sign: Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

- A. Sign, On-premises: Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
- B. Sign, Off-premises: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
- C. Sign, Illuminated: Any sign illuminated by electricity, gas or other artificial light including reflecting or phosphorescent light.
- D. Sign, Lighting Device: Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
- E. Sign, Ground and Pole: A sign supported by uprights or braces, placed on or in the ground.
- F. Sign, Projecting: Any sign which projects from the exterior of a building.
- G. Sign, Wall: A sign painted on, attached to the wall of a building with the exposed face of the sign in a plane parallel to the plane of the wall.

- H. **Sign, Area:** That area within a regular geometric form, or combination comprising all of the display area of the sign except frames and structural members not be used for advertising.

(151) **Site Plan:** The drawing for the development of a parcel, showing appropriate site features, structures or improvements, as proposed.

(152) **Story:** That part of a building between the surface of a floor and the ceiling immediately above.

(153) **Structure:** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences and signs.
(Ord. 88-10. Passed 1-10-89.)

(154) **Structures Not Requiring a Permit:** Anything constructed or erected, the use of which requires location on the ground or attached to something having a fixed location on the ground, with an outer perimeter less than 60 linear feet, with a surface area less than 200 sq. ft. and with a height less than 15 feet. Such structures may not be closer than 5 feet from any property line. Such structures may not be attached to a principal or accessory building changing its setback. Among other things, such structures include doghouses and their enclosed fenced-in areas, tool sheds, flagpoles, tree houses, garden fountains and ponds, swing sets and other customary family recreation structures. Signs, fencing and satellite dish antennas are not included in this definition but rather governed by a separate ordinance.
(Ord. 2001-20. Passed 8-21-01.)

(155) **Swimming Pool:** A pool, pond, lake or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager.

- A. **Family:** Exclusively used without paying an additional charge for admission by the residents and guests of a household.
- B. **Commercial/Community:** A body of water used for swimming for which there is a charge for use.

(156) **Thoroughfare, Street or Road:** The full width between property lines, with a part thereof to be used for vehicular traffic and designated as follows:

- A. **Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- B. **Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
- C. **Collector Street:** A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- D. **Cul-de-sac:** A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- E. **Dead-end street:** A street temporarily having only one (1) outlet for vehicular traffic.
- F. **Local street:** A street primarily for providing access to residential or other abutting property.

- G. **Loop street:** A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) Degree system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
- H. **Marginal Access Street:** A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called frontage street).
- I. **Private Street:** A thoroughfare not dedicated for public use which provides access to abutting property.
- J. **Street, Public:** A thoroughfare, dedicated and accepted by a community which provides access to abutting property.

(157) **Temporary Shelter:** A building operated under the full time supervision of a non-profit agency in which emergency lodging and meals are provided for a period not to exceed fourteen (14) days.

(158) **Through Lot:** See lot types.

(159) **Transportation, Director of:** The Director of the Ohio Department of Transportation.

(160) **Use:** The specific purpose for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained.

(161) **Variance:** A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in practical difficulty.

(162) **Veterinary Animal Hospital or Clinic:** A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

(163) **Vicinity Map:** A drawing located on the plat or drawing which sets forth by dimensions or other means, the relationship of the proposed subdivision or development, or use to the other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

(164) **Village:** The Village of Hiram, Ohio.

(165) **Village Engineer:** A licensed professional engineer with academic training and experience in engineering, and employed by the Village.

(166) **Village Geologist:** A professional geologist with academic training and experience in geology, and employed with the Village.

(167) Village Hydrologist: A professional hydrologist with expertise and training in the science of water, its properties, phenomena and distribution, particularly with reference to ground water sources who is employed with the Village.

(168) Village Petroleum Engineer: A professional engineer or geologist with academic training and experience in the field of petroleum exploration and extraction, who is employed by the Village.
(Ord. 88-10. Passed 1-10-89.)

(169) Wall: See fence. (Ord. 91-13. Passed 9-10-91.)

(170) Water or Waters of the Village: All streams, ditches, lakes, ponds, marshes, watercourses, waterways, wells, springs, drainage systems and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through or border upon the Village or any portion thereof.

(171) Well: Any hole or holes, bore or bores, to any depth for the purpose of production, recovery, extraction or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil filled waters.

(172) Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward, provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

- A. Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
- B. Yard, Rear: A yard extending between side lot lines across the rear of the lot and from the rear lot line to the rear of the principal building.
- C. Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

(173) Zoning Inspector: The person designated by the Village to perform the task of Zoning Inspector.

(174) Zoning Map: The official Zoning District Map which shows the boundaries of districts within the Village.

(175) Zoning Permit: A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.
(Ord. 88-10. Passed 1-10-89.)

**CHAPTER 1105
Administration**

1105.01 Zoning Inspector.	1105.09 Public hearing by the Planning Commission.
1105.02 Duties of the Zoning Inspector.	1105.10 Notice of public hearing.
1105.03 Planning Commission.	1105.11 Notice to parties in interest.
1105.04 Duties of the Planning Commission.	1105.12 Hearing continuation.
1105.05 Planning Commission powers and duties: appeals and variances.	1105.13 Action by the Planning Commission.
1105.06 Appeals procedure.	1105.14 Appeal on the Planning Commission's decision.
1105.07 Variances.	
1105.08 Supplementary conditions and safeguards.	

1105.01 ZONING INSPECTOR.

The Zoning Inspector, designated by the Mayor, with the approval of Council, shall administer and enforce the regulations of this Zoning Code. Assistance may be provided by other persons, as the Mayor may direct.
(Ord. 88-10. Passed 1-10-89.)

1105.02 DUTIES OF THE ZONING INSPECTOR.

The Zoning Inspector shall have the following duties:

- (a) Upon finding that any provisions of this Zoning Code are being violated, the Zoning Inspector shall notify, in writing, the person responsible for the violation, and order the action necessary to correct the violation, citing the section of the Zoning Code the violation pertains to.
(Ord. 88-10. Passed 1-10-89.)
- (b) Order, in writing, discontinuance of illegal uses of land, buildings, and structures.
- (c) Order, in writing, removal of illegal buildings or structures or illegal additions or structural alterations.
- (d) Order, in writing, discontinuance of any illegal work being done.
(Ord. 88-10. Passed 1-19-89; Ord. 89-35. Passed 1-9-90.)

- (e) Issue zoning permits and occupancy permits in conformance with the provisions of this Zoning Code.
- (f) Take any other action authorized by this Zoning Code, to ensure compliance with or prevent violations of this Zoning Code.
- (g) Maintain a list of nonconforming uses with location and exact nature of the existing nonconformity.
- (h) Administrative duties as necessary and permissible.
(Ord. 88-10. Passed 1-10-89.)

1105.03 PLANNING COMMISSION.

The Village Planning Commission, as established by Council, shall consist of five members who shall be: the Mayor, one member of Council, who shall serve for the remainder of his/her term in office, and three citizens of the Village, to be appointed by the Mayor, for terms of six years each. All members shall serve without compensation.
(Ord. 88-10. Passed 1-10-89.)

1105.04 DUTIES OF THE PLANNING COMMISSION.

In addition to any duties prescribed by Ohio R.C. Chapter 713, the Planning Commission shall have the powers to administer Section 1105.05 - Appeals and Variances, Section 1135.02 - Conditional Zoning Permits, Chapter 1111 - Site Plan Review, and Chapter 1137 - Amendments, as well as any other references to Administrative body action as specified in this Zoning Code.
(Ord. 88-10. Passed 1-10-89.)

1105.05 PLANNING COMMISSION POWERS AND DUTIES: APPEALS AND VARIANCES.

In exercising its duties, the Planning Commission may:

- (a) Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Inspector. As long as such action is in conformity with the terms of this Zoning Code, the Planning Commission may reverse or affirm, wholly or partly, or modify the order, requirements, decision or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken.
- (b) Authorize such variances from the terms of this Zoning Code as will not be contrary to the public interest, where owing to the special conditions, a literal enforcement of this Zoning Code will result in practical difficulty and so that the spirit of this Zoning Code shall be observed and substantial justice done.

All members of the Commission shall have one (1) vote. The concurring vote of four (4) members of the Commission shall be necessary to reverse or modify any order, requirement, decision or determination of the Zoning Inspector, or to decide in favor of the applicant for any appeal or variance. (Ord. 2004-43. Passed 1-11-05.)

1105.06 APPEALS PROCEDURE.

(a) Appeals to the Planning Commission concerning interpretation or administration of this Zoning Code, may be taken by any person aggrieved by any decision of the Zoning Inspector or their designee by filing with the Secretary of the Planning Commission, a notice of appeal on the application specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall receive a copy of the application, whereupon the Zoning Inspector shall transmit to the Planning Commission, all the papers constituting the record upon which the action appealed from was taken.

(b) The applications for appeal shall specify the decision and provisions of the Zoning Code from which the appeal is sought and the grounds thereof.

(c) The applicant for an appeal shall pay a fee as specified in Section 1107.09 of this Zoning Code to accompany this application.
(Ord. 88-10. Passed 1-10-89.)

1105.07 VARIANCES.

The Planning Commission may authorize application in specific cases such variance from the terms of this Zoning Code, as will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the provisions of this Zoning Code, would result in practical difficulty. A written application shall be submitted to the Secretary of the Planning Commission, who shall submit a copy to the Zoning Inspector, who shall thereupon transmit any records relevant to the case to the Commission Secretary.

The application shall specify the provisions of this Zoning Code from which a variance is requested and the grounds thereof.

The applicant shall pay a fee as specified by Section 1107.09, to accompany the application.

A variance may only be granted when there is evidence that:

- (a) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.
- (b) That a literal interpretation of the provisions of this Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Code.
- (c) Special conditions and circumstances which exist do not result from the actions of the applicant.
- (d) That granting the variance requested will not permit a use not allowed by the existing Zoning Code.
- (e) The variance is not passed exclusively on a desire to increase property value or for other financial gain.
- (f) Granting the variance will not be contrary to the interest, purpose and objective of this Zoning Code, and will not be detrimental to the public health, safety, convenience and general welfare.
- (g) The variance would be the minimum necessary to alleviate the hardship or difficulty.

When applying for a variance, the applicant shall state and substantiate the claim that the conditions alone do exist and the above standards can be met.

(Ord. 88-10. Passed 1-10-89.)

1105.08 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.

In granting any appeal or variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violations of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Zoning Code, and punishable under Section 1107.10.

(Ord. 88-10. Passed 1-10-89.)

1105.09 PUBLIC HEARING BY THE PLANNING COMMISSION.

The Planning Commission shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the applicant.
(Ord. 2004-43. Passed 1-11-05.)

1105.10 NOTICE OF PUBLIC HEARING.

Before holding the public hearing required in Section 1105.09, notice of such hearing shall be given in one or more newspapers of general circulation of the Village, at least ten (10) days before the date of such hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.
(Ord. 88-10. Passed 1-10-89.)

1105.11 NOTICE TO PARTIES IN INTEREST.

(a) Before holding the public hearing required in Section 1105.09, written notice of such hearing shall be mailed by the Chairperson of the Planning Commission, by certified mail, at least 10 days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1105.10. At a minimum, the notice shall be mailed to owners of property within 500 feet, contiguous to and directly across the street from any part of the property which is subject to an appeal or variance. Written notice shall be sent to the applicant by certified mail at least ten (10) days prior to the public hearing. Notices shall be sent to addresses of property owners appearing on the current tax duplicate of the County.

(b) Failure of delivery of such notice shall not invalidate the action of the Planning Commission.

(c) Other parties of interest may be Council and others as deemed necessary to notify.
(Ord. 88-10. Passed 1-10-89.)

1105.12 HEARING CONTINUATION.

The Planning Commission members may recess such public hearing as necessary to gather additional information or evidence needed to make a decision and, if the time and place of the continued hearing is publicly announced at the adjournment, no further notices shall be required.
(Ord. 88-10. Passed 1-10-89.)

1105.13 ACTION BY THE PLANNING COMMISSION.

Within thirty (30) days after the public hearing, as required in Section 1105.09, unless an extension of time is agreed upon by the Planning Commission and the applicant, the Planning Commission shall either approve, approve with supplementary conditions as specified in Section 1105.08, or disapprove the request for an appeal or variance. The Planning Commission shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. Appeals from the Commission's decisions shall be made in the manner specified in Section 1105.14.

A certified copy of the decision shall be transmitted to the applicant and the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector, and shall incorporate the terms and conditions of the decision in any permit or certificate issued to the applicant whenever such permit is authorized by the Planning Commission.
(Ord. 88-10. Passed 1-10-89.)

1105.14 APPEAL ON THE PLANNING COMMISSION'S DECISION.

Any person aggrieved by an action or decision of the Planning Commission, including Village officials, may appeal a decision of the Planning Commission to the Portage County Court of Common Pleas.

The appellant shall deposit fifty dollars (\$50.00) with the Village Fiscal Officer to pay the actual costs of preparing the transcript of the record for filing with the Common Pleas Court. The deposit shall accompany the praecipe ordering the transcript and the Secretary of the Planning Commission shall not be required to prepare the transcript until the deposit is paid. The appellant shall be entitled to a refund of the unused portion of the deposit upon conclusion of the appeal or other refund as may expressly ordered by the Court.

(Ord. 2004-43. Passed 1-11-05.)

**CHAPTER 1107
Enforcement**

1107.01	Zoning permits required.	1107.08	Maintenance of records.
1107.02	Application for zoning permit.	1107.09	Schedule of fees, charges and expenses.
1107.03	Conditional zoning permit.	1107.10	Violations.
1107.04	Issuance of zoning permits.	1107.11	Penalties.
1107.05	Submission to Director of Transportation.	1107.12	Special costs.
1107.06	Expiration of zoning permit.		
1107.07	Certificate of occupancy.		

1107.01 ZONING PERMITS REQUIRED.

No building or other structure shall be erected, moved, added to or structurally altered nor shall any building, structure, or land be demolished, established or changed in use without a permit therefore, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Zoning Code unless the Zoning Inspector receives a written order from the Planning Commission deciding an appeal.
(Ord. 88-10. Passed 1-10-89; Ord. 89-35. Passed 1-9-90.)

1107.02 APPLICATION FOR ZONING PERMIT.

Applications for zoning permits shall be submitted to the Zoning Inspector and must be completed in full and accompanied by the appropriate fee as specified by Section 1107.09. Said application shall include the following information:

- (a) Name, address and phone number of applicant;
- (b) Legal description of property;
- (c) Existing use;
- (d) Proposed use;
- (e) Zoning district;
- (f) Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration; location of all nearby streets;

- (g) Building heights;
- (h) Number of off-street parking spaces or loading berths; open space;
- (i) Number of dwelling units; occupants, employees; bedrooms; and
- (j) Such other matters as may be necessary to determine conformance with and provide for the enforcement of this Zoning Code.
(Ord. 88-10. Passed 1-10-89.)

1107.03 CONDITIONAL ZONING PERMIT.

All applications for a conditional zoning permit shall follow the application procedure provided for in Chapter 1135.

(Ord. 88-10. Passed 1-10-89.)

1107.04 ISSUANCE OF ZONING PERMITS.

Zoning permits shall be issued by the Zoning Inspector within ten (10) working days after receipt of the application under the following conditions:

- (a) The application is for a permitted use and it meets all of the requirements of this Zoning Code. If denied, the Zoning Inspector shall give written notice of denial and state reasons for denial including sections of the Zoning Code that the applicant does not comply with;
- (b) If application is a conditional use, the applicant has received approval of the Planning Commission as regulated by Chapter 1135;
- (c) Upon approval of a variance or appeal by the Planning Commission;
- (d) Upon approval of site plan for those uses requiring site plan review as regulated by Chapter 1111.

The Zoning Inspector shall sign and mark the copies of plans approved and date the permit was issued and return one set to the applicant or if disapproved, sign and date. One copy of the plans shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted during construction in a conspicuous place on the property in question, attesting to the fact that the construction or alteration is in conformance with the provisions of this Zoning Code.
(Ord. 2004-43. Passed 1-11-05.)

1107.05 SUBMISSION TO DIRECTOR OF TRANSPORTATION.

Before any zoning permit is issued affecting any land within three-hundred feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or any land within a radius of five-hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail to the Director of Transportation that he shall not issue a zoning permit for one-hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one-hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Zoning Code, issue the zoning permit.

(Ord. 88-10. Passed 1-10-89.)

1107.06 EXPIRATION OF ZONING PERMIT.

If the work described in any zoning permit has not begun within one year from the date of issuance, said permit shall expire; and it shall be revoked by the Zoning Inspector. Written notice thereof shall be given to the person affected.

If the work described in any zoning permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice shall be given to the persons affected, with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted by the Planning Commission.
(Ord. 88-10. Passed 1-10-89.)

1107.07 CERTIFICATE OF OCCUPANCY.

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof created, erected, changed, converted, or altered or enlarged in its use or structure until a certificate of occupancy shall have been issued by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Zoning Code.

A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion. (Ord. 88-10. Passed 1-10-89.)

1107.08 MAINTENANCE OF RECORDS.

The Zoning Inspector shall maintain in the Village office:

- (a) Permanent records of all applications, fees, bonds, certificates, plans, meeting notices, hearings, special studies, amendments and other activities and actions conducted in the administration and enforcement of this Zoning Code;
- (b) A list of nonconforming uses;
- (c) An original or master copy of the Zoning Code maintained current with amendments; and
- (d) A master copy of the Zoning District Map maintained current with amendments.
(Ord. 88-10. Passed 1-10-89.)

1107.09 SCHEDULE OF FEES, CHARGES AND EXPENSES.

The Village Council shall by ordinance, establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this Zoning Code requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Clerk of Council and may be altered or amended only by the Village Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.
(Ord. 88-10. Passed 1-10-89.)

1107.10 VIOLATIONS.

Whenever a violation of this Zoning Code occurs, or is alleged, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take action within thirty (30) days from the date of receipt of the complaint.

Any person found to be violating the provisions of this Zoning Code shall be notified in writing and given thirty (30) days from the date of issuance of notice to correct said violation.

If the violation is not corrected within thirty (30) days, then Council, the Solicitor, Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by any violation of this Zoning Code, in addition to any 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, removal, reconstruction, enlargement, change, maintenance or use.
(Ord. 88-10. Passed 1-10-89.)

1107.11 PENALTIES.

Whoever violates any provision of this Zoning Code, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not more than one hundred dollars (\$100.00). Each day of continuation of a violation of this Zoning Code shall be deemed a separate offense.

If there is a conviction on a violation, the violator shall be responsible for payment of all legal, professional and other expenses of the Village in the case.
(Ord. 88-10. Passed 1-10-89.)

1107.12 SPECIAL COSTS.

When the Planning Commission or Board of Appeals find it necessary to cause special studies to be made, the applicant shall bear all reasonable direct and related costs. Reasonable refers to standard fees for the type of expertise and studies for the region.
(Ord. 88-10. Passed 1-10-89.)

**CHAPTER 1109
Nonconformities**

<p>1109.01 Intent.</p> <p>1109.02 Construction begun prior to zoning effective date.</p> <p>1109.03 Nonconforming lots of record.</p> <p>1109.04 Nonconforming uses of land.</p> <p>1109.05 Nonconforming structures.</p> <p>1109.06 Nonconforming uses of structures or of structures and land in combination.</p>	<p>1109.07 Repairs and maintenance.</p> <p>1109.08 Nonconforming conditional uses.</p> <p>1109.09 Certificate of nonconforming use.</p>
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1109.01 INTENT.

Within the districts established by this Zoning Code or amendments that may later be adopted, there exists lots, uses of land, structures, and uses of structures and land in combination which were lawful before this Zoning Code was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Zoning Code, or future amendments. It is the intent of this Zoning Code to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Zoning Code that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. (Ord. 88-10. Passed 1-10-89.)

1109.02 CONSTRUCTION BEGUN PRIOR TO ZONING EFFECTIVE DATE.

Nothing in this Zoning Code shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Zoning Code and upon which actual building construction has been carried on diligently, and completed within two (2) years of issuance of zoning permit. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently. (Ord. 88-10. Passed 1-10-89.)

1109.03 NONCONFORMING LOTS OF RECORD.

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Code notwithstanding limitations imposed by other provisions of this Zoning Code. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of other than lot area or width shall be obtained only through action of the Planning Commission.

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment in this Zoning Code, and if all or part of the lots with no buildings, do not meet the requirements established for lot width, and area, the land involved shall be considered to be an undivided parcel for the purposes of this Zoning Code and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Zoning Code, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Zoning Code.

(Ord. 88-10. Passed 1-10-89.)

1109.04 NONCONFORMING USES OF LAND.

Where, at the time of adoption of this Zoning Code, lawful uses of land exist which would not be permitted by the regulations imposed by this Zoning Code, the uses may be continued so long as they remain otherwise lawful, provided:

- (a) No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Code;
- (b) No such nonconforming uses shall be moved in whole or part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Zoning Code;
- (c) If any such nonconforming uses of land are discontinued or abandoned for more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Zoning Code for the district in which such land is located; and
- (d) No additional structure not conforming to the requirements of this Zoning Code shall be erected in connection with such nonconforming use of land.

(Ord. 88-10. Passed 1-10-89.)

1109.05 NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of this Zoning Code that could not be built under the terms of this Zoning Code by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
- (b) Should such nonconforming structure or nonconforming portion of structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this Code; and

- (c) Should any structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved. (Ord. 88-10. Passed 1-10-89.)

1109.06 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION.

If the lawful use involving individual structures or of a structure and land in combination, exists at the effective date of adoption or amendment of this Zoning Code, that would not be allowed in the district under the terms of this Zoning Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No existing structure devoted to a use not permitted by this Zoning Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
- (b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Zoning Code, but no such use shall be extended to occupy any land outside such building;
- (c) If no structural alterations are made, any nonconforming use of a structure or structure and land, may, upon appeal to the Planning Commission, be changed to another nonconforming use provided that the Planning Commission shall find that the proposed use is more appropriate to the district than the existing nonconforming use, in that it is less conflicting with surrounding land uses and comes closer to meeting the intent and purpose of the district in which it is located, than the current nonconforming use. In permitting such change, the Planning Commission may require appropriate conditions and safeguards in accordance with other provisions of this Code.
- (d) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district and the nonconforming use may not thereafter be resumed; and
- (e) When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years, the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
(Ord. 88-10. Passed 1-10-89.)

1109.07 REPAIRS AND MAINTENANCE.

On any nonconforming structure, or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
(Ord. 88-10. Passed 1-10-89.)

1109.08 NONCONFORMING CONDITIONAL USES.

Uses listed in the District in which they are located as conditional uses prior to enactment or amendment of this Zoning Code, shall be considered non-conforming uses if they do not fully comply with the conditions for the conditionally permitted uses established by this Zoning Code.
(Ord. 88-10. Passed 1-10-89.)

1109.09 CERTIFICATE OF NONCONFORMING USE.

The Zoning Inspector shall issue a certificate of nonconforming use to all known owners of property for which the use of land or structures does not conform to the uses listed in the District in which it is located.

No use of land, buildings or structures shall be made other than that specified on the Certificate of Nonconforming Use unless it is for a conforming use or the Planning Commission has approved a more conforming use as specified in Section 1109.06(c) hereof.

A copy of each Certificate of Nonconforming Use shall be retained by the Zoning Inspector and one copy filed in the Fiscal Officer's office.
(Ord. 88-10. Passed 1-10-89.)

**CHAPTER 1111
Site Plan Review**

1111.01 Purpose.	1111.07 Conformance to site plan approval.
1111.02 Application requirements.	1111.08 Staged development.
1111.03 Administrative and planning review.	1111.09 Financial guarantees.
1111.04 Administrative and planning review process.	1111.10 Design guidelines.
1111.05 Planning Commission review.	
1111.06 Notification of action.	

1111.01 PURPOSE.

The purpose of this chapter is to establish the procedures for site plan review as well as provide general site planning guidelines in order to assure that all the elements required in this Code are present in a site plan and that their design, location and relationship to one another, to the site and to adjacent properties are appropriate to achieve the intent and goals of this Code. These site planning guidelines are intended to benefit both the developer and the community.

The site planning guidelines are not intended to dictate specific tastes and architectural styles, but are intended to guide the site plan review process to make sure that significant design elements are considered in future development.

(Ord. 88-10. Passed 1-10-89.)

1111.02 APPLICATION REQUIREMENTS.

The Planning Commission shall conduct a site plan review for all projects to come before it as set forth in this chapter and all other applicable sections of this Zoning Code. Site Plan Review shall be required for the following types of projects/developments:

- (a) New construction of all permitted or conditionally permitted uses, except for single family, and two family dwellings that are not part of a platted subdivision, and all accessory uses, except those accessing to single and two family dwellings.
(Ord. 97-34. Passed 2-10-98.)
- (b) Projects listed in subsection (a) hereof, and conversions of existing structures which are contemplating an addition or expansion which should have at least one of the following effects:

- (1) Alterations or rearrangement of on-site parking which results in a reduction or increase in the number of parking spaces or placement within a required front yard area;
 - (2) Increasing floor area by 50% or more of the existing floor area; or
 - (3) Alteration of traffic flows by way of ingress and egress or within the site itself.
- (c) The construction of public or private off-street parking areas where they are permitted under this Zoning Code.
(Ord. 88-10. Passed 1-10-89; Ord. 90-8. Passed 6-12-90.)

1111.03 ADMINISTRATIVE AND PLANNING REVIEW.

When the Zoning Inspector has determined that a proposed project requires site plan review, an application form shall be sent or given to the developer or agent.
(Ord. 88-10. Passed 1-10-89; Ord. 89-35. Passed 1-9-90.)

The application for site plan review shall include the following items:

- (a) Application form completed.
- (b) Architectural plans (three (3) copies), showing exterior elevations and floor plans. If exterior elevations are not available, reasonable graphic representations may be submitted.
- (c) Site plan (ten (10) copies), showing the following items:
 - (1) General vicinity map;
 - (2) Property boundary lines;
 - (3) Elevation contours;
 - (4) Traffic and circulation plan;
 - (5) Adjacent streets;
 - (6) Parking and loading plan;
 - (7) Landscaping plan;
 - (8) Grading and erosion control surface drainage plan;
 - (9) Proposed signage;
 - (10) Existing structures; and
 - (11) Utilities plans.All site plan drawings shall be prepared by a professional engineer, architect, or surveyor, and shall have their seal on the plans.
- (d) The application shall be accompanied by a fee as specified by Section 1107.09 and applications without fees will not be processed.
- (e) A list of property owners within 500 feet of the property lines of subject property, as they appear on the County Auditor's current tax list or Treasurer's mailing list.
- (f) Copies of current tax maps for subject and above properties.
(Ord. 88-10. Passed 1-10-89.)

1111.04 ADMINISTRATIVE AND PLANNING REVIEW PROCESS.

Once a complete application for site plan review has been filed, the Zoning Inspector shall:

- (a) Circulate copies of the site plan to: Police Chief, Fire Chief, Superintendent of Utilities and such others as necessary for review and comments. The Secretary of the Planning Commission shall receive a copy of the site plan at the time the others are transmitted for informational purposes. Technical reviews shall be returned to the Zoning Inspector within thirty (30) days from the date mailed, unless the Zoning Inspector specified a longer time period on the review form. The technical reports and recommendations shall be presented in writing at the next appropriate meeting of the Planning Commission.
(Ord. 2004-43. Passed 1-11-05.)

- (b) Within five (5) working days of the return date, the Zoning Inspector shall arrange for a meeting with the applicant after the comments and recommendations have been returned, if there are any negative comments. Any necessary revisions should be made prior to the Planning Commission meeting.
- (c) Once all revisions are made from the administrative review and returned, the Zoning Inspector shall, within five (5) working days of re-submission, advise the Secretary of the Planning Commission that the site plan is ready for official review and provide copies of the administrative review reports, and any other appropriate documents, so that the Secretary may place the site plan on the next appropriate Planning Commission meeting agenda.
- (d) The Zoning Inspector shall notify the identified property owners and other interested parties by mail ten (10) days prior to the Planning Commission meeting, at which the subject site plan will be considered. The notice shall indicate an interested party may review a case file during normal business hours.
(Ord. 88-10. Passed 1-10-89.)

1111.05 PLANNING COMMISSION REVIEW.

Planning Commission shall then review the site plan to determine compliance with this Zoning Code and fulfillment of planning and design objectives. The Planning Commission shall approve, with concurrence of three (3) members, or disapprove within sixty (60) days of the date of this initial Planning Commission meeting. If modifications are required, the applicant shall be notified of necessary modifications. An extension of time may be taken if mutually agreed to in writing. If modifications are required, the Commission shall have an additional thirty (30) days to approve or disapprove the site plan once the modifications have been submitted at a Planning Commission meeting. (Ord. 88-10. Passed 1-10-89.)

1111.06 NOTIFICATION OF ACTION.

If a plan is disapproved, the applicant shall be notified. The plan may not be re-submitted to the Commission for one (1) year from the official decision, unless revisions are made to bring the site plan into conformance.

If approved, the applicant shall be notified. The Chairperson of the Planning Commission shall sign and date a copy of the approved plans, which shall become the officially approved site plan. From that date, the applicant shall have one (1) year to obtain a zoning permit from the Zoning Inspector. Failure to obtain the permit within one (1) year, shall cause the approved site plan to be invalid and the applicant must resubmit the site plan, applications and plans in conformity with current zoning regulations.
(Ord. 88-10. Passed 1-10-89.)

1111.07 CONFORMANCE TO SITE PLAN APPROVAL.

Site plan approval may be revoked if proposed development has not been issued a zoning occupancy permit or is found to be violating the requirements of this Zoning Code or any condition attached to site plan approval by the Planning Commission.

In order to revoke a site plan approval, the Commission shall schedule a hearing and notify the original applicant or project representatives twenty (20) days prior to the hearing by certified mail. (Ord. 88-10. Passed 1-10-89.)

1111.08 STAGED DEVELOPMENT.

Where a proposed site plan shows a staged development, the later stages may be constructed within five (5) years of when the initial stage is completed in conformance with Section 1111.06. After five (5) years, any development not begun shall be subject to resubmission to the site plan review process.
(Ord. 88-10. Passed 1-10-89.)

1111.09 FINANCIAL GUARANTEES.

Prior to issuance of zoning permits, a performance bond or other financial guarantee shall be placed on deposit with the Fiscal Officer to insure that site improvements, landscaping, surface drainage, sidewalks, etc. are installed in conformance with the approved site plan. The bond or guarantee shall be for construction cost estimate of the improvements based on an estimate approved by the Village Engineer or other Village official as designated by the Mayor, plus 20% of the estimate in lieu of increased costs, and shall be for a period not to exceed two (2) years and providing for the completed construction of the improvements within that period.
(Ord. 2004-43. Passed 1-11-05.)

1111.10 DESIGN GUIDELINES.

The following guidelines are to be used by those involved in site planning and design to guide the site planning process, and to serve as the Planning Commission's guidelines for judging appropriate site design features:
(Ord. 2004-43. Passed 1-11-05.)

(a) Relationship to Adopted Plans and Policies.

- (1) The site plan should reflect all Village plans and policies affecting the site, including neighborhood plans, key area plans, master concept plans, previously adopted planned unit residential, planned commercial or industrial development plans.
- (2) The site plan should be consistent with the statement of intent for the zoning district in which it is located.

(b) Site Planning/Open Space.

- (1) The natural topographic and landscape features of the site should be incorporated into the development wherever possible.
- (2) Buildings and open spaces should be in proportion and scale with existing structures and spaces in the surrounding area.
- (3) A site should not be so overcrowded as to cause unbalanced relationships of buildings to open space. Open space areas should not be unduly isolated from one another by unrelated physical obstructions such as buildings and paved vehicular areas, but rather, should be linked by open space corridors of reasonable width.
- (4) When possible, natural separations should be created on the site by careful planning of streets and clustering of buildings using natural land features and open space for separation. Cul-de-sacs and loop streets, coupled with open spaces, should be used to achieve separation and create identity for sub-areas on the site.

(c) Building Design and Orientation.

- (1) As dwelling unit intensities increase, greater opportunities for privacy should be provided by utilizing fences or walls to enclose internal views.
- (2) The primary living area of a dwelling or the primary activity area of a building should be oriented toward a natural site amenity where possible.
- (3) Buildings should be sited in an orderly, non-random fashion. Excessively long, unbroken building facades should be avoided.
- (4) Consideration should be given in the siting of mid and high rise buildings to the privacy of occupants of adjacent buildings.

(d) Stormwater Runoff. Stormwater runoff from the development should be handled, as much as possible, through a natural system of roadside swales and detention and retention facilities. These should be designed as an integral part of the open space amenities or the parking and circulation system on the site.

- (e) Circulation.
- (1) Street network. Short loop streets, cul-de-sacs and residential streets should be used for access to low density residential land uses in order to provide a safer living environment and a stronger sense of neighborhood identity. Access to arterial streets should be limited, whenever possible, to high density residential and non-residential land uses.
- (2) Street alignment.
- A. A combination tangent/curve street network should be used to respect the existing natural features of a site, provide visual interest and create a more practical alignment for efficient site planning of building clusters.
- B. Horizontal and vertical alignment of streets should be designed to minimize grading quantities. This includes working with the existing grade rather than against the grade to avoid excessive cut or fill. Particular effort should be directed toward securing the flattest possible grade near intersections.
- (3) Pedestrian circulation.
- A. Residential uses.
1. The complete separation of vehicular/pedestrian circulation should be achieved whenever possible.
 2. Walkways which provide access to parking, trash disposal facilities, mailboxes, service areas and community facilities should be approximately four (4) feet in width. Common area paths designed to carry heavier pedestrian traffic should generally be five (5) to six (6) feet in width in order to accommodate two (2) pedestrian lanes or one (1) pedestrian lane and one (1) bicycle lane.
- B. Nonresidential uses.
1. Off-street parking areas should be located within convenient walking distance to the use being served.
 2. Handicapped parking should be as near as possible to the structure to avoid crossing parking aiseways.
 3. Pedestrian and vehicular circulation should be separated as much as possible, either through crosswalk/pavement markings, signalization or complete grade separation.
- C. Path and sidewalk crossings should be located where there is good sight along the road. Ideally, street crossings should occur at intersections.
- (4) Parking lots and garages.
- A. When locating points of ingress and egress, consideration should be given to the location of existing access points, adjacent to and directly across the street from the site. Curb cuts should be shared by adjoining uses whenever possible.
- B. Parking areas should be screened and landscaped and traffic islands should be provided to protect circulating vehicles and to break-up the monotony of continuously paved areas.
- C. Drive-through establishments, such as banks, should be located to allow stacking space for peak hour operation and not restrict other parking lot circulation.

