

VILLAGE OF SPARTA CODIFIED ORDINANCES

EST. 1869

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PART ONE - ADMINISTRATIVE CODE

CHAPTER 101 – CODIFIED ORDINANCES

101.01 DESIGNATION; CITATION; HEADINGS.

- (a) All ordinances of a permanent and general nature of the Municipality as revised, codified, rearranged, renumbered and consolidated into component codes, titles, chapters and sections shall be known and designated as the Codified Ordinances of Sparta, Ohio, for which designation "Codified Ordinances" may be substituted. Code, title, chapter and section headings do not constitute any part of the law as contained in the Codified Ordinances.
- (b) All references to codes, titles, chapters and sections are to such components of the Codified Ordinances unless otherwise specified. Any component code may be referred to and cited by its name, such as the "Traffic Code". Sections may be referred to and cited by the designation "Section" followed by the number, such as "Section 101.01".

101.02 GENERAL DEFINITIONS.

As used in the Codified Ordinances, unless another definition is provided or the context otherwise requires:

- (a) "And" may be read "or", and "or" may be read "and", if the sense requires it. (ORC 1.02(F))
- (b) "Another" when used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property. (ORC 1.02(B))
- (c) "Bond" includes an undertaking and "undertaking" includes a bond. (ORC 1.02(D), (E))
- (d) "Council" means the legislative authority of the Municipality.
- (e) "County" means Morrow County Ohio, as may be applicable.
- (f) "Keeper" or "proprietor" includes all persons, whether acting by themselves or as a servant, agent or employee.
- (g) "Land" or "real estate" includes rights and easements of an incorporeal nature. (ORC 701.01(F))
- (h) "Municipality" or "Village" means the Municipality of Sparta, Ohio.
- (i) "Oath" includes affirmation and "swear" includes affirm. (ORC 1.59(B))
- (j) "Owner", when applied to property, includes any part owner, joint owner or tenant in common of the whole or part of such property.
- (k) "Person" includes an individual, corporation, business trust, estate, trust, partnership and association. (ORC 1.59(C))
- (l) "Premises", as applied to property, includes land and buildings.
- (m) "Property" means real and personal property. (ORC 1.59(E))
"Personal property" includes all property except real.
"Real property" includes lands, tenements and hereditaments.
- (n) "Public authority" includes boards of education; the Municipal, County, State or Federal government, its officers or an agency thereof; or any duly authorized public official.

- (o) "Public place" includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation or amusement.
- (p) "Registered mail" includes certified mail and "certified mail" includes registered mail. (ORC 1.02(G))
- (q) "Rule" includes regulation. (ORC 1.59(F))
- (r) "Sidewalk" means that portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.
- (s) "This State" or "the State" means the State of Ohio. (ORC 1.59(G))
- (t) "Street" includes alleys, avenues, boulevards, lanes, roads, highways, viaducts and all other public thoroughfares within the Municipality.
- (u) "Tenant" or "occupant", as applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.
- (v) "Whoever" includes all persons, natural and artificial; partners; principals, agents and employees; and all officials, public or private. (ORC 1.02(A))
- (w) "Written" or "in writing" includes any representation of words, letters, symbols or figures. This provision does not affect any law relating to signatures. (ORC 1.59(J))

101.03 RULES OF CONSTRUCTION.

- (a) Common and Technical Usage. Words and phrases shall be read in context and 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, shall be construed accordingly. (ORC 1.42)
- (b) Singular and Plural; Gender; Tense. As used in the Codified Ordinances, unless the context otherwise requires:
 - (1) The singular includes the plural, and the plural includes the singular.
 - (2) Words of one gender include the other genders.
 - (3) Words in the present tense include the future. (ORC 1.43)
- (c) Calendar; Computation of Time.
 - (1) Definitions.
 - A. "Week" means seven consecutive days.
 - B. "Year" means twelve consecutive months. (ORC 1.44)
 - (2) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month. (ORC 1.45)
 - (3)
 - A. The time within which an act is required by law to be done shall be computed by excluding the first and including the last day; except that when the last day falls on Sunday or a legal holiday, then the act may be done on the next succeeding day that is not a Sunday or a legal holiday.

- B. When a public office, in which an act required by law is to be performed, is closed to the public for the entire day that constitutes the last day for doing the act or before its usual closing time on that day, the act may be performed on the next succeeding day that is not a Sunday or a legal holiday.
- C. As used in subsections (c)(1) and (c)(2) of this section, legal holiday means the following days:
1. The first day of January, known as New Year's Day;
 2. The third Monday in January, known as Martin Luther King, Jr. Day;
 3. The third Monday in February, known as Washington-Lincoln Day;
 4. The day designated in the "Act of June 28, 1968", 82 Stat. 250, 5 U.S.C. § 6103, as amended, for the commemoration of Memorial Day;
 5. The nineteenth day of June, known as Juneteenth day;
 6. The fourth day of July, known as Independence Day;
 7. The first Monday in September, known as Labor Day;
 8. The second Monday in October, known as Columbus Day;
 9. The eleventh day of November, known as Veteran's Day;
 10. The fourth Thursday in November, known as Thanksgiving Day;
 11. The twenty-fifth day of December, known as Christmas Day; and
 12. Any day appointed and recommended by the Governor of this state or the President of the United States as a holiday.
- D. If any day designated in this section as a legal holiday falls on a Sunday, the next succeeding day is a legal holiday. (ORC 1.14)
- (4) When legislation is to take effect or become operative from and after a day named, no part of that day shall be included. (ORC 1.15)
- (5) In all cases where the law shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall mean such time only as may be necessary for the prompt performance of such duty or compliance with such notice.
- (d) Authority. When the law requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.
- (e) Joint Authority. All words purporting to give joint authority to three or more municipal officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it shall be otherwise expressly declared in the law giving the authority or inconsistent with State statute or Charter provisions.
- (f) Exceptions. The rules of construction shall not apply to any law which shall contain any express provision excluding such construction, or when the subject matter or context of such law may be repugnant thereto.

101.04 REVIVOR; EFFECT OF AMENDMENT OR REPEAL.

- (a) The repeal of a repealing ordinance does not revive the ordinance originally repealed nor impair the effect of any saving clause therein. (ORC 1.57)

- (b) An ordinance which is re-enacted or amended is intended to be a continuation of the prior ordinance and not a new enactment, so far as it is the same as the prior ordinance. (ORC 1.54)
- (c) The re-enactment, amendment or repeal of an ordinance does not, except as provided in subsection (d) hereof:
 - (1) Affect the prior operation of the ordinance or any prior action taken thereunder;
 - (2) Affect any validation, cure, right, privilege, obligation or liability previously acquired, accrued, accorded or incurred thereunder;
 - (3) Affect any violation thereof or penalty, forfeiture or punishment incurred in respect thereto, prior to the amendment or repeal;
 - (4) Affect any investigation, proceeding or remedy in respect of any such privilege, obligation, liability, penalty, forfeiture or punishment; and the investigation, proceeding or remedy may be instituted, continued or enforced, and the penalty, forfeiture or punishment imposed, as if the ordinance had not been repealed or amended.
- (d) If the penalty, forfeiture or punishment for any offense is reduced by a re-enactment or amendment of an ordinance, the penalty, forfeiture, or punishment, if not already imposed, shall be imposed according to the ordinance as amended. (ORC 1.58)

101.05 CONSTRUCTION OF SECTION REFERENCES.

- (a) A reference to any portion of the Codified Ordinances applies to all re-enactments or amendments thereof. (ORC 1.55)
- (b) If a section refers to a series of numbers or letters, the first and the last numbers or letters are included. (ORC 1.56)
- (c) Wherever in a penalty section reference is made to a violation of a series of sections or of subsections of a section, such reference shall be construed to mean a violation of any section or subsection included in such reference.

References in the Codified Ordinances to action taken or authorized under designated sections of the Codified Ordinances include, in every case, action taken or authorized under the applicable legislative provision which is superseded by the Codified Ordinances. (ORC 1.23)

101.06 CONFLICTING PROVISIONS.

- (a) If there is a conflict between figures and words in expressing a number, the words govern. (ORC 1.46)
- (b) If a general provision conflicts with a special or local provision, they shall be construed, if possible, so that effect is given to both. If the conflict between the provisions is irreconcilable, the special or local provision prevails as an exception to the general provision, unless the general provision is the later adoption and the manifest intent is that the general provision prevail. (ORC 1.51)
- (c)
 - (1) If ordinances enacted at different meetings of Council are irreconcilable, the ordinance latest in date of enactment prevails.
 - (2) If amendments to the same ordinance are enacted at different meetings of Council, one amendment without reference to another, the amendments are to be harmonized, if possible, so that effect may be given to each. If the amendments are substantively irreconcilable, the latest in date of enactment prevails. The fact that a later amendment restates language deleted by an earlier amendment, or fails to include language inserted by an earlier amendment, does not of itself make

the amendments irreconcilable. Amendments are irreconcilable only when changes made by each cannot reasonably be put into simultaneous operation. (ORC 1.52)

101.07 DETERMINATION OF LEGISLATIVE INTENT.

- (a) In enacting an ordinance, it is presumed that:
 - (1) Compliance with the constitutions of the State and of the United States is intended;
 - (2) The entire ordinance is intended to be effective;
 - (3) A just and reasonable result is intended;
 - (4) A result feasible of execution is intended. (ORC 1.47)
- (b) An ordinance is presumed to be prospective in its operation unless expressly made retrospective. (ORC 1.48)
- (c) If an ordinance is ambiguous, the court, in determining the intention of Council may consider among other matters:
 - (1) The object sought to be attained;
 - (2) The circumstances under which the ordinance was enacted;
 - (3) The legislative history;
 - (4) The common law or former legislative provisions, including laws upon the same or similar subjects;
 - (5) The consequences of a particular construction;
 - (6) The administrative construction of the ordinance. (ORC 1.49)

101.08 SEVERABILITY.

If any provision of a section of the Codified Ordinances or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable. (ORC 1.50)

101.99 GENERAL PENALTY.

Whenever, in the Codified Ordinances or in any ordinance of the Municipality, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates any such provision shall be punished by a fine not exceeding five hundred dollars (\$500.00). A separate offense shall be deemed committed each day during or on which a violation continues or occurs.

CHAPTER 121 – ORDINANCES AND RESOLUTIONS

121.01 PROCEDURE.

The following procedures shall govern the procedure of adopting all ordinances and resolutions (ORC 731.17):

- (a) Ordinances and resolutions shall be read on three different days, unless the three readings are dispensed with by a three-fourths vote of all members of village council.

- (b) Passage of ordinances and resolutions requires a majority vote of all village council members.
- (c) Any ordinance or resolution shall contain only one subject.

121.02 PUBLICATION.

The following procedures shall govern the publication of all ordinances and resolutions (ORC 731.21):

- (a) A succinct summary of each municipal ordinance or resolution and all statements, orders, proclamations, notices, and reports required by law or ordinance to be published shall be published in a newspaper of general circulation in the municipal corporation.
- (b) Proof of the publication and required circulation of any newspaper used as a medium of publication provided by ORC 731.21 shall be made by affidavit of the proprietor of the newspaper and shall be filed with the fiscal officer of the legislative authority.
- (c) If a summary is published, the publication notice must indicate that the complete text may be viewed at the village fiscal officer's office and any other location designated by village council;
- (d) The summary must be reviewed by the village or other legal counsel hired by the village; and
- (e) The village fiscal officer may charge a reasonable fee, set by the village council, for any copies of complete text requested by any member of the general public.

121.03 EFFECTIVE DATE.

Ordinances and resolutions shall go into effect thirty days from the date of passage. Such ordinances and resolutions are subject to referendum petition within that time frame, with the following exceptions (ORC 731.29):

- (a) Ordinance for the appropriation of current expenses;
- (b) Street improvements petitioned by certain residents; and
- (c) Any emergency ordinance or other measure necessary for the immediate preservation of the public peace, health, or safety. This ordinance or other measure would require a three-fourths vote of all members of the village council. The reasons for such necessity shall be set forth in one section of the ordinance or other measure.

CHAPTER 131 – ENABLING LEGISLATION

The Village of Sparta is a statutory municipal government. Article XVIII of the Ohio Constitution provides for the formation of municipal corporations. Section 3 confers upon the municipal corporations all powers of local self-government and Section 7 authorizes the municipal corporations to adopt charters setting up their own plans of government. Those villages which do not have charters may adopt one of the plans of government set forth by the legislature in ORC 705 or may operate under the general provisions of ORC Title 7.

CHAPTER 132 – VILLAGE COUNCIL AND MAYOR

The legislative authority of the village rests in its council. Most powers and duties of the village council are set forth in ORC 705, 731, and 733. The mayor serves as village council president, but only votes in the case of a tie. (ORC 733.24) A member of village council shall be elected President Pro Tempore at the first January meeting each year, to serve as president in the mayor's absence. If the mayor becomes permanently absent from office, the president pro tempore fills that office until a successor can be elected to the unexpired term. The successor will be elected at the first general election that occurs more than forty days after the vacancy, unless the year after such election, a new mayor would normally be elected. In that case, the president pro tempore would serve the unexpired term. While acting as mayor, the president pro tempore votes at council meetings only in the case of a tie. (ORC 731.10, 731.11, and 733.25) Village council shall meet as prescribed by ordinance, but cannot be required to meet more than once a week. All meetings shall be open to the public. (ORC 731.46 and 121.22) The mayor is the chief executive of the village. The mayor supervises the administration of the village and presides at council meetings. The mayor may appoint various village officials. (ORC 733.24)

CHAPTER 133 – FISCAL OFFICER

The duties of the clerk and the treasurer are combined into one office to be known as the fiscal officer. The fiscal officer must have the same qualifications as the clerk. (ORC 733.26 and 733.261) The clerk keeps permanent records of council proceedings and must attend all meetings of the village council. The village council shall appoint one of its members to serve in the office when the clerk is absent. (ORC 705.10 and 733.27) The treasurer collects and disburses the resources of the village. This office may be combined with that of the clerk as fiscal officer. (ORC 733.261)

CHAPTER 134 – VILLAGE ADMINISTRATOR / STREET COMMISSIONER

The village council may establish the position of village administrator, to be appointed by the mayor subject to council's approval. An elected official of a village may be appointed to the position of village administrator but the elected official must resign his or her elected position prior to appointment as administrator and he or she may not serve as an elected official of the village during his or her tenure as administrator. In addition, in any such situation, the elected official must take care to avoid ethical violations by refraining from or using the influence of his or her position to secure appointment as administrator or by participating in any way in the selection process. Upon the lawful appointment of the village administrator, any board of trustees of public affairs must be abolished. Upon the abolishment of the position of village administrator, a board of trustees of public affairs automatically is formed, with three positions appointed by the mayor with council approval, to serve until their successors can be elected. (ORC 735.271 and 735.272)

Where no village administrator has been provided for, a street commissioner must be appointed by the mayor, with council approval, for a one-year term. The village marshal may be appointed as street commissioner. The street commissioner shall supervise the maintenance of public streets, lands, and other facilities. The street commissioner shall serve a probationary period of six months and shall be under the direction of the mayor. The mayor, therefor, shall have the power of removal or suspension of the street commissioner. (ORC 735.31)

CHAPTER 135 – BOARD OF PUBLIC AFFAIRS

The village council must establish a board of trustees of public affairs made up of three residents whenever the village is involved with a public utility. The first members are appointed by the mayor, subject to council's approval, until their successors can be elected. The members shall elect a president and a clerk, unless the fiscal officer is designated. The clerk is not a board member. If a board member moves from the village, the member can no longer continue the term of office and, therefor, must resign. (ORC 735.28) The board of trustees of public affairs has the powers and duties relating to village utility services as does the village administrator, discussed above. In addition, it may set rates for village utilities, except the sewage system, for which rates are established by the village council. The board of trustees of public affairs otherwise manages the village's sewer system. As a general rule, the village council makes major policy decisions regarding village utilities, and must authorize large expenditures, while the board manages the operation of the utilities. (ORC 735.29 and 729.49 to 729.52)

CHAPTER 136 – VILLAGE SOLICITOR

The village legal counsel is not required, but the village council may provide such a position for a period up to two years. Under any of the statutory plans for villages under ORC 705, the village solicitor is provided, whose duties include approving the form of village contracts and serving as village prosecutor. (ORC 733.48 and 705.11)

CHAPTER 137 – VILLAGE ENGINEER

The village engineer is not required, but the village council may provide such a position for a period up to two years. Under any of the statutory plans for villages under ORC 4733.17, the village engineer is provided, whose duties are included herein.

CHAPTER 139 – POLICE DEPARTMENT

Each village is required to have a marshal, designated "chief of police", appointed by the mayor with council approval, to serve until removal from office. The marshal must pass a physical examination, which must be reported to the Ohio police and fire pension fund prior to appointment. The village council may provide for deputies to be

appointed by the mayor with council approval, also subject to a physical examination. An auxiliary police unit may be established, appointed and regulated by the mayor. The marshal and deputies must serve a six month probationary period before their appointments become final. The marshal need not be a resident of the village at the time of his or her appointment but must become a village resident within six months unless village council waives the residency requirement. (ORC 737.15, 737.16, 737.161, and 737.17) The village council has delegated the chief of police's authority to the Morrow County Sheriff.

CHAPTER 141 – FIRE DEPARTMENT

The village council may establish a fire department, which shall be headed by a fire chief, appointed by the mayor with council approval, to serve until removed. Where there is no fire department, a fire prevention officer shall be appointed. No person shall be appointed as a permanent full-time paid firefighter unless they have received a certificate issued under former ORC 3303.07 or ORC 4765.55(C)(2) evidencing satisfactory completion of a firefighter training program. Also, the person must pass the physical examination required by ORC 737.22(B)(3). The physical is filed with the Ohio Police and Fire Pension Fund Board prior to appointment. (ORC 737.21 to 737.27) The village council contracts fire service through the Central Ohio Joint Fire District.

CHAPTER 143 – PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission is established, organized, and empowered as provided in Chapter 1139 of these Codified Ordinances. In the event of any conflict between this Chapter and Chapter 1139, Chapter 1139 controls.

CHAPTER 144 – MUNICIPAL RECORDS (ORD. 2008-01)

A municipal records commission shall include (1) mayor or appointee (chair), (2) fiscal officer, (3) village solicitor, and (4) a resident appointed by mayor, to provide rules for retention and disposal of records of the municipal corporation and to review applications for one-time records disposal and schedules of records retention and disposition submitted by municipal offices. (ORC 149.39)

The Village of Sparta designates the Village Fiscal Officer as the designee to comply with the Public Records Act for the State of Ohio and the Village of Sparta, requiring training in dealing with public records. Necessary funds are approved for ongoing enrollment in necessary classes and the Village Fiscal Officer shall keep all public officials informed of the responsibilities in relation to the Public Records Act.

CHAPTER 147 – EMPLOYEES GENERALLY

The village council may adopt an employee handbook to act as rules for the conduct and operation of any public office or employee under their statutory direction. The following shall be general employment guidelines:

- (a) No unauthorized persons shall ride in or on any Village equipment at any time. Authorized persons shall be restricted to employees and officials of the Village.
- (b) Village owned equipment will not be loaned out or rented to any individual or organization except by the written agreement of Council, or used by any Village employee or official for their personal use.
- (c) Privately owned vehicles or equipment shall not be stored in Village owned buildings except by the written agreement of Council. This subsection applies to all employees and officials as well as all other persons.
- (d) All departments of the Village shall complete, prior to January 1 of each year, a physical inventory of all equipment owned, showing the description, identifying information, and quantity of all items. All unused or obsolete equipment shall be noted on the inventory report and then sold at public auction when required.

CHAPTER 181 – MOTOR VEHICLE LICENSE TAX (ORD. 1987-05)

181.01 ANNUAL TAX ON MOTOR VEHICLES

There is hereby levied an annual license tax upon the operation of motor vehicles on the public roads or highways pursuant to ORC 4504.172, for purposes of paying the costs and expenses of enforcing and administering the tax provided for in this chapter; and to provide additional revenue for the purposes set forth in ORC 4504.06; and to supplement revenue already available for such purposes.

Such tax shall be at the rate of five dollars (\$5.00) per motor vehicle on each and every motor vehicle the district of regulation of which, as defined in ORC 4503.10 is in the Village of Sparta.

As used in this chapter, the term “motor vehicle” means any and all vehicles included within the definition of motor vehicle in ORC 4501.01 and ORC 4505.01.

181.02 DURATION

The tax imposed by this chapter shall apply to and be in effect for the registration year commencing January 1, 1988 and shall continue in effect and application during each registration year thereafter.

181.03 PAYMENT OF THE TAX

The tax imposed by this chapter shall be paid to the Registrar of Motor Vehicles of the State of Ohio or to a Deputy Registrar at the time application for registration of a motor vehicle is made as provided in ORC 4503.10.

181.04 DISPOSITION OF PROCEEDS

All moneys derived from the tax hereinbefore levied shall be used by the Village of Sparta for purposes specified herein.

CHAPTER 185 – INCOME TAX

No income tax is currently levied by the village council.

CHAPTER 189 – TRANSIENT LODGING TAX (NONE)

No transient lodging tax is currently levied by the village council (ORC 5739.02, 5739.024).

CHAPTER 190 – VIDEO SERVICE PROVIDER FEE (ORD. 2010-04)

190.01 FEE ESTABLISHED.

A video service provider (VSP) fee is established, to be calculated by applying four percent (4%) to the video service provider’s gross revenues as defined in 1332.32(B) of the Video Law. All video Service providers and cable television operators providing service in the Village shall apply the VSP Fee Percentage against gross revenues as defined in the Video Law.

190.02 FEE PAYMENT.

The VSP fee shall be paid by each service provider providing service in the Village on a quarterly basis but not sooner than forty-five (45) days not later than sixty (60) days after the end of each calendar quarter. ORC 1332.32(A)

190.03 NOTICE OF FEE.

The Mayor is authorized and directed to provide any video service provider with notice of the VSP Fee Percentage as determined by the Council above, which notice shall be given by certified mail, upon receipt of such video service provider that it will begin providing video service in the Village pursuant to a state-issued video service authorization.

PART THREE - TRAFFIC CODE

CHAPTER 301 – GENERAL TRAFFIC ENFORCEMENT

The village council delegates enforcement of state and local regulations governing the operation and parking of vehicles within the Village to the Morrow County Sheriff and his deputies. (ORC 4511.01)

CHAPTER 302 – VEHICLE PARKING (ORD. 2022-20)

302.01 DEFINITION.

The “street right-of-way” is hereby defined as the area on the plat of the Village that is assigned to streets.

302.02 REGULATIONS.

The following conduct shall be a criminal violation:

- (a) No vehicles with more than two (2) axles shall be parked within any street right-of-way for more than thirty (30) minutes within any one (1) day (12:00 AM to 11:59 PM). This applies to any vehicle that is a “tractor truck” that is designed to pull tractors, even when the truck is not connected to a trailer. This applies to a trailer that is towed by a truck or tractor, even when the trailer is not connected to a truck or tractor.
- (b) A vehicle making deliveries to the building in front of which it is parked shall not be parked within the street right-of-way for more than one (1) hour within any one (1) day (12:00 AM to 11:59 PM).
- (c) A vehicle moving items into a building or removing items from a building shall not be parked within the street right-of-way for more than six (6) hours within any one (1) day (12:00 AM to 11:59 PM).

302.03 ENFORCEMENT.

- (a) The first violation of this ordinance shall be a minor misdemeanor. A second or subsequent violation of this ordinance shall be a misdemeanor of the fourth (4th) degree.
- (b) In addition to any other persons, a complaint may be filed with the Morrow County Municipal Court by a police officer or an official of the Village of Sparta.
- (c) A vehicle in violation of this Ordinance may be relocated and impounded by the Village. The vehicle would be released upon payment of the relocation and impoundment fees.

PART FIVE - GENERAL OFFENSES CODE

CHAPTER 501 – GENERAL PROVISIONS AND PENALTY

501.01 DEFINITIONS.

As used in the Codified Ordinances:

- (a) "Law enforcement officer" means any of the following:
 - (1) A sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, member of a police force employed by a metropolitan housing authority under ORC 3735.31(D) or State highway patrol trooper;
 - (2) An officer, agent or employee of the State or any of its agencies, instrumentalities or political subdivisions, upon whom, by statute, or ordinance, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of that statutory duty and authority;
 - (3) A mayor or manager in the mayor's or manager's capacity as chief conservator of the peace within the mayor's or manager's municipal corporation;
 - (4) A member of an auxiliary police force organized by county, township or municipal law enforcement authorities, within the scope of the member's appointment or commission;
 - (5) A person lawfully called pursuant to ORC 311.07 to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called;
 - (6) A person appointed by a mayor pursuant to ORC 737.10 as a special patrolling officer during riot or emergency, for the purposes and during the time when the person is appointed;
 - (7) A member of the organized militia of this State or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;
 - (8) A prosecuting attorney, assistant prosecuting attorney, secret service officer or municipal prosecutor;
 - (9) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in Section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States Department of Transportation as provided in Parts 1542 and 1544 of Title 49 of the Code of Federal Regulations, as amended.

501.02 CLASSIFICATION OF OFFENSES.

As used in the Codified Ordinances:

- (a) Offenses include misdemeanors of the first, second, third and fourth degree, minor misdemeanors and offenses not specifically classified.
- (b) Regardless of the penalty that may be imposed, any offense specifically classified as a misdemeanor is a misdemeanor.
- (c) Any offense not specifically classified is a misdemeanor if imprisonment for not more than one year may be imposed as a penalty.

- (d) Any offense not specifically classified is a minor misdemeanor if the only penalty that may be imposed is a fine not exceeding one hundred fifty dollars (\$150.00), community service under division (D) of ORC 2929.27, or a financial sanction other than a fine under ORC 2929.28.

501.03 COMMON LAW OFFENSES ABROGATED.

- (a) No conduct constitutes a criminal offense against the Municipality unless it is defined as an offense in the Codified Ordinances or any other Municipal ordinance.
- (b) An offense is defined when one or more sections of the Codified Ordinances state a positive prohibition or enjoin a specific duty, and provide a penalty for violation of such prohibition or failure to meet such duty.
- (c) This section does not affect the power of a court to punish for contempt or to employ any sanction authorized by law to enforce an order, civil judgment or decree. (ORC 2901.03)

501.04 RULES OF CONSTRUCTION.

- (a) Except as otherwise provided in subsection (c) hereof, sections of the Codified Ordinances defining offenses or penalties shall be strictly construed against the Municipality and liberally construed in favor of the accused.
- (b) Rules of criminal procedure and sections of the ORC providing for criminal procedure shall be construed so as to effect the fair, impartial, speedy and sure administration of justice.
- (c) Any provision of a section of the Codified Ordinances that refers to a previous conviction of or plea of guilty to a violation of a section of the Codified Ordinances or ORC or of a division of a section of the Codified Ordinances or ORC shall be construed to also refer to a previous conviction of or plea of guilty to a substantially equivalent offense under an existing or former law of this State, another state, or the United States or under an existing or former municipal ordinance.
- (d) Any provision of the Codified Ordinances that refers to a section, or to a division of a section, of the Codified Ordinances that defines or specifies a criminal offense shall be construed to also refer to an existing or former law of this State, another state, or the United States, to an existing or former municipal ordinance, or to an existing or former division of any such existing or former law or ordinance that defines or specifies, or that defined or specified, a substantially equivalent offense. (ORC 2901.04)

501.99 PENALTIES.

Penalties may be imposed to the fullest extent permitted by the ORC.

CHAPTER 505 – KEEPING OF ANIMALS (ORD. 2021-03)

505.001 DEFINITIONS.

As used in this chapter unless otherwise specifically provided herein:

- (a) “Animal” shall be a living organism that feeds on organic matter, typically having specialized sense organs and nervous system and able to respond rapidly to stimuli.

505.01 KEEPING OF ANIMALS.

- (a) All exotic animals must follow state regulations. No swine, equine, bovine, caprine or ovine permitted within the Village limits, except:
 - (1) Rabbits are permitted for 4-H youth projects or domestic pets.

- (2) Poultry and duck hens are permitted, though roosters and drakes are not permitted. Poultry must be contained on owner's property at all times. Waste must be composted at least 35 feet from other residences, or removed from property.
- (b) No person shall construct housing for any animal other than domestic pets, closer than thirty five (35) feet from any residence other than their own.
- (c) No person, who is owner, keeper, harbinger or handler of domestic pets shall allow any animals to run at large within the village limits. Dogs must be kept confined or restrained upon the premises of the owner either by leash, tether, enclosure or adequate fencing. Dogs must be leashed while on public property or property of another. No persons shall allow an animal to cause serious annoyance to the neighborhood or to persons passing along the public streets in the village, by loud frequent or habitual howling, yelping or barking.
- (d) No person, shall allow any animal under his or her control to be upon public property or property of another, absent the consent of the owner or occupant of the property, without some device for removal and containment of such animal's excrement; nor shall any person fail to remove any excrement deposited by any animal under his or her control or owned by him or her, on public or private property.
- (e) No person, within the Village limits, shall harbor, raise or assist in raising any animals in unsanitary conditions or conditions which cause offensive, unwholesome or unhealthy odors.
- (f) All carcasses of dead animals shall be removed from the Village or buried within twenty-four (24) hours of animal's death.

505.99 PENALTY.

- (a) The first offense charged under this ordinance shall be a minor misdemeanor.
- (b) The second offense charged under this ordinance shall be a misdemeanor of the second degree.
- (c) The third offense charged under this ordinance shall be a misdemeanor of the first degree.

CHAPTER 550 – CURFEW (ORD. 1994-04)

550.01 RESTRICTION.

No person having the control and custody of or being the parent or guardian of a minor under the age of eighteen (18) years shall permit such minor to, nor shall such minor, be outside the confines of his homesite and congregate, wander, loiter, or play upon the streets and other public places of the Municipality, unsupervised or unenclosed lands, or places of amusement and entertainment, on Sunday to Thursday, inclusive, between the hours of 11:00 p.m. and 5:00 a.m. the following day, and on Friday and Saturday between the hours of 12:00 midnight and 5:00 a.m. the following day, Eastern time.

550.02 EXEMPTION.

This chapter shall not apply to minors on an emergency errand or on legitimate business as directed by the parent, guardian or custodian, nor to minors accompanied by the parent, guardian or custodian, or some other person over twenty-one (21) years of age who has given responsibility for such minor's control and custody by the person legally responsible for the discipline of the minor.

Any minor attending a school, church, lodge or other organization sponsored function wherein minors in attendance will be out at a later hour than provided for in this section shall carry on their person written approval from the person legally responsible for the discipline of the minor to have the minor remain to the time when the function will end. All minors attending such function shall be required to be within the confines of their respective homesites one-half hour such function is ended.

550.03 PENALTY.

Any minor violating this chapter shall be dealt with in accordance with Juvenile Court law and procedure. The first violation of this chapter shall be a misdemeanor of the fourth degree. The second or subsequent violation(s) of this chapter or a substantially equivalent ordinance or statute shall be a misdemeanor of the first degree.

