

Official Zoning Code City of Orrville, Ohio



January 2020

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1101.01 Title

This Ordinance shall be known and may be cited as the Official Zoning Code of the City of Orrville, Ohio. For convenience, it is referred to throughout this Ordinance as the “Zoning Code.”

1101.02 Authority

This Zoning Code is adopted under the powers granted by laws of the state of Ohio, including the statutory authority granted in Chapter 713 of the Ohio Revised Code.

1101.03 Applicability

The provisions of this Zoning Code applies to all buildings, structures, lands, and uses over which the City of Orrville has jurisdiction under the constitution and law(s) of the State of Ohio and of the United States.

1101.04 Purpose

This Zoning Code is intended to implement Orrville’s adopted Comprehensive Plan and other adopted plans in a manner that protects the health, safety, and general welfare of the citizens of Orrville.

1101.05 Interpretation

In their interpretation and application, the provisions of this Zoning Code shall be held to be minimum requirements. Where this Zoning Code imposes a greater restriction than is imposed or required by other provisions of law, rules, regulations, or resolutions, or by private deed restrictions or covenants, the provisions of this Zoning Code shall prevail.

1101.06 Inconsistencies

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

1101.07 Rules for Application of Code Language

A. Meanings and Intent

The language of the Zoning Code must be read literally and in context. Regulations are no more or less strict than stated. Words and phrases used in the Zoning Code must be construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, must be construed accordingly. See Chapter 1121: Terminology, for definitions of technical or particular terms used in this Zoning Code.

B. Tenses and Usage

1. Words used in singular include the plural. The reverse is also true.
2. Words used in the present tense include the future tense. The reverse is also true.
 - a. The words “must,” “will,” “shall” and “may not” are mandatory.
 - b. “May” is permissive.
3. When used with numbers, “Up to x,” “Not more than x” and “a maximum of x” all include x.

C. Conjunctions

Unless the context otherwise clearly indicates, conjunctions have the following meanings:

1. “And” indicates that all connected items or provisions apply;
2. “Or” indicates that the connected items or provisions may apply singly or in combination;
3. “Either ... or” indicates that the connected items or provisions apply singly, but not in combination.

D. Graphics

The Zoning Code contains numerous graphics, pictures, illustrations, and drawings in order to assist the reader in understanding and applying the Zoning Code. However, to the extent that there is any inconsistency between the text of the Zoning Code and any such graphic, picture, illustration, or drawing, the text controls unless otherwise provided in the specific section.

1101.08 Development Approvals

No development activity shall occur on any property within the jurisdiction of the Zoning Code until an applicable development approval for the activity has been granted (refer to Chapter 1116: Development Review Procedures, of the Zoning Code).

1101.09 Zoning Districts Map

The zoning districts so established are bounded and defined as shown on a map entitled "Zoning Districts Map of the City of Orrville, Ohio," and such map with all the notations, references and other pertinent material shown thereon is hereby made a part of this Zoning Code. The official zoning map shall be at a minimum scale of 1:600 with all zoning boundaries shall be available in the office of the Director of Public Safety and Service.

A. Where Boundaries Follow Streets, Alleys or Highways

Where district boundaries are indicated as approximately following the center line or street line of streets, the center line or alley line of alleys or the center line of right-of-way lines of highways such lines shall be construed to be such district boundaries.

B. Where Boundaries Parallel Street

Alley or Highway Right-of-Way Lines. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, the center lines or alley lines of alleys or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Zoning Districts Map.

C. Where Boundaries Follow Lot Lines

Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.

D. Vacation of Public Ways

Whenever any street, alley or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all areas included in the vacation shall then and henceforth be subject to all regulations of the extended district.

1101.10 Zoning of Newly Annexed Areas

A. Zoning Recommendation

Upon receipt by the Clerk of Council of a petition for annexation, the Planning Commission shall be advised of the filing of the petition and provided with a map of the area proposed to be annexed. The Commission, upon review of such proposed annexation shall recommend that the area be rezoned after annexation. Within sixty days after Council has passed legislation accepting the annexation, Council shall by ordinance

act on the recommendation of the Planning Commission. No such ordinance which differs from the recommendation of the Planning Commission shall take effect unless passed by not less than three-fourths of the membership of Council. If council fails to act within the sixty day time period, such annexed property shall be zoned as R-1.

B. Adoption of the Proposed Zoning

Council shall hold a public hearing before adoption of the proposed zoning as per Section 1116.05: Zoning and Text Amendments.

1101.11 Applications Commenced or Approved Under Previous Zoning Code

A. Purpose

The purpose of transitional regulations is to resolve the status of properties with pending applications or recent approvals, and properties with outstanding violations, at the time of the adoption of this ordinance.

B. Processing

Any complete application that has been submitted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this Zoning Code, shall be reviewed in accordance with the regulations in effect on the date the application was deemed complete unless the applicant requests otherwise. If the applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application shall expire, and subsequent applications shall be subject to the requirements of this Zoning Code. Any re-application of an expired project approval shall meet the standards in effect at the time of re-application.

C. Violations Continue

Any violation of the previous versions of this Zoning Code shall continue to be a violation under this Zoning Code and shall be subject to the penalties and enforcement set forth in Chapter 1120: Enforcement, Violations, and Penalties, unless the use, development, construction, or other activity complies with the provisions of this Zoning Code.

1101.12 Transition to Combined Zoning Districts

Upon the effective date of this Zoning Code:

- A. Land that is zoned R-2 Medium/Low Density Residential District and R-3 Medium Density Residential District on the City of Orrville Zoning Districts map are combined into one district. The designation of the combined two districts is R-2 Medium/Low Density Residential.
- B. Land that is zoned C-3 Intensive Commercial District and C-4 Highway Service District on the City of Orrville Zoning Districts map are combined into one district. The designation of the combined two districts is C-3 Intensive Commercial.

1101.13 Validity and Separability

- A. If any provision or provisions of this Zoning Code, or the application of any provision or provisions to any particular property, building or other structure, or situation, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the effect of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective, or to the zoning lot, building or other structure, or tract of land immediately involved in the controversy.
- B. If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.
- C. All other provisions of this Zoning Code shall continue to be separate and fully effective, and the application of any such provision to other persons or situations shall not be affected.

1101.14 Repeal of Existing Code

The Codified Zoning Ordinances of the City of Orrville, Ohio, are hereby repealed, with the proviso that those ordinances/provisions repealed by this ordinance shall be considered in full force and effect if for any reason this new Zoning Code should be declared to be void in its entirety through legal defect or technicality in its passage.

1101.15 Effective Date

This Zoning Code shall take effect and be in force from and after January 2, 2020.

1101.16 Unofficial Zoning Map Online

An unofficial copy of the zoning map is online for informational purposes only on the City of Orrville home page under City Department of Service-Safety, Zoning and Planning.

Chapter 1102: Base Zoning Districts

1102.01	Districts Established 16	1102.07	C-3 Intensive Commercial District
1102.02	R-1 Low Density Residential District	1102.08	CBDD Central Business Development District
1102.03	R-2 Medium/Low Residential District	1102.09	I-1 Light Industrial District
1102.04	R-4 High Density Residential District	1102.10	I-2 Heavy Industrial District
1102.05	C-1 Office District		
1102.06	C-2 Local Commercial District		

1102.01 Districts Established

- A. All land in the City is classified in one of the base zoning districts established in this Chapter. As such, base zoning districts serve as the foundation for all zoning related standards.
- B. There are three types of base zoning districts: Residential, Commercial, Industrial.
- C. The following Residential (R), Commercial (C), Industrial (I) zoning districts are included in this Zoning Code.

Residential (R) Zoning Districts	
Low Density Residential	R-1
Medium/Low Density Residential	R-2
High Density Residential	R-4
Commercial (C) Zoning Districts	
Office Commercial District	C-1
Local Commercial District	C-2
Intensive Commercial District	C-3
Central Business Development District	CBDD
Industrial (I) Zoning Districts	
Light Industrial District	I-1
Heavy Industrial District	I-2

- D. For each zoning district, except as expressly provided in this Chapter 1102,
 - 1. principal uses shall be governed by the Use Table of Section 1104.02,
 - 2. accessory uses shall be governed by Chapter 1106; and
 - 3. the intensity and dimensional standards of Chapter 1107 shall apply.

1102.02 R-1 Low Density Residential District

The purpose of this district is to promote a low density residential development in areas generally adjacent to the built-up portions of the community, thereby providing a more orderly extension of public facilities by encouraging redevelopment to take place in these areas. The district recognizes the community's housing demand for single-family dwellings and the sociological and economic reasons for providing these in areas excluding two-family and multifamily units. Therefore, the district is established and located in sections of the community presently dominated by single-family dwellings.

1102.03 R-2 Medium/Low Residential District

The purpose of this district is to allow a medium density residential development. This use will consist of single-family and two-family dwellings.

1102.04 R-4 High Density Residential District

The purpose of this district is to promote two-family, rowhouse, and garden apartment development.

1102.05 C-1 Office District

The purpose of this district is to provide office buildings for business, industry and nonprofit organizations for general office uses and professional services but not engaged in retail sales.

1102.06 C-2 Local Commercial District

The purpose of this district is to provide for uses principally to accommodate the sale of convenience retail goods and personal services purchased frequently for daily or weekly needs. The district is intended to serve families living within the surrounding area. Since slightly over fifty percent of the patrons of such a district are multipurpose shoppers, it is intended that the design of this district will encourage groupings of establishments located on a unified site providing adequate off-street parking facilities as well as an efficient and safe method of handling vehicular and pedestrian traffic.

1102.07 C-3 Intensive Commercial District

The purpose of this district is to provide for uses in addition to those specified in a C-1 and C-2 district and thereby provide service and sales in support of the primary business activities in the community. This district includes activities which, because of their nature, such as their tendency to encourage traffic congestion and parking problems, storage problems or certain other inherent dangers, create special problems and are, therefore, best distinguished from other commercial activity. Their location is advantageous at the edge of the central commercial core and at specified points on major thoroughfares at outlying locations in the community.

1102.08 CBDD Central Business Development District

The Central Business Development District is established for the purpose of realizing ordered development in the intensely built-up area delineated as the Central Business District of Orrville as detailed in the official zoning map.

1102.09 I-1 Light Industrial District

The purpose of this district is to provide for and accommodate light industrial uses in the fields of repair, storage, manufacturing, processing, wholesaling and distribution, free from the encroachment of residential, retail and institutional uses. The uses allowed are those

which, because of their normally unobjectionable characteristics, can be in relatively close proximity to residential and commercial districts and which, because of their special nature, products or processes, require locations separate from the objectionable characteristics of heavy industries.

1102.10 I-2 Heavy Industrial District

The purpose of this district is to provide for and accommodate light and heavy industrial uses in the fields of repair, storage, manufacturing, processing, wholesaling distribution and disposal, free from the encroachment of residential, commercial and light industrial districts. The uses listed are intended to complete the full range of activities necessary for the functioning of a community, but because of certain objectionable characteristics should be placed in a separate district.

Chapter 1103: Overlay Districts

1103.01 Districts Established
 1103.02 Design Review Districts

1103.03 North Main Street Overlay District
 (NMOD)

1103.01 Districts Established

- A. Overlay districts are tools for dealing with special situations or accomplishing special zoning goals. As the name implies, overlay zoning districts are “overlaid” on base zoning classification to alter some or all of the underlying district regulations. Overlay districts are shown on the Official Zoning Map as suffixes to the applicable base district classification.
- B. The following overlay districts are included in this Zoning Code:

District Name	Map Symbol
Overlay Districts	
Design Review District – Downtown Design Review District	-DDR
North Main Street Overlay District	-NMOD

1103.02 Design Review Districts

A. Purpose

The purpose of this Section is to promote the health, safety and welfare of the citizens of the City by providing for the identification, protection, enhancement, perpetuation and use of areas, places, buildings, structures, works of art and other objects having a special historical, community or aesthetic interest or value, so that the following objectives are reached:

1. To maintain and enhance the distinctive and/or aesthetic character, diversity and interest of the City.
2. To safeguard the architectural integrity of the City’s design review district(s).
3. To contribute to the economic, cultural, and educational development of the City by:
 - a. stimulating business and attracting industry;
 - b. protecting and enhancing attractions to residents, tourists, visitors;
 - c. stabilizing and improving property values;
 - d. improving the quality of life by enhancing the visual and aesthetic character, diversity, and interest of the City;
 - e. fostering civic pride in the beauty and notable accomplishments of the past; and,

- f. promoting the use and preservation of historic locations, architecturally significant structures, and other notable objects and sites for the education, enrichment, and general welfare of the residents of the City and the State of Ohio.

B. Definitions

The definitions in this Section are to be used solely for the purpose of interpreting and administering the Design Review District provisions of this Zoning Code.

1. **ALTER or ALTERATION:** Any material change in external architectural feature of any commercial or industrial property which lies within a Design Review District, including demolition, construction, modification to existing signage or placement of new signage, roofs, windows, siding, awning/canopies, additions, doors/entrances, murals, works of art, and painting that changes the color of the paint, but not including the landscaping of real property.
2. **APPLICANT:** Any owner(s), person(s), association, partnership, or corporation who applies for a Certificate of Appropriateness in order to undertake any project subject to this Section.
3. **CONTRIBUTING PROPERTY:** a building, structure, site or object that, as determined by the Design Review Board, adds to the historic or architectural value of a designated Design Review District because it was present during the period of historic significance and/or it preserves such historic integrity that it yields important information about such Design Review District.
4. **COUNCIL:** Members of the Council of the City of Orrville, Ohio.
5. **DEMOLITION:** the razing or removing of all or a substantial portion of a building, structure, or appurtenance from a Design Review District.
6. **DESIGN REVIEW BOARD:** The Design Review Board established under the provisions of Section 1118.05.
7. **DESIGN REVIEW DISTRICT:** Any area within the corporation limits of Orrville, Ohio, designated by Council to be subject to the provisions of this Section.
8. **DESIGN REVIEW GUIDELINES:** adopted by the Design Review District and City Council that details the architectural characteristics for any Design Review District therein, and that provides design guidance for appropriate maintenance, repair, construction or alteration pursuant to the provisions of this Section.
9. **EXTERNAL ARCHITECTURAL FEATURE:** The architectural style, general design and arrangement of the exterior of a structure including, but not limited to: the type, color, and texture of the building material, doors, windows, roof, porches, and other appurtenant fixtures.
10. **NON-CONTRIBUTING STRUCTURE:** a building structure, site or object within a designated Design Review District that, in the determination of the Design Review Board, does not meet the criteria cited in Section 1103.02(B)(3): Contributing Property, above.

11. **NORMAL AND ORDINARY MAINTENANCE:** Repairs that do not alter the appearance of the building, structure, works of art, or painting that does not change the existing color.

12. **MEMBER:** Any member of the Design Review Board, as established under the provisions of Section 1118.05.

C. Designation or Expansion of a Design Review District

The required procedure for designation or expansion of a design review district is set for in Section 1116.05: Zoning Text and Map Amendments.

D. Effect of Designation

Whenever there is conflict between regulations applicable in a base district and the regulations of the design review district, the more restrictive will apply.

E. Certificates of Appropriateness

See the Certificate of Appropriateness procedures of Section 1117.02.

F. Establishment of the Downtown Design Review District

The Downtown Design Review District of the City is hereby defined to comprise all the area within the City limits within the following boundaries:

- the properties on the west side of North Walnut Street from East Market Street north to East Church Street;
- the properties on both sides of North and South Main Street from Chestnut Street north to Church Street;
- the properties on both sides of North Vine Street from railroad alley north to West Church Street;
- the properties on both sides of Depot Street;
- the properties on both sides of Liberty Street;
- the properties on both sides of East and West Market Street from Walnut Street west to Sterling Avenue;
- the properties on the south side of East and West Church Street from North Walnut Street west to North Vine Street; and
- the properties on both sides of East and West Water Street from North Walnut Street to the westerly end of dedication.

G. Historic and Architectural Significance of the Downtown Design Review District

The downtown district is significant for the local development of commerce and rail-related transportation in the City of Orrville. The architecture is in the Italianate, Classical Revival and Colonial Revival styles. Periods of significance from 1850 to 1874, 1875 to 1899, 1900 to 1924 and 1925 to 1949. Known architects include Arthur Lenander, John Huffman and Louis A. Simon. The district has a number of contiguous contributing buildings, many with brick, stone and terra cotta facades.

1103.03 North Main Street Overlay District (NMOD)

A. Purpose

The purpose of this overlay is to encourage compatible commercial and industrial development to occur along the North Main Street corridor. Allowing a broader mix of uses promotes flexibility in the types of uses that can be allowed for each building or parcel. The overlay achieves this by combining the uses allowed in the underlying base districts and serves the objective of implementing the Comprehensive Plan.

B. Permitted and Conditional Uses

1. All permitted and conditional uses listed in Section 1104.02: Use Table, for the C-3 Intensive Commercial and I-2 Heavy Industrial districts shall be the permitted and conditional uses in the North Main Street Overlay District.
2. This includes the mapped C-4 district which this Zoning Code merged into the C-3 district per Section 1101.12: Transition to Combined Zone Districts.
3. Districts other than the C-3 and I-2 (i.e. a spot zoning) within the North Main Street Overlay District will not share in the combined C-3 and I-2 uses permitted in this overlay.

C. Development Standards

1. Intensity and Dimensional Standards

Intensity and dimensional standards pertaining to lot area, lot width and depth, coverage, setbacks, height, and any other aspect regulation in this Zoning Code shall be those of the most restrictive zoning district in the combining overlay. See Chapter 1107.

2. Parking and Access Standards

- a. The number of parking space, loading facilities, and access for each land use shall be provided in accordance with Chapter 1112.
- b. Within the North Main Street Overlay District there shall be no I-2 district exemption for sidewalks. See Section 1112.14.

3. Landscaping and Screening Standards

- a. Development in the North Main Street Overlay District, including industrial, shall provide a street frontage landscape buffer in accordance with Section 1113.05.
- b. Development in the North Main Street Overlay District shall provide a Type “A” or Type “B” landscape buffer area as required in Section 1113.06 or 1113.07 respectively.
- c. Certain specific uses shall provide a Type “C” additional landscape buffer in accordance with Section 1113.08.
- d. Development in the North Main Street Overlay District, including industrial, shall provide landscaping for parking lots in accordance with Section 1113.09.

4. Architectural Standards

Commercial, industrial and nonresidential development in the North Main Street Overlay District shall comply with the architectural design standards in Chapter 1114.

5. Signage Standards

The signage standards of Section 1115.05: C-1 through C-3 Commercial District Signs, shall apply to all development in the North Main Street Overlay District.

D. Development Review Procedures

Development in the North Main Street Overlay District shall follow the regular development review procedures of the underlying base district.

E. Expansion

Expansion or reduction of the North Main Street Overlay District must be in accordance with the zoning text and map amendments procedures of Section 1116.05.

F. Effect of Designation

Whenever there is conflict between regulations applicable on a base district and the regulations of the North Main Street Overlay District, the more restrictive will apply.

G. Establishment of the North Main Street Overlay District

The North Main Street Overlay District is defined to comprise the area within the City limits within the following boundaries:

- The properties fronting on the west side of North Main Street north from Mineral Spring Street to Hostetler Road.
- The properties fronting on west side of North Main Street from Hostetler Road to the corporate boundary line to the north and west to Dairy Lane and a line extending due north from the end of Dairy Lane to the corporate boundary line.
- The properties fronting on the east side of North Main Street north from Arch Street to Raspberry Road.
- The properties fronting on the east side of North Main Street north from Raspberry Road to the corporate boundary line to the north to a depth of 400 feet from the centerline of North Main Street.

Chapter 1104: Use Table

1104.01 General Provisions

1104.02 Use Table

1104.01 General Provisions

The Use Table in this Chapter lists the principal uses allowed within all base zoning districts. The symbols used in the Tables are defined in the following paragraphs.

A. Permitted Use

A “P” in a cell indicates that a use is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this Zoning Code including any additional standards identified in the last column of the Use Table, Section 1104.02.

B. Conditional Uses

A “C” in a cell indicates that a use may be permitted if approved through conditional use permit review (See Section 1116.07: Conditional Zoning Certificates). Conditional uses may be subject to use-specific standards as identified in the last column of Use Table, Section 1104.02. Conditional uses are subject to all other applicable regulations of this Zoning Code. The existence or lack of additional use-specific standards in this Zoning Code shall not be implied to be the only standards the use is required to meet. Any use that is permitted as a conditional use shall be subject to the general review standards for all conditional uses established in Section 1116.07: Conditional Zoning Certificates.

C. Prohibited Uses

A blank and/or shaded cell indicates a use that is prohibited in the respective zoning district.

D. Numerical Reference

The numbers contained in the “Additional Requirements” column are references to additional standards and requirements that apply to the use type listed. Requirements referenced in the “Additional Requirements” column apply in all zoning districts unless otherwise expressly stated.

E. Unlisted Uses

If an application is submitted for a use type that is not listed in the Use Table of this Chapter, the Director of Public Safety and Service is authorized to classify the new or unlisted use type into an existing land use category that most closely fits the new or unlisted use. If no similar use determination can be made, the City Planning Commission must initiate an amendment to the text of this Zoning Code to clarify where such uses are allowed.

Chapter 1104: Use Table

1104.02 Use Table

A. Residential

Use Category	R-1	R-2	R-4	C-1	C-2	C-3	CBDD	I-1	I-2	Additional Requirements
Residential										
Single-family Residential Dwellings	P	P	P	-	-	-	-	-	-	
Two-family Residential Dwellings	C	P	P	-	-	-	-	-	-	Sec. 1105.50
Multifamily Dwellings	C	C	P	-	C	-	C	-	-	Sec. 1105.31
Residential Attached Dwellings	C	C	C	-	-	-	-	-	-	Sec. 1105.39
Residential Detached Dwellings	C	C	C	-	-	-	-	-	-	Sec. 1105.40
Guest House or Accessory Living Quarters	P	P	P	-	-	-	-	-	-	Sec. 1106.08
Home Occupations	C	C	C	C	C	C	C	-	-	Sec. 1106.09
Planned Unit Development	C	C	C	-	-	-	-	-	-	Ch. 1108
Cluster Subdivisions	C	C	C	-	-	-	-	-	-	Ch. 1109
Independent Senior Housing	C	C	C	C	C	C	C	-	-	Sec. 1105.24
Manufactured Home Park	-	-	C	-	-	-	-	-	-	Sec. 1105.28
Group Living										
Adult Family Homes, Foster Family Homes, Family Homes	P	P	P	P	P	P	P	-	-	Sec. 1105.02
Adult Group Homes, Group Homes for the Intellectually Disabled or Developmentally Disabled, Residential Facilities	C	C	C	C	C	C	C	-	-	Sec. 1105.19
Senior Care Facilities	C	C	C	C	C	C	C	-	-	Sec. 1105.45
Group Rental	C	C	C	-	C	-	C	-	-	Sec. 1105.20
Other Group Living	-	-	C	-	C	-	C	-	-	Sec. 1105.33
	R-1	R-2	R-4	C-1	C-2	C-3	CBDD	I-1	I-2	Additional Requirements

B. Public and Civic

Use Category	R-1	R-2	R-4	C-1	C-2	C-3	CBDD	I-1	I-2	Additional Requirements
Public and Civic										
Colleges and Higher Educational Institutions	C	C	C	C	C	C	C	C	C	Sec. 1105.10
Cultural Facilities and Structures	-	-	-	P	P	P	P	-	-	
Day Care										
Type A and Type B Family Day Care Homes	P	P	P	-	-	-	-	-	-	1121.02(C)(3a)
Day Care Centers, Children or Adult	-	-	-	C	C	C	C	C	C	Sec. 1105.13
Government Buildings and Facilities	C	C	C	C	C	C	C	C	C	Sec. 1105.17
Government Owned and/or Operated Open Space	C	C	C	C	C	C	C	C	C	Sec. 1105.18
Hospitals and Clinics	-	-	-	C	C	C	C	C	C	Sec. 1105.21
Lodge, Fraternal and Civic Assembly	-	-	-	C	C	C	C	C	C	Sec. 1105.27
Public Utility Right-of-Way and Permanent Structures	C	C	C	C	C	C	C	C	C	Sec. 1105.35
Religious Assembly	C	C	C	C	C	C	C	C	C	Sec. 1105.38
Schools, Public, Parochial, and Private	C	C	C	C	C	C	C	C	C	Sec. 1105.42
	R-1	R-2	R-4	C-1	C-2	C-3	CBDD	I-1	I-2	Additional Requirements

Chapter 1104: Use Table

C. Commercial Use Types

Use Category	R-1	R-2	R-4	C-1	C-2	C-3	CBDD	I-1	I-2	Additional Requirements
Commercial Use Types										
Adult Entertainment Businesses	-	-	-	-	-	C	-	C	C	Ch. 1110
Adult Gaming	-	-	-	-	-	C	-	-	-	Sec. 1105.03
Animal Services										
Animal Day Care and Grooming	-	-	-	-	P	P	P	-	-	
Kennels	-	-	-	-	-	-	-	C	C	Sec. 1105.26
Veterinary Hospital or Office	-	-	-	C	C	C	C	C	C	Sec. 1105.52
Business and Professional Offices	-	-	-	-	P	P	P	-	-	
Business and Professional Offices, Limited	-	-	-	P	-	-	-	-	-	Sec. 1105.07
Business Support Services	-	-	-	-	-	P	P	-	-	
Contractors, Special Trades	-	-	-	-	-	P	P	P	P	
Convenience Stores	-	-	-	-	C	C	C	C	C	Sec. 1105.11
Eating and Drinking Establishments										
Bar and Tavern	-	-	-	-	P	P	P	-	-	
Carry Out or Delivery Restaurant	-	-	-	-	P	P	P	-	-	
Drive-through Restaurant	-	-	-	-	C	C	C	C	C	Sec. 1105.14
Restaurant, Sit Down	-	-	-	-	P	P	P	-	-	
Financial Institutions	-	-	-	-	P	P	P	-	-	
Financial Institution with Drive-through	-	-	-	-	C	C	C	C	C	Sec. 1105.14
Food and Beverage Retail Sales	-	-	-	-	P	P	P	-	-	
Food and Beverage Retail Sales, Drive-through	-	-	-	-	C	C	C	C	C	Sec. 1105.14
Funeral and Internment Services										
Cemeteries, Public, Quasi Public, Commercial	C	C	C	-	-	-	-	-	-	Sec. 1105.09
Cremating	-	-	-	-	-	-	-	C	C	
Funeral Homes	-	-	-	C	C	C	C	C	C	Sec. 1105.15
Gasoline and Fuel Sales	-	-	-	-	C	C	-	C	C	Sec. 1105.16
Laundry Services	-	-	-	-	P	P	P	-	-	
Medical or Dental Offices and Urgent Care	-	-	-	-	P	P	P	-	-	
Microbrewery	-	-	-	-	C	C	C	-	-	Sec. 1105.30
Parking, Off-street	-	-	-	C	C	C	C	C	C	Sec. 1105.34
Parking, Off-street Public Parking Lot and Garage	-	-	-	-	-	P	P	P	-	
Passenger Transport Agency and Terminal	-	-	-	-	-	P	P	-	-	
Personal Services Establishments	-	-	-	-	P	P	P	-	-	
Radio and TV Broadcast Station or Recording Studio	-	-	-	-	-	P	P	-	-	
Recreational Facilities, Private	C	C	C	C	C	C	C	C	C	Sec. 1105.36
Repair Services, Consumer						P	P			
Retail Establishments										
Retail Commercial Uses	-	-	-	-	P	P	P	-	-	
Furniture, Home Furnishings, Office Equipment and Supplies	-	-	-	-	-	P	P	-	-	
Home Improvements Centers	-	-	-	-	-	P	P	-	-	
Showroom or Display	-	-	-	-	-	P	P	-	-	
Shooting Ranges	-	-	-	-	-	-	-	C	C	Sec. 1105.46

Chapter 1104: Use Table

Use Category	R-1	R-2	R-4	C-1	C-2	C-3	CBDD	I-1	I-2	Additional Requirements
Sports and Recreation Facility	-	-	-	-	-	P	P	-	-	
Tattoo and Body Piercing Shops	-	-	-	-	C	C	-	-	-	
Temporary Habitation										
Bed and Breakfast	C	C	C	C	C	C	C	-	-	Sec. 1105.06
Rooming, Lodging or Boarding House	C	C	C	C	C	C	C	C	C	Sec. 1105.41
Hotel and motel	-	-	-	C	C	C	C	C	C	Sec. 1105.22
Theaters	-	-	-	-	-	P	P	-	-	
Vehicle Sales and Service										
Car Washes	-	-	-	C	-	C	-	-	-	Sec. 1105.08
Motor Fleet Garage and Offices	-	-	-	-	-	P	P	-	-	
Vehicle Equipment Repairs	-	-	-	-	-	P	P	-	-	Sec. 1105.51
Automobile, Trailer, and Farm Implement Dealers	-	-	-	-	C	C	C	C	C	Sec. 1105.05
Storage of Nonoperating Vehicles	-	-	-	-	C	-	-	C	C	Sec. 1105.49
	R-1	R-2	R-4	C-1	C-2	C-3	CBDD	I-1	I-2	Additional Requirements

D. Industrial Use Types

Use Category	R-1	R-2	R-4	C-1	C-2	C-3	CBDD	I-1	I-2	Additional Requirements
Industrial Use Types										
Incineration of Solid or Liquid Waste	-	-	-	-	-	-	-	-	C	Sec. 1105.23
Industrial Structures and Facilities, Light	-	-	-	-	-	-	-	P	P	
Industrial Structures and Facilities, Heavy-Intense	-	-	-	-	-	-	-	-	C	Sec. 1105.25
Laboratory, Processing or Testing	-	-	-	-	-	-	-	P	P	
Manufacturing and Production, Limited	-	-	-	-	C	-	C	-	-	Sec. 1105.29
Scrap Material Storage	-	-	-	-	-	-	-	C	C	Sec. 1105.43
Self-storage Units and Mini-Warehouses	-	-	-	-	-	-	-	C	C	Sec. 1105.44
Storage and Bulk Sales, Indoor or Outside	-	-	-	-	-	-	-	P	P	
Warehouses	-	-	-	-	-	-	-	P	P	
Wholesale, Storage and Distribution										
Wholesale, Storage and Distribution Centers, Indoors	-	-	-	-	-	-	-	P	P	
Wholesale, Storage and Distribution Centers, Outdoors	-	-	-	-	-	-	-	-	P	
	R-1	R-2	R-4	C-1	C-2	C-3	CBDD	I-1	I-2	Additional Requirements

E. Other Use Types

Use Category	R-1	R-2	R-4	C-1	C-2	C-3	CBDD	I-1	I-2	Additional Requirements
Other Use Types										
Agricultural Buildings and Uses	C	C	C	C	C	C	C	C	C	Sec. 1105.04
Greenhouses	-	-	-	-	-	P	P	-	-	
Nurseries and Turf Farms	-	-	-	-	-	-	-	P	P	
Oil and Gas Wells	-	-	-	-	-	-	-	C	C	Sec. 1105.32

Chapter 1104: Use Table

Use Category	R-1	R-2	R-4	C-1	C-2	C-3	CBDD	I-1	I-2	Additional Requirements
Outdoor Wood Furnaces	C	C	C	-	-	-	-	-	-	Sec. 1106.10
Recycling Collection Center	-	-	-	-	-	-	-	-	C	Sec. 1105.37
Small Cell Facilities in the Right-of-Way	C	C	C	P	P	P	-	P	P	Sec. 1105.47
Soil and Mineral Extraction Activities	-	-	-	-	-	-	-	-	C	Sec. 1105.48
Temporary Building for Construction Work	C	C	C	C	C	C	C	C	C	Sec. 1106.17
Wireless Telecommunication Towers and Facilities	C	C	C	C	C	C	C	C	C	Sec. 1105.53
	R-1	R-2	R-4	C-1	C-2	C-3	CBDD	I-1	I-2	Additional Requirements

Chapter 1105: Use Specific Regulations

1105.01	Purpose	1105.28	Manufactured Home Parks
1105.02	Adult Family Homes, Foster Family Homes, Family Homes	1105.29	Manufacturing and Production, Limited
1105.03	Adult Gaming – Location	1105.30	Microbrewery
1105.04	Agricultural Buildings and Uses	1105.31	Multifamily Dwelling Units in the C-2 and CBDD Districts
1105.05	Automobile, Trailer, and Farm Implement Dealerships	1105.32	Oil and Gas Wells
1105.06	Bed and Breakfast	1105.33	Other Group Living
1105.07	Business and Professional Offices, Limited	1105.34	Parking, Off Street
1105.08	Car Washes	1105.35	Public Utility Right-of-Way and Permanent Structures
1105.09	Cemeteries, Public, Quasi Public and Private, Interring and Mausoleums	1105.36	Recreational Facilities, Private
1105.10	Colleges and Higher Educational Institutions	1105.37	Recycling Collection Center
1105.11	Convenience Stores	1105.38	Religious Assembly
1105.12	Crematory	1105.39	Residential Attached Dwellings
1105.13	Day Care Centers, Children or Adult	1105.40	Residential Detached Dwelling
1105.14	Drive-through Facilities	1105.41	Rooming, Lodging or Boarding House
1105.15	Funeral Homes	1105.42	Schools, Public, Parochial and Private
1105.16	Gasoline and Fuel Stations	1105.43	Scrap Material Storage
1105.17	Government Buildings and Facilities	1105.44	Self-storage Units and Mini-Warehouses
1105.18	Government Owned and/or Operated Open Space	1105.45	Senior Care Facilities
1105.19	Group Homes	1105.46	Shooting Ranges
1105.20	Group Rental	1105.47	Small Cell Facilities in the Right-of-Way
1105.21	Hospitals and Clinics	1105.48	Soil and Mineral Extraction Activities
1105.22	Hotel and Motel	1105.49	Storage of Nonoperating Vehicles
1105.23	Incineration of Solid or Liquid Waste	1105.50	Two-family Residential Dwelling in R-1 District
1105.24	Independent Senior Housing	1105.51	Vehicle Equipment Repairs
1105.25	Industrial Structures and Facilities, Heavy-Intense	1105.52	Veterinary Hospital or Office
1105.26	Kennels	1105.53	Wireless Telecommunication Towers and Facilities
1105.27	Lodge, Fraternal and Civic Assembly		

1105.01 Purpose

This Chapter contains additional standards that shall be met by an applicant for uses that are either permitted with use-specific standards or as conditional uses in accordance with the Section 1104.02: Use Table. In addition to meeting the following standards, all applicants for conditional uses shall be required to comply with any and all other applicable provisions of this Zoning Code.

1105.02 Adult Family Homes, Foster Family Homes, Family Homes

- A. Adult family homes, as defined in ORC 3722 accommodating three to five adults.
- B. Foster family homes, as defined in ORC 5123, providing room and board, personal care, habilitation services and supervision in a family setting for not more than five adults.
- C. Family homes, as defined in ORC 5123, providing the same services as foster family homes for six to eight intellectually disabled or developmentally disabled persons and other similar social services and institutional uses with eight or less occupants are hereby considered permitted uses in all residential districts.
- D. All such uses must comply with all area and height regulations of the respective residential district.
- E. All such uses should obtain license of approval from the State of Ohio as necessary.
- F. Such uses shall not include persons who would constitute a direct threat to the health or safety of others or who may cause substantial physical damage to the property of others or persons who use illegal substances.

1105.03 Adult Gaming – Location

Adult Gaming shall not be located within a 500-foot radius of a school, public park, public library, licensed child day care center, or other use established specifically for the activities of minors.

1105.04 Agricultural Buildings and Uses

The following standards apply to Agricultural buildings and uses:

- A. Buildings used to house farm animals shall be located no less than two hundred (200) feet from all property lines.
- B. Livestock or fowl raising or breeding for commercial purposes shall be permitted on lots of five (5) acres or more.
- C. Livestock and fowl may not be kept within one hundred fifty (150) feet of any residence other than the residence of the person keeping such livestock or fowl.

1105.05 Automobile, Trailer, and Farm Implement Dealerships

F. Landscaping

- 1. Such uses should be landscaped to be harmonious with surrounding uses, especially if adjacent to residential uses. See the landscape and screening requirements of Chapter 1113.
- 2. The buffering provisions in Section 1113.05: Street Frontage Landscape Buffer, may be modified by the Planning Commission for vehicle display areas.

G. Activity Setback

A setback of twenty (20) feet shall be required for all activities, including parking of any vehicle or trailer.

1105.06 Bed and Breakfast

- A. Bed and Breakfast establishments shall serve only transient overnight guests.
- B. Rooms may not be rented for more than five (5) consecutive days to any one guest.
- C. Subject to Section 1115.03: Residential District Signs.

1105.07 Business and Professional Offices, Limited

A. Location

- 1. Business and Professional Office uses should be located so they will have minimal effect on the safety of vehicular and pedestrian traffic.
- 2. Business and Professional Offices should be located on a collector or arterial street and should be adjacent to an existing commercial or industrial use.

B. Restrictions

- 1. Retail sales except those incidental to professional services.
- 2. All surface parking areas should be located to the rear of the building.

1105.08 Car Washes

A. Location

Such structures should be located on a collector or major thoroughfare.

B. Landscaping

Such uses should be landscaped to be harmonious with surrounding uses, especially if adjacent to residential uses. See the landscape and screening requirements of Chapter 1113.

C. Vehicle Stacking Area

See Section 1112.11: Drive-through Facility (Stacking).

1105.09 Cemeteries, Public, Quasi Public and Private, Interring and Mausoleums

- A. The minimum lot area shall be one acre.
- B. All structures and gravesites shall be set back a minimum of fifty (50) feet from all lot lines. The Planning Commission may reduce the distance to no less than ten (10) feet where appropriate.

- C. All parking areas shall be set back a minimum of twenty (20) feet from all lot lines.

1105.10 Colleges and Higher Educational Institutions

A. Setbacks

All structures and activity areas should be located at least fifty (50) feet from all property lines. The Planning Commission may reduce the distance to no less than ten (10) feet where appropriate.

B. Location

Colleges and Higher Educational Institutions should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.

1105.11 Convenience Stores

The following standards apply to convenience stores with a floor area of less than 5,000 square feet.

A. Combined Convenience Store and Self-service Gas Station

Convenience stores may sell self-service gasoline. If gasoline is sold, a convenience store is also subject to gas station specific regulations. See Section 1105.16: Gasoline and Fuel Stations.

B. Hours of Operation

Hours of operation shall be determined by the Planning Commission and consistent with any liquor permit issued by the State of Ohio.

1105.12 Crematory

A. Setbacks

1. All structures and activity areas should be located at least fifty (50) feet from all property lines. The Planning Commission may reduce the distance to no less than ten (10) feet where appropriate.
2. All parking areas shall be set back a minimum of twenty (20) feet from all lot lines.

B. Location

3. Crematories should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
4. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.

1105.13 Day Care Centers, Children or Adult

A. Application Materials

A copy of the site plan and descriptive plan of operation as submitted to the Ohio Director of Jobs and Family Service as part of the license application must be included in the application for a conditional use permit to the Planning Commission.

B. Day Care Centers as an Accessory Use

1. A day care center may be an accessory use when associated with a place of religious assembly in a building occupied by the principal use.
2. Day care centers are prohibited in residential districts except when combined with an existing and approved conditional use for a public facility.
3. Day care centers shall be conditionally permitted in industrial districts when associated with an industry.

1105.14 Drive-through Facilities

The following standards apply to Financial Institutions with a drive-through, Drive-through Restaurants, and Food and Beverage Retail Sales Drive-throughs.

A. Vehicle Stacking Areas

See Section 1112.11: Drive-through Facility (Stacking).

B. Location Next to Residential District or Use

Drive-through facility locations where such use abuts a residential district or residential use shall also meet the following additional requirements:

1. There shall be no driveway entering or exiting such premises within 75 feet of a residential district.
2. Such uses shall be properly landscaped to be harmonious with adjacent residential uses. See the landscape and screening requirements of Chapter 1113.
3. The architectural design of such buildings and appurtenances shall be in general conformity with adjacent development and subject to approval by the Planning Commission. See Chapter 1114: Architectural Design Standards.

1105.15 Funeral Homes

The following additional standards apply when a funeral home abuts a residential district or residential use:

A. Driveway Location

There shall be no driveway entering or exiting such premises within 75 feet of a residential district.

B. Landscaping

Such uses shall be properly landscaped to be harmonious with adjacent residential uses. See the landscape and screening requirements of Chapter 1113.

C. Building Design

The architectural design of such buildings and appurtenances shall be in general conformity with adjacent development and subject to approval by the Planning Commission. See Chapter 1114: Architectural Design Standards.

1105.16 Gasoline and Fuel Stations

The following standards apply to Gasoline and Fuel Stations:

A. Vehicle Service

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

B. Driveway Location

1. No more than two driveway approaches shall be permitted directly from any thoroughfare and shall not exceed thirty (30) feet in width at the property line.
2. If the property fronts on two or more streets, the driveways shall be located as far from the street intersection as practicable.

C. Safety Curb

At least a six-inch high pedestrian safety curb shall be installed along all street right-of-way lines except at driveway approaches.

D. Canopies

Free-standing canopies which serve to protect gas pump customers from rain or snow are exempted from the building setback requirements of this Zoning Code. However, such canopy shall not extend over the public right-of-way.

E. Landscaping

Such uses should be landscaped to be harmonious with surrounding uses, especially if adjacent to residential uses. See the landscape and screening requirements of Chapter 1113.

F. Attention and Advertising Devices

All signs, streamers, announcements, flags, and other attention and/or advertising devices not specifically permitted under Chapter 1115: Signs, of this Zoning Code are prohibited.

1105.17 Government Buildings and Facilities

The following location standards apply to government buildings and facilities.

- A. Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- B. Such developments should be located adjacent to nonresidential uses such as churches, parks, industrial, or commercial districts.

1105.18 Government Owned and/or Operated Open Space

All structures and activity areas should be located at least fifty (50) feet from all property lines. The Planning Commission may reduce the distance to no less than ten (10) feet where appropriate.

1105.19 Group Homes

The following standards apply to Adult Group Homes, Group Homes for the Intellectually Disabled or Developmentally Disabled, and Residential Facilities.

A. Neighborhood Character

Such uses shall match adjacent use architectural design and site layout. Fences, walls, screens shall be compatible with adjoining land uses. The design of the uses shall be in a manner consistent and similar to the existing residential character of the neighborhood.

B. Meet District Regulations

Group homes shall meet parking, setback and sign regulations of the residential district.

C. State Requirements/License

Such uses shall comply with all requirements from the State of Ohio as necessary and demonstrate such compliance to the Planning Commission during review of the conditional zoning certificate application. Such uses shall demonstrate license approval from the State of Ohio as necessary.

1105.20 Group Rental

A. Intent

This Section is intended to reasonably regulate single-family and two-family residential dwellings in group rental housing situations to control negative impact such as traffic congestion, off and on street parking congestion, noise and litter which are inimical to the health and safety of residents, particularly children. Such regulation is also needed to preserve property values and the characteristics of family values, quiet seclusion and clean air of such neighborhoods.