- D. Detached residential garages and carports should respect the location of adjacent garages and driveways and should be architecturally compatible with the principal structures on the site. When possible, garages should be incorporated as a screening element in the overall site plan and used to create private outdoor spaces and block objectionable views.
- (f) Architectural Character.
- (1) Continuity and compatibility.
- A. New development and infill development should be viewed as part of a cluster, block, neighborhood, or the entire community. Developments should be designed with the idea of being architecturally compatible with nearby structures or to screen incompatible elements of nearby development.
- B. Within the standards for the applicable zoning district, the height, scale and setback of each building should be compatible with existing or proposed adjoining buildings. Architectural style should not necessarily duplicate adjoining structures, but should be compatible in overall form, texture, color and rhythm.
- (2) Architectural style.
- A. The following is a checklist for evaluating architectural character and compatibility. The following elements should be considered in determining the architectural style or character of an area and whether a proposed development is compatible with surrounding uses:
1. Form (building footprint) are the structures small or massive; rectangular or linear; close together or far apart.
 2. Height - are the buildings primarily horizontal or vertical.
 3. Building materials - what are the predominant materials used; are there several materials used or only one or two.
 4. Colors - what are the predominant colors used on the buildings; are many colors or only a few colors used.
 5. Roof pitches - are the roofs sloped or flat; what specific roof types are used.
 6. Window and door details - what is the arrangement, proportion and design details of windows and doors.
 7. Complexity - are the building walls broken or unbroken; is the overall design simple or ornate.
 8. Paved areas and service areas - where is the location of parking garages and service areas; what is the amount and location of paving on the site; is the front yard paved; how do buildings relate to streets.
 9. Landscaping - what is the amount, location and type of landscaping and open space around the buildings and on the site.
 10. Signs and street furniture - what types and number of signs and street furniture are provided; where are they located in relationship to structures.
- B. Consistency in architectural style should be provided within a development or an infill area.

- C. The architectural style should be carried out in as authentic manner as possible.
 - D. Variety can be provided within a particular architectural style by subtly varying building form, setbacks, colors and materials.
- (g) Signs.
- (1) All signs, including wall, free-standing and window display should be of a complimentary style and proportion in design and in visual relationship to the site and its structures. Signs within a development should be compatible with each other and signs should not compete for attention with signs on adjoining premises.
 - (2) The colors, materials and lighting of every sign should be restrained, and harmonious with the building site to which it relates. Signs should define or enhance architectural elements of the building, not obscure or destroy them.
 - (3) The number of graphic elements on each sign should be held to the minimum legal needed to convey the sign's major message and should reflect simplicity, neatness and minimum wording, not only to avoid visual clutter, but to improve legibility.
 - (4) Signage on each building should be consolidated and coordinated.
 - (5) Signs should identify the name and type of establishment and not advertise products or brand names.
(Ord. 88-10. Passed 1-10-89.)
- (h) Climatic Considerations/Energy Conservation.
(Ord. 88-10. Passed 1-10-89; Ord. 89-3. Passed 1-9-90.)
- (1) Consideration should be given to both over and under-heated periods of the year when determining building locations. Desirable slope exposure is south-southeast.
 - (2) To maximize the effect of solar radiation in winter months and maximize shade in the summer months:
 - A. Deciduous trees should be used for summer shade and winter warmth;
 - B. Active living spaces should be oriented to the south for winter warmth;
 - C. Building overhangs should be designed to shield the high summer sun and expose the area to the lower winter sun.
 - (3) To reduce the impact of winter winds but maximize summer breezes:
 - A. Steeply pitched roofs should be used on the windward side to deflect wind and reduce the roof area effected by the winds;
 - B. Blank walls, garages, or storage uses should be used on north exposures;
 - C. North entrances should be protected with earth mounds, evergreens and walls and fences; and
 - D. Natural ventilation with prevailing summer breezes should be allowed for whenever possible.
(Ord. 88-10. Passed 1-10-89.)

**CHAPTER 1113
General Provisions**

<p>1113.01 Purpose.</p> <p>1113.02 Compliance; permitted uses.</p> <p>1113.03 Conversion of dwellings to more units.</p> <p>1113.04 Private swimming pools.</p> <p>1113.05 Commercial/community swimming pools.</p> <p>1113.06 Temporary buildings.</p> <p>1113.07 Parking and storage of vehicles.</p> <p>1113.08 Refuse storage/collection areas.</p> <p>1113.09 Setback requirements for corner lots.</p> <p>1113.10 Visibility at intersections.</p> <p>1113.11 Architectural projections.</p> <p>1113.12 Exception to height regulations.</p> <p>1113.13 Fences, walls, hedges.</p>	<p>1113.14 Side and rear yard requirements for nonresidential uses abutting residential districts.</p> <p>1113.15 Principal buildings.</p> <p>1113.16 Accessory buildings.</p> <p>1113.17 Prohibited uses.</p> <p>1113.18 Approved sewage facilities.</p> <p>1113.19 Business displays/outdoor storage.</p> <p>1113.20 Usable open space.</p> <p>1113.21 Architectural uses.</p> <p>1113.22 Satellite dish antennas (earth stations).</p> <p>1113.23 Garage/yard sales.</p> <p>1113.24 Minimum dwelling unit floor area.</p>
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1113.01 PURPOSE.

The purpose of this chapter is to provide for regulations which address health, safety, and general welfare concerns and problems that are the same for all zoning districts, or for more than one district. (Ord. 88-10. Passed 1-10-89.)

1113.02 COMPLIANCE; PERMITTED USES.

No building shall be erected, placed, converted, enlarged, demolish, reconstructed, or structurally altered, nor shall any building or land be used, arranged to be used, or designed to be used, in a manner which does not comply with all of the district provisions established by these regulations for the districts in which the building or land is located. Uses which are omitted from these regulations, not being specifically permitted, shall be considered prohibited until, by amendment, such uses are incorporated into these regulations.

Determination of whether or not a use is specifically permitted by virtue of being similar in character to a specified permitted use in the district shall be made by the Planning Commission based on the purpose of the district, adopted policies regarding development and this Zoning Code. The Planning Commission shall not have such authority regarding conditionally permitted uses. (Ord. 88-10. Passed 1-10-89.)

1113.03 CONVERSION OF DWELLINGS TO MORE UNITS.

A residence may not be converted to accommodate an increased number of dwelling units unless:

- (a) The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;
- (b) The lot area per family equals the lot area requirements for new structures in that district;
- (c) The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district; and
- (d) The conversion is in compliance with all other relevant codes and regulations.
(Ord. 88-10. Passed 1-10-89.)

1113.04 PRIVATE SWIMMING POOLS.

Private swimming pools shall be considered as an accessory use and must comply with the following conditions and requirements:

- (a) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located;
- (b) It may not be located closer than ten (10) feet to any property line;
- (c) The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition with a gate and lock; and
- (d) Above ground pools having vertical walls of at least four (4) feet above the surface grade shall be required to have fences and/or gates with locks, only at points of access to the pool. (Ord. 88-10. Passed 1-10-89.)

1113.05 COMMERCIAL/COMMUNITY SWIMMING POOLS.

Commercial/community swimming pools shall comply with the following conditions and requirements:

- (a) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
- (b) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line; and
- (c) The swimming pool and all of the areas used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the thoroughfare or adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.
(Ord. 88-10. Passed 1-10-89.)

1113.06 TEMPORARY BUILDINGS.

Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed within thirty (30) days of completion. (Ord. 89-35. Passed 1-9-90.)

1113.07 PARKING AND STORING OF VEHICLES.

Motor vehicles or trailers of any kind or type, without current license plates shall not be parked or stored on any property other than in a completely enclosed building. Only licensed recreational vehicles, noncommercial vehicles, noncommercial pickup trucks, motorcycles and autos may be parked on residential property.
(Ord. 88-10. Passed 1-10-89; Ord. 89-35. Passed 1-9-90.)

1113.08 REFUSE STORAGE/COLLECTION AREAS.

All trash and/or garbage collection areas greater than 180 gallons including dumpsters, shall be screened on any and all sides in plain view. (Ord. 2014-15. Passed 6-10-14.)

1113.09 SETBACK REQUIREMENTS FOR CORNER LOTS.

On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.
(Ord. 88-10. Passed 1-10-89.)

1113.10 VISIBILITY AT INTERSECTIONS.

On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and a half (2 1/2) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection, except for street trees, which are pruned at least eight (8) feet above established grade of the roadway so as not to obstruct or hinder a motorist's vision.
(Ord. 88-10. Passed 1-10-89; Ord. 89-35. Passed 1-9-90.)

1113.11 ARCHITECTURAL PROJECTIONS.

Open structures, such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard.
(Ord. 88-10. Passed 1-10-89.)

1113.12 EXCEPTION TO HEIGHT REGULATIONS.

The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. Such structures may exceed the height limit of the district provided:

- (a) Such structures shall not exceed the permitted height by more than fifteen (15) feet.
- (b) Such structures shall not have an area greater than 25% of the roof area of the building.
- (c) Such structures shall be incidental to the principal use.
- (d) Radio, TV antennas may be erected to any height provided they do not become hazardous.
- (e) Permitted or conditionally permitted public or semi-public buildings may be erected to a height not to exceed 35 feet.
(Ord. 88-10. Passed 1-10-89.)

1113.13 FENCES, WALLS, HEDGES.

Fences, walls and hedges are permitted in any required yard or edge of any yard provided:

- (a) Fences, walls or hedges along side or rear property lines shall not exceed six (6) feet in height above the grade.
- (b) Fences, walls or hedges along the front yard area shall not exceed four (4) feet in height.

- (c) Informal plantings may be higher than six (6) feet in height.
- (d) All fences, walls and hedges shall be well maintained and shall not become hazardous to neighboring uses or obstruct vision of motorists at intersections. (Ord. 88-10. Passed 1-10-89.)

1113.14 SIDE AND REAR YARD REQUIREMENTS FOR NONRESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS.

Nonresidential buildings or uses shall not be located nor conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty (50) percent of the requirement if acceptable landscaping or screening approved by the Planning Commission is provided. Such screening shall be a masonry or solid fence between four (4) and eight (8) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within fifty (50) feet of an intersection. (Ord. 88-10. Passed 1-10-89.)

1113.15 PRINCIPAL BUILDINGS.

No more than one dwelling shall be permitted on any lot unless specifically stated in these regulations (see Chapter 1133) and every principal building shall be located on a lot having the required frontage on a public street, or private street built to Hiram Village Subdivision Regulations standards. (Ord. 88-10. Passed 1-10-89.)

1113.16 ACCESSORY BUILDINGS.

Accessory buildings incidental to the principal use may be erected on a lot where a principal building already exists. Accessory buildings shall comply with the requirements applicable to the principal building.

Detached accessory buildings on nonconforming lots of record shall not be located closer than ten (10) feet to the main building and may not exceed fifteen (15) feet in height in residential districts. (Ord. 88-10. Passed 1-10-89.)

1113.17 PROHIBITED USES.

No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this Zoning Code and any additional conditions and requirements prescribed is or may become hazardous, noxious or offensive due to odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse, or wastes.

The following specific uses are prohibited in any area:

- (a) Storage, sale or manufacture of fireworks, or any other explosive.
- (b) Manufactured homes (mobile homes), manufactured home parks.
- (c) Dumping, storing, burying, reducing, disposing or burning of garbage, refuse, scrap metal, rubbish or dead animals, (except household pets in own yard), except as specifically permitted in Chapter 1117 to Chapter 1133.
- (d) Use of any vehicle for dwelling unit purposes. (Ord. 88-10. Passed 1-10-89.)
- (e) Junk motor vehicles, junk yards, auto grave yards or places for the collection of scrap metal, paper, rags, glass or junk for sale, salvage, or storage purposes or for dismantling used vehicles except as otherwise specifically permitted in Chapter 1117 to Chapter 1133. (Ord. 88-10. Passed 1-10-89; Ord. 89-35. Passed 1-9-90.)

- (f) Uses which pollute streams or ground water as defined by Ohio EPA.
(Ord. 88-10. Passed 1-10-89.)

1113.18 APPROVED SEWAGE FACILITIES.

No zoning permit shall be issued without evidence that the responsible health authority has approved of proposed sanitary sewage disposal facilities for the use proposed.
(Ord. 88-10. Passed 1-10-89.)

1113.19 BUSINESS DISPLAYS/OUTDOOR STORAGE.

All business services and merchandise displays shall be conducted within an enclosed building except as otherwise provided. There shall be no outdoor storage of materials, stock, merchandise, etc., related to any business or industrial use unless otherwise permitted in this Zoning Code. (Ord. 88-10. Passed 1-10-89.)

1113.20 USABLE OPEN SPACE.

Whenever required by this Zoning Code, usable open space shall be unobstructed to the sky and shall not be devoted to service driveways or off-street parking and loading areas.
(Ord. 88-10. Passed 1-10-89.)

1113.21 AGRICULTURAL USES.

The following regulations apply to agricultural uses:

- (a) Dogs, cats, household birds, guinea pigs and other species of animals commonly considered a household pet, may be permitted in any residential district, provided they are not raised, bred, or boarded for business purposes;
- (b) Outdoor pens or shelters for above animals shall conform to setback requirements of district in which it is located;
- (c) The maximum pen or shelter area shall not exceed one (1) percent of the minimum lot size requirement of the district;
- (d) Maximum height of pens or shelters shall be six (6) feet;
- (e) Animals other than those in subsection (a) hereof may only be kept on a lot over five (5) acres in size. Such animals may not be kept or sheltered, fed, watered, any closer than fifty (50) feet from any lot line, and 100 feet from any inhabited dwelling; and
- (f) Structures used for farm markets (roadside stands) to sell products and produce produced on the farm owned by the market operator are permitted in those districts indicated in this Zoning Code, provided:
 - (1) Such structure complies with side yard setback requirements of that district;
 - (2) Such farm market shall be located at least thirty (30) feet from the road right-of-way;
 - (3) Adequate ingress and egress and parking facilities are provided to allow cars to get off of the street and be able to turn around without blocking oncoming traffic;
 - (4) The height of farm market structures shall not exceed fifteen (15) feet;
 - (5) There shall only be one (1) farm market structure permitted per farm owner;
 - (6) Construction materials of the farm market shall be of materials that would blend with the principal building;
 - (7) Signs shall conform to the sign regulations of Chapter 1141; and

- (8) The floor area of a farm market sales structure shall not exceed twenty-five (25) percent of the principal building floor area if on the same lot or seven hundred fifty (750) square feet, whichever is less.
(Ord. 88-10. Passed 1-10-89; Ord. 89-35. Passed 1-9-90.)

1113.22 SATELLITE DISH ANTENNAS (EARTH STATION).

Satellite dish antennas are permitted as an accessory to a principal use, subject to the following requirements:

- (a) Ground Satellite Dishes.
(1) Permitted location: rear yard only.
(2) Base must be landscaped.
(3) Additional requirements: Ground satellite dishes must be anchored in the ground.
- (b) Satellite Dishes for Non-Residential Purposes in C, CR or I Districts.
(1) Permitted location:
A. Ground;
B. Roof of structure only if the dish is made of wire screen mesh material, and may not be mounted on any appurtenances, only the primary structure.
- (c) All Satellite Dishes.
(1) One (1) satellite dish per dwelling unit. No more than 2 satellite dishes for non-residential purposes.
(2) Maximum diameter: Eight (8) feet.
(3) Fee, as per Village Zoning fee schedule.
(4) Wire mesh dishes only are permitted and color of wire mesh must be compatible with the principal structure and appearance of the neighborhood.
(Ord. 88-10. Passed 1-10-89.)

1113.23 GARAGE/YARD SALES.

(a) No person or persons may conduct sales of household or other goods, new or used, at any residence in the Village for more than nine (9) consecutive days or two (2) consecutive weekends. (Ord. 89-35. Passed 1-9-90.)

(b) Such sales may be held no more than twice in any twelve-month period, and the time between the last day of one sale and the first day of the next may not be shorter than eight full weeks.

(c) Sales held by combined households will be considered one sale and the above restrictions will apply to all participants jointly or separately, regardless of a change of location within the residential zones of the Village.
(Ord. 88-10. Passed 1-10-89.)

1113.24 MINIMUM DWELLING UNIT FLOOR AREA.

In order to ensure healthy living conditions, prevent over-crowding and preserve neighborhood character, dwellings shall comply with the following standards as minimum living areas:

<u>Single Family</u>	
One story:	1,200 square feet
Two story:	1,700 square feet (minimum of 800 square feet must be on first floor).
<u>Two Family/Per Unit:</u>	
One story	1,000 square feet
Two story	1,300 square feet (minimum of 650 square feet must be on first floor).

(Ord. 88-10. Passed 1-10-89.)

**CHAPTER 1115
Zoning Districts**

1115.01 Purpose.

1115.02 Official Zoning Map.

1115.03 Interpretation of district boundaries.

1115.01 PURPOSE.

In order to accomplish the purpose set forth in Section 1101.02, and the specific purpose of each district, the following use districts are hereby established:

- O-C Open Space/Conservation District
- R-1 Low Density Residential District
- R-2 Residential District
- R-3 Residential District
- R-4 Residential District
- C Commercial District
- C-R College/Research District
- I Light Industrial District
- PD Planned Development

(Ord. 88-10. Passed 1-10-89.)

1115.02 OFFICIAL ZONING MAP.

The districts established in this chapter are shown on the Official Zoning Map which together with accompanying regulations herein is adopted as part of this Zoning Code. The Official Zoning Map shall be on file in the Office of the Fiscal Officer as well as the Village Zoning Inspector. (Ord. 88-10. Passed 1-10-89.)

1115.03 INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty may exist as to location of zoning district boundary lines shown on the Official Zoning Map, the following rules apply:

- (a) Where district boundary lines are indicated as approximately following the street center lines, such center lines shall be interpreted as the boundary line; and
- (b) Where district boundaries indicate that they approximately follow the lot lines, such lot lines shall be interpreted to be the boundary.

(Ord. 88-10. Passed 1-10-89.)

CHAPTER 1117
Open Space/Conservation District

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|------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| <p>1117.01 Purpose.</p> <p>1117.02 Uses.</p> <p>1117.03 Area, lot, height requirements.</p> | <p>1117.04 Conservation subdivision area, lot and height requirements.</p> |
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1117.01 PURPOSE.

The Open Space/Conservation District is established for the following purposes:

- (a) To reduce problems/hazards created by development of areas which are unsuitable due to topography, flooding, high water tables or are otherwise physically unsuitable for urban type uses; and
- (b) To preserve and protect areas with distinctive geologic, hydrologic, botanic, agricultural, wildlife habitat, and scenic/ecological value to the community and region. (Ord. 97-34. Passed 2-10-98.)

1117.02 USES.

Within the O-C District, only the following uses shall be permitted or conditionally permitted:

(a) Permitted Uses.

- (1) Agriculture;
- (2) Nature preserves;
- (3) Agricultural roadside stands;
- (4) Accessory buildings incidental to the principal uses;
- (5) Signs as regulated in Chapter 1141.

The Planning Commission may issue conditional zoning certificates for the following listed uses, subject to the general requirements of Section 1135.05 and the specific requirements of Section 1135.06, as referenced below:

(b) Conditionally Permitted Uses.

- (1) Single-family detached dwellings.
- (2) Platted conservation subdivisions as regulated by Chapter 1143.
- (3) Cemeteries, subject to Section 1135.06(b) and (m);
- (4) Government owned and/or operated uses and/or facilities subject to Section 1135.06(b), (e), (f), (k) and (m).
- (5) Government owned and/or operated parks subject to Section 1135.06(b), (c), (d), (e), (f) and (m).

- (6) Privately owned outdoor and/or operated outdoor recreation uses subject to Section 1135.06(b), (c), (d), (e), (f) and (m).
 - (7) Public utility rights-of-way and pertinent structures, subject to Section 1135.04(b), (e), (f), (k) and (m).
(Ord. 97-34. Passed 2-10-95.)
 - (8) An accessory building, for the exclusive purpose of providing an office and/or cafeteria area for a permitted use in this district. Overnight accommodations in such an accessory building are expressly prohibited.
(Ord. 2009-8. Passed 6-9-09.)
- (c) Prohibited Uses.
- (1) Platted conventional subdivisions.
(Ord. 97-34. Passed 2-10-98.)

1117.03 AREA, LOT, HEIGHT REQUIREMENTS.

- (a) Minimum lot size: 5 acres.
- (b) Minimum lot width at building setback line: 300 ft.
- (c) Minimum lot frontage: 100 feet.
- (d) Minimum front yard depth: 100 ft.
- (e) Minimum rear yard depth: 50 ft.
- (f) Minimum side yard depth: 25 ft.
- (g) Maximum building height: 35 ft.
(Ord. 97-34. Passed 2-10-98.)

1117.04 CONSERVATION SUBDIVISION AREA, LOT AND HEIGHT REQUIREMENTS.

- (a) Maximum Gross Density: One (1) dwelling unit per five (5) acres.
- (b) Lot Size. Lots may vary in size to encourage flexibility in site design.
- (c) Minimum Lot Width at Building Line: 60 ft.
- (d) Minimum Lot Frontage: 60 ft.
- (e) Minimum Front Yard Depth: 30 ft.
- (f) Maximum Front Yard Depth: 60 ft.
- (g) Minimum Side Yard Width: 10 ft.
- (h) Minimum Rear Yard Depth: 20 ft.
- (i) Maximum Building Height: 35 ft.
(Ord. 97-34. Passed 2-10-98.)

CHAPTER 1119
R-1 Low Density Residential District

1119.01 Purpose.	1119.04 Conservation subdivision area, lot and height requirements.
1119.02 Uses.	
1119.03 Area, lot, height requirements.	

1119.01 PURPOSE.

This Low Density Residential District is established to provide for single-family residential development as densities of 1 dwelling unit per acre which can be developed in a manner which will minimize impact on the environment and that is consistent with and maintains the Village's traditional character and pattern of development. This district is located within areas which planning studies have indicated would be suitable for and compatible with low density development which preserves open space and provides an alternative to modern suburban development. (Ord. 97-34. Passed 2-10-98.)

1119.02 USES.

The following uses are permitted or conditionally permitted as specified in this district:

- (a) Permitted Uses.
- (1) Single-family detached dwelling unit;
 - (2) Platted conservation subdivisions as regulated by Chapter 1143;
 - (3) Agricultural uses and structures;
 - (4) Agricultural roadside stands;
 - (5) Accessory buildings incidental to the principal use;
 - (6) Signs as regulated by Chapter 1141.
- (b) Conditionally Permitted Uses. The Planning Commission may approve issuance of conditional zoning permits for the following listed uses subject to the general conditions of Section 1135.05 and the specific requirements of Section 1135.06 specified below:
- (1) Government owned and/or operated uses and/or facilities subject to Section 1135.06(b), (c), (k) and (m).
 - (2) Home occupations subject to Section 1135.06(v).
 - (3) Cemeteries subject to Section 1135.06(b) and (m).
 - (4) Parks/playgrounds/golf courses or similar recreational facilities subject to Section 1135.06(b), (c), (d), (e), (f) and (m).

- (5) Public utility rights-of-way and pertinent structures, subject to Section 1135.06(b), (c), (f), (k) and (m).
- (6) Boarding/rooming houses, subject to Section 1135.06(a).
- (7) Bed and breakfast establishments, subject to Section 1135.06(a).
- (8) Single family attached dwelling unit subject to Section 1135.06(t).
- (9) Two family dwelling unit subject to Section 1135.06(t).
- (10) Platted conventional subdivisions subject to Section 1135.06(y).
(Ord. 97-34. Passed 2-10-98.)

1119.03 AREA, LOT, HEIGHT REQUIREMENTS.

- (a) Minimum lot size: 1 acre.
- (b) Minimum lot width at building line: 100 ft.
- (c) Minimum lot frontage: 100 ft.
- (d) Minimum front yard depth: 50 ft.
- (e) Minimum rear yard depth: 50 ft.
- (f) Minimum side yard width: 15 ft.
- (g) Maximum building height: 35 ft.
- (h) Maximum gross density for platted conventional subdivision: One dwelling unit per three (3) acres.
(Ord. 97-34. Passed 2-10-98.)

1119.04 CONSERVATION SUBDIVISION AREA, LOT AND HEIGHT REQUIREMENTS.

- (a) Maximum Gross Density: One (1) dwelling unit per one (1) acre.
- (b) Lot Size: Lots may vary in size to encourage flexibility in site design.
- (c) Minimum Lot Width at Building Line: 60 ft.
- (d) Minimum Lot Frontage: 50 ft.
- (e) Minimum Front Yard Depth: 25 ft.
- (f) Maximum Front Yard Depth: 50 ft.
- (g) Minimum Side Yard Width: 10 ft.
- (h) Minimum Rear Yard Depth: 20 ft.
- (i) Maximum Building Height: 35 ft.
(Ord. 97-34. Passed 2-10-98.)

**CHAPTER 1121
R-2 Residential District**

1121.01 Purpose. 1121.02 Uses. 1121.03 Area, lot, height requirements.	1121.04 Conservation subdivision area, lot and height requirements.
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1121.01 PURPOSE.

This District is established to provide for areas of residential development at densities not to exceed two dwelling units per acre that are an extension of the Village's traditional character and pattern of development, rather than stand in contrast to it. New developments should provide open space and avoid the excessive sprawl of modern suburban development. (Ord. 97-34. Passed 2-10-98.)

1121.02 USES.

The following uses are permitted or conditionally permitted as specified in this district:

- (a) Permitted Uses:
- (1) Single-family detached dwelling units.
 - (2) Platted conservation subdivisions as regulated by Chapter 1143.
 - (3) Accessory buildings, incidental to the principal use.
 - (4) Signs, as regulated by Chapter 1141.
- (b) Conditionally Permitted Uses: The Planning Commission may issue conditional zoning permits for the following uses subject to the general conditions of Section 1135.05 and the specific requirements of Section 1135.06 as specified below:
- (1) Two family dwelling units subject to Section 1135.06(20).
 - (2) Single family attached dwelling units subject to Section 1135.06(t).
 - (3) Home occupations subject to Section 1135.06(v).
 - (4) Cemeteries subject to Section 1135.06(b) and (m).
 - (5) Government owned/operated uses and/or facilities subject to Section 1135.06(b), (e), (k) and (m).
 - (6) Parks/playgrounds/golf courses or similar recreational facilities subject to Section 1135.06(b), (c), (d), (e), (f), (k) and (m).
 - (7) Churches and other buildings for religious worship subject to Section 1135.06(b), (d), (h), (k) and (m).

- (8) Public utility rights-of-way and pertinent structures, subject to Section 1135.06((b), (c), (f), (k) and (m).
- (9) Bed and Breakfast establishments, subject to Section 1135.06(a).
- (10) Public, parochial schools, subject to Section 1135.06(b) (e), (f), (m), (k) and (y).
- (11) Institutions for higher education, subject to Section 1135.06(b), (k) and (m).
- (12) Family day care facilities, subject to Section 1135.06(c), (e), (f), (k) and (m).
- (13) Agriculture use, other than those specified in Section 1113.21, subject to ?.
- (14) Boarding/rooming houses subject to Section 1135.06(a).
- (15) Platted conventional subdivisions subject to Section 1135.06(y).
(Ord. 97-34. Passed 2-10-98.)

1121.03 AREA, LOT, HEIGHT REQUIREMENTS.

- (a) Minimum Lot Size.
 - (1) Single-family: 20,000 sq. ft.
 - (2) Two-family: 40,000 sq. ft.
- (b) Minimum Lot Width at Building Line: 100 ft.
- (c) Minimum Lot Frontage: 60 ft.
- (d) Minimum Front Yard Depth: 40 ft.
- (e) Minimum Rear Yard Depth: 30 ft.
- (f) Minimum Side Yard Width: 10 ft.
- (g) Maximum Building Height: 35 ft.
- (h) Maximum Gross Density for Platted Conventional Subdivision: One dwelling unit per one and one-half (1.5) acres.
(Ord. 97-34. Passed 2-10-98.)

1121.04 CONSERVATION SUBDIVISION AREA, LOT AND HEIGHT REQUIREMENTS.

- (a) Maximum Gross Density: One (1) dwelling unit per one-half (½) acre.
- (b) Lot Size: Lots may vary in size to encourage flexibility in site design.
- (c) Minimum Lot Width at Building Line: 60 ft.
- (d) Minimum Lot Frontage: 60 ft.
- (e) Minimum Front Yard Depth: 25 ft.
- (f) Maximum Front Yard Depth: 50 ft.
- (g) Minimum Side Yard Width: 10 ft.
- (h) Minimum Rear Yard Depth: 20 ft.
- (i) Maximum Building Height: 35 ft.
(Ord. 97-34. Passed 2-10-98.)

**CHAPTER 1123
R-3 Residential District**

1123.01 Purpose.
1123.02 Uses.

**1123.03 Area, lot, height
requirements.**

1123.01 PURPOSE.

This residential district is established to accommodate residential development of approximately four dwelling units/acre to allow for development within the existing built-up area of the Village as well as reasonable development of land closer to the central area of the Village which is compatible with existing and anticipated development in the district.
(Ord. 88-10. Passed 1-10-89.)

1123.02 USES.

The following uses are permitted or conditionally permitted as specified:

(a) Permitted Uses:

- (1) Single-family dwellings;
- (2) Two-family dwellings;
- (3) Accessory buildings incidental to the principal use;
- (4) Signs as regulated by Chapter 1141.

(b) Conditionally Permitted Uses: The Planning Commission may approve the issuance of conditional zoning permits for the following uses subject to the general conditions of Section 1135.05 and the specific conditions of Section 1135.06 as specified below:

- (1) Parks and playgrounds subject to Section 1135.06(c), (e), (f), (k) and (l).
- (2) Home occupations subject to Section 1135.06(u).
- (3) Governmentally owned/operated facilities subject to Section 1135.06(b), (e), (k) and (l).
- (4) Institutions for higher education subject to Section 1135.06(k) and (l).
- (5) Quasi-public recreational, instructional and meeting facilities used for fraternal or community service groups subject to Section 1135.06(b), (k) and (l).
- (6) Public utility rights-of-way and pertinent structures, subject to Section 1135.06(b), (e), (f), (k) and (l).

- (7) Bed and Breakfast establishments, subject to Section 1135.06(a).
- (8) Boarding/rooming houses, subject to Section 1135.06(a).
- (9) Single family dwelling unit occupied by not more than five unrelated individuals. (Ord. 88-10. Passed 1-10-89.)
- (10) Group homes subject to Section 1135.06(k) and (z). (Ord. 2015-19. Passed 9-8-15.)

1123.03 AREA, LOT, HEIGHT REQUIREMENTS.

- (a) Minimum lot size:
 - (1) Single-family: 8,000 sq. ft.
 - (2) Two-family: 16,000 sq. ft.
- (b) Minimum lot width at the building line:
 - (1) Single family: 50 ft.
 - (2) Two family: 70 ft.
- (c) Minimum lot frontage: 50 ft.
- (d) Minimum front yard depth: 30 ft.
- (e) Minimum rear yard depth: 20 ft.
- (f) Minimum side yard width:
 - (1) Buildings of more than 200 sq. ft.: 20 ft.
 - (2) Buildings of 200 sq. ft. or less: 10 ft.
- (g) Maximum building height: 35 ft.
(Ord. 88-10. Passed 1-10-89.)

CHAPTER 1125
R-4 Special Residential District

1125.01 Purpose.	1125.04 Parking requirements.
1125.02 Uses.	1125.05 Site plan review and conformance.
1125.03 Area, lot, height requirements.	

1125.01 PURPOSE.

This residential district is established to accommodate multifamily residential development of approximately nine dwelling units/acre. This district has been established to allow for PUD (planned unit development) on sites under the 30 acre limit set forth in Section 1208.840. (Ord. 2008-19. Passed 9-16-08.)

1125.02 USES.

The following uses are permitted or conditionally permitted as specified:

- (a) Permitted Uses.
- (1) Single-family dwellings;
 - (2) Two-family dwellings;
 - (3) Multi-family (apartments/condominiums), three plus units;
 - (4) Accessory buildings incidental to the principal use;
 - (5) Signs, as regulated by Chapter 1141.
- (b) Conditionally Permitted Uses. The Planning Commission may approve the issuance of conditional zoning permits for the following uses subject to the general condition of Section 1135.05 and the specific conditions of Section 1135.06 as specified below:
- (1) Parks and playgrounds subject to Section 1135.06(c), (e), (f) and (k).
 - (2) Home occupations subject to Section 1135.06(u).
 - (3) Government owned/operated facilities subject to Section 1135.06(b), (k) and (l).
 - (4) Public utility rights-of-way subject to Section 1135.06(b), (e), (f), (k) and (l).
 - (5) Bed and breakfast establishments, subject to Section 1135.06(a).
 - (6) Boarding/rooming houses, subject to Section 1135.06(a).
- (Ord. 2008-19. Passed 9-16-08.)

1125.03 AREA, LOT, HEIGHT REQUIREMENTS.

- (a) Minimum lot size:
 - (1) Single-family: 6,000 sq. ft.
 - (2) Two-family: 12,000 sq. ft.
 - (3) Multi-family (three plus units): 4840 sq. ft. per unit.
- (b) Minimum lot width at the building line:
 - (1) Single-family: 50 ft.
 - (2) Two-family: 70 ft.
 - (3) Multi-family, (three plus units): 36 ft. per unit.
- (c) Minimum lot frontage: 50 ft.
- (d) Minimum front yard depth: 30 ft.
- (e) Minimum rear yard depth:
 - (1) Buildings of more than 200 sq. ft.: 20 ft.
 - (2) Buildings of 200 sq. ft. or less: 10 ft.
- (f) Minimum side yard width: 10 ft.
- (g) Maximum building height: 35 ft.
- (h) Areas developed as multi-family (three plus units), when adjacent to an R1, R2, or R3 district screening or obscuring wall shall be located along each side and rear lot line. Planted screens shall follow the following specifications:
 - (1) Screen shall be of pine, Norway spruce, or plants of similar screening ability.
 - (2) Plants/trees shall be of a species that will produce, within two years, a dense screen barrier at least 8 feet in height.
 - (3) Screening shall be maintained and screening material which does not live shall be replaced within one year.
 - (4) Trees shall be planted in a staggered row with no more than 10 feet between trees.(Ord. 2008-19. Passed 9-16-08.)

1125.04 PARKING REQUIREMENTS.

- As regulated by Chapter 1139.
(Ord. 2008-19. Passed 9-16-08.)

1125.05 SITE PLAN REVIEW AND CONFORMANCE.

All two-family and multi-family units shall only be permitted after review and approval of site plan has been given by the Planning Commission, in accordance with the requirements of Chapter 1111 Site Plan Review. (Ord. 2008-19. Passed 9-16-08.)

**CHAPTER 1127
C- Commercial District**

1127.01 Purpose.	1127.05 Site plan review and conformance.
1127.02 Uses.	1127.06 Outdoor storage areas.
1127.03 Area, lot, height requirements.	
1127.04 Parking and loading requirements.	

1127.01 PURPOSE.

The purpose of the Commercial District is to provide for and encourage well-planned and designed retail and service uses providing goods and services to the entire community. (Ord. 88-10. Passed 1-10-89.)