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

CHAPTER 921 – UTILITIES GENERALLY

921.01 INSPECTION FEE.

A fee shall be established by village council for the inspection by Village employees of the installation, repair and/or replacement of underground utilities by public and private entities.

CHAPTER 925 – SEWERS (ORD. 2002-04)

925.01 USE OF PUBLIC SEWERS REQUIRED.

- (a) The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the Village and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Village, is hereby required at Owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sanitary sewer in accordance with the provision of this ordinance within ninety days after date of official notice to do so, provided that said establishment is within 200 (two hundred) feet of the right-of-way line in which the public sewer is located.
- (b) Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended for or used for the disposal of sewage or wastes of any objectionable nature.
- (c) No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village of Sparta, or in any area under the jurisdiction of said Village, any human or animal excrement, sewage, garbage, or other objectionable waste.
- (d) No person shall discharge to any outlet other than the public sanitary sewer within the Village of Sparta, or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the requirements of the Ohio EPA and/ or the local Health Department.
- (e) If connection to the sanitary sewer is not complete within 90 days after the date of official notice to do so, the Village shall then proceed to make such connection at the expense of the owner and assess it upon the property. After said 90-day period has elapsed, the Village shall charge the property owner the current sanitary sewer charges in effect and shall collect same according to the regulations of the Village.
- (f) Where a public sanitary sewer is not available under the provisions herein, the building sewer shall be connected to a private sewage disposal system complying with the provisions of the regulations of the Morrow County Health Department.
- (g) The type, capacities, location, and layout of a private sewage disposal system shall comply with all provisions of the regulations of the Morrow County Health Department.
- (h) At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system, as provided herein, a direct connection shall be made to the public sanitary sewer in compliance with this regulation, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with approved material at the time the connection to the public sanitary sewer is made and the owner shall comply with all applicable requirements of this Ordinance.
- (i) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village.

925.02 BUILDING SEWERS AND CONNECTIONS.

- (a) No unauthorized person shall uncover, make connection with, or make an opening into, use, alter, repair, or disturb any public sewer or appurtenance thereto without having first obtained a permit from the Fiscal Officer of the Village of Sparta, issued under the authority of this ordinance. A sewer service connection to the public sewer may only be built by a person, firm or corporation authorized by the Village to do such work.
- (b) An application on a form furnished by the Village, for a permit for a tap, shall be made to the Fiscal Officer of the Village, at which time a fee (of \$2,000.00) for taps inside the Village Corporation limits (or \$3,000.00) for taps outside the Village Corporation limits shall be paid to said Fiscal Officer. The application must be signed by the owner or his duly authorized agent of the property which means the owner or his duly authorized agent agrees to be responsible for sewer charges on said property. No refunds of fees will be made. This fee is hereby waived for a period of one year from the effective date of this Ordinance for existing establishments inside and outside the Village Corporation limits.
- (c) All costs and expenses incident to the installation and connection of a sanitary sewer to the Village lines shall be borne by the property owner. The Owner shall indemnify the Village from any loss or damage that may be directly or indirectly occasioned by the installation of such sewer connection.
- (d) An inspection fee includes the cost of an inspection up to two (2) hours by the Village. Should more than two (2) hours of inspection be required because of failure of the owner, his contractor, or authorized representative to install, repair, alter, or perform other work necessary to install the connection and service line in accordance with these regulations, an additional fee per hour shall be charged for the time required to comply with these regulations. Such additional fees shall be paid prior to the final approval of the service line for which the permit was issued.
- (e) In the event the Village ascertains that any property has been connected to the sewage system without a proper permit, the Village may disconnect such property until such violation ceases. In the event a property is disconnected and subsequently reconnected under this section, the owner shall be subject to all disconnection and reconnection charges in accordance with Section 925.99. Such charges shall be payable at the time of reconnection.
- (f) A separate and independent building sewer connection shall be provided for every single-family residence. Each residential unit shall be charged for service as separate units.
- (g) The building sewer shall be constructed of a size not less than six inches, internal diameter, and shall be of first grade quality of PVC pipe meeting ASTM D 3034, SDR 35, using proper bends or curves for all changes in alignment or grade. All joints and connections shall be gasketed per ASTM specifications and shall be made gas-tight and watertight. The Village may require the sewer installer to demonstrate the tightness of the joints by such tests as deemed necessary and require additional jointing material or concrete collars at any or all joints.
- (h) The building sewer shall have a minimum fall of one-fourth inch per linear foot of sewer from the building to the public sewer. The Village may, by special permission in each case, authorize the building sewer to be constructed with a fall as little as one-eighth inch per linear foot if they determine such procedure to be necessary. The junction between the building sewer and the house plumbing shall be made water-tight. The interior of each length of pipe shall be made perfectly clean and free from offsets, fins and projections before the next length is connected thereto. All building sewers shall be graded by line and pole, the line being first leveled from the building to the public sewer and then lowered at the downstream end to obtain the required fall.
- (i) Whenever possible, the sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The sewer shall be laid at uniform grade in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Under no conditions shall a 90° bend pipefitting be installed on any public or private sanitary sewer line.

- (j) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried to such drain shall be lifted by approved artificial means and discharged to the building sewer at the Owner's expense.
- (k) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Village. Where the base of the trench is uneven or stony, sand and/or gravel shall be used for bedding. No backfill shall be placed until the work has been inspected by an authorized representative of the Village.
- (l) All joints and connections shall be made gas-tight and water-tight. All sewer joints shall be as specified in the City of Columbus Construction & Material Specifications. Mission or Fernco type flexible couplings may be acceptable in joining dissimilar materials, subject to approval by the Village.
- (m) In the case of new buildings being constructed after January 1, 2002, the property owner will be permitted to tap into or connect into the public street sewer only in the presence of the Village inspector or representative. In the case of existing buildings, the Village shall bring the service connection from the public sewer to the private property line. The private property owner may connect thereto with approved materials after a permit is issued. The wyes and/or service connections shall be located at the convenience of the Village. The Village shall consider the requests of the property owners, but shall be the final authority as to location. Where it is necessary to cross the street with a service connection, the property owner shall pay for the cost of all restoration costs meeting state, county or local requirements.
- (n) An applicant for the building sewer permit shall notify the Village or its duly authorized representative at least 48 hours (business days only) in advance of when the building sewer is ready for inspection and connection to the public sewer. The connection shall not be made until approved by a representative of the Village and under their supervision.
- (o) All excavation for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.
- (p) All permits for sewer connections, whether made at the initial installation or subsequent to the operation of the plant, shall be made on forms furnished by the Village; and shall be prepared in triplicate, one copy going to the property owner at the time of making the application and two copies being retained by the Village Fiscal Officer or the Village. All sewers shall be inspected and approved by the Village after installation but before covering them with backfill. The inspection shall be requested at least 48 hours (business days only) before the inspection is desired. Upon inspection, and after the inspector has satisfied himself that the installation has been made according to the requirements of this Ordinance, and that all possible sources of storm water have been eliminated from the sewer, he shall make a sketch of the installation on the form retained by the Village at the time the permit was issued, and if such installation complies with the provisions of this Ordinance, shall sign the same, giving one copy to the property owner, and one copy shall be retained for the permanent files of the Village for its record. Only after the inspector has signed the permit may the service line be connected to the sewer and the trench filled.
- (q) All vents shall be constructed so as to prevent foreign objects from being introduced into the sanitary sewers. Tees will not be permitted in any part of the sewer service connection. In order to protect the Village's sewer system, the plumbing for all buildings to be connected to the system shall be installed in accordance with the minimum requirements of any applicable standards established by the State of Ohio. This requirement is primarily intended to apply to new building construction; however, the Village may require corrective work on the plumbing systems of any existing buildings where serious violations of accepted good practices in plumbing are observed. Such corrective action shall be completed prior to connection of the building sewer from the affected structure to the Village sewer system.
- (r) A means for rodding or examination of the building sewer, such as cleanouts, shall be provided immediately outside of the point of entry to the building or if in the judgment of the Village other access is available, the same may be acceptable.

- (s) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff, rainwater or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- (t) Building sewers shall not be constructed closer than three feet to any exterior wall, cellar, basement or cistern nor shall they have less than two feet of earth or stone cover.
- (u) Where the building sewer will cross unstable soil or close to a tree where roots may enter the joints, class - ductile iron pipe may be required by the Village. PVC pipe meeting A WW A C-900 standard of Class - ductile iron pipe shall be required when the building sewer is within ten feet of a water service line, well, spring, cistern or other sources of water supply.
- (v) The permit holder will be required to repair or restore any drains or service lines damaged or disturbed by him during the construction of the building sewer at the Owner's expense.
- (w) Following construction of a building sewer or on-lot system, the property owner shall own, maintain, repair or replace the building sewer from the building foundation to the publicly owned sewer.
- (x) If the Village receives a service call for a property to investigate a sewage backup and performs services to clean a building sewer for which the owner is responsible, the Village shall charge the owner for labor, material and equipment costs incurred. Such charges may be placed on the owner's sewer service bill.
- (y) Building sewers and connections shall meet the requirements of this Ordinance and Exhibit I attached herewith. The materials and/or equipment used during construction shall conform to the applicable ASTM specifications as directed by the Village.
- (z) No new connections to the sanitary sewer system will be allowed for users located within a 100-year flood plain or an area defined as a wetland in the National Wetland Inventory Maps.

925.03 USE OF PUBLIC SEWERS.

- (a) No person, firm or corporation shall cause any connection to be made to the sanitary sewers of the Village of Sparta for the purpose of disposal of any wastes other than sanitary or industrial wastes. It shall be the duty of any inspector appointed by the Village to determine that none of the above excluded wastes or waters are being disposed of into the sanitary system.
- (b) No person shall discharge or cause to be discharged any stormwater, rainwater, surface water, ground water, roof runoff, sub-surface drainage, or unpolluted industrial process waters to any sanitary sewer.
- (c) Storm water and all other unpolluted drainage shall be discharged only to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Village.
- (d) No person shall discharge or cause to be discharged any of the following described waters or wastes into any public sewers:
 - (1) Any wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference; but in no case, wastewater with a temperature at the introduction into the collection system which exceeds 150 degrees F or causing the temperature at the treatment facility to exceed one hundred four degrees (104°) F.
 - (2) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases, which by reason of their nature are or may be sufficient, either alone or by interaction, to cause fire or explosion or be injurious in any other way to the operation of the treatment plant.
 - (3) Any water or wastes containing free oils, emulsified oils and grease exceeding an average of one hundred parts per million (833 pounds per million gallons) of other soluble matter.
 - (4) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process,

constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the treatment plant, including cyanides.

- (5) Any garbage that has not been properly shredded to the degree that all particles will be carried freely under the flow conditions of the sewer.
- (6) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood paunch, manure, hair and fleshings, entrails, lime slurry, lime residues, chemical residues, paint residues, cannery waste, bulk solids or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with proper operation of the sewage works.
- (7) Any waters or wastes containing Suspended Solids (SS) of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant, or any substance which may cause the treatment plant's effluent or treatment residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- (8) Any noxious or malodorous gas or substance capable of creating a public nuisance, or substances causing the release of noxious or poisonous gases after discharge into the public sewer system.
- (9) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.
- (10) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits as may be established by the Village from time to time for such materials, and which might cause the treatment plant to violate its NPDES and/or other Disposal System permits.
- (11) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Village as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters, and which might cause the treatment plant to violate its NPDES and/or other Disposal System permits.
- (12) Any radioactive wastes or isotopes.
- (13) Any waters or wastes having a pH of less than 5.5 or in excess of 9.0.
- (14) Materials which exert or cause:
 - a. Unusual concentrations of inert Suspended Solids (SS) such as, but not limited to, Fullers earth, lime slurries and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.
 - b. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.
 - c. Biochemical Oxygen Demand, Suspended Solids (SS), or chlorine requirements in such concentrations as to constitute a load on the sewage treatment works greater than that expected from normal domestic wastewater characteristics.
 - d. Unusual volume of flow or concentration of wastes which exceeds, for a period longer than fifteen minutes, more than five times its average hourly concentration of flow.
- (15) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

- (e) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substance or possess the characteristics which, in the judgment of the Village, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village may:
 - (1) Reject the wastes.
 - (2) Require pretreatment to an acceptable condition in accordance with guidelines adopted herein for discharge into the public sewers.
 - (3) Require control over quantities and rates of discharge.
 - (4) Require payment to cover the added cost of handling and treatment of the wastes not covered by existing taxes or sewer charges.
- (f) Grease, food, oil and sand interceptors shall be provided with all service lines for buildings where food or related products are processed or food is served (Ordinance 2019-01 and Ordinance 2021-05). Interceptors are necessary for the proper handling of liquid wastes containing grease in harmful amounts, or any flammable wastes, sand and other harmful or excessive ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village, shall be located as to be readily and easily accessible for cleaning and inspection. Maintenance and cleaning of such units shall be done by and at the cost of the person or firm contributing the waste involved. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight. When installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
- (g) No statement contained in these sections shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefor by the industrial concern.
- (h) No statement contained in these sections shall be construed to interfere with any additional requirements that may be imposed by the Ohio Environmental Protection Agency or the Ohio Department of Health.

925.04 PROTECTION FROM DAMAGE.

- (a) The Village shall limit connections into sewer lines if sufficient capacity to handle and treat additional wastewater is unavailable in the system, or if required to protect the facilities from damage. Any person applying for a permit to connect to a public sewer shall provide, with the application for said building sewer permit, sufficient data as required by the Village, regarding the location, type of wastewater and amount of flow to be conveyed to the public sewer. Any costs associated with the applicable charges herein shall be borne by the person applying for the building sewer permit.
- (b) No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment, which is a part of the municipal waste works or collection system.
- (c) Notification of Accidental Releases - In case of any accidental release to the sewage system of an unacceptable discharge or of any substance or material considered by the Village to be toxic or deleterious, as provided in this section, the user shall notify the Village immediately and in no case later than one hour following such a discharge so that remedial action can be taken. Costs incurred to correct any damage resulting from such a discharge shall be charged to the user. Failure to report such a discharge shall result in a charge of one thousand dollars (\$1,000.00) in addition to the costs of correction and in addition to any penalties provided in Section 925.99. Each such discharge shall be considered separately and the costs and charges therefor shall be levied accordingly. A separate discharge shall be deemed made each day during or

on which such discharge continues and charges therefor shall be levied accordingly. Such charges shall be collected by the Village in the same manner as all other charges set by the Village.

925.05 POWERS AND AUTHORITY OF INSPECTIONS.

Any fully authorized employee or agent of the Village bearing the proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, testing, repairs and maintenance of any portion of the sewage works lying within such property, in accordance with the provisions of this Ordinance.

925.99 PENALTIES.

- (a) Upon posting at the building or service upon the Owner, any person violating, any provisions of this ordinance shall within the period of time stated in such notice permanently cease all violations.
- (b) Any person who violates this Chapter shall be guilty of a misdemeanor of the first degree.
- (c) Each day on which any such offense continues to occur shall be deemed a separate and distinct violation.
- (d) Any person violating any of the provisions of this Chapter shall become liable to the Village for any expense, loss or damage occasioned to the Village by reason of such violation.

CHAPTER 963 – SANITARY SEWER SYSTEM IMPACT & USER FEES (ORD. 2026-01)

963.01 ADOPTION

Upon the effective date of adoption of this Ordinance by the Village Council, the development impact and use fees for the sanitary sewer system shall hereby be imposed.

963.02 SERVICE AREA.

The applicable service area for imposition of the sanitary sewer system development impact fee is the entire incorporated area of the Village and any municipal planning area designated by the Village Council.

963.03 IMPACT FEE IMPOSITION.

All new residential and non-residential development in the service area as defined in Section 963.02 shall be subject to the payment of the sanitary sewer system development impact fee provided herein at the time of building permit issuance, and user fees specified.

A "Residential Unit" is hereby defined as a single-family dwelling, an apartment, a manufactured home, or other structure in which only one (1) family resides. Any residence with more than one (1) family shall pay one (1) Residential Unit per family per month.

A "Small Business" is any non-residential operation which uses water only for toilets and janitorial cleaning. It shall pay the monthly rate for one (1) Residential Unit.

All other users shall be charged at an equivalent user rate to be determined by the Village.

The sanitary sewer system development impact fee on all new development shall be:

- (a) Application Fee: \$125.00
- (b) Tap Fee: \$7,500.00 per residential unit, in town only
- (c) Inspection Fee: \$250.00

963.04 USE FEE IMPOSED.

The Village of Sparta has assessed all residential units and all business units connected to the sanitary sewer system a monthly fee, due by the 30th of each month, and to be paid to the Village Fiscal Officer, or designee. The sanitary sewer system monthly use fee on all active service shall be: \$68.00 per month for each residential and business unit.

963.05 EXPENDITURE OF FEES FOR SYSTEM IMPROVEMENTS.

All sanitary sewer system development impact and use fees shall be used for system improvements as set forth in the Village's adopted capital improvements plan. Sanitary sewer system improvements generally include the following: acquisition of land for and development of sanitary sewer systems, equipment and infrastructure with a useful life of five years or more.

PART ELEVEN - PLANNING AND ZONING CODE

CHAPTER 1101 - GENERAL SUBDIVISION PROVISIONS

1101.01 TITLE.

This Ordinance shall be known and may be designated and cited as "Village of Sparta Subdivision Regulations," and may also be referred to as the Subdivision Regulations or Subdivision Ordinance.

Unless otherwise provided herein or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this Ordinance as those governing the interpretation of the ORC.

1101.02 AUTHORITY.

This Subdivision Ordinance is adopted pursuant to the authority contained in the ORC, Chapters 711 and 713.

1101.03 JURISDICTION.

This Subdivision Ordinance shall be applicable throughout the Village's planning jurisdiction. The Village's planning jurisdiction comprises the area within the corporate boundaries of the Village of Sparta, Ohio.

1101.04 EFFECTIVE DATE.

The provisions of these Subdivision Regulations shall be effective 30 days after adoption.

1101.05 PURPOSE AND INTENT.

This Subdivision Ordinance is to guide and facilitate the orderly, beneficial growth of the community by assuring the orderly subdivision of land and its development, and to promote the public health, safety, convenience, comfort, prosperity, and general welfare.

1101.06 RELATIONSHIP TO EXISTING SUBDIVISION ORDINANCE.

This Subdivision Ordinance is adopted in whole and is a replacement of any and all prior adopted subdivision ordinances adopted, amended or repealed by the Village Council.

1101.07 RELATIONSHIP TO COMPREHENSIVE PLANNING.

It is the intention of the Village Council that this Subdivision Ordinance shall implement the subdivision policies adopted by the Village Council for the Village of Sparta, as reflected in a comprehensive plan, land-use plan, and all other planning documents formally adopted by the Village Council. While the Council reaffirms its commitment that this Ordinance and any amendment to it be in conformity with adopted planning policies, the Council hereby expresses its intent that neither this Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

1101.08 SEVERABILITY.

Each chapter, section, paragraph, sentence, clause, phrase, or other divisible part of this Subdivision Ordinance is hereby declared to be severable and if any such chapter, section, paragraph, sentence, clause, phrase, or other divisible part is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining chapters, sections, paragraphs, sentences, clauses, phrases, or other divisible part of this ordinance since the same would have been

enacted without the incorporation into this ordinance of such unconstitutional or invalid chapter, section, paragraph, sentence, clause, phrase, or other divisible part.

1101.09 PLATTING REQUIRED.

No land shall be subdivided except in compliance with this Subdivision Ordinance and with the provisions of the Zoning Code of the Village of Sparta. Except as provided in Section 1101.13, no land shall be subdivided within the corporate limits of the Village of Sparta until:

- (a) The subdivider shall submit plats as described in this Subdivision Ordinance;
- (b) Said plats have been approved as provided herein; and
- (c) The approved plats are recorded in the County Record of Plats.

No Certificate of Zoning Compliance or Zoning Permit shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of this Subdivision Ordinance, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these regulations and other applicable Village codes.

1101.10 CONFLICTING ORDINANCES.

Where conflicts exist between requirements of this Subdivision Ordinance and other ordinances adopted by the Village Council, the strictest interpretation as interpreted by the Zoning Inspector shall apply and thereby supersede the less strict requirements.

1101.11 COORDINATION OF PLANNED DISTRICT DEVELOPMENT APPROVAL WITH SUBDIVISION APPROVAL.

The planned district development approach is greatly encouraged for tracts of twenty (20) acres or more. It is the intent of these regulations that subdivision review be carried out simultaneously with the review of planned district zoning applications under Chapter 1181 of the Zoning Ordinance. The subdivision regulations may be modified to the degree necessary to accomplish the objective and standards required for planned districts. Nothing within this section, however, shall exempt the developer from the requirements of a final subdivision plat approval as specified in this chapter. Subdivision regulations modified to the degree necessary to accomplish the objectives and standards required for planned districts must be approved by both Planning and Zoning Commission and Council during the planned district approval process.

1101.12 STREAM OR DRAINAGE CHANNEL RELOCATION.

Streams and other drainage channels may not be relocated or channeled as a part of any subdivision.

1101.13 SUBDIVISION WITHOUT PLAT; FILING FEE.

- (a) For Zoning Districts: R-1 and R-2. A proposed Subdivision of a parcel of land along an existing Public Street in any R-1 and R-2 Zoning District, not involving the opening, widening or extension of any street, road or access point and involving an existing tract of land from which no more than five lots can be created, that meet the current lot requirements for such zoning district, after the original tract has been completely subdivided, may be submitted to the Planning and Zoning Commission for approval without plat. If the commission is satisfied that such proposed subdivision complies with applicable zoning requirements, that the subdivision will not necessarily preclude anticipated future development or redevelopment, and the proposed subdivision does not interfere with the provision of Village services, the Commission may direct the Village Administrator, Mayor, or other designee to stamp conveyances for Lots within the Subdivision "Approved by Planning and Zoning Commission. No Plat Required." The Commission may also establish reasonable necessary procedures and requirements to be met by the owner

desiring to subdivide property pursuant to this section. This may include: requirements for the extension or improvement of public infrastructure to support the subdivision or possible growth or development for the area; additional specific provisions required by the Commission, of the subdivision requirements, or other requirements that are in the interest of the Village to be included as a provision of the approval of the subdivision without plat. No Zoning Permit or Certificate of Zoning Compliance shall be issued until all provisions stipulated by the Commission have been completed and accepted by the Village in accordance with the site development process.

- (b) Districts other than R-1 and R-2. A proposed Subdivision of a parcel of land along an existing Public Street in all districts other than R-1 and R-2, not involving the opening, widening or extension of any street, road or access point and involving a tract of land from which no more than five Lots can be created after the tract has been completely subdivided, may be submitted to the Planning and Zoning Commission for approval without Plat. If the Commission is satisfied that such proposed Subdivision complies with applicable Zoning requirements, the proposed subdivision does not interfere with the provision of Village services and that the subdivision is not contrary to the interest of the Village and the subdivision does not necessarily preclude anticipated future development or redevelopment, the Commission shall recommend to Council approval, or approval with modification of such request, for Subdivision without Plat. Otherwise the Commission shall disapprove the request for Subdivision without Plat. After approval or, approval with modification of the Subdivision without Plat by the Commission, Council may either approve or reject such request by resolution. A Super Majority is required for Council to reject the recommendation of the Commission. If Council elects to approve the Subdivision, it shall authorize the Village Administrator to stamp the conveyance of such parcel "Approved by Village Council: No Plat Required." The Commission and/or Council may establish reasonable necessary procedures and requirements to be met by the owner desiring to subdivide property pursuant to this section. This may include: requirements for the extension or improvement of public infrastructure to support the subdivision or development for the area; additional specific provisions required by the Commission, of the subdivision requirements, or other requirements that are in the interest of the Village to be included as a provision of the approval of the subdivision without plat. No Zoning Permit or Certificate of Zoning Compliance shall be issued until all provisions stipulated by the Commission have been completed and accepted by the Village in accordance with the site development process.
- (c) Filing Fee. Each application submitted and processed pursuant to this section shall be accompanied by a filing fee.

CHAPTER 1105 – DEFINITIONS

1105.01 GENERAL DEFINITIONS.

Except where specifically defined herein, all words used in this Subdivision Ordinance shall carry customary meanings from the Webster's Collegiate Dictionary. Words used in the present tense include the future tense; the plural includes the singular and the singular includes the plural; the word "lot" includes the word "parcel" and "plot"; the word "building" includes the word "structure"; the word "shall" is mandatory, the word "may" is permissive, and the word "should" is preferred; the words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied"; and the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders. A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

1105.02 DEFINITIONS.

- (1) "Acre" means a measure of land equating to 43,560 square feet.
- (2) "Agent" means the representative of the applicant. The authority of the representative shall be established to the satisfaction of the Zoning Inspector.

- (3) "Alley" means a public or private right-of-way 20 feet or less in width, which affords only a secondary means of access to property abutting thereon.
- (4) "ANSI" means the American National Standards Institute.
- (5) "Applicant" means the owner or authorized representative of land proposed to be subdivided. The authority of the representative shall be established to the satisfaction of the Zoning Inspector. Consent to subdivide shall be required from the legal owner of the premises.
- (6) "Architect" means an architect registered by the State of Ohio.
- (7) "Arterial street". See "Streets."
- (8) "As-built plans" means plans that have been revised to incorporate all changes that occurred during construction of the project, on matte mylar material.
- (9) "ASTM" means American Society for Testing and Materials.
- (10) "Average daily traffic (ADT)" means the total traffic volume during a given time period in whole days greater than 1 day and less than 1 year divided by the number of days in that time period.
- (11) "AWWA" means the American Water Works Association.
- (12) "Block" means all that part of one side of a street between two intersecting streets.
- (13) "Bond" means any form of security including cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Village Council.
- (14) "Buffer" means an undeveloped or relatively undeveloped land area that lies between two areas, which contain or may contain conflicting land uses (i.e. residential adjacent to industrial uses; stream adjacent to residential uses, etc.) It is intended for the purpose of reducing or eliminating harmful conflicts and screening one use from another. The buffer may include open space areas, trees and other plants, or other devices (i.e. berms, walls, etc.) to further shield one use from another.
- (15) "Building" means any structure with substantial walls and roof securely affixed to land and entirely separated on all sides from any similar structure by space or by walls in which there are no communicating doors, windows, or similar openings.
- (16) "Caliper" means a horticultural method of measuring the diameter of nursery stock. For trees less than four inches in diameter, the measurement should be taken at six inches above ground level. For trees greater than four inches in diameter up to and including twelve inches, the caliper measurement must be taken at twelve inches above the ground level. For trees greater than twelve inches in diameter, the trunk is measured at breast height (diameter at breast height, "DBH"), which is 4.5 feet above the ground.
- (17) "Certificate of deposit" means a certificate held on deposit by a financial institution for the Village of Sparta until such time as the subdivider has fulfilled his obligation to install the required improvements.
- (18) "Collector street". See "Streets."
- (19) "Comprehensive Plan" means a central organizing document for planning and managing growth.
- (20) "Concept Plan" means a plan that generally indicates the overall design of a proposed PUD project with sufficient information to enable the applicant and the Village to discuss the concept for the proposed development and to determine if the proposal is generally consistent with the Comprehensive Plan.
- (21) "Connections" means streets, sidewalks, and/or bike paths that interlink neighborhoods, and that link neighborhoods with schools, parks, shopping, and businesses.

- (22) "Conservation area" means an area designated by the Planning and Zoning Commission, Comprehensive Plan, or other officially adopted planning document, as an area where development should not occur due to the area's environmental, aesthetic, social, or cultural significance to the Village.
- (23) "Construction plans" means the maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in a subdivision.
- (24) "Council" means the Village Council of the Village of Sparta, Ohio.
- (25) "County" means Morrow County, Ohio, as applicable.
- (26) "Cul de sac" means a local street, with only a single means of ingress and egress, one end of which is closed and having a circular turn around at the end.
- (27) "Cut sheets" means the tabular survey information used for the purpose of construction layout staking.
- (28) "Density, gross" means the density of a development using the entire site acreage.
- (29) "Density, net" means the density of a development using the entire site minus the following: areas designated for public and private streets and alleys, open bodies of water excluding streams, creeks, and ditches, other dedicated rights of way or land required to meet the dedication requirements of the zoning and subdivision regulations.
- (30) "Density" means the amount of development area located on a tract of land. For residential development, density is measured by the number of housing units per acre. For non-residential development, density is measured as the gross square footage of a building per acre, which can be a number or floor area ratio.
- (31) "Developer". See "Applicant."
- (32) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings, or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.
- (33) "Dwelling unit" means a house, an apartment, a mobile home or trailer, a group of rooms or a single room occupied as separate living quarters or, if vacant, intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have direct access from outside the building or through a common hall.
- (34) "Easement" means the right to use the real property of another for a specific purpose. The easement is itself a real property interest, but legal title to the underlying land is retained by the original owner for all other purposes.
- (35) "Easement, conservation" means a nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting agricultural, natural, scenic, or open space values of real property; protecting natural resources; or maintaining air or water quality.
- (36) "Engineer, registered" means an engineer registered by the State of Ohio.
- (37) "Engineer, project". See "Engineer, Registered."
- (38) "Engineer, Village" means the Village Engineer of the Village of Sparta.
- (39) "Environmental Impact Statement (EIS)" means a detailed analysis of the environmental consequences of a project or proposed action, including long-term adverse impacts, any irreversible commitments of resources, and various alternative courses of action.
- (40) "Erosion" means the wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep and/or detachment and movement of soil or rock fragments by wind, water, ice, or gravity.

- (41) "Escrow" means a deposit of cash with the Village of Sparta in lieu of an amount required and still in force on a performance or maintenance bond.
- (42) "Escrow fund" means cash placed by the subdivider in an account to be held by a financial institution in favor of the Village to guarantee the installation of improvements according to the provisions of this Subdivision Ordinance.
- (43) "Excavation" means the removal or recovery by any means whatsoever of soil, rock, mineral substances, or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged, whether by mechanical or manual means.
- (44) "Fire Chief" means the Fire Chief of the Central Ohio Joint Fire District.
- (45) "Floodplain" means the areas adjoining a watercourse, which are expected to be flooded as a result of a severe combination of meteorological and hydrological conditions, as identified by the most recent Flood Insurance Rate Map (FIRM).
- (46) "Floodway" means the channel of the watercourse and those portions of the adjoining floodplain which are reasonably required to carry and discharge the 100 year flood, as identified by the most recent FIRM.
- (47) "Floodway fringe" means that portion of the floodplain outside of the floodway, as identified by the most recent FIRM.
- (48) "Frontage" means that portion of a lot abutting on a dedicated right-of-way.
- (49) "Grade" means the slope of any surface specified in percentage terms.
- (50) "Grade, established street" means the elevation of the street, established by the Village Engineer, measured at the centerline of the street.
- (51) "Grade finished" means the elevation of the surface of the ground of any parcel of land after construction of buildings, parking, driveways, streets, the completion of all landscaping, and any other improvements.
- (52) "Grade, natural" means the elevation of the undisturbed surface of any land.
- (53) "Greenway" means corridors of protected open space managed for conservation and/or recreation purposes. Greenways may follow natural land or water features, and may link nature reserves, parks, cultural features, and historic sites with each other and with populated areas.
- (54) "Growth management" means the conscious public decision to restrain, accommodate or induce development in any geographic setting and at any governmental level.
- (55) "Hillside" means an area with an average slope of more than fifteen percent (15%).
- (56) "Hydric soils" means soils which are saturated long enough to develop an anaerobic (i.e. living or active in the absence of free oxygen) condition in the upper soils so that only certain plants can live in it. Hydric soils are one indicator of the presence of wetlands.
- (57) "IES" means the Illuminating Engineering Society.
- (58) "Impact fees" means any charges levied by local governments on new development to generate revenue for infrastructure necessitated by the new development.
- (59) "Improvement, public" means any drainage ditch, roadway, parkway, sidewalks, pedestrian way, tree lawn, off-street parking area, lot improvement, or other facility for which the Village of Sparta may ultimately assume the responsibility for operation and maintenance or which may effect an improvement for which the Village of Sparta is responsible.