B. Maximum Number of Occupants

1. In the “R” residential districts single-family residential dwelling or a dwelling in a two-family residential dwelling structure may not be rented to more than three individuals who do not constitute a Family as defined in this Zoning Code.
2. In “C” commercial districts single family residential dwellings, or unit in a two-family residential dwelling, the allowed density of the R-4 zoning district shall determine the maximum number of individuals in a group rental situation. In determining density, each individual sleeping quarter will be considered the equivalent of a dwelling unit.

C. Major Street Frontage

Within any “R” residential district, a group rental must have frontage on a major street.

1105.21 Hospitals and Clinics

A. Setbacks

All structures and activity areas should be located at least fifty (50) feet from all property lines. The Planning Commission may reduce the distance to no less than ten (10) feet where appropriate.

B. Location

1. Such structures should be located on a collector or major thoroughfare.
2. Such developments should be located adjacent to nonresidential uses such as churches, parks, industrial, or commercial districts.

1105.22 Hotel and Motel

A. Location

Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.

B. Landscaping

Such uses should be landscaped to be harmonious with surrounding uses, especially if adjacent to residential uses. See to the landscape and screening requirements of Chapter 1113.

1105.23 Incineration of Solid or Liquid Waste

Incineration facilities shall be conducted not closer than 500 feet from any residential district. The construction, operation and maintenance of such uses shall be such that they will not be hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas,

fumes, noise, vibration, refuse matters, or water-carried wastes, and shall be in accordance with all environmental performance standards in Chapter 1111: Environmental Protection.

1105.24 Independent Senior Housing

A. Intent

It is the intent of this Section to permit appropriately located senior citizen housing developments and allow for a variation in density and parking regulations. The application shall be filed jointly by all of the owners of the properties included in the plan.

B. Conditions

The following conditions shall apply:

1. The development should be located within convenient walking distance of shopping and community facilities.
2. The density of development shall be determined by the Planning Commission but may not exceed twenty-six (26) units per acre.
3. No dwelling unit in the development shall include more than two bedrooms.
4. Size of units: the number of one and two-bedroom units within any development shall be determined by the Planning Commission.
5. Minimum size of units: one bedroom, 540 square feet; two-bedroom, 700 square feet.

1105.25 Industrial Structures and Facilities, Heavy-Intense

All structures and activity areas shall be located at least 200 feet from any “R” residential district.

1105.26 Kennels

A. Setbacks

1. All structures and activity areas except for dog runs or exercise areas, should be located at least fifty (50) feet from all property lines. The Planning Commission may reduce the distance to no less than ten (10) feet where appropriate.
2. In the event an animal shelter or kennel has a dog run or exercise area, said run or exercise area shall be set back no less than 500 feet from any residential district.

B. Screening

Screening of kennels from adjacent properties. There shall be a ten-foot wide landscaped strip to shield the kennels from adjacent properties. The landscaped strip shall be improved with shrubs, hedges and trees in accordance with the provisions of Section 1113.06: Type

“A” Landscape Buffer Area Between Land Uses. If a decorative screen/fence is permitted by the Planning Commission, it must be at least 6 feet high.

1105.27 Lodge, Fraternal and Civic Assembly

A. Setbacks

1. All structures and activity areas should be located at least fifty (50) feet from all property lines. The Planning Commission may reduce the distance to no less than ten (10) feet where appropriate.
2. A setback of twenty (20) feet shall be required for all activities, including parking of any vehicle or trailer.

B. Location

Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.

C. Lighting

Lighting within off-street parking areas shall be regulated pursuant to Section 1111.10: Outdoor Lighting.

1105.28 Manufactured Home Parks

A. Intent

It is the intent of this Section to permit manufactured home parks that house only independent manufactured homes, and such manufactured home parks should be located on a major thoroughfare. The area shall be in one ownership. The following standards shall apply:

B. Size of manufactured home park

The minimum size of the tract shall be ten (10) acres and shall not exceed 30 acres in size.

C. Manufactured home park area and perimeter yard

1. All structures and activity areas should be located at least 50 feet from all property lines. The Planning Commission may reduce the distance to no less than 10 feet where appropriate.
2. Each boundary of the park must be at least 200 feet from any permanent residential building outside the park; and separated therefrom by a natural or artificial barrier.
3. Whenever a manufactured home park is bounded by land which is both zoned and used for single-family dwellings the common border between the manufactured home park and the existing single-family dwellings shall be buffered by either a continuous

fence, shrubbery or mounding in accordance with Section 1113.08: Type “C” Additional Landscape Buffer for Specific Uses.

D. Lot Area

Each manufactured home site shall contain an area of no less than 4,000 square feet and at least forty (40) feet wide

E. Parking

Parking shall be provided in accordance with Section 1112.07: Off-Street Parking Schedule.

F. Accessory Uses.

The following are allowed as accessory uses in manufactured home parks:

1. Accessory storage structure to be used in conjunction with the manufactured homes provided such structure is attached to a permanent foundation in accordance with the Building Code.
2. Building or permanent structure used exclusively to provide accessory services for occupants of the park such as a recreation facility, laundry room or manufactured home park office.
3. Accessory building or structure clearly incidental to a manufactured home and attached thereto such as a carport. Any accessory building shall be attached to a permanent foundation and constructed in accordance with the Building Code.
4. Parks and playgrounds and noncommercial recreational facilities such as swimming pools, tennis courts and the like.

G. Site Plan Review

Manufactured home parks are subject to the Site Plan Review procedures of Section 1116.06. General site planning for manufactured home parks must be carried out in accordance with Ohio Administrative Code Chapter 4781-12: Manufactured Home Parks.

H. Management

Each manufactured home park must be managed by an operator licensed in accordance with Chapter 4781.12.23 of the Ohio Administrative Code. The operator shall establish rules governing the operation and maintenance of the manufactured home park. Such rules, and changes thereto, shall be conspicuously posted and provided to each occupant as they initially enter the manufactured home park.

1105.29 Manufacturing and Production, Limited

Such establishments shall be devoted primarily to selling their output at retail on the premises and employing not more than 10 persons on the premises at any one time.

1105.30 Microbrewery

A. Combined Use

A microbrewery is an establishment that must include a restaurant/bar space, or retail space. The area used for brewing, including bottling and kegging, shall not exceed fifty (50) percent of the commercial floor space.

B. Operation

The brewing operation shall not include the production of any alcoholic beverage other than beer or ale.

C. Size

The brewery shall not produce more than 10,000 barrels of beer or ale per year.

1105.31 Multifamily Dwelling Units in the C-2 and CBDD Districts

The area and height regulations may be varied provided that the net residential density will not be more than allowed in the R-4 district can be built as conditional multifamily housing. The area and height regulations may be varied provided that:

A. Minimum living floor area requirements per dwelling unit:

<u>District</u>	<u>Square Feet Required</u>
C-2	550
CBDD	Minimum per Building Code

B. Multifamily housing in the C-2 and CBDD districts shall be above the first floor and shall not be detrimental to or in any way detract from the primary purpose or function of C-2 or CBDD districts.

C. Two off-street parking spaces shall be provided for each dwelling unit as regulated in Section 1112.07: Off-Street Parking Schedule, for multifamily housing in the C-2 and CBDD districts.

1105.32 Oil and Gas Wells

A. Intent

The regulations contained in this Section have been developed under the provisions of Chapter 1509 of the Ohio Revised Code which gives the Division of Mineral Resources Management in the Department of Natural Resources exclusive authority to regulate the permitting, location, spacing and operation of oil and gas wells in the state; and takes into consideration for municipalities to address only the traditional concerns of zoning laws in Ohio Supreme Court case of State ex rel. Morrison v. Beck Energy Corp., 143 Ohio St.3d 271, 2015-Ohio-485.

B. Setback.

All equipment 200 feet from property lines.

C. Building design

All compressor station equipment and sound attenuation structures shall be enclosed within a building. Such building be designed with the following elements:

1. The roof shall be sloped with a pitch of no less than 5:12 and shall contain at least one raised structure in the form of a cupola, steeple tower, clearstory element or similar structures. No flat roofs shall be permitted.
2. The architectural design of the building shall be compatible with the visual context of the surrounding development. Such buildings may be designed as a representation of, but not be limited to, the following building types:
 - a. Barn structure or equestrian facility;
 - b. Estate residence;
 - c. School facility or similar institutional use;
 - d. Gazebo or picnic area enclosures;
 - e. Club house or recreational facility;
 - f. Retail or office building; or
 - g. Any combination of the above.

D. Landscaping.

All facilities shall be landscaped in a manner that is compatible with the environment and existing surrounding area. Landscaping and screening shall be provided as required in Section 1113.08: Type "C" Additional Landscape Buffer for Specific Uses.

E. Lighting

All facilities shall meet the performance standards in Section 1111.10: Outdoor Lighting.

F. Noise

All facilities shall be considered an industrial use for the purposes of noise and shall meet the performance standards in Section 1111.11: Noise.

G. Vibration

All facilities shall meet the performance standards in Section 1111.12: Vibration.

H. Roads

Access roads shall be paved with suitable road materials to prevent mud deposits on public roads and to provide emergency vehicular access during inclement weather.

I. Outdoor Storage

No outside storage of equipment or surplus materials shall be stored on the facility.

1105.33 Other Group Living

A. Building Alterations

In the R-4 Residential district no exterior alteration of the structure shall be made which departs from the residential character of the building. All new structures constructed shall be of compatible residential design with the surrounding neighborhood, to the maximum extent possible.

B. Supervision

The applicant shall demonstrate that adequate qualified supervision will exist in the home on a 24-hour per day basis. All activities, programs and other events shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or to the community in general.

C. Parking Lot Location

Parking for visitors and employees shall be located behind the front building line. An exception to this requirement may be granted due to the shallow depth of the parcel, the location of mature trees, or other similar factors.

D. Spacing

In order to prevent the concentration of such facilities, no Group Living housing shall be located within 1,000 feet of any other Group Living housing or group home. Such distances shall be measured along a straight line from the corner of the building containing one facility to the nearest corner of the building containing the second facility.

E. Licensing

Prior to the issuance of a Conditional Zoning Permit, the operator or agency shall provide evidence that a valid state or local governmental agency license has been issued for this proposed use on the subject property. Failure to maintain such license, certification or other approval requirements shall result in immediate revocation of the facility's conditional use approval.

1105.34 Parking, Off Street

All structures and activity areas should be located at least fifty (50) feet from all property lines. The Planning Commission may reduce the distance to no less than ten (10) feet where appropriate.

1105.35 Public Utility Right-of-Way and Permanent Structures

A. Location

Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.

B. Landscaping

Such uses should be landscaped to be harmonious with surrounding uses, especially if adjacent to residential uses.

1105.36 Recreational Facilities, Private

All structures and activity areas should be located at least fifty (50) feet from all property lines. The Planning Commission may reduce the distance to no less than ten (10) feet where appropriate.

1105.37 Recycling Collection Center

A. Setbacks

Recycling center must have a seventy-five (75) foot setback. It must be no closer than fifty (50) feet to adjacent property lines. The facility must be one hundred (100) feet from the property line of any “R” residential district.

B. Materials Storage

All materials must be processed and stored within an enclosed building. No outside storage is permitted.

1105.38 Religious Assembly

A. Setbacks

All structures and activity areas should be located at least fifty (50) feet from all property lines. The Planning Commission may reduce the distance to no less than ten (10) feet where appropriate.

B. Location

Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.

1105.39 Residential Attached Dwellings

A. For the purpose of this Zoning Code, single family, two family and multi-family attached dwellings shall only be permitted or conditional uses in cluster subdivisions and planned unit developments.

- B. Units shall only be constructed side-by-side, not one dwelling unit on top of another.
- C. Land area requirement per dwelling unit per Section 1109.05: Minimum Lot Area.
- D. Minimum living floor area requirement per dwelling unit is 1,100 square feet.
- E. The principal orientation of each residential unit shall be parallel to the public street it faces or its tangent if the street is curved. If the unit is located on a corner, the residential unit shall be parallel to that street which was designated as the front at the time a zoning certificate was requested.
- F. Each dwelling shall have its own outside entrance(s). The public street elevation of each residential unit shall have at least one street-oriented entrance and contain the principal windows of the unit.
- G. Architectural facades or treatment of materials shall be varied from one single-family, duplex or multi-family building to another so that each dwelling maintains a separate architectural identity from the building it is attached to.
- H. Shared driveways are permitted, with the recordation of perpetual easements to provide for the use and maintenance of the shared driveway.

1105.40 Residential Detached Dwelling

A single family, two family or multi-family dwelling which is entirely surrounded by open space or yards on the same lot. For the purpose of this Zoning Code, detached single family, two family and multi-family dwellings shall not include those single family, two family or multi-family dwellings which touch or abut one another at the point of a corner or any other point(s). Only in cluster subdivisions and planned unit developments shall detached dwellings include those single family, two family or multi-family dwellings which have a zero setback from one or more lot lines, but which do not share a common party wall and are not connected by roofs, garages, carports, breezeways, maintenance-storage or utility structures to the dwelling(s) on the adjoining lot(s).

1105.41 Rooming, Lodging or Boarding House

Rooming, Lodging or Boarding House establishments shall be subject to Section 1115.03: Residential District Signs.

1105.42 Schools, Public, Parochial and Private

A. Setbacks

All structures and activity areas should be located at least 50 feet from all property lines. The Planning Commission may reduce the distance to no less than 10 feet where appropriate.

B. Location

Such structures should be located on a collector or major thoroughfare.

1105.43 Scrap Material Storage

A. Location

Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.

B. Setbacks

1. Such uses shall be conducted not closer than 500 feet from any residential district.
2. Scrap material storage facilities shall have front, side and rear setbacks of at least 150 feet.

C. Environmental Concerns

The construction, operation and maintenance of such uses shall be such that they will not be hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matters, or water-carried wastes. and shall be in accordance with all environmental performance standards in Chapter 1111.

D. Landscaping

A Type “C” landscape buffer shall be provided in the one hundred fifty (150) foot setback. See Section 1113.08: Type “C” Additional Landscape Buffer for Specific Uses.

E. Size

A minimum area of five acres shall be required for a use proposed under this category.

1105.44 Self-storage Units and Mini-Warehouses

Self-storage public rental storage buildings (mini warehouses) are subject to the following conditions:

- A. All items must be stored within an enclosed building. No outside storage of any kind shall be permitted.
- B. The Planning Commission may require such structures to be enclosed by a fence.
- C. All such facilities shall be landscaped and screened from adjacent properties in accordance with Chapter 1113: Landscape and Screening.
- D. Loading and unloading space shall be located in the side and rear areas only.
- E. The facility shall be provided with outside lighting and such lighting shall not shine and create a nuisance on adjacent properties in accordance with the lighting provisions in Section 1111.10: Outdoor Lighting.
- F. Storage shall be limited to personal property only such as household items, yard and garden equipment, vehicles, boats, trailers, campers and other recreational vehicles. Commercial storage of goods to be processed, assembled, packaged or stored for use in any manufacturing, wholesaling or retailing operation shall not be permitted.

- G. The Planning Commission may require that a resident manager be provided.
- H. Such structures shall meet all applicable city and state building and fire regulations.
- I. Individual building size shall not exceed 250 feet in length and forty (40) feet in width. There shall be a minimum of at least twenty-five (25)feet between buildings.
- J. Interior drives shall have one-way circulation and shall be paved as required by the City Engineer. Interior drives may serve as a travel lane and a parking lane; in such case the travel lane shall be at least fifteen feet wide and the parking lane at least ten feet wide.

1105.45 Senior Care Facilities

Senior care facilities must meet the following conditions:

- A. Passive recreation area:

Number of Occupants	Square Feet Per Occupant
1-5	350
6-19	300
Over 10	275

- B. Sleeping Area:

Number of Persons Per Room	Square Feet Per Person
1	120
2	100

- C. Parking area should be in the rear of the building. The need for and type of screening of parking lot will be determined by the Planning Commission.

1105.46 Shooting Ranges

- A. Location

Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.

- B. Setbacks

Such uses shall be conducted not closer than 500 feet from any residential district

- C. Standards

Shooting ranges shall comply with the standards established by the Chief of the Ohio Division of Wildlife in accordance with Section 1533.84 of the Revised Code. These standards address noise levels, hours of operation, and safety.

- D. Landscaping

Such uses should be landscaped to be harmonious with surrounding uses, especially if adjacent to residential uses. See the landscape and screening requirements of Chapter 1113.

1105.47 Small Cell Facilities in the Right-of-Way

A. Purpose and Goals

1. The purpose of this Section is to establish general procedures and standards, consistent with all applicable federal and state laws and local, for the siting, construction, installation, collocation, modification, operation, and removal of small cell facilities and wireless support structures in the right-of-way.
2. The intent of this Section is to:
 - a. Establish basic criteria for applications to locate small cell facilities and wireless support structures in the right-of-way and authorize the Safety-Service Director or his or her designee to develop, publish, and from time to time amend applications and other associated materials to provide clear guidance to applicants;
 - b. Ensure that small cell facilities and wireless support structures are carefully designed, constructed, modified, maintained, and removed when no longer in use in conformance with all applicable health and safety regulations;
 - c. Preserve the character of the City of Orrville by minimizing the potentially adverse visual impact of small cell facilities and wireless support structures through careful design, siting, landscaping and camouflaging techniques to blend these facilities into their environment to the maximum extent practicable;
 - d. Enhance the ability of wireless communications carriers to deploy small cell facilities and wireless support structures in the City quickly, effectively, and efficiently so that residents, businesses, and visitors benefit from ubiquitous and robust wireless service availability;
 - e. Establish an application process and structure for payment of fees and charges to be uniformly applied to all applicants, operators and owners of small cell facilities and wireless support structures for such facilities;
 - f. Comply with, and not conflict with or preempt, all applicable state and federal laws, including without limitation Section 101(a) and Section 704 of the Telecommunications Act, Pub. L. 104-104, 101 Stats. 56, 70 (Feb. 8, 1996) (codified as 47 U.S.C. §§ 253(a), 332(c)(7)), as may be amended or superseded, and Section 6409(a) of the Middle Class Tax Relief and Job Creation Act, Pub. L. 112-96, 126 Stat. 156 (Feb. 22, 2012) (codified as 47 U.S.C. § 1455(a)), as may be amended or superseded, and all FCC rules and regulations to interpret and implement applicable federal statutes.

B. Applicability

1. Subject to the Ohio Revised Code and approval of an application under this Section, an operator may collocate a small cell facility and construct, maintain, modify, operate, or replace wireless support structures in, along, across, upon, and under the City right-of-way.

- a. An operator shall comply with generally applicable standards that are consistent with this Section and adopted by the City for construction and public safety in the right-of-way.
- b. All structures and facilities shall be constructed and maintained so as not to impede or impair public safety or the legal use of the right-of-way by the city, the traveling public, or other public utilities.

2. Exclusions.

- a. Amateur radio facilities. This Section shall not govern the installation of any amateur radio facility that is owned or operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.
- b. Certain over-the-air receiving devices (OTARD). This Section shall not govern the installation of any OTARD antennas covered under FCC regulations codified in 47 C.F.R. §§1.4000 et seq., as may be amended or superseded. OTARD antennas include, without limitation, direct-to-home satellite dish antennas less than one meter in diameter, television antennas and wireless cable antennas.
- c. Handsets and user equipment. This Section shall not govern the use of personal wireless devices (e.g., cell phones) or other consumer-grade mobile user equipment used in the right-of-way.
- d. The permitting procedures and authorizations set forth herein shall apply only to the placement of small cell facilities and wireless support structures in the right-of-way, and do not authorize the construction and operation of a wireline backhaul facility.

3. Relationship to other Sections.

This Section shall supersede all conflicting requirements of other titles and chapters of this Code regarding the locating and permitting of small cell facilities and wireless support structures in the right-of-way.

4. Nothing in this Section precludes the city from applying its generally applicable health, safety, and welfare regulations when granting consent for a small cell facility or wireless support structure.

C. Application General Requirements.

The following requirements shall apply to all small cell facilities and wireless support structures proposed within the right-of-way.

1. No person shall occupy or use the right-of-way except in accordance with law.
2. In occupying or using the right-of-way, no person shall unreasonably compromise the public health, safety, and welfare.
3. No person shall occupy or use the right-of-way without first obtaining, under this Section or Section 1332.24 or 4939.031 of the Ohio Revised Code, any requisite consent of the city.

4. Anyone person seeking to site small cell facilities in the right-of-way shall first duly file a written application with the City, in accordance with the requirements in this Section and additional requirements set forth in the Design Guidelines as modified from time to time by the Safety-Service Director.

D. Small Cell Design Guidelines

1. The Safety-Service Director shall promulgate detailed Small Cell Design Guidelines with objective, technically feasible criteria applied in a non-discriminatory manner that reasonably match the aesthetics and character of the immediate area regarding all of the following, which the city shall consider in reviewing an application:
 - a. The location of any ground-mounted small cell facilities;
 - b. The location of a small cell facility on a wireless support structure;
 - c. The appearance and concealment of small cell facilities, including those relating to materials used for arranging, screening, and landscaping;
 - d. The design and appearance of a wireless support structure.
2. The Small Cell Design Guidelines will provide examples of acceptable small cell facilities including visual depictions.
3. The Small Cell Design Guidelines shall provide administrative and procedural guidance to applicants. This guidance includes, but is not limited to, a list of minimum application requirements, definitions, information on pre-application conferences, categories of applications, required application materials, standard conditions of permit approval, safety requirements, and application review timeframes and process.
4. The provisions in this Section shall not limit or prohibit the Safety-Service Director's discretion to promulgate and make publicly available other information, materials or requirements in addition to, and separate from, the Small Cell Design Guidelines which do not conflict with state or federal law.
5. The Safety-Service Director shall have authority to update or supplement the Small Cell Design Guidelines to address relevant changes in law, technology, or administrative processes. In the event of any conflict between the Small Cell Design Guidelines and the standards articulated in this Section of the City of Orrville Code of Ordinances, the language of this Section takes precedence over the language of the Small Cell Design Guidelines.

E. Insurance and Indemnification

1. Service Provider Insurance. As a condition of the consent to Occupy or Use the Public Right-of-Way, a Service Provider must secure and maintain, at a minimum, the following liability insurance policies insuring both the Service provider and the City as additional insured:
 - a. Comprehensive general liability insurance with limits not less than:

Chapter 1105: Use Specific Regulations

- i. One Million Dollars (\$1,000,000.00) per occurrence, Two Million Dollars (\$2,000,000.00) annual aggregate, for bodily injury or death to each Person;
 - ii. One Million Dollars (\$1,000,000.00) per occurrence, Two Million Dollars (\$2,000,000.00) annual aggregate, for property damage resulting from any one accident; and
 - iii. One Million Dollars (\$1,000,000.00) per occurrence, Two Million Dollars (\$2,000,000.00) annual aggregate, for all other types of liability.
 - b. The liability insurance policies required by this Section shall be maintained by the Service Provider throughout the period of time during which the Service Provider is Occupying or Using the Public Right-of-Way or is engaged in the removal of its Facilities. Each such insurance policy shall contain the following endorsement: "It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until thirty (30) days after receipt by the City, by registered mail, of a written notice addressed to the Safety-Service Director of such intent to cancel or not to renew."
 - c. Within thirty (30) days after receipt by the City of said notice, and in no event later than fifteen (15) days prior to said cancellation, the Service Provider shall obtain and furnish to the City replacement insurance policies meeting the requirements of this Section.
 - d. All insurance policies required herein shall be written with an insurance company authorized to do business in the State of Ohio in relation to the specific type of insurance required.
 - e. Upon written application to, and written approval by, the Director of Finance of the City, a Service Provider may be self-insured to provide all of the same coverages as listed in this Section. As part of the review process, the Director of Finance may require, and the self-insurance applicant shall provide, any and all financial documents necessary to make a valid determination of the applicant's ability to meet the needs of this Section.
2. General Indemnification. Each application for consent to Occupy or Use the Public Right-of-Way shall include, to the extent permitted by law, the Service Provider's express undertaking to defend, indemnify and hold the City and its elected and appointed officers, officials, employees, agents, representatives and subcontractors harmless from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the Service Provider or its Affiliates, officers, employees, agents, contractors or subcontractors in the design, Construction, Reconstruction, installation, operation, maintenance, repair or removal of its Micro Wireless Facility, and in providing or offering Services over the Micro Wireless Facility, whether such acts or omissions are authorized, allowed or prohibited by this Section.

F. Recovery of Costs

1. Application processing fee. For processing an application for consent, the City may charge a fee for each small cell facility and wireless support structure requested as prescribed under Section 4939.031 of the Ohio Revised Code and as listed on the associated application forms. The city may adjust this fee ten per cent every five years, rounded to the nearest five dollars.
2. Tax liabilities and assessments not applicable. Placement of small cell facilities in the right-of-way or attachment of small cell facilities to a wireless support structure and any fees associated therewith shall not subject a municipal corporation to any state or local tax liabilities or assessments.

G. Miscellaneous Provisions.

1. Other City Ordinances. In the event that any provision of this Section conflicts with any other provision of the City's Codified Ordinances or other ordinances or resolutions of the City, the more restrictive provision shall govern.
2. Preemption by State and Federal Law. Except as may be preempted by applicable State or Federal law, rates, regulations, and orders, this Section shall apply and be controlling over each Service Provider engaged in the business of transmitting, supplying or furnishing of Services originating, passing through, or terminating in the City.
3. Exemption for City-Owned or Operated Facilities. Nothing in this Section shall be construed to apply the provisions of this Section to Facilities, Facility, Micro Wireless Facility or Private Facility owned or operated by the City, Orrville Utilities, or any of its operations.
4. Severability. If any section, subsection, sentence, clause, phrase, or other portion of this Section, or its application to any Person, is, for any reason, declared invalid, in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

1105.48 Soil and Mineral Extraction Activities

A. Permits Required

1. A statement from the applicant identifying all federal, state, county and local permits required, if any.
2. A copy of the surface mining permit application if required by Section 1514.02(A) of the Ohio Revised Code shall be provided as part of a site plan to the Planning Commission.

B. Use Operating Requirements

In addition to the requirements stipulated in ORC Section 1514.02, the following regulations shall apply to all operations covered under this Section.

1. Size

Minimum lot area shall be twenty (20) acres.

2. Setback

All structures and activities, except parking, fencing, and offices, shall be set back 1,000 feet from a residential property line.

3. Transportation Access

- a. Points of ingress and egress associated with extraction and/or processing sites shall be approved by the Planning Commission.
- b. The applicant shall include information on the site plan describing the proposed major access roads to be utilized for ingress and egress for the extraction operation.

4. Landscaping and Buffering

All facilities shall be landscaped in a manner that is compatible with the environment and existing surrounding area. Landscaping and screening shall be provided as required in Section 1113.08: Type "C" Additional Landscape Buffer for Specific Uses.

5. Lighting

All facilities shall meet the performance standards in Section 1111.10: Outdoor Lighting.

6. Noise

All facilities shall be considered an industrial use for the purposes of noise and shall meet the performance standards in Section 1111.11: Noise.

7. Vibration and Blasting

- a. The operation of stationary and mobile equipment shall not cause vibrations in excess of that permitted in Section 1111.12: Vibration.
- b. All blasting activities shall be prohibited.

8. Reclamation Plan

An area which has been surface mined shall be completely reclaimed in accordance with a reclamation plan which shall be a part of the site plan required by this Section.

1105.49 Storage of Nonoperating Vehicles

A. Location

Site locations should offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.

B. Setback from “R” Residential Districts

Such uses shall be conducted not closer than 500 feet from any residential district.

C. Environmental Concerns

The construction, operation and maintenance of nonoperating vehicle storage facilities shall be such that they will not be hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matters, or water-carried wastes, and shall be in accordance with all environmental performance standards in Chapter 1111.

D. Outdoor Vehicle Storage

No more than 10 damaged vehicles outside on the property.

E. Landscaping

Such uses should be landscaped to be harmonious with surrounding uses, especially if adjacent to residential uses. See the landscape and screening requirements of Chapter 1113.

1105.50 Two-family Residential Dwelling in R-1 District

A. Land area requirement per dwelling unit is 10,000 square feet.

A. Minimum living floor area requirement per dwelling unit is 1,100 square feet.

B. Such structures should be located on a collector or major thoroughfare.

C. Such structures should be located adjacent to nonresidential uses such as churches, parks, industrial, or commercial districts.

1105.51 Vehicle Equipment Repairs

A. Setback

Vehicle equipment repairs shall be conducted not closer than within fifty (50) feet of any “R” residential district.

B. Outdoor Vehicle Storage

No more than ten (10) damaged vehicles outside on the property.

C. Landscaping

Such uses should be landscaped to be harmonious with surrounding uses, especially if adjacent to residential uses. See the landscape and screening requirements of Chapter 1113.

1105.52 Veterinary Hospital or Office

- D. All structures and activity areas should be located at least 50 feet from all property lines. The Planning Commission may reduce the distance to no less than 10 feet where appropriate.
- E. General requirements for all veterinary hospitals or offices:
 - 1. There shall be no burial or incineration of animals on the premises.
 - 2. All activities relative to animal treatment shall be conducted within a totally enclosed building.
 - 3. Trash storage areas shall be screened from view of adjacent dwellings, commercial buildings or manufacturing establishments. See Section 1113.11: Landscaping for Dumpsters and other Service Structures.
- F. All parking areas and driveways adjacent to residential districts shall be separated from adjacent dwellings by a landscaped strip at least ten feet wide. The landscaped strip shall be improved with shrubs, hedges, trees, or a decorative fence to screen parking areas from adjacent dwellings. See Section 1113.09: Landscaping for Parking Lots.
- G. Treatment of small nonfarm and/or ordinary household pets is permitted in C-2 and C-3 districts. Animals kept overnight for treatment must be appropriately confined in an entirely enclosed building.
 - 1. Boarding of any animal is not permitted in C-2 and C-3 districts.
 - 2. Outside runs, kennels or other outdoor confinement areas are not permitted in C-2 and C-3 districts. See Section 1105.26: Kennels, for outside run regulations.
- H. Treatment of farm and other large animals permitted only in an “I” industrial district. Such animals kept overnight must be appropriately confined in a completely enclosed building.

1105.53 Wireless Telecommunication Towers and Facilities

A. Purpose

The purpose of this Section is to establish general guidelines for the siting of wireless telecommunications towers and facilities to minimize adverse health, safety, public welfare, and visual impacts to the community.

B. Conditional Use Zoning Exemptions

The following uses are deemed to be exempt from conditional zoning regulations for Section 1116.07: Conditional Zoning Certificates, due to their ability to comply with the general intent and purpose of this Section. Applications which do not meet the criteria below in this Subsection are subject to all regulations of Section 1116.07: Conditional Zoning Certificates, in addition to this Section.

1. Exempt Zoning Districts

Locating a tower or antenna, including placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any industrial or C-3 commercial district; provided, however, that such tower shall be setback from any existing residential zoning district a distance of 500 feet and any road right-of-way a distance equal to the height of the tower, and any property line a distance equal to the height of the tower.

2. Existing Structure

Installing an antenna on an existing structure other than a tower, such as but not limited to a building, water tower, or other structure, so long as said additional antenna adds no more than twenty (20) feet to the height of said existing structure; and

3. Co-location

Installing an antenna on any existing telecommunication towers, including towers used exclusive for government use, water towers, silos, and steeples, that can be used to mitigate the visual impact of telecommunications antennae.

C. General Requirements

1. Principal or Accessory Use.

Antennas and towers may be considered either principal or accessory uses.

2. Minimum information required for application.

In addition to the information required for all conditional zoning applications as defined in Section 1116.07: Conditional Zoning Certificates, the following information is required for a complete application:

a. Adjacent uses plot plan.

Each applicant shall provide as part of the conditional zoning certificate application a plot plan which defines building locations, land uses and property ownership within 500 feet of a proposed tower or antenna.

b. Building Code

Provide evidence that towers and antennas are designed to meet all applicable building code requirements.

c. Evidence of lease agreement.

Any applicant must demonstrate evidence of a lease agreement which clearly defines the premises leased for the wireless telecommunication facility. The lease must further describe or detail sufficient to the Planning Commission the responsibility of the telecommunications provider or the property owner with respect to the demolition of the tower upon abandonment.

d. Agreement for joint use of facilities.

All applicants must provide written evidence of willingness to permit joint use or co-location of other telecommunication service providers on the tower subject to reasonable and accepted standards for design and construction costs and lease rates.

D. Factors in Consideration of Conditional Zoning Certificates

The Planning Commission shall consider the following factors when considering a conditional use application:

1. Height of the proposed tower;
2. Proximity of the tower to residential structures and residential district boundaries;
3. Nature and use on adjacent and nearby properties;
4. Surrounding topography;
5. Design of the tower to reduce visual obtrusiveness;
6. Access to the tower; and
7. Availability of suitable existing towers and structures.

E. Availability of Suitable Existing Towers or Other Structures

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower or structure can accommodate the applicant's proposed antenna.

F. Area, Height, and Buffer Regulations

Unless otherwise provided for in this Section, all area and height regulations and other district regulations shall apply to use of a parcel by a wireless communications facility, including accessory equipment buildings. In addition, towers and antennas are subject to the following:

1. Minimum Tower Setback:

The tower shall be setback from road right-of-way lines and other property lines a distance equal to the height of the tower.

2. Height

The maximum wireless telecommunication tower height is two hundred (200) feet.

3. Fencing

A fence or other barrier a minimum height of six (6) feet shall surround the facility including the tower and any accessory buildings.

4. Landscaping

A landscaping plan per Section 1113.03: General Requirements for Submission, is required showing either:

- a. A Type “A” landscape buffer per Section 1113.06 around the required fence in non-residential districts.
- b. A Type “B” landscape buffer per Section 1113.07 around the required fence in or adjacent to residential districts.

G. Design Regulations

Tower type shall be limited to lattice self-supporting and monopole towers. No guy towers shall be permitted in the City of Orrville.

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or FCC, be painted a neutral color, so as to reduce its visual obtrusiveness.
2. The design of all buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
3. All antennas and supporting equipment located on buildings or structures other than towers shall be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
4. Towers shall not be artificially lighted unless required by the FAA, FCC, or other applicable authority.
5. No advertising is permitted at wireless communications sites or on any structure.

H. Removal of Abandoned Towers

Any antenna or tower that, after the initial operation of the facility, is not used for a continuous period of twelve (12) months shall be considered abandoned and the owner of such antenna shall remove same within ninety (90) days or receipt of notice from the City of Orrville notifying the owner of such abandonment. Failure to remove such abandoned tower shall result in declaring the structure a public nuisance. If there are two or more users of a single tower, then this Section shall not become effective until all users cease using the tower.

I. Definitions

1. Wireless Telecommunications Facility: A facility consisting of the structures, including towers and antennas mounted on towers and buildings, equipment and site improvements involved in sending and receiving telecommunications or radio signals from a mobile communications source and transmitting those signals to a central switching computer which connects the mobile unit with land-based or other telephone lines.
2. Tower: Any structure that is designed and constructed primarily to support one or more antennas including self-supporting lattice towers, guy towers, or monopole towers. This term includes radio and television transmission towers, microwave

towers, common carrier towers, cellular, pcs and similar service towers, alternative tower structures, and the like.

3. Antenna: Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.
4. Height: As used when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said point is an antenna.

Chapter 1106: Accessory Use Regulations

1106.01	Applicability	1106.11	Ramps for Wheelchair Users
1106.02	Zoning Certificates	1106.12	Roadside Produce Stands, Temporary
1106.03	General Accessory Use and Structure Standards	1106.13	Satellite Dish Antennas
1106.04	Caretaker Quarters	1106.14	Solar Panels
1106.05	Donation/Recycling Drop-Off Bins	1106.15	Storage or Accessory Building in a Residential District
1106.06	Fences, Hedges, and Walls	1106.16	Swimming Pools
1106.07	Garages	1106.17	Temporary Building for Construction Work
1106.08	Guest House or Accessory Living Quarters	1106.18	Wind Energy System, On-Site
1106.09	Home Occupations		
1106.10	Outdoor Wood Furnaces		

1106.01 Applicability

This Chapter applies to any subordinate use of a building or other structure, or use of land that is:

- A. Conducted on the same lot as the principal use to which it is related; and
- B. Clearly incidental to, and customarily found in connection with, the principal use or structure.

1106.02 Zoning Certificates

- A. No accessory use or structure shall be established or constructed unless a Zoning Certificate evidencing compliance of the proposed use or structure with the provisions of this Chapter and all other applicable regulations of this Zoning Code has first been issued in accordance with Section 1116.10: Zoning Certificates, unless otherwise stated below.
- B. Other accessory uses not requiring Zoning Certificates but subject to the minimum yard requirements of this Chapter include:
 1. ornamental landscape structures;
 2. swing sets, jungle gyms and other play devices not requiring a building permit;
 3. dumpsters and trash handling areas, see Section 1113.11: Landscaping for Dumpsters and other Service Structures.

1106.03 General Accessory Use and Structure Standards

A. Location and Setback

In any district, off-street parking spaces, private garages or other accessory buildings detached from the main building, when located between the rear of the main building and the rear lot line, must be placed a minimum of five feet from the side and rear property

lines. Unless otherwise permitted in this Chapter no accessory use or structure shall be located in the front or side yard.

B. Height

1. In any district height shall not exceed one story in height, but in no case shall the accessory structure exceed the height of the principal building.
2. An accessory structure may be one and half-story in height when in accordance with Section 1106.08: Guest House or Accessory Living Quarters, with a Conditional Zoning Certificate in accordance with Section 1116.07.

C. Maximum Building Coverage

For maximum principal and accessory structure lot coverage see Section 1107.02: Yard, Area, and Height Standards Table.

D. Signs Prohibited.

No sign, except as expressly authorized by this Chapter, or Chapter 1115: Sign Code, shall be maintained in connection with any accessory use or structure.

1106.04 Caretaker Quarters

One accessory dwelling unit in a commercial or industrial building may be allowed as an accessory use when the occupant is the caretaker, watchman, or security guard.

1106.05 Donation/Recycling Drop-Off Bins

A. Location

1. Donation/Recycling Drop Off Bins shall be permitted as an accessory use within any non-residential district and within residential districts when on the grounds of a permitted non-residential use.
2. No bin shall be placed within the street right-of-way, within an interior drive, or in a location which will interfere with required traffic visibility requirements in Section 1112.21: Traffic Visibility.
3. Bins shall not be in any required buffer or landscaped areas.
4. Bins shall be located on a paved surface.

B. Bin Identification

1. Each bin shall be clearly marked to identify the specific items and materials to be collected for donation.
2. Each bin shall contain the contact information visible from the front of the unit including the name, address, email, and phone number of the operator.

C. Maintenance and Operation

1. All donated items must be collected and stored in the Donation/Recycling Drop-Off Bin.
2. Any items or materials left outside of the Donation/Recycling Drop-Off Bin shall be removed within forty-eight (48) hours of discovery or notification, whichever occurs first.
3. If a container is damaged or vandalized, it must be repaired or removed within five (5) business days of notification.
4. Any Donation/Recycling Drop-Bin (including its contents) which is determined to be or is otherwise in violation of this Zoning Code shall be deemed a public nuisance as defined in Chapter 1311: Nuisances and Unsafe Buildings, of the Codified Ordinances of the City of Orrville, and may be removed pursuant to those provisions
5. Nothing in this Section prohibits a property owner from removing an unwanted donation/recycling drop off bin.

D. Definitions

Donation/Recycling Drop-off Bin. A receptacle, container, box, storage unit, or other portable structure placed outdoors and intended and used for the collection of charitable or for-profit donated items by the general public of clothing, shoes, books, toys, household items or other non-perishable goods and materials.

1106.06 Fences, Hedges, and Walls

A. Permit Required for Erection of Fences

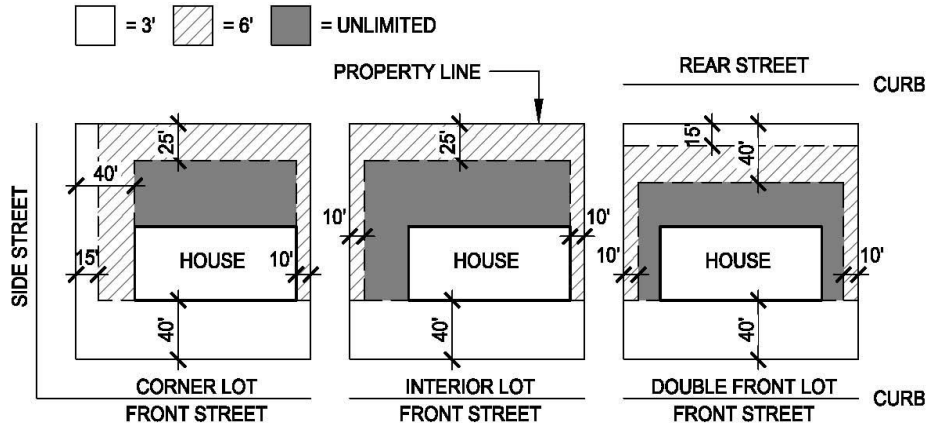
1. A fence shall not be erected until a permit has been issued by the Director of Public Safety and Service.
2. There shall be a fee for this permit. See Section 1116.03: Fees and Costs.

B. Fencing Requirements

Fences, hedges and walls within all zoning districts, except industrial, shall conform to the following requirements:

1. Fences and walls may be constructed to a maximum height of six (6) feet in any required side or rear yard.
2. A hedge or fence may be no more than three (3) feet in height in any required front yard.
3. On corner lots, the fence shall be no higher than three (3) feet in the side yard unless such fence is at least fifteen (15) feet from the side street lot line.
4. On double-frontage lots, any fence constructed within the setback line along the rear lot line shall not exceed three (3) feet in height unless it is at least fifteen (15) feet from the rear right-of-way line.

- Fences, hedges or walls required to surround and enclose public utility installations are not limited as to height in any district.

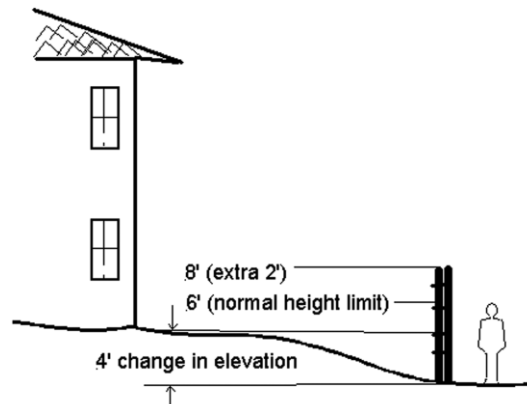


C. Structural Elements of Fencing

Fences shall be constructed so that the finished side of the fence faces outward from the yard being fenced, and all structural members are on the inside side of the fence. The inside shall be the side which faces the property owned by the person building the fence.

D. Measurements

- Fencing and walls are to be measured at the highest point, not including columns or posts, of the fence section as measured from the grade on the side nearest the abutting property or street. The Zoning Inspector may allow a gap (typically 1 to 2 inches) between the grade and fence bottom for installation purposes.
- Columns or posts may not extend more than 18 inches above the built height of the fence or wall. Columns or posts must be separated by a horizontal distance of at least four (4) feet, except at gates.
- A side or rear yard fence may be erected or altered up to an additional two (2) feet, not to exceed a total height of eight (8) feet, where the ground-floor elevation of the principal dwelling on an abutting lot is at least four (4) feet higher than the elevation at the abutting lot line with review and approval by the Director of Public Safety and Service.