1127.02 USES.

The following uses are permitted or conditionally permitted as specified:

(a) Permitted Uses:

- (1) Retail trade establishments such as:
 - A. Food sales;
 - B. Preparation and processing of food and drink to be sold on the premises such as bakeries, meat markets, delicatessens, restaurants without drive through windows;
 - C. Drug stores;
 - D. Apparel stores;
 - E. Jewelry stores;
 - F. Florists and gift shops;
 - G. Books and stationery;
 - H. Office and home furnishings and supplies;
 - I. Hardware and interior decorating;
 - J. Cultural, educational facilities;
 - K. Sporting goods.
- (2) Establishments engaged primarily in fields of finance, insurance, real estate such as:
 - A. Bank - excluding drive-in facilities;
 - B. Credit agency;

- C. Investment firm;
- D. Insurance agency;
- E. Real estate agency.
- (3) Establishments providing services to individuals and other business establishments such as:
 - A. Personal services, such as hair care, laundry, tailor, shoe repair, etc.;
 - B. Medical and health services;
 - C. Engineering, architectural, planning services;
 - D. Legal services;
 - E. Accounting services;
 - F. Professional services, administrative, executive or business offices;
 - G. Printing, drafting or similar supportive services;
(Ord. 88-10. Passed 1-10-89.)
 - H. Non-profit charitable organizations;
 - I. Travel services.
- (4) Uses similar in character as determined by the Planning Commission.
- (5) Accessory uses, incidental to the principal use: mailboxes, refuse storage bins, parking areas.
- (6) Signs, as regulated by Chapter 1141.
- (b) Conditionally Permitted Uses: The Planning Commission may approve issuance of a conditional zoning permit for the following listed uses subject to the general conditions of Section 1135.05 and the specific conditions of Section 1135.06 as specified below:
 - (1) Amusement and recreation (excluding drive-in theaters) subject to Section 1135.06(c), (e) and (f).
 - (2) Funeral home subject to Section 1135.06(d), (e) and (f).
 - (3) Gasoline sales and auto service and repair stations subject to Section 1135.06(b), (e), (f), and (l).
 - (4) Government owned and/or operated facilities, subject to Section 1135.06(b), (c) and (l).
 - (5) Drive-in banking, subject to Section 1135.06(a).
 - (6) Public utility, rights of ways and pertinent structures subject to Section 1135.06(b), (e), (f), (k) and (l).
 - (7) Dance studios and schools, subject to Section 1135.06(c), (e), (f) and (l).
 - (8) Carpentry, cabinet making, upholstery, heating, air conditioning, plumbing, painting and similar establishments, subject to Section 1135.06(c), (f) and (l).
 - (9) Residential dwelling unit above a business use.
 - (10) Signs, as regulated by Chapter 1141.
 - (11) Accessory uses incidental to the principal use: mailboxes, refuse storage bins, parking.
(Ord. 2000-6. Passed 3-14-00.)
 - (12) Single family residence.

1127.03 AREA, LOT, HEIGHT REQUIREMENTS.

- (a) Minimum lot size: none.
- (b) Minimum lot width at the building line: 50 ft.
- (c) Minimum lot frontage: 50 ft.
- (d) Minimum front yard depth: 10 ft.

- (e) Minimum rear yard depth: 20 ft.
- (f) Minimum side yard width: 15 ft. when abutting a residential district and on the side abutting the residential district only.
- (g) Maximum building height: 35 ft.
(Ord. 2000-6. Passed 3-14-00.)

1127.04 PARKING AND LOADING REQUIREMENTS.

As regulated by Chapter 1139.

1127.05 SITE PLAN REVIEW AND CONFORMANCE.

All uses listed as permitted or conditionally permitted in this section shall be permitted or conditionally permitted only after site plan review and approval has been given by the Planning Commission based upon meeting additional requirements established in Chapter 1111 Site Plan Review. (Ord. 88-10. Passed 1-10-89.)

1127.06 OUTDOOR STORAGE AREAS.

No outdoor storage is permitted other than refuse pick-up boxes.
(Ord. 88-10. Passed 1-10-89.)

CHAPTER 1129
College/Research District

<p>1129.01 Purpose.</p> <p>1129.02 Uses.</p> <p>1129.03 Lot, area, height requirements.</p> <p>1129.04 Parking and loading requirements.</p>	<p>1129.05 Site plan review and conformance.</p> <p>1129.06 Supplementary regulations.</p>
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1129.01 PURPOSE.

The purpose of the College/Research District is to provide for an area which allows for and encourages the continuation and necessary expansion of Hiram College, and its related uses as well as to allow for and encourage other public and private uses which may benefit from being located in close proximity to the College, in particular, research and development related uses. (Ord. 88-10. Passed 1-10-89.)

1129.02 USES.

Within the College District, only the following uses shall be permitted or conditionally permitted:

- (a) Permitted Uses Include: College or other uses of an educational character, including such college owned, operated, leased or licensed facilities, such as dormitory, dining hall, retail facility, gymnasium, classrooms, sports facilities, laboratory, offices, laundry, heating and maintenance facilities, off-street parking, library, museum and similar college related facilities/uses.
- (b) Conditionally Permitted Uses: The Planning Commission may approve issuance of conditional zoning permits for the following listed uses subject to the general conditions of Section 1135.05 and the specific conditions of Section 1135.06 as specified below:
 - (1) Administrative, executive, financial, data processing, accounting, clerical, and drafting offices, subject to Section 1135.06(b), (e), (f) and (l).

- (2) Research facilities, other offices and similar uses which the Planning Commission would find are consistent with the purpose of this chapter, and of a character that would not have an adverse effect on neighboring properties, subject to Section 1135.06(b), (e), (f) and (l).
- (3) Quasi public, institutionally or organizationally owned and/or operated recreational instructional and meeting facilities, such as those developed and used by YMCA/YWCA, Boy Scouts, Girl Scouts or various fraternal or community service groups, subject to Section 1135.06(l).
- (4) Child day care/pre-school education facilities, subject to Section 1135.06(b), (c), (e), (f) and (k).
- (5) Governmentally owned and/or operated parks/playgrounds, subject to Section 1135.06(b), (c), (d), (e), (f) and (l).
- (6) Governmentally owned and/or operated facilities, subject to Section 1135.06(b), (e), (k) and (l).
- (7) Public utility right-of-ways and pertinent structures, subject to Section 1135.06(b), (e), (f), (k) and (l).
- (8) Signs as regulated by Chapter 1141.
- (9) Uses similar in character as determined by the Planning Commission.
(Ord. 88-10. Passed 1-10-89.)

1129.03 LOT, AREA, HEIGHT REQUIREMENTS.

- (a) Minimum lot size: one-half acre.
- (b) Minimum lot width at building line: 100 ft.
- (c) Minimum lot frontage: 60 ft.
- (d) Minimum front yard depth: 50 ft.
- (e) Minimum rear yard depth: 50 ft.
- (f) Minimum side yard width: 20 ft.
- (g) Maximum building height: 35 ft.
(Ord. 88-10. Passed 1-10-89.)

1129.04 PARKING AND LOADING REQUIREMENTS.

As regulated by Chapter 1139.

(Ord. 88-10. Passed 1-10-89.)

1129.05 SITE PLAN REVIEW AND CONFORMANCE.

All permitted and conditionally permitted uses specified in Section 1129.02 shall be permitted or conditionally permitted only after site plan review and approval of the plans has been given by the Planning Commission, as required in Chapter 1111.

(Ord. 88-10. Passed 1-10-89.)

1129.06 SUPPLEMENTARY REGULATIONS.

Any research facilities shall not have any physical effect of the activity detected beyond the confines of the building in which the activity is located; and such structure in which the activity is located shall appear to be an office type structure from the exterior.

(Ord. 88-10. Passed 1-10-89.)

**CHAPTER 1131
I - Light Industrial District**

<p>1131.01 Purpose.</p> <p>1131.02 Uses.</p> <p>1131.03 Lot, area, height requirements.</p> <p>1131.04 Parking and loading requirements.</p>	<p>1131.05 Site plan review and conformance.</p> <p>1131.06 Supplementary regulations.</p>
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1131.01 PURPOSE.

The purpose of the Industrial District is to provide for and encourage the development of manufacturing and wholesale business establishments, which are clean, quiet and free of hazardous or objectionable elements such as odor, smoke, glare, noise in excess of that customarily incident to loading and unloading, and handling of materials, operate entirely within enclosed structures, and generate little industrial traffic.

(Ord. 88-10. Passed 1-10-89.)

1131.02 USES.

(a) Permitted Uses.

- (1) Administrative, executive, financial, accounting, clerical and drafting offices and professional offices.
- (2) Warehousing.
- (3) Wholesale establishments.
- (4) The following types of manufacturing, processing, servicing, assembly or repair facilities, which will not be injurious or offensive to adjacent properties, and consistent with the purpose of this district.
 - A. Bakery goods, candy, food products.
 - B. Products from previously prepared materials such as cloth, glass, leather, plastic, metal, wood, etc.
 - C. Pottery and ceramic products only using kilns fired by gas or electricity.
 - D. Musical instruments, toys, novelties and similar products.
 - E. Electronic instruments, appliances, devices.
- (5) Accessory uses incidental to the principal use.
- (6) Signs as regulated by Chapter 1141.

(b) **Conditionally Permitted Uses:** The Planning Commission may approve the issuance of a conditional zoning permit for the following listed uses subject to the general conditions of Section 1135.05 and the specific conditions of Section 1135.06 as specified below:

- (1) Recycling center, subject to Section 1135.06(b), (i), (k), (l) and (q).
- (2) Governmentally owned and/or operated facilities, subject to Section 1135.06(b), (e), (k) and (l).
- (3) Public utility rights of way and pertinent structures, subject to Section 1135.06(b), (e), (f), (k) and (l).
- (4) Research and testing facilities subject to Section 1135.06(k) and (l).
- (5) Cosmetic, pharmaceuticals, toiletries manufacturing, subject to Section 1135.06(j), (k), (l) and (q).
- (6) Accessory uses incidental to the principal use.
- (7) Signs as regulated by Chapter 1141.
(Ord. 88-10. Passed 1-10-89.)

1131.03 LOT, AREA, HEIGHT REQUIREMENTS.

- (a) Minimum lot size: one-half acre.
- (b) Minimum lot width: 100 ft.
- (c) Minimum lot frontage: 75 ft.
- (d) Minimum front yard depth: 50 ft.
- (e) Minimum rear yard depth: 25 ft.
- (f) Minimum side yard width: 20 ft.
- (g) Where adjacent to residential district, the minimum rear and side yard depths shall be 50 feet, and screening or obscuring wall shall be located along each side and rear lot lines.
Planted screens shall follow the following specifications:
 - (1) Screen shall be of pine, Norway spruce, or plants of similar screening ability.
 - (2) Trees shall be of a species that will produce, within two years, a dense screen barrier at least 8 feet in height.
 - (3) Screening shall be maintained and screening material which does not live shall be replaced within one year.
 - (4) Trees shall be planted in a double row on a staggered pattern, with no more than 10 feet between trees.
- (h) Maximum building height: 35 feet.
(Ord. 88-10. Passed 1-10-89.)

1131.04 PARKING AND LOADING REQUIREMENTS.

As regulated by Chapter 1139.
(Ord. 88-10. Passed 1-10-89.)

1131.05 SITE PLAN REVIEW AND CONFORMANCE.

All uses listed herein shall only be permitted after review and approval of site plans has been given by the Planning Commission, in accordance with the requirements of Chapter 1111 Site Plan Review. (Ord. 88-10. Passed 1-10-89.)

1131.06 SUPPLEMENTARY REGULATIONS.

Outdoor storage for above uses must be located in rear yard and completely screened from adjoining properties by a solid fence or wall, a minimum of six (6) feet in height and compatible with the structure; or in an enclosed structure. No materials shall be stored so as to project above the wall. (Ord. 88-10. Passed 1-10-89.)

CHAPTER 1133
Planned Unit Development Floating District

1133.01	Purpose.	1133.08	Parking requirements.
1133.02	Special provisions governing planned unit developments.	1133.09	Utility requirements.
1133.03	Application and procedure.	1133.10	Erosion and sedimentation control.
1133.04	Uses.	1133.11	Ancillary and nonresidential uses.
1133.05	Area, yard, and height requirements.	1133.12	Procedure for approval of PUD District.
1133.06	Open space.		
1133.07	Circulation.		

1133.01 PURPOSE.

It is the purpose of this chapter to recognize and accommodate in a unified development, creative and imaginative residential and/ancillary development and to permit those innovations in the technology of land development that are in the best interests of the Village; and to provide for a continuous residence in the Village for the elderly who are able and who desire to remain in Hiram Village. In order to accomplish this purpose, it is the intent in establishing this section to achieve:

- (a) A maximum choice of living environments by allowing a variety of housing and living facilities, permitting an increased density per acre and flexibility in yard and area requirements to allow for clustering of living units;
- (b) More functional patterns of open space and recreation areas;
- (c) A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;
- (d) A more efficient use of the land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets; and
- (e) A development pattern in harmony with land use density, transportation facilities, and the community facilities objectives adopted by the Village.

The Village is also prepared to accept a greater population density in undeveloped areas than that reflected by present zoning provided that the developer can demonstrate that any increment of public cost clearly attributable to increase densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development. (Ord. 88-10. Passed 1-10-89.)

1133.02 SPECIAL PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENTS.

Because of the special characteristics of planned unit developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this chapter and those of other chapters in this Zoning Code, the provisions of this chapter shall prevail. Subjects not covered by this chapter shall be governed by the respective provisions found elsewhere in this Zoning Code. Except as specifically noted, nothing in this chapter shall be interpreted to exempt PUD's from all provisions of the Hiram Village Subdivision Regulations. (Ord. 88-10. Passed 1-10-89.)

1133.03 APPLICATION AND PROCEDURE.

A PUD District shall be approved by the Planning Commission and the Village Council. Upon approval, a Planned Unit Development District may be applied to any existing residential district meeting the requirements, and for which PUD approval has been granted. Upon approval of a final development plan, the official zoning map shall be annotated for the land area involved so that the district name includes the notation: "PUD". (Ord. 88-10. Passed 1-10-89.)

1133.04 USES.

Within a PUD District, all buildings, structures or premises shall be used or designed to be used for the following uses: Compatible residential, commercial, public, medical, quasi public and open space, or recreational uses may be combined, provided that the proposed location of the commercial uses will not adversely affect adjacent property, and/or the public health, safety and general welfare. Central sanitary sewer and water facilities are required.

(a) Permitted Uses.

- (1) Dwelling units in detached, semi-detached, attached or clustered, or multistoried structure, or any combination thereof, and which includes special housing for the elderly such as congregate living facilities, retirement homes, medical and nursing homes/extended care and similar facilities.
- (2) Commercial uses may be limited to those types judged by Hiram Village to be compatible with the purpose and the predominantly residential nature of planned unit developments.
- (3) Institutional/public and quasi/public uses may be permitted within a PUD that will be compatible with the predominately residential nature of a PUD.
- (4) Open space/recreational uses such as natural environmental features, swimming pools, tennis courts and other recreational facilities deemed appropriate by the Planning Commission, shall be permitted as part of the required open space within the PUD.
- (5) Accessory uses clearly incidental to the uses permitted on the same premises. (Ord. 88-10. Passed 1-10-89.)

1133.05 AREA, YARD, AND HEIGHT REQUIREMENTS.(a) Minimum Project Area.

(1) A PUD shall contain a minimum of thirty (30) acres. All land within the development shall be contiguous in that it shall not be divided into segments by:

- A. Any limited access highway, or
- B. Any tract of land (other than streets or rights of way for pipelines or electric transmission lines) not owned by the developer of the planned development.

Smaller parcels may be considered on their basis to satisfy the objectives of this chapter as stated in Section 1133.01.

(2) When the PUD proposes a mixture of residential uses with commercial uses and/or institutional uses permitted by Section 1133.04(a)(2) and (3) respectively, the Planning Commission may limit the development of such nonresidential uses to twenty percent (20%) or less of the tract.

(b) Density (Overall Density). Each PUD project area shall not contain more than four (4) residential living units per acre of the total project area, exclusive of streets.

(c) Setbacks from Streets and Lot Lines.

	Public and Private Street ROW	PUD Boundary Lot Lines
Main building, front	40 feet	30 feet
Main building, side or rear	30 feet	30 feet
Accessory building, front	40 feet	30 feet
Accessory building, side or rear	25 feet	20 feet

(d) Minimum Distance Between Buildings: 35 feet.

(e) Maximum Building Height: 35 feet.

(f) Minimum Livable Floor Area:

- (1) Apartments: Five hundred (500) square feet for an efficiency apartment. Seven hundred (700) square feet for one (1) bedroom apartment. Nine hundred (900) square feet for a two (2) bedroom apartment. One hundred (100) square feet for each additional bedroom over two (2) bedrooms.
- (2) Single family dwellings: 1,200 square feet plus 200 square feet for each additional bedroom over one (1).

- (g) Minimum Lot Size, Frontage and Width for Conventional Single Family Dwellings:
- (1) 10,000 square feet/dwelling unit.
 - (2) Sixty (60) foot frontage on a public road, or private road built to Village of Hiram Subdivision Regulation standards.
 - (3) Seventy-five (75) foot lot width.
(Ord. 88-10. Passed 1-10-89.)

1133.06 OPEN SPACE.

(a) A minimum of twenty (20) percent of the net area of the PUD shall be reserved in perpetuity for public and/or private common open space and recreational facilities. Such open space shall be available to and accessible to all residents of the PUD and shall be designed primarily for their use. Open space shall be exclusive of all streets, non-recreational buildings and individually owned land. Design of common open space areas shall be governed by the following standards:

- (1) Permanent bodies of water should comprise no more than thirty (30) percent of the required open space, at the discretion of the Planning Commission, depending on the water body's utility as a recreation or open space asset to the PUD.
- (2) Common open space may be improved with appropriate recreation facilities and structures as long as total paved or roofed areas do not exceed five (5) percent of the total open space.
- (3) Significant natural amenities such as outcroppings, tree stands, ponds, ravines and stream channels should be left in their natural state and considered part of the required open space, subject to the above standards.

(b) Public open space which is to be developed as a major activity center should be located on a thoroughfare designed to accommodate the resulting traffic volumes.

(c) Disposition of Open Space. Prior to subdivision approval, the developer of the PUD shall submit legal instruments which prescribe the manner of plan of care and maintenance of common open spaces and recreation facilities. Approval by the Planning Commission of such instruments shall be based on the following standards:

- (1) The instruments shall guarantee that open space as shown on the final development plan will remain as such. The Planning Commission may require that all development rights to the open space be deeded to the Village or such other appropriate public body, or that permanent restrictive covenants be attached to the open space.
- (2) Such instruments shall convey to the Village and other appropriate governmental bodies the right of entrance to the common open space and recreation facilities for emergency purposes or in the event of nonperformance of maintenance or improvement affecting the public interest. Such governments shall have the right, after proper notice, to make improvements and perform maintenance functions with the costs levied against the property owner.

- (3) Common open space and recreation facilities shall be deeded to a homeowners association, funded community trust or similar entity. If a private entity is to hold title to common open space, it shall not dispose of any common open space or recreation facility without first offering to dedicate the same to the Village. Membership in a homeowner's association shall be mandatory of all property owners within the PUD. Public utility and similar easements and rights of way for water courses and other similar channels are not acceptable for common open space dedication to the Village unless such land or right of way is unusable as a trail or other similar purpose and approved by the Planning Commission and Village Council. (Ord. 88-10. Passed 1-10-89.)

1133.07 CIRCULATION.

Vehicular and pedestrian circulation systems shall be designed to insure safe, efficient movement through the PUD and into surrounding highway systems. Design of circulation systems shall be governed by the following standards:

- (a) Safe and easy access by emergency vehicles shall be provided for all areas of the PUD.
- (b) Direct access from single family residential lots to arterial collector thoroughfares shall be minimized.
- (c) Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimal hazards to vehicular or pedestrian traffic. Minor streets within the PUD shall be designed to discourage their use by through traffic.
- (d) The pedestrian and bicycle system and their related walkways shall be insulated as much as possible from vehicular movement.
(Ord. 88-10. Passed 1-10-89.)

1133.08 PARKING REQUIREMENTS.

There shall be provided outside the public or private right of way a minimum of two (2) parking spaces for each dwelling unit. These spaces may be located in the vicinity of the dwelling unit or in an area designated for guest parking as deemed appropriate by the Planning Commission. For retirement developments, one (1) space per two (2) dwelling units.
(Ord. 88-10. Passed 1-10-89.)

1133.09 UTILITY REQUIREMENTS.

Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments.
(Ord. 88-10. Passed 1-10-89.)

1133.10 EROSION AND SEDIMENTATION CONTROL.

Erosion and sediment control plan shall be reviewed by the Village.
(Ord. 88-10. Passed 1-10-89.)

1133.11 ANCILLARY AND NONRESIDENTIAL USES.

The Planning Commission may approve ancillary uses provided the location is appropriate for such use. The relationship of such uses to adjoining circulation pattern and the relationship of such land uses to the land use and development patterns adjoining the PUD shall be evaluated.

Commercial, institutional, and other nonresidential uses and buildings (except industrial), when submitted to the Planning Commission, shall be planned as groups having common parking areas and common ingress and egress points to reduce the number of potential accident locations at intersections and thoroughfares. Planting screens or fences shall be provided at the perimeter of the commercial, institutional or nonresidential areas abutting residential areas. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal vehicular and pedestrian circulation, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas. All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Planning Commission. (Ord. 88-10. Passed 1-10-89.)

1133.12 PROCEDURE FOR APPROVAL OF PUD DISTRICT.

(a) General Procedure. In general, the procedure for approval requires site plan review and approval, and approval of the development plan. The plan for streets and improvements must comply with Hiram Village Subdivision Regulations.

(b) Pre-Application Meeting. The developer shall meet with the Zoning Inspector and the Planning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Zoning Code and the criteria and standards contained herein, and to familiarize the developer with the comprehensive development plan, major thoroughfare plan, the parks and public open space plan, the subdivision regulations, and the drainage, sewer, and water systems of the Village, if such plans are in effect.

The developer is also encouraged to meet with the Portage County Regional Planning Commission to discuss the PUD plan.

(c) The developer shall follow the guidelines for application for site plan review under Chapter 1111 and zoning permits.

(d) Criteria for Decision by the Planning Commission. Before making its decision, the Planning Commission shall find that the facts submitted with the application as presented that:

- (1) The proposed development can be completed within five (5) years of the date of approval;
- (2) Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations.
- (3) The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.
- (4) Any proposed commercial development can be justified at the locations proposed.
- (5) Any exception from standard district requirements is warranted by the design and other amenities incorporated in the development plan, in accord with the planned unit development regulations and the adopted policies of the Planning Commission and Village Council.

- (6) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
- (7) The planned unit development is in general conformance with the comprehensive development plan of the Village and/or County.
- (8) The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

(e) Supplementary Conditions and Safeguards. In approving any planned unit development district, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violations of such conditions or safeguards, when made a part of the terms under which the development plan is approved, shall be deemed a violation of this Zoning Code, and punishable under Section 1107.11 of this Zoning Code.

(f) Expiration and Extension of Approval Period. The approval of a development plan for a Planned Unit Development District shall be for a period not to exceed five (5) years to allow for preparation and recording of the required subdivision plat and the development of the project. If no construction has begun within five (5) years after approval is granted, the approved final development plan shall be void and the land shall revert to the district regulations in which it is located. An extension of the time limit or modification of the approved development plan may be approved if the Planning Commission finds that such extension or modification is not in conflict with the public interest.

No zoning amendment passed during the time period granted for the approved final development plan shall in any way affect the terms under which approval of the planned unit development was granted.

(Ord. 88-10. Passed 1-10-89.)

CHAPTER 1135
Conditional Use Requirements

1135.01	General.	1135.06	Specific requirements.
1135.02	Contents of application for conditional use permit.	1135.07	Financial guarantee.
1135.03	Review by Planning Commission.	1135.08	Expiration of conditional use permit.
1135.04	Terms and assignability.	1135.09	Landscaping.
1135.05	Basis of determination - general requirements.		

1135.01 GENERAL.

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Chapter 1117 to Chapter 1133, shall follow the procedures and requirements set forth in Sections 1135.02 to 1135.09, inclusive. (Ord. 88-10. Passed 1-10-89.)

1135.02 CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT.

An application for conditional use permit shall be filed with the Secretary of the Planning Commission by at least one owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

- (a) Name, address, and phone number of applicant.
- (b) Legal description of property or street address or other adequate description of property.
- (c) Description of existing use.
- (d) Zoning district.
- (e) Description of proposed conditional use.
- (f) A site plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, densities and such other information as the Planning Commission may require to determine if the proposed use meets the intent and requirements of this Zoning Code.

- (g) A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan, if one is adopted.
- (h) Floor plans and evaluations for proposed development use.
- (i) Such other information as may be required.
- (j) Fee as required by Section 1107.09.
(Ord. 2004-43. Passed 1-11-05.)

1135.03 REVIEW BY PLANNING COMMISSION.

(a) The proposed use and development shall be reviewed to determine whether or not the proposed use is appropriate and in keeping with the purpose and intent of this Zoning Code and any adopted plans and policies in the Village.

A decision shall be made by the Planning Commission within ninety (90) days of the date of receipt of the application, unless an extension of time is necessary to secure technical advice or consider modifications as an alternative to disapproval. The applicant shall concur with an agreed upon extension date in writing.

If the use and development proposed is found to be appropriate, and the applicant shows that all conditions can be met, the Planning Commission with 3 members concurring, may approve the conditional zoning permit. The Planning Commission may require such additional information as they deem necessary including carrying out of special studies and provision of expert advice, the cost of which shall be borne by the applicant, who shall pay said costs prior to issuance of any conditional zoning permit.

(b) Supplementary Conditions and Safeguards. In granting any conditional use, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted shall be deemed a violation of this Zoning Code and punishable under Sections 1107.10 and 1107.11.

(c) The Planning Commission may hold a public hearing on any or every application after advertising in a newspaper of general circulation in the Village, at least ten (10) days prior to such hearing. The notice shall indicate the place, date, time and subject of the hearing.
(Ord. 88-10. Passed 1-10-89.)

1135.04 TERMS AND ASSIGNABILITY.

(a) Conditional zoning permits are non-assignable to another property other than that property specified in the application.

(b) Unless construction begins within one (1) year from issuance of the permit, the permit shall expire unless an extension is granted by the Planning Commission.

(c) Modifications to the terms under which the permit is granted shall require re-submission and review by the Planning Commission the same as specified in Section 1135.03(a) hereof. (Ord. 88-10. Passed 1-10-89.)

1135.05 BASIS OF DETERMINATION - GENERAL REQUIREMENTS.

The Planning Commission shall establish that both the general and specific requirements pertinent to each conditional use shall be satisfied by the establishment and operation of the proposed conditional use.

The Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and adequate evidence must be found that such use at the proposed location:

- (a) Is in fact a conditional use as established under the provisions of Chapters 1117 through 1133, and appears on the conditionally permitted use list for the zoning district.
- (b) Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Village's comprehensive plan, if one is adopted, and/or the Zoning Code.
- (c) 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.
- (d) Will not be hazardous or disturbing to existing or future neighboring uses.
- (e) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- (f) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the welfare of the community.
- (g) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- (h) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding thoroughfares.
- (i) Will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance.
- (j) Will be in compliance with subdivision regulations and building codes.
(Ord. 88-10. Passed 1-10-89.)

1135.06 SPECIFIC REQUIREMENTS.

In addition to the general requirements every conditional use shall meet the following conditions if they are specified in Chapters 1117 through 1133, for that particular use and district.

- (a) Rooming/Boarding Houses, Bed and Breakfast Establishments:
 - (1) The number of bedrooms permitted in any residence for such purposes shall not exceed two (2) bedrooms.
(Ord. 88-10. Passed 1-10-89.)
 - (2) EDITOR'S NOTE: Intentionally left blank. Reserved for future use.
(Ord. 2015-18. Passed 8-11-15.)
 - (3) One (1) additional parking space shall be required for each bedroom used for such purpose.
 - (4) There shall be no visible evidence of such use from the street or adjacent property, except for one (1) sign as permitted by Chapter 1141.
- (b) All structures and activity areas shall be located at least thirty (30) feet from all property lines.
- (c) Loud speakers which cause a hazard or annoyance shall not be permitted.
- (d) All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two arterial thoroughfares, or no closer than one hundred (100) feet from the intersection of an arterial street and a local or collector street.

- (e) There shall be no more than one (1) sign oriented to each abutting street identifying the activity.
- (f) No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties.
- (g) Structures should have primary access to a collector thoroughfare.
- (h) Such developments should have primary access to arterial thoroughfares or be located at intersections of arterials and/or collector streets.
- (i) Such developments should be located adjacent to non-residential uses such as churches, parks, industrial or commercial uses.
- (j) Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into adjacent areas.
- (k) Such uses should be properly landscaped to be harmonious with surrounding residential uses.
- (l) All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general. (Ord. 2000-6. Passed 3-14-00.)
- (m) The area of use shall be completely enclosed by a six (6) foot fence and appropriately landscaped to be harmonious with surrounding properties.
- (n) Such uses should be located on an arterial thoroughfare, adjacent to nonresidential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
- (o) Truck parking areas, maneuvering lanes, and accessways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours.
- (p) Such development should be located on or immediately adjacent to state highways.
- (q) Such uses shall not be conducted closer than two hundred (200) feet from any residential district, nor closer than one hundred (100) feet from any structure used for human occupancy in any other district.
- (r) Information shall be submitted on the anticipated depth of excavations and on depth and probable effect on the existing water table.
- (s) Two family residences shall have garages to house at least one (1) motor vehicle per unit.
- (t) All drive through operations shall have at least two hundred (200) feet of waiting-in-line or standby vehicular space per establishment on the premises so as to accommodate a line of motor vehicles of such length in order to not create traffic hazards and nuisances.
- (u) Home occupations such as: home crafts, painting, sculpture, telephone answering, tutoring, secretarial services, consulting services, sewing, direct sale product distribution such as Amway, Avon and similar kinds of unobtrusive home businesses may be permitted if they meet these conditions and others imposed.
 - (1) Shall be secondary in importance to the use of the dwelling for residential purposes.
 - (2) Shall be conducted by the occupants with no non-resident employees.
 - (3) Use shall be carried on entirely within the dwelling and not in an accessory building.

- (4) The home occupation shall not occupy more than twenty percent (20%) of the floor area of the dwelling unit.
 - (5) The use shall not constitute primary or incidental storage facilities for a business or industrial or agricultural activity conducted elsewhere.
 - (6) Evidence of the home occupation shall be undetectable from any road or adjacent property except for one (1) sign as permitted in Chapter 1141.
 - (7) The proposed use shall not generate noise, odor, dust, smoke, electromagnetic interference, or vehicular or pedestrian traffic in an amount which would tend to depreciate the residential character of the neighborhood in which it is located.
 - (8) Occupant shall provide adequate off-street parking for not more than three (3) additional vehicles besides residential use vehicles.
- (v) Vehicular service stations:
- (1) Should be located at edge of commercial district so as not to interfere with pedestrian traffic and would not limit expansion of pedestrian-oriented facilities.
 - (2) Use shall be for servicing motor vehicles under 1 ½ ton rated capacity and use shall not engage in any changes to body or chassis or removal of engine from vehicles.
 - (3) All activities except for fuel and air pump shall be carried on inside of building.
 - (4) If property fronts on two (2) or more streets, driveways shall be located as far from the street intersection as practical.
 - (5) All areas for vehicular traffic and parking shall be paved. At least a six inch (6") high safety curb shall be installed on the perimeter of paved areas.
- (w) Minimum site size shall be three (3) acres.
(Ord. 88-10. Passed 1-10-89; Ord. 2004-43. Passed 1-11-05.)
- (x) Applicants must demonstrate how a conventional subdivision layout better meets the purposes of the zoning district in which the project is to be located than would a conservation subdivision design. The conventional subdivision design must adhere to the following design criteria to be approved:
- (1) Special natural resources and features, such as stands of trees, open fields, ponds, streams, hills, and environmentally sensitive areas are included and preserved in the overall design of the project.
 - (2) Historic and cultural features are included and preserved in the overall design of the project.
 - (3) Buildings and roads are designed and located to protect and enhance natural topography and the traditional rural village character.
 - (4) Scenic vistas and areas as seen from the public road system are preserved as open space for the public's enjoyment.
 - (5) Dwelling unit setback lines are flexible. The new homes blend with the unique physical characteristics of the surrounding area to preserve the rural landscape.
 - (6) The proposed street system is designed to connect to existing street patterns whenever possible.
(Ord. 97-34. Passed 2-10-98.)

- (y) Wireless Telecommunication Towers. According to the Federal Telecommunications Act, 1996, a community may regulate wireless telecommunication service facilities, providing the requirements do not prohibit nor have the effect of prohibiting wireless telecommunication services. Zoning regulations may not unreasonably discriminate among wireless telecommunication providers of functionally equivalent services. The Village must act within a reasonable time period on requests for permission to place or construct wireless telecommunication facilities. Denials for permission to install or construct wireless telecommunication facilities must be in writing and must be based on evidence in a written record before the Planning Commission. If a wireless telecommunication facility meets technical standards set by the FCC, it is presumed safe. The Village may not deny a request to construct a facility on the grounds that the radio frequency emissions would be harmful to the environment or health of the residents if those emissions meet FCC standards.
- (1) Purpose. These regulations are established to provide for the construction and use of wireless telecommunication towers and facilities. The purpose of these regulations is to balance the competing interests created by the Federal Telecommunications Act of 1996, and the interests of the Village in regulating wireless telecommunication facilities to minimize adverse health, safety, public welfare, including visual impacts, through siting, design, construction, buffering and reduction of the need for multiple tower locations.
- (2) Priority of locations. A wireless telecommunication tower or facility may be located in the following areas when conditions specified in this Zoning Code are satisfied and efforts shall be made to locate in the areas listed in the order of priority listed:
- A. First Priority: New wireless antennas may collocate on existing towers or on suitable existing structures.
- B. Second Priority: A wireless telecommunication tower and/or antenna facility shall be located in an Industrial Zoning District.
- C. Priority for the use of Public Land for wireless telecommunication antennas and towers will be given to the following entities in order:
1. The Village of Hiram.
 2. Public Safety Agencies/Departments including law enforcement, fire and ambulance services.
 3. Other governmental agencies for uses that are not related to public safety.
 4. Entities providing licensed commercial wireless telecommunication services including cellular, PCS, SMR, ESMR, paging and similar services that are marketed to the general public.
- (3) General requirements.
- A. A proposed wireless telecommunication facility application shall comply with site plan review requirements of this Zoning Code including landscaping plans to screen the facility from adjoining uses.
- B. All wireless telecommunication facilities shall be designed to promote facility and site sharing.