- (60) "Improvements" means street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm sewers and drains, street lights, flood control and drainage facilities, utility lines, landscaping, grading, and other related matters normally associated with development of raw land into building sites.
- (61) "In-lieu fees" means fees paid by a private individual or party to the Village of Sparta to compensate for the mandatory dedication provisions of the Sparta Subdivision Regulations when said land dedication is waived by Village Council.
- (62) "Infrastructure" means the underlying foundation or basic framework of a political jurisdiction, including streets, parks, bridges, sewers, streetlights, and other utilities.
- (63) "Inspection fee" means the cost to the Village of supervising construction, to be paid by the developer.
- (64) "Inspector" means the Zoning Inspector of the Village of Sparta, Ohio.
- (65) "Landscape architect" means a landscape architect registered by the State of Ohio.
- (66) "Landscaping" means the improvement of a lot with grass, shrubs, trees, other vegetation and/or ornamental objects. Landscaping may also include pedestrian walks, flowerbeds, ornamental objects such as fountains, statues and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.
- (67) "Law Director" means the Law Director or Village Solicitor of the Village of Sparta, Ohio.
- (68) "Letter of credit" means an irrevocable letter of credit issued by a bank in the Central Ohio area, subject to the provisions of Chapter 1305 of the ORC.
- (69) "Lot" means a tract, plat, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.
- (70) "Lot, corner" means a lot located at the intersection of two or more streets.
- (71) "Lot, double frontage" means a lot, other than a corner lot, with frontage on more than one street.
- (72) "Lot improvement" means any building, structure, place, work of art, or other object or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.
- (73) "Lot, interior" means a lot with only one frontage on a street.
- (74) "Lot, irregular" means a lot that is neither square nor rectangular.
- (75) "Lot, minimum area" means the area of a lot computed exclusive of any portion of the right-of-way of any public or private street.
- (76) "Lot measurement" shall be measured as follows:
 - A. The depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in the front to the rearmost points of the side lot lines in the rear. However, the straight line connecting the rearmost side lot lines shall not be less than one-half of the length of the straight line connecting the foremost points of the side lot lines.
 - B. The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.
- (77) "Lot of record" means a lot which is part of a subdivision recorded in the Office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been recorded.
- (78) "Lot, reverse frontage" means a double frontage lot located along a collector or arterial that derives access from an interior local street.

- (79) "Mandatory land dedication" means the required dedication of private land to the Village of Sparta for the purpose of providing space for park, recreation, open space, and other public uses.
- (80) "Map, index" means a map supplied with street improvement plans showing the street and storm system at a scale of 1" = 200'.
- (81) "Map, location" means a map supplied with the plat that shows legibly, by dimension and/or other means, the proposed subdivision and enough area beyond the bounds of the proposed subdivision to locate and orient the subdivision and show the relationship of the site to the community facilities that serve or influence the property, at a scale of 1" = 1,000'.
- (82) "Mayor" means the Mayor of the Village of Sparta, Ohio.
- (83) "MORPC" means Mid-Ohio Regional Planning Commission.
- (84) "Natural buffer areas" means areas where stream valleys, vegetation and /or grade changes are naturally occurring and not the result of planting or earth moving. These areas provide separation between land uses, particularly between land uses of differing intensity, such as residential and nonresidential uses.
- (85) "No build zone" means an area or portion of a lot that is designated by deed or plat not to contain any buildings, structures, or other built improvement on a permanent basis.
- (86) "O.D.O.T." or "ODOT" means the Ohio Department of Transportation.
- (87) "Official Thoroughfare Plan" means the system of streets for the Village as adopted by the Village, on file in the Village Fiscal Office, together with all amendments thereto subsequently adopted.
- (88) "Off-site" means any premises not located within the area of the property to be subdivided or improved, whether or not in the same ownership of the applicant for subdivision.
- (89) "Ohio EPA" means the Ohio Environmental Protection Agency.
- (90) "Open space subdivision" means a clustered development in which significant amounts of open space are preserved. Typically the gross density is compatible with nearby traditional subdivisions, but the net density is higher because of the preserved open space. Such open space can be in a natural state or developed for recreational uses, such as a golf course.
- (91) "Open space" means land reserved from development as a relief from the effects of urbanization. It is often intended to be used for passive recreation purposes, but may also include pedestrian plazas or active recreation areas.
- (92) "Open watercourse" means a defined open drainage channel, natural or man-made, for the purpose of conveying stormwater.
- (93) "Park and Recreation Master Plan" means the plan of parks, playgrounds, or other open grounds adopted by the Village Council.
- (94) "Performance and indemnity bond or surety bond" means an agreement by and between a subdivider and a bonding company in favor of the Village of Sparta for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by subdivider's agreement.
- (95) "Planning and Zoning Commission" means the Planning and Zoning Commission of the Village of Sparta, Ohio.
- (96) "Plan, Final Development" means a detailed plan showing the location of all site improvements, including easements, utilities, buildings, parking areas, circulation routes, points of ingress and egress, transportation and other public improvements (both on- and off-site), landscaping, architectural drawings, loading and unloading zones, service areas, ground signate, directional signage, location of refuse containers, lighting,

and accessory structures, and may include a subdivision plat. Critical dimensions are shown unless otherwise indicated.

- (97) "Plan, improvement" means detailed construction drawings, maps and other materials depicting a proposed subdivision meeting the requirements of this document.
- (98) "Plan, Preliminary Development" means a plan, submitted at the time of rezoning, outlining permitted and conditional land use development sites, major circulation patterns, critical natural areas to be preserved, open space areas and linkages, buffer areas, entryways, and major utilities and their relationship with surrounding uses. A preliminary development plan shall include a composite plan and any other development plan adopted prior to the effective date of these regulations that are still in force.
- (99) "Plan, sketch" means a drawing of a proposed subdivision intended to be used as a general indicator of how the proposed area may be subdivided, as per this document.
- (100) "Plat, final" means the plat of a proposed subdivision, drawn on durable material as specified in this document and intended for recording, meeting all the requirements as herein enumerated.
- (101) "Plat, preliminary" means the plat of a proposed subdivision that meets all of the requirements of this document.
- (102) "Reserve" means a parcel of land within a subdivision set aside for future subdivision or set aside for other purposes, as noted on the plat.
- (103) "Right-of-way" means a strip of land occupied or intended to be occupied by a street, crosswalk, walkway, bikeway, or other public improvement relating to public travel or access.
- (104) "Roadway" means the portion of a street available for vehicular traffic.
- (105) "Sediment" means solid material both mineral and organic, that is in suspension, is being transported, or has been moved from its site or origin by surface water, and has come to rest on the earth's surface above or below ground level.
- (106) "Sediment basin" means a barrier, dam or other suitable detention facility built across an area of water-flow to settle and retain sediment carried by runoff waters.
- (107) "Service road" means a street parallel with a limited access street to afford abutting property owners access to such street, but only at specific points.
- (108) "Setback, front" means the minimum distance between the right-of-way and a building facing said right-of-way, as required by the Zoning Code.
- (109) "Setback, platted" means the minimum distance between the building and the right-of-way, rear lot line, and/or side lot line as required by the Zoning Code and shown on the recorded plat of the subdivision.
- (110) "Setback, rear" means the minimum distance between the rear lot line and a building, as required by the Zoning Code.
- (111) "Setback, side" means the minimum distance between the side lot line and a building, as required by the Zoning Code.
- (112) "Sidewalk" means a Portland cement concrete paved area intended principally for use by pedestrians.
- (113) "Solicitor" means the Law Director or Village Solicitor of the Village of Sparta, Ohio.
- (114) "Stream" means a course of running water usually flowing in a particular direction in a definite channel and discharging into some other stream or body of water.
- (115) "Street, arterial" means a street, which accommodates traffic to and from the expressways or to or through major commercial districts. Traffic volumes are generally greater than 10,000 ADT.

- (116) "Street, cul-de-sac." See "Cul-de-sac".
- (117) "Street, dead end" means a local street having only one outlet without a safe and convenient means for reversal of traffic.
- (118) "Street, industrial" means a street intended to provide access to other streets from industrial properties, generally being a volume of traffic that includes a relatively large number of vehicles other than passenger automobiles.
- (119) "Street, expressway" means a street entirely devoted to the movement of large volumes of traffic at relatively high speeds. Access is completely controlled, not intended to serve abutting property.
- (120) "Street, local" means a street intended to provide access to other streets from individual properties, generally bearing a volume of traffic no greater than 800 ADT.
- (121) "Street, major collector" means a street which carries traffic from the minor collector system to the arterial. Traffic usually has origin and destination within the community and does not exceed 10,000 ADT.
- (122) "Street, minor collector" means a street which carries internal traffic within a given neighborhood, connecting local streets to the major collectors or to the arterial system and generally bearing volume of traffic no greater than 4,000 ADT.
- (123) "Street, private" means a privately owned strip of land providing access to abutting properties.
- (124) "Structure" means that which is constructed having a location on or in the ground or attached to that having a location on or in the ground; the term shall include buildings, outdoor seating facilities, outdoor theaters, swimming pools, platforms, decks, tents, towers, bridges, poles, and roadside signs.
- (125) "Subdivider". See "Applicant."
- (126) "Subdivider's agreement" means an agreement by and between a subdivider and the Village of Sparta that sets forth the manner in which the subdivider agrees to proceed with the construction of public improvements and the disposition of lots in the subject subdivision.
- (127) "Subdivision" means any or all of the following:
- A. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership; provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites and where the lots resulting are not reduced below minimum sizes required by law, shall be exempted; or
 - B. The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.
- (128) "Subdivision, minor" means any subdivision involving no more than 5 lots after the original tract has been completely subdivided, all of the lots of which front on an existing Village street and with which there is no new street or right-of-way required or proposed.
- (129) "Street line" means the boundary line, also referred to as the right-of-way line, between a lot and the area dedicated or otherwise acquired for right-of-way purposes.

- (130) "Surety" means a certificate of deposit, performance bond, irrevocable letter of credit or cash escrow account in favor of the Village designed to guarantee the construction of required improvements.
- (131) "Surveyor" means a surveyor registered by the State of Ohio.
- (132) "Tree" means a woody perennial plant having a distinct trunk a minimum 2 inches caliper as measured 4 feet from the ground with branches and foliage at some distance above the ground.
- (133) "Tree Commission" means a group formally appointed by the Village Council to work with the Planning and Zoning Commission in enforcement of a tree preservation ordinance. In the absence of a separate Tree Commission, the Planning and Zoning Commission shall have such authority.
- (134) "Tree lawn" means the strip of land between the back of curb and sidewalks.
- (135) "Tree, large" means any tree species having a trunk diameter of 6 inches or more as measured 4 feet from the ground.
- (136) "Tree, significant" means any individual tree that is of cultural, historical, biological, or horticultural value as determined by the Village Council with the advice of the Planning and Zoning Commission and Tree Commission.
- (137) "Village Administrator" means the Village Administrator of the Village of Sparta, Ohio.
- (138) "Village" means the Village of Sparta, Ohio, a municipal corporation having less than 5,000 citizens, as defined in the ORC, 703.1.
- (139) "Village Fiscal Officer" means the Village Fiscal Officer of the Village of Sparta, Ohio.
- (140) "Village Council" means the Village Council of the Village of Sparta, Ohio.
- (141) "Village Mayor" means the Mayor of the Village of Sparta, Ohio.
- (142) "Village Solicitor" means the Law Director or Village Solicitor of the Village of Sparta, Ohio.
- (143) "Walkway" means a dedicated public right-of-way limited to pedestrian traffic.
- (144) "Wetlands" means lands that are wet for significant periods during the year that typically create anaerobic (i.e. low oxygen) conditions favoring the growth of hydrophytic plants and the formation of hydric soils. Wetlands are important natural resources providing numerous values to society, including fish and wildlife habitat, flood protection, erosion control, and water quality maintenance.
- (145) "Zoning Code" means the Zoning Code of the Village of Sparta, Ohio.
- (146) "Zoning Inspector" means the Zoning Inspector of the Village of Sparta, Ohio.

CHAPTER 1109 – ADMINISTRATION AND ENFORCEMENT

1109.01 ADMINISTRATION AND ENFORCEMENT.

Administration of these regulations shall be as set forth herein and in accordance with the following.

1109.02 WAIVERS.

The Planning and Zoning Commission and Village Council, where they find extraordinary and unnecessary hardship may result from strict compliance with these regulations as a result of topographic or other physical conditions, may waive such requirements provided that such a waiver does not violate the intent of these regulations and will not be detrimental to the public interest and also reflects the spirit of the comprehensive plan. Under no circumstances shall waiver be granted under this section to any requirements of the Zoning Code.

1109.03 PLAT ADJUSTMENTS.

No changes shall be made to any final plat after approval by Village Council except that minor technical adjustments or corrections which do not significantly change the plat as approved may be made with the approval of the Village Administrator, Zoning Inspector, and Village Engineer.

1109.04 REVIEW AND TESTING.

Review and testing to ensure compliance with the standards contained herein shall be required by the Village Engineer and shall be at the expense of the subdivider.

1109.05 VACATION OF PLATS.

Any plat or portion thereof may be vacated by filing a written instrument declaring said plat or portion thereof to be vacated. Such an instrument shall be submitted to the Planning and Zoning Commission who shall review same and make a recommendation to the Village Council. The Council may approve or reject any such instrument. A two-thirds majority vote by Council is required to overturn a recommendation by the Planning and Zoning Commission. Upon approval by the Council, said instrument may be recorded in the same manner as plats of subdivisions and shall operate to destroy the force and effect of the plat, or portion thereof, so vacated.

CHAPTER 1113 – VIOLATIONS AND PENALTIES

1113.01 VIOLATIONS AND PENALTIES.

Any person, firm, or corporation who fails to comply with, or violates, any of the Subdivision Regulations or Chapter 711 of the ORC shall be subject to the penalties as set forth in said Chapter 711.

1113.02 APPEALS.

Any person, firm, or corporation who believes he has been aggrieved by these regulations has all the rights of appeal as set forth in Chapter 711 of the ORC.

1113.03 NOTICES.

The Zoning Inspector shall serve a written notice or order upon the person responsible whenever the Zoning Inspector is satisfied that any work is being done or any transactions are being made in violation of the provisions of these Subdivision Regulations. Such notice shall direct the discontinuance of any illegal action and the remedying of the condition that is in violation. In case such notice or order is not promptly complied with, the Zoning Inspector may stop all services to the property where such violation is concerned and refuse such services until the violation is corrected. The Inspector may also request the Village Solicitor to institute the appropriate action or proceeding at law or equity to restrain, correct, remove or prosecute such violation.

CHAPTER 1117 – APPLICATION PROCEDURE AND APPROVAL PROCESS

1117.01 APPLICATION REQUIRED.

Application for subdivision must be submitted to the Zoning Inspector together with the fees stipulated in Chapter 1133 and the following procedure shall be followed regarding the submittal, review, and approval of subdivision plats.

1117.02 PRE-APPLICATION CONFERENCE.

Prior to submission of a preliminary plat, applicant shall submit a Concept Plan to the Zoning Inspector for review. In addition to the Concept Plan, the Zoning Inspector may request other plans and data relative to the proposed development, if needed. This step does not require a formal application fee or filing of the plat with the Planning and Zoning Commission.

After this data is submitted, the Zoning Inspector will arrange and conduct a joint meeting with the Village Engineer, planning staff, and the developer to review these pre-application documents and to acquaint the developer with the Commission's requirements and to familiarize the developer with the comprehensive plan, the thoroughfare plan, the parks and open space plan, the zoning ordinance and the drainage, sewerage and water systems for the Village.

1117.03 SUBMITTAL OF PRELIMINARY PLATS.

- (a) The subdivider shall prepare and submit 15 copies of a preliminary plat, together with the supplementary material as required by Section 1121.02. Said plat shall be submitted to the Zoning Inspector no less than 30 calendar days prior to the meeting at which it is to be considered.
- (b) The Zoning Inspector shall review submitted materials for completeness. The Zoning Inspector's findings shall be presented in writing to the Planning and Zoning Commission and the applicant. The application shall be considered filed as of the date the application submitted and fee paid to the Zoning Inspector.
- (c) All fees required for processing of a preliminary plat must be paid with the application, prior to review by the Planning and Zoning Commission or the submittal will be deemed incomplete by the Zoning Inspector and rejected.
- (d) The Planning and Zoning Commission shall review said preliminary plat and act thereon. The Commission may approve the preliminary plat as submitted or modified, it may conditionally approve the plat and stipulate the conditions of such approval, or it may disapprove the preliminary plat and express the reasons therefor. The action of the Planning and Zoning Commission shall be noted on two copies of the preliminary plat. One copy shall be returned to the subdivider within fifteen (15) calendar days of the Planning and Zoning Commission's decision and the other retained on file by the Zoning Inspector.
- (e) Approval of a preliminary plat shall not constitute approval of the final plat and improvement plans, but rather shall be deemed an expression of approval of the layout as a guide to preparation of the final plat.
- (f) Review of the preliminary plat is based on conformance with current zoning and general conformance with the improvement requirements as stipulated herein.
- (g) Whether it is proposed to develop the tract in one phase or in sections or stages, layout of the entire tract is required.

1117.04 SUBMITTAL OF FINAL PLATS.

- (a) Final plats shall be subsequent to and substantially in conformance with a previously approved preliminary plat or development plan. A final plat may constitute only that portion of the project which is proposed for recording and development at the time. Final plats shall be submitted to the Zoning Inspector within 12

months after approval of the preliminary plat or development plan or such approval shall become null and void unless an extension of time has been granted by the Planning and Zoning Commission upon showing of cause. Only one extension of time may be granted for a period not to exceed 12 months.

- (b) All fees required for processing of a final plat as well as all other fees incurred by the Village as a part of the review process to date must be paid prior to review by the Planning and Zoning Commission or the submittal will be deemed incomplete by the Zoning Inspector and not suitable for review.
- (c) Final plats shall be prepared by a registered surveyor, engineer, architect or landscape architect and fifteen copies of the plat and supporting data as required in Section 1121.03 shall be submitted to the Zoning Inspector no less than 30 calendar days prior to the meeting at which it is to be considered.
- (d) The Zoning Inspector shall review the submittal for completeness and compliance with the preliminary plat or appropriateness of modifications and these Regulations. The Zoning Inspector's findings shall be presented in writing to the Planning and Zoning Commission and to the applicant. The application shall be considered filed as of the date the application submitted and fee paid to the Zoning Inspector.
- (e) The Planning and Zoning Commission shall review the same and recommend either approval, approval with conditions, or disapproval. The plat together with a letter signed by the Chair of the Planning and Zoning Commission stating the Commission's recommendation shall then be immediately forwarded to Village Council, and heard by Village Council no more than 30 calendar days of receipt of the plat as reviewed by the Planning and Zoning Commission.
- (f) Before any plat is approved by the Planning and Zoning Commission, the developer shall give notice to the State Director of Transportation of the proposed improvements and obtain a letter from the State Director of Transportation stating that: a) this property is not within 300 feet of the centerline of a proposed new highway, or within 500 feet of the centerline of a highway for which changes are proposed, or b) this property is within these limits but that acquisition of the land at this time is not in the public interest. If the State Director of Transportation notifies the Planning and Zoning Commission that the State shall proceed to acquire the land needed, then the Planning and Zoning Commission may refuse to approve the plat, according to provisions of Section 5511.01 of the ORC.
 - (1) At the request of the subdivider, the Planning and Zoning Commission may give conditional approval and allow the developer to proceed with completion of the plat. However, it shall be clearly at the subdivider's own risk and the conditional approval shall be withdrawn if the State Director of Transportation proceeds to acquire the land.
 - (2) If the State Director of Transportation notifies the Planning and Zoning Commission that acquisition at this time is not in the public interest, or upon expiration of a 120-calendar day period from date of notice to the State Director or any extension thereof agreed upon by the State Director of Transportation and the property owner, the Planning and Zoning Commission shall, if the plat is in conformance with all provisions of this Subdivision Ordinance, approve the plat.
 - (3) A copy of correspondence to the State Director shall be mailed to the Zoning Inspector. The correspondence to the State Director shall indicate the 120-calendar day notification deadline.
- (g) Village Council shall either approve or disapprove the plat. Should Council approve the final plat, the subdivider shall deliver to the Village Fiscal Officer a bond and other items as required by Section 1129.02, 1129.03, and Chapter 1133. Upon review and approval of said items by the Village Engineer, the Village Mayor and the Fiscal Officer shall sign the final plat and it may be recorded. The placement of the Mayor's signature on the plat shall constitute final approval of the subdivision. The required bonds shall be posted and the plat placed on record within 6 months from the date of Council's approval or the plat shall be null and void. Provided, however, the said time may be extended by Village Council for good cause.

If the plat is disapproved by Council, it shall be returned to the Planning and Zoning Commission with recommendations for modification. A two-thirds majority vote is required by Council to overturn a recommendation by the Planning and Zoning Commission.

- (h) A "hard" copy of the final plat as recorded shall be submitted to the Zoning Inspector. The developer may then begin constructing the infrastructure improvements. Upon satisfactory completion of the subdivision as determined by the Village Engineer, "as-built plans" based on Village inspection records and prepared by the developer shall be submitted to the Zoning Inspector in mylar form. Acceptance of the improvements shall occur upon adoption by Council of an ordinance stating such acceptance.
- (i) Application for building permits for lots within the subdivision shall not be submitted until after the plat is recorded, all additional engineering fees incurred by the Village for review have been paid, and a bond is posted for 100 percent of the estimated construction and inspection cost of the improvements, and other items as required by Sections 1129.02, 1129.03, and Chapter 1133.

1117.05 SPECIAL PROCEDURES FOR MINOR SUBDIVISIONS.

- (a) Minor subdivision plats shall be submitted to the Zoning Inspector and forwarded to the Village Engineer and Planning and Zoning Commission for review. The Planning and Zoning Commission will review the minor subdivision plat to ensure that all appropriate requirements of this Subdivision Ordinance are met and the plat has received a favorable review by the Village Engineer. Upon such review the Planning and Zoning Commission will either approve or deny the minor subdivision plat. If the minor subdivision plat is denied, a letter will be forwarded by the Zoning Inspector to the applicant within seven (7) calendar days stating the reason for denial.
- (b) Minor subdivisions shall include such information as contained in Sections 1121.02, 1121.03, and 1121.04 as deemed necessary and appropriate by the Planning and Zoning Commission.
- (c) Any person aggrieved by a Planning and Zoning Commission decision under this section shall have the right to appeal said decision to the Village Council by filing a written appeal within 10 calendar days of receipt of notification of the decision.

CHAPTER 1121 – PLAT REQUIREMENTS

1121.01 PLAT REQUIREMENTS.

Plats, plans, and data submitted to the Village for review shall be in accordance with the requirements contained in the following sections for such plats, plans, and data.

1121.02 PRELIMINARY PLAT REQUIREMENTS.

Preliminary plats shall be prepared at a scale of one (1) inch equals 100 feet (1" = 100') and the entire project shall be displayed on a single sheet when possible. If more than two sheets are required, an index sheet must be included. Where information is required for items off-site, and access to such areas is not available to the registered surveyor, required information may be of an approximate nature, based on existing plats of surrounding parcels and must be so noted.

Preliminary plats shall include the following:

- (a) A location map showing the relationship of the proposed subdivision to the surrounding area.
- (b) The name of the subdivision, the name and address of the developer, the name and registration number of the registered surveyor, a north arrow, scale, and date.
- (c) The location by Section, Range, and Township or other surveys.
- (d) Soils information, presented on a separate drawing, identical in scale to the preliminary plat. Street and lot layout shall be superimposed upon the soils information sheet. Data shall be derived from the United States Department of Agriculture Soil Survey. The location and results of tests made to ascertain subsurface soil conditions shall be shown if required by the Planning and Zoning Commission.
- (e) The names and locations of all adjoining property owners and adjacent subdivisions within 150 feet of the proposed subdivision.
- (f) The current zoning of the property to be subdivided and of the contiguous properties.
- (g) The location and dimensions of all boundary lines of the property expressed in feet and decimals of a foot, and the acreage of the land to be subdivided.
- (h) The location of existing water bodies, streams, drainage ditches, stands of trees and trees with a caliper more than 6 inches in diameter, and other pertinent features within 500 feet of the proposed subdivision.
- (i) The location, width, names, and classification of all existing and proposed streets, rights-of-way, and easements, and where pertinent, their designated use within 500 feet of the proposed subdivision. Streets that are obviously in alignment with others already existing and named shall bear the names of the existing streets. Street names shall be approved by the Planning and Zoning Commission and shall not duplicate names of existing streets in Morrow County.
- (j) Approximate location of all existing buildings within 500 feet of the proposed subdivision.
- (k) Location and illustration of existing storm and sanitary sewers, culverts, drainage tiles, water lines, gas lines, CATV, utility poles, and utility lines within and adjacent to the proposed subdivision. In addition, the name(s) and service boundaries of the utility provider(s) shall be clearly identified.
- (l) The location of all existing wells within 300 feet of the proposed subdivision.
- (m) The approximate location, dimensions, area (in square feet), and numbering of all proposed lots. When lots are located on a curve or when side lot lines are at angles other than 90 degrees, the width of the lot at the building line shall be shown.

- (n) The approximate location, dimensions, and area of all property proposed to be set aside for parks, open space, other public or private reservation, with designation of the purpose and proposed ownership thereof.
- (o) Existing topography with a maximum contour interval of 2 feet. Elevations shall be based on mean sea level datum obtained from bench marks established by the United States Geological Survey. The location of bench marks and their elevation and all other monuments shall be shown.
- (p) Indication of the proposed use of any lot other than residential.
- (q) Lots within the subdivision including future additions shall be numbered consecutively beginning with "one", and the total number of lots and their combined acreage shown on the plat. In addition, a table showing the acreage of each individual lot shall be provided.
- (r) Preliminary proposals for connection to existing water supply and sanitary sewer systems and for the collection and discharge of surface water drainage including the location and size of existing and proposed water mains, sanitary sewers, and drainage facilities.
- (s) Delineation of the drainage areas involved, with a plan for draining the total upstream watershed through the development. The major storm routing path shall be delineated.
- (t) The 100-year floodplain of any stream identified as having a flood hazard area.
- (u) Written indication from the Village Administrator that capacity for both water and sanitary sewer service is available.
- (v) Where it is proposed to develop the tract in sections or stages, a tentative delineation of the sections and their phasing, including an estimated time frame.

1121.03 FINAL PLAT REQUIREMENTS.

- (a) Final plats shall be prepared and stamped by a registered surveyor or engineer. Said plats shall be drawn in black india ink on reproducible mylar at a scale of 1 inch equals 100 feet (1"=100'). The size of the reproducible mylar shall be 17½ inches by 23½ inches.

Final plats shall include the following:

- (1) A location map showing the relationship of the proposed subdivision to the surrounding area.
- (2) North arrow, scale, and date.
- (3) The names of all adjoining property owners as shown on the preliminary plat.
- (4) The general location of the subdivision.
- (5) The name under which the proposed subdivision is to be recorded and the name and addresses of the subdivider, the owners, and the registered engineer or registered surveyor platting the tract. The proposed name of the subdivision shall not duplicate the name of any other subdivision already in use in the county in which the subdivision is located or otherwise located within the Village of Sparta.
- (6) The location of present property, section and Congressional Township Lines, U.S. Survey and lines of incorporated areas, streets, buildings, watercourses, sinkholes, tree masses, and other similar existing features within the area to be subdivided and on property immediately adjacent thereto.
- (7) The boundaries of the property with accurate distances and bearings and the lines and extent of all proposed streets with their widths and names and any other areas intended to be dedicated to public use.

- (8) The lines of adjoining streets and alleys, with their widths and names.
- (9) All lot lines and easements with their dimensions.
- (10) All dimensions, both linear and angular, necessary for locating boundaries of the subdivided area, including lots, streets, alleys, easements and building line setbacks, and any other similar public or private areas. The linear dimensions shall be expressed in feet and decimals of a foot.
- (11) Radii, arcs, points of tangency, central angles for all curvilinear streets, and radii for all rounded corners.
- (12) All lot lines and an identification system for all lots and blocks.
- (13) The accurate outline of any property which is offered for dedication for public use and the location, dimensions, and area of all property proposed to be set aside for private reservation, with designation of the purpose and proposed ownership thereof.
- (14) All survey monuments with their descriptions.
- (15) Title and description of property subdivided, showing its location and extent, point of compass, scale of plan, and name of subdivider and certificate of registered land surveyor that the plan represents a survey made by him and that the results of the survey are correctly shown thereon.
- (16) Any private restrictions shall be shown on the plat or reference made to them thereon, and plats shall contain proper acknowledgment of owners and holders of mortgages accepting the platting and restrictions.
- (17) A certificate shall accompany the final plat showing that all taxes due have been previously paid and a certificate of title or photocopy thereof shall be submitted for inspections.
- (18) A certificate by the owner of the land to the effect that he has caused the land to be platted and that he dedicates to public use the streets, parks, and other land indicated on the plat as intended for public use.
- (19) There shall be submitted with each plat, a tabulation showing the exact area of each lot, reserve, or other parcel on the plat, other than streets and alleys, such area to be computed inclusive of and after the extensions of lot or parcel lines to the centerline of contiguous public ways, such as streets or alleys. The purpose of this requirement is to facilitate calculation of the trunk sanitary sewer benefit charges for each lot and parcel.
- (20) A summary of the area of land used for each of the following:
 - A. Lots,
 - B. Rights-of-way,
 - C. Parks, and
 - D. Other open space.
- (21) Location of setback lines from all rights-of way, public or private, and the building envelope shown on all irregular lots.
- (22) An acknowledgment by and bearing the signature of the owner that the plat was prepared with the owner's consent and approval and dedicating the streets and the appropriate areas to the Village of Sparta.
- (23) A statement signed by the owner setting forth the rights associated with the easements and reserve parcels shown on the plat.