1106.07 Garages

In residential districts, one (1) story detached garages or other accessory buildings may be:

- A. Located five (5) feet from side and rear property lines when located in back of the principal building.
- B. Must be located at least five (5) feet from the principal building.
- C. A height of one and half-story when in accordance with Section 1106.08: Guest House or Accessory Living Quarters, and with a Conditional Zoning Certificate, Section 1116.07.

1106.08 Guest House or Accessory Living Quarters

One guest house or accessory living quarters shall be permitted in residential districts subject to the following standards.

A. Location

Living quarters shall be located on the second floor of a one and half-story private garage.

B. Use

A guest house or accessory living quarters shall be for the use of persons employed on the premises, or for use by guests of the occupants of the premises.

C. Prohibited Facilities

Kitchen facilities shall be prohibited.

D. Rental or Lease Prohibited

The rental or lease of a guest house or accessory living quarters shall be prohibited.

1106.09 Home Occupations

A. Purpose

This Section establishes regulations for the operation of home occupations in dwelling units within residential districts to ensure that home occupations will not be a detriment to the character and livability of the surrounding neighborhood. The regulations are intended to ensure that home occupations remain secondary in importance to the use of the dwelling for dwelling purposes.

B. Review Procedure

A Conditional Zoning Certificate is required in accordance with Section 1116.07.

C. Use Related Regulations

1. Such uses shall be conducted by the occupant with no additional employees.

2. Such occupations shall be carried out entirely within the dwelling and not in an accessory building; however, the garage may be used provided that the home occupation does not preclude the storage of the number of vehicles for which the garage was designed.
3. The conducting of the home occupation shall not occupy more than twenty (20) percent of the floor area of only one (1) story.
4. The proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere.
5. No activity, materials, goods or equipment indicative of the proposed use shall be visible from any public way or adjacent property.
6. Signs as permitted in Section 1115.03: Residential District Signs.
7. The proposed use shall not generate noise, odor, fumes, smoke, or vehicular or pedestrian traffic in an amount which would tend to depreciate or change the residential character of the neighborhood in which the proposed use is located.

D. Prohibited Uses

The following are prohibited as home occupations pursuant to this Zoning Code:

1. Any maintenance, alteration, repair, reconditioning, or construction of or connection in any way with, a motor vehicle as defined by Ohio Revised Code Section 4511.01, if such work is performed in connection with a bona fide business transaction for value received by a resident of the subject premises.
2. Any maintenance, alteration, repair, reconditioning, or assembly of equipment with internal combustion engines (such as outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) in connection with a bona fide business transaction for value received by a resident of the subject premises.
3. No primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere.

E. Revocation

A home occupation conditional zoning certificate may be revoked for failure to comply with the regulations of this Section.

1106.10 Outdoor Wood Furnaces

A. Purpose

Outdoor furnaces are being used as alternative heating systems. Concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive odors and the potential health effects of uncontrolled emissions. This Section is intended to ensure that outdoor furnaces are

utilized in a manner that does not create a nuisance or other health and safety hazard to, and is not detrimental to, the residents of Orrville.

B. Review Procedure

A conditional zoning certificate is required in accordance with Section 1116.07: Conditional Zoning Certificates.

C. Regulations

1. No person shall, after January 7, 2008, construct, install, establish, operate or maintain an Outdoor Wood Furnace other than in compliance with the applicable subsections of this Section.
2. No person shall, from the effective date of this local law, operate an Outdoor Wood Furnace unless such operation conforms with the manufacturer's instructions regarding such operation and the requirements of this Section 1106.10: Outdoor Wood Furnaces, regarding fuels that may be burned in an Outdoor Wood Furnace as set forth in Subsections 1106.10(D)(1) and 1106.10(D)(2) of this Section and chimney height as set forth in Subsection 1106.10(D)(4) and 1106.10(D)(6) of this Section.
3. All new Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this ordinance. In the event of a conflict, the requirements of this ordinance shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.
4. The owner of any new Outdoor Wood Furnace shall produce the manufacturer's owner's manual or installation instructions to the Director of Public Safety and Service to review at any time if requested.
5. All new Outdoor Wood Furnaces shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards. If an existing Outdoor Wood Furnace is, through the course of a proper investigation by local authorities, creating a verifiable nuisance, as defined by local or state law, the following steps may be taken by the owner and the Director of Public Safety and Service.
 - a. Modifications made to the unit to eliminate the nuisance such as extending the chimney or relocating the Outdoor Wood Furnace, or both.
 - b. Cease and desist operating the unit until reasonable steps can be taken to ensure that the Outdoor Wood Furnace will not be a nuisance.

D. Substantive Requirements

Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained pursuant to the following conditions:

1. Fuel burned in any new or existing Outdoor Wood Furnace shall be only natural untreated wood, wood pellets, corn products, biomass pellets, or other listed fuels

specifically permitted by the manufacturer's instructions such as fuel oil, natural gas, or propane backup.

2. The following fuels are strictly prohibited in new or existing Outdoor Wood Furnaces:
 - a. Wood that has been painted, varnished or coated with similar material and/or has been pressure-treated with preservatives and contains resins or glues as in plywood or other composite wood products.
 - b. Rubbish or garbage, including but not limited to food wastes, food packaging, or food wraps.
 - c. Any plastic materials, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - d. Rubber, including tires or other synthetic rubber-like products.
 - e. Newspaper, cardboard, or any paper with ink or dye products.
 - f. Any other items not specifically allowed by the manufacturer or this provision.
3. Setbacks for any new Outdoor Wood Furnace (models not EPA OWHH Phase 1 Program Qualified) shall be as follows:
 - a. The Outdoor Wood Furnace shall be located at least twenty (25) feet from the property line.
 - b. The Outdoor Wood Furnace shall be located on the property in compliance with manufacturer's recommendations and/or testing and listing requirements for clearance to combustible materials.
 - c. The Outdoor Wood Furnace shall be located at least 100 feet from any residence that is not served by the Outdoor Wood Furnace.
4. Chimney heights for new and existing Outdoor Wood Furnaces shall be as follows:
 - a. The chimney of any new Outdoor Wood Furnace shall extend at least two (2) feet above the peak of any residence not served by the Outdoor Wood Furnace located within 300 feet of such Outdoor Wood Furnace.
 - b. If there is an existing Outdoor Wood Furnace already installed and there is new construction of a residence not served by the Outdoor Wood Furnace within 300 feet of such Outdoor Wood Furnace, then the owner of such Outdoor Wood Furnace shall conform to the stack height requirements of this regulation within 30 days of the date such construction is complete and upon written notice from the Director of Public Safety and Service.
5. Setbacks for EPA OWHH Phase 1 Program qualified models shall be as follows:
 - c. The Outdoor Wood Furnace shall be located at least twenty-five (25) feet from the property line.
 - d. The Outdoor Wood Furnace shall be located on the property in compliance with manufacturer's recommendations and/or testing and listing requirements for clearance to combustible materials.

6. Chimney heights for EPA OWHH Phase 1 Program qualified models shall be as follows:
 - a. The EPA OWHH Phase 1 Program qualified model chimney shall extend at least two (2) feet above the peak of the residence for which it serves if neighboring residences not served by the furnace are located within three hundred (300) feet or the chimney shall extend at least two (2) feet above the peak of any residence not served by the furnace within one hundred (100) feet, whichever is greater.
7. Outdoor Furnaces that use corn, wood pellets or other palletized biomass shall meet the same setback and stack height requirements as EPA OWHH Phase 1 Program Qualified models.

1106.11 Ramps for Wheelchair Users

- A. Ramps for wheelchair users can abut sidewalks and do not have to meet the setback requirements set forth in this Zoning Code.
- B. Ramps shall comply with the Americans with Disability Act.

1106.12 Roadside Produce Stands, Temporary

A temporary stand used for selling seasonal agricultural products may be placed on the property by the owner or tenant of the property in any district, provided that the stand is:

- A. Removed and stored back of the building line on the property or off the property at the conclusion of the seasonal sales; and
- B. No illuminated signs shall be used to advertise such products.

1106.13 Satellite Dish Antennas

A. Satellite-dish antennas one meter (39.37 inches) or less in diameter in Residential districts or two meters (78.78 inches) or less in diameter Commercial and Industrial district are permitted without a zoning certificate, provided that such antennas are not located in the front yard unless such restriction precludes reception of an acceptable quality signal. In such case such dish or antenna may be placed anywhere on the lot. Proof of inability to receive an acceptable quality signal shall be provided to the Director of Public Safety and Service upon request.

B. When satellite-dish antennas exceed the above dimensions, the following standards shall apply:

1. Location

Satellite dishes are permitted to be installed on the ground in any district and are permitted to be mounted on the roof only in nonresidential districts.

2. Setback

Ground mounted satellite dishes shall be set back a minimum equal to the measurement of its height. However, in no case, shall the ground mounted satellite dish be located closer than 5 feet to the property line.

3. Height

The satellite-dish, when ground mounted, shall not exceed fifteen (15) feet above ground to the highest point of the dish.

1106.14 Solar Panels

A. Applicability

The standards of this Section apply to all solar panel energy conversion systems that are accessory to a principal structure.

B. Location without Conditional Zoning Certificate.

Solar panels are permitted without a conditional zoning certificate if attached or located on the roof or wall of a building and if the solar panels lie flat on the surface or not more than six inches from the surface of the building roof or wall.

C. Location with Conditional Zoning Certificate

A conditional zoning certificate is required in accordance with Section 1116.07 when the solar panel energy system conversion system is a stand-alone facility or cannot meet the standards of Subsection 1106.14(B): Location without Conditional Zoning Certificate, and shall comply with the following standards:

1. Solar panels detached from the principal structure shall not be located in the front or side yard nor closer than 5 feet to any property line.
2. Sound produced by any solar facility shall be in compliance with Section 1111.11: Noise.
3. Solar panels located on the roof of a residential structure may not extend above the highest point of the existing roof.

1106.15 Storage or Accessory Building in a Residential District

Any storage or accessory building larger than 45 square feet in size may not be erected until a zoning certificate has been issued by the Director of Public Safety and Service. The Director of Public Safety and Service may issue the permit only after it has been determined the building meets the following conditions:

A. Location and Setback

Must be located five (5) feet from side and rear property lines when located in back of the principal building; and must be located at least five (5) feet from the principal building.

B. Height

The building does not exceed twenty (20) feet in height or in accordance with Section 1106.07: Garages.

C. Building Design

The design of the building is harmonious and consistent with the general architecture of the neighborhood.

D. Foundation

All accessory or storage buildings larger than two hundred (200) square feet must be placed on a foundation.

1106.16 Swimming Pools

A. Pool and any associated decking located five (5) feet from side and rear property lines when located in back of the principal building.

B. Must be located at least five (5) feet from the principal building.

C. For fencing see Chapter 1327: Property Maintenance Code, Section 1327.15: Swimming Pool Fencing Required.

1106.17 Temporary Building for Construction Work

A. Any temporary structures must be indicated as such on-site plans submitted to the Planning Commission for approval.

B. Such structures shall not be continued as permanent structures. The period of continuance shall be set by the Planning Commission.

1106.18 Wind Energy System, On-Site

A. Purpose

Designed to primarily serve the on-site needs of a home, agriculture, institution, business, or industry.

B. Review Procedure

A conditional zoning certificate is required in accordance with Section 1116.07.

C. Standards

An on-site wind energy system shall meet the following standards in addition to the general conditional use standards of Subsection 1116.07(I): General Standards.

1. Height

Shall have a tower height of twenty (20) meters (65.6 feet) or less in all residential and commercial districts. The maximum tower height in industrial districts shall be 150 feet.

2. Property Setback

The distance between an on-site wind energy system and the owner's property lines shall be equal to the height of the wind energy system tower including the top of the blade in its vertical position. No part of the wind energy system structure, including guy wire anchors, may extend closer than the distance of the required yard setbacks in the respective zoning district.

3. Noise

Sound from the on-site wind energy system shall comply with Section 1111.11: Noise.

4. Code compliance

On-site wind energy systems including towers shall comply with:

- a. all applicable building and electrical codes;
- b. Federal Aviation Administration requirements.

5. Safety

An on-site wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employing a horizontal axis rotor.

Chapter 1107: Intensity and Dimensional Standards

1107.01	Permitted Area, Height, Number of Dwellings, and Yard	1107.07	Height Measurement, Computations and Exceptions
1107.02	Yard, Area, and Height Standards Table	1107.08	Building Coverage Measurement
1107.03	Lot Area Measurements, Computations and Exceptions	1107.09	Minimum Lot in an Area Not Serviced by a Sanitary Sewer
1107.04	Density Measurements, Computations and Exceptions	1107.10	Access to Street Required
1107.05	Lot Width Measurement	1107.11	Number of Buildings on a Lot
1107.06	Setback Measurement, Computations and Exceptions	1107.12	Dwellings in Other than Main Structure

1107.01 Permitted Area, Height, Number of Dwellings, and Yard

No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area, height, number of dwelling units and yard regulations of the district in which the building is located.

1107.02 Yard, Area, and Height Standards Table

This table defines site development intensity and dimensional standards by district.

Standard	R-1	R-2	R-4	C-1	C-2	C-3	CBDD	I-1	I-2
Minimum Lot Area (sq. ft.)				30,000	20,000	35,000	None [1]	60,000	80,000
Detached House (sq. ft. per unit)	11,250	10,000	9,000						
Two-Family (sq. ft. per unit)	NA	7,500	3,750						
Multi-Dwelling (sq. ft. per unit)	NA	NA	2,500[2]						
Minimum Lot Width (feet)	60	50	60	75	75	150	None	100	150
At min. bldg. setback line for 1 family	75	75	60	100	100	150		150	175
At min. bldg. setback line for 2 family	NA	100	75						
At min. bldg. setback line for multi fam.	NA	NA	100						
Maximum Lot Depth [3]	3X	5X	5X	NA	NA	NA	None[1]	NA	NA
Minimum Lot Depth (feet)					150				
Minimum Dwelling Floor Area (sq. ft.)									
Per dwelling unit, single family			800						
Per dwelling unit, single family, 1 story	1,200	1,100							
Per dwelling unit, single family, more than 1 story	1,500	1,300							
Per dwelling unit for two family		1,000	720						
Per dwelling unit for up to 5 unit bldgs.			720						
Per dwelling unit for 5 plus unit bldgs.			560[4]						
Maximum Building Coverage (% of site)	NA	NA	NA	40	40	40	None[1]	60	60
Minimum Setbacks (feet)									
Front	40	40	40	40	40	40	None[5]	40[6]	40

Chapter 1107: Intensity and Dimensional Standards

Standard	R-1	R-2	R-4	C-1	C-2	C-3	CBDD	I-1	I-2
Side, per side	10	10	10	15	15	15	None ^[5]	20 ^[6]	20 ^[7]
Rear	25	25	25	25	25	25	None	40 ^[6]	40
Maximum Height (feet)	35	35	40	40	35	40	None ^[8]	50	50 ^[9]
Maximum Stories	2 ½	2 ½							

Table Notes

- [1] Subject to review and approval by Planning Commission
- [2] A minimum of 30% of lot area must be usable open space
- [3] Measured as 3 or 5 times the lot width at the minimum building setback line.
- [4] Dwellings containing over 5 living units may have up to 25 percent of the units with a minimum of 560 square feet per living unit. The number shall be determined at the time the application is made for the zoning permit.
- [5] No setback from the front and side building lines of a parcel should be permitted. Buildings should be built flush with the sidewalk and facades aligned with adjacent buildings.
- [6] Yards adjacent to residential districts shall meet the front, side and rear yard requirements of the adjacent residential district if greater than those for an I-1 district use.
- [7] 50 feet when adjacent to a “R” district.
- [8] The bulk and height of new buildings should conform to prevailing conditions within the block in which they are to be placed. Developments which deviate from prevailing conditions should be reviewed so that they will not constitute a visually incompatible intrusion into the CBDD.
- [9] No structure shall exceed 50 feet in height, unless the plans have been reviewed by the Planning Commission and an exception granted. Additional setbacks from the property line may be required by the Planning Commission.

1107.03 Lot Area Measurements, Computations and Exceptions

A. Measurement

The area of a lot includes the total horizontal surface area within the lot’s boundaries, not including rights-of-way. For nonconforming lots see Section 1119.09: Nonconforming Lots of Record.

B. Contiguous Parcels

Two or more parcels, lots of record or platted lots that are contiguous and held in common ownership may be treated together as a single lot for purposes of this Zoning Code, provided such lots are located in the same zoning district and provided they are combined on the same tax card.

C. Reduction in Lot Area Prohibited

No lot shall be reduced in area so that lot area per dwelling unit, lot width, yards, building area, or other requirements of this Zoning Code are not maintained except where such reduction has been brought about by the expansion or acquiring of public rights-of-way.

D. Exceptions

See Section 1119.09: Nonconforming Lots of Record.

1107.04 Density Measurements, Computations and Exceptions

A. Measurement

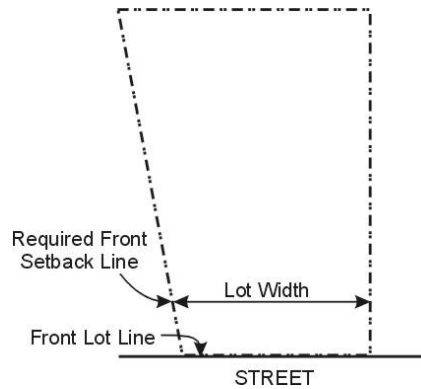
Maximum density refers to the number of dwelling units allowed per acre of site area, after subtracting existing rights-of-way from the gross site area.

B. Rounding of Fractions

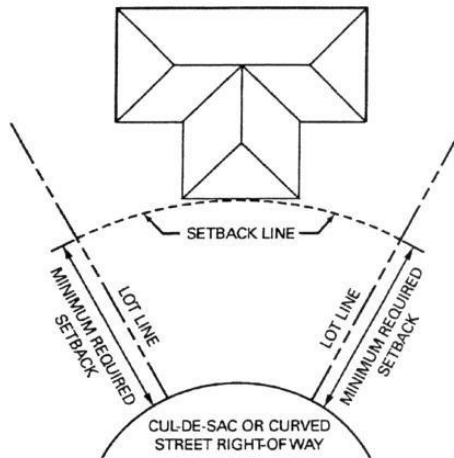
When the number of dwelling units yielded by density calculations result in fractions, fractions of one-half or greater are rounded to the next highest whole number, while fractions of less than one-half are rounded down to the next lowest whole number.

1107.05 Lot Width Measurement

- A. Lot width is the distance between side lot lines measured at the point of the required front setback. The lot width must be a continuous distance between the side lot lines.



- B. Where the front lot line is on a cul-de-sac or a lot abutting a curved street, the front yard setback shall follow the curve of the front property line.



1107.06 Setback Measurement, Computations and Exceptions

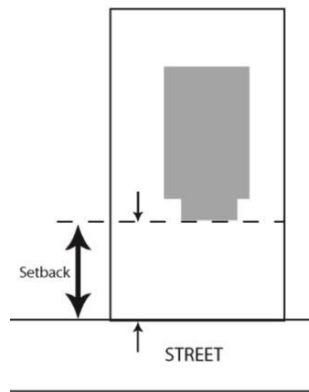
- A. Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located. Setbacks shall not contain any structure except when in conformance with this zoning code.
- B. Required yards shall be open and unobstructed and shall not be reduced or diminished in area so as to be smaller than prescribed by this Zoning Code.

C. Yard for Single Building

No required yard or other open space around one building shall be considered as a yard or open space for any other building. No required yard or other required open space on an adjoining lot shall be considered as providing the yard or open space on the lot whereon a building is to be erected or established.

D. Front Yard Setback Measurements

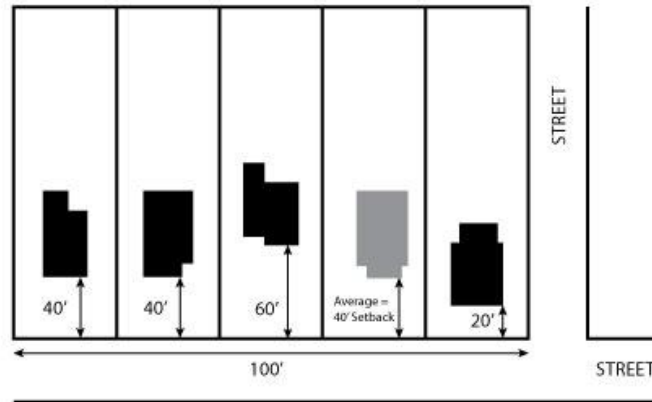
- 1. The minimum front yard depth shall be measured on the perpendicular from the street right-of-way line to the building setback line. Where the right-of-way line is not established, the right-of-way shall be assumed to be sixty (60) feet.
- 2. Where a major thoroughfare or collector thoroughfare is designated on the Land Use and Thoroughfare Plan and there is a state, county or city transportation improvement project specifying additional right-of-way, the front yard depth shall be measured from the proposed right-of-way line.



E. Front Yard Setback Exceptions in Residential Districts

In any “R” residential district where the average depth of at least two existing front yards on lots within one hundred (100) feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this Zoning Code, the required depth of the front yard on such lot shall be modified. In such case, this shall not be less than the average depth of such existing front yards on the two lots immediately adjoining or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining. However, the depth of a front yard on any lot shall be at least

twenty-five (25) feet. This does not apply to lots fronting on major or collector thoroughfares where the minimum front yard depth shall be measured from the right-of-way line and shall adhere to the requirements of this Zoning Code.



F. Architectural Projections

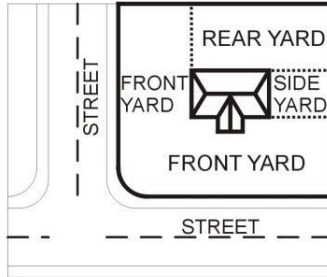
1. Cornices, eaves, sills, canopies, or similar architectural projections may extend or project into required side yards not more than two inches for each one (1) foot of width of such side yard, and may extend or project into a required front or rear yard not more than 30 inches.
2. Bay windows and chimneys may project into a required front, side or rear yard not more than 18 inches, provided that the side yard is not reduced to less than eight feet.
3. Open structures, such as porches, balconies, platforms, carports, and covered patios, shall be considered a part of the building to which they are attached and shall not project into the required minimum front, side, or rear yard.
4. Ramps, elevators, escalators, and similar improvements or devices constructed or installed to provide access by persons with disabilities may extend or project into a required front, side or rear yard to the extent necessary to conform the accessibility device to design and materials specifications set forth in regulatory standards promulgated under the authority of the Americans with Disabilities Act.

G. Interior Lots

The required minimum front yard setback shall be measured from the street right-of-way or, where a right-of-way is not identified, the front lot line.

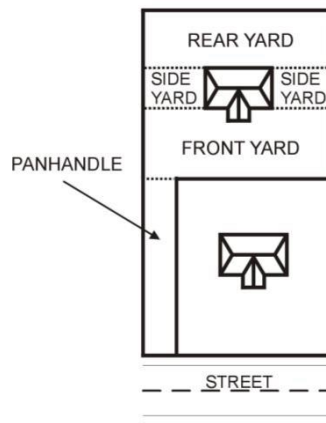
H. Corner Lots

Lots having a frontage on more than one street shall have the required front yard setback along each street.



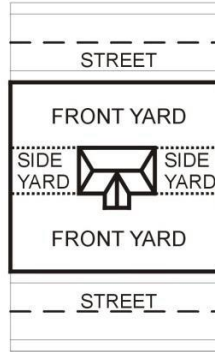
I. Panhandle Lot

1. Panhandle lots are discouraged and shall only be approved if necessitated by unique topographic features or other special physical conditions as deemed necessary by the Planning Commission.
2. Panhandle lots shall not be used to avoid the construction of a street.
3. No structures, except for fences and walls allowed by this Zoning Code, shall be permitted in the panhandle portion of the lot.
4. The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot.



J. Double Frontage Lot

Where a lot is considered a double frontage lot, the required minimum front yard setback shall be provided from both streets. The remaining lot lines shall be considered side lot lines and the side yard setback shall be applied to those lot lines.

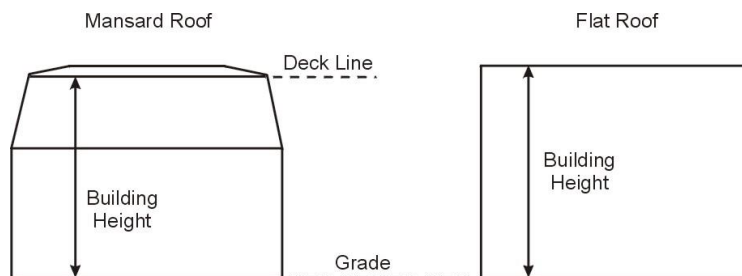


1107.07 Height Measurement, Computations and Exceptions

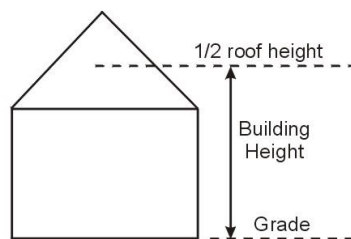
A. Building Height

Building height is measured as the vertical distance from grade at the base of the structure to:

1. The highest point of a flat roof;
2. The deck line of a mansard roof; or
3. The mean height between the eaves and ridge on gable, hip, or gambrel roofs.



Gambrel, Hip and Gable Roofs



B. Permitted Height Exceptions

1. The height limitations of this Zoning Code shall not apply to: church spires, smoke stacks, elevator towers, radio and television towers, and necessary mechanical appurtenances, and the like provided their construction is in accordance with existing ordinances of the City, and is acceptable to the Federal Aviation Agency and the Federal Communication Commission.
2. Radio, television and wireless aerials or masts for individual residential or commercial site use may not be erected higher than forty (40) feet or twenty (20) feet above the roof line for safety purposes without Planning Commission approval. All antennas, towers or other similar structures for commercial purposes must comply with Section 1105.47: Small Cell Facilities in the Right-of-Way, Section 1105.53: Wireless Telecommunication Towers and Facilities, and Section 1106.13: Satellite Dish Antennas as applicable. However, in the Design Review District, the Design Review Board shall substitute for the Planning Commission for the approval of aerials or masts.

1107.08 Building Coverage Measurement

Building coverage refers to the total area of a lot covered by buildings as measured along the outside wall at ground level. Building coverage includes all principal and accessory buildings and is expressed as a percentage of the lot area that is covered by building area.

1107.09 Minimum Lot in an Area Not Serviced by a Sanitary Sewer

The minimum lot area shall be one acre unless a larger lot size is required by the County Health Department.

1107.10 Access to Street Required

In any district, every building shall have access to and be accessible from an improved street.

1107.11 Number of Buildings on a Lot

No more than one principal building shall be permitted on any one residential lot.

1107.12 Dwellings in Other than Main Structure

No residential structure shall be erected upon the rear of a lot or upon a lot with another dwelling.

Chapter 1108: Planned Unit Developments

1108.01	Purpose	1108.03	Development Standards
1108.02	Provisions	1108.04	Establishment

1108.01 Purpose

It is the purpose of the Planned Unit Development (PUD) regulations to encourage innovative land planning and design in large developments by:

- A. Reducing or eliminating the inflexibility that sometimes results from strict application of zoning standards that are designed primarily for individual lots.
- B. Allowing greater flexibility in selecting the means to provide access, mobility, light, recreation and open space, and design amenities.
- C. Encouraging innovative design that respects the surrounding established land use character, natural areas, and topographical features of the site.
- D. Allowing deviations from certain zoning standards that would otherwise apply if not contrary to the general spirit and intent of this Chapter.

1108.02 Provisions

- A. The PUD applicant must own in fee simple or have an option to purchase all lands within the proposed PUD.
- B. The requirements set forth in the underlying base zoning district regulations shall prevail except as modified in this Chapter or by the Planning Commission. This Chapter sets forth the requirements for PUDs and allows for the creation of a PUD as a conditional use category as stipulated in Section 1104.02: Use Table.
- C. The permitted uses within the PUD shall be based on the conditional use categories established in Sections 1104.02: Use Table, and 1108.03 Development Standards.
- D. Whenever such a preliminary PUD plan is approved, the zoning map shall be clearly marked to indicate the boundaries of the PUD.
- E. No zoning or building permits may be issued until the final PUD plan is approved.
- F. Except as otherwise noted, nothing in this Chapter shall be interpreted to exempt PUDs from any provision(s) of the Subdivision Regulations of the City of Orrville.
- G. All PUDs are subject to site plan review by the Planning Commission as stipulated in Section 1116.06: Site Plan Review.

1108.03 Development Standards

A. Uses

With an approved PUD, compatible residential, commercial, institutional, recreational and open space uses may be combined as will enhance the living environment of the planned development. All such uses shall be arranged to be compatible with each other and not to adversely affect adjacent property and/or the public health and general welfare.

1. The full range of residential dwelling types shall be permitted, including all types of dwelling ownership and physical arrangements as judged by the Planning Commission to be compatible with the purpose of the project.
2. Commercial uses may be limited to those types judged by the Planning Commission to be compatible with the purpose and the predominantly residential nature of planned unit developments. Commercial uses shall only be permitted in those PUDs of twenty-five (25) acres or more, provided that such commercial development shall not exceed the maximums specified in Subsection 1108.03(D): Density, hereof. Commercial uses will be limited to the following:
 - a. Personal Service Establishments such as, but not limited, to barber and beauty shops, dry cleaning and laundry services, tailor and dressmakers, and shoe repair shops.
 - b. Food and Beverage Retail Sales not exceeding 5,000 square feet of floor area in any single space or building.
 - c. Other Retail Commercial uses including but not limited to Drugstores, Florists and gift shops.
 - d. Preparation and processing of food and drink to be retailed on the premises including but not limited to bakeries, delicatessens, meat markets, coffee shops, restaurants and ice cream parlors, but not exceeding 5,000 square feet of floor area for any single or combination of the above activities in a single space or building.
 - e. Accessory uses clearly incidental to the uses permitted on the same premises.
3. Institutional uses may be permitted within the planned unit development as will be compatible with the predominantly residential nature of a PUD. Such uses should be limited to five (5) percent of the total PUD area and shall be limited to uses such as schools, religious assembly and cultural facilities, judged appropriate by the Planning Commission and compatible with the use predominantly residential nature of a PUD. Institutional uses shall be further regulated by applicable use specific regulations in Chapter 1105.
4. Recreational and Open Space uses shall be permitted and can occupy up to thirty (30) percent of the PUD land area. Such uses shall be available and accessible to all residents of the PUD. Recreation and Open Space uses shall be further regulated by the standards in Subsection 1108.03(H): Indoor Recreation and Meeting Facilities, hereof.

B. Building and Use Arrangements

The design and development standards set forth in this Section are intended to provide considerable latitude and freedom in order to encourage variety in the arrangement of uses and of the location, bulk and shape of buildings, open space and landscape features. Buildings and uses shall be arranged, designed or located in order to screen and preserve uses within and nearby the PUD from adverse effects of uses within or nearby the PUD. The buildings and uses may be arranged in various groups, courts, sequences or clusters with open spaces organized and related to the buildings in order to provide privacy where applicable, to form a unified composition of buildings and space, and to maximize the peace and tranquility of the residents of the PUD and the nearby area, where applicable. Land area(s) designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.

C. Minimum Project Area:

1. The gross area of a tract of land to be developed in a PUD shall be a minimum of twenty-five (25) acres. Smaller parcels may be considered for approval as a PUD on the basis of their potential to meet the objectives of this subsection as stated in Section 1108.01: Purpose.
2. All land within a PUD shall be contiguous in that it shall not be divided into segments by any limited access highway, or any tract of land (other than streets or rights-of-way for pipelines or electric transmission lines) not owned by the developer of the PUD.

D. Density

Total dwelling units (DUs) per net acre and total commercial acreage in a PUD shall not exceed the following maximums:

Base Zoning District	DUs/Per Net Acre	Commercial Acreage Per 100 DUs
R-1	4.5	1.5
R-2	6.0	1.0
R-4	25.0	0.5

E. Yard, Height, and Floor Area Regulations

Lot widths, setbacks and side yards and building heights are flexible in order to allow for a variety of structural and design arrangements. In reviewing building spacing proposals in PUD plans, the Planning Commission shall be guided by factors such as the dimensions allowed in the base zoning districts of the PUD, spacing necessary for adequate visual and acoustical privacy, adequate light and air, protection of natural areas and unique topography, fire and emergency access, glassed wall areas, building configurations, energy efficient siting principles and relationship of building sites to circulation patterns.

F. Open Space

A minimum of thirty percent of the net area of the PUD shall be reserved in perpetuity for 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. The Planning Commission may require a bond in lieu of provision or dedication of the required open space in cases where final subdivision plats are approved in stages, the amount of which shall be determined by the Planning Commission.
2. Permanent water bodies should comprise no more than thirty 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.
3. Open space areas and recreation areas shall be distributed throughout the PUD and located so as to be readily accessible, available to, and usable by all residents of the PUD. Each parcel within the PUD should be designed to abut upon common open space areas.
4. Common open space may be improved with appropriate recreation facilities and structures as long as total paved or roofed areas do not exceed five percent of the total open space area.
5. 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.

G. Disposition of Common Open Space

Planned unit developments shall receive approval subject to submission, prior to final subdivision approval, of legal instruments setting forth a plan or manner of permanent 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 City if the City Council will accept said deed, or deeded to another appropriate public body, or that permanent restrictive covenants be attached to the open space.
2. 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 and recreation facilities, such entity shall not be dissolved, nor shall it dispose of any common open space or recreation facility without first offering to dedicate the same to the City.
3. Such instruments shall convey to the City 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 improvements affecting the public interest. Such governments shall have the right,

after proper notice, to make improvements and perform maintenance functions with the costs levied as a lien against the property if such a lien may lawfully be levied. Advance notice is not necessary for emergency entrance onto such common areas and facilities.

4. The Planning Commission may require a bond in lieu of provision of dedication of the required open space in cases where final subdivision plats are approved in stages, the amount of which shall be determined by the Planning Commission.

H. Indoor Recreational and Meeting Facilities

1. All planned unit development projects permitted in any district under these regulations shall provide indoor recreational and meeting facilities as part of and integral to the project. Such facilities shall include heat and at least one handicap accessible restroom, and shall be available for the use of all occupants of the total project as defined on the general plan, and shall be completed at such time as sixty percent of the total dwelling units indicated on the general plan are completed and ready for occupancy, and shall have adequate provisions recorded as part of the dedication plats for the permanent maintenance and operation of the facilities. Such facilities shall be constructed, as a minimum, in proportion to the percentage of the total project being developed as part of any phase up to the completion of sixty percent of the total dwelling units. Financial guarantees acceptable to the Planning Commission may be utilized in place of the actual construction of such facilities up to completion for occupancy of sixty percent of the total dwelling units as approved in the General Plan.
2. The minimum area for indoor recreational and meeting facilities shall be determined as prescribed below for the respective districts. The required handicap accessible restroom or any furnace or utility room shall not be included in the required square footage for indoor recreational and meeting facilities.
 - a. The first fifty acres:

Residential District	Square Feet Per Dwelling Unit
R-1	20
R-2	20
R-4	15

- b. The acreage that remains:

Residential District	Square Feet Per Dwelling Unit
R-1	3.5
R-2	3.0
R-4	2.0

I. Private Streets

Private streets shall conform to the City Subdivision Regulations for minor residential streets except that standards for private streets on which twenty or fewer dwelling units have immediate access may be modified upon approval of the Planning Commission after the Commission obtains a recommendation from the City Engineer.

J. Collector Streets and Major Thoroughfares

Collector streets and major thoroughfares shall be designated as such by the developer upon submission of general plans as provided in Subsection 1108.04(A): General Plan Approval. Such designations shall be subject to modification by the Planning Commission so that an efficient traffic circulation system is established. There shall be no direct access from single-family detached residential lots to a major thoroughfare, and direct access from single-family detached residential lots to collector thoroughfares shall be minimized. When there are more than thirty dwelling units in a grouping, they shall have primary access from a public or dedicated street.

K. Off-Street Parking

There shall be provided outside the public or private right-of-way parking as required in Chapter 1112: Parking and Access. 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. All parking spaces and service drives shall be improved with bituminous, concrete or equivalent surfacing and so graded and drained as to dispose of all surface water accumulation within the area.

L. Pedestrian and Bicycle Circulation System

The pedestrian and bicycle circulation system and their related walkways shall be insulated as much as possible from the vehicular system in order to provide separation of pedestrian and bicycle movement from vehicular movement. This may include pedestrian and bicycle overpasses or underpasses in the vicinity of schools, commercial areas and such other areas likely to generate a considerable amount of pedestrian and bicycle traffic.

M. Height Regulations for Single-Family Detached Dwelling, Single-Family Attached and Two-Family Dwellings.

No structure shall exceed thirty-five (35) feet in height above the average finished grade line.

N. Height Regulations for Multifamily Dwellings.

No structure shall exceed forty (40) feet in height above the average finished grade line in the R-2, and R-4 residential districts. All structures will conform to the state fire marshal's requirements.

O. Minimum Living Space for Single-Family Attached, Two-Family, and Multifamily Dwellings.

In a planned unit development, not more than twenty (20) percent of the dwelling units shall have less than 800 square feet of living space and the minimum shall be 650 square feet of living space.

P. Utilities

All utilities shall be installed underground.

Q. Erosion and Sedimentation Control

Effective erosion and sediment controls shall be planned and applied according to:

1. Section 1111.07: Grading and Drainage; and
2. Section 1111.08: Storm Water Pollution Prevention Plan.

R. Subdivision Regulations

The PUD must be in compliance with all requirements of the subdivision regulations of the City of Orrville.

1108.04 Establishment

A. General Plan Approval

At the time of the application for a conditional zoning certificate, a general plan for the development of the land shall have been filed with the Planning Commission by the owner or owners of the land involved. The General Plan, which may be set forth on one or more maps or in one or more instruments, shall have been signed by all owners of property within the project, shall have been drawn to scale, shall have been prepared by an architect, landscape architect, engineer or planner-in-charge, and shall show the following:

1. the date;
2. the boundaries of the project;
3. a north arrow;
4. the topography of the project using two-foot contour intervals;
5. the proposed street system for the project, including designation of collector thoroughfares agreeable to the Planning Commission where such thoroughfares are indicated on the City of Orrville Land Use and Thoroughfare Plan, or where otherwise necessary for efficient traffic circulation;
6. the areas of the project to be used for single-family detached dwellings, single-family attached dwellings, garden apartment buildings, medium and high-rise apartment buildings and commercial buildings and/or uses;
7. the area or areas of the project to be preserved as open space;

8. descriptive data as to the methods to be employed to preserve and maintain such open space and recreational facilities, such as public dedication, homeowners associations, condominiums, etc.;
9. the areas to be divided for different uses, the proposed use, the number of housing units by type and size, the number of bedrooms per dwelling units, the location and size of school, church and/or fire station sites proposed;
10. the total population density for the project in number of housing units;
11. the acreage of the project;
12. the location and landscaping of the proposed parking lots within the project;
13. descriptive data concerning the sewer, water and storm drainage facilities within the project, identifying the entity whether public or private to whom such facilities are to be dedicated or transferred; and
14. the location and acreage of the commercial uses proposed within the project.

B. Final Approval of Uses

Before such uses as were authorized by the Planning Commission's approval of the General Plan and the issuance of the conditional zoning certificate for the overall project may be begun, a zoning certificate must be obtained for each structure, and only after a final approval of uses has been obtained from the Planning Commission. For a final approval of uses, the owner shall file a final development plan for any specific area within the project or the overall project with the Commission together with a letter of application for such approval. Such final development plan must show the following:

1. The area to be developed and the area to be devoted to open spaces for the use of all residents of the area with accurate acreage, courses and distances, as determined by a licensed engineer or surveyor who shall sign such plan and certify to the accuracy thereof. The boundaries of any area for which final development plan approval is requested shall not be divided to comply with the density and open space acreage criteria, but shall be proportioned and allotted so that required open space is convenient to the residential properties included in the area submitted for final approval.
2. The location and floor plans of all buildings, descriptive data as to the type of buildings, the number of dwelling units in each separate type and bedrooms per unit of apartment or multifamily dwelling buildings, the number and type of all retail establishments and the number of bedrooms in each apartment unit.
3. A title guarantee or rider to an existing policy, prepared by a reputable title company, showing the legal description of the land which has been set aside for the open space, and showing appropriate restrictions limiting the use of such land to recreation and open space in perpetuity, granting owners and residents of the area to be developed a right and easement of use in such open space.

4. A detailed plan setting forth the manner, means and proposed time of transfer of the land reserved for open space to a nonprofit entity and the obligations and rights of use of such open space by all residents of the area.
5. A detailed landscape plan for all areas proposed for parking, commercial, single-family attached and multifamily development.

C. Conditions for Final Approval of Uses

The Planning Commission shall give the final approval of uses only upon finding that the following conditions are met:

1. No applicable, general or specific requirements of the Zoning Code, as existing at the time of General Plan approval, is violated by the final development plan.
2. The final development plan accurately sets forth the area to be developed and the area to be set aside as open space with appropriate boundaries established by course and distances, and the acreage within the area to be approved is set forth as well as the acreage of the area to be set aside as open space for the use of all residents of the area.
3. The final development plan is substantially in accordance with the General Plan which had been previously filed with and approved by the Planning Commission and for which the conditional zoning certificate has been issued.
4. The density of dwelling units in any area does not exceed that shown on the General Plan and the overall density of the district has not been exceeded with respect to the total figure shown on the General Plan.
5. The area reserved for open space and recreation in the sum of all areas for which final development plan approval has been given or is requested shall never be less than thirty percent of the cumulative acreage of all areas for which final development plan approval has been given or is requested.
6. Satisfactory progress has been made in previously approved segments in respect to the provision and improvement of indicated recreational facilities.
7. The final development plan accurately sets forth a schedule demonstrating proportionate development of the open space and recreational facilities in conjunction with the total project. A performance bond may be allowed to substitute for actual construction in accordance with Subsection 1108.04(G): Disposition of Common Open Space, Subsubsection 4. This bond shall be in effect no longer than one (1) year. The amenities included in each phase shall be, in effect, completed prior to the issuance of occupancy permits.
8. Site plan approval by the Planning Commission shall be automatically revoked if the construction approved has commenced within one (1) year from the date of approval. When construction has been delayed due to circumstances beyond the control of the developer, the Planning Commission may grant an extension not exceeding ninety days, during which construction may be begun.
9. Supplementary conditions and safeguards. In approving any planned unit development, the Planning Commission may prescribe appropriate conditions and

safeguards in conformity with this resolution. Violation of such conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this Zoning Code.

10. Amendments and Extensions. Minor amendments to the approved final plan (such as slight changes in a building location or in the landscape plan) may be approved over the signature of the Director of Public Safety and Service. Major changes in the approved site plan (such as revised density or alterations in common open space areas) must be approved by the Planning Commission.