- C. All applications for wireless telecommunication facilities shall as part of the application and site plan review process, include a plan for reclamation for both the tower facility and tower site, in the event the facility is no longer functioning in the fashion as originally intended. The reclamation plan should include the removal and disposal of all obsolete and/or abandoned equipment, as well as the reclamation of the area with vegetation to prevent erosion.
 - D. The applicant will submit a letter of credit, performance bond, or other security acceptable to the Village to cover the costs of the antenna or tower's removal, of no less than \$100 per vertical foot of wireless telecommunication tower height, measured from the finished grade. In addition, any collocator shall be required to provide its own financial guarantee to the Village to insure the removal and disposal of all obsolete and/or abandoned equipment, and the reclamation of the tower site.
 - E. The application shall include conclusive technical evidence as to why the wireless telecommunication tower and facility must be located where it is proposed to be located and no alternative choice can be considered, in order to service the applicant's service area.
 - F. Existing towers must be utilized, as multi-user towers, if at all possible, before a new tower may be constructed. The applicant must provide written evidence that all wireless telecommunication service facilities that supply service within the proposed service area have been requested to permit co-location by the applicant and have been rejected by the owner of the tower, building or structure. Facilities that are not proposed to be multi-user sites must provide written explanation why the subject facility is not a candidate for co-location.
 - G. As a condition of issuing a conditional zoning permit to construct and operate a new tower in the Village, the owner/operator of the telecommunication tower shall agree to allow co-location until the tower has reached full antenna capacity, but in no event shall the owner/operator agree to allow fewer than two additional antenna platforms for additional providers unrelated to the owner/operator. Agreement to this provision must be included in the applicant's lease with the landowner if different from the owner/operator of the tower. Written evidence shall be presented to the Planning Commission that the owner of the property on which the tower is to be located has agreed to the terms of this section as well as all other applicable requirements in this Zoning Code.
- (4) Standards applicable to all wireless telecommunication tower facilities:
- A. No tower shall be erected at a distance closer than the height of the tower plus fifty (50) feet from any structure, road, highway, or property line, excluding any building or road which is necessary to the express use of the tower.
 - B. All towers shall be monopole structures.
 - C. An eight (8) foot high security fence shall be placed around the tower base and all appurtenant structures within 20 feet of the tower base.
 - D. No tower shall exceed 200 feet in height and shall be the minimum height necessary to accommodate the antenna.

- E. All towers shall be painted a non-contrasting gray or similar color, minimizing their visibility, unless otherwise required by the Federal Communication Commission (FCC) or Federal Aviation Administration (FAA).
- F. Except as required by law, an antenna or tower shall not be illuminated and lighting fixtures or signs shall not be attached to the antenna or tower. If lighting is required by the FAA regulations, white strobe lights shall not be permitted at night unless FAA permits no other alternative. No lighting shall be constructed, placed or maintained in a manner that will constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway.
- G. No advertising is permitted anywhere on the facility, with the exception of identification signage.
- H. The entire site must be appropriately landscaped to be harmonious with surrounding properties and to minimize visual impacts.
 - 1. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
 - 2. Buffer plantings shall be located around the perimeter of security fencing consisting of an evergreen screen, comprised of either a hedge, planted 3 feet on center maximum, or a row of evergreen trees planted five feet on center maximum.
- I. All facilities shall be kept in an orderly and safe condition so as to prevent injury to any single property, individual or Village in general.
- J. Access drives to any facility shall be maintained in a dust free condition.
- K. Loud speakers shall not be permitted to be located on the facility.
- L. "No Trespassing" signs shall be posted around the facility with a telephone number of who to contact in the event of an emergency.
- M. The maximum size of the equipment shelter shall be 300 square feet for a single user shelter, or if there is more than one, 750 total square feet.
- N. If an antenna for a wireless telecommunication facility is to be attached to an existing structure or building the following conditions apply:
 - 1. The maximum height shall be 20 feet or 20% of the building height above the existing structure, whichever is greater.
 - 2. If the applicant proposes to locate the telecommunications equipment in a separate shelter (not located on, or attached to, the building) the shelter shall comply with the following:
 - a. The minimum setback requirements for the subject zoning district.
 - b. A buffer yard may be planted in accordance with subsection (y)(4)H. hereof.
 - c. Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principal use.

- d. The maximum size of the equipment shelter shall not exceed 300 square feet, or if there is more than one user, 750 square feet.
- O. **Removal of Facilities:** All towers, structures and equipment shall be removed by the owner of the tower or facility, and the site restored to its original state within 6 months following the date that the tower is no longer operational. If more than one wireless communication service provider is using the antenna support structure, the antenna support structure shall not be considered abandoned until all such users cease using the structure for 6 months.
- (5) **Decision by the Planning Commission.** Any decision to deny a request to place, construct or modify a wireless telecommunication antenna or tower shall be in writing and supported by evidence contained in a written record of the proceedings of the Planning Commission.
(Ord. 2004-38. Passed 11-9-04.)
- (z) Operations shall be in compliance with all Federal, State and local licensing and regulatory requirements. (Ord. 2015-19. Passed 9-8-15.)

1135.07 FINANCIAL GUARANTEE.

A bond or financial guarantee may be required to insure required conditions are complied with. (Ord. 88-10. Passed 1-10-89.)

1135.08 EXPIRATION OF CONDITIONAL USE PERMIT.

A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than two (2) years.
(Ord. 88-10. Passed 1-10-89.)

1135.09 LANDSCAPING.

Landscaping plans on public or private property, when required by conditional zoning permit, shall be submitted to the Planning Commission.
(Ord. 2004-43. Passed 1-11-05.)

**CHAPTER 1137
Amendments**

<p>1137.01 Purpose. 1137.02 General. 1137.03 Initiation of zoning amendments. 1137.04 Contents of application for amendment to Zoning Code. 1137.05 Transmittal to Planning Commission. 1137.06 Submission to State Director of Transportation.</p>	<p>1137.07 Amendment referral and Planning Commission recommendation. 1137.08 Public hearing by Council. 1137.09 Action by Council. 1137.10 Effective date. 1137.11 Annexation.</p>
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1137.01 PURPOSE.

The purpose of this chapter is to define procedures by which this Zoning Code may be amended. (Ord. 88-10. Passed 1-10-89.)

1137.02 GENERAL.

Whenever the public necessity, convenience, general welfare, or good zoning practices require, Village Council may by ordinance after receipt of recommendation thereon from the Planning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property. (Ord. 88-10. Passed 1-10-89.)

1137.03 INITIATION OF ZONING AMENDMENTS.

Amendments to this Zoning Code may be initiated in one of the following ways:

- (a) By adoption of a motion by the Planning Commission;
- (b) By adoption of a resolution by Village Council; or
- (c) By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

(Ord. 88-10. Passed 1-10-89.)

1137.04 CONTENTS OF APPLICATION FOR AMENDMENT TO ZONING CODE.

(a) Application for amendment to the Zoning Code pursuant to Section 1137.03(c) hereof, shall first be submitted to the Zoning Inspector for determination of compliance with Chapter 1137. Application shall be submitted on forms made available by the Zoning Inspector, and shall include the following:

- (1) Evidence that the proposed amendment would materialize in an equal or better Zoning Code than that existing.
- (2) A statement of the proposed text change in the regulations set forth in this Zoning Code.
- (3) A map of the proposed zoning district and geographic boundaries, and a vicinity map showing property lines and streets.
- (4) If application is initiated for a district boundary change, a fee as specified by Section 1107.09 shall be deposited with the Zoning Inspector.
- (5) Evidence that the existing Zoning Code is unreasonable with respect to the particular property, and that it deprives the property owner of his lawful and reasonable use of the land. For the purposes of this Zoning Code, a limitation upon the financial gain from the land in question shall not constitute unreasonable zoning.
- (6) A list of all current property owners within, contiguous to, and directly across the street, and property within 500 feet from the parcel(s) proposed to be rezoned as well as the addresses of those owners.
- (7) A statement on how the proposed amendment relates to Hiram Village's plan for development, if one has been adopted.

Applications to amend parts of this Zoning Code, other than the Zoning District Map, shall include at least items listed in subsection (a)(1), (2) and (7) hereof.
(Ord. 88-10. Passed 1-10-89.)

1137.05 TRANSMITTAL TO PLANNING COMMISSION.

If the Zoning Inspector determines that the application provides the information necessary, he shall transmit the application for an amendment to the Secretary of the Planning Commission.
(Ord. 88-10. Passed 1-10-89.)

1137.06 SUBMISSION TO STATE DIRECTOR OF TRANSPORTATION.

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Director of Transportation. The Commission may proceed as required by law, however, the Village Council shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Village that he shall proceed to acquire the land needed, then the Village shall refuse to approve the rezoning. If the Director of Transportation notifies the Village that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Village Council shall proceed as required by law.
(Ord. 88-10. Passed 1-10-89.)

1137.07 AMENDMENT REFERRAL AND PLANNING COMMISSION RECOMMENDATION.

No Zoning Code amendment shall become effective unless the following has occurred:

- (a) Amendments, whether submitted by property owners in the area to be affected by the amendment to Council, or initiated by Council, shall be submitted to the Secretary of the Planning Commission for a recommendation of approval, disapproval or modification from the Planning Commission.
- (b) Planning Commission shall have no less than thirty (30) days nor more than sixty (60) days from date of referral by Council or from date of Planning Commission initiation, to review and prepare a recommendation with 3 members concurring, and transmit said recommendation to the Clerk of Council in writing. Time extension over sixty (60) days may be authorized by Council when necessary. (Ord. 88-10. Passed 1-10-89.)

1137.08 PUBLIC HEARING BY COUNCIL.

Before any amendment may be passed, Council shall hold a public hearing, within sixty (60) days from date of receipt of recommendation from the Planning Commission. Such hearing shall be publicized as follows:

- (a) Written notice shall be placed in a newspaper of general circulation in the Village at least thirty (30) days prior to the date of the public hearing, stating the time, place of hearing and general nature of the amendment(s) proposed and that copies of the proposed amendment(s) and Zoning Code shall be on file for public examination in the office of the Fiscal Officer.
- (b) If the amendment proposed is intended to rezone ten (10) or less parcels as listed on the tax duplicate, written notice of the hearing shall also be mailed by the Clerk of Council by first class mail at least twenty (20) days before the date of the public hearing to the owners of the property within, contiguous to and directly across the street and within 500 feet from the area proposed to be rezoned to the address of such owners appearing on the County Auditor's current tax list, or the Treasurer's mailing list and any other lists that may be specified by Council. The failure of mail delivery of such notice shall not invalidate any such amendment. (Ord. 88-10. Passed 1-10-89.)

1137.09 ACTION BY COUNCIL.

Within ninety (90) days after the public hearing, Council shall either adopt or deny the recommendation of the Planning Commission. No amendment which modifies or denies the recommendation of the Planning Commission shall take effect unless three-fourths (3/4) of the full Council membership approves of said denial or modification. (Ord. 2004-43. Passed 1-11-05.)

1137.10 EFFECTIVE DATE.

Such amendment adopted by Council shall take effect thirty (30) days after the date of the last reading by Council. (Ord. 88-10. Passed 1-10-89.)

1137.11 ANNEXATION.

Any land annexed to the Village, subsequent to the adoption of this Zoning Code, shall remain subject to the previous township zoning district until such time as the official Zoning District Map is amended according to the procedures specified in this chapter. (Ord. 88-10. Passed 1-10-89.)

CHAPTER 1139
Off-Street Parking and Loading Facilities

1139.01	General requirements.	1139.11	Joint use.
1139.02	Parking space dimensions.	1139.12	Wheel guards, bumpers.
1139.03	Loading space requirements and dimensions.	1139.13	Width of driveway aisle.
1139.04	Paving.	1139.14	Access.
1139.05	Drainage.	1139.15	Width of access driveway.
1139.06	Maintenance.	1139.16	Striping.
1139.07	Lighting.	1139.17	Parking space requirements.
1139.08	Location of parking spaces.	1139.18	General interpretations.
1139.09	Screen and/or landscaping.		
1139.10	Minimum distance and setbacks.		

1139.01 GENERAL REQUIREMENTS.

(a) No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this Zoning Code.

(b) The provisions of this chapter, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this Zoning Code.

(c) Whenever a building or structure constructed after the effective date of this Zoning Code is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this Zoning Code is enlarged to the extent of fifty percent (50%) or more employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein. (Ord. 88-10. Passed 1-10-89.)

1139.02 PARKING SPACE DIMENSIONS.

A parking space shall have minimum rectangular dimensions of not less than ten (10) feet in width and twenty (20) feet in length. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in Section 1139.17. (Ord. 88-10. Passed 1-10-89.)

1139.03 LOADING SPACE REQUIREMENTS AND DIMENSIONS.

A non-residential loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than fifteen (15) feet. One off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of up to five thousand (5000) square feet. One loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof. Access to truck loading and unloading space shall be provided from a street which will not interfere with traffic flows, public convenience and safety. (Ord. 88-10. Passed 1-10-89.)

1139.04 PAVING.

The required number of parking and loading spaces as set forth in this chapter together with driveways, aisles and other circulation areas, shall be improved with such material to provide a durable and dust-free surface. Surfacing shall be subject to approval of the Village. (Ord. 2004-43. Passed 1-11-05.)

1139.05 DRAINAGE.

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways. Drainage shall be subject to approval of the Village. (Ord. 2004-43. Passed 1-11-05.)

1139.06 MAINTENANCE.

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash and other debris. (Ord. 88-10. Passed 1-10-89.)

1139.07 LIGHTING.

Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property. No open light sources such as stringing of light bulbs shall be permitted. (Ord. 88-10. Passed 1-10-89.)

1139.08 LOCATION OF PARKING SPACES.

The following regulations shall govern the location of off-street parking spaces and areas:

- (a) Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve;
- (b) Parking spaces for commercial, industrial or institutional uses shall be located not more than seven hundred (700) feet from the principal use.
- (c) Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than three hundred (300) feet from the principal use.

(Ord. 88-10. Passed 1-10-89.)

1139.09 SCREEN AND/OR LANDSCAPING.

Whenever a parking area is located in or adjacent to a residential district, it shall be effectively screened on all sides which adjoin or face any property used for residential purposes, by an acceptably designed wall, fence or planting screen. Such fence, wall or planting screen shall be not less than four (4) feet not more than six (6) feet in height and shall be maintained in good condition. The space between such fence, wall or planting screen, and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover, and maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence, wall, or planting screen will not serve the intended purpose, then no such fence, wall or planting screen and landscaping shall be required. (Ord. 88-10. Passed 1-10-89.)

1139.10 MINIMUM DISTANCE AND SETBACKS.

No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right-of-way. (Ord. 88-10. Passed 1-10-89.)

1139.11 JOINT USE.

Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, or the parking area is sufficiently large enough to accommodate both uses, space needs, provided that a written agreement approved by the Zoning Inspector shall be filed with the application for a zoning permit. (Ord. 88-10. Passed 1-10-89.)

1139.12 WHEEL GUARDS, BUMPERS.

Whenever a parking lot extends to a property line, and there are more than five (5) parking spaces, wheel guards or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line, or rolling on slopes. (Ord. 88-10. Passed 1-10-89.)

1139.13 WIDTH OF DRIVEWAY AISLE.

Driveways serving individual parking spaces shall be not less than twenty-five (25) feet wide for ninety (90) degree parking, twelve (12) feet wide for parallel parking, seventeen and one-half (17 ½) feet for sixty (60) degree parking, and thirteen (13) feet for forty-five (45) degree parking. (Ord. 88-10. Passed 1-10-89.)

1139.14 ACCESS.

Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street. There shall be no more than two (2) accessways abutting any one street. (Ord. 88-10. Passed 1-10-89.)

1139.15 WIDTH OF ACCESS DRIVEWAY.

The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards: For one way traffic the minimum width of fourteen (14) feet except for forty-five (45) degree parking in which case the minimum width of the access road shall be seventeen (17) feet. Access roads for two-way traffic shall have a minimum width of twenty-four (24) feet at the curb cut. Parking areas having more than one aisle or driveway shall have directional signs or markings in each aisle or driveway. (Ord. 88-10. Passed 1-10-89.)

1139.16 STRIPING.

All parking areas with a capacity over ten (10) vehicles shall be striped between stalls to facilitate the movement into and out of the parking stalls. (Ord. 88-10. Passed 1-10-89.)

1139.17 PARKING SPACE REQUIREMENTS.

For the purpose of this Zoning Code, the following parking space requirements shall apply:

(a) Residential Parking Spaces Required.

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|----------------------------------------------------------------------|--------------------------------------------------------------|
| (1) Single family or two family dwelling | Two for each unit, plus one for each roomer. |
| (2) Apartments, or multi-family dwellings | Two for each unit. |
| (3) Boarding house, rooming houses, bed and breakfast establishments | One for each sleeping room plus two for permanent occupants. |

(b) Commercial Parking Spaces Required.

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|--------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| (1) Automotive service garages which also provide repair | One for each two gasoline pumps and two for each service bay. |
| (2) Funeral parlors, mortuaries and similar type uses | One for each 25 sq. ft. of floor area in slumber rooms, parlors or service rooms. |
| (3) Dining rooms, restaurants, taverns, night clubs, etc. | One for every two (2) seats. |
| (4) Bowling alleys | Four for each alley or lane plus one additional space for each employee. |
| (5) Dance floors, skating rinks | One for each 100 sq. ft. of floor area used for the activity. |
| (6) Outdoor swimming pools, public or community or club | One for each five (5) persons capacity. |
| (7) Auditoriums, sports arenas, theaters, and similar uses | One for each 3 seats. |
| (8) Retail stores | One for each 100 sq. ft. of floor area. |
| (9) Banks, financial institutions and similar uses | One for each 200 sq. ft. of floor area. |
| (10) Offices, public or professional administration or service buildings | One for each 200 sq. ft. of floor area. |

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|------|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| (11) | All other types of business or commercial uses permitted in any district | One for each 300 sq. ft. of floor area. |
| (c) | <u>Institutional Parking Spaces Required.</u> | |
| (1) | Churches and other places of religious assembly | One for each 3 seats. |
| (2) | Hospitals | One for each two (2) beds. |
| (3) | Sanitariums, homes for the aged, nursing homes, children's homes, and similar uses | One for each two (2) beds. |
| (4) | Medical and dental clinics | One for every 200 sq. ft. floor area of examination treating room office, and waiting room plus one for each employee. |
| (5) | Libraries, museums and art galleries | One for each 400 sq. ft. floor area. |
| (d) | <u>Schools, (Public, Parochial or Private) Parking Spaces Required.</u> | |
| (1) | Elementary and junior high schools | One for every two employees and three seats in auditoriums or assembly halls. |
| (2) | High Schools | One for every ten students and one for each teacher and employee. |
| (3) | Business, technical and trade schools | One for each two students. |
| (4) | Colleges, universities | One for each four students. |
| (5) | Kindergartens, child care centers, nursery schools and similar uses | Two for each classroom, but not less than six for the building. |
| (e) | <u>Industrial Parking Spaces Required.</u> | |
| (1) | All types of industrial uses permitted in any industrial district | One for every two (2) employees (on the largest shift for which the building is designed) plus one for each motor vehicle used in the business. |

(Ord. 88-10. Passed 1-10-89.)

1139.18 GENERAL INTERPRETATIONS.

In the interpretation of this chapter, the following rules shall govern:

- (a) Parking spaces for other permitted, or conditional uses not listed in this chapter shall be determined by the Planning Commission.
 - (b) Fractional numbers shall be increased to the next whole number.
- (Ord. 88-10. Passed 1-10-89.)

CHAPTER 1141
Signs

1141.01 Purpose.	1141.07 Signs permitted in commercial use districts.
1141.02 Governmental signs excluded.	1141.08 Signs permitted in the College/Research District.
1141.03 General requirements for all signs and districts.	1141.09 Signs permitted in an Industrial District.
1141.04 Measurement of sign areas.	1141.10 Sign setbacks.
1141.05 Signs permitted in any zoning district.	
1141.06 Residential district signs.	

1141.01 PURPOSE.

The purpose of this chapter is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community. It is further intended to reduce sign or advertising distraction, and hazards that may interfere with public safety, provide more open space, curb the deterioration of the natural environment, and support and complement land use objectives set forth in the Zoning Code. (Ord. 88-10. Passed 1-10-89.)

1141.02 GOVERNMENTAL SIGNS EXCLUDED.

For the purpose of this Zoning Code, “sign” does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulations. (Ord. 88-10. Passed 1-10-89.)

1141.03 GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS.

The regulations contained in this section shall apply to all signs and all use districts:

- (a) Any illuminated sign or lighting device shall employ only external light emitting a constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

- (b) No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention.
- (c) No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet.
- (d) No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building. (Ord. 88-10. Passed 1-10-89.)
- (e) No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or similar moving devices other than for celebrations. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign, except in conjunction with the opening of a new business, which shall not exceed a fourteen (14) day period. (Ord. 88-10. Passed 1-10-89; Ord. 90-8. Passed 6-12-90.)
- (f) No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty percent (20%) of the window surface.
- (g) No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
- (h) Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign.
- (i) No sign shall be placed in any public right-of-way, except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.
- (j) No signs may be attached to utility poles.
(Ord. 88-10. Passed 1-10-89.)

1141.04 MEASUREMENT OF SIGN AREAS.

The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.
(Ord. 88-10. Passed 1-10-89.)

1141.05 SIGNS PERMITTED IN ANY ZONING DISTRICT.

The following signs are permitted in any zoning district established in the Zoning Code:

- (a) Permanent Signs Not Requiring a Zoning Permit.
 - (1) Memorial signs or tablets or plaques, names of buildings, and date of erection. Maximum size: four (4) square feet/street frontage.
 - (2) Awnings and canopies indicating name of owner, and/or business conducted within the building.
 - (3) Signs denoting the name and address of occupants of premises not to exceed two (2) square feet.
 - (4) Private traffic directional signs not exceeding two (2) square feet in area for each sign directing traffic movement into or from premises.
(Ord. 88-10. Passed 1-10-89.)

- (b) Signs in any District Requiring a Permit:
- (1) Professional nameplate, denoting the name and address of the occupant, not to exceed two (2) square feet.
 - (2) Signs advertising a home occupation, as defined in Section 1135.06(u) not to exceed two (2) square feet.
(Ord. 88-10. Passed 1-10-89; Ord. 89-35. Passed 1-9-90.)
- (c) Temporary Signs Not Requiring a Zoning Permit:
- (1) One sign advertising the sale, lease or rental of the premises upon which the sign is located, not to exceed six (6) square feet in area, and one (1) sign per street frontage.
 - (2) One sign denoting the architect, engineer, or contractor when placed upon the premises where the construction is occurring, not to exceed twelve (12) square feet in area.
 - (3) Candidates for political office signs and ballot issue signs which shall not be placed any earlier than sixty (60) days prior to the date of the election to which they relate, and shall be removed within seven (7) days after the date of the election. Political signs shall not exceed thirty-two (32) square feet in area.
 - (4) Garage/yard sale signs may be permitted for a twelve (12) daytime period per garage sale. This time shall coincide with the sale period which for a nine (9) day or two (2) weekends would mean a sign could be placed three (3) days prior to the sale. Such signs shall not exceed one and one-half (1 ½) square feet per side. One sign may be erected on the property and up to two other signs may be placed off premises for directional purposes, and no earlier than three (3) days prior to the date of the sale. Such signs shall be removed within two (2) days after the sale.
 - (5) One (1) sign advertising the development of the premises, or the opening of a new subdivision. The sign may be permitted up to six (6) months and shall be removed within thirty (30) days of sale or rental of the property, if such sale or rental of the property occurs prior to the end of the six (6) month period. Such sign shall not exceed twenty-five (25) square feet in area.
 - A. One temporary special events sign shall be permitted on any lot on which the special event shall occur, for a time period not to exceed thirty (30) days/year.
 - B. Two (2) off premise special events signs may be permitted with the property owner's permission for the same time period.
 - C. Special event signs shall be securely anchored to minimize wind damage, vandalism.
 - D. All special event signs shall be removed no later than two (2) days after the special event.
 - E. Special event signs shall not exceed thirty-two (32) square feet in area. (Ord. 2004-43. Passed 1-11-05.)

1141.06 RESIDENTIAL DISTRICT SIGNS.

(a) OC; R-1 Districts. In addition to the signs permitted (permits are required), in Section 1141.05, the following signs may be permitted in all OC and R-1 Districts:

- (1) One (1) sign not to exceed twelve (12) square feet which identifies the use of the premises for the following types of permitted uses or as they appear listed in Chapter 1117 to Chapter 1133.

- A. Private nature preserves;
 - B. Cemeteries;
 - C. Privately operated parks or outdoor recreation areas;
 - D. Roadside agricultural stands (farm markets - signage to be removed at the end of the seasonal sales).
- (2) Such signs may be located on the wall of a building, or as a free standing planter sign.
 - (3) The height of these ground/planter signs shall not exceed six (6) feet from the ground to the top of the sign.
- (b) R-2 and R-3 Districts:
- (1) In addition to the signs permitted in Section 1141.05, the following signs may be permitted in an R-2 and R-3 District, in relation to the use permitted or conditionally permitted on the premises, provided they do not exceed twelve (12) square feet.
 - A. Farm markets;
 - B. Cemetery;
 - C. Parks, playgrounds, other recreational uses;
 - D. Churches or other places of worship;
 - E. Schools;
 - F. Colleges or other facilities for higher education;
 - G. Quasi public, institutional and meeting facilities.
 - (2) No more than one (1) sign shall be permitted for the above uses, except for colleges and facilities for higher education, which may have one (1) sign per principal building.
 - (3) The signs may be located either against the wall of the building, or as a planter/ground sign.
 - (4) The height of any sign shall not exceed eight (8) feet from the ground to the top of the sign.
(Ord. 88-10. Passed 1-10-89.)

1141.07 SIGNS PERMITTED IN COMMERCIAL USE DISTRICTS.

In addition to signs permitted in Section 1141.05, the following signs are permitted in the Commercial District:

- (a) For unified commercial areas or shopping areas, there may be one (1) pole or planter/ground sign permitted along the right-of-way, at the entrance to the plaza, or boundary of the commercial area. Such sign shall be limited to displaying the name and logo of the shopping plaza or central area, and may list only the names of the establishments within the plaza or central business area. Such sign shall be limited to thirty (30) square feet, and shall not exceed ten (10) feet in height. Such sign may be externally illuminated, and shall be landscaped. All signs hung and erected shall be plainly marked with the name of the person, firm or corporation responsible for maintaining the sign.
- (b) Individual businesses may have one (1) wall mounted sign on the store or business front, and shall be limited to the display of the businesses name or logo. Such sign shall not exceed ten percent (10%) of the business' store front area, and shall not exceed fifty (50) square feet in area. These signs may be internally or externally illuminated.

- (c) Gasoline stations may in addition to a wall sign, have one (1) pole or ground sign not to exceed fifteen (15) square feet in area, and shall not exceed eight (8) feet in height. A planter/ground sign shall not exceed three (3) feet in height.
- (d) Temporary/special event signage related to product, service sold, or produced conditionally on the premises.
(Ord. 88-10. Passed 1-10-89.)

1141.08 SIGNS PERMITTED IN THE COLLEGE/RESEARCH DISTRICT.

In addition to signs permitted under Section 1141.05, the following signs may be permitted:

- (a) College owned/operated facilities may have one (1) sign per principal building, not to exceed twelve (12) square feet in area.
- (b) Quasi public/institutional/civic uses may have one (1) sign publicizing the name of the facility, and shall not exceed four (4) square feet in area.

Wall, pole or planter/ground signs may be utilized for subsections (a) and (b) uses. Ground signs shall not exceed four (4) feet in height. Pole signs shall not exceed eight (8) feet in height.

- (c) Signage related to advertisement of a business, or services conducted on the premises may have one (1) wall sign not to exceed fifty (50) square feet in area which may be externally illuminated, and one (1) planter/ground sign not to exceed twelve (12) square feet in area and four (4) feet in height, or one (1) pole sign not to exceed twelve (12) square feet in area and eight (8) feet in height.
- (d) Temporary, special event signage related to product, service conducted on the premises.
(Ord. 88-10. Passed 1-10-89.)

1141.09 SIGNS PERMITTED IN AN INDUSTRIAL DISTRICT.

Other than signs permitted under Section 1141.05, the following signage may be permitted:

- (a) One (1) wall sign located on the structure in which the business, service, or activity is conducted, and advertises the name of that business/industry. Such sign shall not exceed ten percent (10%) of the face (main entrance side) of the building, or one hundred (100) square feet whichever is less. Such sign may be internally or externally illuminated.
- (b) One planter/ground sign not to exceed fifty (50) square feet in area, and four (4) feet in height, or one (1) pole sign not to exceed eight (8) feet in height or twelve (12) square feet in area.
- (c) One (1) directory - free standing pole/ground sign may be erected near the street entrance to a grouping of businesses/industries, which may list the names of the establishment within the complex. Such sign shall not exceed fifty (50) square feet in area, and twenty (20) feet in height from the ground to the top of the sign. Such sign may be externally illuminated.
Directory signs shall be maintained by the complex manager or designated representatives of the group of establishments listed on the directory.
- (d) Temporary special event signage related to advertisement of a business or activity conducted on the premises.
(Ord. 88-10. Passed 1-10-89.)

1141.10 SIGN SETBACKS.

Signs shall be set back from the road right-of-way a minimum of six (6) feet unless traffic line of vision will be obstructed, and shall follow side and rear yard setbacks for the district in which it is located. (Ord. 88-10. Passed 1-10-89.)

CHAPTER 1143
Subdivision Regulations

1143.01	Overview.	1143.08	Subdivision improvements.
1143.02	General.	1143.09	Sewage disposal and water supply policies.
1143.03	Subdivision definitions.	1143.10	Sanitary sewer improvements.
1143.04	Procedures for subdivision approval.	1143.11	Variances and revisions.
1143.05	Subdivision design standards and requirements.	1143.12	Violations and penalty.
1143.06	Land suitability.	1143.13	Enactment.
1143.07	Dedication of parks or open space.		

1143.01 OVERVIEW.

(a) Subdividing or platting is the usual means by which farm land or other open land is converted into building sites. It consists of laying out such land into streets and lots and the accompanying installation of the street and sanitary improvements necessary to provide for traffic access and for water, sewage disposal and other utility services. Subdividing is usually the first step in the process of urbanization and urban expansion.

(b) Every real estate subdivision laid out becomes a permanent feature of the area. The ground plans of communities and their environs, with few exceptions, are simply a composite of plans of individual subdivisions. The area concerned, on the other hand, acquires an addition whose character will affect not only its future physical development but the cost of public facilities and services. It is in recognition of this vital interest of the community in subdividing and platting practices and standards, that most states, by means of statutory provisions, have conferred upon local government units the authority to control the subdividing of real estate.

(c) Subdivision control is the exercise by public authority of the right to withhold the privilege of public record from subdivision plats which have been poorly or inappropriately designed, or which are not properly adjusted to the existing or potential development of adjoining areas or to an officially adopted comprehensive plan.

(d) The statutes of the State of Ohio vest the control over subdivisions within the Village when the Village has complied with certain requirements. More specifically, the statutes (Section 711.09 of the Ohio Revised Code) provide, in part, that:

"Whenever a Village Planning Commission or a Village Platting Commissioner, or, if there is no Commission or Commissioner, the legislative authority of a Village, adopts a plan for the major streets or thoroughfares and for the parks and other public grounds of such Village or any part thereof, then no plat of a subdivision of land within such Village shall be recorded until it has been approved by the Village Commission, Commissioner, or legislative authority and such approval endorsed in writing on the plat."

(e) In addition to adopting a plan of major streets or highways, the Village Planning Commission, Platting Commissioner or legislative authority, may adopt general rules governing plats and subdivision of land within its jurisdiction in order to secure and provide for the coordination of streets within the subdivision with existing streets and roads or with the plan or plats of the municipal corporation, for the proper amount of open spaces for traffic, circulation, and utilities, and for the avoidance of future congestion of population detrimental to the public health or safety. These may include regulations setting standards for, and requiring the actual construction of streets, or other improvements or facilities, or assurance of such construction, as a condition precedent to the approval of the plat of a subdivision. However, any such regulations and requirements pertaining to improvement installations must be adopted by the Village Council before they may be made a part of the subdivision regulations of the Village Planning Commission (Section 711.101 of the Ohio Revised Code). It is further required by the statutes that the latter must be approved in its entirety by the Village Council, after public hearing, before becoming effective. (Section 711.132 of the Ohio Revised Code).

(f) Where subdivisions are not controlled or are inadequately controlled, the consequences are many and varied. The layouts may show serious defects such as inadequate or poorly designed street systems; lots of inappropriate size, shape or orientation; or the street, sanitary or other utility improvements may fall short of minimum standards necessary for health, safety or desirable living conditions. Subdivisions may be further defective in relation to the development of adjoining areas in that streets may be ill adapted to existing or proposed streets in contiguous areas; the size and arrangement of lots may not be in harmony with the existing or desirable future character of development in a given area; the utilities may not be suitably coordinated in point of location or size with those of adjoining areas. Finally, the layouts of the subdivision may not be properly adjusted to, and may be in conflict with, existing or proposed public facilities of neighborhood or area-wide importance--e.g. a thoroughfare widening or extension, a school site, a recreation area, a utility right-of-way.

(g) Subdivisions defective in one or several of the above particulars or similar respects generally do not afford satisfactory living conditions for their residents, besides hindering the orderly and sound development of the area. In addition, they often occasion an undue burden by reason of the excessively high cost of street or utility improvements or their maintenance, unnecessarily high operating cost of public services, expensive corrective improvements required in later years to remedy or lessen shortcomings due to defective original layout or development.

(h) Broadly stated, the subdivision regulations are intended to serve as an aid in preventing undesirable practices in land subdividing and as a tool to be applied by the Village Planning Commission in the processing and reviewing of plats for the purpose of promoting desirable modern concepts of subdivisions with long-range plans for the Village's desirable future development.

(i) There are no guarantees, however, that all subdivisions complying with them will be fully satisfactory or acceptable, as this will depend on the competence of the designer in applying the principles and standards set forth in the Regulations. Nevertheless, many defects in design will be prevented and the quality of subdivisions generally improved.

(j) An important requirement stipulates that the subdivision be designed so as to provide for all public facilities called for in the Comprehensive Plan, which directly affect the tract to be platted. These may include highways and thoroughfares, sites for schools, parks, playgrounds, and other public facilities. The subdivision layout is required to conform further with the provisions of the Zoning Code, as these will bear directly on the kind of street layout, lot sizes, and other features of interior design appropriate for the subdivision in a particular area.

(k) All existing or proposed highways and thoroughfares shown on the major road plan as crossing or bordering a proposed subdivision are required to be provided for in the general location and at the width designated. If a proposed park, playground or school site, is proposed by the comprehensive plan, the subdivider should be induced to dedicate such site, or at least reserve it, for the indicated use, thereby affording the opportunity for the community to acquire the needed land before it is improved.

(l) The requirement of the installation of street and sanitary improvements prior to building construction is among the most important provisions of the subdivision regulations. These installations are essential to secure the health and safety of the future residents of the subdivision, as well as the area as a whole and to combat excessive or premature subdividing and land speculation and accompanying blight, depreciation of property value and tax defaults, among others, which may result from such practices.
(Ord. 99-15. Passed 9-14-99.)

1143.02 GENERAL.

(a) Authority. The Village of Hiram Planning Commission, hereinafter known as Commission, and the Village of Hiram Council, hereinafter known as the Village Council or Council, derive their authority by virtue of Chapter 711 of the Ohio Revised Code. The Commission is authorized to recommend to the Village Council rules and regulations governing plats and subdivisions of land, and to approve, conditionally approve or disapprove plats or subdivisions of land falling within its jurisdictions.