- (24) Certification by a registered surveyor that the information contained on the plat is true and correct and conforms to the requirements of these Subdivision Regulations.
 - (25) An approval block for the endorsement of the plat by the Village Mayor and Village Fiscal Officer upon the approval by Village Council.
 - (26) As to each lot, reserve or other parcel on the plat, other than streets and alleys, the following shall be submitted, either by depiction on the plat or separate tabulation:
 - A. The proposed elevation of the top of all street curbs adjacent to the lot, reserve or other parcel, based on U.S.G.S. elevation or those as approved by the Village Engineer;
 - B. The proposed ground elevation of the grade at building or structure, based on U.S.G.S. elevation or those as approved by the Village Engineer; and
 - C. The proposed elevation of the top of foundation of building or structure, based on U.S.G.S. elevation or those as approved by the Village Engineer.
 - (27) A statement affirming compliance with all standards of both the subdivision and zoning regulations.
 - (28) The name(s) and service boundaries of the utility provider(s).
- (b) The final plat shall not be approved until the following items have been submitted to the Zoning Inspector.
- (1) Improvement plans prepared by a registered engineer for all required improvements at a scale of 1" = 50' on 24" x 36" or at such other scale acceptable to the Village Engineer.
 - (2) A landscaping plan.
 - (3) An erosion and sedimentation control plan as described in Section 1191.22.
 - (4) A letter from the Village Administrator and Village Engineer approving the improvement plans for the water distribution, storm water and sanitary sewer systems.
 - (5) Bonds or other guarantees as may be required by Chapter 1129.
 - (6) All approvals from regulatory agencies.
 - (7) Payment of all required fees.

1121.04 MINOR SUBDIVISION PLATS.

Minor subdivision plats shall contain information sufficient for the Zoning Inspector and Village Engineer to ensure compliance with the provisions of this Subdivision Ordinance with reference to Section 1117.05.

1121.05 ENVIRONMENT AND LAND SUITABILITY.

- (a) Land Suitability. Land which the Commission finds unfavorable for development due to flooding, improper drainage, slopes, geology, soil conditions, water quality or quantity, utility easements or other features which may reasonably be harmful or detrimental to the safety, health and welfare of present or future residents of the subject or surrounding area, shall not be subdivided or developed unless measures adequate to resolve the problems are formulated by the applicant and approved by the Commission.
- (b) Floodplain. When a portion of the property is in a floodplain, the subdivider shall include the location in the plans. The following sources shall be used to determine floodplain area:
 - (1) National Flood Insurance Program (NFIP) maps and data,

- (2) County Soil Survey, and
- (3) Data developed by a registered professional engineer using accepted engineering practices. The creation of new building sites in floodplain areas is discouraged.
- (c) Watercourses and Drainage Ways. The applicant shall take steps to assure watercourses, drainage ways, streams, creeks, ditches or swales continue to function in their natural or intended manner.
- (d) Soils with Development Limitations. Soils with potential wetness, drainage or strength limitations are identified by the County Soil Survey. The Soil Survey notes limitations for home sites, roads and other development activities. Special street sections shall be required to deal with soil limitations. Plat wording or deed restrictions shall be required to alert future owners of lots of potential limitations or to otherwise specify development conditions or restrictions.
- (e) Wetlands. In addition to these Regulations, the U.S. Army Corps of Engineers and the Ohio EPA have jurisdiction over wetlands. Subdivision approvals may be denied if the subdivider or developer fails to secure proper wetland permits.
- (f) Wooded areas. When wooded areas are developed, the developer shall plan for the retention of as many trees and as much of the area's character as possible, consistent with the requirements of Chapter 1189. Care should be taken to maximize the aesthetic value of the trees and avoid safety and maintenance liabilities for future owners. Development impacts shall be minimized with proper construction and urban forestry management practices.

CHAPTER 1125 – REQUIRED IMPROVEMENTS

1125.01 GENERAL.

Prior to final approval, the subdivider shall have installed, or furnished surety, in accordance with Section 1129.02 to guarantee the installation of the improvements hereinafter required. All items of work covered and stipulated in the improvement plans, including altering or any extra work shall be performed in accordance with the lines, grades, typical cross sections and dimensions shown on the construction plans. All areas within the rights-of-way and easements shall be graded in accordance with the grading plan. All other areas shall be rough graded such that building construction (including basement excavation) will satisfy final grading in accordance with the grading plan. The setting and marking of all lines, profile, and grade stakes necessary for the layout of the work in accordance with the improvement plans will be performed under the supervision of a registered engineer or registered surveyor. Should any misunderstanding arise as to the intent or meaning of the construction plans, or any discrepancy appear in same, or in the proper method of setting and marking of the construction stakes, the decision of the Village Engineer in such cases shall be final.

1125.01.1 CITY OF COLUMBUS CONSTRUCTION AND MATERIAL SPECIFICATIONS.

The construction material specifications of the City of Columbus, Ohio dated October 1, 2002 or latest edition shall govern the required improvements except as modified within these Subdivision Regulations.

1125.01.2 GENERAL REQUIREMENTS.

- (a) All improvement plans shall be prepared, signed and sealed by a registered professional engineer. Plans shall include title sheet, index map, location map, typical sections, plan and profile view, bench marks, miscellaneous engineering details, and estimate of quantities. Cross sections shall be submitted upon request by the Village Engineer. All typical sections and major engineering details to be used on any particular street shall be approved in advance before completion of the improvement plans.
- (b) The title sheet of the improvement plans must contain the name of the subdivision, road or street names, and county and location map. Space shall be provided on the title sheet or the first sheet of the plan for signatures of the Village Administrator, Village Engineer, Village Mayor and Village Zoning Inspector.
- (c) The necessity of guard rail, seeding, erosion control, type of backfill or other special conditions shall be determined with the assistance of the Village Engineer and Morrow County Soil and Water Conservation District before completion of the improvement plans.
- (d) The improvement plans shall show the drainage area and design flow for all major culverts.
- (e) The construction plans shall be made with india ink on matte mylar material. Freehand linear drawings will not be accepted. No shading or coloring shall be allowed. The sheets upon which the construction drawings are made shall measure 24" x 36", with ½" margin border on three sides and a 1½" to 2" binding margin on the short left side. A poorly drawn or illegible plan is sufficient cause for rejection.
- (f) Submittal requirements include improvement plans, sanitary sewer calculations, storm drainage calculations, grading plans, landscaping plans, erosion and sedimentation control plans, and lighting plans. See Chapter 1117 for time frames for submittal to the Zoning Inspector in conformance with policy established with the Planning and Zoning Commission.
- (g) A traffic study shall be required consistent with the requirements of 1134.05.
- (h) Resubmission of improvement plans shall clearly show all revisions made thereto by notes in the "revision" block and outlines of the revisions.
- (i) After the improvements have been constructed, a complete set of as-built plans on reproducible mylar shall be submitted to the Zoning Inspector for Village files.

1125.01.3 IMPROVEMENT PLANS.

(a) Plan view on improvement plans must include the following:

- (1) Right-of-way line, centerline, departing lot lines, lot numbers, subdivision limits, and limits of construction.
- (2) Centerline curve data, including delta, radius, arc, chord, and tangent.
- (3) Radius of all curb returns to face of curb.
- (4) Approved street name.
- (5) Stations at every 100 feet on centerline. Indicate stations at points of curve and tangent at the beginning and end of all returns at centerline intersection, and at subdivision or section limits.
- (6) The back of curb for full length of all streets.
- (7) When proposed streets intersect with or join existing streets or traveled way, indicate both edges of existing pavement, surface, or curb and gutter for a minimum of 100 feet, or the length of connection, whichever is the greater distance.
- (8) All existing or proposed easements.
- (9) All water mains, their sizes, valves, and fire hydrants, and location of mains to centerline of street.
- (10) All storm sewers and appurtenances. Identify storm sewer appurtenances by type. All appurtenances shall be numbered. Indicate the top elevation of each structure. Storm sewer appurtenances and locations should be referenced to the centerline station of street.
- (11) All sanitary sewers and appurtenances. Identify sanitary sewer appurtenances by type. All appurtenances shall be numbered.
- (12) The location of all or any natural springs whether within or draining to street right-of-way and indicate proposed treatment of same. All springs will be capped and piped in a minimum 6-inch diameter perforated pipe encased in washed gravel, and connected into the nearest storm manhole or curb inlet.
- (13) Guard posts or barricade at the end of streets which are to be extended in the future. A temporary T-turnaround shall be provided for dead-end streets exceeding 200 feet in length.
- (14) Protection of ends of curb and gutter by providing for erosion control and temporary drainage where required.
- (15) Where a special typical section is approved, provide detail on plan.
- (16) Notes that may be necessary to explain the intent and purposes of the plan.
- (17) Symmetrical transition of pavement at intersection with existing street.
- (18) Existing structures within 200 feet of the proposed improvements.

(b) Profile view on improvement plans must include the following:

- (1) Elevations at beginning and end of all vertical curves.
- (2) Length of vertical curves with elevations and stations of vertical points of intersections (VPI).
- (3) Elevations computed every 50 feet on all tangent sections, and grades computed every 25 feet in all vertical curves.

- (4) Elevations along all curbs and curb returns on intersecting streets. The grades of intersecting streets shall match at the intersection of the extensions of the respective curbs. In other words, a hypothetical curb P.I. must be established.
- (5) Elevations at all curb inlets.
- (6) Extension of centerline profile 300 feet beyond property line or boundary on all streets that provide for access to adjoining property.
- (7) Existing centerline profiles for 200 feet minimum distance to ensure proper grade tie, when proposed street is an extension of, or connects with, an existing street or road.
- (8) Centerline profile of existing street or road 300 feet minimum distance to right and left of proposed connection when a proposed street intersects with an existing street or road.
- (9) All proposed water mains, storm sewers, and appurtenances.
- (10) All crossings of existing utilities.
- (11) Notes that may be necessary to explain the intent and purposes of the profile.

1125.02 MONUMENTS.

Iron pins and permanent markers shall be set under the direction of a registered surveyor at all changes in direction of all outside boundary lines of the platted property and at all changes in direction of the right-of-way lines. Iron pins shall be minimum 0.5 inch inside diameter, 30 inches long with a plastic plug placed in the top bearing the initials of the surveyor. Permanent markers shall be minimum 0.5 inch inside diameter, material 30 inches long, buried one (1) foot in depth below final grade with a plastic plug placed in the top bearing the initials of the surveyor. A minimum of four permanent markers shall be set. All monumentation shall meet the minimum standards for boundary surveys in the State of Ohio.

1125.03 STREETS.

All public and private streets shall be designed and constructed so as to meet the following criteria:

- (a) Right-of-way and pavement widths shall be as shown in the following table. Pavement widths shall be measured face to face of curbs.

Street Type	Minimum Right-of-Way	Minimum Pavement Width
Arterial	100 feet	52 feet
Major Collector / Industrial	80 feet	36 feet
Minor Collector	66 feet	36 feet
Local / Cul-de-sac	50 feet	20 feet

Turnarounds on cul-de-sacs shall have a minimum 100' diameter right-of-way. If the turnaround includes a center island, a minimum of 26' wide pavement shall be provided around the island.

- (b) Pavement shall meet or exceed the criteria listed in the most recently adopted City of Columbus Construction and Material Specifications, unless otherwise specified herein.
- (c) Curb and gutter with underdrains shall be constructed in accordance with Village standards. Curb drops at driveways and wheelchair ramps shall be constructed by saw cutting existing curb and gutter at the time of the driveway and sidewalk construction. Removal and repouring of curb and gutter at driveways and wheelchair ramps will not be permitted. A curb taper of 10 feet shall be provided at the end of any proposed curb.

- (d) Subbase shall be free of topsoil, vegetation, soft clay or other objectionable material for a minimum depth of 2 feet below finished subgrade. The subbase shall be rolled, shaped and compacted to a minimum depth of 1 foot below subgrade and to a minimum width of 18 inches beyond the back of curbs. Compaction shall be not less than 100 percent of maximum dry density.

- (e) The minimum radius at intersections measured at the face of curb shall be 25 feet for cul-de-sacs and local streets, 35 feet for collector streets, and 50 feet for arterial intersections.

- (f) Horizontal and vertical alignment shall meet the following minimum standards:

	Arterial	Major Collector	Minor Collector	Cul-de-Sac or Local
Centerline Radius	1,050'	650'	400'	200'
Minimum Gradient	0.5%	0.5%	0.5%	0.5%
Maximum Gradient	6%	6%	7%	8%
Minimum Street Intersection	90 deg.	90 deg.	90 deg.	80 deg.

- (g) Clear sight distance (length along each approach leg) shall meet the following minimum requirements:

Design Speed (mph)	Minimum Sight Distance (feet)
20	120
30	200
40	300
50	450
60	650

- (h) Intersection centerline offsets shall meet the following minimum requirements:

A. Local/local	150 feet
B. Local/collector	200 feet
C. Local/arterial	300 feet
D. Collector/collector	300 feet
E. Collector/arterial	1,320 feet
F. Cul-de-sac/cul-de-sac	150 feet
G. Cul-de-sac/local	150 feet
H. Cul-de-sac/collector	200 feet
I. Cul-de-sac/arterial	Not permitted

- (i) Vertical curves shall be provided at any change of vertical grade where the algebraic difference on grades is 1.0 percent (1.0%) or greater unless otherwise directed by the Village Engineer. Sight distance shall be measured as the line of sight from a height of 0.5 feet to 3.75 feet above the pavement.

The following table shall be used as a guide for minimum lengths of vertical curves.

Algebraic Difference in % Grade	Length of Vertical Curve
1.0 - 2.0	50'

2.0 - 4.0	100'
4.0 - 4.5	150'
4.5 - 5.0	200'
5.0 - 6.0	250'
6.0 - 7.0	300'

- (j) The maximum profile grade approach to intersections shall be three percent (3%).
- (k) Sidewalks shall be installed on both sides of all streets. Sidewalks shall be constructed of Portland cement concrete and shall be located with the outside edge 12 inches inside the right-of-way. Sidewalk shall be minimum width as indicated below. The minimum thickness of sidewalks shall be 4 inches. At driveways, and other points of vehicle crossing, the thickness shall be 6 inches. Sidewalks shall extend to the curbs at all intersections and shall include wheelchair ramps.

Type of Street	Sidewalk Width
Cul-de-Sac	4 feet
Local	4 feet
Minor Collector	4 feet
Major Collector	6 feet
Arterial	8 feet

- (l) Driveway aprons 6-inches thick shall be provided from the sidewalk to the curb at all driveway locations in accordance with the Village standard drawing. The maximum grade on driveways shall not exceed fourteen percent (14%) from the back of the sidewalk to the garage.

1125.03.1 STREET LAYOUT.

The arrangement, character, extent, width, and location of all streets shall conform to the following:

- (a) Streets shall be so arranged as to provide for the continuation of existing streets and a village street grid, networking streets, so as to provide for distribution of traffic patterns.
- (b) Connections shall be provided to adjoining properties for future access, when the Planning and Zoning Commission determines future development is possible.
- (c) Local residential streets shall be laid out so as to discourage heavy traffic while providing for interconnection of neighborhoods and reasonable safety and service vehicle access.
- (d) Cul-de-sacs are discouraged in the Village and shall only be permitted for a temporary turnaround where a street stub necessitates such or where a street connection to neighboring property is not required by the Planning and Zoning Commission. Such cul-de-sacs shall be designed to facilitate the turning radius of the largest emergency vehicle maintained by the Central Ohio Joint Fire District. Islands in the cul-de-sac are only provided in cul-de-sacs with Fire District approval. If islands are approved, the owners of lots fronting on the turnaround shall maintain the vegetation on the island as part of their tree lawn and a note indicating such and identifying of lots shall be included on the final plat.
- (e) Permanent cul-de-sacs shall not exceed 600 feet except where this requirement is specifically waived by the Planning and Zoning Commission based on topography or property configuration or such other conditions deemed reasonable. Temporary cul-de-sacs may exceed 600 feet where they are designed to extend the overall street network.
- (f) The following regulations shall govern the design and layout of blocks:

- (1) Irregularly shaped blocks, those intended for cul-de-sacs or loop streets, and those containing interior parks or playgrounds, will be evaluated by the Planning and Zoning Commission and may be approved by the Planning and Zoning Commission if properly designed and located, and if the maintenance of interior public spaces is covered by notation on the plat.
 - (2) No block shall be longer than 1,200 feet and the block width shall accommodate two tiers of lots, except where unusual topography or other exceptional physical circumstances exist.
 - (3) Where blocks are over 750 feet in length, a crosswalk easement no less than 10 feet in width at or near the halfway point may be required to provide proper access to schools, recreational areas, shopping centers, and other facilities.
- (g) Street names shall be approved by the Planning and Zoning Commission and shall not duplicate names of existing streets in Sparta, and Morrow County.
- (h) Access management. Traffic safety measures and location and number of access points onto existing and proposed streets shall be as required by the Village Engineer. In order to improve access control or safety, the following may be required:
- (1) Marginal access streets or frontage roads.
 - (2) Reverse frontage lots with access on interior streets.
 - (3) Buffering and screening, or other treatment for separation of through traffic and impacts from development areas.
 - (4) Driveways with turnarounds.
 - (5) Combined access points to the public right-of-way.
 - (6) Restrictions on the number and location of drives.

1125.03.2 LOTS.

Lots should be designed so as to accomplish the following:

- (a) Each lot shall have access to a public or private street as specified in the Zoning Code.
- (b) The depth and width of commercial and industrial lots shall be adequate to provide for the required off-street loading and parking spaces.
- (c) Corner lots shall have extra width to permit appropriate building set back from and orientation to both streets. Property line corners shall be rounded by an arc, the minimum radius of which shall be 25 feet.
- (d) Double frontage, reverse frontage, and irregularly shaped lots should be avoided.
- (e) Lot lines shall be substantially at right angles or radial to street lines.
- (f) No lot shall have an average depth more than three (3) times its average width unless otherwise allowed by the Planning and Zoning Commission.
- (g) The minimum area and width of all lots shall conform to the area regulations of the zoning district in which the lot is located.

1125.04 STREET LIGHTING.

Street lighting shall be required, shall be full cutoff type, and shall be designed, selected, and installed by the subdivider following the recommendations of the 8th Edition of the Lighting Handbook of the Illuminating Engineering Society (IES) of North America. Illumination provided shall be uniform and compatible with adjacent

light sources. Energy efficient lamps, controlled by dusk-to-dawn photocells, are required unless otherwise directed by the Village Engineer. Selection of fixtures shall be approved by the Planning and Zoning Commission.

1125.05 SIGNS.

All traffic and street name signs shall be installed by the subdivider and shall conform to the requirements as set forth by the Village Engineer. A schedule of traffic signs conforming to the Ohio Manual of Uniform Traffic Control Devices as updated 12-22-05, shall be submitted for review and approval.

1125.06 WATER.

Evidence that the construction plans of the water supply system have been approved by Del-Co Water Company and the Central Ohio Joint Fire District shall be submitted to the Zoning Inspector prior to approval of the Final Plat.

1125.07 SANITARY SEWERS.

Each lot shall be served by an adequate sanitary sewage collection and disposal system. Evidence that the sewer construction plans have been reviewed and approved by the Village Engineer shall be submitted to the Zoning Inspector prior to approval of the final plat.

- (a) All sanitary sewer pipe shall be reinforced concrete, polyvinyl chloride (PVC) minimum SDR 35 or profile wall, flexible pipe as approved by the Village Engineer. All pipe installations shall have sufficient strength to withstand an HS-20 live load. If PVC pipe is used, a mandrel test is required just prior to expiration of the 1-year guarantee to ensure maximum deflection of five percent (5%) has not been exceeded. Rerounding of failed pipe may be performed only if the deflection has not exceeded ten percent (10%) of the base inside diameter of the pipe by pulling a 9-arm "go/no-go" mandrel having a diameter equal to 90% of the base inside diameter of the pipe. All failed pipe shall be rerounded or replaced and warranted an additional 2 years.

Reinforced concrete pipe and structures and PVC pipe shall be shop-tested in accordance with the City of Columbus Construction Inspection Division's quality control program at subdivider's expense. A report of the material tests shall be provided to the Village Engineer.

- (b) All sanitary sewage collection systems shall be constructed in accordance with the rules, regulations, standards, and specifications of the City of Columbus construction material specifications, EPA, and the Ohio Department of Health and shall be approved by the Village Engineer prior to acceptance by Village Council.
- (c) Only under circumstances of extreme hardship and with the approval by the Village Engineer and the Village Council shall sewage lift stations or sewage grinder pumps be permitted. Where approved, such systems shall meet the standards and specifications of the Village Engineer and the Village of Sparta. No individual household sewerage systems are to be permitted.
- (d) A map must be provided delineating the contributing area in acres to the sanitary sewer system. All sanitary sewer manholes shall be numbered, consistent with the numbering on the improvement plans. A copy of the location map may be used for this purpose.
- (e) Wherever practical, sanitary sewers shall be laid within or adjacent to the right-of-way.
- (f) Sanitary sewers shall be designed in accordance with Chapter 925.
- (g) The subdivider shall provide the Village Administrator with all required Ohio EPA approvals and pay all Ohio EPA review fees.
- (h) Minimum line size shall be 8-inch. Downstream sanitary sewer pipe sizes shall be greater than or equal to the upstream size unless otherwise approved by the Village Engineer. The flow lines of pipes shall be set such that either the crown, or the 0.8 depth points at junctions are at the same elevation. However, the

crown of the outlet pipe may be lower. If larger line sizes are required to allow for future growth outside of the proposed development, the Village will participate in the cost of oversizing.

- (i) All sanitary sewer manholes shall be precast concrete.
- (j) Service shall be provided to each lot and to each unit of a multifamily residence. If basement service is not provided, it shall be so noted on the sanitary sewer improvement plans and on the plat. Risers shall be provided where the service is greater than 12 feet deep, provided that basement service will still be provided.
- (k) All sanitary sewers shall be videotaped in VHS format after construction prior to acceptance of the sewers by the Village Council. The videotape shall remain the property of the Village and shall be maintained by the Village Administrator. The videotape shall clearly identify the location of the camera within the sewer and date and time of videotape, and be of sufficient quality to determine the acceptable condition of the sewers.

1125.08 DRAINAGE.

An adequate storm drainage system shall be provided for each subdivision. The design of said system shall be prepared using the Rational Method and shall be based on a minimum 2-year frequency. Rainfall intensity, runoff coefficients, and concentration time used in computing flows and structure sizes shall be in accordance with the tables, charts, and the data established by the Village Engineer for such calculations. All areas which contribute storm water to the proposed drainage system must be considered on the determination of the sizes of structures and channels.

- (a) A separate grading plan shall be submitted at a scale of 1" = 50' or 1" = 100'. The grading plan shall indicate ground elevations with existing and proposed contours shown at intervals of not more than 5 feet where the slope is greater than ten percent (10%) and not more than 2 feet where the slope is less than ten percent (10%). Sufficient proposed elevations shall be shown such as at all lot corners, etc., in order to explain the proposed grading. First floor elevations of all existing and proposed structures shall be included. Routing of the major storm shall be shown. Sanitary sewer and storm sewer top of castings must be shown on the grading plan.

The minimum building elevation adjacent to the 100-year routing path shall be set a minimum of 1 foot above the 100-year flood elevation. No basement entrances, windows, or basement level garages shall be permitted adjacent to and below the 100-year routing path.

Swales necessary to carry surface water must have a minimum gradient of 1.0 percent (1%).

- (b) Storm Sewer Requirements.
 - (1) Minimum cover for storm sewer pipe shall be 1 foot clear from the bottom of the curb and gutter or from the bottom of the underdrain to the outside top of the pipe except as approved by the Village Engineer. Maintain a minimum of 2 feet of cover from the finished ground surface to the outside top of the pipe for any storm sewer system located beyond the limits of street right-of-way.
 - (2) Standard headwalls are to be constructed at the inlet and outfall of all storm sewers, and shall be shown on the plan and profile.
 - (3) The invert of the first storm sewer appurtenance shall be above the computed floodplain elevation, unless otherwise permitted by the Village Engineer.
 - (4) Pipe for storm sewers shall not be less than 12 inches in diameter. All storm sewer pipe shall be extra strength vitrified clay, reinforced concrete, or smooth lined corrugated polyethylene pipe. Other materials shall require the approval of the Village Engineer. All pipe installations shall have sufficient strength to withstand an HS-20 live load.

- (5) All drainage calculations, drainage area outlines, and contributing areas used in drainage design shall be furnished with the print of the grading plan.
- (6) The inverts of all curb inlets, manholes, yard inlets, and other appurtenances shall be formed to reduce turbulence to a minimum.
- (7) Manholes shall be provided at all changes in alignment and grade of storm sewers and at such other locations as necessary to maintain a maximum interval of 500 feet between manholes or storm sewers.
- (8) Storm inlet or catch basin grates shall be of a type to permit safe crossing by bicycles as approved by the Village Engineer.
- (9) The maximum distance for overland flow shall be 300 feet before entering a surface yard inlet or 425 feet before entering a curb inlet, except that the maximum overland drainage area tributary to any yard inlet or curb inlet shall not exceed 1.5 acres. The maximum spacing for curb inlets shall not exceed 400 feet unless approved by the Village Engineer. The maximum spread of flow during a 2-year storm shall not exceed 8 feet for 30-foot wide streets and 9 feet for streets wider than 30 feet. Spread calculations may be required at the discretion of the Village Engineer.
- (10) The flow lines of pipes shall be set such that either the crown or the 0.8 depth points at junctions are at the same elevation. However, the crown of the outlet pipe may be lower.
- (11) Where a 72-inch pipe is inadequate for a 2-year storm, an open watercourse may be permitted. When so permitted, an easement shall be provided at least equal to the area required for the 100-year rainfall. Also, the easement shall be shown on the final plat as a "Watercourse and Utility Easement." Restrictions as to the use of this easement shall be shown on the final plat. No buildings, plantings, or other improvements shall be permitted within that easement.
- (12) No water will be allowed to cross a street intersection unless it is carried in storm sewer.

(c) Storm Sewer Design Criteria.

- (1) The method outlined herein will provide a general guide as to the criteria and procedures to be used for storm sewer design.
 - A. The Rational Method shall be used for all stormwater drainage design for areas up to 200 acres. Storm sewers shall be designed to carry a 2-year storm flowing full $Q = CIA$, in which:

Q = Quantity of stormwater runoff in cubic feet per second

C = Coefficient of runoff (0.4 for single-family residential areas)

I = Average rainfall intensity in inches per hour for the period of concentration to the point under consideration. The minimum length of time of concentration is 10 minutes to a curb inlet or 15 minutes to a ditch catch basin.

A = Drainage area in acres tributary to the point of concentration.
 - B. For drainage areas over 200 acres, the method explained in "Urban Hydrology for Small Watershed, Technical Release No. 55" (known as TR-55) dated June 1986 and the "Ohio Supplement to Urban Hydrology for Small Watersheds, Technical Release No. 55" dated April 1981 (can be obtained from the Soil Conservation Service, U. S. Department of Agriculture) shall be used.
- (2) The minimum time of concentration to the first curb inlet shall be 10 minutes. The minimum time of concentration to the first catch basin shall be 15 minutes. The elevations at the curb line shall be provided to the Village in order to assure that this requirement is met.

- (3) Storm sewer pipe sizes are to be determined by using Manning's Formula with a minimum coefficient of roughness of $n = .013$.
- (4) The minimum allowable velocity shall be 3 feet per second (fps) in pipe. The maximum allowable velocity shall be 7 fps.
- (5) A hydraulic grade line check based on a 5-year storm may be required at the discretion of the Village Engineer.

(d) Open Watercourses.

- (1) Access to storm drainage ditches and channels shall be assured by means of maintenance easements. Such maintenance easements shall be not less than 20 feet in width, measured horizontally from the top of the bank, exclusive of the width of the ditch or channel, and shall be provided on each side of the ditch. Maintenance easements are to be kept free of obstructions. Detailed provisions regarding the entities to be responsible for maintenance of the facility shall be submitted in text form with the subdivision plat. As applicable, notes regarding maintenance shall be made on the plat.
- (2) Design storm frequency for open channels shall be based on bank full for 10-year storm, with a 1-foot freeboard.
- (3) The minimum velocity for open channels shall be 2 feet per second. The maximum velocity is dependent on the type of channel protection provided. The desirable minimum grade for open channel is 0.4 percent (.4%).
- (4) The Manning "n" values shall be as follows:

Sod or jute mat lining	0.05
Paved lining	0.015
Rock Protection	0.08

Manning "n" values for other lining materials will be reviewed by the Village Engineer on a case by case basis.

- (5) The minimum side slope shall be 3:1 for unprotected slopes and 2:1 for slopes protected with riprap. Flatter slopes are more desirable. Steeper slopes for materials other than riprap will be reviewed on a case by case basis.
- (6) If the proposed improvements are located in a floodplain area as identified by the Federal Emergency Management Agency, the limits of this floodway and floodway fringe must be shown on the improvement plans.

(e) Roadway Culverts.

- (1) Single-span culverts, including concrete box or slab top, should always be considered in lieu of multiple-cell pipe culverts in order to meet the physical requirements introduced by rigid headwater controls.
- (2) The plan for each culvert shall indicate the drainage area in acres and the design discharge in cubic feet per second.
- (3) The culvert invert elevation should be set such that it will be deep enough to provide an adequate outlet for future storm sewer improvements upstream.

- (4) The design storm frequency for culverts is 25 years, or as otherwise approved as required, with a maximum allowable headwater of 12 inches below edge of pavement with consideration for effects on upstream property.
- (5) The Mannings "n" values shall be as follows:

Box culvert	0.011
Slab top	0.03 to 0.05
culvert	
Smooth pipe	0.012
- (6) The minimum cover to subgrade shall be 9 inches from top of pipe to bottom of subgrade. The structural design of culverts shall be the same as that required by the Ohio Department of Transportation, Construction and Material Specifications Section 706.05 dated 01-01-2010 for culverts with a span of 12 feet or less. Design calculations for all culverts shall be approved by the Village Engineer.

(f) Stormwater Detention.

- (1) If the post development runoff volume is greater than the predevelopment runoff volume, stormwater detention must be provided in accordance with the following table:

Increase in 2-year Volume Runoff	Control Design Frequency (Critical Storm)
1 - 1.2 Times	2 year
1.2 - 1.5 Times	5 year
1.5 - 2 Times	10 year
2- 3 Times	25 year
3- 4 Times	50 year
Over 4 Times	100 year

The maximum allowable release rate shall be based on the 2-year storm under predeveloped site conditions for all rainfall events up to and including the critical storm. The maximum allowable release rate for storms greater than the critical storm shall not exceed the predeveloped rate for the same frequency storm, for storms up to and including the 100-year storm. Required detention volume calculations shall be based on Chapters 4 and 6 of TR-55.

An exemption may be granted for single family residential development if the downstream storm drainage has sufficient capacity to handle the runoff without stormwater detention.