D. Addition to Planned Unit Development

Any area of land contiguous to a planned unit development may be added thereto and shall be subject to all procedural and substantive regulations applicable to planned unit development. The gross density in a planned unit development, including additions, shall not exceed the maximum density established for the original planned unit development

Chapter 1109: Cluster Divisions

1109.01	Purpose	1109.05	Minimum Lot Area
1109.02	Land Areas	1109.06	Lot Width, Coverage and Yard Requirements
1109.03	Permitted Dwelling Types	1109.07	Cluster Subdivision Approval
1109.04	Density		

1109.01 Purpose

The purpose of the cluster subdivision is to permit residential development on land with unique natural features so that by clustering the residential development, the remaining land on the project site may be developed as common open space, as preserved natural areas and/or for recreation. It is the intent of the City to have such developments designed so that scenic vistas are enhanced and walkways and streets built to conform to the site's unique contours and features.

- A. In each residential district, lot width, lot coverage and yard requirements may be modified on individual lots or building sites to reflect a group of two or more dwellings designed and developed as a unit coordinated with surrounding areas. Density and usage shall comply with the following zoning requirements:

R-1	3.9 dwelling units per acre
R-2	4.4 dwelling units per acre for single family 5.8 dwelling units per acre for two family
R-4	4.8 dwelling units per acre for single family 11.6 dwelling units per acre for two family 17.4 dwelling units per acre for multifamily

- B. This grouping of single-family, two-family or multi-family dwellings as permitted by the given zoning district shall be allowed if the difference between the lot area requirements of the district and the areas of the lots created is designated as common open space by covenants to be permanently in effect. Common open space shall be preserved and maintained for its scenic value, for recreation or conservation purposes, or related uses. Common open space shall be made available for the use of all residents of the cluster subdivision unless the Planning Commission finds that the size, location, type of development or maintenance of such common open space would make use of such space undesirable or unnecessary.
- C. Cluster subdivisions are conditional uses in R-1, R-2, and R-4 residential districts. A cluster subdivision plan shall be prepared and reviewed in accordance with Section 1116.07: Conditional Zoning Certificates. If after conditional use approval of a cluster subdivision plan, the preliminary or final plat is not approved by the Planning Commission, conditional use approval is also revoked.

1109.02 Land Areas

The minimum land area required for a cluster subdivision shall be at least two acres.

1109.03 Permitted Dwelling Types

A. In R-1 Districts:

1. Single-family detached dwellings including zero lot line lay-outs. See Diagram A.

B. In R-2 Districts:

1. Attached and detached single-family and detached two-family dwellings.
2. Attached single-family dwellings shall be comprised of not more than two single-family dwelling units.

C. In R-4 Districts:

1. Single-family, two-family and multi-family detached and attached units.
2. All attached dwellings shall not be comprised of more than eight dwelling units.
3. Attached dwellings comprised of more than two dwelling units shall be designed and constructed so that building lines and elevations of each of the units are staggered.

D. Detached dwellings shall not include those single family, two family or multi-family buildings which touch or abut one another at a corner or at any other point(s). See Diagram A.

1109.04 Density

Density and usage shall comply with the given requirements of the zoning district in which the cluster subdivision is proposed to be located. Maximum density shall be calculated as follows:

- A. For cluster developments proposed to contain all public dedicated streets, density shall be calculated on the total land area, excluding that portion of land to be reserved for right of way.
- B. For cluster developments proposed to contain either all private streets or a mixture of private and public dedicated streets, density shall be calculated on only 85 percent of the total land area; 15 percent of the land area to be deducted for right of way.

1109.05 Minimum Lot Area

- A. The minimum size of a lot of record within a cluster subdivision may be reduced to not less than 5,000 square feet per unit in an R-1 district, 4,000 square feet in an R-2 district and not less than 2,000 square feet per unit in an R-4 district.
- B. No development of land under this cluster subdivision section shall be approved unless the land is subdivided into lots with each single-family, two-family, or multi-family structure having a separate lot described on a subdivision plat.

1109.06 Lot Width, Coverage and Yard Requirements

Although modification and variation of lot width, lot coverage and yard requirements may be permitted by the Planning Commission, in no case shall any lot have less than twenty-five (25) feet of frontage on a public or private street except for common open space lots which are not required to have any frontage on a public or private street, but must provide for pedestrian easements of access to them. Such modification and variation must be shown on any cluster subdivision plan.

1109.07 Cluster Subdivision Approval

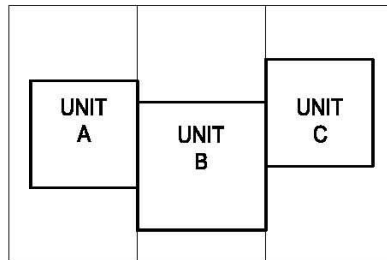
- A. A cluster subdivision shall not be approved unless evidence is presented which establishes the following:
1. That the proposed building or use complies with all applicable regulations of the Zoning Code and Subdivision Regulations. Compliance with Section 1116.07: Conditional Zoning Certificates, is required.
 2. That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare.
 3. That the proposed cluster development will be constructed, arranged and operated so as not to interfere with the development and use of neighboring property, in accordance with the applicable district regulations.
 4. That the proposed cluster development will be served adequately by spaces, police and fire protection, drainage structures, refuse disposal, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services. Each cluster subdivision is required to meet the required densities either with lot size or with common open area. Such common open area shall have a recorded agreement specifying preservation of the open space, and responsibility for maintenance and other related costs.
 5. That the proposed cluster development will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance.
- B. In acting on a proposed cluster subdivision plan, the Planning Commission shall give particular consideration to the following criteria:
1. That individual lots, buildings, streets and parking areas will be designed and situated to minimize alteration of the natural site features to be preserved, such as but not limited to, ravines, stream beds, lakes, significant stands of trees, individual trees of significant size, and rock outcroppings.
 2. That usability of common open space intended for a recreation or public use will be determined by the size, shape, topographic, and location requirements of the particular purpose proposed for the site. Usability of the common open space shall be determined prior to plan approval by the Planning Commission. The common open space shall not consist of more than 50 percent storm water detention areas.

3. That common open space will include irreplaceable natural features located in the tract, such as but not limited to, ravines, stream beds, lakes, significant stands of trees, individual trees of significant size, and rock outcroppings.
4. That common open space intended for a recreation or public use will be easily accessible to pedestrians, which accessibility shall meet the needs of the disabled and elderly. Sidewalks are required along public or private roadways and shall connect to public sidewalks.
5. Cluster subdivisions are not applicable to previously platted subdivisions and are encouraged for sites where natural features and unique site conditions present opportunities to create more innovated development.

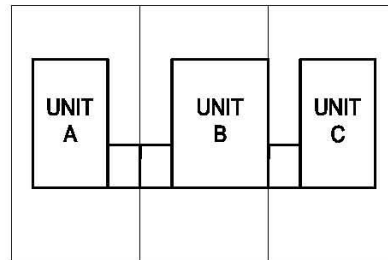
DIAGRAM A

1. ATTACHED DWELLINGS

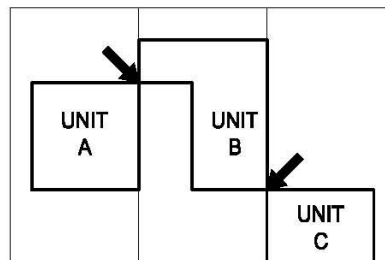
ATTACHED COMMON PARTY WALLS



ATTACHED BY GARAGE, ETC.

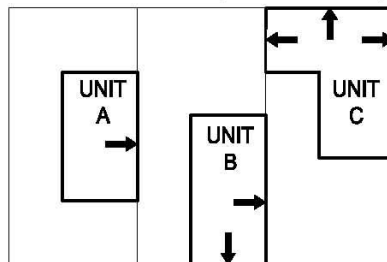


ATTACHED CORNERS TOUCHING

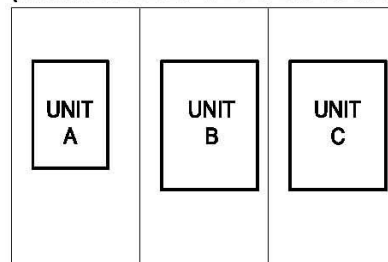


2. DETACHED DWELLINGS

TOTALLY DETACHED (ZERO LOT LINE)



TOTALLY DETACHED (SURROUNDED BY YARDS ON ALL SIDES)



Chapter 1110: Adult Entertainment Businesses

1110.01	Purpose, Intent and Findings	1110.05	Severability
1110.02	Classification	1110.06	Conditionally Permitted Use
1110.03	Location of Adult Entertainment Business	1110.07	Conflicting Ordinances Repealed
1110.04	Injunction/Penalty	1110.08	Application Procedure
		1110.09	Definitions

1110.01 Purpose, Intent and Findings

A. Purpose and Intent

It is the purpose and intent of this Zoning Code to regulate adult entertainment businesses in order to promote the health, safety, morals, and general welfare of the citizens of Orrville. The City has determined that permitting adult entertainment uses as defined in this Chapter near the vicinity of residential, park/recreational areas, institutional and non-adult oriented retail uses would have a detrimental effect on such adjacent uses. Further, it has been demonstrated that adult entertainment uses, as defined in this ordinance, have been known to cause undesirable secondary effects on residential, recreational and institutional uses, particularly those where children are present, as well as adjacent non-adult retail uses. Therefore, in order to prevent potential detrimental effects on the City's retail and industrial areas; and to avoid potential harmful impacts on residential and institutional areas particularly those where children are present, and thereby protecting the public health, safety, and welfare, adult entertainment uses, as defined in this Chapter, as conditional uses. The provisions of this Chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult entertainment to their intended market. Neither is it the intent nor effect of this Chapter to condone or legitimize the distribution of obscene material.

B. Findings

The City has received evidence concerning the adverse secondary effects of adult uses on the community in findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), and *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), and on studies in other communities including, but not limited to Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and also on findings from the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota).

1110.02 Classification

Adult entertainment businesses are classified as follows:

- A. Adult arcades
- B. Adult bookstores, adult novelty stores, or adult video stores
- C. Adult cabarets
- D. Adult motels
- E. Adult motion picture theaters
- F. Adult theaters
- G. Escort agencies
- H. Nude model studios, and
- I. Sexual encounter centers

1110.03 Location of Adult Entertainment Business

- A. Adult entertainment businesses are conditional uses in the C-3, I-1, and I-2 districts as shown in the Use Table of Section 1104.02.
- B. An adult entertainment business cannot be located or operated within 1,000 feet of:
 - 1. A church, synagogue, mosque, temple or building which is used primarily for religious assembly/worship and related religious activities;
 - 2. A public or private educational facility, including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
 - 3. A boundary of a residential district as defined in this Zoning Code.
 - 4. A public park or recreational area which has been designated for park or recreational activities, including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the city which is under the control, operation, or management of the city park and recreation authorities;
 - 5. The property line of a lot devoted to a residential use;
 - 6. An entertainment business which is oriented primarily towards children or family entertainment; or
 - 7. A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the State.

- C. An adult entertainment business cannot be within 1,000 feet of another adult entertainment business.
- D. The operation, establishment, or maintenance of more than one (1) adult entertainment business in the same building, structure, or portion thereof, or the increase of floor area of any adult entertainment business in any building, structure, or portion thereof containing another adult entertainment business is prohibited.
- E. For the purpose of Subsection B of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where an adult entertainment business is conducted, to the nearest property line of the premises of a use listed in Subsection B. Presence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.
- F. For purposes of Subsection C of this Section, the distance between any two adult entertainment businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
- G. Any adult entertainment business lawfully operating on the date of passage of this Chapter that is in violation of Subsection A through F of this Section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed one (1) year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two or more adult entertainment businesses are within 1,000 feet of one another and otherwise in a permissible location, the adult entertainment business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is/are nonconforming.
- H. No advertisements, displays, or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited so as to be visible to the public from sidewalks or walkways, or from other areas public or semi-public.
- I. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.
- J. All building openings, entries, windows, etc. for adult entertainment uses shall be located, covered, or serviced in such a manner as to prevent view into the interior from any public or semi-public area, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.

1110.04 Injunction/Penalty

A person who operates or causes to be operated an adult entertainment business without a valid license or in violation this Chapter is subject to a suit for injunction, as well as

prosecution for criminal violations. Such violations shall be punishable by a fine of \$250 or thirty (30) days imprisonment. Each day an adult entertainment business so operates is a separate offense or violation.

1110.05 Severability

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

1110.06 Conditionally Permitted Use

Adult entertainment businesses are conditional uses in the C-3, I-1, and I-2 zoning districts subject to the provisions of this Chapter. Adult entertainment businesses are not permitted in residential, C-1, C-2 and CBDD districts.

1110.07 Conflicting Ordinances Repealed

All ordinances or parts of ordinances in conflict with the provisions of this Chapter are hereby repealed.

1110.08 Application Procedure

Application procedures for Adult Entertainment Uses shall follow the provisions in Section 1116.06: Site Plan Review, and Section 1116.07: Conditional Zoning Certificates.

1110.09 Definitions

For Purposes of this Chapter, the words and phrases defined in this Section hereunder shall have the meanings therein respectively ascribed to them unless a different meaning is clearly indicated by the context.

- A. Adult Arcade means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
- B. Adult Bookstore, Adult Novelty Store, or Adult Video Store
 - 1. Adult Bookstore, Adult Novelty Store, or Adult Video Store means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - a. Books, magazines, periodicals or other printed matter, or photographs, films motion pictures, video cassettes or video reproductions, slides, or other visual

representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

- b. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."
 2. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- C. Adult Cabaret means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
1. Persons who appear in a state of nudity or semi-nude; or
 2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
 3. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- D. Adult Entertainment Business means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
- E. Adult Motel means a hotel, motel or similar commercial establishment which:
1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
 2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- F. Adult Motion Picture Theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

- G. Adult Theater means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- H. Employee means a person who performs any service on the premises of an adult entertainment business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.
- I. Escort means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- J. Escort Agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- K. Establishment means and includes any of the following:
1. The opening or commencement of any adult entertainment business as a new business;
 2. The conversion of an existing business, whether or not an adult entertainment business, to any adult entertainment business;
 3. The additions of any adult entertainment business to any other existing adult entertainment business; or
 4. The relocation of any adult entertainment business.
- L. Licensee means a person in whose name a license to operate an adult entertainment business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in an adult entertainment business.
- M. Nude Model Studio means any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Ohio or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:
1. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and

2. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
 3. Where no more than one nude or semi-nude model is on the premises at any one time.
- N. Nudity or a State of Nudity means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.
- O. Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- P. Semi-Nude or a Semi-Nude Condition means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.
- Q. Sexual Encounter Center means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- R. Sexually Oriented Business means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
- S. Specified Anatomical Areas means:
1. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 2. Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.
- T. Specified Criminal Activity means any of the following offenses:
1. Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or counties;
 2. For which:

- a. Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
- b. Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
- c. Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or a combination of misdemeanor offenses occurring within any 24-month period.
- d. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

U. Specified Sexual Activities means any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
3. Excretory functions as part of or in connection with any of the activities set forth in (1) and (2) above.

V. Substantial Enlargement of an adult entertainment business means the increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on the date this zoning code takes effect.

W. Transfer of Ownership or Control of an adult entertainment business means and includes any of the following:

1. The sale, lease, or sublease of the business;
2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
3. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control

Chapter 1111: Environmental Protection

1111.01	Purpose	1111.08	Storm Water Pollution Prevention Plan
1111.02	Compliance with Regulations		
1111.03	Discharges to Air, Water and Land	1111.09	Potable Water and Sewage Disposal
1111.04	Wetland Regulations	1111.10	Outdoor Lighting
1111.05	Compliance with Flood Damage Prevention	1111.11	Noise
1111.06	Riparian Corridor Setback (reserved)	1111.12	Vibration
1111.07	Grading and Drainage	1111.13	Glare and Heat

1111.01 Purpose

The purpose of this Chapter is to promote a healthy environment in the City of Orrville as it relates to the City's natural resources; sensitive ecosystems; the integrity of the City's land, water, and air; the quality of the City's visual environment, including the management of outdoor lighting and its impact upon traffic safety, adjacent land uses; and the provision of adequate sewage disposal and potable water.

1111.02 Compliance with Regulations

Provisions of this Chapter apply to all structures and uses unless otherwise noted.

1111.03 Discharges to Air, Water and Land

- A. No dust, fumes, or noxious, odorous matter shall be discernible at or beyond the property line. Any atmospheric discharge requiring a permit from the Ohio Environmental Protection Agency, Division of Air Pollution Control (DAPC) or federal government shall have said permit(s) as a condition of approval for any use in industrial districts. The escape of or emission of any gas which is injurious or destructive or explosive is prohibited.
- B. It shall be unlawful to discharge at any point any materials in such a way or of such nature or temperature as can contaminate any surface waters, land or aquifers, or otherwise cause the emission of dangerous or objectionable elements, except in accord with standards approved by the Ohio Environmental Protection Agency.

1111.04 Wetland Regulations

Wetlands that are required to be retained by the Army Corps of Engineers or the Ohio Environmental Protection Agency (OEPA) shall be protected by the following:

- A. A buffer area shall be established having a minimum width of twenty (20) feet measured from the edge of the designated wetland. The area within this buffer shall not be disturbed and shall be retained in its natural state. During construction, this buffer shall be fenced off to prevent disturbance of this required buffer area.

- B. All buildings and pavement shall be set back a minimum of thirty-five (35) feet from the edge of the designated wetland.
- C. A mitigation plan to replace wetlands disturbed or destroyed by a land use, or to otherwise lessen the impact of a new land use upon wetlands acceptable to the City and regulatory agencies

1111.05 Compliance with Flood Damage Prevention

Flood protection standards shall be as provided in Chapter 1303 “Flood Damage Prevention” of the City’s Municipal Code. The uses permitted within flood prone areas shall be as provided in Chapter 1303. The requirements of Chapter 1303 of the municipal code shall be enforced as “overlay” regulations, which impose additional development restrictions on properties located in flood prone areas, beyond the restrictions normally placed upon such properties by this Zoning Code.

1111.06 Riparian Corridor Setback (*reserved*)

1111.07 Grading and Drainage

In order to protect soil resources, adjacent properties, public roads, and public watercourses, and to provide for adequate drainage of surface water, the following rules shall apply to all construction activities requiring permits pursuant to this Zoning Code.

- A. Grading and surface drainage provisions shall be designed to minimize adverse effects on abutting properties, streams, and public streets, during as well as after construction, to minimize the possibility of erosion.
- B. No open drainage channels are allowed in the City of Orrville.
- C. The Planning Commission may require that such grading plans be reviewed by Engineering or the U.S. Soil Conservation Service with any costs borne by the developer.
- D. The costs of any unusual means necessary to alleviate surface drainage problems on adjacent property due to development shall be borne by the developer of the property causing the problem.

1111.08 Storm Water Pollution Prevention Plan

The objectives and requirements for a Storm Water Pollution Prevention Plan are found in the City of Orrville Storm Water Management Manual.

1111.09 Potable Water and Sewage Disposal

No building permit or zoning certificate shall be issued without evidence of sanitary sewer and water tap permits from the Department of Public Utilities of the City of Orrville. Any exception must be approved by the Public Utilities Board and the Wayne County Health Department.

1111.10 Outdoor Lighting

A. Purpose

The purpose of this Section is to regulate outdoor lighting in order to reduce or prevent light pollution and to minimize lighting impacts on surrounding properties. This means to the extent reasonably possible the reduction or prevention of glare and light trespass, and promotion of safety and security.

B. Applicability

1. The regulations of this Section shall apply to all lighting that illuminates the exterior of a building, structure, open space, parking and loading areas, or other features of a lot for all uses except single-family and two-family dwellings.
2. Photometric lighting plans shall be submitted for review with all applications for site plan review.
3. Lighting required by the federal or state law shall be exempted from the standards of this Section.

C. Screening adjacent to Residential districts

1. A wall, fence, or berm, at least six (6) feet in height shall be erected to prevent headlight glare from commercial, industrial, or other non-residential and uses from shining onto adjacent residential property. See also Section 1113.06: Type "A" Landscape Buffer Area between Land Uses, Section 1112.07: Type "B" Landscape Buffer Area between Land Uses, and Section 1112.08: Type "C" Landscape Buffer Area for Specific Uses.
2. No wall/fence shall in any way impair safe vertical or horizontal sight distance for any moving vehicles. See Section 1112.21: Traffic Visibility.

D. Glare Reduction

Outdoor lighting used to light the general area of a specific site or for external illumination of buildings or structures, shall be shielded and arranged to reduce glare and to reflect light away from all adjacent and neighboring persons, property or public roads and highways, and so as to not interfere with the vision of such persons or adjacent property.

E. Canopy Shielding

Any canopy structure used at a business location (i.e. for uses such as gasoline stations, service stations, and drive-through facilities) must have recessed ceiling fixtures which do not extend below the surface of the canopy.

F. Maximum Light Level Adjacent to Residential

Light originating on a site shall not trespass beyond the site to exceed one (1) foot-candle power of light six (6) feet above the ground when adjacent to a residential district.

G. Measurement

Light levels shall be measured in foot-candles with a direct reading, portable light meter. Measurements shall be taken at the property line along a horizontal plane at a height of 5 feet above ground.

H. Exceptions

1. Outdoor recreation fields, amusement areas or performance areas provided the lighting is designed with baffling and glare guards to assure that no more than one foot candle power of light shall cross a lot line five (5) feet above the ground in a residential district, and such lighting is turned off during hours the facility is closed to the public.
2. Lighting associated with an approved sign.

I. Lighting Prohibitions

No open light sources, such as the stringing of light bulbs, shall be permitted.

J. Definitions

Foot-candle shall mean a unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) standard candle.

1111.11 Noise

A. Purpose

Development or use of land in the City of Orrville should not produce disruptive or objectionable noise on a regular or periodic basis.

B. Standards:

1. Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume.
2. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity regulated by this Zoning Code shall be established by the time period and type of land use district listed below. Sound pressure levels shall be measured at all major lot lines, at a height of at least four (4) feet above the ground surface.
3. Sound from any source controlled by this Zoning Code shall not exceed the following limits at the property line of said source.
 - a. Where the emitting and receiving premises are in different zones, the limits governing the stricter zone shall apply to any regulated noise entering that zone.
 - b. The levels specified below may be exceeded by 10 dB(A) for a single period, no longer than 15 minutes in any one day.

Use Occupancy Category	Time	Sound Level Limit dB(A)
Residential	7 a.m. – 10 p.m.	50
	10 p.m. – 6 a.m.	45
Commercial, Business, Institutional	7 a.m. – 10 p.m.	55
	10 p.m. – 6 a.m.	65
Manufacturing, Industrial, Agricultural	At all times	75

C. Measurement

Sound pressure levels shall be measured using a sound level meter at a height of at least four (4) feet above the ground surface from a lot line or right-of-way line.

D. Exclusions

This Section shall not apply to agricultural operations utilizing equipment with normal silencing devices, home lawn maintenance machines and snow blowers that meet their respective product requirements, the emission of sound for the purposes of alerting persons of an emergency or emergency vehicle, construction or demolition activity, and the emission of sound in the performance of emergency work.

E. Definitions

A-weighted sound level. The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A).

1111.12 Vibration

Operating any devices that creates vibration which is above the vibration perception threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this Section, vibration perception threshold means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation or moving objects.

1111.13 Glare and Heat

Any operation which produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an operation, it shall be so insulated as to not raise the temperature at any property line at any time.

Chapter 1112: Parking and Access

1112.01	Purpose	1112.14	Sidewalks
1112.02	Applicability	1112.15	Off-Street Parking Area Location and Access Points
1112.03	Parking Plan Required	1112.16	Design Standards for Off-Street Parking Areas
1112.04	No Reduction Below Minimums	1112.17	Alternative Parking Options
1112.05	Effect on Nonconforming Status	1112.18	Loading and Unloading Facilities
1112.06	Number of Spaces Required	1112.19	Inoperative or Unlicensed Vehicle on Private Property
1112.07	Off-Street Parking Schedule	1112.20	Parking of Commercial Vehicles in Residential Districts
1112.08	Rules for Computation	1112.21	Traffic Visibility
1112.09	Central Business Development District (CBDD)	1112.22	Traffic Access Management
1112.10	Parking Required for the Physically Disabled	1112.23	Traffic Impact Analysis
1112.11	Drive-Through Facility (stacking)		
1112.12	Illumination of Parking Areas		
1112.13	Landscaping of Parking Area		

1112.01 Purpose

The purpose of this Chapter is to: ensure that uses have a minimum level of off-street parking to avoid congestion on surrounding streets; promote greater safety of passage between highway and land; minimize the detrimental effects of off-street parking areas on adjacent properties; and establish provisions for loading and access control.

1112.02 Applicability

A. New Uses

The parking, loading, and access control requirements of this Chapter shall apply to a site plan review or zoning certificate application for the construction of a new building or use in any district.

B. Expanded Uses

The parking, loading and access standards of this Chapter apply when an existing structure or use is expanded or enlarged, whether through the addition of dwelling units, floor area, seating capacity, employees or other units of measurement used for establishing off-street parking and loading requirements. Additional off-street parking and loading spaces to meet minimum ratios are required only to serve the enlarged or expanded area, not the entire building or use.

1112.03 Parking Plan Required

A. Plans for all parking facilities shall be submitted to the Planning Commission for review and a determination of compliance with the provisions of this Zoning Code and other pertinent ordinances of the City.

Chapter 1112: Parking and Access

- B. A separate parking plan is not required if the parking plan is being submitted as part of a site plan, in accordance with Section 1116.06: Site Plan Review.

1112.04 No Reduction Below Minimums

The number of parking and loading spaces existing on a site may not be reduced below the minimum requirements of this Chapter.

1112.05 Effect on Nonconforming Status

- A. When a nonconforming use is changed into a permitted use or a conditionally permitted use and there is no new building or addition to a building made, then no additional parking need be required if the permitted use or conditionally permitted use will not create the need for more parking space than the pre-existing nonconforming use, if approved by the Planning Commission.
- B. A building or use that was legally established is not deemed nonconforming solely as a result of providing fewer than the minimum number of off-street parking specified in this Chapter.

1112.06 Number of Spaces Required

Off-Street parking spaces must be provided in accordance with the minimum ratios of Section 1112.07: Off-Street Parking Schedule. In lieu of complying with the minimum standards of the Off-Street Parking Schedule, an applicant may request approval of an alternative option, pursuant to Sec. 1112.17: Alternative Parking Options.

1112.07 Off-Street Parking Schedule

Use Category	Minimum Number of Parking Spaces Required
Residential	
One, Two, and Multiple Family Dwellings	2 per dwelling unit [1]
Rooming, Lodging, Boarding House	1 per rented room plus 1 per resident family
Hotel, Motel, Bed & Breakfast	1 per rental unit plus 1 for each employee
Manufactured Home	2 per dwelling unit
Independent Senior Housing	1 per 2 Dwelling Units; See Sec. 1112.17(D)
Community Facilities and Institutions	
Art Galleries, Libraries and Museums	1 per 1,000 sf of gross floor area
Auditoriums, Gymnasiums, Religious Assembly (excluding Schools)	1 per 3 seats of area for public assembly
Elementary, Middle and High Schools	Parking shall meet needs of proposed uses [2]
Day care	1.5 per employee
Health facilities, general and special use Hospitals	1 per 4 bed
Senior Care Facilities	1 per 4 beds
Funeral Home and Mortuary	20 spaces or 1 space per 200 sf of gross floor area, whichever is greater
Recreation: Community & Commercial	

Chapter 1112: Parking and Access

Use Category	Minimum Number of Parking Spaces Required
Sports and recreation facility, Lodge hall, Civic Assembly	1 per 250 sf of gross floor area
Tennis courts	Indoor- 1 per 150 sf; Outdoor- 1 per 500 sf of activity area
Bowling alleys	1 per 50 sf of gross floor area
Indoor theaters	1 per 50 sf of gross floor area
Businesses and Offices	
Medical and Dental, Financial Institutions	1 per 200 sf of gross floor area See Sec. 1112.11 for drive through stacking requirements
Other types	1 per 300 sf of gross floor area
Retail Stores and Services	
Less than 10,000 sf per unit	1 per 300 sf of gross floor area, but not less than 6 spaces
10,000 sf or more	1 per 350 sf of gross floor area
Convenience Store	1 per 75 sf of gross floor area
Eating/Drinking Establishments	1 per 75 sf of gross floor area plus 1 per 3 employees
Car Wash	7 waiting vehicles, See Sec. 1112.11
Shopping Centers	
More than 4 uses but less than 400,000 sf	1 per 350 sf of gross floor area
More than 400,000 sf	1 per 375 sf of gross floor area
Manufacturing, Warehousing, Distribution	
Manufacturing	1 space for every 1.5 employees on largest working shift plus 1 space for every company-owned car, truck or other vehicle
Warehousing & Distribution	2 per each employee on largest working shift
Mini-Warehouses and Self-storage	4 plus 1 for each 50 units
Other Use Types	
Airport Hangar	To be determined by a traffic impact analysis
Drive-Through Facility (stacking)	8 waiting vehicles, see Sec. 1112.11
Central Business Development District (CBDD)	See Sec. 1112.09

Table Notes:

- [1] All single-family and two-family dwelling units shall have one or more enclosed garage spaces per dwelling unit.
- [2] No Parking, loading or servicing shall take place on the street right-of-way or landscaped areas

1112.08 Rules for Computation

A. On-Street Parking

On-street Parking spaces shall not be counted toward off-street parking spaces requirements except as may otherwise be provided in this Zoning Code.

B. Driveway Space Meeting Parking Requirements

Entrances, exits, or driveways shall not be computed as any part of a required parking lot or area, except in the case of single-family or two-family dwellings where driveways may be used in calculating the amount of off-street parking.

C. Fractions

When a measurement of the number of required spaces results in a fractional number, any fraction must be rounded to the next highest whole number.

D. Unlisted Uses

Upon receiving an application for a use not specifically listed in the off-street parking schedule above, the Planning Commission shall apply the parking standard specified for the listed use that is deemed most similar to the proposed use in regards to use, size and intensity of use.

E. Parking for Single and Mixed Uses

1. A building or group of buildings occupied by two to four different uses or activities operating normally during the same hours shall provide spaces for not less than the sum of the spaces required for each use.
2. A unit development of five or more retail stores and services, such as shopping centers, shall provide spaces for the total area of the building or buildings, as set forth in the schedule instead of the total requirements based on separate uses.
3. Whenever a group of adjoining commercial sites have been developed and are owned separately, the Planning Commission may find it to be in the public interest to encourage the coordination of the circulation system by agreements covering shared parking facilities, including coordination and unification of ingress and egress driveways.

1112.09 Central Business Development District (CBDD)

Parking requirements may be waived by the Planning Commission for Central Business Development District (CBDD) uses, provided adequate public parking is available nearby. This Section does not preclude the establishment of a Parking District, if necessary.

1112.10 Parking Required for the Physically Disabled

Applicants shall provide parking spaces for the physically disabled as required by the Ohio Building Code and shall include all necessary markings, striping, and signage.

1112.11 Drive-Through Facility (stacking)

Drive-through facilities which provide services to customers waiting in their car, such as fast food pick-up windows and drive-in bank windows, shall provide stacking area for 8 waiting vehicles in order to ensure that waiting vehicles shall not extend into a public right-of-way. Car washes shall provide stacking area for 7 waiting vehicles. The Planning Commission may increase the required stacking area for uses which shall require additional vehicle stacking space.

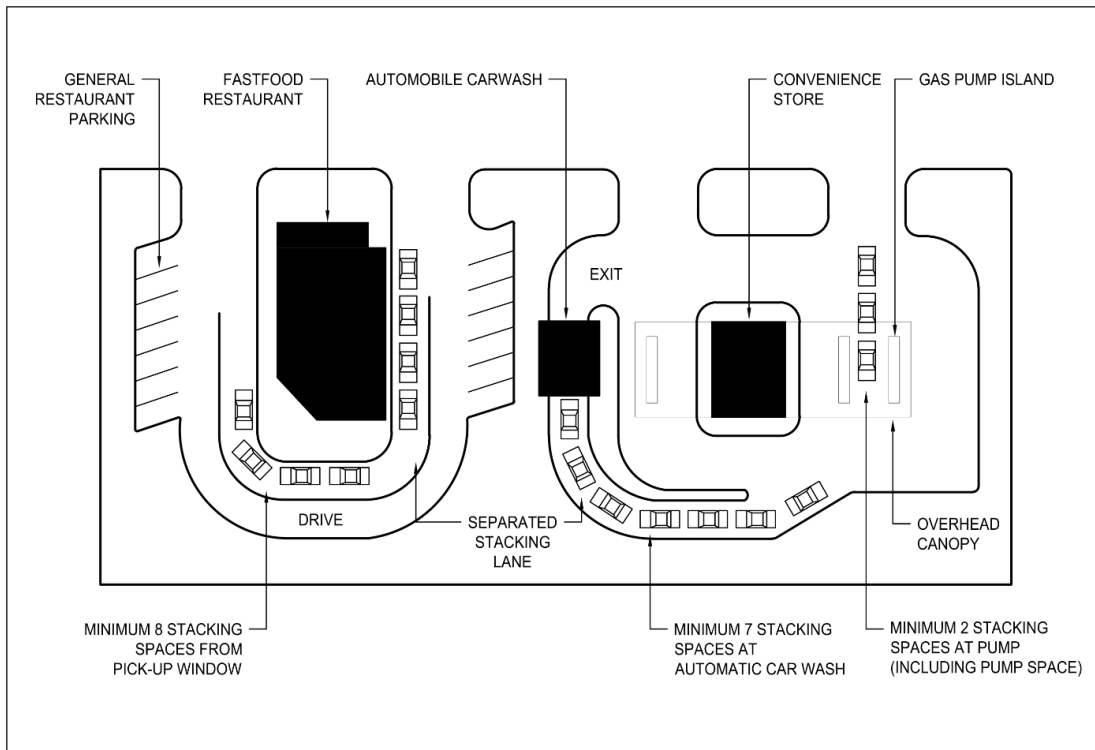


ILLUSTRATION OF STACKING SPACES

1112.12 Illumination of Parking Areas

Lighting within off-street parking areas shall be regulated pursuant to Section 1111.10: Outdoor Lighting.

1112.13 Landscaping of Parking Area

Landscaping and screening for off-street parking areas shall be regulated pursuant to Chapter 1113: Landscape and Screening.

1112.14 Sidewalks

In areas where sidewalks do not now exist along dedicated streets, the owner shall be required to construct the sidewalk prior to an occupancy permit being issued. If the lot is within a subdivision where a sidewalk bond has been posted as per Orrville Subdivision Code Section 1161.11, then the sidewalks are not required until the time provided for in

Section 1161.11. Industrial lots may be exempt from compliance with this provision with Planning Commission approval.

1112.15 Off-Street Parking Area Location and Access Points

A. Location

1. Parking spaces required for dwelling units shall be located on the same lot as the dwelling unit.
2. Parking spaces required for purposes other than dwelling units shall be located within 500 feet of the use measured along lines of public access to the property.

B. Width of Access Points

1. For residential uses, access point width shall be as specified in the City of Orrville Engineering Construction Standards for Residential Drive Approach Details.
2. For all other uses, access point widths shall be as specified in the City of Orrville Engineering Construction Standards for Commercial and Industrial Drive Approach Details.
3. The Planning Commission may modify (enlarge or reduce) the width to provide for a more efficient and safe channelization and/or flow of traffic during the site plan review process.

C. Access Proximity to an Intersection

1. Non-residential driveway ingress and egress points shall be located at least fifty (50) feet from the right-of-way line of the nearest intersecting street.
2. Development in the CBD District shall be exempt from this requirement.
3. For driveway proximity to an intersection on an arterial or collector street, see Section 1112.22: Traffic Access Management.

D. Alignment and Separation of Driveways

1. To reduce left-turn conflicts, driveway ingress and egress points shall be aligned with those across the street. If alignment is not possible, driveways should be offset at least 150 feet.
2. The offset shall be measured from edge of pavement to edge of pavement between the two closest edges of the driveways.
3. Development in the CBD District and single-family and two-family residential uses shall be exempt from this provision.

1112.16 Design Standards for Off-Street Parking Areas

A. Parking Space Size

Each off-street parking space shall have an area of not less than 180 square feet, exclusive of access drives or aisles, and shall be of useable shape and condition, and a minimum width of nine and a half (9.5) feet.

B. Internal Access and Maneuverability

1. There shall be adequate provision for ingress and egress to all parking spaces. Where a lot abuts on a public or private alley or easement of access, an access drive with a width as specified in the Aisle Dimensions Table below.
2. Aisle Dimensions shall be provided leading to the parking or storage areas, or to the loading or unloading spaces required in Section 1112.18: Loading and Unloading Facilities. In the case of residential dwellings, an access drive of no less than eight feet in width shall be provided.
3. All parking spaces shall be entered and exited along parking aisles with dimensions as specified in the Aisle Dimensions Table, and arranged perpendicular to access drives wherever possible.

Aisle Dimensions Table			
Parking Angle	Aisle Width		Width of Access Drive
	One-Way	Two-Way	
0°	12 feet	18 feet	20 feet
45°	13 feet	20 feet	20 feet
60°	18 feet	22 feet	20 feet
90°	22 feet	24 feet	20 feet

C. Surface

Off-street parking areas shall be improved with bituminous, concrete, or equivalent surfacing, and so graded and drained as to dispose of all surface water accumulation within the parking area.

D. Continuous Curbing

1. Continuous curbs of concrete, asphalt, stone or other similar material at least six inches high and six inches wide shall be provided for parking spaces located adjacent to fences, walls, property lines, landscaped areas, and structures, unless the elimination of this curbing is required to adhere to storm water management requirements. The Planning Commission may waive curbing for industrial uses.
2. Continuous curbs shall be located a minimum of four feet from any structures, buildings, or walls to prevent a vehicle from hitting any structure at the edge of a parking area.

3. Individual wheel stops may be provided in lieu of continuous curbing only when the parking is adjacent to a landscaped area, and the drainage is directed to the landscaped area.
4. Parked vehicles may overhang an interior landscaped area no more than two and a half (2.5) feet. Wheel stops or curbs shall be provided to ensure no greater overhang or penetration on the landscape area.

E. Screening

Screening of off-street parking areas shall be regulated pursuant to Chapter 1113: Landscape and Screening.

F. Lighting

Lighting of off-street parking areas shall be regulated pursuant to Section 1111.10: Outdoor Lighting.

1112.17 Alternative Parking Options

For all uses, except single-family and two-family dwellings, the number of parking spaces required in Section 1112.07: Off-Street Parking Schedule, may be modified according to the following provisions:

A. Uses with Variable Parking Demand Characteristics

Uses that reference Section 1112.07: Off-Street Parking Schedule, can have widely varying parking demand characteristics, making it difficult to establish a single off-street parking standard. Applicants that propose a use subject to this Section shall submit information with their application on the size of building, potential employment, proposed seating, applicable fire capacity information and similar information along with justification on how the proposed number and design of parking spaces is sufficient for the proposed use. The Planning Commission shall have the authority to review and make a decision on the proposed number of parking spaces based on the information submitted by the applicant and any estimates of parking demand based on recommendations of the American Planning Association (APA), the Urban Land Institute (ULI) and/or the Institute of Traffic Engineers (ITE).

B. Parking District

Commercial uses which are subject to a parking assessment or fee levied within a parking district, when established, shall be exempt from the requirements of this Chapter.

C. Shadow Parking

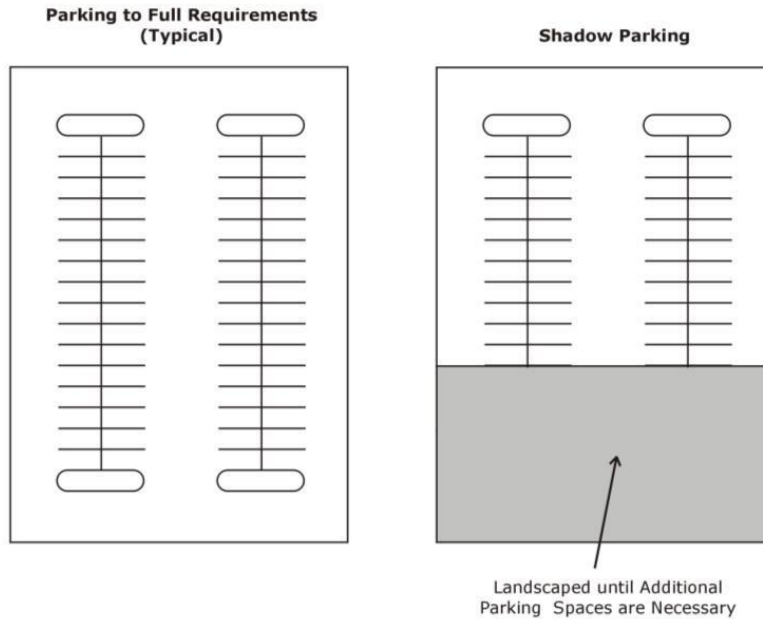
A portion of the required parking spaces may remain landscaped and unpaved or paved with porous pavement provided that the parking and unpaved areas comply with the following standards:

1. Where the Planning Commission is satisfied that the location, nature or uniqueness of the use makes shadow parking appropriate, fifty (50) percent of the required parking area may remain unimproved until such time as its use for parking is required.
2. The potential expansion area shall be landscaped.
3. The site plan shall indicate that the “shadow” parking spaces will be constructed according to this Zoning Code in the event that the Commission makes a finding, at any time, that all or any portion of this parking is necessary.
4. No portion of the expansion area shall be counted as open space or other non-paved areas required by other provisions of this Zoning Code.

D. Independent Senior Housing Shadow Parking

The Planning Commission may reduce the number of parking spaces required for senior citizen housing where the applicant demonstrates that fewer spaces shall be necessary.

1. When considering a reduction in the parking standard, the Commission shall review the available public transportation, retail and personal services within walking distance and community facilities within the building(s) to be used by nonresidents.
2. If the Commission permits a reduction in parking requirements, an area equal to the difference between one space per living unit and the number of spaces actually provided, shall be reserved on the site for expansion of the parking area if necessary, in the future.
3. The Commission may also increase the parking standard when significant numbers of nonresidents shall use community facilities within the building(s).
4. The potential expansion area shall be landscaped.
5. The site plan shall indicate that the “shadow” parking spaces will be constructed according to this Zoning Code in the event that the Commission makes a finding, at any time, that all or any portion of this parking is necessary.
6. No portion of the expansion area shall be counted as open space or other non-paved areas required by other provisions of this Zoning Code.
7. Illustration of Shadow Parking for Section 1112.17 Alternative Parking Options, Subsections D and E.



E. Joint Use

Institutions and places of amusement or religious assembly may make arrangements with business establishments which normally have different hours of operation for sharing up to, but not more than, fifty (50) percent of their requirements. The Planning Commission shall require evidence of an agreement covering shared facilities. Should a change in conditions cause a shortage in parking spaces, the required spaces shall be provided elsewhere as a condition precedent to the continued use of the building or use. The parking space must be within 500 feet as measured along lines of public access.

1112.18 Loading and Unloading Facilities

A. Number of Spaces Required

Off-street loading facilities shall be provided in accordance with the following schedule.