(b) Title. The official name of this document shall be "Subdivision Regulations of the Village of Hiram, Ohio", hereinafter known as "Regulations".

(c) Purpose. These Regulations are adopted to:

- (1) Secure and provide for the public health, safety, comfort and general welfare;
- (2) Provide for future growth and development of the Village, in accordance with the comprehensive plans, policies and resolutions adopted by the necessary authorities;

- (3) Provide for adequate and convenient open spaces for traffic, utilities, access for service and emergency vehicles, recreation, light, air, and for the avoidance of congestion of population as it would affect the public health, safety and welfare;
- (4) Protect the public's rights of access to sunlight and wind energy, promote the conservation of non-renewable energy resources, and promote the most responsible uses of renewable energy resources;
- (5) Provide safety from fire, flood (as governed by full compliance with appropriate floodplain and zoning requirements and the requirements of Section 1910.3 of the Federal Insurance Administration Regulations) as may be amended, and other dangers;
- (6) Provide for adequate transportation, drainage, wastewater treatment, water supply, schools, open space, and other public requirements and facilities;
- (7) Provide for the proper arrangement of streets or other highways in relation to existing or planned streets or highways;
- (8) Provide reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of the land, and to insure proper legal descriptions and monumenting of subdivided land;
- (9) Prevent the pollution of air, streams, and ponds, to assure the adequacy of drainage facilities, and to safeguard groundwater;
- (10) Provide the most beneficial relationship between the use of land and buildings, provide for the proper location of lot lines and building setback lines, and encourage innovative forms of development;
- (11) Provide for the administration of these regulations and define the powers and duties of the Commission, the respective Village administrative offices and other agencies having jurisdiction, as they relate to these Regulations.

(d) Jurisdiction. The Regulations shall be applicable within the incorporated territory of the Village of Hiram, Portage County, Ohio.

(e) Interpretation. The provisions of these Regulations shall be minimum requirements. Whenever these provisions are different from the requirements of other lawfully adopted regulations or private deed restrictions, the more restrictive rule or higher standard shall govern.

(f) Separability. If any section, subsection, sentence, clause, or phrase of these Regulations is found to be invalid, such decision shall not affect the validity of the remaining portions of these Regulations.

(g) Saving Provision. These Regulations shall not be construed as abating any action now pending under the prior existing Subdivision Regulations.

(h) Amendments. For the stated purpose of these Regulations, the Commission may from time to time amend the provisions imposed by these Regulations. Public hearings on all proposed amendments shall be held according to the procedures and requirements of Chapter 711 of the Ohio Revised Code.

(i) Scope. These Regulations are not intended to repeal, abrogate, annul or in any way impair or interfere with the existing provisions of other laws or regulations except those specifically repealed by or in conflict with these Regulations, or with private agreement, or with restrictive covenants running with the land to which the Village is a party.

(j) Partitions. Whenever land is to be divided by the process of partition in court pursuant to Section 5307.06 of the Ohio Revised Code, all petitions for the partition shall be submitted to the Commission, which shall take action thereon within thirty (30) days or within such additional time as agreed upon by the petitioners, according to the procedures and provisions of these Regulations. The resulting partition shall be subject to all applicable zoning and subdivision requirements.

(k) Land Contracts. All contracts for the conveyance of real estate effecting a present or future subdivision of land, as defined in these Regulations, shall be subject to the requirements of these Regulations.

(l) Administration. It shall be the responsibility of the Commission to administer these Regulations except where specific authority and responsibility is given to some other office as set forth in these Regulations.

(m) Enforcement. It shall be the duty of the Commission and its staff, together with other appropriate Village officials, to enforce these Regulations within all areas under the jurisdiction of the Village.

(n) Zoning. All proposed subdivisions shall conform to the Village of Hiram Zoning Code. (Ord. 99-15. Passed 9-14-99.)

1143.03 SUBDIVISION DEFINITIONS.

(a) Rules. For the purpose of these Regulations, words used in the present tense shall include the future; words used in the singular shall include the plural; and the plural the singular; and the word "shall" is mandatory and not discretionary.

(b) Definitions.

- (1) Alley: A public right-of-way not less than twenty (20) feet or more than thirty (30) feet wide which affords only a secondary means of access to property abutting thereon.
- (2) Arterial Street: (See Streets).
- (3) Average Daily Traffic (A.D.T.): The total traffic volume during a given time period (in whole days greater than one (1) day and less than one (1) year) divided by the number of days in that time period.
- (4) Buffer: Any combination of mounds, fencing, planting, etc., intended to separate one (1) land use or activity from another.
- (5) Cash Deposit: A sum of cash deposited with the Village Clerk in sufficient amount to guarantee the installation of required improvements.
- (6) Central Sewer System: (See Wastewater Treatment Systems).
- (7) Central Water System: (See Water Supply Systems).
- (8) Certificate of Deposit: A certificate held on deposit by a financial institution for the Village Council until such time as the subdivider has fulfilled his obligation to install the required improvements.

- (9) Collector Street: (See Streets).
- (10) Commission: The Village of Hiram Planning Commission or its designated representative.
- (11) Community Water System: (See Water Supply System).
- (12) Comprehensive Plan: The plan or plans made and adopted by the Commission, or Village, when applicable; and, as may be amended, indicating the general locations recommended for the principal streets, parks, public buildings, zoning districts, character and extent of community development and other physical aspects of urban and rural planning.
- (13) District: The Portage County Soil and Water Conservation District (SWCD) as organized under Chapter 1515 of the Ohio Revised Code.
- (14) Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property.
- (15) Engineer: A registered engineer authorized to practice professional engineering by the State Board of Registration as specified in Section 4733.14 of the Ohio Revised Code.
- (16) Erosion:
 - A. The wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep.
 - B. Detachment and movement of soil or rock fragments by wind, water, ice, or gravity.
- (17) Escrow Fund: Cash placed by the subdivider in an account to be held by a financial institution in favor of the Village Council to guarantee the installation of improvements according to the provisions of these Regulations.
- (18) Exceptional Replat: A map of the plan for the division of land within or involving a previously platted subdivision where there is a sale or exchange of parcels between adjoining lot owners and no new building sites are created.
- (19) Financial Guarantee: Either a cash deposit, escrow fund, or a letter of credit that is submitted by the subdivider in favor of the Village to guarantee the installation of improvements.
- (20) Floodplain: The areas adjoining a water course which are expected to be flooded as a result of a severe combination of meteorological and hydrological conditions.
- (21) Floodway: The channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the 100-year flood.
- (22) Floodway Fringe: That portion of the floodplain outside of the floodway.
- (23) Hillside: An area with an average slope of more than fifteen percent (15%).
- (24) Improvements: Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of undeveloped and into building sites.
- (25) Index Map: A map supplied with street construction plans showing the street and storm systems at a 1" = 200' scale.

- (26) Inspection Fee: Cost to Village of supervising construction to be paid by the subdivider or developer.
- (27) Key (Location) Map: A drawing at a reduced scale located on the plan or plat which shows legibly, by dimension and/or other means, enough area beyond the bounds of the proposed subdivision to locate and orient the subdivision within Hiram Village, and the relationship of the site to the community facilities which serve or influence the property.
- (28) Letter of Credit: An irrevocable letter of credit issued by a bank in Northeast Ohio subject to the provisions of Chapter 1305 of the Ohio Revised Code.
- (29) Lot: For the purpose of these Regulations, a lot is a parcel of land of sufficient size to meet minimum health and zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street.
- (30) Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage. Lot frontage shall be measured as the straight-line distance between the points where the side lot lines intersect the street right-of-way.
- (31) Lot Measurement: The lot shall be measured as follows:
 - A. Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
 - B. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, as measured at the minimum building setback line.
- (32) Lot, Minimum Area Of: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.
- (33) Lot of Record: A lot which is part of a subdivision recorded in the Office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been recorded.
- (34) Lot Types: The terminology used in these Regulations with reference to corner lots, interior lots and through lots is as follows:
 - A. A corner lot is defined as a lot located at the intersection of two (2) or more streets.
 - B. An interior lot is a lot other than a corner lot with single frontage on a street.
 - C. A double frontage lot is a lot other than a corner lot with frontage on more than one (1) street.
 - D. A reversed frontage lot is a double frontage lot located along a collector or arterial that derives access from an interior local street.
- (35) Natural Buffer: Land maintained in its natural state to protect a natural resource such as a state scenic river.
- (36) O.D.N.R.: The Ohio Department of Natural Resources.
- (37) O.D.O.T.: The Ohio Department of Transportation.
- (38) Official Thoroughfare Plan: The system of primary and secondary streets for the Village as adopted by the Commission.

- (39) O.E.P.A.: The Ohio Environmental Protection Agency.
- (40) O.R.C.: The Ohio Revised Code.
- (41) Out Lot: Property shown on a subdivision plat outside of the boundaries of the land which is to be developed and which is to be excluded from the development of the subdivision.
- (42) Package Treatment Plant: (See Wastewater Treatment System).
- (43) Parking Space, Off-Street: An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, located totally outside of any street or alley right-of-way.
- (44) Plan, Preliminary: Drawings, maps and other materials depicting a proposed subdivision meeting the requirements of these Regulations.
- (45) Plan, Sketch: A drawing of a proposed subdivision intended to be used as a general indicator of how the proposed area may be subdivided, as per these Regulations.
- (46) Plat: The plan of a proposed subdivision, drawn on durable material as specified in these Regulations and intended for recording, meeting all the requirements as herein enumerated.
- (47) Public Utility: Any firm, corporation, governmental agency, or board having a permit to furnish to the public, electricity, gas, sewer, telephone, transportation, water, or other similar public services.
- (48) Regulations: Subdivision Regulations of the Village of Hiram, Ohio.
- (49) Replat: A map of the plan for a division of land within or involving a previously platted subdivision where new building sites are being created.
- (50) Reserves: Parcels of land within a subdivision set aside for future subdivision or set aside for other purposes, as noted on the plat.
- (51) Right-of-way: The width between property lines, of a street, alley, crosswalk or easement.
- (52) Sediment: Solid mineral and organic material that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity, or ice, and has come to rest on the earth's surface above or below sea level.
- (53) Sediment Basin: A barrier, dam, or other suitable detention facility built across an area of water flow to settle and retain sediment carried by the runoff waters.
- (54) Setback Line, Building: A line indicating the minimum horizontal distance between the street easement or right-of-way line and buildings, as governed by the applicable Zoning Code and Thoroughfare Plan.
- (55) Streets, Arterial: Arterial streets have the primary purpose of carrying through traffic to and from residential, commercial and industrial areas and the secondary purpose of providing access to abutting property. It is usually a continuous route carrying heavy loads and a large volume of traffic. A.D.T.'s are typically in excess of 3,500.
- (56) Streets, Collector: Have the primary purpose of intercepting traffic from intersecting local streets and handling this movement to the nearest arterial streets. A secondary function is service to abutting land use. A.D.T's are typically 1,500 to 3,500 in residential areas, with A.M. peak-hour about 7 to 8 percent and P.M. peak-hour traffic about 10 percent of the A.D.T.

- (57) Street, Cul-de-sac: A local street which does not connect two streets and is provided with a bulb-type turn around facility.
- (58) Street, Frontage Road: A minor street which is generally parallel and contiguous to an expressway, freeway, parkway, major and minor street and is so designed as to intercept, collect and distribute traffic desiring to cross, enter or leave such street, and which provides access to abutting properties and protection from through traffic.
- (59) Street, Local: Includes all streets not on a higher system. The primary purpose of local streets is to provide direct access to adjacent land. Typical A.D.T. ranges from 100 to 1,500 with similar proportions of peak-hour traffic as for the collector streets.
- (60) Street, Minor: (See Street, Local).
- (61) Street, Private: A right-of-way, owned privately, which provides vehicular and pedestrian access to adjacent properties.
- (62) Street, Public: A right-of-way, dedicated to public use, which provides vehicular and pedestrian access to adjacent properties.
- (63) Subdivider: Any person, persons or corporation or duly authorized agent who undertakes or makes preparation for the subdivision of land as defined in these Regulations.
- (64) Subdivider's Agreement: An agreement by and between a subdivider and/or developer and the Village of Hiram Council that sets forth the manner in which the subdivider and/or developer agrees to proceed with the construction of public improvements and the disposition of lots in the subject subdivision.
- (65) Subdivision:
- A. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots, any of which is less than five (5) 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 (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
 - B. The improvement of one (1) 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.
- (66) Subdivision Technical Review Group: The technical advisory group for the Commission and Village may consist of, but is not limited to the representatives from the Portage County Soil and Water Conservation District Office, the Village Zoning Inspector, the Village Planning Commission, the Portage County Board of Health and the Portage County Regional Planning Commission.

- (67) Surety: A certificate of deposit, a cash deposit, an irrevocable letter of credit, or a cash escrow account, all of which are either issued or deposited in favor of the Village Council, and designed to guarantee the construction of improvements required in these Regulations.
- (68) Surveyor: A registered surveyor, authorized to practice professional surveying by the State Board of Registration, as specified in Chapter 4733 of the Ohio Revised Code.
- (69) Variance: A modification of the strict terms of the relevant standards where such modification will not be contrary to public interest and where owing to conditions peculiar to the subject property and not the result of the action of the applicant and a literal enforcement of the Standards would result in unnecessary and undue hardship. Said variance may be granted by the Village Council upon recommendation by the Village Planning Commission.
- (70) Village: Village of Hiram, Portage County, State of Ohio.
- (71) Village Council: Village of Hiram Council.
- (72) Village Engineer: The Village's consulting Engineer.
- (73) Village Sanitary Engineer: The Village's consulting Sanitary Engineer.
- (74) Village Zoning Inspector: The Village's appointed Zoning Inspector.
- (75) Wastewater Treatment System--Central Public: A sewage system, including collection and treatment facilities, designed and operated by a division of local government intended to service a region larger than the proposed subdivision.
- (76) Wastewater Treatment System-Package System: A sewage system, including collection and treatment facilities, installed by the subdivider or developer and transferred to the County Sanitary Engineer for maintenance and operations according to the terms of these and other applicable Regulations, intended to service the proposed subdivision and other adjacent or nearby areas as determined by the Ohio Environmental Protection Agency and the County Sanitary Engineer.
- (77) Water Supply System-Central Public: A water supply system, including water collection, purification and distribution systems, installed by the subdivider or other private party and transferred to the County Sanitary Engineer for maintenance and operations, or operated as a privately owned utility, subject to all requirements of these and other applicable Regulations. (Ord. 99-15. Passed 9-14-99.)

1143.04 PROCEDURES FOR SUBDIVISION APPROVAL.

(a) Approval Required. Whenever any subdivision of land is proposed (See Section 1143.03(b) "Subdivision Definitions"), before any deed of conveyance is made for the sale of any part thereof, and before any permit for the erection of any permanent building in such proposed subdivision shall be granted, the subdivider or his agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedures.

(b) Conditional Use Standards for Platted Conventional Subdivisions.

- (1) Design Criteria. Developer of any conventional subdivision must demonstrate how a conventional subdivision layout better meets the purposes of the zoning district in which the project is to be located than would a conservation subdivision design.
 - A. Special natural resources and features, such as stands of trees, open fields, ponds, streams, hills, and environmentally sensitive areas are included and preserved in the overall design of the project.

- B. Historic and cultural features are included and preserved in the overall design of the project.
 - C. Buildings and roads are designed and located to protect and enhance natural topography and the traditional rural Village character.
 - D. Scenic vistas and areas as seen from the public road system are preserved as open space for the public's enjoyment.
 - E. Dwelling unit setback lines are flexible. The new homes blend with the unique physical characteristics of the surrounding area to preserve the rural landscape.
 - F. The proposed street system is designed to connect to existing street patterns whenever possible.
- (c) Lot Split Approval Procedures (Minor Subdivisions).
- (1) Conditions for Approval. The approval of a minor subdivision of less than five acres may be granted by the Planning Commission if the proposed division meets all the following conditions:
 - A. The proposed subdivision is located along an existing State, County, or Village approved roadway and involves no opening, widening or extension of any street or road or public utility;
 - B. In accordance with Section 711.131 of the Ohio Revised Code, no more than five (5) lots may be transferred off the original tract.
 - C. The proposed subdivision is not contrary to applicable subdivision, engineering, or zoning regulations;
 - D. The proposed subdivision is approved by the Village for connection to an approved sanitary sewer system.
 - (2) Authority. Section 711.131 of the Ohio Revised Code gives Village Planning Commission the authority to abbreviate approval procedures for minor lot splits. The Commission, acting through Zoning Inspector, shall implement the following procedures.
 - (3) Application and Review Process.
 - A. Preliminary discussion phase. The subdivider is encouraged to meet with the Zoning Inspector prior to developing any surveys or legal descriptions affecting a minor subdivision or combination of land in order to discuss the procedures involved and become familiar with any subdivision and zoning regulations pertaining to the property and the proposed action. It is helpful to provide a sketch plan showing approximations of the existing property lines and proposed property lines. The sketch plan may be a rough drawing and need not be detailed. It may also be helpful to meet with the Zoning Inspector at the site of the proposed subdivision prior to developing the minor subdivision plan.
 - B. Review and approval. Upon receipt of the "Application for a Lot Split", the lot split plan and the required fee for a minor subdivision approval, the Zoning Inspector shall forward the proposed subdivision plans to those governmental and subdivision technical review agencies having jurisdiction or interest in the proposed subdivision. If the staff is satisfied that the proposed subdivision is not contrary to applicable platting, zoning and subdivision

- regulations, it shall, within seven (7) working days, approve such proposed division. If the proposed subdivision does not meet the requirements of these Regulations and applicable zoning regulations, the Zoning Inspector will not approve the proposed minor subdivision. The burden shall be upon the subdivider to amend the proposed subdivision to meet all applicable requirements.
- C. Fees required. The Village Planning Commission, with the approval of Village Council, shall establish fees to be deposited with each application.
- (4) Lot Split Plan Requirements. The plan for a minor subdivision shall be subject to the following requirements:
The plan shall show:
- A. A title such that the general location of the survey can be identified (i.e. State, County, Village, Range and Lot No.).
 - B. North arrow and scale.
 - C. An accurate control station and its relation (bearing and distance) to the subject property. The beginning point must be referenced to something identifiable on the tax map (i.e. road intersection or lot line). A simple Deed Volume and Page or Highway Station reference alone is not acceptable.
 - D. Length and direction (bearing or interior angle) of each line for all metes and bounds descriptions.
 - E. Subject owners' names, Deed Volume and Page, and acreage.
 - F. Adjacent owners' names, Deed Volume and Page, and acreage and/or subdivision name and Plat Number or Plat Book and Page number, if applicable.
 - G. Original tract number and original acreage.
 - H. If the tract(s) or lot(s), as surveyed, fall within two or more existing parcels, as currently shown on the County Auditor's Tax Duplicate, or within two or more general areas (e.g., Village lots), then the plat and written description shall include the areas broken down accordingly.
 - I. When a division of any parcel of land into two or more parcels is created, the plat shall graphically show the relationship of the newly created parcel(s) to the parent parcel and shall show the acreage and the recording reference of the parent parcel as well as any permanent structure within fifty (50) feet of the newly created property line.
 - J. Current road names, route numbers and right-of-way widths for all existing streets within and adjacent to the plan for a minimum distance of fifty (50) feet.
 - K. List all references to ascertain survey volume, Deed Volume and Page, old surveys, etc.
 - L. All property corners are to be monumented according to the state survey standards.
 - M. Certification statement, seal, registration number and signature of the registered surveyor responsible for the survey.
 - N. Date of survey.

- O. Every measurement of distance shall be made either directly or indirectly in such manner that the linear error in the distance between any two points (not necessarily adjacent points) shall not exceed the reported distance divided by five thousand (allowable linear error = reported distance divided by five thousand) and every angular measurement shall be made in such a manner that the allowable (directional) error, in radians, shall not exceed allowable linear error divided by the reported distance [allowable (directional) error = allowable linear error divided by the reported distance]. When the reported distance is less than one hundred feet, the linear error shall not exceed 0.02 feet. The reported distance is the distance established by the survey.
- P. Plan Form.
1. All survey plans shall be clearly and legibly drawn in India ink on mylar that is a minimum of .003 inch thick.
 2. Where necessary, the plan may be on several sheets accompanied by an index sheet showing the entire subdivision.
 3. The size of the sheets for minor subdivisions shall be either 8 1/2" by 14", 18" by 24", 24" by 30" or 24" by 36".
 4. Marginal lines shall be drawn around the entire sheet, leaving a one-inch margin from the binding edge and a 1/2" margin from the other edge.
 5. The subdivision shall be drawn at a scale of not less than one hundred (100) feet to the inch.
 6. All plans must be legible. If any information is hard to read, the plan will not be accepted.
- (5) Optional Requirements. Any of the following optional requirements may be required by the Commission on the basis of the characteristics of the subject property.
- A. Topographical contours in 1 foot or 2 foot intervals.
 - B. A lot grading and drainage plan, illustrating a plan for the handling of surface and sub-surface drainage, showing proposed finished grade elevations, the type, size, location, and outlet of all drainage improvements, swales, easements, and the proposed ground cover.
 - C. Spot elevations, when topographical conditions warrant.
 - D. Soils borings to determine the impact of the proposed development on the water table.
 - E. Minimum ground floor building elevations in conjunction with the required lot-grading plan.
 - F. 100-year flood plain and floodway fringe elevations and delineations where applicable.
 - G. A complete erosion and sediment control plan, as per Section 1143.05(f).
 - H. Screening and buffering provisions, as per Section 1143.05(m).
 - I. A development staging plan showing future subdivisions and resubdivision potentials.
 - J. A surety for the construction of improvements.

- K. Other provisions as seen necessary by the Planning Commission in order to create buildable sites and promote the public's health, safety and welfare.
- L. A detailed inventory of the forested areas. The Planning Commission may require that certain forested areas and/or individual tree species remain unharmed.

Additional right-of-way for road purposes may be required within the area encompassed by the said lot split proposal in order to bring about conformance with the minimum public road right-of-way requirements as set forth by the Regulations and/or the Village of Hiram Thoroughfare Plan as adopted by the Commission and as amended.

The Commission may require the use of private deed restrictions to make provisions for the protection of environmentally sensitive areas. Such restrictions shall be placed upon the deed(s) for the proposed lot split prior to approval.

- (d) Major Subdivision Approval Procedures.
 - (1) Conditions Requiring Major Subdivision Approval. Any subdivision involving:
 - A. More than five (5) lots any one of which is less than five (5) acres, inclusive, after the tract of record has been completely subdivided, or
 - B. The opening, widening or extension of a street or streets, or
 - C. The division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or
 - D. The division or allocation of land as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities, shall be subject to the procedures and requirements set forth by these Regulations for Major Subdivision Approval.
 - (2) Pre-Application Meeting (Optional). Prior to developing a preliminary plan for a proposed subdivision, the subdivider should contact the Village of Hiram Zoning Inspector and arrange for an informal meeting. The purpose of this meeting is to discuss the procedures and requirements for subdivision approval as well as to familiarize the developer with any Comprehensive Development Plan, Major Thoroughfare Plan, Parks and Open Space Plan applicable to the Village, and with the Village's Zoning Code and drainage/storm sewer, sanitary sewer and water distribution systems. A sketch plan submitted to the Zoning Inspector prior to or at this meeting would be beneficial to the review and discussion of the subdivision being proposed. (Reference subsection (d)(3) hereof for items that should be included on a sketch plan).
 - (3) Contents of Sketch Map. The subdivider should submit to the office of the Village Planning Commission a pre-application sketch containing the following information:
 - A. Dimensions and acreage of property.
 - B. Dimensions and acreage of the proposed lots.
 - C. Planned methods of handling sewage, showing the location of any existing or proposed outlets.
 - D. Location, size, and depth of existing utility lines.

- E. Location of any existing or proposed roads.
- F. Location of any easement on the property, proposed or existing.
- G. Directions of surface water flow.
- H. Indication of stakes showing property lines, lots, roads and utility lines.
- I. Names, address and phone number of owner and his designated agent.
- J. The foot print of any existing structures on site together with a written statement concerning their proposed disposition.
- K. A letter from the legal owner of record granting access to the subject premises to any public official involved in the review of the proposed subdivision.

(e) Major Subdivision, Preliminary Plan Process (Optional). Subdivisions being determined by subsection (d)(1) hereof may be presented to the Village Planning Commission in two (2) platting processes, an optional preliminary plan followed by the required final plat process. The preliminary plan shall conform with the requirements set forth in this Section. The platting requirements for subdivision of five (5) or fewer lots which are along an existing street, not involving the opening, widening or extension of any street or road, may be waived by the Planning Commission.

- (1) Application and preliminary plan submission. After the sketch plan stage, the subdivider may prepare a preliminary plan, in accordance with the requirements of subsection (e)(4) hereof. An application for preliminary plan approval should be completed and submitted with eight (8) copies of the proposed preliminary plan and eight (8) copies of the soils information sheet, together with payment of all required fees and a letter describing the proposed project, in order to qualify as an accepted submission. The submittal of the optional preliminary plan is to be made to the Village Zoning Inspector's office a minimum of at least 28 days prior to the Village Planning Commission meeting where consideration is being requested. This period of time is needed in order to review the plan that has been submitted.
- (2) Preliminary plan requirements. If submitted, the preliminary plan shall conform with all of the following requirements prior to consideration of the said plan by the Commission. If the subdivider of land chooses not to submit the optional preliminary plan, all information, studies, tests and other items normally required as part of the preliminary plan process shall be submitted to the Village with the improvement plans for the proposed subdivision.
- (3) Scale and plan form requirements. The preliminary plan shall be drawn to a scale of not smaller than one hundred (100) feet to the inch and shall be drawn legibly with India ink on one or more sheets of twenty-four (24) inches by thirty-six (36) inches drafting mylar, with a minimum thickness of .003 inch. If more than two (2) sheets are required, an index must be included. The preliminary plan shall be prepared by a qualified professional engineer or surveyor registered and licensed to work in the State of Ohio.

- (4) Content of preliminary plan.
- A. General.
1. Proposed name of the subdivision, which shall not duplicate or closely approximate the name of any other subdivision in Portage County.
 2. The location by section, range, and township or other surveys.
 3. Names, addresses and phone numbers of the professional engineer and/or registered surveyor who prepared the plan.
 4. Date of plan preparation and survey.
 5. The scale of the plat.
 6. A north point and a legend.
 7. Boundaries of the subdivision and its approximate acreage.
 8. Names of adjacent subdivision, owners of adjoining parcel of unsubdivided land, and the location of their boundary lines.
 9. Zoning classification of the tract and adjoining properties.
 10. A vicinity map at a scale not smaller than two thousand (2,000) feet to the inch.
- B. Existing and Natural Features.
1. Topographical contours at 1' or 2' intervals based on sea level datum, as determined by the U.S. Coast and Geodetic Survey. Where land slopes less than two percent (2%), spot elevations must be shown at all changes in direction of the boundary survey and at all breaks in grade, and along all drainage channels or swales at selected points. Where the land slopes more than fifteen percent (15%), contours should be shown at five (5) foot intervals. Sufficient topographical information shall be included within and adjacent to the area proposed to be subdivided in order to allow the reviewing agencies the opportunity to properly review the impact of the off-site conditions related to the proposed subdivision.
 2. The location of the benchmark used to determine base elevation. If feasible, horizontal positions should be given to subdivision corners in Ohio State Plane Coordinates.
 3. The major storm routing path.
 4. Soils information, presented on a separate sheet identical in scale to the preliminary plan. The street and lot layout shall be superimposed upon the soils information sheet. Data shall be derived from "Soil Survey, Portage County, Ohio, U.S. Department of Agriculture" or other compatible sources.
 5. The 100-year floodplain of any stream identified as having a flood hazard area.
 6. Wooded areas.
 7. Rivers, streams, watercourses, drainage routes, ponding areas and drainage patterns.
- C. Existing Physical Features and Boundaries.
1. Approximate location of existing buildings within one hundred (100) feet of the proposed subdivision.

2. Existing township and municipal boundary lines within five hundred (500) feet of the proposed subdivision.
 3. Locations, names and widths of existing streets within and adjacent to the proposed subdivision.
 4. Existing easements within and adjacent to the proposed subdivision. When utility transmission easements are located in the area of the proposed subdivision, the subdivider shall furnish written evidence of acceptance of the proposed plans by the utility.
 5. Location and illustration of existing storm and sanitary sewers, culverts, drainage tile, water lines, gas lines, CATV, power poles and power lines within and adjacent to the proposed subdivision.
- D. Proposed Features.
1. The location, dimensions and names of all proposed streets, and other public rights-of-way.
 2. The locations, dimensions and numbers of all proposed block, lots, reservations, and purpose of any reserves.
 3. Preliminary locations and anticipated sizes of proposed storm sewer, culverts, outlets, sanitary sewers, and water lines showing the connections, when applicable, to areas outside the proposed subdivision.
 4. The location and dimensions of proposed on-site parking and loading areas. (Reference Zoning Requirements).
 5. The location and type of proposed landscaping and screening improvements, when required by zoning.
 6. The location of proposed parkland, open space or other public or common facilities.
 7. The location and type of other proposed improvements.
 8. The locations and dimensions of minimum building setback lines required by the Village Zoning Code.
- E. Optional Requirements. As per these Regulations, the Commission may require the following tests to be performed or information to be shown on or accompany the preliminary plan at the time of its submission:
1. A buffering and screening plan.
 2. Noise abatement measures.
 3. Samples of proposed deed restrictions and/or private covenants, when proposed by the subdivider.
 4. Descriptions of the intended use of proposed public or common areas.
 5. The location of existing or proposed traffic control measures including turning lanes, special curbing and other public safety devices.
 6. The type and width of street pavement to be used, when the Village determines that a special pavement is necessary.
 7. A Wetlands Delineation Study.
 8. A Detailed Soil Analysis.
 9. A copy of any approvals obtained from the Army Corps of Engineers, the Ohio E.P.A. or other agencies as may be required by the Commission.

10. An Environmental Assessment.
 11. Soils borings to determine the impact of the proposed development on the water table.
 12. A detailed inventory of the forested areas. The Planning Commission may require that certain forested areas and/or individual tree species remain unharmed.
- F. Future Subdivision Provisions. The preliminary plan shall include a plan showing the location or potential location of all future collector streets for all land adjacent to or within the tract that is under the same ownership or control as the area being subdivided. The future subdivision plan does not represent a preliminary plan for the area it covers.
- G. Master Drainage Plan. A master drainage plan shall be submitted as a part of the preliminary plan (See Section 1143.05(b)).
- H. Erosion and Sedimentation Control Plan. A soil erosion and sedimentation control plan shall be submitted as part of the preliminary plan (See Section 1143.05(e)).
- I. Subdivision Grading Plan. A subdivision grading plan shall be submitted as part of the preliminary plan (See Section 1143.05(g)).
- (5) Preliminary plan technical review. Within five (5) days of the receipt of the preliminary plan, the Zoning Inspector shall circulate copies of the plan to the Technical Review agencies that the Zoning Inspector determines should be informed.
- A. The technical advisory group for the Commission and Village, may consist of, but is not limited to the Chief of Police, the Fire Chief, and Zoning Inspector, and representatives from the Portage County Building Department, the Portage County Soil and Water Conservation District Office, the Portage County Board of Health and the Portage County Regional Planning Commission. Members of this group are to meet to review the plans presented to it on an as needed basis, with a minimum of one (1) week in advance of the scheduled review meeting. The subdivider of land can reasonably expect members of the review group to visit the subject site, either on an individual basis or as a group.
- B. A representative of the proposed subdivision may be present to ask or answer any questions which may arise.
- (6) Land preparation for review. The land to be reviewed by the review group shall be clearly staked at the front and back lot lines of the proposed subdivision lots, at the centerline of a proposed road and along any drainage easement and outlets. The stakes shall be clearly marked so that they can be seen.
- (7) Notification. Within one (1) week of the Technical Review of the preliminary plan meeting, the Zoning Inspector shall notify the applicant and Planning Commission in writing of the comments and recommendations made by the Subdivision Technical Review meeting members.

- (8) Preliminary plan approval. Upon receipt of the recommendations and advice of the Technical Plan Review Committee, and at the meeting scheduled to review the preliminary plan, the Village Planning Commission shall approve, approve with modifications, or disapprove the preliminary plan. If the preliminary plan is disapproved or approved with modifications, the reasons of such disapproval or necessary modifications shall be stated in writing and provided to the applicant. When the preliminary plan is approved by the Commission, the Chairperson shall sign all copies and return one (1) to the subdivider. Once approval has been provided, the subdivider may submit to the Village the improvement plans for the proposed subdivision.
- (9) Approval period. The approval of the preliminary plan shall be effective for a maximum period of one (1) year from the date of preliminary plan approval, for the purpose of the preparation of the final plat and the installation of the necessary improvements. An extension of time may be requested by the subdivider and granted in writing by the Village Planning Commission.
- (10) Improvement assurance. Assurances of Improvements, as set forth in these regulations, shall be executed prior to filing the final plat with the Commission's office.
- (11) Major subdivision, final plat process. The subdivider, after having received approval of the preliminary plan, if such plan was filed for review, and upon completion of all improvements or the necessary improvements assurances, shall prepare the final plat of the proposed subdivision. If a preliminary plan was not filed with and approved by the Village Planning Commission, the applicant for a major subdivision shall not construct any of the necessary improvements until final plat approval has been obtained. The final plat shall incorporate all changes in the preliminary plan required by the Commission, otherwise it shall conform to the preliminary plan, and it may constitute only that portion of the approved preliminary plan which the subdivider proposes to record and develop at the time. If the subdivider of land did not submit the optional preliminary plan, all of the information required in subsection (e) of these regulations shall be submitted to the Village at the time the improvement plans for the proposed subdivision are submitted. The final plat will be approved or disapproved and shall conform with the requirements set forth in subsection (f)(3).
- (12) Submission to State Highway Director. Before any plat is approved affecting any land within three hundred (300) feet of the centerline of proposed new highway(s) for which changes are proposed as described in the certification to local officials by the State Highway Director of any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Highway Director. The Commission shall not approve the plat for one hundred twenty (120) days from the date the notice is received by the Highway Director. If the Highway Director notifies the Commission that he shall proceed to acquire the land needed, then the Commission shall refuse to approve the plat. If the Highway Director notified the Commission that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Highway Director and the property owner, the Commission shall, if the plat is in conformance with all provisions of these Regulations, approve the plat.

(f) Final Plat and Application Required. An application on forms provided by the Commission's office, together with eight (8) black line or blue line prints of the final plat along with all approved final engineering improvement plans shall be submitted to the Commission's office. The plat shall be accompanied with certification showing the ownership of all lands dedicated to the public and that the title is free and unencumbered. The final plat shall be prepared by and bear the seal of a registered surveyor.

The Final Plat submittal shall be made to the Village Planning Commission office a minimum of at least twenty-eight (28) days prior to the Village Planning Commission meeting at which the plat is to be considered. The application, final plat, engineering plans and other prints together with payment of all required fees and a letter describing the proposed project, is to be submitted at this time in order to qualify as an accepted submission.