Detention basins shall have a minimum one percent (1%) transverse slope. A paved ditch, at a minimum 0.5 percent (.5%) slope, shall be provided from the inlet to the outlet of all structures. Such ditches shall be paved with 6-inch minimum thickness concrete paving reinforced with steel mesh to accommodate temperature stresses, of air-entrained Class C concrete, and with synthetic or linseed oil waterproofing treatment. Paved ditches shall be 14 foot minimum total paved width, with 8-foot bottom width, and 3-foot width by 1-foot rise sloped side sections. Minimum depth of paved invert ditch shall be 1 foot.

All stormwater detention facilities shall be owned and maintained by a homeowners' association comprised of properties served by the detention facility. Such homeowners association shall be established and inserted into the chain of title of each lot within such subdivision.

All control facilities shall be designed with overflow provisions to handle the developed 100-year discharge.

1125.09 BRIDGES.

Bridges over walkways or watercourses shall be designed in conformance with the 2003 Ohio Department of Transportation Bridge Design Manual. Calculations shall be submitted to the Village Engineer to demonstrate that these standards have been met.

1125.10 EROSION AND SEDIMENTATION CONTROL.

Measures shall be taken to minimize erosion and its impact during subdivision construction activity consistent with the requirements of Chapter 1191. Detailed erosion control plans as described in 1191.22 shall be submitted with the improvement plans and shall indicate the techniques to be used both temporarily (during construction) and permanently, and include a schedule for implementing or installing same. All erosion control devices shall be in place at the start of construction and other measures implemented according to the approved time schedule.

Erosion control plans shall be based upon controlling erosion on-site, with the object of eliminating or minimizing erosion or sedimentation impacts off-site. Techniques, devices, or measures used shall be as approved by the Village Engineer in consultation with the Morrow County Soil and Water Conservation District based on the requirements of Chapter 1191.

1125.11 LANDSCAPING.

- (a) All improved areas within dedicated street rights-of-way shall be graded, topsoiled, and seeded in accordance with the construction schedule and in a manner approved by the Village Engineer. Street trees shall be required and planted in accordance with an approved landscape plan.
- (b) The number, type and location of trees planted shall be based upon the existing trees preserved on the site and shall be shown on a landscaping plan to be submitted with the final plat. Landscaping plans shall be in accordance with a master tree plan. Where such plans do not exist, landscaping shall be based on criteria derived from the Zoning Code.
- (c) The builder shall be responsible for the establishment of required trees and such responsibility shall extend for two (2) years from the date of original planting. A bond shall be posted to ensure the planting and replacement of trees. The amount of said bond shall be based on the estimated cost of planting and establishing the required trees, and may be reduced as trees are planted.
- (d) A landscape plan shall be prepared for the subdivision and approved by the Planning and Zoning Commission prior to the issuance of any zoning permits.
- (e) Irrigation Systems. An irrigation system shall not be allowed within the right-of-way, unless approved by the Planning and Zoning Commission. If said approval is given, the location of the irrigation system must be included on the Final Plat. In addition, a waiver must be signed holding the Village harmless for improvements in the right-of-way that require the relocation or removal of the irrigation system.
- (f) Interior Landscaping Requirements per Single Family Dwelling Unit. On lots with 60 feet or greater frontage there shall be planted three trees in the front yard at the time of development. On every lot with less than 60 feet frontage, there shall be planted a minimum of two front yard trees at the time of development. Trees shall meet the same standards as for the street trees of the subdivision and shall be located within the minimum front setback, no closer than five feet to a side property line. Corner and through lots shall meet these requirements on all street frontages.

1125.12 SUBDIVISION SIGNS.

The developer of each subdivision, other than a minor subdivision, may erect on the site of said subdivision, informational signs meeting the following criteria:

- (a) Permanent. Major permanent entrance features indicating the project entrance(s) to a subdivision may be authorized by the Planning and Zoning Commission. Only one (1) entrance feature is permitted at each subdivision entrance. Such feature should include a free-standing sign mounted on a constructed base and supported from substantial construction. Signs shall not exceed forty (40) square feet, be a maximum six (6) feet in height, and shall not be located closer than fifteen (15) feet from the closest right-of-way and no closer to any property line than the applicable building setback requirement if the adjoining property is in a residential zoning district.
- (b) Temporary. Consistent with 1199.06 of the Zoning Code, a temporary sign permit shall be issued by the Zoning Inspector prior to the erection or construction of any temporary sign. No sign shall contain more than two (2) faces. The maximum square footage allowed for a temporary sign shall apply to each face.
 - (1) Signs advertising the sale of platted lots in a subdivision shall be permitted in any such subdivision provided that not more than one (1) such sign facing on any one (1) street shall be permitted in any subdivision. Such signs are limited to twenty-four (24) square feet in area, cannot be more than eight (8) feet in height and cannot be located closer than fifteen (15) feet from any public right of way. Such signs shall be permitted for a period of one year and may be renewed upon application.
 - (2) Construction signs announcing the names of contractors, material men, developers, designers and financial institutions participating in the construction of a building shall be permitted only during the actual time of construction and shall be limited to only one (1) sign per building, shall not exceed twenty (20) square feet in area for a residential project and thirty-two (32) square feet for a non-residential project, shall not exceed four (4) feet in height for a residential project and ten (10) feet in height for a non-residential project, and shall be located no closer than fifteen (15) feet from any public right-of-way. Such signs shall be removed within thirty (30) days after the Certificate of Zoning Compliance is issued.
- (c) Maintenance of All Signs Shall Be the Responsibility of the Developer During the Construction Process. Following completion of the subdivision, the developer may turn over maintenance of the permanent entry feature to a home owner's association.

1125.13 HILLSIDE REGULATIONS.

- (a) Cuts and Fills. No land shall be graded, cut, or filled so as to create a slope exceeding a vertical rise of 1 foot for each 2½ feet of horizontal distance between abutting lots, or between adjoining tracts of land, unless a retaining wall of sufficient height and thickness is provided to retain the graded bank, or other acceptable control measures are provided.
- (b) Compaction of Fill. All fill outside the right of way shall be compacted to a density of ninety percent (90%) dry density or greater, to within 4 inches of finished grade.
- (c) Retaining Walls. Retaining walls may be required whenever topographic conditions warrant or where necessary to retain fill or cut slopes within the right-of-way. Such improvements shall require the approval of the Village Engineer.

1125.14 PUBLIC SITES AND OPEN SPACES.

- (a) Relationship to Comprehensive Plan. Where a proposed conservation area, park or school site as shown in the Sparta Comprehensive Plan, or other officially adopted planning documents is located in whole or in part within a proposed subdivision, the Planning and Zoning Commission may require the following:
 - (1) The dedication to the public of part or all of the proposed site, as discussed below, and/or
 - (2) Reservation of the site for a period of up to 3 years to enable acquisition by the appropriate agency.

- (b) Minimum Dedication Requirements for Open Space. The subdivider shall be required to reserve a minimum of 20%, or such greater standards as may be required by the development standards of the district, of the total gross site area as permanent open space within the following districts: R-1, R-2 and PUD's. The open space shall either be dedicated to the Village of Sparta or other public agency which has expressed a desire to accept and maintain the open space, or shall be transferred to a private association or entity. The Village of Sparta shall be given the right of first refusal. If the open space is transferred to a private association or entity, acceptable provisions for the perpetual maintenance of the open space shall be stated on the plat.

The Planning and Zoning Commission shall have the authority to determine whether or not the proposed open space and maintenance provisions are acceptable. Lands used for sewage, stormwater detention/retention, and/or other utilities shall not be considered open space for the purposes of this Subdivision Ordinance.

- (c) Payment in Lieu of Open Space Dedication. When the Planning and Zoning Commission determines that open space dedication is not desirable within a proposed subdivision, the subdivider shall be required to pay a park fee in lieu of open space dedication. The fee shall be collected at the time final plat approval is requested.

- (1) As to residential property the fee shall be calculated as follows:

A. Total land dedication required in acres = A

B. Value of land per acre = B

C. Value of land donation = A x B.

D. Determining value of land per acre. This amount shall be determined in the following manner:

1. If the property has been sold within the past two (2) years, and if the Village does not exercise its ability to independently appraise the property, this value shall be determined by dividing the most recent sales price by the total number of acres of the property;
2. If the property has not been sold within the past two (2) years, and if the Village does not exercise its ability to independently appraise the property this value shall be determined by a fair market valuation provided by the subdivider and performed by a qualified land appraiser acceptable to the Village;
3. If the Village so elects, and notwithstanding the foregoing provisions of this section, this value shall be determined by a fair market valuation performed by a qualified land appraiser employed by the Village. If such an appraisal is elected, it shall be final and dispositive of the valuation issue.

- (2) For each lot or parcel intended for commercial, office or other business use, or industrial use, the fee shall be at the rate of fifteen hundred dollars (\$1,500.00) for each acre of such lot or parcel.

- (d) Park Fee. In addition to the requirements of subsections (b) and (c) hereof, a park fee of \$500 per dwelling unit shall be paid to the Village by the developer or builder of any residential structure prior to issuance of a Zoning Permit(s). Such fee shall be deposited in a special fund prior to the issuance of the Zoning Permit. Said funds shall be expended by the Village for the improvement and purchase of recreational facilities, property and equipment excluding maintenance and maintenance equipment.

- (e) Residential Dwelling Units Which Are Not Constructed as Part of a Planned Development or Subdivision. In those instances where residential dwelling units are constructed not as part of a subdivision or planned development, each such residential unit shall pay such fee as stated in subsection (d) hereof.

- (f) Minor Subdivision. Minor subdivisions shall not be exempt from open space dedication or payment in lieu of dedication requirements.

1125.15 SEWAGE DISPOSAL AND WATER SUPPLY.

- (a) General Policy. Connection to Village central sewer and water systems shall be required for all subdivisions within the Village of Sparta.

1125.16 VARIANCES AND REVISIONS.

- (a) Hardships and Findings of Fact.
 - (1) Criteria. Where the Planning and Zoning Commission finds that extraordinary hardships may result from strict compliance with this Subdivision Ordinance and/or the purposes of this Subdivision Ordinance may be served to a greater extent by an alternative proposal, it may approve variances to this Subdivision Ordinance so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying any intent or purpose of this Subdivision Ordinance; and further provided the Planning and Zoning Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
 - A. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
 - B. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
 - C. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this Subdivision Ordinance is carried out;
 - D. Variances contrary to other applicable guidelines and ordinances shall not be granted.
 - (2) Conditions. In approving variances, the Planning and Zoning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this Subdivision Ordinance.

1125.17 PLATTED EASEMENTS.

The following standards shall govern the provision of easements:

- (a) Where a subdivision is traversed by a water course, drainageway, channel, storm conduit, or stream, there shall be provided to the Village, a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course and containing additional width as required for maintenance.
- (b) Easements, a minimum of 10 feet in width shall be provided adjacent to each side of and contiguous with all proposed rights-of-way. Such easements shall be used for any and all public or private underground utilities.
- (c) Easements across lots or along side or rear lot lines shall be a minimum 20 feet in width. The Village Engineer may require additional width where appropriate, based on the proposed usage. If a proposed utility is outside the right-of-way, a minimum of 7½ feet of clearance must be provided between the centerline of the proposed utility and the edge of the easement. If a proposed utility is within the right-of-way, an easement must be provided adjacent to the right-of-way if the utility is less than 7½ feet from the right-of-way line.
- (d) Where subdivisions are adjacent to schools, parks, or other public facilities, access easements shall be provided to those facilities where deemed appropriate by the Planning and Zoning Commission. Such

access easement shall be a minimum of 20 feet in width and side yard setbacks for adjacent lots shall be measured from the easement.

1125.18 PRIVATE UTILITIES.

- (a) All proposed utilities (including, but not limited to, gas, electric, telephone, and CATV cables) shall be located underground throughout the subdivision. Aboveground appurtenances such as electric pad mount transformer boxes, telephone and cable pull boxes, etc., shall be located behind the set-back line. Wherever existing utility facilities are above ground, unless otherwise stipulated by the Village Engineer, they shall be placed underground.

1125.19 PROTECTION OF WELLS.

- (a) Where a subdivision is proposed to be located in an area in which there are existing water wells within 300 feet of proposed sanitary sewers or other potential pollution sources, the Planning and Zoning Commission and/or Village Engineer may require that information be provided by the developer sufficient to determine the potential impact of the installation of underground utilities within the subdivision on the water table servicing said wells. The Village Engineer shall determine if a high probability for impact exists. If so, the Village Engineer may require that an approved barrier method be placed on underground lines in such locations as the Village Engineer shall designate to control said impact.
- (b) A permanent easement is required within 300 feet of a public water supply well to provide a sanitary control radius of protection.
- (c) Furthermore, the Village may require wellhead protection easements in accordance with the Wellhead Protection Plan report on file with the Village Administrator.

CHAPTER 1129 – BONDS, DEPOSITS AND INSURANCE

1129.01 GENERAL REQUIREMENTS.

Prior to final approval of any plat, the following bonds, deposits, and insurance policies shall be provided by the subdivider.

1129.02 BONDING REQUIREMENTS.

Upon approval of a final plat by Council, the subdivider shall furnish a performance bond or other acceptable security prior to endorsement of the plat by the Village Mayor. Said bond shall be in one of the following forms:

- (a)
 - (1) The subdivider shall deposit a cash security with a local bank in the amount of 100 percent of the estimated cost of the improvements (storm sewers, sanitary sewers, water lines, pavements, sidewalks, curb and gutter, and landscaping, etc.) based on the then current State of Ohio prevailing wage rates. Said security shall be in favor of the Village of Sparta who shall have sole control of disbursement. The local bank shall be directed to pay out portions of the cash security towards the completion of said improvements to the subdivider only with the approval of the Village Administrator, who may require a balance to be maintained which in his opinion is sufficient to complete said improvements in accordance with the plans and specifications of the Village and shall authorize the release of any balance to the subdivider only upon acceptance of said improvements by Council.
 - (2) The Village Administrator, Zoning Inspector, and Village Engineer, in consultation with the subdivider, shall establish a time period for the completion of required improvements. In the event said improvements are not constructed within the designated time period and not maintained, the Village shall have the option after 30 days' written notice to the subdivider to complete and

maintain said improvements and to collect and receive from the local bank any remaining balance of said deposit to be applied toward payment of costs and expenses of completing said improvements, or

- (b) (1) The subdivider may furnish corporate surety bond in the principal amount of the estimated cost of said improvements with surety to the satisfaction of the Mayor and Council, in such a form approved by the Village Solicitor, guaranteeing completion and maintenance of said improvements according to plans, profiles, and specifications and to the satisfaction of the Village Engineer. Said bond shall remain in effect until said improvements have been completed and maintained as provided in these regulations and until released by authority of Council. Said bond shall provide that upon default of performance by the subdivider the Village may complete the same after 30 days' written notice.
- (2) The subdivider shall maintain all improvements in the subdivision and provide for snow removal in the same until final acceptance of all improvements is granted. Concurrent with acceptance of the subdivision, the subdivider shall submit a warranty/maintenance surety in an amount of ten percent (10%) of the original cost of the improvements which shall be in force for two years following acceptance of any required improvements and shall guarantee satisfactory performance of the said improvements.
- (3) For a period of two years from the date the constructed improvements are accepted by Council, the subdivider shall make such repairs or replacements as may be required by reason of defective workmanship or material.
- (4) In addition to the required performance bond, the Village Engineer may require a restoration bond. Said bond shall be to insure repair of any damage done to existing curb, gutter, sidewalk, driveways, street pavement, landscaping, or other items within the right-of-way adjacent to a subdivision, and damages as a result of a poorly executed erosion and sedimentation control plan. The amount of said bond shall be as determined by the Village Administrator based on his estimate of potential damage. Restoration bonds shall be released when all damaged facilities, if any, have been restored to the satisfaction of the Village Engineer. Where the subdivider is aggrieved by a decision of the Village Engineer, he may appeal said decision to the Planning and Zoning Commission.

1129.03 INDEMNITY INSURANCE.

A policy of indemnity insurance in the amount of \$500,000/\$1,000,000 personal liability and \$1,000,000 property damage protecting the Village against any claims for damage to person or property resulting from or by reason of the construction of the above mentioned improvements shall be furnished to the Village Fiscal Officer and maintained in force by the subdivider. The insurance policy shall remain in full force and effect until all improvements are completed and maintained to the satisfaction of the Village Council.

CHAPTER 1131 – STANDARDS FOR DESIGN OF STORMWATER INFRASTRUCTURE

Use latest edition of City of Columbus Standard Drawings from the latest edition of the City of Columbus, Construction and Material Specifications (CCMS).

CHAPTER 1132 – GENERAL NOTES

The following notes are required for use on subdivision plans (as applicable).

SECTION 1132.01 – GENERAL NOTES

1. The Village of Sparta requirements together with the latest edition of the City of Columbus, Construction and Material Specifications (CCMS) shall govern all construction items that are a part of this plan, unless otherwise noted. If there are any discrepancies, the Village of Sparta requirements shall govern. All field-testing shall be the responsibility of the contractor (material composition, material compaction, concrete testing, etc.). All items referred to in these General Notes are in reference to the City of Columbus Construction and Material Specifications, unless otherwise noted.
2. Any modification to the specifications or changes to the work as shown on these drawings must have prior written approval of the Village Zoning Inspector.
3. The contractor and subcontractor shall be solely responsible for complying with all federal, state, and local safety requirements, together with exercising precautions at all times for the protection of persons (including employees) and property. It is also the sole responsibility of the contractor and subcontractor to initiate, maintain and supervise all safety requirements, precautions, and programs in connection with the work.
4. The contractor shall notify the Sparta Village Administrator's office at least three working days prior to the commencement of any construction.
5. The Contractor shall obtain all necessary permits, prior to construction.
6. Existing utilities shown are from best available records and field investigation, and are not necessarily complete or exact. The contractor is responsible for the investigation, location, support, protection, and restoration of all existing utilities and appurtenances whether shown on these plans or not. The contractor shall expose all utilities or structures prior to construction to verify the vertical and horizontal effect on the proposed construction, and shall make adjustments in elevations to provide sufficient clearance between the proposed and existing utilities. The contractor shall call the Ohio Utilities Protection Service (1-800-362-2764) and Producers Underground Protection (1-800-925-0988) three working days prior to work in the vicinity of their underground lines.
7. Any property corner pins or permanent survey markings disturbed during construction shall be reset by a registered surveyor at the contractor's expense.
8. The tracking or spillage of mud, dirt, or debris upon Village streets is prohibited and any such occurrence shall be cleaned up immediately by the contractor.

If the contractor fails to keep the work area clean of debris, or fails to clean mud or dirt off of Village streets, the Village may take action and assess the developer for the costs that are incurred.

9. No non-rubber tire vehicle shall be moved on Village streets; exceptions may be granted by the Village Administrator where short distances and special circumstances are involved. Granting of exceptions must be in writing and any resulting damage must be repaired to the satisfaction of the Village.
10. The contractor shall be responsible for maintaining mail service in the construction area.
11. All items of work called for on the plans for which no specific method of payment is provided shall be performed by the contractor and the cost of same shall be included in the price bid for the various related items.
12. The contractor shall exercise extreme caution when excavating in the vicinity of existing trees, taking all measure possible to protect and preserve them. The contractor shall be governed by the provisions of his contract with the owner.

13. All field tile broken during excavation shall be replaced to its original condition or connected to the storm sewer system as directed by the Village.
14. Approval of these plans is contingent on all easements required for the construction of the work being secured and submitted to the Village for recording prior to commencement of the work, and no work which requires an easement will be allowed to proceed until this has been done.
15. All traffic control devices shall be furnished, erected, maintained, and removed by the contractor in accordance with the Ohio Manual of Uniform Traffic Control Devices Part 7 Construction and Maintenance Operations, copies of which are available from the Ohio Department of Transportation, Office of Traffic Engineering, 1980 West Broad Street, Columbus, Ohio 43223.
16. Steady burning, Type "C" lights shall be required on all barricades, drums, and similar traffic devices in use at night. Cones are not permitted to be used for night work.
17. All traffic lanes shall be fully open to traffic on (street/drive) at all times except from 9:00 a.m. to 4:00 p.m. where one lane may be closed to traffic during those working hours.
18. All trenches shall be backfilled or securely plated during non-working hours.
19. Access to all adjoining properties shall be maintained at all times.
20. The developer/owner shall, prior to any construction operation, deposit with the Village of Sparta a retainer for inspection, supervision, and testing of materials in the amount of ten (10) percent of the estimated construction cost as approved by the Village.
21. If the Village Police Chief determines proper provisions for traffic control are not being provided by the contractor, the Village Police Chief shall assign off-duty police officers to the project at the contractor's expense.
22. All site clearing (tree removal) shall be performed by the owner at his expense prior to construction of this project.
23. All areas within the public right-of-way that are disturbed by this project shall be re-stored to original or better condition, per Item 659 (Seeding and Mulching) or other applicable specifications.
24. At all utility crossings where the existing utility is exposed in the trench, the backfill shall consist of compacted granular material in accordance with Item 912 between the deeper and shallower pipe. Where proposed utilities or services cross proposed or existing pavement areas, backfill shall be compacted granular material in accordance with Item 912 extending at least three (3) feet beyond the back of curb or edge of pavement. Cost is to be included in the price bid for related pipe.
25. In the event excavation for the street is from 0" to 6" below that called for on the plans, the Contractor shall replace this excess excavated material with Item 304 aggregate, and shall be paid for by the Contractor.
26. Curb inlets, manholes, and catch basins shall be channeled as directed.
27. The contractor shall provide two roof drain openings in the curb for each lot, each opening located not more than four (4) feet in from each lot line.
28. It shall be the responsibility of the contractor to adequately barricade the street in the vicinity of all expansion joints until such time as the street is open to traffic.
29. The developer shall enter into an agreement with the Village of Sparta prior to constructing any utility extensions.
30. Where necessary to disturb pavements or drives, the pavement shall be saw cut in neat, straight lines. The depth of saw cut shall be at least two (2) inches.

31. If the Contractor refuses or fails to perform work of an immediate nature (such as the placement of barricades or replacement of signs or other devices) required by this contract in a reasonable time, the Village will perform such work. The contractor shall reimburse the Village at the rate of 2.5 times the actual cost of labor, materials, and equipment necessary to perform such work. The Village shall notify or attempt to notify the Contractor of the necessity to perform such work. The Village shall be reimbursed by the Contractor in the amount provided herein. Reasonable time for all streets involved on this contract is one (1) hour from the time of notification by the Village.
32. Prior to the construction of the streets, soil tests shall be made on all sanitary sewer and designated storm sewer trenches which cross the proposed pavements or which lie such that the proposed pavements are located within any part of the influence line of said trench. Where said results indicated that the trench backfill does not meet the compaction requirements of Item 912, paragraph 912.03, all backfill material shall be removed, replaced, and re-tested until compaction meets requirement of Item 912, paragraph 912.03.
33. Erosion control measures in accordance with the requirements of the soil conservation handbook Water Management and Sediment Control for Urbanizing Areas are required. Straw bales at storm sewer inlets shall be maintained until the Village determines that the straw bales are no longer necessary to protect the storm sewer system from siltation. Refer to Chapter 1191.

The Contractor shall provide sediment control at all points where water leaves the project, including waterways, overland sheet flow and storm sewers.

Accepted methods of providing erosion/sediment control include but are not limited to: hay or straw bales, sediment basins, silt filter fence and temporary ground cover.

The Contractor shall provide adequate drainage of the work area at all times consistent with erosion control practices.

Disturbed areas that will remain unworked for 21 days or more shall be seeded. Other sediment controls that are installed shall be maintained until vegetation growth has been established. The Contractor shall be responsible for the removal of all temporary sediment devices at the conclusion of construction but not before growth of permanent ground cover.

34. A permit for construction activities that will disturb One (1) or more acres of land located fully or partially must be obtained from the Ohio EPA to allow for the discharge of stormwater from the construction site. Permitting requirements shall be in accordance with National Pollutant Discharge Elimination System (NPDES) Permit.

It is the Contractor's responsibility to comply with all requirements of this permit if the Contractor's disturbed area will equal or exceed one (1) acre. In the terms of the permit, the Contractor shall be considered the developer of the stormwater. The cost for all work involved in complying with these requirements shall be included in the price bid for the various items of the contract.

(Or)

A permit for construction activities that will disturb one (1) or more acres of land must be obtained from the Ohio EPA to allow for discharge of stormwater from the construction site. It is understood that this project will not include disturbance of one (1) or more acres. However, if the Contractor's disturbed area will equal or exceed one (1) acre, permitting requirements are the Contractor's responsibility, in accordance with National Pollutant Discharge Elimination System (NPDES) Permit. The cost for all work involved in complying with these requirements shall be included in the price bid for the various items of the contract.

35. The Village will not be responsible for means, methods, procedures, techniques, or sequences of construction that are not specified herein. The Village will not be responsible for safety on the job site, or for failure by the Contractor to perform work according to contract documents.

36. Following completion of construction, a proof survey shall be provided the Village Administrator which shall document as-built elevations, dimensions, slopes and alignments of all elements of this project. The proof survey shall be prepared, signed and submitted by an Ohio professional surveyor.
37. The Contractor shall restrict construction activity to public right-of-way and areas defined as permanent and/or temporary construction easements.
38. The Contractor shall restore all disturbed areas to equal or better condition that existed before construction. Drainage ditches or watercourses that are disturbed by construction shall be restored to the grades and cross sections that existed before construction.
39. The Contractor shall not dispose of excess excavation at locations not approved by the Village. Disposal outside project limits will not be allowed without submitting for review and approval to the Village Engineer a signed, written agreement between the contractor and the off-site landowner. An agreement should clearly state the purpose of the agreement, show the location of the disposal area including floodplain and floodway boundaries, display an estimate of volume of material to be disposed on the site, and indicate the permission of the landowner for such use. Disposal within floodplains may not be permitted within twenty (20) feet of floodway boundaries.
40. All signs, landscaping, structures, or other appurtenances disturbed or damaged during construction shall be replaced or repaired to the satisfaction of the Village Engineer. The cost of such work shall be paid for by the Contractor.
41. The Contractor shall submit a copy of the plans and a list of proposed precast concrete product manufacturers to the Village Engineer before commencing construction. Send the information to the Sparta Village Administrator.
42. Permits to construct in the right-of-way of existing streets must be obtained from the Village Administrator before commencing construction. When open cutting of existing pavement is permitted, controlled density backfill may be used in place of compacted granular backfill, according to Item 912 of the standard specifications. Asphalt surfaces shall be heat-welded.
43. The contractor shall submit to the Village Administrator his proposed design mix formula for all bituminous mixtures to be placed on the project for review and approval. A design mix formula shall be submitted for each mixture and each producer and shall provide gradation of all component aggregates, percentage of blending of aggregates, percentage of bitumen, any additives and application rate, names and addresses of aggregate suppliers, Marshall mix design date and the theoretical laboratory density.
44. All storm water detention and retention areas shall be constructed to finish grade, hydroseeded and hydromulched according to Items 203 and 659 of the standard specifications.

Park areas shall be fine graded and seeded with the following mixture: Improved Kentucky bluegrass, 40% of weight (two (2) varieties in equal parts) Improve perennial

Rye, 60% of weight (two (2) varieties in equal parts). Application Rate: 7 lbs. per 1,000 square feet as directed by the Village Administrator, Village of Sparta, Ohio.
45. If allowed, the Contractor must obtain a blasting permit from Central Ohio Joint Fire District before blasting for rock excavation may begin. The Contractor shall submit blasting reports upon completion of blasting to the Village, the owner, and the owner's engineer. Top of rock elevations shall be shown on as-built drawings.
46. Proposed utilities to be installed in embankment areas shall be placed after the embankment has been placed and compacted according to the specifications.
47. When unknown or incorrectly located underground utilities are encountered during construction, the contractor shall immediately notify the owner and the Village.

48. Before relocating any mailboxes, the Contractor shall contact the U. S. Postal Service and relocate mailboxes according to the requirements of the postal service.
49. All benchmarks are based on United States Geological Survey (USGS) datum.
50. The location and identification of all public and private utility services shall be etched or stamped in the face of the concrete curb.
51. A pre-construction conference must be arranged by the developer with the Village Administrator not less than two (2) weeks prior to the start of any construction. At this pre-construction conference, the developer must submit shop drawings of all pipe (water, sanitary sewer, storm sewer), underground structures (catch basins, manholes, etc.) and appurtenances (valves, hydrants, etc.).

SECTION 1132.02 – SEWER NOTES

1. Roof drains, foundation drains, and other clean water connections to the sanitary sewer system are prohibited on this project.
2. All sewers constructed under this plan shall meet the requirements of Item 901 of the City of Columbus specifications.
3. The minimum requirements for sanitary sewer pipe shall be PVC plastic sewer pipe ASTM D-3034, SDR 35, reinforced concrete pipe ASTM C76, or profile wall flexible sewer pipe as approved by the City of Columbus.
4. The Contractor's specific attention is directed to the requirements of the leakage test. All sanitary sewers shall be tested for leakage in accordance with 901.20. This is an exfiltration water test. An air test is not permitted. An infiltration test may be required in areas of high groundwater. Leakage through joints shall not exceed 100 gallons per inch diameter per 24 hours per mile of length of the computed equivalent.
5. Pipe for all 6" house services shall be PVC sewer pipe, ASTM D-3034, SDR 35. All service extensions shall be laid at a minimum grade of 1/4-inch per foot and shall be constructed at the time of construction of the main sewer.
6. Approved Y-poles made of two inch by two inch (2" x 2") lumber shall be furnished and placed at all y-branches and at the end of extended service. The cost of this work to be included in the price bid for the sewer items.
7. Service risers, Item 914, shall be installed where depths from wyes to the existing or proposed elevations exceed twelve (12) feet with the tops of the risers nine feet (9') below the existing or proposed surface elevation, whichever is higher, provided that basement service can still be provided. The contractor shall verify the elevation of any house service at the wye pole to ensure that every effort is made to provide basement service to the existing structure. Where service risers are not installed, a minimum five (5) foot length of lateral pipe of the same size as the wye opening shall be installed.
8. All in-line wye and tee connections in concrete sewers, 18-inch diameter and larger, shall be either Kor-n-Tee or Kor-n-Seal connections conforming to the manufacturer's recommendations.
9. The wye locations shown on the plans are approximate and shall be field located during construction to serve the individual structures.
10. Manhole covers for sanitary sewers shall conform to Columbus Standard Drawing AA-S111, except they shall be stamped with "Sanitary Sewer" instead of "Columbus, Ohio". Manhole covers shall be vented except in pavement where they shall be solid, but in no case shall there be more than two consecutive solid covers.
11. Manhole tops shall be built or subsequently adjusted to meet surface grades established for the development. Cost of this work is to be included in the price bid for the various sewer items.