Type of Use/Floor Area	Loading Spaces Required
Retail sales establishments	
Under 5,000 square feet	None
5,001 to 20,000 square feet	1
20,001 to 40,000 square feet	2
40,001 to 100,000 square feet	3
Each additional 60,000 square feet	1
Offices and uses other than retail	
Under 25,000 square feet	None
25,001 to 100,000 square feet	1
100,000 to 200,000 square feet	2

Chapter 1112: Parking and Access

Type of Use/Floor Area	Loading Spaces Required
200,001 to 350,000 square feet	3
Each additional 60,000 square feet	1
Manufacturing and wholesale	
Under 5,000 square feet	None
5,001 – 30,000 square feet	1
30,001 – 80,000 square feet	2
80,001 –175,000 square feet.	3
Each additional 100,000 square feet	1

B. Size of Space

Each off-street loading and/or unloading space shall be at least fourteen (14) feet in width and at least sixty (60) feet in length, exclusive of aisle and maneuvering spaces and shall have a vertical clearance of at least fifteen (15) feet; provided, however, that when it is demonstrated that a particular loading and/or unloading space will be used by shorter trucks, the Planning Commission may reduce the minimum length to not less than thirty-five (35) feet.

C. Allocation of Use

Space required and allocated for any off-street loading shall not, while so allocated, be used to satisfy the space requirements for off-street parking. An off-street loading space shall not be used for repairing or servicing of motor vehicles and shall be available for its designated purpose when needed.

D. Location of Facility.

A loading space shall not be permitted in any required front, side or rear yard. Loading spaces may be located within any area between a building which it serves and a required yard.

E. Access Driveways.

Each required off-street loading space shall be designated for direct vehicular access by means of a driveway, or driveways, to a public street in a manner which shall least interfere with the movement of traffic.

F. Improvements

All accessory off-street loading spaces shall be improved as required for parking areas as set forth in this Chapter.

G. Landscape Screening

All loading and/or unloading areas including storage of parked trucks, shall be effectively screened on each side adjoining or fronting on any property situated in a residential zone as regulated by Chapter 1113: Landscape and Screening. Ground cover shrubs and trees shall be located and maintained so as to not interfere with vehicular and pedestrian traffic on the property or with sight distance clearance at entrances and exits.

1112.19 Inoperative or Unlicensed Vehicle on Private Property

Parking, storing, or permitting the parking or storing of an inoperative or unlicensed motor vehicle upon private property for more than fifteen (15) consecutive days is prohibited unless such motor vehicle is obscured from public view in a garage or other building.

1112.20 Parking of Commercial Vehicles in Residential Districts

- A. In residential zoning districts, any truck, commercial tractor, trailer, or semi-trailer rated by the manufacturer at one and one-half tons or more, may only be parked or stored on residential lots when within a fully enclosed building.
- B. The parking or outdoor storage of any truck, commercial tractor, trailer, or semi-trailer is prohibited in any right-of-way unless specifically authorized by the City of Orrville Codified Ordinances.

1112.21 Traffic Visibility

A. Along Street

No wall, fence or shrubbery shall be erected, maintained or planted on any lot which unreasonably obstructs or interferes with traffic visibility.

B. Clear View of Intersecting Streets

In all districts which require a front yard, no obstruction in excess of three (3) feet in height shall be placed on any corner lot within a triangular area formed by the street right-of-way lines and a line connecting points twenty-five (25) feet from the intersection of the street property lines of the projected point.

1112.22 Traffic Access Management

A. Applicability

These requirements shall apply to all arterial and collector type streets, as identified in the City's thoroughfare plan.

B. Review of Access Control

In reviewing site plans which involve the creation, or substantially increased utilization of, access points onto arterial and collector streets, the Planning Commission shall, after Director of Public Safety and Service review and recommendation, require the following:

1. Provision of Reserved Turning Lanes

At those access points where the Planning Commission determines that vehicles turning to and from the arterial and collector streets will have a substantially negative effect on the roadway capacity, reserved turn lanes shall be constructed by the developer.

2. Provision of Frontage Road

When deemed needed and feasible, after Administration review and recommendation, the Planning Commission, may require the construction of a frontage road. However, access to the arterial or collector streets via an intersecting street or a common driveway shall be investigated if such a design is not reasonable.

C. Location of Access Points

1. Arterial Streets

- a. Access points on arterial streets shall be spaced a minimum distance of 500 feet apart. Turning restrictions and/or reserved turn lanes may be required when determined necessary by the Planning Commission after review and recommendation from the Director of Public Safety and Service or a traffic impact analysis.
- b. One access point per existing tract will be permitted; however, if the spacing requirements for a direct access point onto an arterial street (as provided in Subsection 1112.22(C)(1)(a) above) cannot be met, then an access point may be located on a frontage road or on an intersecting local street, or share a common driveway that meets the spacing requirements. In order for the intersecting local street or frontage road to function properly, access onto them shall be located a minimum distance of 150 feet, measured from point of curb return to point of curb return, from the arterial street.
- c. Where the frontage of a tract is greater than 500 feet additional access points may be permitted. The type of turning movements permitted from such access points may be restricted by the Planning Commission in accordance with Subsection 1112.22(C)(1)(a) of this Section.
- d. If an existing tract of land has no means of access that would meet the requirements of this Section, one access point shall be provided.

2. Collector Streets

- a. On two lane roadways, one access point per existing tract will be allowed; however, if the frontage is greater than 400 feet, turning restrictions and/or reserved turn lanes may be required when determined necessary by the Planning Commission after review and recommendation from the Director of Public Safety and Service or a traffic impact analysis. An additional access point may be permitted. Furthermore, the minimum spacing between adjacent access points on this type of facility shall be 100 feet, measured from point of curb return to point of curb return, except in the case where the collector intersects another collector street or any arterial street, in which case such access points shall be spaced a minimum of 100 feet from the intersection, unless determined by the Planning Commission that a greater distance from the intersection shall be required based on traffic flow and usage.
- b. If a tract of land has no means of access that would meet the requirements of this Section, one access point shall be provided.

D. Exceptions to Access Point Requirements

The Planning Commission, upon the recommendation from the Director of Public Safety and Service, may modify or waive the requirements of this Section where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical.

E. Approval of Access Points Required

Plans for all access points and modifications thereto, (including plans to use existing access points where a change of use for any tract of land would generate more traffic than the previous use, thus producing an adverse effect on the adjacent roadway) shall be submitted to the Director of Public Safety and Service in a form and number as established by the department. A separate access plan will not be required if such access points are being located on plans, in conjunction with off-street parking or loading and/or unloading facilities, in accordance with this Chapter or as part of a site plan review.

1112.23 Traffic Impact Analysis

A. A traffic impact analysis is required for:

1. Any industrial or commercial development which proposes to take direct access to any collector or arterial road.
2. Any residential development which will exceed twenty (20) dwelling units.
3. Any use which will generate in excess of either 250 trips per acre per day or 100 trips per day.

B. The traffic impact analysis must include:

1. An estimate of the average daily number of automobile trips to and from the development when completed and fully occupied.
2. The Director of Public Safety and Service and/or Planning Commission may, where necessary, make changes in the on-site circulation plans and require off-street improvements when needed for pedestrian and automobile safety.
3. Off-street improvements necessitated by the development are to be made at the developer's expense.
4. When the Planning Commission and/or the Director of Public Safety and Service deems it necessary to cause special studies to be made, they may call upon the appropriate technical expertise and the applicant shall bear all direct and related costs.

Chapter 1113: Landscape and Screening

1113.01	Purpose	1113.08	Type "C" Additional Landscape Buffer for Specific Uses
1113.02	Applicability	1113.09	Landscaping for Parking Lots
1113.03	General Requirements for Submission	1113.10	CBDD Parking Lot Landscaping
1113.04	General Landscaping Standards	1113.11	Landscaping for Dumpsters and other Service Structures
1113.05	Street Frontage Landscape Buffer	1113.12	Landscape Plant Materials
1113.06	Type "A" Landscape Buffer Area between Land Uses	1113.13	Rounding of Fractions
1113.07	Type "B" Landscape Buffer Area between Land Uses	1113.14	Installation and Maintenance
		1113.15	Modifications
		1113.16	Definitions

1113.01 Purpose

The purpose of this Chapter is to support the desired community character along property adjoining public right of way; assure adequate buffering between incompatible uses; improve the appearance of off-street parking and other vehicular use areas; and protect and preserve the appearance, character, and value of the community.

1113.02 Applicability

A. Generally

1. A detailed landscape plan is required to be submitted as part of a site plan. See Section 1116.06: Site Plan Review.
2. A landscape plan may be required for a variance or conditional use application to illustrate any proposed landscaping and/or buffering that demonstrates compliance with the review criteria of the application procedure.

B. Expansion

When a building or parking lot is enlarged, the requirements of this Chapter apply on an incremental basis. This means that landscaping is required in the same proportion that the enlarged building area or off-street parking area has to the existing development (e.g., a 10 percent increase requires 10 percent of the required landscaping).

1113.03 General Requirements for Submission

A. Preparation by Qualified Professional

A licensed landscape architect, landscape designer, landscape contractor, horticulturalist or Ohio Certified Nursery Technician must prepare every landscape plan required by this Chapter.

- B. All landscape plans must include the following information:
1. Acceptable scale: 1"=10', 1"=20', 1"=30', or as approved.
 2. Vicinity map, zoning districts, north arrow, and dimensions.
 3. The name of applicant and plan preparer with contact information.
 4. Existing and proposed contours at intervals not to exceed two feet.
 5. Location of all existing and proposed buildings, structures, and fences.
 6. Location of all driveways, loading areas and adjacent off-site roads and streets, parking lots with parking lot area calculation, and number of parking spaces.
 7. Location of dumpster and service structures, including screening details.
 8. Location and spacing of all proposed plant material keyed to a plant schedule.
 9. Plant schedule with botanical and common names; quantity of each species to be planted and plant size (height, spread, caliper, or container size).
 10. Identification of grass and other proposed ground cover.
 11. Identification of existing trees and vegetative cover to be preserved.

1113.04 General Landscaping Standards

A. Visibility Obstruction

Landscaping shall be installed in locations such that when mature, it does not obscure traffic signs or lights nor obstruct access to fire hydrants nor interfere with adequate motorist sight distance or overhead utility lines. Landscaping shall be subject to the sight clearance requirements of Section 1112.21: Traffic Visibility.

B. Use of Existing Landscaping Material

Existing landscape material in healthy condition can be used to satisfy the requirements of this Chapter in whole or in part provided that the existing landscape material meets the minimum standards of this Section.

C. Irrigation

Landscaped areas shall be irrigated with a system that is suitable for the type of plantings installed.

D. Walls and fences used in landscaping

1. Where materials are not otherwise specified, walls and fences shall be constructed of weather-proof materials. This includes pressure treating or painting of lumber if fencing is not redwood or cedar.
2. Chain link fences with or without wooden or synthetic slat material shall not be allowed when used to satisfy the requirements of this Chapter.

3. Include all necessary construction fencing and wall details to illustrate compliance with this Chapter.
4. The finished side of fencing shall face abutting properties.

E. Natural Stormwater Management Areas

1. The creation of natural stormwater management areas (e.g., rain gardens and bioswales) may be used as a method of complying with the requirements of this Chapter.
2. Any natural stormwater management areas must be identified on the applicable landscape plan.

F. Mounds

Slopes on earth mounds shall be no greater than three to one with a generally flat crest. Earth mounds shall also vary in height and alignment with random plant material placements.

G. Artificial Plants

No artificial plant materials shall be used to satisfy the requirements of this Section.

1113.05 Street Frontage Landscape Buffer


A. Applicability

A street frontage landscape buffer shall be required in all commercial districts except for the CBDD, for all nonresidential development in residential districts, and for industrial development along a major street.

B. Buffer Location

The street frontage landscape buffer shall be provided along the full width of the lot and shall be unoccupied, except for landscape treatments such as trees, plantings, earth mounds, terraces, shrubs, permitted signs, and driveways (generally perpendicular to the right-of-way line).

1. The minimum width of the frontage buffer shall be 10 feet, measured from the right-of-way into the property. Corner lots shall have a buffer of the required width on both street frontages. The Planning Commission may require wider widths for some specific uses. See Chapter 1105: Use Specific Regulations.
2. Within this frontage buffer, there shall be a minimum of 4 deciduous trees and/or ornamental (understory) trees; and 15 shrubs for every 100 linear feet of lot frontage.
3. Areas not devoted to trees and shrubs shall be planted with grass, ground cover, or other live landscape treatment, excluding paving or gravel, including land in the street right-of-way that is not occupied by street or sidewalk pavement, or mulch.

Minimum Buffer Width	100 Linear Feet	Landscape Material Requirements	
		Canopy Trees	Shrubs
10 feet		4	15

1113.06 Type “A” Landscape Buffer Area between Land Uses

A. Applicability

1. Any development in a commercial district that is located on a property adjacent to land in a residential zoning district shall be subject to the provisions of this Section, unless a Type “C” Landscape Buffer is specified for a specific use.
2. Any development of a nonresidential use in a residential zoning district shall also be subject to the provisions of this Section, unless a Type “C” Landscape Buffer is specified for a specific use.

B. Buffer Location

1. Buffer areas shall be located along the full length of a side or rear yard, between the proposed use and the adjacent residentially zoned property.
2. The buffer areas shall be placed on the property being developed or constructed.

C. Buffer Requirements

1. The minimum width of the buffer area shall be ten feet running the full length of the applicable side or rear yards.
2. No structure shall be permitted within a required buffer area other than a wall, fence, mound, or earth berm. Driveways may cross perpendicularly across a buffer area, disturbing the least amount of buffer.
3. The required buffer area shall consist of maintained living vegetative material such as evergreen trees, shrubs, earth mounding, or fencing made of wood. The minimum plantings per 100 linear feet are four (4) trees (evergreen, canopy and/or understory) and twelve (12) evergreen shrubs. Fences shall not exceed a maximum height of six (6) feet.

1113.07 Type “B” Landscape Buffer Area between Land Uses

A. Applicability

Any development in industrial district that is located on a property adjacent to land in a residential zoning district shall be subject to the provisions of this Section, unless a Type “C” Landscape Buffer is specified for a specific use.

B. Buffer Location

1. Buffer areas shall be located along the full length of a side or rear yard, between the proposed use and the adjacent residentially zoned property.
2. The buffer areas shall be placed on the property being developed or constructed.

C. Buffer Requirements

1. The minimum width of the buffer area shall be fifteen (15) feet running the full length of the applicable side or rear yards.
2. No structure shall be permitted within a required buffer area other than a wall, fence, mound, or earth berm. Driveways may cross perpendicularly across a buffer area, disturbing the least amount of buffer.
3. The required buffer area shall consist of maintained living vegetative material such as evergreen trees, shrubs, earth mounding, or fencing made of wood. The minimum plantings per 100 linear feet are four (4) trees (evergreen, canopy and/or understory) and twenty (20) evergreen shrubs. Fences shall not exceed a maximum height of six (6) feet.

1113.08 Type "C" Additional Landscape Buffer for Specific Uses

A. Applicability

Additional buffer and screening requirements are included in as supplemental standards for certain specific uses and use categories. The Zoning Code will specify when a Type "C" Landscape Buffer is required.

B. Buffer Location

Buffer areas shall be located along the full length of the applicable front, side, or rear yard.

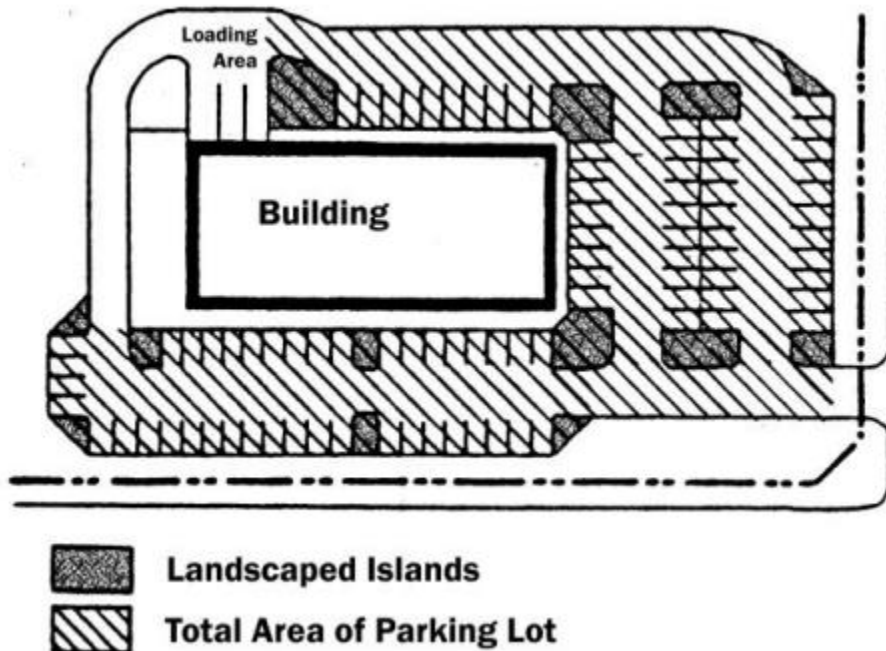
C. Buffer Requirements

1. The width of the buffer area shall be fifty (50) feet running the full length of the applicable front, side or rear yards unless otherwise specified by the use specific regulation or required by the Planning Commission.
2. No structure shall be permitted within a required buffer area other than a wall, fence, mound, or earth berm. Driveways may cross perpendicularly across a buffer area, disturbing the least amount of buffer.
3. A screen that is opaque from the ground to a height of at least six (6) feet, with intermittent visual obstructions from the opaque portion to a height of at least twenty (20) feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall or fence and, densely planted vegetation. The opaque portion of the screen should be opaque in all seasons of the year. Wall or fences shall not exceed a maximum height of six feet.

1113.09 Landscaping for Parking Lots

A. Interior Landscaping

1. Whenever an off-street parking lot includes twenty (20) or more parking spaces, at least one deciduous tree of at least two-inch caliper shall be provided for every ten (10) parking spaces (including the first twenty (20) spaces). Such trees shall be located within parking islands or within five feet of the edge of the parking lot. A minimum distance of three feet shall be established between proposed tree or shrub plantings and the edge of curbing and pavement.
2. Whenever an off-street parking lot includes twenty (20) or more parking spaces, at least ten percent of the parking lot shall be landscaped and permeable. This requirement may be met by including landscaped islands internal to the parking lot, or by providing adjacent greenspaces that may also function as an element of the drainage management system (including all drive and parking aisles).
3. When parking lot islands are proposed, such islands may not be less than 160 square feet in size.



B. Perimeter Landscaping

The Planning Commission may require additional perimeter landscaping and setbacks for some uses. See Chapter 1105: Use Specific Regulations.

C. Additional Standards for Large Parking Lots

In parking areas of greater than 100 spaces, visual relief and traffic channelization shall be provided through the use of trees, planted and landscaped dividers, islands and walkways.

D. Curbing

All parking areas and landscaped islands shall be curbed in accordance with Subsection 1112.16.D: Continuous Curbing. Required curbing may be discontinuous or perforated allowing stormwater to enter landscaped areas constructed for bioretention (rain gardens). Where bioretention areas are constructed, wheel stops may be used in place of curbing. Where landscaping is above grade, curbing must be continuous to prevent landscaping material from eroding into the parking area.

E. Lighting

See Section 1111.10: Outdoor Lighting.

1113.10 CBDD Parking Lot Landscaping

- A. Perimeter landscaping must be installed to the approval of the Design Review Board along any parking lot area adjacent to a street. Perimeter landscaping will consist of one of the following, located between the parking lot and the property line:
1. landscaped area at least five (5) feet wide, exclusive of easements, sidewalks, or rights-of-way, planted with at least one (1) shrub for every three (3) to five (5) feet of property line, as determined by growth characteristics;
 2. three (3) feet high metal tube or solid bar fence, with at least one (1) shrub for every three (3) feet of property line planted on the outside of the fence; or
 3. solid three-foot-high brick or stone wall.
- B. Wheel stops (i.e., parking blocks) must be provided to ensure that vehicles cannot overhang directly on plant material, if a landscaped area is used.

1113.11 Landscaping for Dumpsters and other Service Structures

Service structures shall be screened in all residential and commercial zoning districts. This Section shall also apply in industrial zoning districts when fronting on a major street. For the purposes of this Section, service structures shall include, but not be limited to, loading docks, propane tanks, dumpsters, electrical transformers, and other equipment or elements providing service to a building or a site.

- A. Service structure locations shall be shown on landscape plans.
- B. Dumpsters shall be located in the rear yard or non-required side yard unless otherwise approved by the Planning Commission and shall be no less than twenty (20) feet from any adjacent residential district.

- C. Required screening shall include a continuous planting, hedge, fence, or similar feature that will enclose any service structure on all sides, unless such structure must be frequently moved, in which case screening on all but one side is required.
- D. Screening established with plant materials shall provide 75 percent opacity within two years of planting. All other types of screening shall completely screen service structures. If the screening is accomplished through a structure, such structure shall be composed of materials similar to the principal building.
- E. The minimum height of the screening material shall be one (1) foot taller than the height of the enclosed structure but shall not be required to exceed ten feet in height.

1113.12 Landscape Plant Materials

Plants used to comply with this Chapter shall be subject to the following requirements:

- A. Deciduous trees shall have a minimum caliper of at least two (2) inches or a height of eight (8) feet at the time of planting.
- B. Evergreen trees shall have a minimum caliper of at least two (2) inches or a minimum of eight (8) feet in height at the time of planting. Evergreen plantings shall be planted at a maximum distance of twenty (20) feet on center to provide an effective buffer unless otherwise specified.
- C. Ornamental (understory/small) trees shall have a minimum height of six (6) feet or a minimum caliper of at least one (1) inch at the time of planting.
- D. Deciduous shrubs and evergreen shrubs shall be between at least 18 inches and 30 inches height at the time of planting.
- E. Use of native perennials, grasses, or shrubs may be substituted with Planning Commission approval.
- F. Once the minimum landscape requirements have been met, any size plant may be installed on a lot to supplement the minimum requirements.

1113.13 Rounding of Fractions

In computing landscaping and planting requirements, any fractional number must be rounded to the next highest whole number.

1113.14 Installation and Maintenance

- A. All landscaping materials shall be installed according to accepted, good construction and planting procedures. See Section 1116.06(G): Conformance with Site Plan and Bond.
- B. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials and shall keep them in a relatively weed-free condition, clear of undesirable undergrowth, and free from refuse and debris at all times.

- C. All unhealthy or dead plant material shall be replaced within one (1) year or by the next planting period, whichever comes first. Replacement plants shall conform to the standards that govern original installation.
- D. Pruning, trimming or other suitable methods shall control all plant growth in landscaped areas, so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard.

1113.15 Modifications

The standards and criteria in this Chapter establish the City's objectives and levels of landscaping intensity expected. However, in applying these standards during the site design plan review, the Planning Commission may exercise discretion and flexibility with respect to the placement and arrangement of the required elements to assure that the objectives of the district and the proposed development or redevelopment are best satisfied.

1113.16 Definitions

- A. Caliper. The American Association of Nurserymen standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken six inches above the ground up to and including four-inch caliper size, and twelve (12) inches above the ground for a caliper size greater than four inches.
- B. Canopy tree. A deciduous tree with an expected height of at least 35 feet at maturity.
- C. Evergreen tree. A tree that remains green throughout the year with an expected height of at least 40 feet.
- D. Evergreen shrub. A shrub that remains green throughout the year.
- E. Hedge. A group of shrubs planted in a continuous line or in groups that forms a continuous compact, dense, living barrier that demarcates an area from on-site or off-site views.
- F. Understory tree. A small to medium tree, growing 15 to 40 feet at maturity and often used for aesthetic purposes, such as colorful flowers, interesting bark, or fall foliage.

Chapter 1114: Architectural Design Standards

1114.01	Purpose	1114.05	Architectural Standards
1114.02	Applicability	1114.06	Building Materials
1114.03	Design Review Procedure	1114.07	Exemptions to Architectural Standards
1114.04	Requirements for all Nonresidential Buildings		

1114.01 Purpose

The purpose of architectural design standards is to ensure the exteriors of both new construction and new additions to existing buildings are well designed, detailed, and crafted to embody high standards of architectural design and to ensure the long-term viability of nonresidential structures in the City. This purpose shall be supported and accomplished through the use of the standards of this Chapter.

1114.02 Applicability

The development standards of this Chapter shall apply to development in the “C” commercial districts, except for the CBDD. This Chapter shall also apply to nonresidential development in all of the “R” residential districts and to both commercial and industrial development in the North Main Street overlay district.

1114.03 Design Review Procedure

- A. The Planning Commission must review and approve the architectural design of all new nonresidential buildings, exterior modifications and additions to existing buildings in accordance to the requirements of this Chapter as part of the site plan review procedure, Section 1116.06: Site Plan Review.
- B. For exterior modifications see Section 1119.07: Appearance Upgrade for Nonconforming Development.
- C. The Planning Commission, with the approval of City Council, may adopt and maintain additional design guidelines to provide additional information and clarification of the standard contained in this Chapter.

1114.04 Requirements for all Nonresidential Buildings

A. Building Orientation

Buildings shall be parallel to the street they front unless an alternate orientation is consistent with existing adjacent development.

B. Primary Entrances

The primary entrances of buildings shall be oriented:

1. Towards a street along the perimeter of the development; or
2. Towards streets or roadways in the interior of the development if none of the building's facades has frontage on a public street or as approved by the Planning Commission.

C. General Building Façade Requirements

The following shall apply to all new nonresidential development regardless if it is infill development or a "Greenfield" development.

1. Blank building walls facing streets are prohibited;
2. Rear and side facades, if visible from public streets, shall have a similar architectural treatment as utilized on the primary or front façade;
3. These requirements shall not apply to those walls that are not visible from a street and only visible from an alley, or the rear yard of another nonresidential site.

1114.05 Architectural Standards

A. Architectural Character

1. Shopping Centers.

The architectural design of buildings within a development, including freestanding outparcel structures, shall be organized around a consistent architectural theme in terms of the architectural style, materials, texture, color, and scale of buildings. Themed restaurants, retail chains, and other franchise-style structures should adjust some aspects of their standard architectural model to be consistent with the development's architectural theme.

2. Individual Business or Franchise

Building design that is based on a standardized formula associated with a business or franchise shall be modified if necessary, to meet the provisions of this Chapter.

3. Multi-Sided Architecture.

Although the front façade of a building is expected to be the focal point in terms of the level of architectural character and features, all sides of buildings shall incorporate architectural detailing on all facades that is consistent with the front façade.

4. Infill Development

All new development or redevelopment shall be compatible with the established architectural character of the surrounding area utilizing a building design and style that is complementary to the surrounding uses and structures. Compatibility may be achieved through the repetition of similar rooflines, similar proportions in relation to height, size, scale and mass, similar door and window patterns, building materials and color, and building orientation



ILLUSTRATION OF INAPPROPRIATE (TOP) AND APPROPRIATE (BOTTOM) INFILL DEVELOPMENT

B. Building Transparency for Retail and Commercial Development

Building transparency provided by storefront windows, entrances, and other openings is a key element to establish a pedestrian-oriented context, and should be provided by retail and commercial development in the following amounts:

1. Strip shopping centers or other multi-tenant commercial buildings should dedicate a minimum of 40 percent of the length of the front façade, of each tenant space, to windows or transparent entrances.
2. Buildings or tenant spaces that occupy 10,000 square feet or more of gross floor area should dedicate a minimum of twenty-five (25) percent of the length of the front façade to windows or transparent entrances.
3. Outparcel structures should dedicate a minimum of thirty-five (35) percent of the length of the front façade to windows or transparent entrances.
4. Offices and other noncommercial structures should dedicate a minimum of twenty-five (25) percent of the length of the front façade to windows or transparent entrances.
5. Clear glass shall be used for commercial storefront display windows and doors.

C. Façade Massing

1. Offset Required

Front façades 60 feet wide or wider shall incorporate wall offsets of at least two feet in depth (projections or recesses) a minimum of every forty (40) feet. Each required offset shall have a minimum width of twenty (20) feet.

2. Offset Alternatives

The following alternatives can be used in place of the required front façade offsets:

- a. Pilasters having a minimum depth of one (1) foot, a minimum width of one (1) foot, and a minimum height of 80 percent of the façade's height; and/or

- b. Roofline changes when coupled with correspondingly aligned façade material changes.

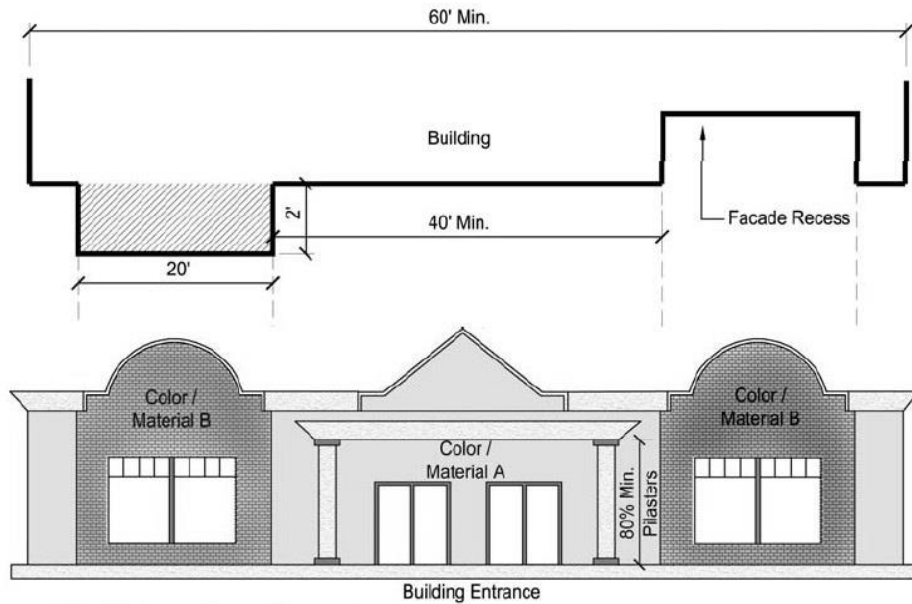


ILLUSTRATION OF HOW THE FAÇADE OFFSET PROVISIONS MAY BE APPLIED

D. Roof Line Changes

1. Roofline changes shall include changes in roof planes or changes in the top of a parapet wall, such as extending the top of pilasters above the top of the parapet wall.
2. When roofline changes are included on a façade that incorporates wall offsets or material or color changes, roof line changes shall be vertically aligned with the corresponding wall offset or material or color changes.



ROOF LINE CHANGES WITH CORRESPONDING WALL CHANGES

E. Building Design and Mass

All architectural elevations of principal buildings shall consist of a base, a body, and a cap.

1. The base shall occupy the lowest portion of the elevation.
2. The body shall occupy the middle portion of the elevation.
3. The cap shall occupy the highest portion of the elevation and shall consist of at least one of the following architectural features: a cornice, parapet, awning, canopy, or eaves.
4. The base and cap shall be clearly distinguishable from the body through changes in color, material, pattern, profile, or texture.

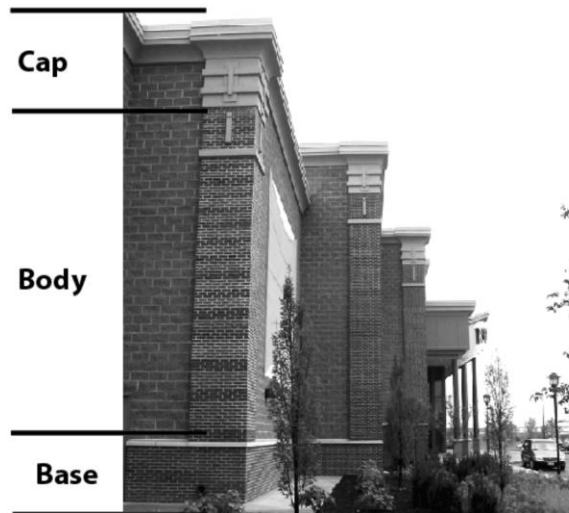
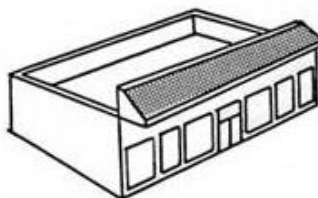


IMAGE OF A BUILDING WITH
A CLEAR, BASE, BODY, AND CAP

F. Roofs

1. Roof Types

All roof types are permitted, except for “pasted on” mansard roofs, which are discouraged. Flat roofs with decorative parapets or full roofs are encouraged.



*Not acceptable as a
stand-alone building*

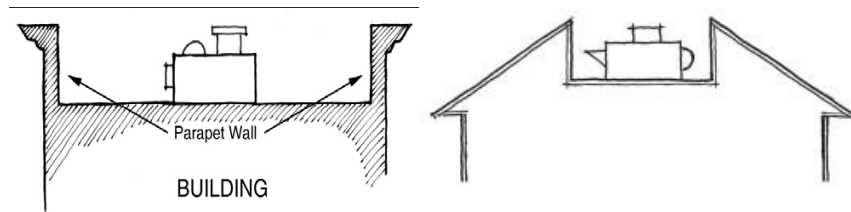
2. Roofs Materials

Where any non-architectural roofing materials (e.g., tar and paper) are utilized, such roofing shall be concealed with parapet walls that have three-dimensional cornice treatments or similar screening methods.

3. Roof Penetrations and Equipment.

All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (with the exception of chimneys), shall be located on the rear elevations or screened with a parapet wall having a three-dimensional cornice treatment so as to have a minimal visual impact as seen from:

- c. A public street.
- d. Existing single family uses.
- e. Vacant land zoned for residential.



EXAMPLES OF HOW TO SCREEN ROOF MOUNTED MECHANICAL EQUIPMENT

G. Customer Entrances

Buildings with a total gross square footage of 10,000 square feet or more shall have clearly defined, highly visible customer entrances that include no less than three of the following design features.

- 1. Canopies/porticos above the entrance;
 - 2. Roof overhangs above the entrance;
 - 3. Entry recesses/projections;
 - 4. Arcades that are physically integrated with the entrance;
 - 5. Raised corniced parapets above the entrance;
 - 6. Gabled roof forms or arches above the entrance;
 - 7. Outdoor plaza adjacent to the entrance having seating and a minimum depth of twenty (20) feet;
 - 8. Display windows that are directly adjacent to the entrance;
 - 9. Architectural details, such as tile work and moldings, that are integrated into the building structure and design and are above and/or directly adjacent to the entrance;
- or

10. Integral planters or wing walls that incorporate landscaped areas or seating areas. A wing wall is a wall secondary in scale projecting from a primary wall and not having a roof.

1114.06 Building Materials

A. Combination of Materials

A combination of materials, textures, colors, and finishes shall be utilized to create visual interest.

B. Primary Building Materials

Durable natural or natural-appearing building materials such as brick, stone, stucco, split face block, or other similar materials are preferred primary building materials. Durable synthetic building materials that convincingly match the appearance of natural building materials may be used as a primary building material. Non-durable building materials such as EIFS (Exterior Insulation and Finish System) may not be used on the base level of a building.

C. Accent Building Materials

In addition to the above materials, acceptable accent materials include decorative precast concrete block, metal, stone and glass.

D. Prohibited Primary Building Materials

The following are considered inappropriate primary building materials: aluminum or vinyl siding; exposed metal panels (such as corrugated metal); smooth-faced concrete blocks; smooth-faced tilt-up concrete panels, and wood sheet goods.

1114.07 Exemptions to Architectural Standards

The Planning Commission may, through the Site Plan approval process, modify or exempt all or parts of the architectural standards in this Section upon findings that that the request will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Chapter would detract from the stated purpose of this Chapter.

Chapter 1115: Sign Code

1115.01	Purpose	1115.08	Exempted Signs
1115.02	Relationship to Building Code	1115.09	Supplementary Regulations
1115.03	Residential District Signs	1115.10	Regulations for Nonconforming Signs
1115.04	Central Business Development District Signs (CBDD)	1115.11	Abandoned Signs and Failure to Maintain
1115.05	C-1 Through C-3 Commercial District Signs	1115.12	Signs Requiring Permits
1115.06	Industrial District Signs	1115.13	Non-Commercial Message or Graphics
1115.07	Temporary Signs	1115.14	Definitions

1115.01 Purpose

The purpose of this Chapter is to promote and protect the public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements. These sign regulations are intended to protect property values, enhance the visual attractiveness of the community and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign clutter, distractions, and obstructions that may contribute to traffic accidents; reduce hazards that may be caused by overhanging or projecting signs over the public right-of-way; and enhance community development by permitting signs that are compatible with their surroundings.

1115.02 Relationship to Building Code

No provisions of this Chapter shall nullify any provision or requirement of the Building Code, except as to the specific definitions, prohibited locations, and size limitations as listed herein.

1115.03 Residential District Signs

Only the following types, sizes and locations of signs shall be permitted in residential districts.

- A. Temporary signage is permitted in residential districts as provided hereunder, but does not include Air-Activated, Balloon, Banner, Blade, Human and snipe signs.
 1. Freestanding temporary yard signs related to a temporary event or condition (property for sale, garage/estate sales, construction/remodeling activity, elections, etc.) of limited duration are permitted subject to the following requirements:
 - a. Up to three (3) freestanding temporary yard signs related to a temporary event or condition are permitted so long as the aggregate sign face of all signs does not exceed twelve (12) square feet. Such signs may not exceed six (6) square feet in size. (Example: one sign at 6 square feet, two signs at 6 square feet each or three signs at 4 square feet each.)

- b. Such signs may not exceed six (6) feet in height, and must be located outside of the right-of-way.
- c. Such signs must be removed after the temporary event or condition.
- 2. Freestanding temporary yard signs not related to a temporary event or condition are permitted subject to the following requirements. Such signs may not exceed twelve (12) square feet in size and six (6) feet in height and must be located at least ten (10) feet from a property line or public right-of-way. Up to three (3) freestanding temporary yard signs not related to a temporary event or condition are permitted so long as the aggregate sign face of all signs does not exceed twelve (12) square feet.
- B. One sign, with approval of the Planning Commission, for the following conditionally permitted uses in a residential district:
 - 1. Cemetery;
 - 2. Religious Assembly, or other place of public religious worship;
 - 3. Governmental owned or operated building or facility, schools;
 - 4. Private or Governmental owned and/or operated park, playground, golf course or other recreational facility;
 - 5. Facility providing the following services:
 - d. Medical Care;
 - e. Hospitals and Clinics;
 - f. Senior Care Facilities;
 - g. Day Care Center.

The sign area may be one (1) square foot for each foot of building frontage along a public right of way, not to exceed twenty-five square feet or one EMC equipped with automatic dimming capabilities not to exceed twenty-five (25) square feet in sign area and six feet in height. EMC display messages may change no more than one time every 5 seconds.

- C. One double-sided sign, or two single-sided sign(s) attached to a wall or other entrance feature at each entrance of a Residential Subdivision with a maximum sign area of thirty-six (36) square feet and maximum height of 6 feet per sign with a setback of 10 feet from the right-of-way.

1115.04 Central Business Development District Signs (CBDD)

Identification signs shall not be permitted to exceed the following limitations:

- A. Wall signs as defined in Section 1115.14(GG): Wall Graphics Sign, banner signs as defined in Section 1115.14(E): Banner Sign, and projecting signs as defined in Section 1115.14(Y): Projecting Sign, are permitted in this district.
- B. A total sign area of two square feet may be permitted for each lineal foot of building frontage on the principal street. On a corner lot the sign area may be computed on the

basis of the longer building frontage. Maximum total size is not to exceed 200 square feet.

- C. Free-standing signs are not permitted, unless sufficient yard space is available. Free-standing signs must meet the requirements of Section 1115.05: C-1 through C-3 Commercial District Signs, Subsection (C). The sign design, placement, and size must be approved by the Design Review Board or Planning Commission as appropriate.
- D. Signage on canopies, awnings, or marquees cannot exceed two feet in height. Theater marquees may exceed this requirement. All signs of this style shall be approved by the Design Review Board or Planning Commission as appropriate.
- E. One non-illuminated sign is permitted on vacant lots and parking lots for on premise activities. Such sign shall have a surface area not to exceed thirty-two (32) square feet and shall not exceed ten (10) feet in height and will be setback ten (10) feet from the right-of-way.
- F. One monument style EMC not to exceed one (1) square foot for each foot of building frontage along a public right-of-way not to exceed sixty (60) square feet and ten (10) feet in height. Where a commercial building is located at an intersection of two streets, one EMC may be placed near the intersection to be visible from both streets but not to exceed 120 square feet in size and ten (10) feet in height. EMCs in commercial districts shall only display activities that occur on that premise and not advertise or promote off site businesses, products or services. Display messages may change no more than one time every five (5) seconds.

1115.05 C-1 Through C-3 Commercial District Signs

Identification signs shall not be permitted to exceed the following limitations:

- A. Wall signs must be fixed flat against the wall of a building or on the face of a marquee wall. No sign may extend above or beyond the building wall or project more than one (1) foot from the front of the structure.
- B. A total wall sign area of two square feet per business may be permitted for each lineal foot of building frontage on the principal street. On a corner lot the sign area may be computed on the basis of the longer building frontage.
- C. One free-standing sign with a sign area not to exceed one (1) square foot for each foot of building frontage along a public right-of-way is permitted. Maximum total size for a free-standing sign may not exceed 50 square feet or exceed a maximum height of ten (10) feet above grade. Alternatively, one business center sign of no more than 200 square feet is permitted. The maximum height of this sign is ten (10) feet above grade. The maximum signage space to a given tenant is 50 square feet. The sign design, placement and size must be approved by the Planning Commission.
- D. If a lot has access on more than one street, one additional free-standing sign meeting the requirements of item C sign may be permitted, provided there is at least 300 feet of distance between the signs as measured directly between the two signs and that there is no more than one sign per street.

- E. A minimum setback of ten (10) feet from the right-of-way is required.
- F. Plantings arranged so as to spell out building identification or service offered will be considered a sign rather than landscaping.
- G. Maximum total signage on this lot is not to exceed 400 square feet per business.
- H. One monument style EMC not to exceed one (1) square foot for each foot of building frontage along a public right-of-way not to exceed sixty (60) square feet and ten (10) feet in height. Where a commercial building is located at an intersection of two streets, one EMC may be placed near the intersection to be visible from both streets but not to exceed 120 square feet in size and ten (10) feet in height. EMCs in commercial districts shall only display activities that occur on that premise and not advertise or promote off site businesses, products or services. Display messages may change no more than one time every five (5) seconds.