- (1) Scale. The final plat shall be drawn to a scale of not smaller than one hundred (100) feet to the inch and shall be drawn legibly with India ink on one or more sheets of twenty-four (24) inches by thirty-six (36) inches drafting mylar, with a minimum thickness of .003 inch. If more than two (2) sheets are required, an index must be included. The final plat shall be prepared by a qualified surveyor registered and licensed to work in the State of Ohio. The plat shall contain enough information to properly determine tax structure.
- (2) Survey of Dedicators. Every plat shall be superimposed on a survey of the lands of the dedicators from which such plat is drawn and shall contain an accurate background drawing of any metes and bounds descriptions of the lands of the dedicators from which such plat is drawn. (Reference Section 711.02 of the Ohio Revised Code).
- (3) Final Plat Requirements. The final plat shall show the following:
 - A. The name of the subdivision which shall not duplicate or closely approximate the name of any other subdivision in Portage County.
 - B. Survey location information by Section, Range, and Village Lot or other survey method that may be deemed acceptable.
 - C. The total acreage of the subdivision and the acreages within each taxing district. Also, a table that supplies gross acreage, acreage in lots, road acreage, acreage in open space, net acreage and road centerline mileage shall be included on the plat.
 - D. Statement of one hundred percent (100%) ownership by the subdivider of all lands in the subdivision by indication of Deed Book Volume(s) and page(s).
 - E. The names and addresses of the owner of the land, the developer and the professional engineer and/or the surveyor who are responsible for the preparation of the plat and any improvements.
 - F. The names of adjacent subdivisions and the names of recorded owners of adjacent parcels of unplatted land and Deed Book Volume(s) and page(s).
 - G. North-point, date and scale of not more than one hundred (100) feet to an inch.
 - H. A vicinity sketch shall be drawn on the plat showing the location of said subdivision and its relationship to the roads, streets and alleys in the area.
 - I. The area of the parcel. Descriptions other than the metes and bounds form shall include sufficient and adequate legal and technical wording so that the property can be definitively located and defined.

- J. Sufficient mathematical data shall be given for each curved line so that the curve can be reproduced without ambiguity.
- K. A known reference point shall be accurately tied to the lines of the subdivision by distances and bearings and any municipal, Township, Village or section lines transgressing a plat or immediately adjacent thereto shall be shown with acreage breakdown in each division.
- L. The accurate location and material of all permanent references monuments. (Section 711.03 of the Ohio Revised Code).
- M. Accurate layout and dimensions of lots and blocks with the necessary distances, bearings and angles.
- N. Accurate layout of easements for public use, services, utilities and drainage with dimensions and appropriate bearings, and with the limitations of the rights definitely stated on the plat.
- O. In case the subdivision is traversed by a watercourse, channel, stream, or creek, show directions of flow, the prior or present location of such watercourse, channel, stream, or creek and an easement for the maintenance thereof.
- P. If the tract(s) or lot(s), as surveyed, fall within two (2) or more existing parcels, as currently shown on the County Auditor's Tax Duplicate, or within two or more general areas (e.g., Village lots), then the plat and any written description shall include the areas broken down accordingly.
- Q. When a division of any parcel of land into two (2) or more parcels is created, the plat shall graphically show the relationship of the newly created parcel(s) to the parent parcel and shall show the acreage and the recording reference of the parent parcel.
- R. Sublot numbers and block letters as may be required by the Village.
- S. Street names of all streets in the subdivision or paralleling the boundaries of the subdivision.
- T. The accurate outline of all property which is offered for dedication for public use; and of all property that may be reserved by covenant in deeds for the common use of the property owners in the subdivision, with the purpose of the reservation indicated.
- U. A list of any restrictions and covenants the subdivider intends to include in the deeds to the lots in the subdivision.
- V. Certification by a registered surveyor to the effect that:
 - 1. The plat represents a field survey of the boundaries and all lots in the subdivision made by the surveyor;
 - 2. All monuments indicated actually exist and their location, size and material are correctly shown, and;
 - 3. That all requirements of these Regulations have been complied with fully.
- W. A notarized certification by the owner or owners of the land of the adoption of the plat and the dedication of streets and other public areas.
- X. The Zoning Inspector's signature on the plat prior to the filing of the plat with the Village Planning Commission's Office to show that the plat conforms with the zoning requirements and that the correct zoning is in effect.

- (4) Filing. The final plat shall be filed with the Village Planning Commission no later than one (1) year after the date on which the preliminary plan was approved. Under no circumstances shall the final plat be filed prior to the approval of any necessary improvement plans and the construction, inspection and approval of said improvements or the posting of the necessary assurances and surety guaranteeing the construction of the required improvements.
- (5) Approval of the final plat. The Village Planning Commission shall approve or disapprove the final plat within thirty (30) days after it has been filed or within such further time as the applying party may agree to in writing. Failure of the Commission to act upon the final plat within such time shall result in the plat being deemed as approved. If the plat is disapproved the grounds for disapproval, stating the rules or regulation violated, shall be stated in the records of the Planning Commission and a copy of said record shall be forwarded to the subdivider. If disapproved, the subdivider may make the necessary corrections and resubmit the final plat within thirty (30) days to the Planning Commission for its final approval. If a plat is again refused by the Planning Commission, the person submitting the plat may file a petition within sixty (60) days after the initial refusal, in the Court of Common Pleas of Portage County to reconsider the action of the Commission.
- (6) Approval period. The approval of the final plat shall be effective for a maximum period of ninety (90) days from the date of final plat approval for the purpose of the installation of the necessary improvements. An extension of time may be requested by the subdivider and granted in writing by the Planning Commission.
- (7) Required statements to be affixed on the subdivision plat.

Situated in the Village of Hiram, County of Portage, State of Ohio, and being part of Village Lot _____, containing _____ acres and being the same tract as conveyed to _____ and described in deed recorded in Deed Volume _____, Page _____, Recorder's Office, Portage County, Ohio.

We, the undersigned, being all the owners and lien holders of the land platted herein, certify that the attached plat correctly represents our " _____ ", a subdivision of lots _____ to _____ inclusive, do hereby accept this plat of same, do voluntarily consent to the execution of said plat.

(If any new streets are platted, the following statements must be included.) All streets shown hereon will not be accepted for public use until such time as construction is complete and said streets are formally accepted as such by the Village of Hiram.

In Witness thereof _____ have hereunto set their hands this _____ day of _____, 20_____.

Witness _____ Signed _____

Easements are reserved for the construction, operation and maintenance of all public and private utilities proposed beneath the surface of the ground, and where necessary, are for the construction, operation, and maintenance of service connections to all lots and lands, and for storm water drainage.

The dimensions of the lots and streets are shown on the plat in feet and decimal parts thereof.

In Witness thereof _____ have hereunto set their hands the _____ day of _____, 20_____.

Witness _____ Signed _____

Surveyed and Platted by _____ Surveyor

We do hereby certify that we have surveyed the accompanying tract of land and that the plat is a correct representation of said premises. All property pins have been set as required by the subdivision Regulations of the Village of Hiram.

By _____ Registered Surveyor

STATE OF OHIO
COUNTY OF PORTAGE
VILLAGE OF HIRAM

Before me, a Notary Public in and for said state, personally came _____ who acknowledged the signing of the foregoing instrument to be their voluntary act and deed for uses and purposes therein expressed.

In Witness whereof I have hereunto set my hand and affixed my official seal this _____ day of _____, 20_____.

Notary Public

Approved this _____ day of _____, 20_____.

Village of Hiram Engineer

Approved this _____ day of _____, 20_____.

Village of Hiram Sanitary Engineer

Approved this _____ day of _____, 20_____.

Village of Hiram Zoning Inspector

Approved this _____ day of _____, 20_____.

Chairperson, Planning Commission

This _____ day of _____, 20_____, right-of-way for all roads, boulevards, etc., herein dedicated to public use are hereby approved and accepted as such for the Village of Hiram, State of Ohio.

President, Village of Hiram Council

This plat shall not be transferred or recorded until all above required signatures are placed on this plat.

Transferred this _____ day of _____, 20_____.

Portage County Auditor

Filed for record this _____ day of _____,
20_____, at _____.

Recorded this _____ day _____, 20_____,
in Plat Number _____

Portage County Recorder

- (8) Signatures and recording of the plat. Within ninety (90) days after the date of approval by the Planning Commission, the plat shall be submitted to the following offices for signature:
- A. Village of Hiram Planning Commission.
 - B. Village of Hiram Engineer.
 - C. Village of Hiram Sanitary Engineer.
 - D. Village of Hiram Council for the action as may be necessary on the dedication of roads and other lands.
 - E. Portage County Auditor for purpose of tax records.
 - F. Portage County Recorder for recording purposes. Plats not recorded within ninety (90) days after final approval by the Planning Commission shall be reapproved by the Planning Commission to assure compliance with applicable rules and regulations at the time of reapplication.
- (g) Replats and Exceptional Replats.
- (1) Any person who has legal title to land that has been platted may attempt to change any of the lots, streets or alleys by having a new plat drawn, referred to as a Replat or Exceptional Replat (See Definitions).
 - (2) No change shall be approved by the Planning Commission if it injuriously affects any lots on the streets or alleys. Replats and Exceptional Replats shall only be approved by the Planning Commission when all applicable zoning and subdivisions regulations are met, unless otherwise approved through the granting of a variance.
 - (3) All subdivision design regulations and application requirements for platting apply to Replats and Exceptional Replats.
(Ord. 99-15. Passed 9-14-99.)

1143.05 SUBDIVISION DESIGN STANDARDS AND REQUIREMENTS.

(a) Subdivision Name. The proposed subdivision name shall not duplicate or closely approximate the name of any existing subdivision in the Village or other locations within Portage County.

(b) Drainage.

- (1) General. These drainage policies, guidelines and criteria do not provide solutions to all drainage problems, and the Engineer is not exclusively restricted to these designs and procedures. There may be special or unusual drainage or design problems involving exceptions to these policies and criteria. These special problems should be reviewed prior to completing final plans.
- (2) Commission Policy. The Commission shall not approve any subdivision having inadequate storm drainage or any other physical wetness, drainage or flooding impairment as determined by the Village or other member of the Subdivision Technical Review Group.
- (3) Stormwater Management Policy. For subdivision and development proposals, the applicant shall submit all information necessary for the Village to determine if the stormwater rate of runoff shall be controlled prior to release to downstream properties. If the Village determines control of stormwater runoff is necessary, the location, construction, ownership and maintenance of required detention or retention facilities shall be resolved prior to approval of the subdivision plat or proposed development.

(c) Master Drainage Plan.

- (1) Requirements. Persons wishing to plat or develop property in the Village of Hiram are required to prepare and submit a master drainage plan for the total development area.
- (2) Content. The applicant shall:
 - A. Prepare a topographic contour map with drainage areas delineated, with a plan for draining the total upstream tributary watershed through the proposed development,
 - B. Show the general layout of proposed inlets and storm sewers and existing drainage structures with sizes and invert elevations,
 - C. Examine and show the routing path for excess runoff through the site in the event the drainage facilities capacity is exceeded showing excess stormwater will be kept out of habitable structures,
 - D. Submit the master drainage plan to the Village prior to initiating final engineering plans.
- (3) Preliminary Nature. It must be recognized the master drainage plan is preliminary and does not constitute a detailed working design or plan from which a sewer project can be constructed nor is such detail necessary to meet the objectives of the preliminary phase.

(d) Final Drainage Plan. After approval of the master drainage plan, the applicant shall provide a final drainage plan in accordance with these Regulations.

(1) Methods for Determining Peak Rate and Design Flows.

- A. Watersheds under 200 acres. It will be the policy of the Village to use the Rational Method ($Q=ciA$) for all design storms for drainage areas of 200 acres or less.

- B. Watersheds over 200 acres. For drainage areas over 200 acres and for determining major storms, methods contained in "Urban Hydrology for Small Watersheds; Technical Release No. 55" may be used to provide peak rates of runoff.
- C. The Village may specify or approve other methods or techniques for drainage calculations.

D. **RUNOFF COEFFICIENT ("C" VALUE) GUIDELINES**

Unimproved Areas	0.2
Parkland	0.2
Cultivated	0.4 - 0.6
Residential:	
Single Family	0.4
Apartments	0.6
Industrial	0.7
Commercial	0.8
Impervious Areas	0.95

NOTE: Site specific considerations may merit modification of Runoff Coefficient Guidelines.

- (2) Design storms. The Major Storm will be based on a return period of not less than 100 years, unless otherwise approved by the Village. Rainfall frequency curves, as approved by the Village, may be used for all design storms. The peak discharge to be computed for all storm drainage facilities is defined in the design criteria for those facilities.
- (3) Routing path. The overland routing path or major drainage system is the part of the total storm drainage system which carries runoff exceeding capacity of the initial system (storm sewers and open ditches). The major drainage system shall have capacity, to carry runoff from the major storm without causing significant threat to property or public safety.
- (4) Design specifications: roadway culverts.
- A. Culvert types and design standards shall meet the requirements of the Village, ODOT and these guidelines.
- B. Design storm frequency: 10-50 year as determined by the Village.
- C. The plan for each culvert shall show the tributary area in acres and the design discharge capacity in cubic feet per second.
- D. Maximum allowable headwater depth shall be determined by the Village. Backwater elevations shall be below existing or proposed first floor elevations.
- E. Culvert Design Coefficients:
- | | |
|----------------------|---------------|
| Manning's "n" Value: | |
| Box Culvert | 0.011 |
| Slab Top Culvert | 0.03 - 0.05 |
| Concrete Pipe | 0.012 |
| Corrugated Metal | 0.025 - 0.035 |
| Entrance Loss: | |
| Box and Slab Top | 0.2 |
| Concrete Pipe | 0.2 |
| Corrugated Metal | 0.25 - 0.9 |
- F. Cover:
Minimum--9 inches to subgrade
Maximum--determined by ODOT standards

- G. End protection shall be as required by the Village and ODOT specifications.
- (5) Design specifications: storm sewers. All storm sewers shall be concrete, unless otherwise allowed by the Village, and be designed using the Manning Equation for flowing full conditions.
- A. Design Storm Frequency:
Up to 72-inch diameter--5 year
72 inch and larger--10 year
- B. Flow velocities in storm sewers shall range between 3 and 15 feet per second unless otherwise approved by the Village.
- C. Hydraulic Gradient, based on 5-year storm, shall not exceed window or grate elevations for inlets or catch basins. Grade line shall be based on tailwater, 0.8D at outlet, or other critical conditions or points within the system.
- D. Minimum Time of Concentration:
Curb Inlet--10 min.
Open Ditch Catch Basin--15
- E. Maximum Length Between Access Structures:
Pipes under 36 inch in diameter--300 feet
Pipes 36" - 60" in diameter--500 feet
Pipes over 60 inch in diameter--750 feet
- F. The main pipe in the storm sewer system, if over 24" in diameter, shall be separated from all surface inlets unless a special design is submitted for approval.
- (6) Design criteria: inlets. Satisfactory removal of surface water is an important aspect of stormwater control. Inlets shall be designed and located in accordance with the requirements of the Village and these guidelines.
- A. Design Storm Frequency:
Major Arterial Streets--5 year
Other streets and roads--2 year
- B. Roughness Coefficients:
Pavement--0.015
Open Ditch--0.02 - 0.04
- C. Maximum Water Spread on Curbed Pavement: 8 feet.
- D. Inlet design and types shall meet ODOT Standards, or be approved by the Village.
- (7) Design specifications: open watercourses.
- A. Open channels (natural or man-made) will be enclosed with a storm sewer when an area is developed. This policy will apply even when the watercourse is located on a property line.
- B. Ditch enclosures requiring a pipe diameter of 60' or greater for a 2 year storm may receive consideration for exemption. Exemptions may be granted as deemed appropriate by the Village.
- C. Access to storm drainage ditches, channels and watercourses shall be by means of maintenance easements. Such easements shall be not less than 20 feet in width on each side of the channel, plus the width of the channel itself. Maintenance easements are to be kept free of obstructions.
- D. Design Storm Frequency: Bank full for 10-year storm.

- E. Manning's "n" Value:
- | | |
|------------------------|---------------|
| Sod or Jute Mat Lining | 0.04 |
| Paved Lining | 0.015 - 0.018 |
| Rock Protection | 0.06 |
| Natural Channel | 0.020 - 0.080 |
- F. Minimum Gradient:
- | | |
|-----------|-------|
| Desirable | 0.48% |
| Minimum | 0.24% |
- G. Maximum Allowable Flow Velocity:
Refer to subsection (f)(7) hereof.
Minimum Allowable Velocity: 2 fps based on 2-year storm
(Channel paving may be required to meet minimum flow velocity requirements).

(8) Detention and retention facilities. In developed and developing urban and suburban areas, several means for controlling stormwater runoff are available. This usually involves storing runoff on or below the ground surface. The following types of storage facilities may be considered:

- A. Parking Lot Storage. This is surface storage utilizing shallow ponding in specifically graded areas of the parking lot. Controlled release features are incorporated into the storm system. Inconvenience to users during ponding, clogging of flow control devices and icy conditions during cold weather are potential problems. Parking lot design and construction grades are critical factors. This method is generally intended to control the runoff directly from the parking area and is not usually appropriate for large volumes.
- B. Wet Ponds or Retention Basins. Storage capacity is available above normal water level. Special outlet devices control release rates. Potential problems include easements, safety and maintenance considerations. Due to larger land area requirements and the need to maintain a permanent water level, these facilities have broader applications for instream control involving larger watersheds. However, recreational and aesthetic benefits are often considerable.
- C. Dry Basins or Detention Basins. These facilities are graded to allow a temporary storage of water only. Outlet devices regulate discharge rates and allow complete drainage of the facility when it is not raining. Dry basins are widely used and often incorporate multi-use purposes such as open space, playfields or parks.
- D. Underground Tank Storage. Underground tanks or chambers may be prefabricated or constructed on site. Storage volume is provided in large diameter pipes, tanks, or chambers with outlet control devices. This method is generally expensive but may be considered where land values are high and more conventional basin designs would occupy too much land area. Storage trenches and rock filled underground facilities are variations of tank storage as they provide storage capacity in the void spaces between the rock materials. Low storage volume and clogging problems may limit feasibility of this type of facility.

- E. Design Criteria: Detention/Retention Facilities:
 Design Frequency: 25-year storm--individual site development with 5 acres or less tributary area.
 100 year storm--watersheds over 5 acres.
 Release Rate: 2-year storm based on existing conditions, or as otherwise approved by the Village.
 Overflow: Provide flood routing/overflow for discharges and volumes exceeding design capacity of system.
 Parking Lot Storage: 6-inch maximum depth of ponding.
 All Basins: Shall be located within easements and maintenance details resolved prior to approval.
 Wet Basins: Fencing may be required around wet basins.
 Dry Basins: Paved flow channels and/or underdrains may be required to provide complete drainage.
- (e) Erosion and Sedimentation Control.
- (1) When Required. An erosion and sedimentation control plan may be required as a supplement to the street and drainage improvements plans. When required, the plan must contain sediment pollution control practices so that compliance with other provisions of these regulations and the Ohio Environmental Protection Agency's general permit for storm water discharges associated with construction activity under the National Pollution Discharge Elimination System (NPDES). An erosion and sedimentation control plan shall be required for any of the following:
- A. When a proposed development area consists of five (5) or more acres and earth-disturbing activities are proposed for the whole area or any part thereof, the responsible person shall develop and submit for approval a sediment control plan prior to any earth-disturbing activity.
- B. When a proposed development area involves less than five (5) acres, it is not necessary to submit a sediment control plan; however, the responsible person must comply with the other provisions of these Regulations. All earth-disturbing activities may be subject to surveillance and site investigation by the Portage County Soil and Water Conservation District (PCSWCD) to determine compliance with these Regulations.
- (2) Surety Required. A surety may be required for erosion and sedimentation control improvements. The surety necessary to cover the erosion and sedimentation control measures shall be included in the street and drainage improvements surety.
- (3) Coordination with Other Drainage Plans. Procedures for developing erosion and sedimentation control plans shall be coordinated with other provisions of these Regulations.
- (4) Submission to Soil and Water Conversation District. Three (3) copies of the erosion and sedimentation control plan shall be submitted to the Village. The Portage County Soil and Water Conservation District shall review and comment on the plans and may provide technical assistance to the developer, Commission, and the Village's Office.

(f) Erosion Control Plan Requirements. The erosion and sedimentation control plan shall be consistent with the street and drainage improvement plans, and conform to the subdivision grading plan, the criteria of the Soil Conservation Service Handbook, "Water Management and Sediment Control for Urbanizing Areas", and shall include:

- (1) Standards and Criteria.
 - A. The preliminary plan or final plat for the site on which the work is to be performed;
 - B. Location of any buildings, structures, utilities, sewers, water and storm drains on the site where the work is to be performed;
 - C. Elevations, and/or contours, dimensions, locations, and extent of all work proposed, and the existing elevation and/or contours of the land;
 - D. An estimation of the quantity of excavation and fill;
 - E. Detailed plans of all drainage provisions, retaining walls, cribbing, vegetative practices, erosion and sediment control measures, location of fences around sediment basins, steep excavations, or ponding areas, and other protective devices to be constructed in connection with, or as a part of the proposed work, together with a map showing the drainage area of land tributary to the site, and estimated cubic foot per second runoff of the area served by any drain, computed in accordance with current Village storm drainage criteria;
 - F. A timing schedule and sequence indicating the anticipated starting and completion dates of the development sequence; stripping and/or clearing, rough grading and construction, final grading and vegetative establishment, seeding mixture and rates for both temporary and permanent seeding, lime and fertilizer application rates and kind and quantity of mulching, maintenance, and the time of exposure of each area prior to the completion of effective erosion and sediment control measures;
 - G. The engineer's estimated cost of the grading and/or filling and the estimated cost of the required erosion controls.
- (2) Sheet and Rill Erosion. To control pollution of public waters by soil sediment from accelerated sheet and rill erosion on development areas, the responsible person shall:
 - A. Construct and maintain sediment basins sized in accordance with the United States Soil Conservation Service handbook, "Water Management and Sediment Control for Urbanizing Areas"; or
 - B. Apply and maintain a level of management and conservation practices such that the predicted average annual soil loss, accumulative monthly in accordance with the procedure in the United States Soil Conservation Service Handbook, "Water Management and Sediment Control for Urbanizing Areas", is less than fifteen (15) tons per acre the first year commencing from the time of initial earth disturbance, ten (10) tons per acre the second year and five (5) tons per acre for any other year of the development process. The management and conservation practices shall be designed, applied and maintained so that the entire development area and any part thereof is protected from accelerated erosion in accordance with the stated criteria; or,

- C. Use other methods to control sediment pollution; this may include, but is not limited to, a combination of paragraphs (a) and (b) of this standard, provided those methods are acceptable to the approving agency.
- (3) Concentrated Water Erosion. To control pollution of public waters by soil sediment from accelerated erosion in drainageways and grassed waterways and in streams and ditches disturbed or modified in conjunction with the development process on a development area, the responsible person shall:
- A. Design, construct, and maintain concentrated water flow channels such that the velocity of flow does not exceed the permissible velocities,
- B. Design, construct, and maintain sediment basins sized in accordance with the United States Soil Conservation Service Handbook, "Water Management and Sediment Control for Urbanizing Areas"; or,
- C. Use other methods to control sediment pollution; this may include, but is not limited to, a combination of subsections (f)(3)A. and B. hereof, provided those methods are acceptable to the approving agency.
- (4) Sloughing, Landsliding and Dumping. To control sediment pollution of public waters caused by sloughing, landsliding, or dumping of earth material, or placing of earth material into such proximity that it may readily slough, slide, or erode into public waters by natural forces, no person shall:
- A. Dump or place earth material into public waters or into such proximity that it may readily slough, slide, or erode into public waters unless such dumping or placing is authorized by the Village for purposes such as, but not limited to, constructing bridges, culverts, erosion control structures and other in-stream or channel bank improvement works; or,
- B. Grade, excavate, fill, or impose a load upon any soil or slope known to be prone to slipping or landsliding, thereby causing it to become unstable, unless qualified engineering assistance has been employed to explore the stability problems and make recommendations to correct, eliminate, or adequately address the problems. Grading, excavating, filling, or construction shall commence only after the Village has reviewed and approved the exploratory work and recommendations and only in accordance with the approved recommendations.
- (5) Stream Channel and Floodplain Erosion. To control pollution of public waters by soil sediment from accelerated stream channel erosion and to control floodplain erosion caused by accelerated stormwater runoff from development areas, increased peak rates and volumes of runoff shall be controlled in conformance with the requirements of subsection (f)(7) hereof.
- (6) Controlling Increases in Peaks and Volumes. Methods for controlling increases in stormwater runoff peaks and volumes may include but are not limited to:
- A. Retarding flow velocities by increasing friction; for example, grassed road ditches rather than paved street gutters where practical; (low density development areas, access roads, etc.) discharging roof water to vegetated areas; or grass and rock lined drainage channels;

- B. Grading and construction of terraces and diversions to slow runoff and use of grade control structures to provide a level of control in flow paths and stream gradients;
- C. Induced infiltration of increased stormwater runoff into the soil where practical; for example, constructing special infiltration areas where soils are suitable; retaining topsoil for all areas to be revegetated; or providing good infiltration areas with proper emergency overflow facilities, and;
- D. Provisions for detention and/or retention; for example, permanent ponds and lakes with stormwater basins provided with proper drainage, multiple use areas for stormwater detention and recreation, wildlife, transportation, fire protection, aesthetics, or subsurface storage areas.

(7) Permissible Velocities for Flowing Water.MAXIMUM VELOCITIES FOR GRASSED WATERWAYS

COVER	SLOPE RANGE (PERCENT)	PERMISSIBLE VELOCITY* EROSION RESISTANT SOILS (FT. PER SEC.)	EASILY ERODED SOILS (FT. PER SEC.)
Kentucky Bluegrass	0-5	7	5
Tall Fescue	5-10	6	4
Smooth Brome	Over 10	5	3
Grass Mixtures	0-5	5	4
Reed Canary	5-10	6	3
Redtop*			
Red Fescue	0-5	3.5	2.5

* Use velocities exceeding five (5) feet per second only where good cover and proper maintenance can be obtained.

* Do not use on slopes steeper than ten percent (10%) except for vegetated side slopes in combination with a stone, concrete, or highly resistant vegetative center section.

* Do not use on slopes steeper than five percent (5%) except for vegetated side slopes in combination with a stone, concrete, or highly resistant vegetative center section.

(8) Permissible Velocities for Vegetated Stream Channels.

- A. Drainage areas less than one (1) square mile. The maximum permissible design velocity shall be based on site conditions and shall be such as to result in stability of the ditch bottoms and side slopes. Maximum permissible velocities will be computed using bank-full stage or 10-year frequency stage, whichever is lower. The following table will be used as maximum velocity for all drainage main or lateral designs. Vegetation shall be established immediately after construction.

PERMISSIBLE VELOCITIES FOR VEGETATED STREAM CHANNELS

SUBSOIL TEXTURE	MAXIMUM VELOCITY (FT. PER SEC.)
Sand and sandy loam (non colloidal)	2.5
Silt Loam (also Highlime Clay)	3.0
Sandy clay loam	3.5
Clay loam	4.0
Stiff clay, fine gravel and graded loam to gravels	5.0
Graded silt to cobbles (colloidal)	5.5
Shale, hardpan, coarse gravel	6.0

- B. Drainage areas greater than one (1) square mile. Channel velocities for newly constructed channels with drainage areas in excess of one (1) square mile shall meet special stability requirements contained in U.S. Soil Conservation Technical Guide, Technical Release #25, "Planning and Design of Open Channels." Channels that cannot be designed to meet the maximum velocity limitation must be stabilized with materials other than vegetation. Such materials include crushed concrete, rip rap, gabions, etc.

(g) Subdivision Grading Plan.

- (1) General. Proper grading of the subdivision is important to ensure a safe building site and a usable yard area. Improper grading of a subdivision can result in severe erosion and maintenance problems, or create a need for costly corrective measures such as additional drainage facilities, retaining walls, and the like. In some cases, improper grading can cause newly constructed homes to be unsuitable for habitation. The subdivision grading plan is general in nature, and is intended to serve as a guideline for establishing lot grading and erosion control plans. It should allow for the independent improvement of each lot.
- (2) Plan Required. A subdivision grading plan shall be prepared for every proposed subdivision.

- (3) Submission Procedure. The subdivision grading plan shall be submitted as a part of the final engineering and construction plans.
 - (4) Conformity with Master Drainage Plan. The subdivision grading plan shall conform to the master drainage plan and other applicable drainage plans and street improvements planned for the proposed subdivision.
- (h) Subdivision Grading Plan Requirements. The subdivision grading plan shall show:
- (1) The approximate location of the proposed structure for each lot and the type of block grading for each block in the proposed subdivision.
 - (2) The direction of flow, indicated by arrows.
 - (3) Proposed elevations shown by broken contour lines.
 - (4) Existing elevations shown by solid contour lines.
 - (5) Proposed drainage easements of the appropriate alignment and width necessary for the expected use and maintenance of proposed drainage facilities.
- (i) Individual Lot Grading Plan. An individual lot grading plan is normally required by the Portage County Building Department when filing an application for a building permit. In some cases, the Commission will require that lot grading plans be submitted with the subdivision plan.
- (1) Conformity with Master Drainage and Subdivision Grading Plan. Individual lot grading plans shall conform to the Master Drainage Plan and Subdivision Grading Plan.
 - (2) Individual Lot Grading Plan Requirements.
 - A. Individual lot grading plans shall conform to the requirements of the U.S. Housing and Urban Development (HUD) Manual of Acceptable Practices, 1973.
 - B. The plan shall be drawn at a scale of not less than 1" = 20 feet, unless otherwise allowed by the Chief Building Inspector.
 - C. In addition to the HUD requirements, the plan shall show:
 1. Drainage easements on side and rear lot lines where necessary.
 2. Existing topographical contours at 2' intervals. Sufficient elevation shall be shown on the plan to indicate all proposed swale locations and drainage directions, including all proposed surface grade breaks.
 3. Spot elevations of the existing and finished grade where less than a two percent (2%) slope exists, curb or edge of pavement elevations, and proposed ground elevations at the right-of-way.
 4. The proposed locations and dimensions of all buildings, paved areas, wells, sewage disposal facilities, drainage tile, and other improvements.
 5. Side elevations of that portion of any structure which is adjacent to the 100-year routing path, as shown on the Master Drainage Plan. No basement entrances shall be permitted adjacent to the 100-year routing path. The minimum building elevation for the lowest floor level (including basement) when adjacent to the 100-year routing path shall be one (1) foot above the 100-year flood elevation as shown on the Master Drainage Plan.

6. The direction of surface water flow along proposed swales.
7. The swales necessary to carry surface water away from the building area, sanitary facilities and/or paved areas. All swale gradients must be shown. All swales must have a gradient of one percent (1%) or greater, unless otherwise allowed by the Chief Building Inspector.

(j) Common Access Driveways. Common access driveways to individual lots will only be allowed in situations where due to unique physical, environmental, historical, or traffic safety issues, the utilization of a standard roadway would be detrimental to the health, safety and general welfare of the area. If approved through the variance process by the Planning Commission, the common access driveway may not serve more than three (3) lots.

(k) Streets.

- (1) General. All streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. All streets shall meet or exceed the requirements established in these Regulations.
- (2) Right-of-way Requirements. The arrangement, character, extent, width, grade and location of all streets shall conform to the Village Thoroughfare Plan, or subsequent thereof, and the Comprehensive Plan, as appropriate.
 - A. Right-of-way Dedication. When a subdivision abuts a public right-of-way which is identified on the Village Thoroughfare Plan, additional right-of-way for the street exceeding the existing right-of-way is required, the subdivider shall dedicate to the Village the additional right-of-way.
 - B. Collector, Local and Marginal Access Streets. For any subdivision fronting along an existing Village, Township or County road not designated on the Village Thoroughfare Plan, provisions shall be made to set aside the necessary right-of-way for traffic, utilities, and drainage, in accordance with the minimum right-of-way for local streets established by these Regulations.
- (3) Lot Access and Frontage.
 - A. Lot Access on Major Arterials. The creation of lots which would have direct access from a major arterial as identified in the Village Master Plan or as identified by the criteria in these Regulations, shall be discouraged.
 - B. Lots Abutting Arterials. Where a proposed subdivision abuts or contains an existing or proposed arterial street, the Commission may require:
 1. Marginal access streets.
 2. Reverse frontage lots with depth adequate to insulate the building area from the arterial.
 3. Buffering and screening provisions as addressed in subsection (m)(2) hereof, or such other treatment as may be necessary for the separation of through traffic from the activities of the proposed building areas.
 4. Driveways with turn-arounds.

- C. **Grassed Area.** A grassed area having a minimum width of twenty (20) feet shall be provided between the pavement of the arterial street and the pavement of the marginal access street. The minimum width of the marginal access right-of-way shall be fifty (50) feet.
- D. **Subdivision Abutting Physical Barriers.** Where a proposed subdivision abuts or contains an existing or proposed arterial street, the Commission may require:
1. Frontage roads or street approximately parallel to and on each side of such barrier, or
 2. The placement of higher intensity non-residential uses or open space adjacent to such right-of-way in order to buffer residential uses,
 3. Landscaping and buffering provisions as addressed in subsection (m)(2) hereof.
- (4) **Street Classification.** Each street in a subdivision shall be classified and designed in accordance with the following tables:

STREET DESIGN

CLASSIFICATION	MIN. PAV'T (FEET)	MIN. R/W (FEET)	MIN. CENTER-LINE RADIUS (FEET)	MAX. GRADE (PERCENT)	MIN. GRADE (PERCENT)
Major Arterial	52	100	1350	4	0.5
Minor Arterial	36	80	850	6	0.5
Collector	36	60	510	8	0.5
Other*					
(with curb)	24	50	275	8	0.5
(w/o curb)	22	60	275	8	0.5

*Local Streets, frontage or service roads, loops or cul-de-sacs

INTERSECTION DESIGN STANDARDS

DESIGN ELEMENT	STANDARD
Maximum Approach Speed	25 mph
Clear Sight Distance (length along each approach leg)	100 feet
Profile Grade Approach to Intersection	3% (max)
Minimum Angle of Intersection Streets shall remain in the angle of intersection for at least 100 feet beyond point of intersection	75 degrees (90 degrees preferred)
Minimum Curb Return Radius	
(a) Curbed (face of curb)	25 feet
(b) Uncurbed (edge of pavement)	30 feet
Minimum centerline offset of adjacent intersections	
(a) Local-local	160 feet
(b) Local-collector	200 feet
(c) Local-arterial	300 feet
(d) Collector-collector	300 feet
(e) Collector-arterial	1320 feet
Maximum degree of curvature	20 degrees

- (5) Minor Street Design. Minor streets shall be so laid out that their use by through traffic will be discouraged. The Commission may require that the subdivider alter the street layout in order to discourage its use by through traffic.
- (6) Provision for Future Subdivisions. Where the plat submitted includes only part of the tract owned or intended for development by the subdivider, a plan showing the future street system and general lot layout for the unsubdivided portion shall be prepared and submitted by the developer.
- (7) Special Street Types. Street layouts providing adequate access, traffic flow and circulation patterns are important to fire, safety, road maintenance and snow removal forces and equipment. Also impacted by street layout are consumer services involving moving or delivery vans, refuse collection vehicles, and construction equipment or building supply and material delivery vehicles.
- Alternate access routes for each lot is the ideal goal from a public health, safety and welfare, as well as convenience, point of view. With these factors in mind, the policy of the Commission is to encourage sound design practices and principles avoiding extensive or complex dead end street systems and/or excessive cul-de-sac lengths.