12. The contractor shall install a temporary bulkhead where directed on the plans prior to construction of the proposed sewers and maintain same until said sewers are accepted by the Village.
13. All sanitary sewer line installed on this project using PVC pipe shall be subject to deflection testing by pulling an approved mandrel equal in diameter to 95 percent of the pipe diameter through the pipe after the pipe is back-filled, and an additional mandrel test shall be performed just prior to expiration of the one-year guarantee. The maximum limit of vertical deflection shall not exceed five (5) percent of the base inside diameter of the pipe. Re-rounding of failed pipe may be performed only if the deflection has not exceeded ten (10) percent of the base inside diameter of the pipe by pulling a 9-arm "go/no-go" mandrel having a diameter equal to ninety (90) percent of the base inside diameter of the pipe. All failed pipe shall be re-rounded or replaced and warranted an additional two (2) years.
14. The maximum trench width at the top of pipe barrel shall be not greater than outside diameter of the pipe plus 16" or 30", whichever is greater.
15. All Sanitary Sewers shall be videotaped in VHS or DVD format after construction prior to acceptance of the sewers by the Village. The videotape/CD shall remain the property of the Village. The videotape/CD shall clearly identify the location of the camera within the sewer, date and time of the videotape/CD and be of sufficient quality to determine the condition of the sewers. Visible leaks or other defects observed during television inspection shall be repaired to the satisfaction of the Village.
16. A tap permit with payment of associated fees to the Village Fiscal Officer must be obtained from the Village Administrator before taps are made into the proposed Sanitary Sewer system. No Sanitary Sewer taps shall be sold until the Sanitary Sewers have passed the leakage test by the contractor.
17. Sanitary Sewer services may be bored and jacked across streets instead of open cut with the prior approval of the Village Administrator. Permits to construct in the right-of-way of existing streets must be obtained from the Village Administrator before commencing construction. When open-cutting of existing pavement is permitted, controlled density back-fill may be used in place of compacted granular back-fill, according to Item 912 of the Standard Specifications. Asphalt surfaces shall be heat-welded.

SECTION 1132.03 – SUBDIVISION PLAT WORDING AND APPROVAL BLOCK

The following wording shall be shown on the plat:

- (a) Situated in the Village of Sparta, County of _____, State of Ohio, and being of Section _____ Township Range _____ (Land Grant – U. S. Military Lands, etc.) containing _____ acres and being the same tract as conveyed to and described in deed recorded in Deed Book _____ Page _____
Recorder's Office _____, Ohio.
- (b) We, the undersigned, being all the owners and lien holders of the land platted herein, certify that the attached plat correctly represents our "_____" a subdivision of lot _____ to _____ inclusive, do hereby accept this plat of same, and do voluntarily consent to the execution of said plat. (If any new streets are platted, the following statement must be included). All streets shown hereon will not be accepted for public use until such time as construction is complete and said streets are formally accepted as such by the Village of Sparta.

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

STATE OF OHIO

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

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

Notary Public

- (c) Easements are reserved for the construction, operation, and maintenance of public and private utilities proposed above and beneath the surface of the ground, and where necessary, are for the construction, operation, and maintenance of service connections to all lots and lands, and for stormwater drainage. Structures are not permitted within easements. Landscaping, if constructed within easements, shall not interfere with the right to construct, operate and maintain utilities and service connections, and shall not interfere with stormwater drainage.

In witness thereof _____ hereunto set their hands this _____ day of _____, 20____.

Witness _____ Signed _____

Witness _____ Signed _____

- (d) Surveyed and Platted by _____

(Surveyor)

We do hereby certify that we have surveyed the premises and prepared the attached plat and that said plat is correct and meets the minimum standards for boundary surveys in the State of Ohio. The dimensions of the lots and streets are shown in feet and decimal parts thereof. Dimensions on curves are chord measurements.

By: _____

Registered Surveyor

- (e) Approved this ____ day of _____, 20____. _____

Sparta Zoning Inspector

Approved this ____ day of _____, 20____. _____

Chairman, Sparta Planning & Zoning Commission

Approved this ____ day of _____, 20____. _____

Village Engineer

- (f) This ____ day of _____, 20____, rights-of-way for all roads, boulevards, etc., herein dedicated to public use are hereby approved and accepted as such for the Village of Sparta, Ohio.

Mayor, Village of Sparta

Fiscal Officer, Village of Sparta

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

Transferred this ____ day of _____, 20____.

County Auditor

- (h) Filed for this record this ____ day of _____ 20____. Recorded this ____ day of _____, 20____, in Plat Book _____ Page No. _____

County Recorder Deputy Recorder

CHAPTER 1133 – FEES

1133.01 REVIEW FEES.

Subdividers shall be responsible for payment of fees, in accordance with a schedule of fees established by the village council to be submitted with the plats.

CHAPTER 1134 – GENERAL ZONING PROVISIONS

1134.01 DESIGNATION AND PURPOSE.

- (a) The Zoning Ordinance and all provisions contained herein shall be known as the Zoning Ordinance of Sparta, Ohio, and may be cited as such or as the Zoning Ordinance.
- (b) The purpose of the Zoning Ordinance is as prescribed by ORC 713.

1134.02 SCOPE.

The provisions of the Zoning Ordinance shall apply to all land now within or hereafter annexed to the Municipality.

1134.03 APPLICATION.

- (a) New Development. New development, including the subdivision of land, construction, and the use of land or structures, shall conform with the regulations for the zoning district in which such development is located.
 - (1) New subdivision. The subdivision or re-subdivision of land shall not create lots less than the minimum size required for the zoning district in which such land is located nor shall lots be provided or intended for uses not allowed in the zoning district.
 - (2) New structures. New structures and/or developments shall be permitted only on lots subdivided to meet the requirements of the Zoning Ordinance and in accordance with the Subdivision Regulations of the Municipality, when applicable, and shall conform with the development standards of the zoning districts in which such construction is permitted, except as is otherwise provided for in this section.
 - (3) New uses. The only new uses of land or a structure shall be those which are a permitted use or a conditional use for the zoning district in which such use is to be located.
 - (4) Determination of use. In the case of any use of land or structure which cannot readily be determined to be a permitted, conditional or prohibited use within a zoning classification or within any zoning classification, any person may submit to the Zoning Inspector an application for determination whether the use is either a permitted or conditional use in a specific zoning classification or in any zoning classification of the zoning regulations. A decision shall be made by the Zoning Inspector who in turn shall notify the Planning and Zoning Commission prior to their next regular meeting of the action he has taken and the Planning and Zoning Commission shall have the right to override that decision, if it should find that the decision is arbitrary, unreasonable or capricious. The determination by the Zoning Inspector shall be for the purpose of enabling the applicant to otherwise comply with the zoning regulations regarding necessary applications or permits to be obtained and the decision shall in no way act as a commitment by the Planning and Zoning Commission or any other agency of the Municipality as to future zoning, approval of conditional uses or any other zoning matter.
- (b) Existing Conforming Lots, Structures or Uses. Lots, structures or the use of lots and/or structures which conform with the regulations of the zoning district in which they are located may be continued, and may be altered, extended or changed in accordance with the following:
 - (1) Conforming lots. A conforming lot may be changed, altered, enlarged or reduced in dimension, provided however, that the remaining lot and/or resulting lots shall conform to the development standards for the zoning district in which the lot is located.
 - (2) Conforming structure. A conforming structure may be altered, reconstructed or extended only in such manner as will comply with the development standards of the zoning district in which the structure is located.

- (3) Conforming use. A conforming use may be expanded, modified or changed only in such a manner as will comply with the permitted use, or conditional use (if previously approved) regulations and with the development standards of the zoning district in which the conforming use is located.
- (c) Existing Nonconforming Lots, Structures, or Uses. Lots, structures, or the use of lots and/or structures which do not conform with the regulations of the zoning district in which they are located may be continued, and may be altered, extended or changed in accordance with the following:

- (1) Nonconforming lots. The construction of a conforming structure and/or the conduct of a permitted use shall be allowed on any lot of record which has an area and/or lot width less than that required for such structure or permitted use in the zoning district in which the lot is located. Variance of any development standard other than minimum lot area and/or minimum lot width shall be obtained only through action of the Board of Zoning Appeals in accordance with the provisions of Chapter 1138. Additionally the requirements of Section 1183.10 apply.

Such nonconforming lots must be in separate ownership and not of continuous frontage with other land in the same ownership on the effective date of the Zoning Ordinance. Otherwise, development shall be permitted only in accordance with the development standards of the zoning district in which such ownership is located. Additionally, the requirements of Section 1183.10 apply.

- (2) Nonconforming structures and development. Structures and/or accessory development, which by reason of size, type, location on the lot, or otherwise in conflict with the regulations of the zoning district in which they are located may be altered, reconstructed or extended only in such manner that the alteration, reconstruction or extension will comply with the development standards of the zoning district in which the structure and/or accessory development is located.

Such alteration, reconstruction or extension shall include such additional development and compliance with the development standards of the zoning district as would be required of a new structure and/or accessory development to the extent practicable and so that the spirit and intent of the development standards are accomplished.

- (3) Nonconforming uses. The nonconforming use of a lot and/or a structure may be continued, expanded or changed subject to the following:
- A. Change of a nonconforming use shall be allowed to a permitted use of the zoning district in which the nonconforming use is located.
 - B. On approval of an appeal to the Board of Zoning Appeals a nonconforming use may be changed to a use found to be more nearly in character with the zoning district in which the nonconforming use is located.
 - C. On approval of an appeal to the Board of Zoning Appeals a nonconforming use may be expanded within an existing structure manifestly arranged or developed for such use.
 - D. On approval of an appeal to the Board of Zoning Appeals a nonconforming use may be extended provided that such will make the nonconforming use substantially more in character with its surroundings. A nonconforming use shall not be extended by more than twenty-five percent (25%) of the size of the nonconforming use that existed at the time of the passage of this Zoning Ordinance.
 - E. No nonconforming use may be reestablished where such nonconforming use has been discontinued for a period of at least two years. The nonconforming use of any structure damaged by fire, explosion, flood, riot or act of God maybe continued and used as before any such calamity, provided reconstruction is started within twelve months of such calamity, does not enlarge or expand the structure as it existed immediately prior to such calamity and is continued in a reasonable manner until completed.

F. On approval of an appeal to the Board of Zoning Appeals, a nonconforming use consisting of a "manufactured home park," as the same is defined in O.R.C. Section 3733.01(A), may be improved if the improvement consists of all of the following:

1. The replacement of all existing manufactured homes by installation of a lesser number of new, larger manufactured homes; and
 2. The installation of new underground electric and gas utilities servicing all manufactured homes within the manufactured home park, provided that such installation is in accordance with all federal, state and local requirements; and
 3. The installation of a new underground water distribution system servicing all manufactured homes within the manufactured home park, provided that such installation is in accordance with all federal, state, and local requirements.
- (d) Existing Conditional Use Permits. Nothing contained in this Zoning Ordinance shall affect the validity or effectiveness of an existing Conditional Use Permit issued under any prior Zoning Ordinance, and as thereafter amended and effective prior to the enactment of this Zoning Ordinance.
- (e) Annexed Territory. Territory annexed to the Municipality after the effective date of the Zoning Ordinance shall continue to be governed by the zoning regulations which governed the territory annexed immediately prior to the annexation, as enacted by a Board of County Commissioners under ORC 303.01 to 303.25, or enacted by a Board of Township Trustees under ORC 519.01 to 519.25, as the case may be.

As soon as practicable after the annexation of territory to the Municipality, proceedings shall be instituted by the Planning and Zoning Commission to include the annexed territory in one or more of the zoning districts defined in the Zoning Ordinance, as amended.

1134.04 RELATIONSHIP TO COMPREHENSIVE PLANNING.

It is the intention of Council that this code shall implement the planning policies adopted by Council for Sparta, as reflected in a comprehensive plan, land-use plan, and all other planning documents formally adopted by the Council. While the Council reaffirms its commitment that this Code and any amendment to it be in conformity with adopted planning policies, the Council hereby expresses its intent that neither this Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

1134.05 TRAFFIC IMPACT STUDY REQUIRED.

- (a) For all residential developments over ten (10) acres, commercial developments over 25,000 square feet, industrial developments over 50,000 square feet, a traffic impact study completed by a licensed professional engineer shall be required to determine the impact on existing traffic flow. A traffic impact study may be required for any development requiring direct access onto a major thoroughfare.

The traffic impact study must be submitted to Planning and Zoning Commission for their review concurrently with an application for a rezoning or prior to site plan approval if a rezoning is not needed.

CHAPTER 1135 – ENFORCEMENT AND PENALTY

1135.01 ZONING INSPECTOR.

- (a) Appointment; Duties. The Zoning Ordinance shall be administered and enforced by a Zoning Inspector who shall be appointed by the Mayor and who is hereby empowered:
- (1) Zoning Permit. The Zoning Inspector shall issue a Zoning Permit prior to the erection, alteration, or addition to any building, structure, or land or when there is a change in use.
 - (2) Certificate of Zoning Compliance. The Zoning Inspector shall issue a Certificate of Zoning Compliance when it has been determined that a building or proposed use of a building or land complies with the provisions of the Zoning Ordinance and was constructed in accordance with the Zoning Permit.
 - (3) Collection of fees. The Zoning Inspector shall collect the designated fees as set forth in the Zoning Ordinance for Zoning Permits, Certificates of Zoning Compliance, application for amendment or changes, variance, appeal, conditional use, special permit, and home occupation permit.
 - (4) Making and keeping of records. The Zoning Inspector shall make and keep all records necessary and appropriate to the office, including records of the issuance and denial of all Zoning Permits and/or Certificates of Zoning Compliance and of receipt of complaints of violation of the Zoning Ordinance and action taken on the same.
 - (5) Inspection of building or land. The Zoning Inspector shall inspect any building or land to determine whether any violations of the Zoning Ordinance have been committed or exist.
 - (6) Enforcement. The Zoning Inspector shall enforce the Zoning Ordinance and take all necessary steps to remedy any condition found in violation by ordering in writing, the discontinuance of illegal uses or illegal work in progress, and may request the Solicitor to commence appropriate action.
 - (7) Advise Planning and Zoning Commission. The Zoning Inspector shall keep the Planning and Zoning Commission advised, in writing, of all matters other than routine duties pertaining to the enforcement of the Zoning Ordinance and transmit to the Chairman of the Planning and Zoning Commission all applications and records pertaining to supplements and amendments.
 - (8) Advise Board of Zoning Appeals. The Zoning Inspector shall keep the Board of Zoning Appeals advised, in writing, of all matters pertaining to conditional use permits, appeals or variances and transmit to the Chairman of the Board of Zoning Appeals all applications and records pertaining thereto.
 - (9) Maintaining Zoning Map. The Zoning Inspector shall ensure that the Zoning Map is kept accurate and up to date with respect to zoning amendments.
 - (10) Coordination with Fire Department. The Zoning Inspector shall submit copies of plans for multi-family, large-scale residential, commercial, and industrial development to the Fire Chief for review and approval.
 - (11) Coordination with Village Administrator and Others. The Zoning Inspector shall coordinate with the Village Administrator and other governmental and non-governmental agencies on planning and zoning issues affecting the Village.
 - (12) Miscellaneous Duties. The Zoning Inspector shall perform any and all duties that may be, from time to time, assigned by the Administrator in furtherance of planning and zoning functions and activities.

1135.02 ZONING PERMITS REQUIRED.

- (a) No building or other structure shall be erected, moved, added to, altered, or demolished, nor shall any building, structure, or land be established or changed in use without a permit issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Zoning Code unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance.

This section shall in no case be construed as requiring a Zoning Permit in the event of a change in ownership or tenancy only, without a change in use or intended use, provided that no structural repairs, alterations or additions are proposed for such building.

A Zoning Permit is not required for re-roofing (including replacing sheathing), window and door replacement without changing dimensions, or remodeling where no walls or floors are added, changed, or removed.

- (b) Temporary Uses. The following regulations are necessary to govern the operation of certain uses that are non permanent in nature. Application for a Temporary Zoning Permit, where applicable, shall be made to the Zoning Inspector, containing a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setback, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed examples of temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:
- (1) A real estate sales office, including a mobile office, may be permitted within any district for any new subdivision which has been approved by Sparta. Such office shall contain no living accommodations. The permit shall be valid for six (6) months, but may be granted six month extensions if conditions warrant such renewal. Such office shall be removed upon completion of sales of the lots therein, or upon expiration of the Temporary Use Permit, whichever occurs sooner.

Temporary offices including mobile offices for contractors and equipment sheds incidental to construction projects may be permitted within any district. The permit shall not be valid for more than one (1) year but may be renewed for six month extensions if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit whichever occurs sooner.
 - (2) In circumstances where building permits are issued by Morrow County no such building permit shall be issued prior to the issuance of the proper Zoning Permit by the Village Zoning Inspector. No building shall be occupied until a Certificate of Occupancy is obtained from Morrow County and the Village of Sparta.
- (c) Contents of Application for Zoning Permit. Each application for a Zoning Permit shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one year or substantially completed within 2-1/2 years. At a minimum, the application shall contain the following information and be accompanied by all required fees:
- (1) Name, address, and phone number of applicant;
 - (2) Legal description of property;
 - (3) Existing use;
 - (4) Proposed use;
 - (5) Zoning district;

- (6) Plans in triplicate drawn to scale, Prepared by a surveyor licensed in the state of Ohio showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; easements; and the location and dimensions of the proposed buildings, structures, or alterations;
 - (7) Building heights and setback lines;
 - (8) Number of off street parking spaces or loading berths, and their layout;
 - (9) Location and design of access drives;
 - (10) Number of dwelling units;
 - (11) If applicable, application for a sign permit, or a conditional, special, or temporary use permit, unless previously submitted;
 - (12) Elevations of existing and/or proposed buildings and structures including:
 - A. Top of curb and flow line of gutter;
 - B. Finished floor;
 - C. Top of foundation;
 - D. Final grades
 - E. Garage floor.
 - (13) Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of, this Zoning Code.
- (d) Issuance of Certificates. Within 30 calendar days after receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Zoning Code. All zoning permits shall, however, be conditional upon the commencement of work within one year from date of approval. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector has marked such copy either as approved or disapproved and attested to same by his signature on such copy. The Zoning Inspector shall retain one copy of plans, similarly marked. The Zoning Inspector shall issue a placard to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Zoning Code.

1135.03 CERTIFICATE OF ZONING COMPLIANCE.

- (a) Certificate of Zoning Compliance for a Building. No building shall be occupied before a Certificate of Zoning Compliance has been issued by the Village. A Certificate of Zoning Compliance for a new building or the reconstruction or alteration of an existing building may be issued concurrently with the application for a Building Permit to the County. The certificate shall be issued within three days after the request for same has been made in writing to the Zoning Inspector, and after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of the Zoning Ordinance. Pending the issuance of a regular certificate, a temporary Certificate of Zoning Compliance may be issued by the Zoning Inspector for a period not exceeding one year, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties, or obligations of the owners or of the tenants relating to the use or occupancy of the premises or any other matter covered by the Zoning Ordinance, and such temporary certificate shall not be issued except under such restrictions and provision as will adequately ensure the safety of the occupants.
- (b) Certificate of Zoning Compliance for Land. Certificate of Zoning Compliance for the use of vacant land or the change in character of the use of the land as herein provided, shall be applied for before any such land shall be occupied or used, and a Certificate of Zoning Compliance shall be issued within three days after

the application has been made, provided such use is in conformity with the provisions of the Zoning Ordinance.

- (c) **Content of Certificate of Zoning Compliance.** Certificate of Zoning Compliance shall state the building or proposed use of a building or land complies with the provisions of the Zoning Ordinance. A record of all certificates shall be kept on file in the office of the Zoning Inspector and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected.
- (d) **Additional Requirement.** In addition to the requirements of this section, no Certificate of Zoning Compliance for a building or land located within a subdivision shall be issued unless there is submitted with the request for the same a certification by a registered professional engineer or registered professional surveyor. Such certification shall verify that the lot upon which such building or land is situated is in conformance with the existing grading plan submitted and approved for such subdivision pursuant to Section 1125.08 of the Subdivision Regulations.

1135.04 REVIEW FEES.

The village council has set a fee schedule for standard review fees that shall be imposed and required for the indicated zoning services.

1135.99 PENALTY.

- (a) Whoever violates any provision of this Zoning Code or fails to comply with any of its requirements is guilty of a minor misdemeanor on a first offense. Each subsequent offense is a misdemeanor of an escalating degree, as follows: a second offense is a misdemeanor of the fourth degree; a third offense is a misdemeanor of the third degree; and a fourth or subsequent offense is a misdemeanor of the second degree. The penalty for each offense shall be as provided by the Ohio Revised Code for an offense of that degree. In addition, the offender shall pay all costs and expenses involved in the case.
- (b) Each day any such violation continues after receipt of a violation notice shall constitute a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains, such violation, may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Municipality from taking such other lawful action as is necessary to prevent or remedy any violations.

CHAPTER 1136 – AMENDMENTS

1136.01 BY COUNCIL.

Council may change or amend the text of the Zoning Ordinance, or the Zoning District Map.

- (a) **Initiation by Resolution.** Proposed changes or amendments may be initiated by Council by resolution or by motion of the Planning and Zoning Commission.
- (b) **Initiation by Application.** Proposed changes or amendments may be initiated by one or more owners or lessees of land within the area that is proposed to be changed by amendment of the Zoning District Map or by one or more owners or lessees of land to be affected by change or amendment of other provisions of the Zoning Ordinance. If a proposed amendment or supplement initiated by application is disapproved by Council another application for amendment or supplement affecting the land included in the disapproved application shall not be submitted within one year from the date of disapproval, except with a statement by the Planning and Zoning Commission of changed or changing conditions affecting the land sufficient to warrant reconsideration.

1136.02 INITIATION OF ACTION BY OWNER OR LESSEE OF LAND.

Two copies of a provided application form shall be filed with the Zoning Inspector not less than twenty days prior to the public hearing of the Planning and Zoning Commission at which the proposal is to be considered.

- (a) Application. The application for any proposed change or amendment shall contain:
 - (1) A description or statement of the present and proposed provisions of the Zoning Ordinance or the proposed change of the district boundaries of the Zoning District Map.
 - (2) A description, by map and text, of the property to be affected by the proposed change or amendment.
 - (3) A statement of the relation of the proposed change or amendment to the general health, safety and welfare of the public in terms of need or appropriateness within the area by reason of changed or changing conditions and the relation to appropriate plans for the area.
 - (4) A statement of the relation of the proposed change or amendment to the comprehensive plan.
 - (5) Notice to Property Owners. If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Inspector, by first class mail, at least twenty (20) calendar days before the day of the public hearing to all owners of property within and contiguous to, directly across the street from and within 250 feet of the area to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's tax list. Failure of delivery of the notifications as provided in this Section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers.

Such list shall be in accordance with the Morrow County Auditor's current tax list and provided by the applicant.
 - (6) Such information as may be otherwise required by the provisions of the Zoning Ordinance.
- (b) Fees. When making application for an amendment, the investigation and compliance fees, in such amount as may be established by Council from time to time, shall be paid to the Municipality for each application.

1136.03 PROCEDURE FOR CONSIDERATION OF PROPOSED CHANGE OR AMENDMENT.

- (a) Public Hearing by Planning and Zoning Commission. Upon adoption of a motion by the Planning and Zoning Commission to recommend amendment of the Zoning Ordinance to Council, or upon receipt of notice of a resolution adopted by Council recommending amendment of the Zoning Ordinance, or upon transmittal of a completed application for amendment by the Zoning Administrator, the Planning and Zoning Commission shall schedule a public hearing thereon. Said hearing shall be no more than thirty (30) calendar days from the date of such motion, notice of a resolution, or transmittal of such application.
- (b) Public Notice of Proposed Amendment by Planning and Zoning Commission.
 - (1) Notice of Public Hearing in Newspaper. Notice of the public hearing required in Section 1136.03 (a), herein, shall be in one (1) or more newspapers of general circulation in the Municipality. Said notice shall be published at least fifteen (15) calendar days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and the general nature of the proposed amendments.
 - (2) Notice to Property Owners. If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Inspector, by first class mail, at least twenty (20) calendar days before the day of the public hearing to all owners of property within and contiguous to, directly across the street from and within 250 feet of the area to be rezoned or redistricted to the addresses of such owners

appearing on the County Auditor's tax list. Failure of delivery of the notifications as provided in this Section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers.

- (c) Recommendation by the Planning and Zoning Commission. Within forty-five (45) days of the public hearing on the issue the Planning and Zoning Commission shall transmit its recommendation to the Council. The Planning and Zoning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment as requested, or it may recommend that the amendment be denied.
- (d) Public Hearing by Council. Upon receipt of the recommendation from the Planning and Zoning Commission, Council shall schedule a public hearing therein. Said hearing shall be no more than sixty (60) calendar days from the receipt of the recommendation from the Planning and Zoning Commission.
 - (1) Notice of Public Hearing in Newspaper. Notice of the public hearing required in Section 1136.03 (d) herein shall be given by at least one (1) publication in one (1) or more newspapers of general circulation in the Municipality. Said notice shall be published at least thirty (30) calendar days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and the general nature of the proposed amendments.

During such thirty days the text or copy of the text of such ordinance, measure or regulation, together with the maps or plans or copies thereof forming part of or referred to in such ordinance, measure or regulation and the maps, plans and reports submitted by the Planning and Zoning Commission, board or officer shall be on file, for public examination, in the office of the Village Fiscal Officer or in such other office as is designated by Council.
 - (2) Notice to Property Owners. If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Village Fiscal Officer, by first class mail, at least twenty (20) calendar days before the day of the public hearing to all owners of property contiguous to, directly across the street from and within 250 feet of the area to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's tax list. Failure of delivery of the notifications as provided in this Section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers.

1136.04 NECESSARY VOTE.

- (a) No ordinance, measure, or regulation which violates, differs from, or departs from the plan or report submitted by the Planning and Zoning Commission shall take effect unless passed or approved by not less than three-fourths of the members of Council.
- (b) No ordinance, measure, or regulation which is in accordance with the recommendations, plans, or report submitted by the Planning and Zoning Commission shall be deemed to pass or take effect without the concurrence of at least a majority of the members of Council.

CHAPTER 1137 – DEFINITIONS

1137.01 INTERPRETATION.

Except where specifically defined herein all words used in the Zoning Ordinance shall carry the meanings contained in the Webster's Collegiate Dictionary. Words used in the present tense include the future tense, the singular number includes the plural, the word "structure" includes the word "building", the word "lot" includes the word "plot" or "parcel", the term "shall" is always mandatory, the words "used" or "occupied", as applied to any land or structure shall be construed to include the words "intended, arranged or designed to be used or occupied".

1137.02 DEFINITIONS.

The following listed words are specifically defined for use in the Zoning Ordinance:

- (1) "Acre" means a measure of land equating to 43,560 square feet.
- (2) "Accessory building" means a subordinate building, the use of which is incidental to and customary in connection with the main building or use and which is located on the same lot with such main building or use.
- (3) "Accessory Dwelling Unit" means a dwelling unit that has been added onto, or created within, a single-family house, that has separate kitchen, bathing, and sleeping areas.
- (4) "Accessory use" means a subordinate use which is incidental to and customary in connection with the main building or use and which is located on the same lot with such main building or use.
- (5) "Agent" means the representative of the applicant. The authority of the representative shall be established to the satisfaction of the Zoning Inspector.
- (6) "Alley" means a public or private right-of-way twenty (20) feet or less in width which affords only a secondary means of access to property abutting thereon.
- (7) "ANSI" means the American National Standards Institute.
- (8) "Applicant" means the owner or authorized representative of the land in question before the Planning and Zoning Commission. The authority of the representative shall be established to the satisfaction of the Zoning Inspector.
- (9) "Apartment". See "Dwelling Unit".
- (10) "Architect" means an architect registered by the State of Ohio.
- (11) "Arterial street". See "Streets."
- (12) "As-built plans" means plans that have been revised to incorporate all changes that occurred during construction of the project, on matte mylar material.
- (13) "ASTM" means American Society for Testing and Materials.
- (14) "Average daily traffic (ADT)" means the total traffic volume during a given time period in whole days greater than 1 day and less than 1 year divided by the number of days in that time period.
- (15) "AWWA" means the American Water Works Association.
- (16) "Basement" means that portion of a building which is partly or completely below grade such that it does not meet the definition of a story above grade.
- (17) "Blighting influence" means that a building or other structure is so poorly maintained that its condition, directly or indirectly, represents a threat to the health or safety of the general public or to persons living on adjoining property or in the area; constitutes an unsanitary condition; lends itself to habitation or infestation by rodents, termites or other vermin; represents a threat to property values or to the residential or commercial desirability of adjoining property or other property within the area; or unreasonably interferes with the reasonable and lawful use and enjoyment of other premises within the area.
- (18) "Block" means all that part of one side of a street between two intersecting streets.
- (19) "Board" means the Board of Zoning Appeals established in Section 1138.01 .
- (20) "Bond" means any form of security including cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Village Council.

- (21) "Buffer" means an undeveloped or relatively undeveloped land area that lies between two areas, which contain or may contain conflicting land uses (i.e. residential adjacent to industrial uses; stream adjacent to residential uses, etc.) It is intended for the purpose of reducing or eliminating harmful conflicts and screening one use from another. The buffer may include open space areas, trees and other plants, or other devices (i.e. berms, walls, etc.) to further shield one use from another.
- (22) "Building" means any structure with substantial walls and roof securely affixed to land and entirely separated on all sides from any similar structure by space or by walls in which there are no communicating doors, windows, or similar openings. Where roofed structures are separated from each other by party walls having no openings for passage, each portion so separated shall be considered a separate building.
- (23) "Building, main" means a building in which is conducted the main or principal use of the lot on which the building is situated.
- (24) "Building setback line" means the minimum horizontal distance between the street right-of-way line and the front foundation line of a building.
- (25) "Caliper" means a horticultural method of measuring the diameter of nursery stock. For trees less than four inches in diameter, the measurement should be taken at six inches above ground level. For trees greater than four inches in diameter up to and including twelve inches, the caliper measurement must be taken at twelve inches above the ground level. For trees greater than twelve inches in diameter, the trunk is measured at breast height (diameter at breast height, "DBH"), which is 4.5 feet above the ground.
- (26) "Certificate of Zoning Compliance" means the document issued by the Zoning Inspector authorizing the occupancy and use of the land or buildings.
- (27) "Child care and child day care services" means any place, home or institution which cares for young children apart from their parents when received for regular periods of time for compensation such as kindergarten, nursery school or class for young children that develops basic skills and social behavior by games, exercises, toys and simple handicraft.
- (28) "Collector street". See "Streets."
- (29) "Commercial Vehicle" means a vehicle designed and used to carry property and having a gross weight of more than 10,000 lbs.
- (30) "Commission" means the Planning and Zoning Commission of Sparta.
- (31) "Comprehensive Plan" means the central organizing document for laying out the long range plan for the desirable use of land in this area as adopted by the Planning and Zoning Commission. The purpose of the plan is, among other purposes, to serve as a guide in future development and zoning for the community. It consists of the Village's policies regarding long-term development, and land use maps, which indicate the types and densities of uses allowed at the block level. The Village requires that the zoning ordinances and other Village standards follow the policy direction set by the Comprehensive Plan.
- (32) "Conditional use or special exception" means a use which is subject to conditional approval by the Board of Zoning Appeals. A conditional use may be granted by the Board of Zoning Appeals only when there is a specified provision for such conditional use or special exception made in this Zoning Ordinance. A conditional use is not considered to be a nonconforming use.
- (33) "Condominium" means a multiple dwelling unit or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of the ORC 5311.
- (34) "Connections" means streets, sidewalks, and/or bike paths that interlink neighborhoods, and that link neighborhoods with schools, parks, shopping, and businesses.