1115.06 Industrial District Signs

Identification signs shall not be permitted to exceed the following limitations:

- A. Wall signs must be fixed flat against the wall of a building or on the face of a marquee wall. No sign may extend above or beyond the building wall or project more than one (1) foot from the front of the structure.
- B. A total sign area of three square feet for each lineal foot of building frontage on each street may be permitted, up to a maximum total area of all permitted signs for any establishment of 400 square feet.
- C. One free-standing sign with a sign area not to exceed two square feet for each foot of building frontage on a principal street is permitted. The total maximum size of the sign shall not exceed 80 square feet with a maximum height not to exceed ten (10) feet. The sign design, placement and size must be approved by the Planning Commission.
- D. If a lot has access on more than one street, one additional free-standing sign meeting the requirements of item B sign may be permitted, provided there is at least 300 feet of distance between the signs as measured directly between the two signs and that there is no more than one sign per street.
- E. A minimum setback of twenty-five (25) feet from the right-of-way is required.
- F. Plantings so arranged so as to spell out building identification or service offered will be considered a sign rather than landscape.
- G. One monument style EMC not to exceed one (1) square foot for each foot of building frontage along a public right-of-way not to exceed sixty square feet in size and ten (10) feet in height. In lieu of a monument EMC sign, one wall mounted EMC may be installed not to exceed sixty square feet. Industrial EMCs shall only display messages and advertising for activities that occur on the site and not advertise or promote off-site businesses, products or services.

1115.07 Temporary Signs

- A. In commercial and industrial districts and for public and governmental/non-profit uses in residential districts:
 - 1. A temporary sign not exceeding thirty-two (32) square feet may be erected or placed on the premises.
 - 2. Such signs shall be removed forthwith upon fulfillment of its purpose, but for no more than a six-month duration.
 - 3. Such signs shall require a permit, but no fee.
 - 4. Temporary signs in residential districts other than public and governmental/non-profit uses, shall adhere to the provisions in Section 1115.03: Residential District Signs, Subsection A.
- B. No temporary sign shall be mounted, attached, affixed, installed or otherwise secured by any permanent means to any building, permanent sign, other structure, or improvement, or to the ground upon which it is erected.
- C. No Temporary sign shall be located in a right-of-way with the exception of those reviewed and permitted by the Director of Public Safety and Service as stipulated in Section 1115.09: Supplementary Regulations, Subsection F.

1115.08 Exempted Signs

- A. Freestanding temporary yard signs related to a temporary event or condition and freestanding temporary yard signs not related to an event or condition. See Section 1115.03: Residential District Signs, Subsection A.
- B. Historical plaques, building cornerstones, and date constructed stones not exceeding four (4) square feet in area.
- C. Chapter 1115 shall in no way affect signs which have been or will be approved by the Planning Commission, Board of Zoning Appeals, and/or City Council under procedures enumerated in this Zoning Code.
- D. Government Signs required by the City, County, State or Federal Government in carrying out their responsibility to protect the public health, safety and welfare including but not limited to the following:
 - 1. Emergency and warning signs necessary for public safety or civil defense;
 - 2. Traffic signs erected and maintained by an authorized public agency;
 - 3. Signs required to be displayed by law;
 - 4. Signs showing location of public facilities;
- E. Instructional signs shall be exempt provided such signs comply with the following:
 - 1. Instructional signs shall be clearly intended, designed and located for instructional purposes, as determined by the Director of Public Safety and Service;

2. Each sign shall not be larger than necessary to serve the intended instructional purpose;
 3. The sign is not in a location and does not possess the design characteristics that constitute or serve the purposes of an identification sign;
 4. If the Director of Public Safety and Service determines that the proposed sign(s) does not serve instructional purposes, it shall be considered a free-standing or wall sign, as applicable, and subject to the pertinent regulations in this Chapter.
- F. Sandwich Board and Inverted T Signs shall be exempted but allowed only in commercial districts and the CBDD district. Such signs shall only identify the business where it is located and/or products or services available therein.
1. No off-premise signs permitted.
 2. Such signs must be placed between the building façade and the sidewalk when space allows. Signs in the CBDD may encroach upon the public sidewalk provided an unobstructed walkway is reserved for public passage.
 3. Such signs shall not exceed three feet in height and two feet in width.
 4. Sandwich Board and Inverted T signs shall be placed indoors at the close of business each day.
 5. No materials such as papers, balloons, windsocks, mirrors, reflective materials, lights, or mechanical, electronic or other moving parts may be added to the signs.

1115.09 Supplementary Regulations

All signs are subject to the following regulations.

- A. Any type of illuminated sign shall require the approval of the Planning Commission.
- B. Signs that incorporate intense flashing, blinking or moving lights that cause a nuisance shall be prohibited.
- C. All electrical wiring serving free-standing signs must be underground.
- D. No free-standing sign may be erected closer than forty (40) feet to any intersection with the exception of those signs incidental to the legal process and necessary to the public welfare or wall signs attached to the building of businesses closer than forty (40) feet to an intersection.
- E. All signs must be constructed and placed so as not to obstruct traffic sight lines. See Section 1112.21: Traffic Visibility.
- F. No sign shall be located in or project over a public right-of-way or public property, except for temporary signs with approval and receipt of a permit from the Director of Public Safety and Service, or signs on awnings, canopies, or marquees in the CBDD district as provided in Section 1115.04: Central Business Development District Signs (CBDD), Subsection (D).
- G. All signs shall comply with all other requirements of the Building Code.

- H. Billboards, roof signs, and signs mounted on wheeled trailers are not permitted in the City of Orrville.

1115.10 Regulations for Nonconforming Signs

- A. Nonconforming signs shall be maintained in good condition pursuant to Section 1115.11: Abandoned Signs and Failure to Maintain.
- B. Nonconforming signs shall be removed and any subsequent modification or replacement (excluding maintenance pursuant to Section 1115.11: Abandoned Signs and Failure to Maintain, shall conform to all requirements of this Zoning Code as follows:
 - 1. When more than fifty (50) percent of the value of the sign has been destroyed or has been taken down;
 - 2. When the use which the nonconforming sign is accessory to is vacant for ninety (90) consecutive days; and
- C. A nonconforming sign shall not be altered, modified, or reconstructed other than to comply with this Zoning Code except:
 - 1. When the existing use has new ownership, which results in a change in the name of the use or business on the property; or
 - 2. When the space is re-occupied by a similar use and the new occupant requires no external building or site renovation; or
 - 3. When the existing owner intends to update their current sign and requires no external building or site renovation; or
 - 4. A new sign pursuant to (1), (2), or (3) above may be changed by replacing a sign panel or by repainting a sign face only. Such alterations shall not require changes to the structure, framing or erection, or relocation of the sign unless such changes conform to this Zoning Code. Such alterations shall not exceed fifty (50) percent of the replacement cost of the sign.

1115.11 Abandoned Signs and Failure to Maintain

- A. The face of any permanent sign which advertises a business that has not been conducted on the premises for 90 consecutive days exclusive of seasonal businesses, or fails to serve the purposes for which it was intended, or evidences a lack of maintenance, shall be removed by the owner, agent, or person having the beneficial use of the building, structure, or land upon which such sign is located, within ten (10) business days after written notice by the Director of Public Safety and Service, and the sign area shall be replaced by a neutral, single background color panel or similar cover. If the sign is comprised of individually raised letters, the letters shall be removed.
- B. Upon failure to comply with such notice within the time specified in such order, the Director of Public Safety and Service is hereby authorized to cause removal of such sign. After the work is done by or under the direction of the City, the City shall give notice, by regular mail, to the owner of the building, structure, or land upon which such sign is

located, at their last known address, to pay all service charges and expenses, including labor cost and fees for service of notice and return. In the event the same is not paid within thirty days after the mailing of the notice, then such amount shall be certified to the County Auditor for collection the same as other taxes and assessments are collected and returned to the General Fund.

1115.12 Signs Requiring Permits

All signs, with the exception of those exempted signs delineated in Section 1115.08: Exempted Signs, shall require a zoning certificate from the Director of Public Safety and Service as stipulated in Section 1116.10: Zoning Certificates. Such zoning certificate is not assignable, and the sign must be placed/installed on the property as designated in the zoning certificate.

1115.13 Non-Commercial Message or Graphics

Noncommercial signs are allowed in all districts and may be substituted for any sign expressly allowed or regulated under these codified ordinances. Noncommercial signs are subject to the same requirements, restrictions on size and type, placement and other conditions and specifications as apply to the sign for which they are being substituted.

1115.14 Definitions

- A. Abandoned Sign. An abandoned sign is a sign which no longer identifies or advertises a bona fide business, lessor service, owner, product or activity, and/or for which no legal owner can be found.
- B. Air-Activated Graphic Sign. A sign all or any part which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.
- C. Balloon Sign. A temporary sign composed of cloth, canvas, plastic fabric or similar lightweight non-rigid material that can be mounted to a structure with cord, rope, cable or a similar method or that may be supported by stakes in the ground.
- D. Bandit Sign. Temporary, portable yard signs used for commercial and non-commercial messages for on-premise and off-premise activities and advertising.
- E. Banner Sign. A sign made of fabric suitable for exterior use and flame retardant that is no larger than twenty (20) square feet and that is affixed to a building.
- F. Billboard. Any off-premise sign/structure situated on private premises.
- G. Blade Sign (a.k.a. Feather, Teardrop and Flag). A temporary sign that is constructed of cloth, canvas, plastic fabric or similar lightweight non-rigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure.
- H. Business Center Sign. A sign for a group of uses, whether or not under single management, but located on a parcel of land in single ownership.

- I. Canopy Sign. Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
- J. Commercial Message Sign. Any sign, wording, logo or other representation that directly or indirectly names, advertised or calls attention to a business, product, service or other commercial activity.
- K. Electronic Message Center (EMC). A sign displaying words, symbols, figures or images that can be electronically or mechanically changed and controlled by remote or automatic means, usually using light emitting diodes (LED) technology. EMCs can be adjusted to control the intensity of the lighting and the time frequency of the advertising messages.
- L. Free-Standing Sign. As used in this zoning code, a free-standing sign shall refer to any sign that is detached from a building but is permanently anchored.
- M. Human Sign (a.k.a. Human Mascot, Sign Spinner, and Person Sign). A person attired or decorated with commercial insignia, images, costumes, masks, or other symbols that display commercial messages with the purpose of drawing attention to or advertising for an on-premise activity. Such person may or may not be holding a sign.
- N. Illuminated Sign. A sign with an artificial light source incorporated internally (direct illumination), or with an external light source directed to illuminate the exterior surface of the sign (indirect illumination).
- O. Instructional Sign. Any sign that has a purpose secondary to the use on the lot and is intended to instruct employees, customers, or users as to matters of public safety or necessity. This includes signage erected by a public authority, utility, public service organization, or private business or industry that is intended to control traffic circulation, direct or inform the public, or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy.
- P. Inverted T Sign. Small free-standing portable sign with signage on one or both sides consisting of a vertical display board attached at the bottom to a supporting platform.
- Q. Marquee Sign. Any sign attached to, in any manner, or made a part of a permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
- R. Monument Sign. A permanent freestanding sign other than a pole sign, not attached to a building that is placed upon or supported by the ground independent of any other structure, typically on a monument or pedestal structure.
- S. Mural/Mural Sign. A large scale temporary or permanent sign/work of art/graphic illustration/advertising display that covers all of a major portion of a blank or unfinished wall, building or structure.
- T. Non-Commercial Sign. Any sign, wording, logo or other representation that is not defined as a commercial message. Such signs may include, but not be limited to showing location of restrooms, restrictions on smoking, or political and/or religious philosophies.

- U. Off-Premise Sign. Any sign not related to the business or activity upon which premises the sign is placed.
- V. On-Premises Exterior Sign. A sign related to the business or profession conducted and/or to the commodity, service or entertainment, sold or offered upon the premises where said sign is located.
- W. Permanent Sign. Any sign, permanent in nature, built of durable material with a suitable structural support that may be affixed to a structure, foundation (ground mounted), stationary pole or other sign structure.
- X. Portable Sign. A free-standing sign designed to be moved easily and not permanently anchored, affixed or secured to either a building or the ground, such as, but not limited to, "A" frame, "T" shaped or inverted "T" shaped sign structures.
- Y. Projecting Sign. Any sign or graphic which projects from the building and is perpendicular to the street. A projecting sign is limited to a sign area of nine (9) square feet, shall project no more than four (4) feet from the building façade, and shall be at least 10 feet above the sidewalk.
- Z. Roof Sign. As used in this zoning code, a roof sign shall refer to any sign that extends above the parapet or roof line of the building to which the sign is affixed.
- AA. Sandwich Board Sign. An advertising or business portable ground sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.
- BB. Sign. Any visual communication display, object, device, graphic, structure, or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote an object, person, service, project, event, location, business, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.
- CC. Sign Area. The entire area within a circle, globe, or polygon enclosing the extreme limits of writing, representation, emblem, lettering only, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such a sign from the background against which it is placed. The sign area shall be considered to be the largest area that any sign would project on a plane.
- For monument style signs (those without a sign pole), the sign base shall not count in the sign area, if it does not exceed 50 percent of the sign area. The portion of the sign base that exceeds 50 percent shall be included in the calculations of sign area.
- Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except where two such faces are placed back-to-back and are at no point more than 18 inches from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the large face if the two faces are of unequal area.
- Total sign area shall be the sum of all signs, not including instructional signs.
- DD. Snipe Sign. A temporary sign illegally tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.

- EE. Temporary Sign. Any sign not intended or designed for permanent installation on the premises or onto a structure and intended for a limited period of display. For the purposes of this zoning ordinance, temporary signs may include, but not be limited to those used on construction sites, for garage/estate sales, holiday and special events, special promotions, political/election signs, auctions, business grand openings, and real estate signs (including the lease or sale of land, buildings and units).
- FF. Vehicle Sign. Any appliance or surface attached to any vehicle which is designated to advertise, convey information, or attract attention for the benefit of any person, organization, business or cause operating such vehicles; excepting vehicles used solely for the delivery of merchandise or the performance of services, or advertising the sale of the vehicle.
- GG. Wall Graphics Sign. Any sign or graphic design which is placed directly upon a building's surface
- HH. Window Sign. A sign located in or on a window which is intended to be viewed from the outside.

Chapter 1116: Development Review Procedures

1116.01	Purpose	1116.08	Variance
1116.02	Common Review Requirements	1116.09	Appeals
1116.03	Fees and Costs	1116.10	Zoning Certificates
1116.04	Review Procedure Reference Table	1116.11	Zoning Certificate of Occupancy
1116.05	Zoning Text and Map Amendments	1116.12	Zoning Verification Letter
1116.06	Site Plan Review	1116.13	Interpretation of the Zoning Code
1116.07	Conditional Zoning Certificates		

1116.01 Purpose

The purpose of this Chapter is to identify the development review procedures used in the administration of this Zoning Code.

1116.02 Common Review Requirements

The requirements of this Section shall apply to all applications and procedures subject to development review under this Zoning Code, unless otherwise stated.

A. Authority to File Applications

1. Unless otherwise specified in this Zoning Code, development review applications may be initiated by:
 - a. The owner of the property that is the subject of the application; or
 - b. The owner's authorized agent.
2. When an authorized agent files an application under this Zoning Code on behalf of a property owner, the property owner shall be required to sign the application, which shall bind all decisions, and related conditions of approval, to the owner of the property.

B. Application Submission Schedule

The schedule for the submission of applications in relation to scheduled meetings and hearings of review bodies shall be established by Director of Public Safety and Service and made available to the public.

C. Application Contents

1. Applications filed under this Zoning Code shall be submitted in a form and in such numbers as established by the Director of Public Safety and Service and made available to the public.
2. When required by this Zoning Code applications shall be accompanied with a statement giving the names and addresses set forth on the County Auditor's mailing list of the owners of all properties within and contiguous to and directly across the street from the subject area.

3. Applications shall be accompanied by a fee as established by the City and pursuant to Section 1116.03: Fees and Costs.
4. Complete Application Determination
 - a. The Director of Public Safety and Service shall only initiate the review and processing of applications submitted under this Zoning Code if such application is determined to be complete.
 - b. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this Zoning Code.
 - c. If an application is determined to be incomplete, the Director of Public Safety and Service shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a future re-submittal application.
 - d. If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

D. Simultaneous Processing of Application

Whenever two or more forms of review and approval are required under this Zoning Code (e.g., a site plan review and zoning map district change), the applications for those approvals shall, at the option of the applicant, be processed simultaneously, so long as all applicable requirements are satisfied for all applications.

E. Public Notification for Public Meetings

Applications for development approval that require a public meeting and/or a public hearing shall comply with all applicable ORC requirements and the provisions of this Zoning Code in regard to public notification.

F. Conduct of Public Hearing

1. Right of All Persons

Any person may appear at a public hearing and submit information or evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state his or her address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.

2. Continuance of a Public Hearing or Deferral of Application Review

- a. An applicant may request that a review or decision-making body's consideration of an application at a public hearing be deferred by submitting a written request for deferral to the Director of Public Safety and Service prior to the publication of notice as may be required by this Zoning Code. The Director may grant such requests, in which case, the application will be considered at the next regularly scheduled meeting.

- b. A request for deferral of consideration of an application received by the Director of Public Safety and Service after publication of notice of the public hearing as required by this Zoning Code shall be considered as a request for a continuance of the public hearing, and may only be granted by the review or decision-making body.
- c. The review or decision-making body conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time, and place. No additional notice is required if the fixed date, time, and place is announced at the time of the continuance.

G. Withdrawal of Application

Any request for withdrawal of an application shall be either submitted in writing to the Director of Public Safety and Service or made through verbal request by the applicant prior to action by the review or decision-making body.

- 1. The Director of Public Safety and Service shall approve a request for withdrawal of an application if it has been submitted prior to publication of notice for the public hearing on the application in accordance with this Zoning Code.
- 2. If the request for withdrawal of an application is submitted after publication of notice for the public hearing in accordance with this Zoning Code, the request for withdrawal shall be placed on the public hearing agenda and acted upon by the review or decision-making body.

H. Examination and Copying of Application and Other Document

Documents and/or records may be inspected and/or copied as provided for by state law.

I. Computation of Time

The Orrville Codified Ordinances Subsection 101.03(c): Calendar, Computation of Time, shall apply in computing any period of time prescribed or allowed by this Zoning Code.

J. Effect of any Approvals

All approvals shall run with the land or use and shall not be affected by change in ownership.

1116.03 Fees and Costs

A. Determination of Fees

The determination of a fee schedule for the development review procedures of this Zoning Code shall be established by a separate City ordinance. City council may adjust the fees from time-to-time.

B. Recreation Charge

A recreation charge per family unit shall be charged and collected at the time a zoning certificate is issued. The recreation charge shall be used for the purchase and/or development of parklands. This charge shall apply to all dwelling units whether for single family dwellings or multifamily dwellings. In the event the zoning certificate has expired, and no construction has begun within one (1) year from the payment of the recreation charge, the applicant may apply for a refund of the recreation charge. Additionally, the applicant may apply for a refund where the finished construction is of a lesser density use than originally determined.

C. Fees to be Paid

No application shall be processed until the established fee has been paid. The recreational charge shall be collected at the time a zoning certificate is issued.

D. Refund of Fees

Application fees are not refundable except where the Director of Public Safety and Services determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.

1116.04 Review Procedure Reference Table

Review Procedure	Reference Section
Zoning of Newly Annexed Areas	1101.10
Designation or Expansion of a Design Review District	1103.02(C)
PUD Development Plan Requirements	1108
Cluster Subdivision Approval	1109.07
Zoning Text and Map Amendments	1116.05
Site Plan Review	1116.06
Conditional Zoning Certificate	1116.07
Variance	1116.08
Appeals	1116.09
Zoning Certificates	1116.10
Zoning Certificate of Occupancy	1116.11
Zoning Verification Letter	1116.12
Interpretation of Zoning Code	1116.13
Certificate of Appropriateness	1117.02
Certificate of Non-conforming Use	1119.09

1116.05 Zoning Text and Map Amendments

A. Purpose

City Council may amend the text of this Zoning Code or the Official Zoning Districts Map pursuant to the procedure set forth in this Section. The purpose of a text or map

amendment is to make adjustments due to changed conditions, changes in public policy, recommendations of the Orrville Comprehensive Plan or changes necessary to advance the health, safety, and general welfare of the City.

B. Applicability

This Section shall apply to requests to amend the text of this Zoning Code or to amend the Official Zoning Districts Map of the City of Orrville, hereafter referred to as the “zoning map.”

C. Initiation

1. Any person having authority to file applications may initiate an application for amendment pursuant to Subsection 1116.02(A): Authority to File Applications,
2. The Planning Commission may submit a request to the City Council requesting City Council to initiate a zoning text or zoning map amendment; or
3. City Council may initiate a zoning text or zoning map amendment, but no such amendment shall become effective unless the ordinance application proposing same shall first be submitted in writing by the Clerk of Council to the Planning Commission.

D. Review Procedure

1. Application

- a. The applicant shall submit an application in accordance with Section 1116.02: Common Review Requirements, and with provisions of this Section.
- b. Amendments initiated by the Planning Commission shall be accompanied by the motion pertaining so such amendments.
- c. Amendments initiated by City Council shall be referred to the Planning Commission for review in accordance with the procedure in this Section.
- d. Any applicant desiring an amendment to the zoning map shall accompany the application for such amendment, or the ordinance resolution introduced for this purpose, with a statement giving the names and addresses set forth on the County Auditor’s mailing list of the owners of all properties within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted if individual notice of the application is required to be given to said owners pursuant to the Ohio Revised Code.

2. Planning Commission Review and Recommendation

- a. The Planning Commission shall review and make a recommendation on the zoning text or zoning map amendment application during a public meeting after notice has been published in a newspaper of general circulation in the City of Orrville at least seven (7) days prior to the date of the hearing. Written notice of the hearing shall be mailed by the Director of Public Safety and Service, by first class mail, at least five (5) days prior to the hearing to owners of property contiguous to and directly across the street from the property(s) being considered.

- b. The Planning Commission shall review and recommend approval, approval with conditions, or disapproval of the application to City Council. The Planning Commission may also continue the meeting for further consideration.
 - c. Following the recommendation on the proposed amendment, the Planning Commission shall, within a reasonable amount of time, not less than thirty days and not more than sixty days, advise City Council on its recommendation and include a report setting forth the reasons and substantiation for such recommendation.
 - d. Any amendment which fails to receive the approval of the Planning Commission shall not take effect unless passed by not less than three-fourths vote of the membership of Council.
3. City Council Hearing and Decision
- a. Within a reasonable time after receipt of the Planning Commission's recommendations and findings concerning the application, City Council shall hold a public hearing on the application for an amendment. Notice of the hearing shall be published in a newspaper of general circulation in the City of Orrville at least fourteen (14) days prior to the date of the hearing. If the rezoning includes ten or less parcels, written notice of the hearing shall be mailed by the Clerk of Council, by first class mail, at least seven (7) days prior to the hearing, to owners of property contiguous to and directly across the street from property(s) being considered. Failure to deliver such notice shall not invalidate any action taken by Council.
 - b. After the public hearing City Council shall take action to approve, approve with conditions, or disapprove the proposed amendment.

E. Changes to the Official Zoning Map

Upon approval of a zoning map amendment, the official zoning map shall be amended to illustrate the map amendment as approved.

F. Approval Criteria

Recommendations and decisions on text or map amendment shall be based on consideration of the following criteria:

1. Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact since the time that the original text or map designations were established;
2. Whether the proposed amendment is consistent with the policies of the Orrville Comprehensive Plan or other applicable City plans;
3. Whether the proposed amendment is consistent with the purpose of this Zoning Code;
4. Whether and the extent to which the proposed amendment addresses a demonstrated community need;

5. Whether the proposed amendment will protect the health, safety, morals, and general welfare of the public;
6. Whether the proposed amendment will result in significant mitigation of adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation;
7. Whether the proposed map amendment will ensure efficient development within the City; and
8. Whether the proposed zoning map amendment will result in a logical and orderly development pattern.

1116.06 Site Plan Review

A. Purpose

The purpose of site plan review is to ensure compliance with the development and design standards of this Zoning Code and to encourage sound planning principles in the arrangement of buildings, the preservation of open space, the utilization of topography, and other site features and to promote overall quality development.

B. Applicability

1. No permitted residential, nonresidential, commercial, industrial, any conditionally permitted use, or temporary use shall be permitted until review and approval of the site plans by the Planning Commission, which shall determine that the plan is consistent with the purposes and requirements of this Zoning Code, and the general requirements set forth in this Section herein will be met.
2. The following shall be exempted from site plan review:
 - a. Single-family and two-family dwellings;
 - b. Greenspace, open space, or other unimproved areas; and
 - c. The internal construction or change in floor area of a development that does not increase gross floor area, increase the intensity of use, or affect parking requirements on a site that meets all development and site design standards of this Zoning Code.
3. The Director of Public Safety and Service may modify site plan submission requirements if in the Director's opinion a full site plan submission would not be necessary to properly evaluate the plan review.

C. Initiation

Pursuant to Subsection 1116.02(A): Authority to File Applications, any person having authority to file applications may initiate an application for a site plan review.

D. Review Procedure

1. Preliminary Discussions

In order to promote the orderly development of the site plan to required specifications, the Planning Commission and the Director of Public Safety and Service shall encourage preliminary discussions by and with the applicant and the City staff; and prior to formal application for a zoning certificate or conditional zoning certificate a review by the Director of Public Safety and Service to assure the information as outlined in Subsection 1116.06(E): Basic Site Plan Information, is provided.

2. Application and Fee

The applicant shall submit an application in accordance with Section 1116.02: Common Review Requirements and with the provisions of this Section along with any required fee.

3. Review and Decision by Planning Commission

The Planning Commission shall act on any site plan submitted under this Section within ninety-five (95) days of the time of official submission to the Director of Public Safety and Service or his designee. Any person submitting a site plan may agree to a longer period of review by the Planning Commission. The Planning Commission shall review and make a decision on the site plan during a regularly scheduled meeting.

- a. When the Planning Commission finds it necessary to maintain a strict record of public hearing procedures, the applicant will bear all direct and related costs.
- b. When the Planning Commission deems it necessary to cause special studies to be made, the applicant shall provide such studies.
- c. In the interest of the community, the Planning Commission may, in regard to an industrial operation whose effects on adjacent premises are not readily known, seek expert advice on what conditions should be imposed on the particular operation to reasonably modify any injurious or offensive effect likely to result from such an operation. The cost of securing such expert assistance shall be borne by the applicant.

4. Public Hearing for C-2 Use Adjacent to R

The Planning Commission must hold a public hearing prior to approval of a site plan on an application for use in a C-2 district which is adjacent to an "R" residential district. The Planning Commission must follow the procedure for holding a public hearing as detailed in Section 1116.07(D)(4): Hearing.

E. Basic Site Plan Information

1. The location and dimensions of the subject property lines, public rights of way, and easements drawn to a legible scale;
2. The topography of the site incorporating contours in intervals of no less than two feet;

3. The location and dimensions of all buildings, structures and trash enclosure areas; and activity areas along with the total square footage of all existing and proposed uses;
 4. A circulation and parking plan showing the location, dimensions and surface materials of parking areas, drives, public streets, sidewalks, and loading areas, along with outdoor storage or display areas, and outdoor dining areas;
 5. The distance from property lines and the right of way of all buildings, structures, parking areas (including adjacent drives), and trash collection areas located when located within fifty (50) feet of property lines and the right of way;
 6. Where applicable, planting and landscape plan showing the location, type, species, and quantities of all landscaping and screening. See Section 1113.03: General Requirements for Submission for a landscape plan;
 7. The location, height and style of all exterior lighting (including a fixture detail), fencing and walls;
 8. The location and type of all utilities;
 9. The location of all freestanding signs;
 10. When new buildings, additions or alterations to existing buildings are proposed, a separate plan sheet or sheets, prepared by a qualified professional and drawn to scale including exterior architectural plans. Plans shall include exterior building elevations of all sides of buildings, notation of all exterior materials, colors utilized, and the height and width of buildings;
 11. For all residential applications, the number of total dwelling units proposed, with square footage;
 12. A description of the proposed development or operation shall be provided in sufficient detail to indicate possible emission of energy or matter beyond the lot lines, with engineering plans for the handling of any excesses thereof.
- F. The applicant shall also demonstrate that:
1. The site plan shows a proper relationship will exist between thoroughfares, service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety on both public and private lands, in accordance with standards and regulations established therefor by the Director of Public Safety and Service.
 2. All the development features, including the principal buildings, open spaces, service roads, driveways and parking areas, are so located and related as to minimize the possibility of adverse effects upon adjacent development.
 3. The architectural design of buildings are developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture materials, line and pattern, and character.
 4. Building location and placement is developed with consideration given to minimizing removal of trees and change of topography.

5. Maximum possible visual and auditory privacy for surrounding properties and occupants is provided through the design of the relationship among buildings, fences and walls, landscaping, topography and open spaces.
 6. In large parking areas, visual relief and traffic channelization is provided through the use of trees, planted and landscaped dividers, islands and walkways.
 7. Where applicable, a landscape plan showing screening of parking areas and service areas from surrounding properties is provided through landscaping and/or ornamental walls or fences where necessary to promote harmony with adjacent development. Materials used in any ornamental wall or fence shall be compatible with the character of adjoining properties.
 8. On-site traffic circulation is designed to make possible adequate fire and police protection.
 9. In the case of commercial or industrial uses, adequate provision is made for the disposal of all wastes, in accordance with standards and regulations established by the Director of Public Safety and Service.
 10. Parking and loading provisions meet the requirements of Chapter 1112.
 11. All utilities, including cable TV, on the site are located underground when recommended by the Director of Public Safety and Service and approved by the Planning Commission.
 12. Grading and surface drainage provisions are designed to minimize adverse effects on abutting properties, streams, and public streets, during as well as after construction, to minimize the possibility of erosion. No open drainage channels are allowed in the City of Orrville.
 - a. The Planning Commission may require that such grading plans be reviewed by Engineering or the U.S. Soil Conservation Service with any costs borne by the developer.
 - b. The costs of any unusual means necessary to alleviate surface drainage problems on adjacent property due to development shall be borne by the developer of the property causing the problem.
 13. The design and construction standards of all private roads, driveways and parking areas conform to the standards and regulations established therefor by the City Engineer.
- G. Conformance with Site Plan and Bond:
1. All aspects of the development shall conform to the approved site plan. No injurious or offensive effects shall result from the development or operation. The control of effects such as noise, smoke, dust, fumes, odors, electrical interference and the storage and disposal of wastes shall meet accepted current standards.
 2. It shall be a violation of this Zoning Code for any building or premises to be occupied or used prior to:
 - a. Conformance with all applicable requirements of this Zoning Code; and

- b. Completion of required landscaping, drainage, parking and road and driveway improvements according to plans approved by the Planning Commission or the posting of a cash bond or other surety in a form approved by the Director of Law, with the City in an amount equal to the required improvements plus ten percent. The bond or surety shall be for a period not to exceed two years and shall provide for the complete construction of the improvements within that period.

H. Form of Approval in Large Projects.

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

1. upon substantial compliance with the plan given preliminary approval;
2. upon conformance with all applicable regulations of this Zoning Code; and
3. upon a finding by the Planning Commission that all preceding phases conform to all requirements of this Zoning Code and conform to approved plans including complete installation of improvements required in the approval of preceding phases, or, in lieu of complete installation, the submission of a financial guarantee acceptable to the City assuring that the improvements will be installed within one (1) year of the submission of the guarantee.

I. Variances.

The Planning Commission may modify the requirements of this Section where unusual or exceptional factors or conditions require, or for large-scale developments, subdivisions of land or commercial and industrial developments. To modify these requirements where unusual or exceptional factors or conditions require, the Planning Commission shall:

1. find that unusual topographical or exceptional physical conditions exist;
2. find that strict compliance with these requirements would create an extraordinary hardship in the face of the exceptional conditions;
3. permit any such modification to depart from these requirements only to the extent necessary to remove the extraordinary hardship.

J. Design Review District Exception.

In the Design Review District, the Director of Public Safety and Service shall be substituted for the Planning Commission as the review and approval authority for all the requirements cited in this Section. The Director shall report findings to the Design

Review Board who shall grant the ultimate approval of the site plan in a Design Review District

1116.07 Conditional Zoning Certificates

A. PURPOSE

Until recent years, the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more use districts. However, the functions and characteristics of an increasing number of new kinds of land uses, combined with conclusive experience regarding some of the older, familiar kinds of uses, call for a more flexible and equitable procedure for properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude and location of such types of land-use activities are many and varied, depending upon functional characteristics, competitive situations and the availability of land. Rather than assign all uses to special individual and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses that will allow practicable latitude for the investor/owner, but that will, at the same time, maintain adequate provision for the security of the health, safety, convenience and general welfare of the community's inhabitants.

Towards these ends, provision is made in this Zoning Code for a more detailed consideration of each of certain specified activities as it may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as conditionally permissible uses and are permitted through the issuance of a conditional zoning certificate, with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

B. Applicability

This Section shall apply to all applications for establishment of a new conditional use or a proposed change, modification, enlargement, or alteration of an approved conditional use, or the site development conditions, operations, or signs of an approved conditional use.

C. Initiation

Pursuant to Subsection 1116.02(A): Authority to File Applications, any person having authority to file applications may initiate an application for a Conditional Zoning Certificate.

D. Review Procedure

1. Consultation with Planning Commission

Prior to the submission of an application for a conditional zoning certificate, the applicant may consult with City staff.

2. Application, Fee and Data Required

- a. Any application shall be submitted on a special form for that purpose and supplied by the Director of Public Safety and Service.
- b. Each application shall be accompanied with the appropriate fee, which fee shall not be refundable. See Section 1116.03: Fees and Costs.
- c. In addition, the Planning Commission, where appropriate, may refer an application to qualified consultants for a report if it deems the proposed use may cause the emission of dangerous or objectionable elements or require special study. The cost of such report shall be at the expense of the applicant, and such report shall be furnished to the Planning Commission as soon as is practicable.
- d. Each application shall be accompanied with a site plan in accordance with Section 1116.06(E): Basic Site Plan Information. The site plan submission requirement may be waived or modified by the Director of Public Safety and Service if in the Director's opinion a site plan submission is not necessary to properly evaluate the application.
- e. A statement supported by substantiating evidence regarding the requirements enumerated in Section 1116.07(I): General Standards
- f. A statement giving the names and addresses set forth on the County Auditor's mailing list of the owners of all properties contiguous to and directly across the street from such area.

3. Review by Planning Commission.

The Planning Commission shall review the proposed development as presented on the submitted plans and specifications in terms of the standards established in this zoning code. Such review shall be completed and made public within ninety-five (95) days of the first regular monthly meeting of the Planning Commission following the submission of a properly completed application. If the application is submitted at a regular monthly meeting of the Planning Commission, then the ninety-five day (95) period shall begin with the date of that Planning Commission meeting.

4. Hearing.

- a. The Planning Commission shall hold a public hearing or hearings upon every application after at least one publication in a newspaper of general circulation in the city at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time and subject of the hearing.
- b. Written notice of the hearing shall be mailed by the office of The Director of Safety and Service at least seven (7) days prior to the hearing to the owners of property contiguous and directly across the street from such area to the address of

such owners appearing on the County Treasurer's mailing list. The failure of delivery of such notice shall not invalidate any such ordinance or regulation.

5. Review, Decision, Issuance and Revocation of Certificates, Violation and Penalty.
 - a. Only upon conclusion of hearing procedures relative to a particular application and adequate review and study may the Planning Commission approve the application with conditions and issue a conditional zoning certificate, or disapprove the application based on the provisions of this Zoning Code.
 - b. If the conditional use permit is denied, the Planning Commission shall make a finding, in writing, justifying the denial of the conditional use permit and provide in writing the findings to the applicant.
 - c. The conditional zoning certificate is a permissive use of land for which a building permit or certificate of occupancy shall be issued within one (1) year of its adoption. If such a permit or certificate has not been issued within this time period, the conditional use shall be automatically repealed without further action of the Planning Commission. The breach of any condition, safeguard or requirement shall automatically invalidate the certificate granted and shall constitute a violation of this Zoning Code. Such violation shall be punishable as per Chapter 1120: Enforcement, Violations and Penalties.

E. Termination of a Conditional Zoning Certificate.

A conditional zoning certificate shall become void at the expiration of one (1) year after date of issuance unless construction is started or use has changed.

F. Re-application.

No application for a conditional zoning certificate which has been denied wholly or in part by the Planning Commission shall be re-submitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration, as determined by the Planning Commission. At the expiration of one (1) year from the date of the original application, each re-application shall be accompanied by the appropriate fee.

G. Continuation of Existing Uses Conditionally Permissible.

All uses existing at the time of passage of this zoning code and conditionally permissible in their respective districts under this zoning code shall be issued conditional zoning certificates by the Planning Commission within one (1) year after the passage of this zoning code.

H. Basis of Determination

1. Conditions to Be Met

The Planning Commission, prior to the issuance of a conditional zoning certificate, shall establish by clear and convincing evidence that the general standards set forth below in Section 1116.07(I) and use specific regulation in Chapter 1105: Use Specific

Regulations, pertinent to each proposed use have been substantially met and satisfied by the applicant seeking the zoning certificate.

2. Additional Conditions and Safeguards

The Commission may also impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, for preserving the aesthetic quality of the city, and for ensuring that the intent and objectives of this Zoning Code will be observed.

I. General Standards

The Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards:

1. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Land Use and Thoroughfare Plan of current adoption and this Zoning Code.
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.
3. Will not be hazardous or disturbing to existing or future neighboring uses, including, but not limited to the hours of operation.
4. Will not be detrimental to property in the immediate vicinity or to the community as a whole.
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
6. All structures, roads and utilities shall be in compliance with the city subdivision regulations, the Board of Health standards, and the city building code.
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.
8. Even though all conditions in Section 1116.07(I): General Standards, and the specific regulations in Chapter 1105: Use Specific Regulations are met, this does not by itself assure the issuance of a conditional zoning certificate if the Planning Commission determines the issuance of such a certificate would be detrimental to the public health, safety, comfort, convenience, morals, prosperity or general welfare of the community.

J. Renewal of Conditional Zoning Certificate

The Planning Commission may require a conditional zoning certificate be on a periodic renewal basis. The period of time will be determined by the Planning Commission.

1116.08 Variance

A. Purpose

The variance process is intended to provide limited relief from the requirements of this Zoning Code in those cases where strict application of a particular requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Zoning Code. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this Zoning Code may impose of property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

B. Initiation

1. Pursuant to Subsection 1116.02(A): Authority to File Applications, any person having authority to file applications may initiate an application for a variance.
2. Applications for a variance to the Board of Zoning Appeals shall be filed on forms supplied by the Director of Public Safety and Service and shall be submitted to the Secretary of the Board of Zoning Appeals with the required fee.

C. Review Procedures

1. Application for a Variance

An application to the Board of Zoning Appeals shall be initiated by the applicant by filing with the Secretary of the Board of Zoning Appeals an application containing:

- a. Name and address of the applicant and/or his representative.
- b. Description of the property involved.
- c. Description of the nature of the variance requested.
- d. A narrative statement demonstrating the compatibility of the variance with neighboring properties is required.
- e. Plans of the site indicating the location of all buildings, parking and loading areas, traffic access and circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and/or such other information necessary to properly evaluate the request.
- f. A nonrefundable fee to reimburse the city for such expenses as clerical, drafting, engineering, investigation, public notice and hearing, and advertising incidental to the processing of the application. A schedule of fees is available from the Director of Public Safety and Service per Section 1116.03: Fees and Costs.

2. Hearing

The Board of Zoning Appeals shall hold a public hearing on each application and written notice of the hearing shall be sent by the Secretary of the Board of Zoning Appeals by first class mail at least ten (10) days before the date of the hearing to the owners of property within and contiguous to and directly across the street from the property which is the subject of the appeal. Such written notices shall be mailed to

the addresses of such owners appearing on the current Auditor's tax list of the county. The Board, at its discretion, may provide public notice through advertisement in a general circulation newspaper or send out additional notices to publicize a hearing. The Board may recess the hearing from time to time and, if the time and place of the continued hearing is publicly announced at the time of recess, no further notice will be required. The failure of delivery of such notice will not invalidate any action taken by the Board on such appeal.

3. Review and Decision by the Board

- a. Each appeal received by the Board of Zoning Appeals shall be acted upon by it within sixty (60) days from the date it is filed with the Board unless extended by the Board for an additional sixty (60) days.
- b. The BZA shall hear and decide to approve, approve with conditions, or deny the variance. The conditions shall be identified in the variance approval.

D. Review Criteria

The following criteria shall be used to review all applications for variances:

1. No nonconforming use of neighboring lands, structures, or buildings in the same district or nonconforming use of lands, structures, or buildings in other districts shall be considered the sole grounds for granting a variance.
2. The BZA shall not grant a variance as authorized in this Zoning Code unless it can determine that there are practical difficulties encountered by the applicant in complying with the Zoning Code, Ordinances, regulations, measures and orders of administrative officials or agencies governing zoning. This evaluation shall include, but is not limited to, the following criteria:
 - a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same district.
 - b. 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. The special conditions and circumstances do not result from the actions of the applicant.
 - d. There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses in the same zoning district or neighborhood.
 - e. Granting the variance would be in harmony with the general purpose and intent of this Zoning Code and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.
 - f. Whether the problem can feasibly be addressed through some method other than variance.

- g. The requested variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- 3. No single factor listed above shall control, and not all factors shall be applicable in each case. Each case shall be determined on its own facts.

E. Violation of Conditions

Violation of such conditions when made a part of the terms under which the variance is granted, shall be deemed a violation of this Zoning Code and punishable under Section 1120.06: Penalty.

F. Effect of a Variance

A variance, including any conditions, shall run with the land and shall not be affected by a change in ownership.

G. Appeals of Decisions by Board of Zoning Appeals

Any person or persons, or any board, taxpayer, department, or bureau of the city aggrieved by any decision of the Board of Zoning Appeals may seek review by a court of record of such decision in the manner provided by the laws of the State of Ohio, particularly by the administrative appeals section of the Ohio Revised Code.

1116.09 Appeals

A. Purpose

This Section sets out the procedures to follow when a person claims to have been aggrieved or affected by an administrative decision made in the enforcement of this zoning code.

B. Initiation

Appeals shall be initiated by the person aggrieved or affected by any order, decision, determination, or interpretation made by Director of Public Safety and Service or other administrative official, or administrative decision of a commission or board of the City charged with the administration or enforcement of this Zoning Code.

C. Review Procedure

Applications appealing any decision authorized to be appealed to the Board of Zoning Appeals shall be filed on forms supplied by the Director of Public Safety and Service and shall be submitted to the Secretary of the Board of Zoning Appeals with the required fee within fifteen (15) calendar days after the date of the decision rendered by the Director of Public Safety and Service, administrative official, Planning Commission or other board.

D. Form of Appeal or Application

An appeal or application to the Board of Zoning Appeals shall be initiated by the appellant by filing with the Secretary of the Board of Zoning Appeals a written appeal or application containing:

1. Name and address of the appellant and/or his representative.
2. Description of the property involved.
3. Description of the nature of the appeal requested.
4. Plans of the site indicating the location of all buildings, parking and loading areas, traffic access and circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and/or such other information necessary to properly evaluate the request.
5. A nonrefundable fee to reimburse the city for such expenses as clerical, drafting, engineering, investigation, public notice and hearing, and advertising incidental to the processing of the appeal or application. A schedule of fees is available from the Director of Public Safety and Service in accordance with Section 1116.03: Fees and Costs.