- A. Dead-end Street Systems, Cul-de-sacs, Stub Streets. Permanent dead-end streets without an approved cul-de-sac or other approved permanent turn-around facility shall not be permitted. Temporary dead-end stub streets shall be permitted only as part of an approved continuing street plan. Temporary turn-around provisions and cul-de-sac bulbs shall have a minimum paved diameter of 80'. The Village and Fire Chief may require a greater paved diameter. Many factors are involved in determining the maximum allowable length for a cul-de-sac or dead end street system. Such considerations as the total number of lots, size of lots, type of street section (side ditch or curbed usable pavement), right-of-way width, street gradients, size of turn-around, availability of water lines and fire hydrants, availability of sanitary sewers, etc., influence this issue of public health, safety and welfare concerning density of development and alternate access routes for fire and safety forces and equipment as well as snow fighting and street maintenance forces and equipment. If allowed, a cul-de-sac or dead end street system shall not exceed nine hundred (900) feet in length. In multi-phase subdivisions, short stub streets to facilitate future street extensions and connection of street systems may be considered, and if allowed, shall meet the following conditions:
1. Length of a stub street shall not extend more than two lots past the intersection,
 2. Stub streets shall be allowed only if the potential future extension of the stub street is identified and its connection to an existing or planned street is shown on a proposed sketch plan, and is deemed feasible and practical by the Commission,
 3. The plat shall contain the following note: Stub streets shall be extended and opened as public streets in subsequent phases of development or permanent cul-de-sac turnarounds shall be installed, and
 4. A financial surety is provided in sufficient amount to guarantee the installation of the permanent cul-de-sac turnaround in the event such street is not extended in future phases of development.
- B. Half Streets. Dedication of new half-streets shall not be permitted. Where a dedicated or platted half-street exists adjacent to the tract being subdivided, the other half shall be platted and constructed according to the provisions of these Regulations.
- C. Service Roads or Alleys. As a general rule, alleys or service roads will not be approved in residential subdivisions unless specifically included in a planned development. Alleys may be required in commercial and industrial districts if other provisions cannot be made for adequate service access. Service roads for access to public utility facilities are exempted from these Regulations.

- (8) Curb and Gutter. Mountable curb or standard curb and gutter street sections shall be required in all subdivisions having a density of two (2) dwelling units per acre or more. The Commission may waive this requirement.
- (9) Street Names. The names of proposed streets in the subdivision shall not duplicate or closely resemble the names of existing streets in the Village or Portage County. New streets which are extensions of or in alignment with existing streets shall bear the name of the existing streets. Confirm at the earliest date possible the use of proposed street names with the Village and the County Engineer's Office. It shall be the responsibility of the Village's Office to assure correct street names. All new streets shall be named in the following manner:

DIRECTION	OVER 1000 FEET LONG	LESS THAN 1000 FEET LONG
North/South	Street	Place
East/West	Avenue	Court
Diagonal	Road	Way
Curving	Drive	Circle

- (10) Required Shared Driveways. The Planning Commission may require a subdivider to create a shared common access driveway or common access point for multiple driveways due to the terrain, traffic conditions, the need to limit curb cuts, line of sight, or other site conditions.
- (11) Sidewalks. The Commission may require sidewalks in residential subdivisions where the predominant lot width is under one hundred (100) feet or less. Sidewalks shall be required on both sides of each street when the average lot width is sixty (60) feet or less. Public sidewalks may be required for commercial or industrial lots, as may be deemed necessary by the Commission.
Sidewalks shall be composed of Portland Cement Concrete with a minimum width of four (4) feet and shall conform to Item 608 of the current "Construction and Material Specifications", State of Ohio, Department of Highways Manual. Sidewalks will not be required on any open ditch section.
- (12) Pavement Specifications. Pavement shall meet or exceed the following criteria:

MINIMUM PAVEMENT COMPOSITION

Street Type	Aggregate Base				Deep Strength			Concrete Base			Concrete
	304	301	402	404	301	402	404	305	402	404	452
Local or Collector Street	4"	4"	1.5"	1.5"	6"	1.5"	1.5"	6"	1.5"	1.5"	6"
Minor Arterial Street	5"	5"	1.5"	1.5"	7"	1.5"	1.5"	7"	1.5"	1.5"	8"
Major Arterial or Industrial Street	5"	7"	1.5"	1.5"	9"	1.5"	1.5"	8"	1.5"	1.5"	9"

Note: 407 Tack coat is required over 305

301 - Bitum. Aggregate Base

304 - Aggregate Base

305 - Concrete Base

402 - Asphalt Concrete

404 - Asphalt Concrete

407 - Tack Coat

408 - Prime Coat

452 - Plain Concrete Coat

All items shall meet current Ohio Department of Transportation's "Construction and Materials Specifications" manual.

- (13) Private Streets. There shall be no private streets, lanes or ways, nor any private easement of access used for the purpose of access to any subdivision including subdivisions exempt from platting under Ohio Revised Code Section 711.131 and these regulations, unless said private streets, lanes, ways or easement of access is constructed and maintained to Village road specifications and standards. The cost of maintenance of said private streets, lanes, ways or easements of access shall be borne equitably by benefiting property owners. Proper legal steps shall be taken to guarantee the continuing maintenance of any private street, lane, way or easement that may be permitted. Public easements of access, lanes or ways leading to public facilities such as pump stations, stand pipes and the like are exempted from these Regulations.

- (14) Blocks. The following regulations shall govern the design and layout of blocks:

A. The arrangements of blocks shall be such as to conform to the street planning criteria set forth in subsection (k) hereof and shall be arranged to accommodate lots and building sites of the size and character required for the district as set forth in these Regulations or the Zoning Code, and to provide for the required community facilities.

- B. Irregularly shaped blocks, those intended for cul-de-sacs or loop streets, and those containing interior parks or playgrounds, may be approved by the Commission if properly designed and located and if the maintenance of interior public spaces is covered by agreements.
 - C. No block shall be longer than fifteen hundred (1,500) feet and the block width shall accommodate two (2) tiers of lots, except where unusual topography or other exceptional physical circumstances exist.
 - D. Where blocks are over nine hundred (900) feet in length, a crosswalk easement no less than ten (10) feet in width at or near the halfway point may be required to provide proper access to schools, recreational areas, shopping centers, and other facilities.
 - E. For slope areas where the average topographic slope is fifteen percent (15%) or greater, refer to Hillside Regulations, subsection (b) hereof.
- (15) Lots. The following Regulations shall govern the design and layout of lots:
- A. The lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to the topography and the character of surrounding development. All lots shall be numbered consecutively within a block.
 - B. All lots shall conform to or exceed the requirements of these Regulations and the zoning district requirements for the district in which they are located.
 - C. Each lot shall front on an approved thoroughfare unless otherwise allowed by the Commission. For slope areas where the average topographic slope is fifteen percent (15%) or greater, refer to the Hillside Regulations, subsection (b) hereof.
 - D. All side lot lines shall be at right angles to street lines and radial to curved street lines, except where the Commission determines that a variation to this rule would provide a better layout. The Commission may grant variation to this specific rule independent of normal subdivision variance procedures.
 - E. Double frontage and reverse frontage lots shall be required where they are essential to provide separation of residential, commercial or industrial development from traffic arteries. A buffer of at least twenty (20) feet, across which there would be no rights of vehicular access, shall be provided along the lot lines abutting such traffic arteries.
 - F. No corner lot shall have a width at the front minimum building setback line of less than seventy-five (75) feet.
 - G. No lot shall have an average depth which is more than three and one half (3-1/2) times its width as measured along the front minimum building setback line unless otherwise allowed by the Commission.

- H. Lots for residence purpose shall be at least sixty (60) feet wide at all points between the front and rear minimum building set-back lines, in order to permit compliance with the side yard requirements of the Zoning Code; except, in areas zoned for Planned Unit Developments (PUD) for the purpose of constructing common-wall, cluster or patio single family structures or variations thereof, wherein the lot width, depth, set-back, side yard, rear yard distances shall be governed by the Zoning Regulations that are applicable.
- I. For each reserve established within a subdivision, there will be wording on the plat indicating what the intended future use of the reserve shall be.
- (l) Easements.
- (1) Utilities. Easements of at least ten (10) feet in total width, along rear or side lot lines shall be provided where necessary for sanitary sewer, storm sewers, water lines, gas mains, electric lines, telephone and telecommunications facilities.
 - (2) Watercourse Easement. When deemed necessary by the Village, easements shall be provided along every watercourse, drainage channel, stream, or other environmentally sensitive area.
 - (3) Utility Placement. All proposed utilities within the boundaries of the subdivision shall be placed underground unless otherwise allowed by the Commission.
- (m) Screening and Buffering Provisions.
- (1) When Required. When screening and buffering provisions are required by the Zoning Code, the screening and buffering provisions shall be shown as a part of the preliminary plan if a preliminary plan is submitted. In the event a preliminary plan is not submitted, a landscaping plan shall be submitted with the final plat.
The Commission may require screening and buffering provisions for any lot abutting a thoroughfare, a limited access highway, a railroad, or other major physical barrier or significant noise source.
No screening and buffering provisions shall be permitted in any State, County, Village or Township right-of-way unless otherwise allowed by the entity having jurisdiction over any such right-of-way.
 - (2) Types of Screening and Buffering. The subdivider may utilize walls, fences, mounding, landscaping, trees, or any combination thereof to accomplish the required screening and buffering, provided that it meets with the following criteria:
 - A. If screening is to be accomplished by use of vegetation, the vegetation should be sufficient to achieve the required standards within a reasonable period of time.

- B. If screening is to be accomplished using mounding, mounds generally should not exceed a three (3) foot horizontal to one (1) foot vertical slope ratio. Steeper slopes may be allowed if justified by the screening plan. The mounds shall be seeded upon completion and all applicable erosion control practices, as determined by the PSWCD shall be utilized. All mounding and landscaping shall permit accomplishment of proper lot drainage. Vehicular sight distance shall not be impaired by any screening or buffering provisions.
- (n) Planned Unit Development and Conservation Subdivisions.
- (1) Use. The planned unit development and conservation development approach as set forth in the Village Zoning Code are encouraged by the Commission.
 - (2) Coordination of Flexible Zoning Application with Subdivision Approval. It is the intent of these Regulations that subdivision review be carried out simultaneously with the review of flexible zoning applications under the Zoning Code. The plans required for flexible zoning application shall be submitted in a form to satisfy the requirements of the Subdivision Regulations.
 - (3) Flexibility of Standards and Requirements. Where deemed necessary by the Commission, the design standards and improvements specifications of these Regulations may be altered to allow for flexibility for subdivisions in areas zoned for planned development and conservation development, providing such alterations are in keeping with the spirit and intent of these Regulations and providing such alterations meet the requirements of the zoning code as may be amended.
If sufficient detail is provided during rezoning, and Village approvals are obtained, a subdivision variance will not be required.
- (o) Provisions for Alternative Energy Systems.
- (1) Policy. The Commission and the Village encourage the use of alternative energy sources, such as solar, geothermal and wind energy. It is Commission's policy to make subdivision design standards flexible where necessary to make the use of alternative energy systems feasible.
 - (2) Variances. The Commission may vary subdivision design standards necessary to accommodate alternative forms of energy without requiring a formal variance application, provided that the proposal meets with all applicable zoning requirements and provided that the subdivider supply sufficient written intentions to the effect that alternative energy systems will be utilized as proposed.
 - (3) Maximization of Opportunities. Street and lot layouts in all subdivision proposals should reflect an attempt to maximize opportunities to utilize alternative forms of energy. Due consideration should be given to southern exposures and south facing slopes.
- (p) Trees. Trees shall be planted outside of the street right-of-way or any sewer or water easements that may be adjacent to the street right-of-way and planted in such manner as not to impair visibility at any corner or corners. It is strongly recommended that all subdividers or developers retain existing trees on each lot. The Commission may require that certain trees and/or species remain unharmed. The Commission will cooperate in giving advice on species of trees which are acceptable for plantings.

When forested or wooded areas are developed, special consideration and provisions should be made in order to maximize the economic and aesthetic value of the trees and avoid creating maintenance liabilities for future homeowners. Trees which have grown in a forested or wooded environment, especially large mature trees, are often highly susceptible to stress factors such as soil compaction, changes in grade elevation, wind throw and sunburn. These stress factors are generally created by development activities but can be minimized with proper construction and urban forestry management techniques.
(Ord. 99-15. Passed 9-14-99.)

1143.06 LAND SUITABILITY.

Land which the Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, geologic conditions, soil conditions, water quality or quantity, utility easements, or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless methods adequate to resolve the problems are formulated by the developer and approved by the Commission, upon the recommendations of the pertinent Technical Review Agency(s).

(a) Watercourses.

- (1) Natural Drainageways. The subdivider shall make all provisions necessary to assure that all natural watercourses and drainageways, wet streams, creeks, ditches or swales, continue to function in their natural manner. When ever changes are contemplated for any of the above watercourses, plans for such changes shall be submitted to and approved by the Village, Army Corps of Engineers or any other authority that may have jurisdiction.
- (2) Easements Required. Where deemed necessary by the Village, a watercourse easement shall be provided according to the specifications of the Village.

(b) Hillside Regulations.

- (1) Cuts and Fills. No land should be graded, cut or filled so as to create a slope exceeding a vertical rise of one (1) foot for each two and one half (2-1/2) feet of horizontal distance between abutting lots, unless a retaining wall of sufficient height, thickness and design is provided to retain the graded bank, or other acceptable control measures are provided. Major cuts, excavation, grading, and filling where the same materially changes the site and its relationship with surrounding areas or materially affects such areas, shall not be permitted if such excavation, grading, and filling will result in a slope exceeding a vertical rise of one (1) foot for each two and one half (2-1/2) feet of horizontal distance between abutting lots or between adjoining tracts of land, except where adequate provisions are made to prevent slides and erosion by cribbing and retaining walls or other acceptable measures.
- (2) Compaction of Fill. All fill shall be compacted to a density of ninety percent (90%) or greater.
- (3) Retaining Walls. Retaining walls may be required whenever topographic conditions warrant or where necessary to retain fill or cut slopes within the right-of-way. Such improvements shall require the approval of the Village and shall be designed by a licensed professional engineer.
- (4) Driveways. The maximum grade on driveways shall not exceed ten (10%) percent for residential drives and eight (8%) percent for commercial and industrial drives. (Ord. 99-15. Passed 9-14-99.)

1143.07 DEDICATION OF PARKS OR OPEN SPACE.

(a) Statement of Policy. With respect to residential subdivisions and developments to which these Regulations apply, developers or subdividers may be required to dedicate lands for parks, playgrounds, or as open space or deposit monies with the Village in lieu of dedication of lands.

(b) Open Space. In the interest of public welfare, at least ten percent (10%) of the area of every subdivision, exclusive of road rights of way, shall be set aside as open space for recreational purposes. Such land set aside shall be suitable for use as parks or playgrounds. Such land shall be dedicated for public use, or reserved for the common use of all property owners or tenants within the proposed subdivision.

(c) Dedication to the Public. If the area set aside is dedicated for public use, it shall be dedicated to and accepted by the Village. If the Village refuses to accept any such dedication, then such areas shall either be reserved for the common use of all property owners or tenants of the proposed subdivision or a payment in lieu of land dedication shall be made to the Village for capital improvements to existing public open spaces, parks or playgrounds.

(d) Reservation for Common Use. Reservation of open space for common use may be accomplished by conveyance of such area to a property owners' association or the developer may employ any other legal device by which such area is effectively reserved for the common use of all property owners, such as a land trust. Any such legal device shall provide where such area is reserved for the common use of all property owners within the subdivision, covenants that run with the land shall be endorsed on the plat and inserted in the deed to every purchaser of property within the subdivision requiring each property owner to pay a proportionate share of the maintenance cost of such open space.

(e) Payment In Lieu of Dedication or Reservation. If the area proposed for development does not include a site identified by the Land Use and Thoroughfare Plan as public open space and if the Village refuses to accept the dedication of land to the public, the developer may make a cash payment to the Village in lieu of setting aside the required open space. The amount of the payment in lieu of dedication or reservation shall be based on the appraised value of the land that otherwise would normally be required to be dedicated or reserved for open space by these Regulations.

The appraisal shall reflect the after improvement value of a typical lot within the proposed subdivision and shall be expressed in dollars per square foot. Once the average value per square foot of land has been determined, it shall then be multiplied by the total square footage of land that otherwise would be required to be dedicated or reserved as open space. The amount that is determined by this calculation shall be the amount of the payment in lieu of dedication or reservation.

(f) Preservation of Natural Features. Due consideration shall be given by the developer and the Planning Commission to preserving outstanding natural features such as scenic spots, water bodies or exceptionally fine stands of trees.
(Ord. 99-15. Passed 9-14-99.)

1143.08 SUBDIVISION IMPROVEMENTS.

(a) Subdivider's Agreement. As a condition prior to the signing of the final plat, the subdivider of the land covered by the said plat shall pay all applicable fees and execute and submit to Village Council three (3) signed copies of a subdivider's agreement which shall be binding on his or her heirs, personal representatives and assigns, a part of which agreement shall be set forth that unless otherwise allowed by the Village, no building shall be occupied or receive a certification of occupancy until all improvements required under these Regulations have been made in the manner prescribed by these Regulations.

(b) Methods for the Installation of Improvements. Prior to the recording of the final plat, the subdivider shall, pursuant to Section 711.101 of the Ohio Revised Code, install or provide for the installation of improvements by one (1) of the two (2) following options:

(1) Option A.

- A. If the subdivider has submitted and obtained preliminary plan approval from the Commission, and the improvement plans have been submitted and approved and prior to the submission, approval and signature of the final plat by Village Council, the subdivider may opt to complete all the required improvements and provide for the maintenance and/or dedication of these improvements, free and clear of all encumbrances on the property, or the subdivider may opt to provide a surety to the Village guaranteeing the installation of any required improvements so that the final plat may be submitted for review prior to the completion of improvements. The amount of surety to be provided shall be in an amount equal to one-hundred twenty-five percent (125%) of the approved engineer's cost estimate for the construction, installation, and inspection of any and all improvements associated with the proposed subdivision.
- B. Such surety shall comply with all statutory requirements and shall be satisfactory to the Village in form, content and manner of execution. The Village Solicitor shall approve all such sureties as to their form and manner of execution.
- C. If such surety is provided to the satisfaction of the Village, the subdivider may submit the final plat for review and approval prior to the completion of the necessary improvements. Once the plat has been approved, it may be recorded.

(2) Option B.

- A. If the subdivider has not submitted the optional preliminary plan but has filed improvement plans with the Village and has received improvement plan approval, the applicant, prior to the submission or approval of the final plat, shall provide a surety to the Village guaranteeing the installation of any required improvements. The amount of surety to be provided shall be in an amount equal to one-hundred twenty-five percent (125%) of the approved engineer's cost estimate for the construction, installation, and inspection of any and all improvements associated with the proposed subdivision.
- B. Such surety shall comply with all statutory requirements and shall be satisfactory to the Village in form, content and manner of execution. The Village Solicitor shall approve all such sureties as to their form and manner of execution.

- C. If such surety is provided to the satisfaction of the Village, the subdivider may submit the final plat for review and approval prior to the completion of the necessary improvements. Once the plat has been approved, it may be recorded.

(c) Completion Period. If a surety has been provided, all required improvements must be completed within two years of the date of final plat approval.

(d) Surety Reduction. The surety may be reduced from time to time by the cost of construction completed and approved, as determined by the Village. The Engineer, in addition to the actual work completed, may consider paid invoices for materials that have been installed as well as any other information the subdivider may wish to provide to assist in the determination of a fair and reasonable surety reduction amount.

(e) Subdivision Plat Vacation. At anytime after providing a surety and recording of a subdivision plat and prior to the transfer of any land in the subdivision, a subdivision plat may be vacated in its entirety, upon the mutual agreement of the subdivider and the Village. Said surety may be released in its entirety after said subdivision plat vacation is completed in accordance with Chapter 711 and other applicable statutes of the Ohio Revised Code. All plat vacations shall be subject to the procedure and requirements for filing a final plat. Preliminary plan requirements shall be excluded for plat vacations.

(f) Hold Harmless. The subdivider shall hold the Village free and harmless from any and all claims for damages of every nature arising or growing out of the construction of such improvements, and shall defend, at his/her own cost and expense, each and every lawsuit brought against said Village by reason thereof until the improvement has been accepted by the Village and Village Council.

(g) Maintenance. The subdivider shall maintain all improvements in the subdivision or proposed subdivision and provide for snow removal in the same until Village Council has granted final acceptance of the improvements. The Village, where appropriate, shall require the subdivider to submit a warranty/maintenance surety in an amount not exceeding three percent (3%) of the original cost of the improvements which shall be in force for no more than one (1) year following the final acceptance of any required improvements and shall guarantee satisfactory performance of the said improvements.

(h) Conditions. All of the required street and drainage improvements to be installed under the provisions of these Regulations shall be subject to the inspection of the Village. All of the Village's expenses incurred as a result of the improvements shall be paid either directly, indirectly or by reimbursement to the Village by the subdivider.

No final plat shall be signed by Village Council until Council has received reports signed by the Village certifying that all required improvements have been installed as stipulated under these Regulations and meet the requirements of the Village.

- (i) Procedure for Street and Drainage Improvements.

(1) All typical sections and major engineering details or drainage systems to be used on any particular street must receive approval by the Village prior to completion of the construction improvement plans. The subdivider's representative is encouraged to meet with the Village to discuss details in the process of forming the construction plans.

- (2) The subdivider shall submit two sets of prints together with drainage calculations, maps delineating areas tributary to the proposed storm system, and any existing facilities within and adjacent to the proposed site to the Village for review. These prints shall be in accordance with street and drainage requirements put forth in these Regulations. Within thirty (30) days, the Village shall review the prints and inform the subdivider of changes necessary in the improvement plans if there are any. Upon receipt of the Village review comments, the subdivider shall submit revised plans as per the Village recommendation along with a title sheet for signing by the Village. The Village shall make a determination within fifteen (15) days regarding the revised improvement plans. If required changes have been made as stipulated by the review comments, the aforementioned signatures shall be affixed to the revised plans and title sheet. If the subdivider opts to install improvements prior to final plat approval, he shall complete the required improvements within two years of the date of improvement plan approval.
- (3) If the subdivider opts to execute a surety, they shall do so in accordance with the provisions of these Regulations and shall complete said improvements within two (2) years from the date on which the surety is executed and approved by the Village. No construction is to occur prior to improvement plan approval.
- (4) Upon approval of the improvement plans, the subdivider shall deposit with the Village two percent (2%) of the estimated construction costs to initially cover the cost of inspecting said improvements. If more funds are needed to cover the costs of inspection, they will be requested by letter which shall show how inspection time has been used to date. All monies deposited for inspection of improvements that is not used shall be returned to the subdivider. All inspection time and services will be charged at a rate current with the cost of personnel and equipment used.
- (5) The subdivider shall notify the Village of each construction phase requiring inspection as determined by the Village's requirements, at least two (2) working days prior to when the inspection is needed.
- (6) The subdivider shall notify the Village when, in the subdivider's opinion, all of the required improvements have been installed. The Village shall conduct a final inspection of the improvements within two (2) weeks after receiving this notice from the subdivider. If the work is found to be satisfactory and all inspection fees have been paid, the Village shall recommend final acceptance of the improvements to Village Council. Failure to reject any defective work or material shall not in any way prevent later rejection when such defects are discovered, or obligate the Village to accept defective improvements.
- (7) Certified "as built" drawings shall be supplied to the Village prior to final acceptance of the improvements. No improvements may be installed except as provided for in the approved improvement plans or as may be later approved by the Village in writing. The "as built" drawings shall include locations (both vertical and horizontal), dimensions and material specifications for all required improvements.

- (j) Boundary and Subdivision Surveys.
- (1) General.
- A. Property surveying activities conducted within the Village shall be performed by, or under the direction and close supervision of, a registered professional surveyor.
 - B. Surveying activities conducted in the Village shall meet the "Minimum Standards for Boundary Surveys in the State of Ohio", as set forth in the Ohio Administrative Code Section 4733-37.
 - C. The subdivision Plat shall show reference to the nearest existing road intersection.
 - D. The surveyor shall research at the Zoning Inspector's Office and County Engineer's Office for existing road plans and monumentation prior to commencing the survey.
 - E. If a Village survey control monument is available within one (1) mile of the proposed subdivision, all associated surveys are required to tie into the existing monumentation. If Village monumentation does not exist and a County survey control monument is available within one (1) mile, then the survey is to be tied to the County monumentation.
- (2) Monumentation.
- A. All monuments shall meet the "Minimum Standards for Boundary Surveys in the State of Ohio."
 - B. All monuments shall be set by or under the direct supervision of a registered professional surveyor. Said surveyor shall certify to the Village in writing that all required monumentation has been set prior to final approval and acceptance of the improvements or the release of the surety guaranteeing the installation of the improvements.
 - C. A minimum of four (4) permanent monuments shall be set to control the subdivision plat. Additional monuments shall be set to properly control the original survey and any interior streets being platted as may be required by the Village or these Regulations.
 - D. All permanent monuments to be set shall be indicated on the final subdivision plat. For street alignment control, the surveyor shall set permanent monuments in the centerlines of intersecting streets and in the centerline of a street at the point it changes direction (PC, PI and PT).
 - E. The final subdivision plat shall delineate between survey monuments found or set, and identify the type of each monument.
- (k) Improvement Plan Requirements.
- (1) General.
- A. All improvement plans shall be prepared, signed and sealed by a registered professional engineer. Plans shall include title sheet, index map at 1" = 200' scale, location map, typical sections, plan and profile view, bench marks, miscellaneous engineering details, and estimates of quantities and costs. Cross sections shall be submitted upon request by the County Engineer. All typical sections and major engineering details to be used on any particular street shall be approved in advance before completion of the construction plans.

- B. All materials and construction procedures shall be in accordance with the current "Construction and Material Specifications" of the State of Ohio, Department of Transportation unless otherwise approved in advance by the Village or his representative. The title of the plan must contain the name of the subdivision, road or street names, County, and location map. Space shall be provided on the title sheet or the first sheet of the plan for approval by the proper authorities.
 - C. An estimate of the quantities of all work specified or indicated on the construction plans shall be shown.
 - D. The necessity of guardrail seeding, erosion control, type of backfill or other special conditions, shall be determined with the assistance of the Village or his representative before completion of the construction plan.
 - E. The construction plan shall show the drainage area and design "Q" for all major culverts.
- (2) General Standards for Drawings. The construction drawings and plans shall be made with India ink on linen, mylar or some other equally substantial and distinct material from which clear and legible prints may be obtained. Freehand linear drawings will not be accepted. The sheets upon which the construction drawings are made shall measure 24 inches x 36 inches. All construction drawings shall meet the following general standards:
- A. No shading or coloring shall be allowed.
 - B. Drawing background shall be light and uniform in color and the lines and lettering shall be dark and opaque. This will provide the optimum contrast needed.
 - C. All lines and lettering shall be on the face of the drawing material.
 - D. All lettering and drawings shall be made with black India ink. All signatures shall be made with black, non-smearing ink.
- (3) Conformance of Construction to Plan. All items of work covered and stipulated in the construction plans, including altering or any extra work shall be performed in accordance with the lines, grades, typical cross sections and dimensions shown on the construction plans. All streets shall be graded the full width of the right-of-way with all trees within the right-of-way removed. The setting and marking of all line, profile and grade stakes necessary for the layout of the work in accordance with the construction plans will be performed under the supervision of a registered engineer or registered surveyor. Should any misunderstanding arise as to the intent or meaning of the construction plans, or any discrepancy appear in same, or in, the proper method of setting and marking of the construction stakes, the decision of the Village in such cases shall be final.

- (4) Plan and Profile Views. The plan view shall be drawn to a scale of 1" = 50'. Other scales will be used only with the approval of the Village or his representative in advance of the plan preparation. The plan view shall show the proposed road, street or alley alignment, right-of-way and pavement widths, centerlines, bearings, stationing, curve or radius data, existing and proposed drainage. Pavement details for cul-de-sacs, the turnarounds or other pertinent data shall be drawn to a scale of 1" = 20'. Any other significant feature or factor, shall also be shown on the plans. The centerline of road, street or alley construction shall coincide with the centerline of the right-of-way. Any proposed or existing utilities within the road right-of-way, and a points of crossing storm sewers, shall be shown in the plan and profile views. Any changes from the same shall be at the discretion of the Village or his representative. The profile view shall have a horizontal scale of 1" = 50'. The vertical scale shall be 1" = 5'. The existing and proposed centerline profile, elevations, gradient, existing and proposed drainage lines and vertical curves shall be shown. Future profile grades shall be established a sufficient distance beyond the development to eliminate abrupt grade changes. If portions of the work fall outside the corporate limits of the Village or abut a Township or County road, plans shall be submitted to the Portage County Regional Planning Commission for their review.
- (5) Typical Sections. The typical sections shall meet the current requirements as set forth by the Village.
- (6) Street Plans. Refer to Sections 1143.05(k)(12) and 1143.05(k)(11) for street pavement and sidewalk specifications.
- A. Curb and Gutter. Curb, or mountable curb and gutter, may be required as part of any road or street construction if, in the opinion of the Village, such type of construction is deemed desirable. Mountable curb may only be used on local streets, frontage roads, service roads, loop roads and cul-de-sacs. When an uncurbed section is used, storm pipe may be required under both side ditches. When the driveway is constructed, an inlet shall be placed on the upstream side of the driveway, unless otherwise allowed by the Village.
- B. Driveways. The maximum grade on driveways shall not exceed fourteen percent (14%). Driveway pipe shall be reinforced concrete pipe or equal with a minimum diameter of twelve inches (12"). On a normal ditch section, pipe shall extend a minimum of five (5) feet on each side of the driveway. Variations in ditch geometry may require additional length.
- C. Vertical Curves. Vertical curves shall be used in local or collector streets at all points on the gradient where the algebraic difference is one percent (1%) or greater. Vertical curves shall be used at all change in gradients for arterial or industrial streets. The minimum length of any vertical curve shall be one hundred (100) feet.
- D. Construction of Additional Streets and Roads. Where deemed necessary or desirable, the Village or his representative may require construction of part or all of any intersection, road, street, or alley in order to assure no hardships or added expense be endured by abutting property owners, the Village, Township or County on some future date. (Ord. 99-15. Passed 9-14-99.)

1143.09 SEWAGE DISPOSAL AND WATER SUPPLY POLICIES.**(a) Wastewater Disposal Policies.**

- (1) Where a public central sanitary sewer system (See Section 1143.03(b)) is reasonably accessible, and capacity is determined to exist, the subdivider shall connect to it and provide sewage collection facilities for each lot in the proposed subdivision. The determination of whether or not capacity exists or can be readily constructed, shall be made by the Village. If a central sanitary sewer system is available, the Commission will disapprove a subdivision if individual wastewater treatment systems are proposed.
Where a public sanitary sewer system is not reasonably accessible, but may become available within a reasonable time (not to exceed twenty (20) years, as shown in the wastewater facilities plan for the area), easements for central sewer shall be provided on the subdivision plat. Where wastewater facilities planning has not been completed, sanitary sewer easements may be required along major drainage courses or right-of-way on the recommendation of the Village.
- (2) Where public central sanitary sewers are not reasonably accessible and are not planned or anticipated for a period in excess of ten (10) years, the subdivider may be required to install a package treatment plant and collection system in accordance with these Regulations and the Regulations of the Village and the Ohio E.P.A. The plant shall be located to facilitate future connection with public sanitary facilities or the extension of future collection sewers to the treatment facility. Packaged wastewater treatment systems shall be required when the number of subdivided parcels is twenty (20) or more.
- (3) Packaged wastewater treatment systems may be required on subdivided parcels of less than twenty (20) units if determined cost effective by the Village.
- (4) If a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley abutting upon the property, the owner thereof shall be required to connect to the said sewer for the purpose of disposing of waste, and it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system.

(b) Water Supply Policies.

- (1) Where a public central water system (See Section 1143.03(b)) is determined to be reasonably accessible, the subdivider shall connect to it and provide water mains accessible to each lot in the proposed subdivision. The determination of whether or not the central system is reasonably accessible shall be made by the Village.
- (2) Where a public central water system is not reasonably accessible, but will become available within a reasonable time (not to exceed ten (10) years), easements for the extension a central water system shall be provided on the subdivision plat.
- (3) Where a public central water supply system is not reasonably accessible and will not become accessible for a period in excess of ten (10) years, the subdivider may install a community system in accordance with these Regulations and the regulations of the Village, the County Board of Health and the Ohio Environmental Protection Agency.

(c) Test Wells for Low Yield Areas. When Ohio Capability Analysis Program (OCAP) maps, or other geologic information shows that groundwater yields may be questionable for the proposed development, the Commission may require the subdivider to drill a minimum of three (3) test wells, or more, as may be required to determine sufficient water supply is available. The test wells should be drilled at locations and depths necessary to determine the horizontal and vertical dimensions of any water bearing strata proposed as a source of water supply. The Commission, on the advice of the Village, may require the construction of central water facilities, including a water tower or storage wells, where necessary. (Ord. 99-15. Passed 9-14-99.)

1143.10 SANITARY SEWER IMPROVEMENTS.

(a) Subdivider's Agreement. As a condition, prior to the Village signing of the final plat, the subdivider of the land covered by the said plat shall pay all applicable fees and execute and submit to Village Council three (3) signed copies of a Subdivider's Agreement which shall be binding on his or her heirs, personal representatives and assigns, part of which agreement shall be set forth that unless otherwise allowed by the Village, no building shall be occupied or have received a certificate of occupancy until all improvements required by these Regulations and accepted by the Village Council for operation and maintenance, and a lateral connection inspected and approved by the Village has been constructed to service the building.

(b) Methods for the Installation of Improvements. Prior to the recording of the final plat, the subdivider shall, pursuant to Section 711.101 of the Ohio Revised Code, install or provide for the installation of improvements by one of the following methods:

(1) Option A: Completion of Improvements.