- (35) "Conservation area" means an area designated by the Planning and Zoning Commission, Comprehensive Plan, or other officially adopted planning document, as an area where development should not occur due to the area's environmental, aesthetic, social, or cultural significance to the Village.
- (36) "Conservation easement" means the grant of a property right carrying the stipulation that the described land will remain in its natural state and precluding future or additional development.
- (37) "Construction dumpster" means a container, collection bin, collection box, tub, roll-off box, roll-off container, or any other receptacle used to store construction, remodeling or demolition debris or any goods or materials being temporarily or permanently stored.
- (38) "Council" means the Council of the Village of Sparta.
- (39) "Cul-de-Sac" means a street with only a single means of ingress and egress and having a circular turnaround at the end.
- (40) "County" means Morrow County, Ohio.
- (41) "Deck" means a flat, open, roofless extension from the back or side of a house or structure, typically made of planks of wood or recycled plastics and raised above ground level.
- (42) "Density, gross" means the density of a development using the entire site acreage.
- (43) "Density, net" means the density of a development using the entire site minus the following: areas designated for public and private streets and alleys, open bodies of water excluding streams, creeks, and ditches, other dedicated right of ways or land required to meet the dedication requirements of the zoning and subdivision regulations.
- (44) "Density" means the amount of development area located on a tract of land. For residential development, density is measured by the number of housing units per acre. For non-residential development, density is measured as the gross square footage of a building per acre, which can be a number or floor area ratio.
- (45) "Developer". See "Applicant."
- (46) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings, or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.
- (47) "Dish antenna" means an outside accessory antenna that is linked to a receiver and used for the reception of signals transmitted by stations licensed by the Federal Communications Commission in the Radio Broadcast Services including AM, FM and TV.
- (48) "District" means a part of the Village wherein regulations of the Zoning Ordinance are uniform.
- (49) "Districts, Zoning" means administrative tracts designating the uses to which land can legally be utilized. Boundaries of the districts are shown on the district map which is part of this Zoning Ordinance.
- (50) "Dwelling" means any building or structure (except a mobile home as defined elsewhere in this ordinance) which is wholly or partly used or intended to be used for living or sleeping quarters by one or more human occupants.
- (51) "Dwelling, apartment" means a building arranged or intended for three or more families living independently of each other in separate dwelling units and all dwelling units intended to be maintained under single ownership or owned under condominium.
- (52) "Dwelling, industrialized unit" means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized Unit", includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to

form a completed structural entity. "Industrialized Unit" does not include a manufactured or mobile home as defined herein.

- (53) "Dwelling, manufactured home" means a non-self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the Federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable Federal construction and safety standards. A manufactured home is transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or forty feet or more in length or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis, designed to be used as a dwelling with or without permanent foundation when connected to required utilities. Calculations used to determine the numbers of square feet in a structure's exterior dimensions are measured at the largest horizontal projection when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows."(ORC 4501.01) For the purposes of this section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connection to utilities and the like.
- (54) "Dwelling, mobile home" means a non self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is 8 feet or more in width and more than 35 feet in length, which when erected on site is 320 or more square feet, that is transportable in one or more sections and which does not qualify as a manufactured home or industrialized unit as defined herein.
- (55) "Dwelling, modular home" means factory built housing certified as meeting the local or state building codes as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site built homes. Modular homes are required to be placed upon a solid masonry foundation.
- (56) "Dwelling, multiple-family" means a dwelling or group of dwellings on one lot, containing separate living units for three or more families, having separate or joint entrances, and including apartments, group homes, row houses, and condominiums.
- (57) "Dwelling, rooming house (boarding house, lodging house, dormitory)" means a dwelling 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 where no cooking or dining facilities are provided in the individual rooms.
- (58) "Dwelling, single family" means detached residential dwelling or housing unit other than a mobile home, designed for and occupied by one family only, including permanently-sited manufactured housing, modular homes, and industrialized units.
- (59) "Dwelling structure, height of" means the vertical distance measured from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.
- (60) "Dwelling, two-family" means a dwelling, except manufactured housing, designed exclusively for occupancy by two (2) families living independently of each other, including a duplex (one dwelling unit above the other), or a semi-detached (one dwelling unit beside the other).
- (61) "Dwelling unit" means space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

- (62) "Easement" means the right to use the real property of another for a specific purpose. The easement is itself a real property interest, but legal title to the underlying land is retained by the original owner for all other purposes.
- (63) "Easement, conservation" means a nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting agricultural, natural, scenic, or open space values of real property; protecting natural resources; or maintaining air or water quality.
- (64) "Engineer, registered" means an engineer registered by the State of Ohio.
- (65) "Engineer, project". See "Engineer, Registered."
- (66) "Engineer, Village" means the Village Engineer of the Village of Sparta.
- (67) "Environmental Impact Statement (EIS)" means a detailed analysis of the environmental consequences of a project or proposed action, including long-term adverse impacts, any irreversible commitments of resources, and various alternative courses of action.
- (68) "Ephemeral stream" means a watercourse having a source and terminus, banks, and channel through which waters flow only during and immediately after precipitation. Flow is not caused by groundwater sources.
- (69) "Erosion" means the wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep and/or detachment and movement of soil or rock fragments by wind, water, ice, or gravity.
- (70) "Family" means one or more persons occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises as distinguished from a group occupying a boarding house or hotel, as herein defined.
- (71) "Fence" means an artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas, excluding agricultural fences.
- (72) "Fire Chief" means the Fire Chief of the Central Ohio Joint Fire District.
- (73) "Fiscal Officer" means the Fiscal Officer of the Village of Sparta.
- (74) "Floodplain" means the areas adjoining a water course which are expected to be flooded as a result of a severe combination of meteorological and hydrological conditions, as identified by Ordinance 9-88 or its successor.
- (75) "Floodway" means the channel of the watercourse and those portions of the adjoining floodplain which are reasonably required to carry and discharge the 100 year flood, as identified by Ordinance 9-88 or its successor.
- (76) "Floodway fringe" means that portion of the floodplain outside of the floodway, as identified by Ordinance 9-88 or its successor.
- (77) "Floor space" means the total number of square feet of floor area within the outside line of walls and includes the total of all space on all floors of a building, but not including porches, garages or space in a basement or cellar when the basement or cellar space is used only for storage or incidental uses.
- (78) "Frontage" means all of the property on one side of a street between two intersecting streets, crossing or terminating, measured at the setback building line. If the street is a dead end, this term refers to all of the property abutting one side between an intersection street and the dead end of the street.
- (79) "Gasoline service station" means any building, structure, or land used for the dispensing and sale at retail of any automobile fuels, oils, or accessories, including lubrication of automobiles and replacement or installation or minor parts and accessories, but not including major repair work.

- (80) "Greenway" means corridors of protected open space managed for conservation and/or recreation purposes. Greenways may follow natural land or water features, and may link nature reserves, parks, cultural features, and historic sites with each other and with populated areas.
- (81) "Growth management" means the conscious public decision to restrain, accommodate or induce development in any geographic setting and at any governmental level. Growth management systems provide a means for governments to establish comprehensive goals and objectives designed to address the problems of growth through an integrated system of administrative, financial and regulatory programs.
- (82) "Home occupation", means an occupation or profession that is carried on in a residential neighborhood and that meets the standards and restrictions of Section 1183.12.
- (83) "Hydric soils" means soils which are saturated long enough to develop an anaerobic (i.e. living or active in the absence of free oxygen) condition in the upper soils so that only certain plants can live in it. Hydric soils are one indicator of the presence of wetlands.
- (84) "Impact fees" means any charges levied by local governments on new development to generate revenue for infrastructure necessitated by the new development.
- (85) "In-lieu fees" means fees paid by a private individual or party to the Village of Sparta to compensate for the mandatory dedication provisions of the Sparta Subdivision Regulations when said land dedication is waived by Village Council.
- (86) "Infrastructure" means the underlying foundation or basic framework of a political jurisdiction, including streets, parks, bridges, sewers, streetlights, and other utilities.
- (87) "Intermittent stream" means a watercourse having a source and terminus, banks, and channel through which waters flow only part of the year when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.
- (88) "Junk" means old scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, junked, dismantled or wrecked automobiles or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous materials.
- (89) "Junk yard" means an establishment or place of business, which is maintained or operated for the purpose of storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. It shall also include scrap metal processing facilities which are located within one thousand feet of the nearest edge of right-of-way of a highway or street, and any site, location, or premises on which are kept two or more junk motor vehicles as defined in Section 4513.63 of the ORC, whether or not for commercial purposes.
- (90) "Kennels" means any lot or premise on which dogs, cats or other household pets are boarded, bred or exchanged for monetary compensation.
- (91) "Landscape(d) area" means an area that is permanently devoted and maintained to the growing of shrubbery, grass and other plant material.
- (92) "Landscaping" means the improvement of a lot with grass, shrubs, trees, other vegetation and/or ornamental objects. Landscaping may also include pedestrian walks, flowerbeds, ornamental objects such as fountains, statues and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.
- (93) "Land trust" means a private, nonprofit conservation organization formed to protect natural resources, open space and/or agricultural land.
- (94) "Loading space, off-street" means a space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street

parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

- (95) "Lot" means a parcel of land occupied or intended for occupancy by a use permitted in the Zoning Ordinance, including one main building together with its accessory buildings, open spaces and parking spaces required by the Zoning Ordinance and having its principal frontage upon a road or street.
- (96) "Lot area, minimum" means the area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.
- (97) "Lot, corner" means a lot abutting upon two or more streets at their intersections.
- (98) "Lot coverage". The percentage of lot coverage shall be the ratio of enclosed ground floor area of all buildings to the horizontally projected area of the lot, expressed as a percentage.
- (99) "Lot, double frontage" means a lot, other than a corner lot, with frontage on more than one street.
- (100) "Lot improvement" means any building, structure, place, work of art, or other object or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.
- (101) "Lot, interior" means a lot with only one frontage on a street.
- (102) "Lot size, minimum" means a parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structures together with such yards, open spaces, lot width and lot area as are required by the Zoning Ordinance, and having not less than the minimum required frontage upon a street, either shown and identified by lot number on a plat of record, or considered as a unit of property and described by metes and bounds.
- (103) "Lot width" means the width of a lot at the building setback line measured at right angles to its depth.
- (104) "Mandatory land dedication" means the required dedication of private land to the Village of Sparta for the purpose of providing space for park, recreation, open space, and other public uses.
- (105) "Mayor" means the Mayor of the Village of Sparta, Ohio
- (106) "Mobile home park" means any site, or tract of land under single ownership, upon which three or more mobile homes or manufactured buildings used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structures, vehicle or enclosure used or intended for use as part of the facilities of such park.
- (107) "MORPC" means Mid-Ohio Regional Planning Commission.
- (108) "Municipality" means the municipal corporation of Sparta, Ohio.
- (109) "Natural buffer areas" means areas where stream valleys, vegetation and/or grade changes are naturally occurring and not the result of planting or earth moving. These areas provide separation between land uses, particularly between land uses of differing intensity, such as residential and nonresidential uses.
- (110) "Natural material" means any product or physical matter that comes from plants, animals, or minerals and the metals that can be extracted from them (without further modification) used to make other objects or products.
- (111) "No build zone" means an area or portion of a lot that is designated by deed or plat not to contain any buildings, structures, or other built improvement on a permanent basis.
- (112) "Nonconforming use" means a legal use of a building and/or of land that antedates the adoption of the Zoning Ordinance and does not conform to the regulations for the zoning district in which it is located.

- (113) "Nursing home" means a home licensed by the State of Ohio for the aged or chronically or incurably ill persons in which five or more such persons not of immediate family are provided with food and shelter or care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.
- (114) "Office" means an administrative, executive, professional, research, or similar organizations and laboratories having only limited contact with the public, provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal permissible use.
- (115) "Opaqueness" means the degree to which a wall, fence, structure or landscaping is solid or impenetrable to light or vision in a generally uniform pattern over its surface.
- (116) "Open space subdivision" means a clustered development in which significant amounts of open space are preserved. Typically the gross density is compatible with nearby traditional subdivisions, but the net density is higher because of the preserved open space. Such open space can be in a natural state or developed for recreational uses, such as a golf course.
- (117) "Open space" means any area or parcel of land or water, mostly unimproved and reserved from development as a relief from the effects of urbanization. Open space may be for public or private use. It is often intended to be used for passive recreation purposes, but may also include pedestrian plazas or active recreation facilities such as swimming pools, play equipment, ball fields and picnic tables.
- (118) "Park and Recreation Master Plan" means the plan of parks, playgrounds, or other open grounds adopted by the Village Council.
- (119) "Pathway" or "Path" means a cleared way for pedestrian and/or bicycle use that may or may not be paved or otherwise improved.
- (120) "Patio" means a level, landscaped, and/or surfaced area, also referred to as a terrace, directly adjacent to a principal building at or within three feet of the finished grade and not covered with a permanent roof.
- (121) "Perennial stream" means a watercourse having a source and terminus, banks, and channel through which waters flow throughout the year.
- (122) "Planned Zoning District" means the zoning designation of a lot or tract to permit that development as is specifically depicted on plans approved in the process of zoning that lot or tract. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design, principles, and landscaping plans.
- (123) "Planning and Zoning Commission" means the Planning and Zoning Commission of the Village of Sparta, Ohio.
- (124) "Porch" means a roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building
- (125) "Portable storage" means any on-site storage container described as a steel portable container, dry van container, warehouse storage unit, semi-tractor cargo container, cargo trailer or any other similarly described unit.
- (126) "Premises" means a lot together with all buildings and structures thereon.
- (127) "Public uses" means public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.
- (128) "Recreational vehicles and equipment" means motorized homes, travel trailers, pick-up campers, folding tent trailers, boat and boat trailers, and utility trailers used for recreational and vacation purposes and defined as follows:

- a. "Motorized home" means a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
 - b. "Travel trailer" means a vehicular portable structure built on a chassis, not exceeding a gross weight of 4,500 pounds when factory equipped for the road, nor exceeding 30 feet in length, designed to be used as a temporary dwelling for travel, recreation, and vacation uses, permanently identified as a travel trailer by the manufacturer.
 - c. "Pick-up camper" means a structure designed primarily to be mounted on a pick-up truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation, or vacation uses.
 - d. "Folding tent trailer" means a portable canvas, metal, or plastic folding structure mounted on wheels and designed for travel and vacation uses.
 - e. "Boat and boat trailers" means boats, floats, and rafts including equipment for their transport on the highway.
 - f. "Utility trailer" means a structure, not exceeding ten feet in length, built on a chassis on wheels for the purpose of hauling recreational goods and equipment.
- (129) "Research activities" means research, development and testing related to such fields as chemicals, pharmaceutical, medical, electrical, transportation and engineering, all of which are conducted within entirely enclosed buildings.
- (130) "Retail sales establishment" means a commercial enterprise that provides goods directly to the consumer where such goods are available for purchase and removal from the premises.
- (131) "Retail services establishment" means an establishment providing services or entertainment, as opposed to products, to the general public or to other commercial or industrial enterprises. Such services may include, but not limited to, eating and drinking places, finance, real estate and insurance, personal service, amusement and recreation services, health, educational and social services, museums, theatres including motion picture, copy shops, printing services, package and postal services, photo processing, and similar operations.
- (132) "Right-of-way " means a strip of land occupied or intended to be occupied by a street, crosswalk, walkway, bikeway, utilities, or other public improvement relating to public travel or access.
- (133) "Self-service storage facility" means a building or group of buildings used for the storage of personal property where individuals rent or own individual storage spaces.
- (134) "Setback, front" means the minimum distance between the right-of-way and a building facing said right-of-way, as required by the Zoning Code.
- (135) "Setback, platted" means the minimum distance between the building and the right-of-way, rear lot line, and/or side lot line as required by the Zoning Code and shown on the recorded plat of the subdivision.
- (136) "Setback, rear" means the minimum distance between the rear lot line and a building, as required by the Zoning Code.
- (137) "Setback, side" means the minimum distance between the side lot line and a building, as required by the Zoning Code.
- (138) "Sidewalk" means a Portland cement concrete paved area intended principally for use by pedestrians. While some previously constructed sidewalks in the Village may be less than five feet in width, all newly constructed sidewalks shall be at least five feet in width.
- (139) "Solicitor" means the legal counsel of the Village.

- (140) "Steps" or "Stairs" means one or more interior or exterior constructions made of wood, stone, brick, metal, concrete or other building material, providing a rest for the foot when ascending or descending from one level to another.
- (141) "Story" means that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.
- (142) "Stream" means a natural course of running water usually flowing in a particular direction in a definite channel and discharging into some other stream or body of water.
- (143) "Stream, ephemeral" means a watercourse having a source and terminus, banks and channel and that contains running water usually only sporadically such as during and after storm events. Flow is not caused by groundwater sources.
- (144) "Stream, intermittent" means a watercourse having a source and terminus, banks, and channel and has flowing water during only part of the year, or certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.
- (145) "Stream, perennial" means a watercourse having a source and a terminus, banks and channel through which has running water on a year-round basis.
- (146) "Street, arterial" means a street which accommodates traffic to and from the expressways or to or through major commercial districts. Traffic volumes are generally greater than 10,000 ADT.
- (147) "Street, cul-de-sac" means a local street having only one outlet and a paved, circular turnaround.
- (148) "Street, dead end" means a local street having only one outlet without a safe and convenient means for reversal of traffic.
- (149) "Street, expressway" means a street entirely devoted to the movement of large volumes of traffic at relatively high speeds. Access is completely controlled, not intended to serve abutting property.
- (150) "Street, industrial" means a street intended to provide access to other streets from industrial properties, generally being a volume of traffic that includes a relatively large number of vehicles other than passenger automobiles.
- (151) "Street, local" means a street intended to provide access to other streets from individual properties, generally bearing a volume of traffic no greater than 800 ADT.
- (152) "Street, major collector" means a street which carries traffic from the minor collector system to the arterial. Traffic usually has origin and destination within the community and does not exceed 10,000 ADT.
- (153) "Street, minor collector" means a street which carries internal traffic within a given neighborhood, connecting local streets to the major collectors or to the arterial system and generally bearing volume of traffic no greater than 4,000 ADT.
- (154) "Street, private" means a privately owned strip of land providing access to abutting properties.
- (155) "Structure" means that which is constructed having a location on or in the ground or attached to that having a location on or in the ground; the term shall include buildings, outdoor seating facilities, outdoor theaters, swimming pools, platforms, decks, tents, towers, bridges, poles, and roadside signs.
- (156) "Structural repair/alteration" means any repair to, or change in, the supporting members of a building or structure, such as bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other ordinances.
- (157) "Structure, principal" means a structure in which is conducted the principal use of the lot on which it is situated.

- (158) "Swimming Pool" means a pool or open tank containing at least 1.5 feet of water depth at any point and maintained by the owner or manager. Farm ponds are exempt from this definition.
- a. Private. Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.
 - b. Community. Operated with a charge for admission; a primary use.
- (159) "Telecommunication tower" means any structure with radio frequency transmission or reception equipment attached that is free standing or is to be connected to a building or other structure. A telecommunication tower shall meet all of the following conditions:
- a. It is constructed on or after October 31, 1996;
 - b. It is owned or principally used by a public utility engaged in the provision of telecommunication services;
 - c. It is a freestanding structure or is attached to another building or structure and is higher than the maximum allowable height permitted in the zoning district in which it is located.
- (160) "Temporary use or structure" means a transient, non-permanent use or structure permitted to exist for a designated period of time during periods of construction of the principal use or structure, or for special events. A temporary structure shall not be intended to be permanently affixed to the ground.
- (161) "Tree" means a woody perennial plant having a distinct trunk a minimum 2 inches caliper as measured 4 feet from the ground with branches and foliage at some distance above the ground.
- (162) "Tree Commission" means a group formally appointed by the Village Council to work with the Planning and Zoning Commission in the enforcement of a tree preservation ordinance. In the absence of an appointed Tree Commission, the Planning and Zoning Commission shall have such authority.
- (163) "Tree lawn" means the strip of land between the back of curb and sidewalks.
- (164) "Tree, large" means any tree species having a trunk diameter of 6 inches or more as measured 4 feet from the ground.
- (165) "Tree, significant" means any individual tree that is of cultural, historical, biological, or horticultural value as determined by the Village Council with the advice of the Planning and Zoning Commission.
- (166) "Use" means the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.
- (167) "Variance or Area Variance" means a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the zoning code would result in unnecessary practical difficulties.
- (168) "Veterinary animal hospital or clinic" means a place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation, and/or recuperation. It may also include boarding that is incidental to the primary activity.
- (169) "Village" means a) the Village of Sparta, Ohio; b) a municipal corporation of less than five thousand citizens (ORC 703.1)
- (170) "Walkway" means a dedicated public right-of-way limited to pedestrian traffic.
- (171) "Wetlands" means lands that are wet for significant periods during the year that typically create anaerobic (i.e. low oxygen) conditions favoring the growth of hydrophytic plants and the formation of hydric soils.

Wetlands are important natural resources providing numerous values to society, including fish and wildlife habitat, flood protection, erosion control, and water quality maintenance.

- (172) "Wholesale and warehousing" means business establishments that generally store and sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, of for use by a business service.
- (173) "Yard" means an open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in these Regulations.
- (174) "Yard, front" means a yard across the full width of the lot extending from the front line of the main building to the front line of the lot. On corner lots the front yard shall face the shortest street dimension of the lot except that if the lot is square or almost square, i.e., has dimensions in a ratio of from 3:2 to 3:3, then the front yard may face either street.
- (175) "Yard, rear" means an open space between the rear line of the principal structure, exclusive of steps, and the rear line of the lot and extending the full width of the lot and may be used for accessory structures.
- (176) "Yard, side" means an open, unoccupied space on the same lot with a structure between the side line of the structure, exclusive of steps, and the side line of the lot and extending from the front line to the rear line of the building.
- (177) "Zero Lot Line Development" means the location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.
- (178) "Zoning District" means any section of the Municipality in which zoning regulations are uniform.
- (179) "Zoning District Map" means the zoning district map or maps of the Municipality, together with all amendments subsequently adopted.
- (180) "Zoning Inspector" means the official charged with the administration and enforcement of the Zoning Ordinance.
- (181) "Zoning Ordinance" means Titles Three, Five and Seven of Part Eleven - Planning and Zoning Code.
- (182) "Zoning Permit" means a permit issued by the Zoning Inspector prior to the construction, erection, or addition of a building within Sparta.

CHAPTER 1138 – BOARD OF ZONING APPEALS

1138.01 ESTABLISHED; MEMBERS.

- (a) A Board of Zoning Appeals is hereby created. Such Board shall consist of five members, to be appointed by the Mayor, all of whom shall be residents of the Village. Of these five members, one shall be a member of Council and one shall be a member of the Planning and Zoning Commission.
- (b) The terms of all members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified.
- (c) Members of the Board shall be removable for nonperformance of duty, misconduct in office or other cause by Council upon written charges having been filed with Council and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten days prior to the hearing, either personally, or by registered mail, or by leaving the same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges.
- (d) Vacancies shall be filled by Council and shall be for the unexpired term.

1138.02 ORGANIZATION AND MEETINGS.

- (a) The Board of Zoning Appeals shall organize and adopt rules in accordance with the Zoning Ordinance.
- (b) Meetings of the Board shall be held at the call of the chairman, and at such other times as the Board determines. All meetings of the Board of Zoning Appeals shall be open to the public.
- (c) The chairman, or in his absence the acting chairman, may administer oaths, and the Board of Zoning Appeals may compel the attendance of witnesses.
- (d) The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Fiscal Officer, and be a public record.

1138.03 POWERS AND DUTIES.

The Board of Zoning Appeals shall have the following powers and duties:

- (a) **Administrative Review.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of the Zoning Ordinance.
- (b) **Conditional Use.** To authorize only such conditional uses as the Board of Zoning Appeals is specifically authorized to pass on by the terms of the Zoning Ordinance.
- (c) **Variances.** To hear and decide in specific cases such variance from the terms of the Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions on the land, a literal enforcement of the provisions of the Zoning Ordinance would result in practical difficulties in the case of an area variance. In granting such variance, the Board of Zoning Appeals shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the zoning district in conformity with the Zoning Ordinance.
- (d) **Special Permit.** To authorize only such special permits as the Board of Zoning Appeals is specifically authorized to consider by the terms of the Zoning Ordinance.

1138.04 PROCEDURE FOR ADMINISTRATIVE APPEAL.

- (a) Appeals to the Board of Zoning Appeals may be taken by any person aggrieved, or by any officer of the Municipality affected by any decision of the Zoning Inspector.
- (b) Appeals shall be taken within twenty calendar days after the decision by filing with the Zoning Inspector, a notice of appeal, specifying the grounds. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action was taken.

1138.05 PROCEDURE FOR VARIANCE.

- (a) Nature of Variance. On a particular property extraordinary circumstances may exist making a strict enforcement of the applicable development standards of the Zoning Ordinance unreasonable and, therefore, the procedure for variance from development standards is provided to allow the flexibility necessary to adapt to changed or unusual conditions, both foreseen and unforeseen, under circumstances which do not ordinarily involve a change of the primary use of the land or structure permitted. Variances shall not be granted on the grounds of convenience or reduced or greater profit, and evidence of variances granted under similar conditions elsewhere is irrelevant.
- (b) Written Application. Eight copies of a provided application accompanied by a copy of the denied Zoning Permit shall be filed with the Zoning Inspector within twenty calendar days after the decision of such denial of the Zoning Permit. In addition, the following information shall accompany the application of appeal. The Zoning Inspector shall review the application for completeness prior to accepting it for filing and forwarding it to the Board of Zoning Appeals for consideration. The Zoning Inspector shall approve the completeness of the application if it evidences response to all submittal requirements and criteria as stated in this Ordinance.
 - (1) Description of property and nature of variance. The application shall include the following statements:
 - A. The nature of the variance, including the specific provisions of the Zoning Ordinance upon which the variance is requested.
 - B. A legal description of the property.
 - C. A statement of the special circumstances or conditions applying to the land or structure and not applying generally throughout the zoning district.
 - D. A statement showing that the special conditions and circumstances do not result from the actions of the applicant.
 - E. A statement showing that the granting of the application is necessary to the preservation and enjoyment of substantial property rights.
 - F. Such other information regarding the application for variance as may be pertinent or required for appropriate action by the Board of Zoning Appeals.
 - (2) Plot plan. The application shall be accompanied by eight copies of a plot plan drawn to an appropriate scale showing the following:
 - A. The boundaries and dimensions of the lot.
 - B. The nature of the special conditions or circumstances giving rise to the application for approval.
 - C. The size and location of existing and proposed structures.
 - D. The proposed use of all parts of the lot and structures, including accessways, walks, off-street parking and loading spaces, and landscaping.

- E. The relationship of the requested variance to the applicable development standards and other requirements of the Zoning Ordinance.
 - F. The use of land and location of structures on adjacent property.
- (3) A list containing the names and mailing addresses of all owners of property within 250' of the parcel at issue.
- (c) Action by the Board of Zoning Appeals. The Board of Zoning Appeals shall hold a public hearing within forty-five (45) days after receipt of a complete application and act on an application for a variance. At such hearing the applicant shall present a statement and adequate evidence in such form as the Board of Zoning Appeals may request. Failure to appear means the application will be deemed dismissed or withdrawn by the applicant.
 - (1) Notice of Public Hearing in Newspaper. Before conducting the public hearing required in Section 1138.05 (c) herein, notice of such hearing shall be given in one or more newspapers of general circulation in the Municipality at least fifteen (15) days before the date of said hearings. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.
 - (2) Notice to Parties in Interest. Before conducting the public hearing required in Section 1138.05 (c) herein, written notice of such hearing shall be mailed by the Zoning Inspector by first class mail, at least fifteen (15) days prior to the hearing to all property owners within 250 feet of the parcel at issue. Failure of delivery of notice does not invalidate notice. This notice shall contain the same information as required of notices published in newspapers as specified in Section 1138.05 (c)(1) above. Failure of delivery of notice does not invalidate said notice.
 - (3) Approval of Variance by the Board of Zoning Appeals. Within forty-five (45) days after the public hearing required in Section 1138.05 (c), the Board of Zoning Appeals shall approve, approve with supplementary conditions, or disapprove the request for variance. The Board of Zoning Appeals shall only approve a variance or modification thereof if the following findings are made:
 - A. That said area variance will not be contrary to the public interest.
 - B. That said area variance is justified due to special conditions.
 - C. That the literal enforcement of the Zoning Ordinance will result in practical difficulties. The factors to be considered and weighed in determining whether practical difficulties have been encountered shall include, but not be limited to the following:
 - 1. Whether there can be any beneficial use of the property without the variance;
 - 2. Whether the variance is substantial;
 - 3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
 - 4. Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage);
 - 5. Whether the property owner purchased the property with knowledge of the zoning restriction; and
 - 6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
 - D. That the spirit of the Zoning Ordinance will be observed and substantial justice done if the area variance is granted.

E. That the variance is based on need not convenience or profit.

- (4) Use Variance. The Board of Zoning Appeals will not approve a use variance. A change in use requires a rezoning consistent with the amendment procedures outlined in Chapter 1136.
- (d) Zoning Permit. A Zoning Permit may be issued for an approved variance.
- (e) Building Permit. A building permit may be obtained only for the development in accordance with the approved plot plan.

1138.06 PROCEDURE FOR AUTHORIZING A CONDITIONAL USE.

- (a) Nature of Conditional Uses. Specifically listed conditional uses are provided within the zoning district regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the permitted uses of such zoning districts.

The intent of this section is to set forth the development standards and criteria for locating and developing a conditional use in accordance with the nature of the surrounding area, conditions of development and with regard to appropriate plans.

- (b) Written Applications. Eight copies of a provided application form shall be filed with the Zoning Inspector in addition to the following information. The Zoning Inspector shall review the application for completeness prior to accepting it for filing and forwarding it to the Board of Zoning Appeals for consideration. The Zoning Inspector shall approve the completeness of the application if it evidences response to all submittal requirements and criteria as stated in this Ordinance.

(1) Description of property and intended use. The application shall include the following statements:

- A. A legal description of the property.
- B. The proposed use of the property.
- C. A statement of the necessity or desirability of the proposed use to the neighborhood or community.
- D. A statement of the relationship of the proposed use to adjacent property and land use.
- E. Such other information regarding the property, proposed use or surrounding area as may be pertinent to the application or required for appropriate action by the Board of Zoning Appeals.

(2) Plot plan. The application shall be accompanied by eight copies of a plot plan, drawn to an appropriate scale, clearly showing the following:

- A. The boundaries and dimensions of the lot.
- B. The size and location of existing and proposed structures.
- C. The proposed use of all parts of the lot and structures, including accessways, walks, off-street parking and loading spaces, signage, lighting, and landscaping.
- D. The relationship of the proposed development to the applicable development standards and other requirements of the Zoning Ordinance.
- E. The use of land and location of structures on adjacent property.