E. Hearing

The Board of Zoning Appeals shall hold a public hearing on each appeal and written notice of the hearing shall be sent by the Secretary of the Board of Zoning Appeals by first class mail at least ten (10) days before the date of the hearing to the owners of property within and contiguous to and directly across the street from the property which is the subject of the appeal. Such written notices shall be mailed to the addresses of such owners appearing on the current tax list of the county. The Board, at its discretion, may provide public notice through advertisement in a general circulation newspaper or send out additional notices to publicize a hearing. The Board may recess the hearing from time to time and, if the time and place of the continued hearing is publicly announced at the time of recess, no further notice will be required. The failure of delivery of such notice will not invalidate any action taken by the Board on such appeal.

F. Time Within Which Board Must Act

Each appeal received by the Board of Zoning Appeals shall be acted upon by it within sixty (60) days from the date it is filed with the Board unless extended by the Board for an additional sixty (60) days.

G. Appeals of Decisions by Board of Zoning Appeals

Any person or persons, or any board, taxpayer, department, or bureau of the city aggrieved by any decision of the Board of Zoning Appeals may seek review by a court of record of such decision in the manner provided by the laws of the State of Ohio, particularly by the administrative appeals section of the Ohio Revised Code.

1116.10 Zoning Certificates

A. Purpose

A zoning certificate is required in accordance with the provisions of this Section in order to ensure that proposed development complies with the standards of this Zoning Code.

B. Applicability

Before constructing, changing the use of or altering any building, including accessory buildings, temporary use, or changing the use of any premises, erecting fences or signs, application shall be made to the Director of Public Safety and Service for a zoning certificate.

C. Initiation

Pursuant to Subsection 1116.02(A): Authority to File Applications, any person having authority to file applications may initiate an application.

D. Application Information

The application shall include the following information as applicable:

1. A plot plan drawn to scale showing the exact dimensions of the lot to be built upon.
2. The location, dimensions, height and bulk of structures to be erected.
3. The intended use.
4. The proposed number of sleeping rooms, dwelling units, occupants, employees and other uses.
5. The yard, open area and parking space dimensions.
6. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Zoning Code.
7. Appropriate fee which is nonrefundable. See Section 1116.03: Fees and Cost.

E. Review Procedure

1. Submission

- a. All applications for zoning certificates shall be submitted to the Director of Public Safety and Service.
- b. All applications for conditional zoning certificates shall be made to the Director of Public Safety and Service and submitted to the Planning Commission, which may issue conditional zoning certificates in accordance with Section 1116.07.

2. Review and Decision on a Zoning Certificate

- a. Within ten days after the receipt of a complete application, the Director of Public Safety and Service shall review the application and approve or deny the application for a zoning certificate based on the provisions of this Zoning Code.

- b. If additional review is required by this Zoning Code, then a zoning certificate shall not be issued until approved by the Planning Commission or the Design Review Board, as applicable.

F. Time Limit

The zoning certificate shall become void at the expiration of six months after the date of issuance unless construction is started, or the use changed as applied for in the application. If no construction is started or use changed within six months of the date of the permit, a new permit is required upon proper application.

G. Conditional Zoning Certificate

If the application is for a conditional zoning certificate, the application procedure set forth in Section 1116.07: Conditional Zoning Certificates, will be followed in lieu of the above regulations.

1116.11 Zoning Certificate of Occupancy

A. Purpose

A zoning certificate of occupancy shall be required in accordance with the provisions of this Section in order to ensure that new construction and changes in tenants or uses comply with the provisions of this Zoning Code.

B. Applicability

No new building or existing building undergoing change may be occupied unless a zoning certificate of occupancy has been issued by the Director of Public Safety and Service specifying the building meets all requirements of the Planning Commission, Design Review Board, and Building Code.

C. Initiation

Pursuant to Subsection 1116.02(A): Authority to File Applications, any person having authority to file applications may initiate an application for a zoning certificate of occupancy.

D. Temporary Zoning Certificate of Occupancy

A temporary zoning certificate of occupancy may be issued by the Director of Public Safety and Service for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

1116.12 Zoning Verification Letter

Upon written request from the owner and payment of any fee, the Director of Public Safety and Service shall issue a zoning verification letter for any building or land verifying, after inspection, the extent and kind of use made of the building or land, and whether such use conforms with the provisions of this Zoning Code.

1116.13 Interpretation of the Zoning Code

It is the intent of this Zoning Code that all questions of interpretation related to the administration and enforcement of this Zoning Code shall be first presented to the Director of Public Safety and Service, and that such questions shall be presented to the BZA only on appeal from the decision of the Director of Public Safety and Safety. Such appeals shall be in accordance with Section 1116.09: Appeals.

Chapter 1117: Design Review District Procedures

1117.01	Purpose	1117.08	Denial of a Certificate of Appropriateness
1117.02	Certificate of Appropriateness	1117.09	Criteria to Determine Substantial Economic Hardship
1117.03	Exemptions	1117.10	Criteria to Determine Unusual and Compelling Circumstances
1117.04	Triggering Mechanism for Design Review	1117.11	Demolition
1117.05	Application for Certificate of Appropriateness	1117.12	Minimum Maintenance Requirements
1117.06	Criteria for Review of Application for Certificate of Appropriateness	1117.13	Penalties
1117.07	Issuance of a Certificate of Appropriateness		

1117.01 Purpose

- A. The purpose of this Chapter is to provide for the review of development, construction, alteration, or demolition of structures within any designated Design Review District.
- B. Designated Design Review Districts:
 1. Downtown Design Review District. See Section 1103.02(F)

1117.02 Certificate of Appropriateness

A. Initiation

Pursuant to Subsection 1116.02.A: Authority to File Applications, any person having authority to file applications may initiate an application for a Certificate of Appropriateness (COA).

B. Applicability

No new construction, reconstruction, alteration, or demolition of any structure (or any significant exterior architectural feature thereof) in any designated Design Review District shall be undertaken prior to obtaining a Certificate of Appropriateness from the Office of the Director of Public Safety and Service. No approval shall be issued by the Director of Public Safety and Service for the construction, reconstruction, alteration, modification, or demolition of any area, place, site, building, structure, object, or work of art within a designated Design Review District unless the application for such permit is approved by the Design Review Board through the issuance of a Certificate of Appropriateness in the manner prescribed in this Chapter.

1117.03 Exemptions

The following shall be excluded from this Chapter and shall not require a certificate of appropriateness:

- A. Solely residential properties in the Downtown Design Review District;
- B. Normal and ordinary maintenance functions performed on buildings within the Design Review District;
- C. The removal/demolition of declared public nuisances (e.g. fire-damaged buildings) that pose a threat to the health and safety of the general public;
- D. Temporary provided it complies with all requirements of Section 1115.07 Temporary Signs, of this Zoning Code.

1117.04 Triggering Mechanism for Design Review

- A. Once a property owner applies for a certificate of appropriateness to the Office of the Director of Public Safety and Service for an alteration within a Design Review District, the application will be deemed as an application to the Design Review Board.
- B. All property owners (with the exception of solely residential property) within the Design Review District must receive Design Review Board approval prior to issuance of a Certificate of Appropriateness. All alterations, as defined in Subsection 1103.02(B): Definitions, Subsubsection (1): Alter or Alteration, shall require a Certificate of Appropriateness.

1117.05 Application for Certificate of Appropriateness

- A. When the owner of a property within a Design Review District proposes new construction, reconstruction, alteration, or demolition to any structure, or portion of a structure within the District, he/she shall first apply through the Office of the Director of Public Safety and Service for and secure a Certificate of Appropriateness from the Design Review Board. The application shall include the following as well as other material as the Design Review Board may from time to time prescribe:
 - 1. A site plan showing building outlines, dimensions, and landscaping. The site plan submission shall be in conformance with Section 1116.06, Site Plan Review, for new construction and expansions;
 - 2. Photographs of the building, site, structure or object as appropriate;
 - 3. A complete description of the proposed architectural change, including drawing or photographs to illustrate the proposal as may be needed;
 - 4. An explanation by the applicant as to how the proposed alteration is consistent with the purposes and guidelines of this Chapter; and
 - 5. State of Ohio Historic Preservation Office (SOHPO) approval for any proposed work to be funded by federal funds.
- B. An applicant may submit plans for a “conceptual review” to the Design Review Board. A “conceptual review” is an unofficial review to provide guidance to an applicant. However, “conceptual review” guidance is not approval of a Certificate of Appropriateness and does not entitle an applicant to claim approval or a right to be issued a Certificate of Appropriateness.

- C. Applications shall be filed in the Office of the Director of Public Safety and Service at least fourteen (14) calendar days prior to the regularly scheduled meeting of the Design Review Board.
- D. If no action is taken by the Design Review Board within sixty (60) days of filing the application, the application shall be deemed approved and the Certificate of Appropriateness shall be issued. The tabling or continuation of an application due to incomplete information provided by the applicant or at the request of the application shall not be considered as “no action” for the purposes of this Section.

1117.06 Criteria for Review of Application for Certificate of Appropriateness

- A. In reviewing proposed alterations to property, the Design Review Board may at a minimum use as evaluative criteria the ten federal standards established by the Secretary of the U.S. Department of the Interior as amended. The Standards are to be applied to projects in a reasonable manner, taking into consideration economic and technical feasibility:
 - 1. Every reasonable effort shall be made to provide a compatible use for a property, which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
 - 2. The historic character of a property shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
 - 3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis, and which seek to create an earlier appearance shall be discouraged.
 - 4. Changes, which may have taken place in the course of time, are evidence of the history and development of a building, structure, or site and its environment. These changes, which may have acquired significance, shall be recognized and respected.
 - 5. Distinctive stylistic features or examples of skilled craftsmanship, which characterize a building, structure, or site, shall be treated with sensitivity.
 - 6. Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visible qualities. Repair or replacement of missing architectural features should be substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different elements from other buildings or structures.
 - 7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage historic building materials shall not be undertaken.
 - 8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.

9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural materials, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
 10. Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- B. The Design Review Board may also utilize the U.S. Secretary of Interior's Guidelines, as amended, for Rehabilitating Historic Buildings in their review and deliberation.
 - C. The Design Review Board may amend and/or impose more refined design review guidelines or criteria with Council approval based on the Design Review District's predominant architecture, historical significance, and its cultural/archeological attributes.

1117.07 Issuance of a Certificate of Appropriateness

The Office of the Director of Public Safety and Service shall issue a Certificate of Appropriateness to the application if the Design Review Board determines one of the following conditions exist:

- A. If the proposed new construction, reconstruction, alteration, or demolition is determined by the Design Review Board to have no adverse effect on the Design Review District, and does not violate the spirit and purpose of these regulations or any design review guidelines as approved by City Council from time to time; or
- B. A usual or compelling circumstance as defined by Section 1117.10: Criteria to Determine Unusual and Compelling Circumstances, has been found to exist and a Certificate of Appropriateness may be issued without substantial detriment to the public welfare and without substantial derogation from the intent and purpose of this Chapter; or
- C. Failure to issue the Certificate of Appropriateness will result in a substantial economic hardship to the applicant as defined in Section 1117.09: Criteria to Determine Substantial Economic Hardship, and a Certificate of Appropriateness may be issued without substantial detriment to the public welfare and without substantial derogation from the intent and purpose of this Chapter.

1117.08 Denial of a Certificate of Appropriateness

- A. If the Design Review Board determines that the proposed new construction, reconstruction, alteration, or demolition will have an adverse effect on the Design Review District, and does violate the spirit and purposes of these regulations or any design review guidelines as approved by City Council from time to time, then the Board may deny issuance of the Certificate of Appropriateness. Within fifteen (15) days after the Design Review Board's decision, the Office of the Director of Public Safety and Service shall notify the applicant in writing of the reasons for the denial.

- B. Within fifteen (15) days after receipt of the denial, the applicant may apply for a rehearing, apply for mediation, or appeal the decision to Council in accordance with the provisions of this Chapter.
1. Rehearing:
 - a. A rehearing on the application shall only be held to consider any unusual and compelling circumstances, as outlined in Section 1117.10: Criteria to Determine Unusual and Compelling Circumstances, and/or substantial economic hardship, as outlined in Section 1117.09: Criteria to Determine Substantial Economic Hardship, that were not addressed in the original application or Design Review Board meeting.
 - b. Within forty-five (45) days of the Office of the Director of Public Safety and Service's receipt of the applicants request for a rehearing, the Design Review Board shall hold a public hearing at which to reconsider the applicant's evidence in response to the Board's previous denial.
 - c. New proposals or changes to the application shall not be subject to re-hearing but shall be presented in the form of a new application.

2. Mediation:

Mediation may occur by mutual agreement between an applicant and the Design Review Board in an attempt to find a mutual resolution to the applicant's denial. Within fifteen (15) days after receipt of a request for mediation, a mediator shall be appointed by the joint agreement of the applicant and the Design Review Board. Costs for the mediator, if any, shall be divided equally and paid by the applicant and the City. Mediation towards resolution may occur during the next forty-five (45) days after selection of the mediator. As part of the mediation, the applicant and the Design Review Board shall attempt in good faith to develop an alternative plan for approval that is appropriate under the applicable standards and criteria set forth in this Chapter. New information may be considered, and application revisions can be made by the applicant. If the matter is mutually resolved in the mediation to the satisfaction of both parties, a Certificate of Appropriateness shall be issued by the Office of the Director of Public Safety and Service. If the matter is not successfully resolved, then the applicant may request a rehearing under Section 1117.08(B)(1): Rehearing, or may appeal to Council.

3. Appeal

All appeals of the Design Review Board's denial of an application for a Certificate of Appropriateness for an alteration shall state with particularity the grounds for an appeal. Grounds shall include the following:

- a. The Design Review Board's denial of the application for a Certificate of Appropriateness was arbitrary, capricious, and unreasonable; or
- b. The Design Review Board improperly denied the application for a Certificate of Appropriateness on the basis of the applicant's claim of unusual and compelling circumstances; or

- c. The Design Review Board improperly denied the application for a Certificate of Appropriateness on the basis of the applicant's claim of substantial economic hardship.

1117.09 Criteria to Determine Substantial Economic Hardship

The following criteria shall be used by the Design Review Board to determine whether the denial of a Certificate of Appropriateness creates a substantial economic hardship on the property owner:

- A. Denial of a Certificate of Appropriateness will result in a substantial reduction in the economic value of the property; or
- B. Denial of a Certificate of Appropriateness will result in substantial economic burden on the property owner because the property owner cannot reasonably maintain the property in its current form; or
- C. No reasonable alternative exists consistent with the design standards and guidelines for the property; or
- D. The property owner has been unable to sell the property.

1117.10 Criteria to Determine Unusual and Compelling Circumstances

The following criteria shall be used by the Design Review Board to determine whether the issuance of a Certificate of Appropriateness is justified by the existence of unusual and compelling circumstances:

- A. The property has little or no historical or architectural significance; or
- B. The property cannot be reasonably maintained in a manner consistent with the pertinent design standards and guidelines; or
- C. No reasonable means of saving the property from deterioration, demolition, or collapse other than the applicant's proposal exists; or
- D. If the property owner is a non-profit organization and it is determined by the Design Review Board that it is financially or physically infeasible for the non-profit organization to be able to achieve its charitable purposes while conforming to the pertinent design standards and guidelines.

1117.11 Demolition

- A. No building, structure, site, or object or part thereof shall be demolished within the Design Review District unless a Certificate of Appropriateness has been issued from the Office of the Director of Public Safety and Service.
- B. The application for demolition should be accompanied by a written statement containing the reasons the applicant is seeking to demolish the building, site, structure, or object, along with information detailing why such building, site, structure, or object or part thereof is not historically or architecturally significant or worthy of preservation.

- C. If the applicant is seeking to demolish an entire building, structure or major portion thereof, the application shall also submit definite plans for reuse of the site, evidence of commitment of funding for the proposal, a project timetable for both initiation and completion, and an evaluation of how the integrity and character of the Design Review District will be affected by such demolition.
- D. A Certificate of Appropriateness may be issued by the Office of the Director of Public Safety and Service if the Design Review Board finds the applicant has submitted adequate documentation that at least one of the following conditions exist:
 - 1. The building, structure, site, or object or part thereof is noncontributing, and/or contains no features of architectural and historic significance to the character of the Design Review District; or
 - 2. There exists no reasonable economic use for the building, structure, site, or object or part thereof as it exists or as it might be restored, and that there exists no feasible and practical alternative to demolition; or
 - 3. Deterioration has progressed to the point where it is not economically feasible to restore the building, structure, site or object or part thereof.
- E. The Design Review Board shall be guided in its decision by balancing the historic, architectural, and cultural value of the building, structure, site or object or part thereof against the applicant's proof of any substantial economic hardship or unusual or compelling circumstances in retaining the building, structure, site or object or part thereof along with a full review and consideration of the proposed replacement project.

1117.12 Minimum Maintenance Requirements

The owner of a historic structure or any structure within the Design Review District shall provide sufficient maintenance and upkeep for such structure to ensure its perpetuation and to prevent its destruction by deterioration through benign neglect, whether the building is vacant or inhabited.

1117.13 Penalties

- A. Whoever constructs, reconstructs, or alters any exterior feature of any structure, work of art, object, or area or whoever maintains, changes, or installs a sign or any other action in violation of this Chapter shall be deemed in violation of this Zoning Code. Such violation shall be punishable under Section 1120.06: Penalty, of this Zoning Code. Each day of violation shall constitute a separate and distinct violation for as long as one (1) year.
- B. Whoever demolishes a structure in violation of this Ordinance shall be deemed in violation of this Zoning Code. Such violation shall constitute a misdemeanor of the first degree.

Chapter 1118: Administrative and Decision Making Authorities

1118.01	Purpose	1118.04	Board of Zoning Appeals
1118.02	City Council	1118.05	Design Review Board
1118.03	Planning Commission	1118.06	Administrative Staff

1118.01 Purpose

The purpose of this Chapter is to identify the roles and responsibilities of various elected and appointed boards, as well as the duties of City staff, in the administration of this Zoning Code.

1118.02 City Council

A. Powers and Duties

In addition to any other authority granted to City council by charter, ordinance, or state law, City council shall have the following powers and duties related to this Zoning Code:

1. To initiate amendments to the text of this Zoning Code or the Official Districts Zoning Map of Orrville, hereafter referred to as the zoning map.
2. To hear and make a decision on applications for amendments to the text of this Zoning Code or zoning map amendments pursuant to Section 1116.05: Zoning Text and Map Amendments.
3. To hear all appeals of the Design Review Board's denial of an application for a Certificate of Appropriateness.

1118.03 Planning Commission

A. Establishment and Organization

1. The City of Orrville Planning Commission shall be established pursuant to the City of Orrville Charter.
2. The Planning Commission shall consist of seven members in accordance with the charter.
3. The Planning Commission may, by a majority vote of its entire membership, organize and adopt bylaws for its own governance provided they are consistent with law or with any other ordinances of the city.

B. Powers and Duties

1. Hear, initiate, review, and make recommendations related to amendments to this Zoning Code.
2. Hear, initiate, review, and make recommendations related to amendments to the zoning map.

3. Hear, review and make decisions related to planned unit developments and cluster divisions.
4. Hear, review, and make decisions on Conditional Zoning Certificate applications for a conditional use.
5. Review and make decisions on site plan applications. Engineering approval of site construction details is not part of site plan review by the Planning Commission.
6. Review and make decisions on requests for modifications to buffer and landscape requirements.
7. Perform all other duties as provided by the city's charter.

1118.04 Board of Zoning Appeals

A. Establishment

A Board of Zoning Appeals is hereby created and shall have all the powers and duties prescribed by law and by this Zoning Code.

B. Board Composition, Appointment, Term

The Board shall consist of six members, five to be appointed by the Mayor and approved by Council. Each member shall be appointed for a period of three years, except that two of the initial members shall be appointed for one (1) year, and two of the initial members shall be appointed for two years. In the event of death or resignation of a member, the Mayor, with the approval of Council, shall make the appointment for the duration of the unexpired portion of the term of the member. The members of the Board shall be residents of the City. The sixth member will be the Director of Public Safety and Service. The Director will have no voting rights on issues before the Board. The Clerk of Council, or other person designated by Council, shall serve as Secretary of the Board of Zoning Appeals.

C. Board Organization

The Board of Zoning Appeals shall elect a chairman and vice-chairman from its membership. The Board may, by a majority vote of its entire membership, organize and adopt bylaws for its own governance provided they are consistent with law or with any other ordinances of the City.

D. Quorum

The Board of Zoning Appeals shall require a quorum of three members at all its meetings, and the concurring vote of three members shall be necessary to effect any order.

E. Meetings

The Board of Zoning Appeals shall meet at the call of its chairman or two other members, and at such other regular times as it may by resolution determine. All meetings of the Board shall be public. The Board may meet in executive session if permitted by applicable state law.

F. Witnesses

The Board of Zoning Appeals chairman or acting chairman may administer oaths and compel the attendance of witnesses in all matters coming within the review of this Zoning Code.

G. Powers and Duties

The Board of Zoning Appeals, as herein created, is a body of limited powers.

1. Appeal of Administrative Decisions

The Board shall hear and determine all appeals from any decision or action of the Director of Public Safety and Service in the administration or enforcement of this Zoning Code. The Board shall hear and determine all appeals from the refusal of the Director of Public Safety and Service or Planning Commission, because of anything contained in this Zoning Code, to issue zoning certificates or conditional zoning certificates.

2. Variances

The Board shall have the power to hear and decide on applications for variances where, by reason of the exceptional narrowness, shallowness, or unusual shape of a site, or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the requirements of the Zoning Code would deprive the applicant of reasonable capacity to make use of the land subject to limitations detailed in Section 1118.04(J): Limitations on Board's Power to Act.

3. Extension of a Structure or Use into a More Restricted District

The Board may issue a variance for the extension of a structure or use into a more restricted district, but not more than twenty-five (25) feet beyond the boundary line of the district in which such use is authorized, where a use district boundary divides a lot in single ownership.

H. Board of Zoning Appeals Findings

1. Every decision of the Board shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case. Each such resolution shall be filed in the office of the Board by case number under one or another of the following headings: interpretation; certificate; conditional certificate, or variances, together with all documents pertaining thereto.
2. In the event that the Board will find it necessary to draw upon any planning, legal, engineering or any other expert testimony, the Board shall charge a reasonable fee in order to cover all expenses of such expert testimony.

I. Power of Board in Reversing Decision or Granting Variance

In exercising the above-mentioned powers, the Board of Zoning Appeals may, so long as such action is in conformity with the terms of this Zoning Code, reverse or affirm, wholly

or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Director of Public Safety and Service or Planning Commission from whom the appeal is taken, subject to the limitations in Section 1118.04(J): Limitations on Board's Power to Act.

J. Limitations on Board's Power to Act

1. The BZA shall not possess the power to grant a variance to permit a use or conditional use of any land, building, or structure which is not permitted by this Zoning Code in the zoning district in question, or to alter the density of dwelling unit requirements of the zone in question.
2. The Board may issue a variance for the expansion of structures or construction of new structures on premises devoted to a nonconforming use where the cost of such expansion during any ten-year period does not exceed 50 percent of the value at which the existing structures stand on the tax duplicate, or the value of the structure as determined by appraisal or in any one-year period to an extent exceeding 30 percent of such value, and together with such conditions as the Board may deem appropriate to minimize the nonconforming character of the use.
3. The Board may not reduce the requirements for minimum front yard, side yard and rear yard depths, minimum lot area, lot frontage, lot width at the building line, or maximum lot depth by more than twenty-five (25) percent unless a four-fifths (4/5) vote of the Board approves the request. When less than five (5) members are present, it shall take a unanimous vote of the members present to approve the request.
4. The Board may not increase the maximum sign sizes, or heights, or reduce sign setback requirements unless a four-fifths (4/5) vote of the Board approves the request. When less than five (5) members are present, it shall take a unanimous vote of the members present to approve the request.

1118.05 Design Review Board

A. Board Establishment

There is hereby established a Design Review Board, which shall have the powers and duties as are hereinafter set forth in this Section.

B. Board Composition, Appointment, Term

1. The Board shall consist of seven members, who shall be appointed by the Mayor, subject to confirmation from Council.
2. Design Review Board members shall be appointed with due regard for the need to include Design Review District property owners as members and members with professional expertise in the fields of architecture, engineering, history, archaeology, urban planning, landscape architecture, art design or other related disciplines. The Design Review Board should, to the greatest extent possible, consist of (1) an architect; (2) a real estate agent; (3) a Council member or designee; (4) a historian;

and (5) three Design Review District business or building owners. If the Board does not have members from each of these disciplines at any particular time, that board member seat may remain vacant until filled, and the City can enter into contracts for technical/professional assistance in the discipline not represented. All members shall be residents of the City of Orrville except that the architect and the three Design Review District business or building owners may be non-residents.

3. Members shall be appointed to serve three-year terms. Members shall serve until their successors have been named and qualified.

C. Quorum

A majority of the membership of the Board shall constitute a quorum.

D. Board Organization

1. The Design Review Board shall annually select one of its members to serve as chairperson and one as vice-chairperson. The Board may, by a majority vote of its entire membership, organize and adopt bylaws for its own governance provided they are consistent with law or with any other ordinances of the City.
2. The Director of Public Safety and Service shall provide such staff assistance as is necessary and available. All municipal departments and agencies shall cooperate in expediting the work of the Design Review Board.

E. Powers and Duties of the Design Review Board

1. The Design Review Board may adopt rules, regulations, and design guidelines, consistent with this Zoning Code, governing its procedures and transactions. The Design Review Board shall meet as required to carry out the review of applications for Certificates of Appropriateness, and such other related work as may be accepted through the request of Council or undertaken on its own motion.
2. Meetings shall be held at least once each month when there are applications to be considered. Special meetings may be held at the call of the chairperson of the Design Review Board.
3. Within the boundaries of the Design Review District, the Design Review Board shall review any proposed new construction, reconstruction, alterations, and demolition to property as herein defined. The Board's approval of such new construction, reconstruction, alteration, or demolition shall be secured before any owner of property may commence work thereon.

F. Conflict of Interest

Members of the Design Review Board shall abstain from taking action on any matter that would present a conflict of interest. No member of the Board shall have a financial interest in any matter pending before the Board. In the event such conflict arises, the affected member shall abstain from discussion and voting on the issue or matter in which he or she has such an interest.

1118.06 Administrative Staff

A. Zoning Inspector

The Director of Public Safety and Service, or such person as the Director may designate, shall serve as the Zoning Inspector for the purpose of effecting proper enforcement of this Zoning Code.

B. Roles and Powers of the Zoning Inspector

1. Zoning Code Enforcement

Determine the existence of any violations of this Zoning Code and cause such notifications, revocation notices, or stop orders to be issued, or initiate such other administrative or legal action as needed, to address such violations.

2. Zoning Code Administration

Establish application requirements and schedules for development review applications, and to take any other actions necessary to administer the provisions of this Zoning Code.

3. Reports

Prepare reports and recommendations for all development review procedures that require Planning Commission, BZA, Design Review Board, or City Council review and/or decisions.

4. Review and Issuance of Permits and Certificates

To review and make decisions on applications for all zoning certificates, building permits, and certificates occupancy in accordance with this Zoning Code and other applicable ordinances of the City.

5. Inspections

Conduct inspections of buildings and uses of land to determine compliance with this Zoning Code, and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.

6. Technical Support and Assistance

Coordinate meetings related to this Zoning Code and provide support, expertise, and technical assistance to the City Council, Planning Commission, Design Review Board, and the BZA.

7. Maintain Records

Maintain a record of all administrative and legislative proceedings under this Zoning Code as it pertains to the Safety-Service Department.

8. Zoning Map

Maintain in current status the zoning map which shall be kept on permanent display in the City offices.

Chapter 1119: Nonconforming Uses

1119.01	Purpose	1119.06	Structures and Uses Nonconforming
1119.02	Incompatibility of Nonconforming Uses		Because of Development Regulations
1119.03	General Provisions	1119.07	Appearance Upgrade for Nonconforming Development
1119.04	Avoidance of Undue Hardship for Existing Nonconformities	1119.08	Nonconforming Uses in All Districts
1119.05	Structures and Uses Nonconforming by Use District	1119.09	Nonconforming Lots of Record
		1119.10	Certificate of Nonconforming Use

1119.01 Purpose

Within the districts established by this Zoning Code, or amendments that may later be adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this Zoning Code was enacted or amended, but which would be prohibited, regulated, or restricted under the terms of this Zoning Code or of future amendments. It is the intent of this Zoning Code to permit these nonconformities to continue until they are removed. It is further the intent of this Zoning Code that nonconformities shall not be encouraged to expand without restriction, nor be used as ground for adding other structures or uses prohibited elsewhere in the same district.

1119.02 Incompatibility of Nonconforming Uses

Nonconforming uses are declared by this Zoning Code to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged in any way, including attachment to a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located, except as hereafter provided in this Chapter.

1119.03 General Provisions

- A. Passage of this Zoning Code in no way legalizes any illegal uses existing at the time of its adoption.
- B. The governmental acquisition of a portion of a lot for a public purpose that results in reduction in a required yard or building setback below that required in the applicable zoning district shall not render a structure nonconforming.
- C. An applicant for any development review procedure that deals with nonconformity shall bear the burden of proof in demonstrating that the use was a legal nonconformity on the effective date of this code.

1119.04 Avoidance of Undue Hardship for Existing Nonconformities

To avoid undue hardship, nothing in this Zoning Code shall be deemed to require a change in the plans, construction, or designated use of any structure, including a sign, for which a building permit was lawfully applied for prior to the effective date of adoption or amendment of this Zoning Code and upon which actual construction has been carried on and completed under a valid building permit.

- A. To avoid undue hardship, nothing in this Zoning Code shall prevent the restoration of a structure wholly or partly destroyed by fire, explosion, or act of God subsequent to the effective date or amendment of this Zoning Code, or prevent the continuance of the use of such building or part thereof as such use existed at the time of such destruction or prevent a change or expansion of such existing use as provided in this Chapter.
- B. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased.
- C. 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.

1119.05 Structures and Uses Nonconforming by Use District

Where, at the time of adoption or amendment of this Zoning Code, lawful uses of buildings, structures, land, and premises exist which would not be permitted under the Use Table in Section 1104.02, the uses may be continued so long as they remain otherwise lawful, provided:

A. Enlarging a Nonconforming Use

No such nonconforming use 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. Increasing a Nonconformity

No such nonconforming use structure shall be enlarged or altered in a way which increases or maintains its nonconformity except as provided in Section 1118.04(G): Board of Zoning Appeals Powers and Duties, but any structure or portion thereof may be altered to decrease or eliminate its nonconformity.

C. Additional Structure

No additional structure not conforming to the requirements of this Zoning Code or amendment thereto shall be erected in connection with a nonconforming use of land, except as provided in Section 1118.04(G): Powers and Duties, of the Board of Zoning Appeals.

D. Change or Substitution to Another Nonconforming Use.

A nonconforming building, structure, or premises, if changed to a use permitted in the district in which the lot is located, shall not thereafter be used except in conformity with the said permitted uses in that district; a nonconforming building, structure, or premises may be changed to another use only if such use is included in the district in which the nonconforming use is a part.

E. Voluntarily Discontinued or Abandoned

When a nonconforming use of a structure or premises is voluntarily discontinued or abandoned for more than six months, the structure, building, or use shall not thereafter be used except in conformity with the permitted uses for the use district in which it is located.

F. Existing Use Reclassified as a Conditional Use

In the event an existing use that was permitted by right at the time the use was established is thereafter reclassified as a conditional use in the applicable district due to a zoning text amendment, such use shall be considered to be an approved conditional use without any further action. However, any subsequent change to such use shall require review and approval by the Planning Commission in accordance with this Chapter and Section 1116.07: Conditional Zoning Certificate. Such use, provided it is conditionally permitted in the applicable district, shall not be considered a nonconforming use.

G. Removal of a Nonconforming Mobile or Manufactured Home Use of Land

A nonconforming use of land for a mobile or manufactured home shall be voluntarily abandoned upon the removal of such mobile or manufactured home from the site of such use. Any subsequent use of the land shall conform to the use regulations specified by this Zoning Code for the district in which such land is located.

H. Sexually Oriented Business

A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a church, public or private elementary or secondary school, public park or library within one thousand feet, or a residential district within five hundred feet, of the sexually oriented business.

1119.06 Structures and Uses Nonconforming Because of Development Regulations

Where, at the time of adoption or amendment of this Zoning Code, lawful uses of buildings, structures, land, and premises exist which are included in the permitted uses for the district in which they are located but do not meet coverage, height, yards, parking, location on the lot, or other development requirements, such uses may be continued so long as they remain otherwise lawful, provided that:

- A. The lot on which such nonconforming development is located shall not be enlarged unless the additional development upon such land shall conform to the regulations for the district in which it is located.

- B. No nonconforming portion of a building or structure shall be reconstructed or structurally altered to an extent exceeding in cost fifty (50) percent of the value at which the building or structure's market value, as determined by the Wayne County Auditor, unless such reconstruction or alteration reduces the extent of the nonconforming development. These cost limitations may be appealed to the Board of Zoning Appeals under Section 1116.08: Variance.
- C. If a nonconforming structure is damaged beyond fifty (50) percent of the structure's market value, such structure shall only be rebuilt in compliance with the requirements of this Zoning Code. Such reconstruction shall require the application and issuance of all necessary zoning and building permits.

1119.07 Appearance Upgrade for Nonconforming Development

A. Purpose

This Section is primarily aimed at upgrading nonconforming development elements that affect the appearance and impacts of a site. It is not intended to require extensive changes that would be extremely impractical such as changing facade materials.

B. Exterior Changes

Exterior changes may be made to the site which are in conformance with this Zoning Code. Changes which bring the site closer to conformance are allowed. Proposed changes that are not in conformance or do not move closer to conformance, are prohibited. Exterior changes include, but are not limited to building permits which result in a change in:

1. Landscaping, buffering and screening, see Subsection 1113.02(B): Expansion.
2. Façade alterations see Chapter 1114: Architectural Design Standards.

1119.08 Nonconforming Uses in All Districts

The following provisions apply to a nonconforming use in all districts, and supersede any contrary provisions in this Zoning Code.

- A. No extension or expansion of a nonconforming use shall be permitted.
- B. No reconstruction or alteration of a building or structure incidental to a nonconforming use shall be permitted, except to reduce its nonconformity.
- C. No building or premises where a nonconforming use is voluntarily discontinued for a period of six months or more shall again be devoted to any nonconforming use.
- D. Section 1119.06: Structures and Uses Nonconforming Because of Development Regulations, shall in no way be construed to vary the provisions of this Chapter.

1119.09 Nonconforming Lots of Record

A. Residential

Any lot in a single ownership in a residential district, which ownership was on record at the time of adoption of this Zoning Code, that does not meet the requirements of the Zoning Code for yards or other areas of open space, shall be utilized for single-family residential dwelling purposes only. The purpose of the provision is to permit utilization of recorded lots which lack adequate width or depth as long as the housing unit meets the square footage requirements for the district in which the lot is located. The Board of Zoning Appeals, upon proper application and for good cause, may vary setback lines and yard depths on existing substandard lots, subject to Section 1116.08: Variances. In cases where adjoining lots or land is in the same ownership the owner shall replat to conform with this Zoning Code and any other applicable ordinances before said land may be used as a building site.

B. Commercial and Industrial.

Only those lots which are lots of record which are presently used, or have been used, for commercial or industrial uses within an existing commercial or industrial zoning district and which ownership was on record at the time of adoption of the Zoning Code, which do not meet the requirements of the Zoning Code for minimum lot width at minimum building setback line, minimum lot frontage, minimum lot area, or minimum open space, may be utilized for commercial or industrial uses under conditions established by the Planning Commission. The purpose of this provision is to permit utilization of recorded lots though they may not meet minimum area requirements of the district of which they are a part; however, the Board of Zoning Appeals, under proper application, and for good cause, may vary minimum and setback requirements on existing substandard lots, subject to Section 1116.08 Variances.

1119.10 Certificate of Nonconforming Use

A. Issue Certificate Showing Nonconforming Use Status

Within one year of the effective date of this Zoning Code, the Director of Public Safety and Service shall issue a certificate of nonconforming use to all known owners of legal nonconforming use property, the use of which does not conform to the provisions of the use zone in which the property is located.

1. In accordance with the provisions of this Chapter, no use of land, buildings or structures shall be made other than that specified on the certificate of nonconforming use unless such use shall be in conformity with the provisions of the use district in which the property is located.
2. A copy of each certificate of nonconforming use shall be filed in the office of the Board of Zoning Appeals.

B. District Changes.

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, the foregoing provisions shall also apply to any nonconforming use existing therein.

Chapter 1120: ENFORCEMENT, VIOLATIONS AND PENALTIES

1120.01	Enforcement by The Zoning Inspector	1120.05	Correction Period
1120.01	Violations	1120.06	Penalty
1120.03	Complaints Regarding Violations	1120.07	Affected Parties
1120.04	Inspection, Order to Correct	1120.08	Civil Offenses
		1120.09	Other Actions

1120.01 Enforcement by The Zoning Inspector

The Director of Public Safety and Service, or such person as the Director may designate, shall serve as the Zoning Inspector for the purpose of effecting proper enforcement of this Zoning Code. For the purpose of effecting this Zoning Code, the Director of Public Safety and Service shall have the power to enforce this Zoning Code.

1120.02 Violations

- A. Buildings erected, altered, moved, razed or converted, or any use of land or premises carried on in violation of any provision of this Zoning Code, are declared to be a nuisance per se.
- B. Violate or fail to perform any condition, stipulation or safeguard set forth in any certificate issued pursuant to this Zoning Code, or continue to use or occupy the premises or building as previously authorized by such certificate beyond the duration limit therein stated.

1120.03 Complaints Regarding Violations

Any building or land-use activities considered possible violations of the provisions of this Zoning Code, which are observed by any city official or city resident should be reported to the Director of Public Safety and Service.

1120.04 Inspection, Order to Correct

- A. The Director of Public Safety and Service shall inspect each alleged violation and shall, in writing, order correction of all conditions which are found to be in violation of this Zoning Code.
- B. Violations of Chapter 1115: Signs, may be issued a minor misdemeanor citation, without the written notification requirement, by the Director of Public Safety and Service or his designated agent. Each day of that violation may constitute a separate offense.

1120.05 Correction Period

- A. All violations shall be corrected within a period of ten days after the written order is issued, or for a longer period of time as indicated by the Director of Public Safety and Service in the written order. After such an order is served, no work; except to correct the

violation or comply with the order shall proceed on any building or premises included in the violation.

- B. If the violations are not corrected within the specified period of time, the Director of Public Safety and Service may initiate a criminal or civil proceeding to bring about compliance with the Zoning Code or the punishment of the offender.

1120.06 Penalty

- A. The owner or owners of any building or premises or part thereof where anything in violation of this Zoning Code shall be placed or shall exist, and any tenant or occupant of such building or premises, and any architect, builder or contractor who shall assist in the commission of any such violation, and any person who shall violate any of the provisions of this Zoning Code or fail to comply therewith shall, for each violation or noncompliance, be deemed guilty of a minor misdemeanor. If the offender has been previously convicted of a violation of this Section or if the violation constitutes a violation of public health or safety, the violation shall be a misdemeanor of the first degree. Each day such violation or failure to comply shall exist shall constitute a separate offense.
- B. Alternatively, zoning violations may also be enforced under the provision for Civil Offenses as per stipulations set forth in Section 1120.08: Civil Offenses.

1120.07 Affected Parties

The owner or tenant of any building, structure, premises, or part thereof, and any architect, engineer, surveyor, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may be found guilty of a separate offense and suffer the penalties herein provided.

1120.08 Civil Offenses

A. Civil Offense

Charging a person with a civil offense is an alternative to criminal prosecution. A person may not be charged with a civil offense if that person has been charged with a misdemeanor for the same offense. A person charged with a civil offense may not be arrested for the commission of the offense.

B. Qualifying Civil Offenses

A person who violates a standard of conduct set forth in a section or chapter of this Zoning Code is liable for the civil offense fine specified in Section 1120.08(M): Fines.

C. Procedures for Notice of Civil Offense and Civil Fine

1. A city officer or employee charged with enforcement of this Zoning Code may issue a notice of civil offense and civil fine to a person found to have committed a civil offense.

2. A notice of civil offense and civil fine must advise the person served:
 - a. Unless a written answer is filed or the civil fine paid within 10 days from the date of the notice, fine will double; and
 - b. That a hearing will be held if requested.
3. A notice of civil offense and civil fine:
 - c. Must state the date that the notice is issued;
 - d. Must identify the person being charged if known to the issuing officer or employee;
 - e. Indicate the offense charged, the civil fine for the offense, and the date, time and location of the offense charged;
 - f. Be signed and attested to by the issuing officer or employee; and
 - g. If the person charged is present, the issuing officer or employee may personally serve the person charged with a copy of the notice.
4. The issuing officer or employee must serve the notice of civil offense and civil fine in one of the following manners:
 - a. The notice may be served personally on the person responsible for the offense;
 - b. If the notice involves an offense which occurred on or immediately adjacent to the real property owned, occupied or controlled by the person being charged, the notice may be constructively served by posting a copy of the notice in a conspicuous location on the real property and by mailing a copy of the notice to the person by first class U.S. mail; or
 - c. If the notice relates to an offense involving a motor vehicle, the notice may be constructively served by posting a copy of the notice on the motor vehicle and by mailing a copy of the notice to the person responsible for the offense by first class U.S. mail.
5. The original of a notice of civil offense and civil fine issued pursuant to this Section or a true copy of it is a record kept in the ordinary course of business of the City and is prima-facie evidence of the facts it contains.

D. Answer to Notice of Civil Offense.

1. A person served with a notice charging a civil offense may file a written answer to the charge. The answer may be delivered in person or mailed to the City. An answer must be filed within ten (10) days from the date of the notice. The answer may:
 - a. Admit that the person committed the offense by payment of the civil fine specified in the notice;
 - b. Admit that the person committed the offense and, for those offenses that provide for a reduction in civil fine on proof of correction, offer proof that the person has corrected the offense;

- c. Deny that the person committed the offense and request a hearing before the Board of Zoning Appeals. If the person desires the presence, at the hearing, of the enforcement officer, inspector or other authorized individual who issued the notice, the person must request same in his or her answer; or
 - d. If the person served has taken an appeal authorized by this Section from an order on which the offense was based, the person may request that the time for answering the notice of civil offense be continued until the appeal has been finally resolved.
 - e. If the person files a timely request for appeal, the requirement to pay the fine shall be suspended and the payment of the fine, if any, shall be in accordance with the decision of the Board of Zoning Appeals.
2. A person who admits the commission of the offense for which a notice was issued must pay the civil fine arising out of the offense to the City.
 3. A person who admits the commission of the offense with an offer of proof of correction, may offer proof that the person has corrected the offense.
- E. Hearings
1. A person who denies the commission of a civil offense may request a hearing before the Board of Zoning Appeals. The request shall follow the review procedure as set forth in Section 1116.09: Appeals.
 2. Any unpaid civil fine is due and must be paid within ten (10) days after the date of the Board of Zoning Appeals' decision.
 3. If the person has taken an appeal authorized by this Section from an order on which the offense was based, the Board of Zoning Appeals must extend the time for answering the notice of civil offense until the appeal has been finally resolved.
- F. Correction of Violation.
1. A person charged with a violation of this Zoning Code and served with a notice of civil offense and civil fine specified as subject to reduction for correction of the violation may offer proof of the correction to the Director of Public Safety and Service. The offer or proof of correction may be submitted in person or, to avoid the necessity of personal appearance, may be submitted as affidavits and other document evidence, by mail. Upon receiving an answer with an offer of proof of correction, the Director of Public Safety and Service shall verify whether the violation has been corrected.
 2. For a reduction in civil fine on proof of correction, on being satisfied that the offense has been corrected, the Director of Public Safety and Service shall reduce the otherwise applicable civil fine by 75 percent. If the civil fine is eliminated or reduced and the person previously paid the civil fine, the amount paid in excess of the revised civil fine shall be returned to the person. If the civil fine is reduced and the person has not previously paid the civil fine, the person must pay only the amount of the civil

fine as reduced. An unpaid civil fine is due and must be paid within 10 days after the determination of Director of Public Safety and Service.