- A. If the subdivider has submitted and obtained preliminary plan approval from the Commission, and the improvement plans have been submitted and approved by the Village and the Ohio E.P.A. and prior to the submission, approval and signature of the final plat by Village Council, the subdivider may opt to complete all the required improvements and provide for the maintenance and/or dedication of these improvements, free and clear of all encumbrances on the property, or the subdivider may opt to provide a surety to the Village guaranteeing the installation of any required improvements so that the final plat may be submitted for review prior to the completion of improvements.
- B. The amount of surety to be provided shall be in an amount equal to one-hundred twenty-five percent (125%) of the approved engineer's cost estimate for the construction, installation, and inspection of any and all improvements associated with the proposed subdivision.
- C. Such surety shall comply with all statutory requirements and shall be satisfactory to the Village in form, content and manner of execution. The Village Solicitor shall approve all such sureties as to their form and manner of execution.
- D. If such surety is provided to the satisfaction of the Village, the subdivider may submit the final plat for review and approval prior to the completion of the necessary improvements. Once the plat has been approved, it may be recorded.

- (2) Option B.
- A. If the subdivider has not submitted the optional preliminary plan but has filed improvement plans with the Village and the Ohio E.P.A. and has received improvement plan approval, the applicant, prior to the submission or approval of the final plat, shall provide a surety to the Village guaranteeing the installation of any required improvements. The amount of surety to be provided shall be in an amount equal to one-hundred twenty-five percent (125%) of the approved engineer's cost estimate for the construction, installation, and inspection of any and all improvements associated with the proposed subdivision.
 - B. Such surety shall comply with all statutory requirements and shall be satisfactory to the Village in form, content and manner of execution. The Village Solicitor shall approve all such sureties as to their form and manner of execution.
 - C. If such surety is provided to the satisfaction of the Village, the subdivider may submit the final plat for review and approval prior to the completion of the necessary improvements. Once the plat has been approved, it may be recorded.

(c) Completion Period. The period within which required improvements shall be completed shall not exceed one (1) year from the date of final approval. Approval of the subdivision may be rescinded if all improvements have not been installed and formally accepted by the Village within this one (1) year period. The Village and Village Council may grant extension(s) to the one (1) year period.

(d) Surety Reduction. The surety may be reduced from time to time by the cost of construction completed and approved, as determined by the Village. The Village in addition to the actual work completed, may consider paid invoices for materials that have been installed as well as any other information the subdivider may wish to provide to assist in the determination of a fair and reasonable surety reduction amount.

(e) Subdivision Plat Vacation. At any time after providing a surety and recording a subdivision plat, prior to the transfer of land in the subdivision, and prior to initiation of the construction of required improvements, a subdivision plat may be vacated in its entirety upon the mutual agreement of the subdivider and the Village. Said surety may be released in its entirety after said subdivision plat vacation is completed in accordance with applicable statutes of the Ohio Revised Code.

(f) Hold Harmless. The subdivider shall hold the Village free and harmless from any and all claims for damage of every nature arising or growing out of the construction of such improvements, and shall defend, at his/her own cost and expense, each and every law suit brought against said Village by reason thereof until the improvements have been accepted by the Village, and the Village Council.

(g) Maintenance. The Village may, where appropriate in the opinion of the Village, require the subdivider to submit a warranty/maintenance surety in an amount not exceeding three percent (3%) of the original cost of the improvements which shall be in force for no less than one (1) year following the final acceptance of any required improvements and shall guarantee satisfactory performance of the said improvements.

- (h) Conditions.
- (1) All of the required sanitary improvements to be installed under the provisions of these Regulations shall be subject to the inspection of the Village.
 - (2) All of the Village's expenses incurred as a result of the inspection of the improvements shall be paid to the Village by the subdivider.
 - (3) The Subdivider's Agreement establishes an escrow fund for the use of the Village for their expenses for inspecting the construction. No final plat shall be signed by the Village Council until Council receives reports signed by the Village certifying that the improvements described therein or the agreements and documents which provide for the installation of improvements as stipulated under these Regulations meet the requirements of the Village.
- (i) Improvements Procedure.
- (1) Approvals Necessary. Prior to initiating construction on any portion of the sanitary sewer system improvements, the subdivider shall obtain the approvals of the Village and the Ohio E.P.A. The Village will not perform inspections on the improvements until all State approvals are obtained. The approvals for wastewater treatment plants and sewer line improvements must be obtained through the Ohio E.P.A. following local approval. All (State) review and approval fees shall be paid by the subdivider, including the "PERMIT TO INSTALL" application and review fees which are obtained in the name of the Village.
 - (2) Construction Plans. The subdivider is encouraged to meet with the Village prior to developing the General Plan for service to the subject area. The subdivider should be prepared at this time to present the property location, proposed use(s), unit densities allowed by zoning/proposed densities, time frame of development and any plans for phasing of the platting and/or constructing the improvements. The Village will discuss general procedures and requirements for planning the sanitary improvements to Village specifications along with known general requirements of other jurisdictions, such as the Ohio EPA.
 - (3) Submission of General Plan. After discussing the proposed improvements with the Village, the subdivider shall submit two (2) sets of prints and design data of the proposed sanitary sewer improvements General Plan to the Village, said submittal to be in accordance with the sanitary sewer requirements of these Regulations and the Regulations of the Village. If a package wastewater treatment facility is involved, preliminary manufacturer's data may be requested by the Village.
 - (4) General Plan Minimum Requirements. As a minimum, the general plan shall meet the following requirements:
 - A. Design Data. The data and calculations upon which the sewer line is based shall be submitted to the Village at the time of the General Plan. The information shall be typewritten on 8-1/2" x 11" paper and shall include the following:
 1. Average domestic flow in each sewer.
 2. I/I flow in each sewer.
 3. Peak flow in each sewer.
 4. The capacity of each sewer.

- B. A 2' contour topographical map with a 1" = 100' scale to show the tributary area.
 - C. Proposed lot layouts and building types (i.e., residential, apartments, commercial, industrial, etc.).
 - D. Proposed sewer sizes percent of grade and invert elevations.
 - E. Location and size of any sewer pump station and force main.
 - F. Location, type and capacity of any temporary wastewater treatment facilities.
 - G. The General Plan shall be prepared by an engineer registered in the State of Ohio.
- (5) Village General Plan Review. Within ten (10) working days, the Village shall review the submission and inform the subdivider of changes or modifications, if any, which are necessary in the General Sanitary Improvements Plan. When all changes and modifications have been performed by the Subdivider to the satisfaction of the Village, the Village shall inform the subdivider that he may proceed with the preparation of detailed plans in accordance with the approved General Plan.
- (6) Village Detailed Plan Review. The Village shall review and comment within thirty (30) calendar days on the adequacy of the detailed plans. When all changes have been made as stipulated during the review, the Village signature shall be affixed to the plans and title sheet.
- (j) Final Plan Approvals.
- (1) The subdivider may then request the Village to submit the plans to the Village Council for their review and approval. The Village Council shall act upon the improvements plan at their next regular meeting, providing provisions of the open meeting requirements of the Ohio Revised Code can be met. When all necessary signatures have been obtained, the subdivider shall submit six (6) copies of the signed plans to the Village Office, along with the required copies of the O.E.P.A. forms and applications. The Village shall then submit the plans, data sheets and permit applications to the O.E.P.A. for their approvals. The State review fees shall be paid by the subdivider at the time of submission to the O.E.P.A. Post review fees (permit to install) required by the State, shall be paid by the subdivider.
 - (2) If the subdivider options to install improvements prior to final plat approval, he shall complete the required improvements within one (1) year from the date on which the Village Council approved the improvements plan.
 - (3) If the subdivider options to provide a surety guarantee, he shall do so in accordance with the provisions of these Regulations and complete the said improvements within one (1) year from the date on which the plan is approved and accepted by the Village. The construction of the improvements shall not commence until the final State approvals are obtained and all requirements of these Regulations governing the installation of improvements are satisfied.

(k) Inspection of Construction. The subdivider shall notify the Village of each construction phase requiring inspection at least two (2) working days in advance or as required by the Village requirements. In no case shall work be covered or obscured prior to the inspection. The subdivider shall deposit with the Sanitary Engineer the amount estimated by the Village for the construction inspection.

(l) Operation and Maintenance Costs.

(1) Wastewater Systems with Package Wastewater Treatment Facilities (Requires additional agreement with Village Council). Upon acceptance of the facilities by the Village Council and prior to the installation of the first building connection, Village Council shall require the subdivider to deposit a non-refundable operation and maintenance, reserve fund fee to cover the first year's estimated operation, maintenance and repair costs. Village Council, upon acceptance of the facilities, shall establish the connection fees and the minimum monthly rental charges to be collected from each and every buildable lot which shall at a minimum be adequate to cover the yearly operation maintenance and repair costs and may include charges for future connection to interceptor sanitary sewers and other utilization fees as may be appropriate. Said monthly charges to be billed to each and every lot (on the basis established by the Rules and Regulations of the Village of Hiram Sewer District) whether a building has been connected or not.

(2) Wastewater Systems with Lift Stations and Force Mains to Existing Interceptor Sewers. The subdivider shall be required to make monthly, quarterly or yearly payments to cover the operation, maintenance and repair costs of the lift station and force main until the revenue from the area tributary to the lift station is adequate to cover said costs. The monthly sewer rental charges and the capacity fees will be those established for the Village's System.

(m) Public Rights of Way. Any and all portions of work which are located in public streets, roads, highways or easements shall be done and the surface repaired in accordance with the requirements of the appropriate jurisdiction and at the expense of the subdivider. All permits required for said work shall be obtained by the subdivider, and if necessary, and required, obtained in the name of the Village.

(n) Permits Required. No connection shall be made to any sanitary sewer until a qualified sewer tapper has applied for and has received the appropriate permit.

(o) "As-Built" Tracings, Affidavit of Costs. Within thirty (30) days after completion of the construction work for any of what may be several construction phases, the subdivider shall submit to the Village a complete set of tracings, on mylar, revised as constructed, together with two (2) sets of prints on paper. The subdivider shall provide an affidavit itemizing the cost of the sanitary improvements and declaring that all labor and materials have been paid.

(p) Testing and Cleaning. Each main line shall be cleaned and tested prior to acceptance of the improvement by the Village. The type and manner of cleaning and testing to be done shall be determined by the Village.

- (q) Conveyance.
- (1) Systems. Upon satisfactory completion of the construction phase and receipt of the "as built" drawings and the affidavit of cost, the Village shall issue Certificates of Completion. The subdivider shall then convey to the Village all right, title and interest in such systems.
 - (2) Package Plants and Lift Stations. Subject to the requirements of the Village and State of Ohio, the subdivider shall transfer and convey to the Village the wastewater treatment plant, and/or the Lift Stations, together with those parts of the sanitary sewer and water systems defined as follows: The sewage force main; the sanitary sewer from the Lift Station; all connection piping; and all appurtenances thereto (excluding private laterals), including temporary and permanent access roads, and the real estate upon which the plants/lift stations have been constructed.
- (r) Additional Improvements and Extensions. The Village may connect, extend or authorize the connection or extension and use of any sanitary sewers or water systems conveyed to the Village, provided said action does not serve property in the same subdivision. In the event that O.E.P.A. orders improvements to the sanitary sewer and plants prior to the conveyance to the Village, the cost will be borne by the subdivider, his heirs, or assignees.
- (s) Occupancy. Prior to the occupancy of any building in the subject development, the subdivider shall construct the sanitary sewer and plant required to serve such dwelling and all connections thereto shall be inspected and approved.
- (t) Sanitary Sewer and Water Improvement Plans. All plans shall be prepared by a professional engineer registered in the State of Ohio.
- (1) Drawing Criteria. The construction drawings and plans shall be made with India ink on linen, mylar or some other equally substantial and distinct material from which clear and legible prints may be obtained. Freehand linear drawings will not be accepted. The sheets upon which the construction drawings are made shall measure 24 inches x 36 inches. Marginal lines shall be drawn around the entire sheet leaving a border of one and one-half inch (1-1/2") on the left side and one-half (1/2") on all other sides. All drawings shall show a north arrow and all elevations shown thereon shall be based on U.S.G.S. elevations. All construction drawings shall meet the following general standards:
 - A. No shading or coloring shall be allowed.
 - B. Drawing background shall be light and uniform in color and the lines and lettering shall be dark and opaque. This will provide the optimum contrast needed.
 - C. All lines and lettering shall be on the face of the drawing material.
 - D. All lettering and drawings shall be made with black India ink. All signatures shall be made with black, non-smearing ink.
 - (2) Conformance of Construction to Plan. All items of work covered and stipulated in the construction plans, including altering or any extra work shall be performed in accordance with the lines, grades, typical cross sections and dimensions shown on the construction plans. The setting and marking of all line, profile and grade stakes necessary for the layout of the work in accordance with the construction plans will be performed under the

supervision of a registered engineer or registered surveyor. Should any misunderstanding arise as to the intent or meaning of the construction plans, or any discrepancy appear in same, or in, the proper method of setting and marking of the construction stakes, the decision of the Village in such cases shall be final.

- (3) Plan and Profile Views. The plan view shall be drawn to a scale of 1" = 50' with the horizontal profile view drawn to a scale of 1" = 50' and the vertical profile view drawn to a scale of 1" = 5'. Other scales will be used only with the approval of the Village or his representative in advance of the plan preparation. The plan and profile sheets shall show all proposed improvements and shall have the following minimum requirements:
- A. The centerline of the road shall be the principal center of the plan with the abutting lots accurately plotted.
 - B. The principal profile shall be the centerline of the road. The existing centerline profile shall be shown dashed and the finished grade shown solid. The finished grade elevations shall be shown every twenty-five (25) feet on vertical curves and every fifty (50) feet on tangents. The P.I. elevation and tangent grade shall be shown. The finished grade elevation at all centerline intersections shall be shown. The location, station and name of each intersecting street shall be shown on the profile. Any other significant feature or factor shall also be shown on the plans.
 - C. The storm sewer system serving the road and adjacent lots shall be shown on the plan and profile. The profile of the storm sewer system shall show the station, centerline offset, number, type of structure (inlet or manhole), invert elevation of each pipe, for each inlet or manhole and the size length and grade of pipe in the system. The location of the pipe and inlets, etc., shall be accurately plotted on the plan. The top elevation of inlets shall be required for all ditch type storm sewer systems. The top elevation of inlets on paved roads will be determined from centerline profile grade and typical section. If pavement warping is required to provide adequate surface drainage, top elevations and detail curb grades will be required.
 - D. The sanitary sewer system serving the lots shown on the plan shall be shown on the plan and profile. The profile view of the sanitary sewers shall show the centerline station, centerline offset, manhole number, invert elevation of each pipe and for each manhole, and the size length and grade of pipe in the system. The location of all pipes manholes shall be accurately plotted on the plan. The top of all manholes shall be plotted to the finished grade.
 - E. The water distribution lines serving the lots shown on the plan shall be accurately plotted on the plan. The location of all valves and fire hydrants shall be shown accurately. Valves shall be located in a convenient standard plan position throughout the system so that they may be located easily.
 - F. The location of all existing or planned gas lines, buried telephone, cable television and electric lines shall be shown on the plan view only unless profile views are needed to avoid conflict of grade.

- G. Existing and finished grades shall be shown on plan view at rear lot corners unless a typical section for lot grading tied to the centerline grade is shown. Grading cross sections of the project may be used in lieu of this requirement. Before and after contour lines are not acceptable.
 - H. Sufficient dimensions shall be shown on the plan to permit construction without field calculations. Road centerline stations shall be accurately shown. Lot frontages and depth shall be shown. General survey information shown on the General Plan shall be used to lay out lots.
 - I. Sufficient outlines of adjacent lots and streets shall be plotted on each sheet to clearly show the relation to other sheets and the operation of the sewer system and/or water system.
 - J. Each sheet shall show the vertical and horizontal scales, the page numbering circle, the name of the subdivision, sewer district, the Village project name and number. The name of all streets and the number of each lot shall be shown. Vertical elevations of the profile line shall be shown each inch on each side of the sheet. The centerline station shall be plotted along the bottom of the front sheet. A north arrow shall be shown on each sheet. The name of the street and the beginning and ending stations shall be shown in the lower right hand corner of each sheet. The nearest benchmark to the area shown shall be described on each sheet.
 - K. Each sheet shall have a summary of quantities.
 - L. In the event the profile of a sanitary sewer, storm sewer or water line is independent of the profile of the road centerline, or the profile of the road centerline provides an inaccurate or distorted plan or profile view of the sanitary, storm or water system, separate plans and profiles may be required.
- (4) Specifications. All specifications for sanitary improvements shall meet the minimum requirements set forth by the Village.
 - (5) Easements. All sanitary sewer and water easements shall be at least ten (10) feet wide. In cases where a greater easement is required the width of the easement shall be determined by the Village. All sanitary sewer easements shall be recorded and dedicated on the final subdivision plat. Easements necessary for constructing the system outside of the platted area shall be conveyed to the Village by Deeds of Easement.
 - (6) Underground Utilities. All underground utility lines, including service connections to property lines, that are to be located under any portion of surface improved public ways and which would require partial removal of the surface improvement for installation purposes, shall be installed prior to any surface improvement of the public way concerned. In the case of wiring, only the conduit need be installed prior to the surface improvement. In those instances wherein utility lines are to be located in an underground easement area over which there will not be any surface improvements, service connections should be extended to the easement boundaries, or five (5) feet beyond if determined necessary by the Village, and installed at the same time the utility line is installed.
(Ord. 99-15. Passed 9-14-99.)

1143.11 VARIANCES AND REVISIONS.

(a) General. Where the Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these Regulations and/or the purpose of these Regulations may be served to a greater extent by an alternative proposal, it may approve variances to these Subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these Regulations; and further provided the Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property.
- (2) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable to other property.
- (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these Regulations are carried out.
- (4) The variances will not in any manner vary the provisions of the Zoning Ordinance, comprehensive plans, or other applicable guidelines and regulations.

Under no circumstances will variances be granted solely because of financial difficulties. In addition, the granting of an individual variance in no way sets a precedent for the granting of similar variances in the future.

(b) Conditions. In approving variances, the Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these Regulations.

(c) Procedure for Variance Approval.

- (1) Filing and Fees. The applicant shall file for the subdivision variance at the time the proposed subdivision plan/plat is submitted. Applications are available at Village Hall. A fee as stipulated by Village Council, shall be payable at the time the application for the variance is submitted.
- (2) Fee Exemptions. Applications for a variance from the 3-1/2-to-1 depth to width ratio provisions of these Subdivision Regulations shall be exempt from the fee requirements and technical review provisions, but shall be subject to all other variance procedures. Applications for 3- 1/2-to-1 variances must be filed at least fourteen (14) working days in advance of the next regular Village Planning Commission meeting.
- (3) Technical Review Committee Meeting. When a variance application is submitted to the Zoning Inspector, the Zoning Inspector shall notify the Chairperson of the Planning Commission. A meeting of the Technical Review Committee will then be scheduled. At such meeting, the Technical Review Committee members shall review and comment on the variance application.
- (4) Planning Commission Meeting. Following the Technical Review meeting, the variance application, together with the recommendations of the Technical Review members, shall be placed on the agenda of and heard at the next regular meeting of the Planning Commission. The Commission shall act upon the variance application within thirty (30) days of initial submission. (Ord. 99-15. Passed 9-14-99.)

1143.12 VIOLATIONS AND PENALTY.

(a) Misrepresentation. No subdivider shall represent that any improvements in the subject subdivision have been constructed, inspected or supervised according to the plans and specifications that have not been so constructed, inspected or supervised.

(b) Penalty. Any violations of these Regulations or Chapter 711 of the Ohio Revised Code is subject to the penalties as set forth in said Chapter 711.

(c) Appeal. Any person who believes they have been aggrieved by these Regulations has all the rights of appeal as set forth in Chapter 711 of the Ohio Revised Code.

(d) Notices. The Zoning Inspector may serve a written notice or order upon the person responsible whenever he or she is satisfied that any work is being done or any transactions are being made in violation of the provisions of these Regulations or in violation of a detailed statement or plan submitted and approved by the Commission or Village. Such notice shall direct the discontinuance of any illegal action and the remedying of the condition that is in violation of the provisions and requirements of these Regulations. In case such notice or order is not promptly complied with, the Zoning Inspector shall notify the other public offices, utility companies and other officials concerned therewith and shall request the same to withhold their approval and stop all services to the property where such violations are concerned and to refuse such services until Regulations are complied with. The Zoning Inspector may also request the Village Solicitor to institute the appropriate action or proceeding of law or equity to restrain, correct, remove or prosecute such violation. (Ord. 99-15. Passed 9-14-99.)

1143.13 ENACTMENT.

These Regulations shall become effective from and after the date of their approval and adoption by the Village Planning Commission and the Village Council after public hearing and certification to the Village Clerk. Henceforth, any other subdivision regulations previously adopted by the Village of Hiram Council or the Village of Hiram Planning Commission shall be deemed to be repealed.

(Ord. 99-15. Passed 9-14-99.)

CHAPTER 1145
Conservation Subdivisions

1145.01 Purpose.	1145.05 Common open space standards.
1145.02 Objectives.	1145.06 Ownership and maintenance of common open space.
1145.03 Subdivision development requirements.	1145.07 Procedure for approval of conservation subdivision.
1145.04 Subdivision design guidelines.	

1145.01 PURPOSE.

The purpose of this chapter is to allow for creative residential developments that are consistent with and maintain the Village's character and current plan of development while preserving open space, wetlands, woodlands and other natural resources, rural environments, scenic views and landscapes. The provisions encourage flexible and innovative residential areas through the permanent dedication of open space and a planned reduction of individual lot area requirements. (Ord. 99-15. Passed 9-14-99.)

1145.02 OBJECTIVES.

The following objectives shall be considered for a Conservation Subdivision development:

- (a) To provide an enhanced residential environment by preserving the natural character of open fields, stands of trees, ponds, streams, hills and other desirable features.
- (b) To preserve an enhanced residential environment and protect environmentally sensitive lands from the disruptive effects of conventional residential subdivision developments.
- (c) To promote a more efficient and aesthetic use of open space by allowing reduced lot sizes.
- (d) To allow a more flexible, creative and economical residential layout and street design, with less suburban-style sprawl and less consumption of open land.
- (e) To create a greater sense of unity and local neighborhood identity in one or more portions of the development.
- (f) To assure the permanent preservation of open space, scenic views, rural lands and natural resources. (Ord. 99-15. Passed 9-14-99.)

1145.03 SUBDIVISION DEVELOPMENT REQUIREMENTS.

(a) Minimum Project Area. The minimum land required for a conservation subdivision development shall be ten (10) contiguous acres and the parcels shall be held in single ownership or control at the time of application. Smaller parcels may be considered on their basis to satisfy the objectives of this section.

(b) Residential Density Standards. Each residential lot shall be of a size and shape to provide a building lot which shall be in harmony with the natural terrain and other features of the land. Residential lots shall be designed in such a way as to promote the purposes of this chapter.

(c) Common Open Space Requirements.

- (1) All land not devoted to dwellings, individual building lots, accessory uses, and roads shall be set aside as common land for recreation, conservation, or agricultural uses which preserve the land in essentially its natural condition.
- (2) The total area of land designated as permanent, common open space, not to be further subdivided, shall comprise at least thirty (30) percent of the net site acreage in the R-2 District, at least forty (40) percent of the net site acreage in the R-1 District and at least fifty (50) percent of the net site acreage in the O-C District, excluding land required for street rights-of-way and lands identified as wetlands. Common open space shall not include any portions of individual building lots.
- (3) Design of common open space areas shall be governed by the following standards:
 - A. These common open space areas shall include, to the extent possible, a combination of the most sensitive and noteworthy natural, scenic and cultural resources on the site, consisting of features such as:
 1. Scenic views, especially those from existing affronting and abutting public roadways.
 2. Prime farmland.
 3. Mature woodlands.
 4. Aquifer recharge areas.
 5. Highly permeable soils.
 6. Wildlife habitat areas.
 7. Historic, archaeological or cultural features.
 - B. Significant natural amenities, such as outcroppings, tree stands, ponds, ravines and stream channels should be left in their natural state and considered part of the required common open space, subject to the standards of this section.
 - C. Permanent bodies of water, as well as any area within a designated flood hazard area should comprise no more than fifty (50) percent of the required common open space. This percentage may be increased at the discretion of the Planning Commission depending on the water body's utility as a recreation or open space asset to the Conservation Subdivision.
 - D. Structures or buildings accessory to recreation, conservation or agricultural uses may be erected as long as the total paved and roofed areas do not exceed five (5) percent of the total common open land.

- E. Stormwater management ponds or basins may be included as part of the minimum required open space, as may land within rights-of-way for underground pipelines.
- (4) An open space buffer shall be preserved on existing roads fronting and abutting the parcels to be developed. The buffer area shall be between a minimum of 50 feet and a maximum of 100 feet in depth back from the edge of the road right-of-way, based on the size of the project area. The larger the project area, the greater the required buffer area. Parcels with unobstructed views to the roadway and no natural existing features, such as trees or hills alongside the roadways may be required to have a deeper buffer zone in order to minimize the perceived density of the building lots.
 - (5) All individual building lots shall be set back from the boundaries of adjacent properties by an open space buffer area equal, in width, to the front yard setback of the underlying district. The buffer shall include trees and shall be kept in a natural landscaped condition.

(d) Roads. All roads shall be designed and constructed in accordance with Village road standards, except the Planning Commission may approve reductions in the required right-of-way width where deemed practical, in consultation with the Village.
(Ord. 99-15. Passed 9-14-99.)

1145.04 SUBDIVISION DESIGN GUIDELINES.

The following guidelines apply to Conservation Subdivision developments with regard to the layout of building lots and open space. The Planning Commission will utilize the following guidelines in evaluating design appropriate to the site's natural, historic and cultural features. Diversity and creativity in site design and lot layout shall be encouraged to achieve the best possible relationship between development and open space areas.

(a) Natural Features Preservation:

- (1) Protect and preserve all floodplains, wetlands and steep slopes from clearing, grading, filling or construction.
- (2) Preserve and maintain mature woodlands, existing fields, pastures, meadows, and orchards and create sufficient buffer areas to minimize conflicts between residential and agricultural users.
- (3) Design around and preserve sites of historic, archaeological or cultural value, as needed to safeguard the character of the feature.
- (4) Protect wildlife habitat areas or species listed as endangered, threatened, or of special concern by the Ohio Department of Natural Resources, Division of Natural Area and Preserves.

(b) Agricultural Land and Woodlands:

- (1) If building lots must be located on open fields or pastures because of greater constraints in all other parts of the site, they should be located on the least prime agricultural soils, or in locations at the far edge of the fields, as seen from existing public roads.
- (2) Design around existing hedgerows and tree lines between fields and meadows. Minimize impacts on woodlands (greater than five acres), especially those containing many mature trees or significant wildlife habitat. Also woodlands on highly erodible soils with slopes greater than ten (10) percent should be preserved.

- (c) Dwelling Placement and Buffering:
- (1) Development should be designed so that it will be visually buffered from existing public roads by a planting screen consisting of a variety of trees, shrubs and wildflowers.
 - (2) Leave scenic views and vistas unblocked or uninterrupted, particularly as seen from existing public roadways.
 - (3) Development should be designed so that, as much as feasible, building lot rear boundary lines do not abut one another. View of open space from each building site should be preserved as much as feasible.
 - (4) Avoid siting new construction on prominent open hilltops or ridges, by taking advantage of lower or shielded areas on the site.
- (d) Access to Open Space. Common open space shall be directly accessible to the largest practicable number of lots. The majority of building lots should abut undivided open space in order to provide direct views and access.
- (e) Configuration of Open Space.
- (1) Provide open space that is reasonably contiguous. Fragmentation of open space should be minimized so that these areas are not divided into numerous small parcels located in various parts of the development.
 - (2) Open space shall be located so as to conform with and extend existing and potential open space areas on adjacent developments.
- (f) Streets and Roads.
- (1) Single-loaded residential access streets are preferred in order that the maximum number of homes in open space developments may enjoy views of common open space. Where foreground meadows are created between existing public roadways and such single-loaded residential access streets, residences shall be located on the far side of the access streets as seen from the public roadways and shall front on the access streets and towards the public roadways.
 - (2) The road design should incorporate commons or ovals rather than cul-de-sacs as much as possible. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the Village and to facilitate easy access to and from homes in different parts of the property and on adjoining parcels. Where cul-de-sacs are necessary, those serving six or fewer homes may be designed with "hammerheads" facilitating three-point turns. Those serving more than six homes shall generally be designed with a central island containing trees and shrubs (either conserved on site or planted).
 - (3) Vehicular and pedestrian circulation system shall be designed to insure safe, efficient movement through the open space subdivision development and into surrounding highway systems. Design of circulation systems shall be governed by the following standards:
 - A. Safe and easy access by emergency vehicles shall be provided for all areas of the subdivision.
 - B. Direct access from single family residential lots to arterial or collector thoroughfares shall be minimized.
 - C. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimal hazards to vehicular or pedestrian traffic. Minor streets within the subdivision shall be designed to discourage through traffic.

- D. The pedestrian and bicycle system and their related walkways shall be insulated as much as possible from vehicular movement.
- (g) Landscaping. Landscape common areas, such as community greens, ovals, and cul-de-sac islands, and both sides of new streets with shade trees.
- (h) Utilities. All utilities in the open space subdivision development shall be located underground.
- (i) Stormwater Management. Grading and surface drainage provisions shall be designed to minimize adverse effects on abutting parcels, streams and public streets, and to minimize the possibility of erosion.
(Ord. 99-15. Passed 9-14-99.)

1145.05 COMMON OPEN SPACE STANDARDS.

- (a) Use of Common Open Space.
- (1) Permitted Uses: Subject to other relevant provisions of this chapter, the following uses and improvements shall be permitted on common open space lands: agricultural, horticulture, silviculture, nurseries, aquaculture, passive recreation (including, but not limited to, walking, hiking, horseback riding, sledding and skiing, but specifically excluding motorized vehicles and gun ranges) and other uses similar in character and potential impact. Also included as permitted uses are water wells, septic disposal facilities, and storm water retention areas designed, landscaped and available for use as an integral part of the common open space.
- (2) Conditional Uses: Uses and improvements on common open space lands requiring a Conditional Use Permit shall include those designed for active recreation such as playgrounds, playing fields or courts for organized sports, swimming pools, picnic areas, bikeways, and any buildings, structures, supporting facilities, driveways, or parking areas proposed in relation to the foregoing. Application for conditional use permits shall be made by the owner of the common open space.

Further subdivision of common open space lands or its use for other than those uses listed above, except for easements for underground utilities, shall be prohibited.

- (b) Preservation of Common Open Space. Prior to subdivision approval, the developer of the Conservation Subdivision shall submit legal instruments which prescribe the manner and plan for care and maintenance of common open spaces.
- (1) Common open space shall be set aside by the developer through irrevocable conveyances acceptable to the Planning Commission. Forms of dedication for common open space shall include at least two (2) vehicles such as:
- A. A recorded deed restriction, and
 - B. A permanent conservation easement to the Village, another public agency or a charitable organization, such as a land trust, as defined by the Ohio Revised Code, or
 - C. Other agreement in a form acceptable to the Village Solicitor.
- (2) Such conveyances shall assure that the common open space, as shown on the final development plan will remain as such and will be only used as permitted in subsection (a) hereof.
- (3) A plan for the disposition, use, maintenance and insurance of the common open space, including provisions for funding shall be provided and approved by the Village Solicitor prior to plat approval.
(Ord. 99-15. Passed 9-14-99.)

1145.06 OWNERSHIP AND MAINTENANCE OF COMMON OPEN SPACE.

(a) Ownership. Common open space within a development shall be owned, administered and maintained by any of the following methods, either individually or in combination, subject to the approval of the Village.

- (1) Fee Simple Dedication to a Public Agency. The Village, or other public agency acceptable to the Village, may, but shall not be required to, accept any portion of the common facilities.
- (2) Homeowners' Association. The open space may be held in common ownership by a Homeowners' Association, which shall be formed and operated under the following provisions:
 - A. The developer shall provide a description of the association to the Planning Commission including its bylaws and methods for maintaining the common open space.
 - B. The association shall be organized by the developer and be operated with financial subsidization by the developer, before the sale of any lots within the development.
 - C. Membership in the association is automatic (mandatory) for all purchasers of lots therein and their successors. Membership shares shall be defined within the association bylaws. The conditions and timing of transferring control of the association from the developer to lot owners shall be identified.
 - D. The association shall be responsible for payment of all costs of maintaining such common open space, as well as insurance and taxes, enforceable by liens placed by the Village on the association. The Homeowners Association shall be authorized under its bylaws to place liens on the property of owners who fall delinquent in payment of such dues or assessments.
- (3) Condominiums. The common open space may be controlled through the use of condominium agreements, approved by the Village. Such agreements will be in conformance with the state's Condominium Property law (ORC 5311).
- (4) Dedication of Easements to a Public Agency. The Village, or other public agency acceptable to the Village, may, but shall not be required to, accept easements for public use of any portion of the common facilities, title of which is to remain in private ownership.
- (5) Transfer of Fee Simple Ownership or Easements to a Private Conservation Organization. Any owner may dedicate fee simple ownership or transfer easements on any portion of the common open space to a private, non-profit conservation organization.

(b) Maintenance Standards for Common Open Space.

- (1) The ultimate owner of the common open space shall be responsible for raising all monies required for maintenance, operations and improvements to the common open space. Common open space accepted by the Village and dedicated for public use as a park shall be maintained by the Village.
- (2) Failure to adequately maintain the common open space in reasonable order and condition constitutes a violation of this chapter.

- (3) In the event the owner fails to maintain the common open space in reasonable order and condition, in accordance with the approved open space development plan, or the common open space is determined by the Village to be a public nuisance, the Village Zoning Inspector will serve written notice upon the owner, setting forth the manner in which said owner has failed to maintain the common open space in reasonable condition and directing the owner to remedy same within thirty (30) days.
- (4) Failure to achieve such remedy within the specified time shall be cause for maintenance to be undertaken by the Village with the assessment of cost upon the owner.
(Ord. 99-15. Passed 9-14-99.)

1145.07 PROCEDURE FOR APPROVAL OF CONSERVATION SUBDIVISION.

(a) General Procedure. In general, the procedure for approval requires site plan review and approval, and approval of the development plan. The plan for streets and improvements must comply with the Village of Hiram Subdivision Regulations.

(b) Pre-Application Meeting. The developer shall meet with the Zoning Inspector and the Planning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this chapter and the criteria and standards contained herein and to familiarize the developer with the comprehensive development plan, major thoroughfare plan, the parks and public open space plan, the subdivision regulations, and the drainage, sewer and water systems of the Village, if such plans are in effect. The developer is also encouraged to meet with the Portage County Regional Planning Commission to discuss the Conservation Subdivision plan.

(c) Data Required with Application.

- (1) The developer should follow the guidelines for application for site plan review under Chapter 1111 and zoning permits. The Conservation Subdivision plan shall include drawings to a legible scale showing topographical features of the parcel, common open space areas, building placement, and shall include a circulation and parking plan, and a planting and landscaping plan.
- (2) The Conservation Subdivision plan shall include the following, in addition to those required under Section 1111.03:
 - A. Locations of wetlands and floodplains.
 - B. Boundaries of all soil types.
 - C. Location of all existing significant, natural, geographic or unique features.

(d) Administrative Review Process. The procedures for Conservation Subdivision approval shall follow this section, Chapter 1111, Site Plan Review and Section 1143.03, Procedures for Subdivision Approval.
(Ord. 99-15. Passed 9-14-99.)