G. Default.

A person who is personally or constructively served with notice of a civil offense and civil fine and fails to answer within the time provided by Section 1120.08(D): Answer to Notice of Civil Offense, or fails to attend a requested hearing, the person is in default, and the civil fine deemed delinquent. The amount due is as specified by Section 1120.08(M): Fines.

H. Request to Set Aside Default and Delinquency Charges.

A person subject to a civil fine entered after default may request to have the default set aside. The Director of Public Safety and Service may set aside a default on a showing that the person had no actual knowledge of the notice of civil offense and civil fine or that the default should be excused in the interest of justice.

I. Administrative Review.

Any person or persons, or any board, taxpayer, department, or bureau of the city aggrieved by any decision of the Board of Zoning Appeals may seek review by a court of record of such decision in the manner provided by the laws of the State of Ohio, particularly by the administrative appeals section of the Ohio Revised Code.

J. Civil Proceedings.

Whenever an officer charged with the enforcement of this Zoning Code is satisfied that a provision of this Zoning Code has been violated or is about to be violated, or that an order or direction made in pursuance of the enforcement of this Section has not been complied with, or is being disregarded, and whenever that officer is satisfied that civil proceedings are necessary for the enforcement of this Zoning Code, to restrain violations thereof, that officer may apply to the Law Director, who is authorized to institute civil proceedings. Civil proceedings may be brought in the name of the City, and may include, among other things, claims for injunction, mandatory relief, restraining orders, damages, the appointment of a receiver, and such other relief as may be allowed in law or equity. Institution of civil proceedings does not exclude criminal proceedings as authorized by the Orrville Codified Ordinances or charging a person with a civil offense as authorized by this Section.

K. Administrative Regulations.

The Director of Public Safety and Service may adopt administrative regulations for the enforcement of this Zoning Code through the issuance of notices of civil offenses.

L. Savings

This Section does not affect any act done or committed in violation of any former ordinance relating to the same subject, or any suit or proceeding now pending in court for the violation of the provisions of any former ordinance, or any cause or causes of action

accrued or existing under such ordinance, but all proceedings or prosecutions now pending shall be conducted to final determination irrespective of this Section.

M. Fines.

1. Civil Fine

The initial civil offense fine is \$200. This amount is due within ten (10) days of the offending person being personally or constructively served with a Notice of Civil Offense.

2. Delinquent

Unless within ten (10) days of the offending person being personally or constructively served with a Notice of Civil Offense the fine is paid or an answer if filed, the civil offense shall automatically double on the eleventh day.

3. Fine Reduction

The applicable civil fine is reduced by 75 percent if the person charged shows in accordance with Section 1120.08(D): Answer to Notice of Civil Offense, that the violation has been corrected. If a person has previously been found to have violated the same provision of this Zoning Code within one (1) year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine specified in this Subsection, which fine is not subject to reduction for correction of the violation.

4. Collection

If a person fails to pay the fine within thirty (30) days the City may make a certified request to the County Auditor with a statement of the amount due and owing for failure to pay the above fines. The amount shall be entered upon the tax duplicate as an administrative fee assessment and be a lien upon the land from and after the date of entry and be collected as other taxes and returned to the city with the general fund settlements. The City may also collect any past fines by use of other available legal means.

5. Exemption

Neither the City of Orrville, the State of Ohio, the United States government, nor any city, federal or state agency or political subdivision is liable for a civil fine imposed pursuant to this Section.

1120.09 Other Actions

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

Chapter 1121: Terminology

1121.01 General Definitions

1121.02 Use Categories

1121.01 General Definitions

A. Words in general:

1. The word lot includes the word plot or parcel; the words used or occupied include the words arranged, intended, or designed to be used or occupied; the words building or structure include the words or portion thereof; the word located includes the words erected and altered.
2. The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

B. For the purposes of this Zoning Code, certain words and terms are defined as follows:

1. Abutting or adjacent

Abutting or adjacent means the land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement, or street.

2. Accessory Use or Structure

An accessory use or structure is a subordinate use or structure customarily incidental to the main use or structure. Such accessory use or structure shall be located on the same lot occupied by the main use or building, with the exception of those specific instances listed in this Zoning Code. An accessory use may include parking areas, driveways, and other required facilities.

3. Alley

Alley means a public way which affords only a secondary means of access to abutting property.

4. Alteration

Alteration, as applied to a building or structure, means a change or rearrangement in the structural parts or in the exterior facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

5. Apartment

An apartment is a dwelling unit in a multifamily structure which is intended for occupancy as a single-family residence.

6. Appeal

Appeal is an appeal to the Board of Zoning Appeals under Chapter 1116 of this Zoning Code.

7. Application

Application refers to any application provided for in this Zoning Code.

8. Awning

Any structure with a frame, attached to a building and projecting over a sidewalk, when the same is so erected as to permit its being raised to a position flat against the building when not in use.

9. Basement

A story having more than one-half (1/2) of its height below average finished grade. A basement shall not be counted as a story for the purpose of height regulations.

10. Basement House

A basement, without another story above, in which there are cooking facilities and sleeping quarters.

11. Board of Zoning Appeals

The Board of Zoning Appeals of the City of Orrville as established in this Zoning Code.

12. Breezeway

A structure for the principal purpose of connecting the main building on a property with other main or accessory buildings. Such structures may not be more than sixteen feet (16) high maximum at the ridge. It may be either enclosed or left open.

13. Building

A building is any structure used for the support, enclosure, shelter, or protection of persons, animals, chattels or property.

14. Building Coverage

The land area covered by all buildings on a lot.

15. Building Lines

The line defining the minimum front, side, and rear yard requirements outside of which no building or structure may be located, except as otherwise provided herein.

16. Building, Principal

The building or buildings on a lot used to accommodate the primary use to which the premises are devoted.

17. Canopy

A non-collapsible structure, as opposed to an awning, with frames, attached to a building, projecting over a sidewalk.

18. Carport

A covered automobile parking space not completely enclosed by walls or doors. A carport shall be subject to all the provisions prescribed in these regulations for a private garage.

19. Certificate of Occupancy

Official authorization to occupy premises, affirming that the use and conditions of a new building or an existing building undergoing change are consistent with the zoning ordinance of the city. No property can be occupied unless a certificate of occupancy is issued or if the certificate is revoked.

20. Condominium Housing

Condominium housing is a multiple-family dwelling in which each dwelling unit is owned (or financed) by the occupant or the occupant's lessor, but in which the common halls, entrances, drives, and underlying lands are owned jointly by the owners of all dwelling units. For the purposes of this Zoning Code, all regulations applying to a two-family dwelling shall also apply to a two-unit condominium. Likewise, all regulations applying to a multifamily house shall also apply to a condominium of three units or more.

21. Council

The City Council of the City of Orrville.

22. Court

An open, unoccupied and unobstructed space surrounded by a building or group of buildings.

23. Density

The number of families residing on, or dwelling units developed on, a gross acre of land.

24. District

A section or sections of the incorporated territory of the City of Orrville for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.

25. Dwelling

Any building, or portion thereof, which is designed or used primarily for residential purposes, including single family, two family, or multifamily but not including hotels, motels, boarding houses, lodging houses, and tourist dwellings. An attached garage for purposes of determining the front, side and rear yards, shall be considered a part of the dwelling.

26. Dwelling, Manufactured or Mobile Home

A structure intended for residential use, which is designed to permit its conveyance upon a public street by means of integral structural elements consisting of a

- permanent chassis attached to an axle(s), wheels, and towing hitch. This includes, but is not limited to, any structure defined as a “manufactured home” under the provisions of the Manufactured Housing Construction and Safety Standards Act of 1974, and any amendments thereto or regulations in supplement thereof, whether or not the design of the structure has been approved and/or certified by the U.S. Department of Housing and Urban Development (HUD).
27. Dwelling, Industrialized or Modular Housing Unit
- A structure intended for residential use, which is constructed or manufactured partially at an off-site facility then transported to a permanent site where its construction is completed. This includes, but is not limited to, structures without permanent integrated chassis, which are variously described as “precut”, modular, or “panelized” homes, or any structures, which are constructed at one location and transported to another to be permanently placed.
28. Dwelling Unit
- One or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same, and including room or rooms for living, sleeping, eating and with bathroom facilities.
29. Erect
- Erect means to construct or allow to be constructed, and includes the word expand, but it shall not include any activity when performed as incidental to the change of advertising message or normal maintenance of a sign or sign structure.
30. Essential Services
- The erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduit, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare, or wireless telecommunications facilities for cellular and PCS communications.
31. Façade
- The exterior walls of a building or building face exposed to public view; the exterior face of a building which gives it a distinctive character.
32. Family
- A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single non-profit housekeeping unit. This definition shall not include any society, club, fraternity or sorority, association, lodge, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal

nature or for an anticipated limited duration of a school term or other similar definable period. Groups occupying a boarding house, lodging house, hotel or tourist dwelling shall not be classified as a family.

33. Fence

A barrier constructed so as to contain or enclose an area as a protective measure.

34. Floor Area

The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of exterior walls or from the center line of common walls separating two (2) buildings. Floor area, for the purposes of these regulations, shall not include basement, garage, elevator, and stair bulkheads, attic space, terraces, breezeways, open porches, and uncovered steps.

35. Frontage

The length of a property parcel adjacent to and contiguous with the line of the principal street.

36. Garage, Private

An accessory building or an accessory portion of the main building, enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling to which it is accessory.

37. Grade, Finished

For structures or buildings on land abutting one street only, the elevation of the sidewalk at the center of the structure or building wall facing the street (or the elevation of the center line of the street where no sidewalk exists); for structures or buildings walls facing more than one street, the average elevation at the center of the structure or building walls of all walls facing the streets; for buildings having no walls facing the streets; the average level of the finished surface of the ground adjacent to the exterior of the structure or the building. Any building wall approximately parallel to a street line is to be considered facing a street.

38. Gross Acre

Land area (43,560 square feet), measured on the horizontal plane, and including land occupied by all natural and man-made features of the landscape.

39. Junkyard/Salvage Yard

A junkyard is the use of more than fifty (50) square feet of any land, building, or structure, whether for private and/or commercial purposes, where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicles, auto wrecking, paper, rags, rubber, cordage, barrels, etc., are sold, stored, bought, exchanged, baled, packed, sorted, disassembled, dismantled, or handled.

40. Landscape Buffer/Screening Strip

A strip of land to be used as a planting strip on which shall be placed evergreen, hedge, shrubbery, and other planting materials maintained in a neat and orderly manner. Requirements for the landscape buffer strip/screening strip are listed in Chapter 1113.

41. Loading Space

An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

42. Lot

- a. A lot is a parcel of land, including any building and the accessory buildings or uses customarily incidental to it, including such yards and open spaces required by this zoning code, except land occupied by streets, alleys, or public thoroughfares. A lot is the land shown as a lot on a plat, recorded survey map, or described by metes and bounds, for the purpose of sale, lease or the creation of a building site, and filed in the office of the county recorder.
- b. A corner lot is a lot at the junction of and fronting on two or more intersecting streets.

43. Lot Coverage

The portion of the lot area that is covered by buildings.

44. Lot Depth

The mean horizontal distance between the right-of-way line of the street and the rear lot line.

45. Lot, Double Frontage

A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

46. Lot Line

A lot line is the line bounding a lot as defined in this Zoning Code.

47. Lot, Interior

A lot other than a corner lot.

48. Lot Lines

The property lines defining the limits of a lot.

49. Lot Line, Front

The line separating a lot from the street on which the lot fronts.

50. Lot Line, Rear

The lot line opposite and most distant from the front lot line.

51. Lot Line, Side

Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line; a side lot line separating a lot from another lot or lots is called an interior side lot line.

52. Lot of Record

A lot which is a part of a subdivision, the map of which has been recorded in the Office of the Recorder of Wayne County; or a parcel of land, the deed to which was of record on or prior to the effective date of these regulations.

53. Lot, Width of

The width measured along the minimum building setback line.

54. Maintain

Maintain means to preserve, keep in repair, continue, allow to exist, or restore if damaged or destroyed.

55. Major Recreational Vehicles and Equipment

Boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cars or buses used for transporting recreational equipment, whether or not occupied by such equipment.

56. Minimum Building Setback Line

A line parallel to the street right-of-way line and at a distance therefrom equal to the required depth of the front yard, and extending across the full width of the lot. Where the right-of-way line is not established, the right-of-way shall be assumed to be sixty (60) feet.

57. Minimum Living Floor Area

Minimum living floor area means the living floor area and shall consist of areas such as living rooms, bedrooms, bathrooms, dining rooms, rooms for cooking, dens, libraries, and family rooms; but shall not include areas such as porches, breezeways, terraces, recreation rooms, utility rooms, garages and basements.

58. Mortuary

An establishment for the care and preparation of the deceased human body for burial or funerals with accommodations permitted for one, one-family living quarters in any part of the building, to exclude crematories.

59. Motor Vehicle

A motor vehicle is an automobile, bus, truck, trailer, recreational vehicle, motorized bicycle, or similar transportation device, or any other motor vehicle as defined in the Ohio Revised Code.

60. Nonconforming Development

A nonconforming development is a use that is not listed in the Use Table for the use district in which it is situated, but which was legally existing prior to enactment of this Zoning Code or amendments thereto.

61. Nursing Home

Nursing home means a home used for the reception and care of three or more individuals who by reason of illness or physical or mental impairment require skilled nursing care and for individuals who require personal assistance but not skilled nursing care.

62. Open Space

Open space means an area of land which is in its natural state, or is developed only for the raising of agricultural crops, or for public outdoor recreation.

63. ORC

ORC means the Ohio Revised Code.

64. Outdoor Storage

Outdoor storage means the keeping of any goods, materials, merchandise, or vehicles outside of a structure or building for more than 48 hours. Outdoor storage shall not include car lots, tool rental establishments, greenhouses, or other uses where the sale of the merchandise is the primary use of the property.

65. Parking Space

An off-street space or berth for the parking of a vehicle.

66. Pharmacy

A limited commercial outlet where only drugs, medicines, or similar medical/prescription related items are dispensed to patients or customers (as opposed to a drug store, which may engage in the sale of a relatively wide range of small consumer convenience items).

67. Planned Unit Residential Development

A planned, integrated residential development of at least twenty-five (25) acres where minimum lot size and dwelling type may be modified somewhat to achieve particular design objectives and the economical provision of open space and utilities while maintaining the same overall density limitations of the district in which the planned unit residential development is located and complying with other pertinent requirements of this Zoning Code and site design requirements of the Planning Commission.

68. Planning Commission

The Planning Commission of the City of Orrville, Ohio.

69. Premises

The premises is a developed lot of record including any buildings and the accessory uses and structures thereon.

70. Private Recreation Facilities

Recreational facilities which are privately owned by an individual, corporation, institution or organization, and which may be a nonprofit or for-profit operation. Such operations are not publicly subsidized.

71. Public Notice

Public notice of a public hearing, provided for by this Zoning Code, means notice of the time, date, place, and nature of such hearing, published once in one newspaper of general circulation in the city.

72. Public, Private, or Parochial School

Any school providing instruction at the K-12 level which meets certification requirements of the Ohio Department of Education.

73. Public Utility

Any person, firm, corporation, governmental agency or board fully authorized to furnish and furnishing to the public, electricity, gas, steam, telephone, telegraphy, cable television, transportation, water and sanitary sewers, or any other similar public utilities.

74. Quarry, Sand Pit, Gravel Pit, Peat or Topsoil Removal or Processing

Quarry, sand pit, gravel pit, peat or topsoil removal or processing is any land use, the purpose of which is the extraction of stone, silica rock, sand, gravel, peat, or topsoil for sale or processing, as an industrial operation or where soil is to be sold upon removal. Such use does not include the process of grading a lot preparatory to construction of a building, for which a building permit has been issued.

75. Quasi-Public Uses

Quasi-public uses mean uses operated by private individuals or groups of individuals but with only limited public control or accessibility, such as charitable organizations, religious assembly, private schools, private golf clubs, cemeteries, lodge halls, fraternal organizations and the like.

76. Recycling Center

A center where metal cans, paper, plastic, glass and other consumer products, as approved by the Planning Commission, are gathered and sorted.

77. Rest Home

Rest home means a home that provides personal assistance to six or more individuals who are dependent on the services of others by reason of age or physical or mental impairment but who do not require skilled nursing care.

78. Roadside Produce Stands, Temporary

A removable structure used or intended to be used solely by the owner or the tenant of a property on which it is located for the sale of seasonal agricultural products.

79. Satellite Dish

Satellite Dish means a parabolic dish antenna including its structural supports, used for reception of various satellite television programming signals.

80. Site

A space of ground occupied or to be occupied by a building.

81. Stormwater Management

Stormwater management means a plan in which runoff water from a development is safely dispersed at an allowable rate to minimize erosion and flooding.

82. Story, half

Story, half means a story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than three (3) feet above the floor of such story.

83. Street, Public

A public thoroughfare which has been dedicated to the public use and accepted by the city or subject to public easements thereof.

84. Street, Private

A street which has not been dedicated to public use or subject to public easements thereof, which provides access to more than one property.

85. Street, Right-Of-Way Lines

A dividing line between a lot, tract or parcel of land and a contiguous street. Where the lot, tract or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the inside line of land reserved for street purposes.

86. Structure

Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including advertising signs, billboards, transmission towers for radio, television, telephones, pergolas, but not including fences or walls used as fences.

87. Structural Alterations

Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical content of the building.

88. Subdivision

Subdivision means the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots.

89. Swimming Pool, Family

A swimming pool is an accessory use if used, or intended to be used, solely by the owner or lessee thereof and their family, and/or by friends invited to use it without payment of any fee.

90. Tourist Home

Tourist home means a dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

91. Trailer

A vehicle, whether resting on wheels, jacks or other foundations and used or so constructed to permit its being used as a conveyance or towed upon a public highway.

92. Usable Open Space

Usable open space is that portion of a lot not devoted to building, driveway, or parking coverage. The least dimension of usable open space shall not be less than ten (10) feet.

93. Used Car Lot

Any lot on which two (2) or more motor vehicles (which have been previously titled in a name other than the manufacturer or dealer) in operating condition are offered for sale and displayed to the public.

94. Variance

A variance is the provision of relief from the terms of this Zoning Code.

95. Visible

Visible means capable of being seen, whether or not legible, without visual aid by a person of normal visual acuity.

96. Wetlands

Wetlands mean those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands includes swamps, marshes, bogs, and similar areas that are delineated in accordance with the 1987 United States Army Corps of

Engineers Wetland Delineation Manual and any other procedures and requirements adopted by the United States Army Corps of Engineers for delineating wetlands.

97. Yards

- a. A front yard is an open, unoccupied space on the same lot with a building, between the furthest extremity of the building and the front line of the lot excluding uncovered front steps.
- b. A rear yard is an open, unoccupied space on the same lot with a building, between the furthest extremity of the building and the rear line of the lot. On a corner lot, the owner may determine which of the lot lines, not a street line, shall be regarded as the rear line.
- c. A side yard is an open, unoccupied space on the same lot with a building, situated between the furthest extremity of the building and the side line of the lot and extending through from the street or from the front yard to the rear yard or to the back line of the lot. Any lot line not a rear line or a front line shall be deemed a side lot line.

98. Zoning Code

Zoning Code means Chapters 1101 through 1121 of the Codified Ordinances of the City of Orrville.

1121.02 Use Categories

A. Purpose

This Section classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and certain other site factors. The use categories provide a systematic basis for assignment of uses to zoning districts.

B. Residential

1. Single-family Residential Dwellings

A detached dwelling designed for or used exclusively for residential purposes by one family, including an industrialized or modular housing unit.

2. Two-family Residential Dwellings

A detached building designed for, or converted or occupied exclusively by two families living independently of each other.

3. Multifamily Dwellings

A dwelling designed for or occupied by three (3) or more families living independently from each other in separate dwelling units.

4. Residential Attached Dwellings

A group of two or more single family, two family, or multi-family dwelling units which are generally joined to one another by a common party wall, and/or connecting permanent structures such as roofs, breezeways, carports on adjoining individual lots, or touch or abut one another at the point of a corner or any other points.

5. Residential Detached Dwelling

Development of single-family, two family or multi-family dwellings on property under cluster subdivisions or planned unit development design standards prescribed to allow for zero lot line setbacks. This concept is intended to provide more usable yard area, maximize views, conserve energy, and provide development flexibility. Zero lot line development is intended to allow for alternate siting of single-family, duplex and townhouse dwellings on individual lots if the development standards of the residential zone can be met.

6. Guest House or Accessory Living Quarters

Living quarters located on the second floor of a private garage for the use of persons employed on the premises, or for the temporary use by guests of the occupant(s) of the premises. Such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

7. Home Occupations

Home occupation is an occupation conducted in a dwelling unit

8. Cluster Subdivisions

A subdivision in which a variety of housing units may be accommodated with some or all of the lots reduced below required minimum lot area and width requirements, but where the overall project maintains the same overall density limitations of the district in which the cluster residential development is located, and allowing for the flexible arrangement and clustering of houses to preserve open space areas.

9. Planned Unit Developments

A planned, integrated residential development where minimum lot size and dwelling type may be modified somewhat to achieve particular design objectives and the economical provision of open space and utilities while maintaining the same overall density limitations of the district in which the planned unit residential development is located. and complying with other pertinent requirements of this Zoning Code and site design requirements of the Planning Commission.

10. Independent Senior Housing

Housing that may not provide assistance but is rented or purchased by seniors. Some services or programs are typically offered to residents, but services are less comprehensive than assisted living or residential care housing. Includes Senior Congregate Living.

11. Manufactured Home Park

Any tract of land upon which two or more manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the park.

12. Group Living

Residential occupancy of a structure by other than a Household, where units or quarters do not each have its own kitchen facilities. Does not include Transient Habitations uses.

a. Adult Family Homes, Foster Family Homes, Family Homes

- i. Adult Family Homes, as defined in ORC 3722 accommodating three to five adults.
- ii. Foster Family Homes, as defined in ORC 5123, providing room and board, personal care, habilitation services and supervision in a family setting for not more than five adults.
- iii. Family Homes, as defined in ORC 5123, providing the same services as foster family homes for six to eight intellectually disabled or developmentally disabled persons and other similar social services and institutional uses with eight or less occupants are hereby considered permitted uses in all residential districts.

b. Adult Group Homes, Group Homes for the Intellectually Disabled or Developmentally Disabled, Residential Facilities

- i. Adult Group Homes, as defined in ORC Chapter 3722,
- ii. Group Homes for the Intellectually Disabled or Developmentally Disabled, for occupancy by 9 to 16 persons, as defined in ORC Chapter 5123.
- iii. Residential Facilities, as defined in ORC 5119 providing services to one or more persons and other similar social service and institutional uses with greater than eight occupants.

c. Senior Care Facilities

Group living for seniors in nursing homes, rest homes, assisted living facilities and similar establishments.

d. Group Rental

Unrelated persons who do not constitute a family as defined in this Zoning Code, living as a single housekeeping unit in which individual sleeping quarters may be occupied by the residents of the dwelling, and in which the relationship among the members of the group rest primarily upon a cost-sharing arrangement.

e. Other Group Living

Includes other community-based housing not provided for elsewhere in this code and requiring a state-license.

C. Public and Civic

1. Colleges and Higher Educational Institutions

The facilities housing an accredited two or four year degree-granting college, university, or technical school. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, conservatories and seminaries.

2. Cultural Facility or Structure

A public, private, or not for profit facility that provides cultural services, including but not limited to an art gallery, library, or museum.

3. Day Care

Uses providing care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. There are two types of Day Care uses:

a. Type A and Type B Family Day Care Homes

Type A or Type B family day-care homes as defined in Ohio Revised Code Chapter 5104.

b. Child Day Care Center, Children or Adult

Any place in which administering to the needs of a total of thirteen (13) or more infants, toddlers, pre-school children and school children outside of school hours by persons other than their parents or guardians, custodians or relatives by blood, marriage or adoption for any part of the twenty-four-hour (24) day in a place or residence other than the child's own home. Child day-care center shall include locations where child day-care is provided for thirteen (13) or more children. Child day-care center shall not include Type A or Type B family day-care homes as defined in Ohio Revised Code Chapter 5104. This term may also include adult day care centers where persons other than children, family members, or guardians care for adults for a portion of a 24-hour day in a building other than the adult's home. Typical uses include day care centers, nursery school and learning centers.

4. Government Buildings and Facilities

Facilities, administrative offices, and services owned or operated by a local, state, or federal governmental entity to provide legislative, judicial, administrative, or regulatory services for the public, but not including the underground and overhead distribution and collection systems providing water, gas, electric, telephone, cable TV service, wireless service, or sanitary or storm sewage drainage. Typical uses include city hall, courts, fire, police and emergency medical services or facilities, electric utilities

5. Government-owned and/or Operated Open Space

Public open place designed and equipped for the conduct of sports and passive and active recreational activities. Typical uses include parks, playgrounds and golf courses.

6. Hospitals and Clinics

Facilities providing medical or surgical care to patients and offering inpatient (overnight) or outpatient care. Typical uses include hospitals, clinics, and sanitariums. Includes on site accessory uses such as a pharmacy.

7. Lodge, Fraternal and Civic Assembly

Meetings and activities primarily conducted for members of such groups. Typical uses include meeting places for clubs, lodges, or fraternal or veteran organizations.

8. Public Utility Right-of-Way and Permanent Structures

Any person, firm, corporation, governmental agency or board fully authorized to furnish and furnishing to the public, electricity, gas, steam, telephone, telegraphy, cable television, transportation, water and sanitary sewers, or any other similar public utilities.

9. Religious Assembly

A building used as a place for the public exercise of religion, including facilities for associated social or charitable functions, such as day care centers or nursery schools. Religious assembly customarily occurs in churches, chapels, temples, mosques and synagogues.

10. Schools, Public, Parochial, and Private

Any school providing instruction at the K-12 level which meets certification requirements of the Ohio Department of Education

D. Commercial Use Types

1. Adult Entertainment Businesses

Adult Entertainment Business means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

2. Adult Gaming

An establishment where customers play games of skill for rewards and/or prizes or chances to win prizes with the purchase of a product or service. Such establishments may include skill-based amusement machines, skill-based game rooms, and computerized sweepstakes terminals. Typical uses include gaming arcades, skill-game parlors, and sweepstakes terminal cafes.

3. Animal Services

The following are animal services use types:

a. Animal Day Care and Grooming

A use for the care and supervision of cats and dogs during the course of the day but which does not include any kennel or overnight boarding. This use type shall also include establishments where the primary service provided is the cleaning

and grooming of domestic pets including bathing, brushing, combing, nail and hair trimming, etc., and where there are no boarding facilities. The facility may also provide services such as obedience classes, training, or behavioral counseling.

b. Kennels

Kennels means the business of raising, boarding, or other services for nonfarm domesticated animals.

c. Veterinary Hospital or Office

Veterinary Hospital or Office means services to farm & nonfarm domesticated animals and includes pet clinics.

4. Business and Professional Offices

Business and Professional Offices providing executive, management, administrative or professional services, including, but not limited to architects, accountants, engineers, doctors, lawyers, investment firms, insurance firms, employment agencies, and real estate agencies.

5. Business and Professional Offices, Limited

Administrative, executive or professional services that are not engaged in retail sales except those incidental to services provided. Examples are administrative offices, architecture, dentistry, engineering, law and medicine. No storage of bulk materials.

6. Business Support Services

Establishments primarily providing specialist business support to businesses including, but not limited to, supporting a company with advertising and mailing, building maintenance, design, employment services, IT services, management and consulting services, office equipment rental and leasing, printing, protective services and commercial research.

7. Contractors, Special Trades

Establishments specializing in construction activities, such as plumbing, painting, and electrical work. Special trade contractors usually work at the job site, although they may have shops for prefabrication and other work. Examples include, but not limited to, carpenter, electrical work, HVAC systems, painting, plumbing, roofing, sheet metal and sign painting, upholstery.

8. Convenience Stores

A store stocking a limited range of household goods and groceries which sells primarily convenience items to the general public. Self-service gasoline sales may be permitted if approved by the Planning Commission.

9. Eating and Drinking Establishments

Sale of prepared food and beverages for on and off premises consumption. The following are eating and drinking establishment types:

a. Bar and Tavern

An establishment licensed to sell alcoholic beverages to be generally consumed on the premises, which may or may not also sell food prepared and served to be generally consumed on the premises.

b. Carry Out or Delivery Restaurant

An establishment whose primary business operation is the sale of food and beverage products purchased by the consumer are packaged in such a manner as to enable the customer to remove them for consumption off the premises. Such an operation does not have a drive-through window or facilities within the premises for customers to sit or stand while consuming the food purchased. Examples are bakery, delicatessen, meat market, confectionery and pizza delivery.

c. Drive-through Restaurant

An establishment which maintains a drive-through window designed to enable customers to drive up to it and order food and beverages while in their automobile. Food and beverage items are served directly to the customers in the vehicle and taken elsewhere for consumption.

d. Restaurant, Set Down

An establishment where the preparation and serving of food and beverages is designed primarily for consumption by customers seated within the establishment.

10. Financial Institutions

An establishment engaged in the business of dealing with financial and monetary transactions, such as deposits, loans, and investments including, but not limited to, commercial banks, credit unions, payday lending, insurance agencies, loan or mortgage companies and stockbrokers.

11. Financial Institution with Drive-through

An establishment engaged in the business of dealing with financial and monetary transactions, such as deposits, loans, and investments with a drive-through facility.

12. Food and Beverage Retail Sales

Retail sale of food and beverages for home consumption. Typical uses include groceries stores, supermarkets, bakery, delicatessen, meat market, and confectionery. Does not include convenience stores.

13. Food and Beverage Retail Sales, Drive-through

Retail sales of food and beverages for home consumption where customers can drive through building to receive purchases. A variation of a convenience stores.

14. Funeral and Interment Services

Provision of services involving the care, preparation or disposition of the dead. The following are funeral and interment services by use type.

a. **Cemeteries, Public, Quasi Public and Commercial**

Land used for burial of the dead, including interring, columbarium, and mausoleum facilities.

b. **Cremating**

Crematory services involving the reduction of bodies by fire. Typical uses include crematories and crematoriums.

c. **Funeral Homes**

An establishment for the care and preparation of the deceased human body for burial or funerals with accommodations permitted for one, one-family living quarters in any part of the building, to exclude crematories. Typical uses include funeral homes and mortuaries.

15. **Gasoline and Fuel Sales**

Retail sale, from the premises, of petroleum products with the incidental sale of batteries, tires, accessories, and other products for the use of the automobile. Also permitted are the rendering of services and making of adjustments, replacements, and repairs to motor vehicles except those confined to a garage repair shop, and the washing, waxing, and polishing of motor vehicles when not done automatically and when clearly incidental to other permitted services. Typical uses include automobile service stations and filling stations.

16. **Laundry Services**

Laundering, dry cleaning, or dyeing services other than those classified as Personal Convenience Services. Typical uses include laundry services, carpet and upholstery cleaning and linen supply services.

17. **Medical or Dental Offices and Urgent Care**

Personal health services including prevention, diagnosis and treatment, rehabilitation services provided by physicians, dentists, nurses, and other health personnel and medical testing and analysis services. Typical uses include medical offices, dental laboratories and urgent care clinics. This definition does not include hospitals.

18. **Microbrewery**

An establishment with a primary use as a sit-down restaurant that brews beers, ales, and/or similar beverages on-site in a limited quantity subordinate to the primary restaurant use. Includes brew pubs.

19. **Parking, Off-street**

Spaces for cars located on private property rather than on a public street.

20. **Parking, Off-street Public Parking Lot and Garage**

Facilities that provide parking that is not accessory to a specific use. A fee may or may not be charged.

21. Passenger Transport Agency and Terminal

A facility for passengers of a public or private transportation carrier to purchase tickets and board such means of transport, baggage handling, and related uses providing services to passengers of a small scale and nature, including but not limited to retail uses, restaurants, lockers, and personal services.

22. Personal Services Establishments

Provision of small consumer-oriented services involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, portrait studios and tailor and dressmaker. Does not include tattoo and body piercing shops.

23. Radio and TV Broadcast Station or Recording Studio

An establishment containing one or more broadcasting studios for over-the-air, cable or satellite delivery of radio or television programs, or studios for audio or video recording or filming. This term does not include a transmission tower.

24. Recreational Facilities, Private

Facilities which are privately owned by an individual, corporation, institution or organization, and which may be a nonprofit or for-profit operation providing private recreational facilities, with or without structures, including, but not limited to YMCA, fishing lakes, swimming pools, tennis courts, gun clubs, RV park/campgrounds, camping areas and golf courses. Includes recreation facilities and meeting rooms designed to serve only the residents of a subdivision, development or homeowners association.

25. Repair Services, Consumer

Provision of repair services to individuals and households, but not to firms. Excludes vehicle sales and service uses. Typical uses include bicycle repair, household appliance repair shops, locksmiths, musical instrument repair, gun repair shop, and shoe repair shop.

26. Retail Establishments

The following are retail establishment use types:

a. Retail Commercial Uses

Businesses involved in the sale, lease or rent of new or used products for personal or household consumption and services incidental to the purchase of such products. Excludes animal services, business support services, construction special trades, food and beverage retail sales, gasoline and fuel sales, vehicle sales and service, and adult entertainment uses. Typical uses include apparel stores, bookstores, department stores, drug stores, footwear stores, gift shops, jewelry stores, pawn shops, gun shops, and tobacco stores.

b. Furniture, Home Furnishings, Office equipment and Supplies

Businesses involved in the sale, lease or rent of new or used Furniture, home furnishings, office equipment and office supplies

c. Home Improvements Centers

A retail establishment that sells general hardware supplies, appliances, and building materials for home maintenance and improvement.

d. Showroom or display

An establishment where merchandise sold is stored elsewhere.

27. Shooting Ranges

A shooting range is an area or facility, inside or outside, designed and operated for the use of firearms for the purpose of practice shooting and is for commercial purposes. Includes rifle ranges, skeet shooting ranges, pistol ranges, and other activities involving the discharge of firearms.

28. Sports and Recreation Facility

An establishment providing amusement or entertainment for a fee or admission charge and includes such activities as bowling alleys, billiard and pool establishments, and skating rinks.

29. Tattoo and Body Piercing Shops

A body art facility licensed by the Wayne County Health Department for tattoo and body piercing.

30. Temporary Habitation

Provision of lodging services on a day-to-day or similar temporary basis, together with any incidental food, drink, and other sales and services intended for the convenience of guests. Does not include Group Living uses. The following are temporary habitation use types:

a. Bed and Breakfast

A residence where rooms are rented and breakfast is served to nonlocal overnight guests. Rooms may not be rented for more than five (5) consecutive days to any one guest.

b. Rooming, Lodging or Boarding House

A building or part thereof (other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation) for three or more unrelated persons but not more than twenty (20) persons where no cooking or dining facilities are provided in individual rooms. The term rooming house includes a boarding house, and the word roomer includes a boarder.

c. Hotel and Motel

Hotel or motel establishment is a structure kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests.

31. Theaters

Any building or part of a building used for the showing of motion pictures or for dramatic, dance, musical, live or pre-recorded performances. Such use may include a lobby area and refreshment stand for the patrons.

32. Vehicle Sales and Service

Sales of motor vehicles or services related to motor vehicles. The following are vehicle sales and service use types.

a. Car Washes

Washing and polishing of automobiles. Typical uses include facilities having more one than one stall or of the production line type and vehicle detailing.

b. Motor Fleet Garage and Offices

A building where repair, fuel, and extended parking occurs, excluding warehousing. Typical uses include taxi fleets, mobile-catering truck storage, and auto storage garages.

c. Equipment Repairs

Repair Services for machinery and equipment, including repair garages, specialty establishments such as body and fender, radiator, motor tune-ups, muffler shops, tire repair, sales and service.

d. Automobile, Trailer and Farm Implement Dealers

Includes sale, wholesale, or rental from the premises of motor vehicle, noncommercial trucks, motorcycles, noncommercial trailers, truck camper, manufactured homes, motorhomes and boats, together with incidental maintenance, service and storage, both new and used. Typical uses include automobile dealers, car rental agencies and recreational vehicle sales. #1

e. Storage of Nonoperating Vehicles, Outside

Storage of nonoperating or towed motor vehicles, including accident-damaged, outside. Typical uses include storage of private parking towaways, impound yards and tow lots.

E. Industrial Uses

1. Incineration of Solid or Liquid Waste

A controlled combustion process for reducing solid or liquid combustible wastes primarily to carbon dioxide, water vapor, other gases, and a relatively small, noncombustible residue that can be further processed or land-filled.

2. Industrial Structures and Facilities, Light

Production, processing, assembling, packing, or treatment of food and non-food products; or manufacturing and/or assembly of electronic instruments and equipment and electrical devices generally within a fully enclosed structure. Light Industrial uses do not have nuisance conditions that are detectable from the boundaries of the subject property. Nuisance conditions can result from any of the following; noise; vibrations; noxious or toxic fumes, odors or emissions; dust; electrical disturbances; or night illumination into residential areas.

3. Industrial Structures and Facilities, Heavy-Intensive

Manufacturing, processing, or assembling of materials, in a manner that would create any of the commonly recognized nuisance conditions detectable from the boundaries of the subject property. Commonly recognized nuisance conditions include the following; noise; vibrations; noxious or toxic fumes, odors or emissions; dust; electrical disturbances; or night illumination into residential areas.

4. Laboratories, Processing or Testing

Processing and testing laboratories perform physical, chemical, and other analytical testing or processing services. Examples include film development services, environment testing services and product testing services.

5. Manufacturing and Processing, Limited

Establishments employing not more than 10 persons on the premises at any one time and devoted primarily to selling their output at retail on the premises. Typical uses include arts and craft studios, ceramic studios, woodworking shops, clothing, food products, and custom jewelry manufacturing.

6. Scrap Material Storage

The baling of scrap paper and outside storage of used lumber and materials salvaged from demolished structures. Does not include junk yards.

7. Self-storage Units and Mini-Warehouses

Establishments consisting of a building or group of buildings in a controlled access compound for the purpose of renting or leasing individual storage space to occupants who have access to such facility for the purpose of storing and removing personal property.

8. Storage and Bulk Sales, Indoor or Outside

A facility or lot used of the indoor or outdoor storage of materials and/or vehicles that are to be used for construction or for manufacturing processes and where such uses are the principal use of the lot. Such use may also include the sales of materials related to construction or manufacturing where the sales are direct to contractors or business and generally not open to the general public for retail sales. This may also include the outdoor storage of fleet vehicles. Example of uses include storage of rental equipment used by contractors, aboveground/underground flammable liquids storage, and storage of grain and livestock feed.

9. Warehouses

A facility used to store goods and is mainly used by manufacturers, importers, exporters, wholesalers, and transport businesses. They are designed to store goods for longer periods of time compared to a distribution center. Does not include Mini-Warehouse and Self-storage Units.

10. Wholesale, Storage and Distribution

Wholesaling, storage, distribution and handling of materials and equipment. The following are wholesaling, storage and distribution use types.

a. Wholesaling, Storage and Distribution Centers, Indoors

Establishments engaged primarily in the resale (sale without transformation) of new and used goods to retailers, to industrial, commercial, institutional or professional users, or to other wholesalers, or involves acting as an agent or broker in buying merchandise for, or selling merchandise to, such persons or companies. Such establishments may also physically assemble, sort and grade goods in large lots, break bulk, repack and redistribute in smaller lots. Also includes activities where goods are received for delivery to the ultimate customer or user. All such activities take place inside.

b. Wholesaling, Storage and Distribution Centers, Outdoors

Establishments engaged primarily in the resale (sale without transformation) of new and used goods to retailers, to industrial, commercial, institutional or professional users, or to other wholesalers, or involves acting as an agent or broker in buying merchandise for, or selling merchandise to, such persons or companies. Such establishments may also physically assemble, sort and grade goods in large lots, break bulk, repack and redistribute in smaller lots. Also includes activities where goods are received for delivery to the ultimate customer or user. Such activities may include open air storage and activities outside of buildings.

F. Other Use Types

1. Agricultural Buildings and Uses

The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, forestry, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce, provided that the operation of such accessory use shall be secondary to that of the normal agricultural activities, and provided that the above uses shall not include the commercial feeding of garbage or offal to swine and other animals. A use shall be classified as agricultural only if agriculture is the principal or main use of the land.

2. Greenhouses

An establishment used for the propagation and sale of agricultural or ornamental plants and related products and may offer products to the general public including

plant materials, planter boxes, fertilizer, sprays, garden tools, and related items. This term does not include a garden supply or landscaping center that may be accessory to another principal use. A private greenhouse with no commercial sales is considered an accessory use.

3. Nurseries and Turf Farms

An establishment used for the propagation and sale of agricultural or ornamental plants, turf and nursery stock grown commercially and related products. Nurseries offer products either to the general public, including plant materials, planter boxes, fertilizer, sprays, garden tools, and related items, or as a wholesaler for sale to retail nurseries or other businesses. May also include greenhouses.

4. Oil and Gas Well

Oil and gas well means any borehole, whether drilled or bored, for production, 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 field waters.

5. Outdoor Wood Furnaces

Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An Outdoor Wood Furnace may also be referred to as an Outdoor Wood Boiler or Outdoor Wood-fired Hydronic Heater.

6. Recycling Collection Center

A center where metal cans, paper, plastic, glass and other consumer products are gathered and sorted.

7. Small Cell Facilities in the Right-of-Way

A wireless facility that meets both of the following requirements:

- a. Each antenna is located inside an enclosure of not more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of not more than six cubic feet in volume.
- b. All other wireless equipment associated with the facility is cumulatively not more than twenty-eight cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

8. Soil and Mineral Extraction Activities

Extraction of soil, mineral or aggregate resources from the ground for off-site use. Examples include quarrying or dredging for sand, gravel or other aggregate materials; and mining.

9. Temporary Building for Construction Work

Temporary building or structure for use incidental to construction work. Includes contractor's office and construction equipment sheds or trailers.

10. Wireless Telecommunication Towers and Facilities

The site, structures, equipment, and appurtenances used to transmit radio frequency transmissions licensed by the Federal Communications Commission.