(3) A list containing the names and mailing addresses of all owners of property within 250' of the parcel at issue.

- (c) Actions of the Board of Zoning Appeals. The Board of Zoning Appeals shall hold a public hearing within forty-five (45) calendar days after receipt of a complete application and act on a conditional use in one of the ways outlined below. The applicant or their representative is required to attend the public hearing. If the applicant or their representative is not present, the request for a conditional use permit will not be heard.
- (1) Notice of Public Hearing in Newspaper. Before conducting the public hearing required in Section 1138.06 (c) herein, notice of such hearing shall be given in one or more newspapers of general circulation in the Municipality at least fifteen (15) days before the date of said hearings. The notice shall set forth the time and place of the public hearing, and the nature of the proposed conditional use.
 - (2) Notice to Parties in Interest. Before conducting the public hearing required in Section 1138.06 (c) herein, written notice of such hearing shall be mailed by the Zoning Inspector by first class mail, at least fifteen (15) days prior to the hearing to all property owners within 250 feet of the parcel at issue. Failure of delivery of notice does not invalidate notice. This notice shall contain the same information as required of notices published in newspapers as specified in Section 1138.06 (c)(1) above. Failure of delivery of notice does not invalidate said notice.
 - (3) Approval. The Board of Zoning Appeals shall approve an application for a conditional use if the following three conditions are met:
 - A. The proposed use is a conditional use of the zoning district, and the applicable development standards established in the Zoning Ordinance are met.
 - B. The proposed development is in accord with appropriate plans for the area.
 - C. The proposed development will be in keeping with the existing land use character and physical development potential of the area.
 - (4) Approval with modification. The Board of Zoning Appeals may approve with modification an application for a conditional use, if the proposed use is a conditional use of the zoning district and the applicable development standards are met, but plot plan modification is required:
 - A. To be in accord with appropriate plans for the area, and
 - B. To prevent undesirable effects on adjacent property and the surrounding area. Such modification may be a limitation on the extent or intensity of development, a requirement for additional screening by fence or landscaping, a change in the method or plan for lighting, control of access or other conditions of development as may be required. Recommendations regarding the modification of plans or other appropriate actions shall be stated with the reasons for each recommendation.
 - (5) Disapproval. The Board of Zoning Appeals shall only disapprove an application for a conditional use for any one of the following reasons:
 - A. The proposed use is not a conditional use of the zoning district, or the applicable development standards are not and cannot be met.
 - B. The proposed development is not in accord with appropriate plans of the area.
 - C. The proposed development will have undesirable effects on the surrounding area and is not in keeping with the existing land use character and physical development potential of the area.
- (d) Conditional Use Approval. Upon a favorable finding, the Board of Zoning Appeals shall approve a conditional use application within thirty days following the public hearing.
- (e) Conditional Use Permit. A Zoning Permit may be issued only for an approved conditional use within the period of one year from the date of final approval by the Board of Zoning Appeals.

- (f) Building Permit. A building permit may be obtained only for the development in accordance with the approved plot plan.

1138.07 PROCEDURE FOR AUTHORIZING A SPECIAL PERMIT.

- (a) Nature of Special Permit. Due to unique characteristics relative to location, design, size, operation, traffic circulation or need for public services, several specific uses have been identified which require supplemental criteria and review to substantiate that the use is appropriate for the proposed location. The uses that require a Special Permit are listed in Chapter 1184.
- (b) Written Applications. Eight copies of a provided application form and a dimensioned site plan shall be filed with the Zoning Inspector in addition to the following information. The Zoning Inspector shall review the application for completeness prior to accepting it for filing and forwarding it to the Board of Zoning Appeals for consideration. The Zoning Inspector shall approve the completeness of the application if it evidences response to all submittal requirements and criteria as stated in this Ordinance.
 - (1) Description of property and intended use. The application shall include the following statements:
 - A. A legal description of the property.
 - B. The proposed use of the property.
 - C. A statement of the necessity or desirability of the proposed use to the neighborhood or community.
 - D. A statement describing the relationship of the proposed use to adjacent property and land use.
 - E. Such other information regarding the property, proposed use or surrounding area as may be pertinent to the application or required for appropriate action by the Board of Zoning Appeals.
 - (2) Plot plan. The application shall be accompanied by eight copies of a plot plan, drawn to an appropriate scale, clearly showing the following:
 - A. The boundaries and dimensions of the lot.
 - B. The size and location of existing and proposed structures.
 - C. The proposed use of all parts of the lot and structures, including accessways, walks, off-street parking and loading spaces and landscaping.
 - D. The relationship of the proposed development to the applicable development standards and other requirements of the Zoning Ordinance.
 - E. The use of land and location of structures on adjacent property.
 - (3) A list containing the names and mailing addresses of all owners of property within 250' of the parcel at issue.
- (c) Actions of the Board of Zoning Appeals. The Board of Zoning Appeals shall hold a public hearing within forty-five calendar days of receipt of a completed application and act on a Special Permit in one of the ways outlined below. The applicant or their representative is required to attend the public hearing. If the applicant or their representative is not present, the request for a special permit will not be heard.
 - (1) Notice of Public Hearing in Newspaper. Before conducting the public hearing required in Section 1138.07 (c) herein, notice of such hearing shall be given in one or more newspapers of general circulation in the Municipality at least fifteen (15) days before the date of said hearings. The

notice shall set forth the time and place of the public hearing, and the nature of the proposed Special Permit.

- (2) Notice to Parties in Interest. Before conducting the public hearing required in Section 1138.07 (c) herein, written notice of such hearing shall be mailed by the Zoning Inspector by first class mail, at least fifteen (15) days prior to the hearing to all property owners within 250 feet of the parcel at issue. Failure of delivery of notice does not invalidate notice. This notice shall contain the same information as required of notices published in newspapers as specified in Section 1138.07 (c)(1) above. Failure of notice does not invalidate said notice.
- (3) Approval. The Board of Zoning Appeals shall approve an application for a Special Permit if the following three conditions are met:
 - A. The proposed use is a Special Permit Use listed in Chapter 1184;
 - B. The proposed development is in accordance with appropriate plans for the area; and
 - C. The proposed development will be in keeping with the existing land use character and physical development potential of the area.
- (4) Approval with modification. The Board of Zoning Appeals may approve with modification an application for a Special Permit, if the proposed use is a Special Permit Use in the zoning district and the applicable development standards are met, but plot plan modification is required:
 - A. To be in accord with appropriate plans for the area; and
 - B. To prevent undesirable effects on adjacent property and the surrounding area. Such modification may be a limitation on the extent or intensity of development, a requirement for additional screening by fencing or landscaping, a change in the method or plan for lighting, control of access or other conditions of development as may be required. Recommendations regarding the modification of plans or other appropriate actions shall be stated with the reasons for each recommendation.
- (5) Disapproval. The Board of Zoning Appeals shall only disapprove an application for a Special Permit for any one of the following reasons:
 - A. The proposed use is not a Special Permit use of the Zoning District or the applicable development standards are not and cannot be met;
 - B. The proposed development is not in accord with appropriate plans of the area, will have undesirable effects on the surrounding area or is not in keeping with the existing land use character and physical development potential of the area.
- (6) Building Permit . A building permit may be obtained from the State of Ohio (Department of Commerce) or the Morrow County certified building department, as applicable for the development only if in accordance with the approved plot plan and having obtained a zoning permit from the Village.
- (7) Special Permit Approval. Upon a favorable finding, the Board of Zoning Appeals shall approve a Special Permit Application within thirty (30) calendar days following the public hearing.
- (8) Special permit. A Zoning Permit may be issued for an approved Special Permit Use only within the period of one year from the date of final approval by the Board of Zoning Appeals.

1138.08 FEES FOR APPEALS, VARIANCES, CONDITIONAL USES AND SPECIAL PERMITS.

A fee in such amount as may be established by the Council acting by ordinance or resolution shall be paid to the Municipality for each application for appeal, variance, conditional use or special permit to cover the necessary administrative and advertising costs.

CHAPTER 1139 – PLANNING AND ZONING COMMISSION

1139.01 ESTABLISHMENT, ORGANIZATION AND MEMBERS.

- (a) Pursuant to ORC 713.01, a Planning and Zoning Commission is hereby created and established. Such Commission shall be composed of five (5) members who reside in the incorporated area of the Village and shall include the Mayor, one (1) member of Council designated by Council, and three (3) citizens of the Village to be appointed by the Mayor for terms of six (6) years each, except that the term of one (1) of such members of the first commission shall be four (4) years and one for two (2) years.
- (b) The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of the Zoning Ordinance.
- (c) Commission meetings shall be held at the call of the Chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record.
- (d) All such members shall serve without compensation.

1139.02 POWERS AND DUTIES.

The powers and duties of the Commission shall be those granted or imposed by ORC 713.01 to 713.27, 735.17 to 735.26, 735.15 and all other sections of the Revised Code, those provided by this Zoning Ordinance, such as are otherwise provided by ordinances passed by Council relating to the Planning and Zoning Commission, and the following:

- (a) Review of preliminary and final plats and recommendation of action of Council;
- (b) Approval of waivers of the Subdivision Regulations as provided in Chapter 1109 and variances to the Subdivision Regulations as provided in Chapter 1125.16;
- (c) Initiate and review amendments to the Zoning Map and to the Zoning Ordinance and recommendation of action to Council;
- (d) Initiate rezoning applications;
- (e) Initiate the inclusion of annexed territory in one or more of the zoning districts defined in the Zoning Ordinance as amended;
- (f) Review and approve final development plans, amended and revised development plans and plan refinements for planned districts;
- (g) Review and approve site development plans;
- (h) Initiate planning activities within the Village including comprehensive planning, Land use planning, park and recreation planning, and all other types of planning activities as may be appropriate; and
- (i) To hear and determine appeals provided by the Subdivision Regulations and Zoning Ordinance.

CHAPTER 1140 – SITE DEVELOPMENT PLANS

1140.01 PURPOSE AND INTENT.

- (a) Site development plans are intended to ensure ample provisions for the efficient use of land and to promote high standards in the layout, design, landscaping and construction of development. They are further intended to supplement the provisions of the Subdivision Regulations and to further the purposes and provisions of this code for developments other than subdivision developments.
- (b) The purposes of this chapter are to state the specific additional requirements applicable to the development of land in certain zoning districts, and to prescribe the standards for the preparation and submission of site development plan drawings and for the design and construction of required improvements.

1140.02 SITE DEVELOPMENT PLANS REQUIRED.

Prior to issuance of a zoning permit for all developments other than single family residential and two-family residential developments, a site plan as defined herein shall be submitted to the Village of Sparta Zoning Inspector for review and approval.

1140.03 DEFINITIONS.

The following definitions apply to this chapter.

- (a) "Development" means the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; the construction, expansion or modification of any parking areas, loading areas, access drives or other paved surfaces; any mining, excavation, landfill or other modification of the natural landscape; any changes to approved landscape plans including plant materials, grading, walls or fences.
- (b) "Site Plan" means a plan, to scale, that illustrates the proposed physical changes for a parcel or parcels of land. The Plan should include, an affirmative, by the number, statement of compliance with the 1140.04(b) Minor Site Plan and 1140.05(b) Major Site Plan Submittal Requirements.
- (c) "Major Site Plan" means a plan for a development which meets one of the following definitions:
 - (1) A development involving any new construction other than one or two family residential structures.
 - (2) A development involving an addition of more than 20 percent of the gross floor area of a structure, or no more than 5000 square feet of impervious surface.
 - (3) A development creating more than 10,000 square feet of impervious surface.
 - (4) A development impacting or adjacent to a historic, archaeological, or environmentally sensitive feature.
 - (5) A development impacting a non-residential site adjacent to a residential zoning district.
 - (6) A development which conflicts with an adopted Village plan.
 - (7) A development of a non-conforming site or site which does not meet the development standards of the zoning district in which it is located.
 - (8) A development which generates sufficient volumes of traffic, unusual patterns, or types of traffic that result in lowering the level of service of affected streets or intersections.
 - (9) Other unusual or unique impacts which, in the professional opinion of the Zoning Inspector, warrant public review.

- (d) "Minor Site Plan" means a plan for a development which does not qualify as a Major Site Plan by definition in 1140.03(c) or specific determination by the Zoning Inspector.

1140.04 MINOR SITE PLAN.

- (a) Application. An application for a minor site plan shall be filed by the applicant on a form provided by the Zoning Inspector. In order to defray the cost of examination of plans and inspection, the applicant shall pay a fee in accordance with the fee schedule in Chapter 1135.04.
- (b) Submittal Requirements.
- (1) A survey showing boundary information, existing and proposed development, existing and proposed easements, rights-of-way, location of existing water bodies, streams, drainage ditches, stands of trees and trees with a caliper of more than six inches in diameter, and the location of utilities, including storm water drainage.
 - (2) A sketch plan indicating buildings, service areas, parking, fencing, landscaping, and all required setbacks.
 - (3) All parking and loading areas shall be shown, including typical dimensions of parking stalls, aisles and loading spaces.
 - (4) All driveways and curb cuts shall be indicated, including major aisle ways and service routes. Pedestrian circulation shall also be indicated.
 - (5) Handling of all waste and refuse materials shall be indicated.
 - (6) Proposed landscaping shall be shown, as per the zoning code.
 - (7) Signage may be required to be shown, as per the zoning code.
 - (8) All exterior lighting shall be shown, including parking lot, pedestrian, and building accent lighting. Lighting intensity and installation height shall be indicated.
 - (9) Exterior building design and surface treatments shall be indicated, including building material and color. Color and material samples shall also be made available for inspection.
 - (10) Stormwater retention and detention areas.
- (c) Procedure.
- (1) Any applicant requesting approval of a minor site plan as defined herein shall submit to the Zoning Inspector four copies of the application, including the items specified in 1140.04(b) submittal requirements and the prescribed fee.
 - (2) Within thirty (30) calendar days of filing a complete application, the Zoning Inspector may approve the application for site plan review based upon adopted regulations and standards, design guidelines contained herein or determine that the application is a major site plan. If the application is determined to be a major site plan, the Zoning Inspector will schedule a review by Planning and Zoning Commission. In addition, the Zoning Inspector may schedule a review by Planning and Zoning Commission if unusual site circumstances exist as determined by the Zoning Inspector.
 - (3) A Zoning Permit shall be issued by the Zoning Inspector within fourteen calendar days following minor site plan approval.
 - (4) The Zoning Inspector shall prepare a report for the Planning and Zoning Commission listing all minor site plans approved. Such report shall be presented at the next regularly scheduled meeting of the Planning and Zoning Commission following approval of the minor site plan.

1140.05 MAJOR SITE PLAN.

- (a) Application. An application for a major site plan shall be filed by the applicant with the authorization of the property owner on a form provided by the Zoning Inspector. Nothing shall prevent the concurrent submittal of an application for a major site plan with the submittal of an application for a zoning map amendment. Approval of a major site plan submitted concurrently with an application for zoning map amendment may not become effective until the zoning map amendment application has been approved by Council. In order to defray the cost of examination of plans and inspection, the applicant shall pay a fee in accordance with the fee schedule adopted and approved by Council.
- (b) Submittal Requirements. The following items are required at the time that a site plan is submitted. If the site is part of a planned district that has received final development plan approval and select requirements do not seem to apply, the applicant must state in writing that the requirement does not apply and why.
 - (1) A survey showing boundary information, existing and proposed development, existing and proposed easements, rights-of-way, location of existing water bodies, streams, drainage ditches, stands of trees and trees with a caliper of more than six inches in diameter, and the location of utilities including stormwater drainage.
 - (2) The site plan shall indicate the use of land and location of structures on adjacent property and all proposed uses and the location of proposed structures on the subject property, showing square footages and tenant types for the first phase of the development plan. Structures planned for subsequent phases shall be schematically indicated. All required setbacks shall also be indicated.
 - (3) A detailed parking layout for off-street parking, loading, and service areas must be shown, including the following:
 - A. Number of spaces indicated by total number of on-site spaces and to be summed by row;
 - B. Access points and expected movement through and between separate parking lot areas;
 - C. Expected pedestrian access routes from parking areas to structures.
 - (4) All major circulation routes, including arterials, adjacent curb cuts, collector and local streets, driveways and curb cuts, and including major aisle ways and service routes shall be indicated. Major pedestrian circulation routes shall also be indicated, including dimensions of path and pedestrian crossings, etc., plus any attempts at separating vehicular and pedestrian/recreation movement.
 - (5) Handling of all waste and refuse materials shall be indicated.
 - (6) Proposed landscaping shall be shown, as per a landscape plan required by Chapter 1187.
 - (7) All signage and graphics may be required to be shown, as per Chapter 1199.
 - (8) All exterior lighting shall be shown, including parking lot, pedestrian, and building accent lighting. Lighting intensity and installation height shall be indicated as well as the style of the fixture.
 - (9) Exterior building design and surface treatments shall be indicated, including building material and color. Color and material samples may also be requested.
 - (10) The proposed provision of all utilities including storm drainage retention or detention shall be specifically detailed.
 - (11) Traffic impact study as requested by the Planning and Zoning Commission meeting the requirements of Section 1134.05 .
 - (12) All reserve parcels and anticipated development phases shall be indicated.
 - (13) Environmental analysis if any portion of the site meets one or more of the following criteria:

- A. Any portion of the site is located in the 100-year floodplain.
- B. The site contains one or more wetlands.
- C. 25% or more of the site contains hydric soils.
- D. The parcel contains an agricultural drainage ditch.
- E. 25% or more of the total area of the site has slopes over 20%.
- F. 25% or more of the site is wooded.

(c) Procedure.

- (1) Any applicant requesting approval of a major site plan as defined herein, shall submit fifteen (15) copies of the application to the Zoning Inspector, including the items specified in 1140.05(b) herein, the prescribed fee, and any other information as determined appropriate by the Planning and Zoning Commission.
- (2) It shall be the duty of the Planning and Zoning Commission to review the major site plan and determine whether it complies with the adopted regulations and standards of the Village. The proposed development will be in keeping with the existing and/or proposed land use character and the physical development potential of the area. Such determination shall be made within a reasonable time at a regular meeting of the Planning and Zoning Commission in accordance with the submission and hearing schedule established by the Commission.
- (3) The Planning and Zoning Commission shall either approve, approve with supplementary conditions, or disapprove an application for a major site plan.
- (4) A Zoning Permit shall be issued by the Zoning Inspector within fourteen calendar days following major site plan approval.

(d) Modifications of the Major Site Plan.

- (1) Development shall be in conformance with the site plan and construction of site improvements must be commenced within two years of Planning and Zoning Commission approval; otherwise no development of the land shall take place until a new site plan is approved pursuant to this Section.
- (2) Approval of the Planning and Zoning Commission is required before any modification of the approved site plan may be made. Development of land shall not proceed prior to final approval of the site plan and issuance of a zoning permit. Any development undertaken without such final approval is in violation of this zoning ordinance.

(e) Appeal. Decisions of the Planning and Zoning Commission in approving, approving with supplementary conditions or disapproving applications for site plans may be appealed. Appeals shall be submitted to the Village Fiscal Officer within 10 days of the Planning & Zoning Commission's decision.

CHAPTER 1141 – ZONING DISTRICT MAP

1141.01 ZONING DISTRICT MAP ADOPTED.

- (a) Division of Land. All land in the Municipality is placed into a zoning district as is shown on the Zoning District Map which is hereby adopted and declared to be a part of the Zoning Ordinance.
- (1) Final authority. The Zoning District Map, as amended from time to time, shall be the final authority for the current zoning district status of land under the jurisdiction of the Zoning Ordinance.
 - (2) Land not otherwise designated. All land under the Zoning Ordinance and not designated or otherwise included within another zoning district on the Zoning District Map shall be included in the RU Rural District.
- (b) Identification of the Zoning District Map. The Zoning District Map, with any amendments made thereon, shall be identified by the signatures of the Mayor, the members of Council, the Village Fiscal Officer, and the Chairman of the Planning and Zoning Commission under the following words:

Official Zoning District Map, Sparta, Ohio.

Adopted by the Council, Sparta, Ohio.

Mayor	Date
Village Fiscal Officer	Chairman, Planning & Zoning
Council Member	Council Member
Council Member	Council Member
Council Member	Council Member

1141.02 DESIGNATION OF ZONING DISTRICTS.

- (a) Standard Zoning Districts. The names and symbols for standard zoning districts as shown on the Zoning District Map are as follows:

<u>NAME</u>	<u>SYMBOL</u>
Residential Districts	
Rural	RU
Single Family Residential	R-1
Single Family Residential	R-2
Multi-Family Residential	MFR
Non- Residential Districts	
Neighborhood Institutions / Business	B-1
Community Business	B-2
Restricted Industrial	I-1
Planned Unit District	
Planned Unit District	PUD

- (b) Legend. There shall be provided on the Zoning District Map a legend which shall list the name and symbol for each zoning district.
- (c) Use of Color or Pattern. In lieu of a symbol, a color or black and white pattern may be used on the Zoning District Map to identify each zoning district as indicated in the legend.

1141.03 INTERPRETATION OF ZONING DISTRICT BOUNDARIES.

- (a) Generally. The boundaries of the zoning districts are shown upon the Zoning District Map. The Zoning District Map and all notations, references and other information shown thereon are a part of the Zoning Ordinance and have the same force and effect as if the Zoning District Map and all the notations, references and other information shown thereon were all fully set forth or described herein, a certified copy of which district map is properly attested and is on file with the Village Fiscal Officer of the Municipality.
- (b) Rules for Determination. When uncertainty exists with respect to the boundaries of zoning districts as shown on the Zoning District Map, the following rules shall apply:
 - (1) Along a street or other right of way. Where zoning district boundary lines are indicated as approximately following a center line of a street or highway, alley, railroad easement or other right of way, or a river, creek or other watercourse, such center line shall be the zoning district boundary.
 - (2) Along a property line. Where zoning district boundary lines are indicated as approximately following a lot line, such lot line shall be the zoning district boundary.
 - (3) Parallel to right of way or property line. Where zoning district boundary lines are indicated as approximately being parallel to a center line or a property line, such zoning district boundary lines shall be parallel thereto and, in the absence of specified dimension on the map, at such scaled distance therefrom as indicated on the Zoning District Map.
 - (4) Actual conflict with Map. When the actual street or lot layout existing on the ground is in conflict with that shown on the Zoning District Map, the party alleging that such a conflict exists, shall furnish an actual survey for interpretation by Council.
 - (5) Right of way vacation. Whenever any street, alley or other public way is vacated by official action of Council, 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 area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district or districts.

CHAPTER 1143 – STANDARD ZONING DISTRICT REGULATIONS

1143.01 REGULATION OF THE USE AND DEVELOPMENT OF LAND AND STRUCTURES.

Regulations pertaining to the use of land and/or structures, and the physical development thereof within each of the zoning districts adopted as a standard zoning district in Chapter 1141, and as shown on the Zoning District Map, are hereby established and adopted.

1143.02 RULES OF APPLICATION.

The standard district regulations set forth in Chapters 1143 to 1181 shall be interpreted and enforced according to the following rules:

- (a) Identification of Uses. Listed uses are to be defined by their customary name or identification, except where they are specifically defined or limited in the Zoning Ordinance.
 - (1) When a listed use has a number preceding the name, it is the code number and activity title as listed in the Standard Industrial Classification Manual 1987.
 - (2) Industry code and title (four digits) shall include all activities listed under the industry code other than those specifically excepted.
 - (3) The full text of the listings in the Standard Industrial Classification Manual shall be a part of the definition of the use listed in the Zoning Ordinance and is hereby adopted as a part of Chapters 1143 to 1181.
- (b) Permitted Uses. Only a use designated as a permitted use shall be allowed as a matter of right in a zoning district. Any use not so designated shall be prohibited. When in character with the zoning district, additional uses may be added to the permitted uses of a zoning district by amendment of the Zoning Ordinance.
- (c) Conditional Uses. A use designated as a conditional use shall be allowed in a zoning district when such conditional use, its location, extent and method of development will not substantially alter the character of the vicinity or unduly interfere with the use of adjacent lots in the manner prescribed for the zoning district. To this end the Board of Zoning Appeals shall, in addition to the development standards for the zoning district, set forth such additional requirements as will, in its judgment render the conditional use compatible with the existing and future use of adjacent lots and the vicinity.
- (d) Development Standards. The development standards set forth shall be the minimum allowed for development in a zoning district. If the development standards are in conflict with the requirements of any other lawfully adopted rules, regulations or laws, the more restrictive or higher standard shall govern.

CHAPTER 1145 – RU RURAL DISTRICT

1145.01 PURPOSE.

The Rural District (RU) is established as an agricultural and low density, detached, single-family residential district serviced by public water and sanitary sewer systems where physical conditions limit the suitability of servicing by on-site systems. The RU District is most appropriate in less developed portions of the Municipality, serving as a transition between rural, predominantly agricultural areas and more developed areas.

1145.02 PERMITTED USE.

Land and buildings in the RU Rural District shall be used only for the following purposes:

- (a) Dwelling Structures. Single-family dwelling structures.
- (b) Accessory Uses. Accessory buildings and uses in association with agriculture or permitted dwellings as specified in Section 1183.05 , including: noncommercial guest house provided the lot is five acres or more.
- (c) Storage and Processing of Agricultural Products. Grain elevator, mill, or other facilities for the storage, sorting, or other preliminary processing of agricultural products, except that commercial grain elevator operations shall not be permitted. Storage facilities shall not be within fifty feet of a side or rear lot line, except when along a railroad right of way. Processing facilities shall not be within one hundred feet of a side or rear lot line, except when along a railroad right of way.
- (d) Small Wind Energy Projects that meet the requirements of Sections 1196.04 - 1196.06.
- (e) Professional Office.

1145.03 CONDITIONAL USE.

The following uses shall be allowed in the RU Rural District subject to approval in accordance with Section 1138.06.

- (a) Elementary and Secondary Schools. No rooms shall be regularly used for housing or sleeping of students.
- (b) Public and Private Parks and Public Recreational Facilities.
- (c) Religious. Church or other place of worship.
- (d) Child Day Care Services. (SIC 8351)
- (e) Cemetery. Cemeteries hereafter established, following the adoption of the Zoning Ordinance, shall occupy a parcel of not less than forty acres, excepting those parcels added to an existing cemetery, which may be less than forty acres.
 - 1. Interment shall not be within one hundred feet of any property line.
 - 2. A mausoleum, crematory, or other structure shall not be within three hundred feet of any property line.
- (f) Associated Sales. Associated sales as accessory to and in association with an agricultural permitted use, such associated sales to cease upon cessation of the agricultural activity. This shall include, but is not limited to, garden supplies with a nursery or greenhouse, milk products with a dairy, or imported produce with a permitted produce stand.

- (g) Boarding and Care of Animals. Office of veterinarian and animal hospital, kennel, or other facilities for care or boarding of animals, provided it occupies a lot of not less than five acres, and building pen or other enclosure so used shall not be within two hundred feet of any property line.
- (h) Commercial Grain Elevator Operations. Commercial grain elevator operations, provided that the Board of Zoning Appeals determines adequate lot area is available for such operation.
- (i) Bed and Breakfasts.
- (j) Home Occupation. Home occupation in association with a permitted dwelling, and in accordance with the provisions of Section 1183.12.
- (k) Accessory Dwelling Unit. Accessory dwelling units may be constructed in accessory structures provided they meet the requirements of Section 1183.05 and other additional requirements determined appropriate by the Board of Zoning Appeals.

1145.04 DEVELOPMENT STANDARDS.

In addition to the provisions of Chapter 1183, the following standards for arrangement and development of land and buildings are required for permitted uses in the RU Rural District.

- (a) Lot Area and Coverage. For agricultural purposes in determination of accessory and associated uses, the lot area shall be five acres or more. But this shall not exclude agricultural use of any smaller lot.
 - 1. For each dwelling unit there shall be a lot area not less than 1.5 acres per dwelling unit, excluding all road right-of-way easements.
 - 2. For each permitted and conditional use the lot area shall be adequate to meet the sanitation requirements of the County Board of Health, but shall not be less than that prescribed for such use.
 - 3. One principal use shall be permitted on a lot, and such lot shall not be covered more than thirty percent (30%) by structure.
- (b) Lot Width. For a single-family dwelling there shall be a lot width of 150 feet or more at the front building line. All lots within the RU Rural District shall abut on a public right of way. On a curving street or cul-de-sac sixty-five (65) feet of frontage on an improved public right-of-way is required and lot width shall be one hundred and fifty (150) feet at the minimum building line.
- (c) Front Yard Setback. For dwellings there shall be a front yard setback of ninety (90) feet as measured from the street right of way line.
- (d) Side Yard Setback. For dwellings or associated accessory buildings there shall be a side yard setback of fifteen (15) feet or more on each side as measured from the side lot line.
- (e) Rear Yard Setback. For dwellings, there shall be a rear yard setback of ninety (90) feet or more as measured from the rear lot line. For associated accessory buildings there shall be a rear yard setback of fifteen (15) feet or more as measured from the rear property line.
- (f) Maximum Height. No dwelling structure shall exceed thirty-five feet in height. Maximum height for other structures shall not exceed a safe height as determined by the Fire Chief and as reviewed and accepted by the Planning and Zoning Commission.
- (g) Minimum Dwelling Structure Size. No dwelling unit shall have less than 1,200 square feet of finished floor area.

CHAPTER 1147 – R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

1147.01 PURPOSE.

The R-1 Single Family Residential District is established as a low density, detached, single-family residential district. The R-1 District establishes and preserves quiet single-family neighborhoods free from other uses except those which are both compatible with and convenient to the residents of such a district. As the health, safety and welfare of residents in such neighborhoods is directly linked to the provision of essential services and facilities, connection to public sewer and water is required for each dwelling unit in the R-1 District.

1147.02 PERMITTED USE.

Land and buildings in the R-1 Single Family Residential District shall be used only for the following purposes:

- (a) Dwelling Structures. Single-family dwelling structures.
- (b) Accessory Uses. Accessory buildings and uses in association with permitted dwellings as specified in Section 1183.05 .

1147.03 CONDITIONAL USE.

The following uses shall be allowed in the R-1 Single Family Residential District subject to approval in accordance with Section 1138.06.

- (a) Elementary and Secondary Schools. No rooms shall be regularly used for housing or sleeping of students.
- (b) Public and Private Parks and Public Recreational Facilities.
- (c) Religious. Church or other place of worship.
- (d) Home Occupation. Home occupation in association with a permitted dwelling, and in accordance with the provisions of Section 1183.12.
- (e) Child Day Care Services. (SIC 8351)
- (f) Bed and Breakfasts.
- (g) Accessory dwelling unit. Accessory dwelling units may be constructed in accessory structures provided they meet the requirements of Section 1183.05 and other additional requirements determined appropriate by the Board of Zoning Appeals.
- (h) Small Wind Energy Projects that meet the requirements of Sections 1196.04 - 1196.06.

1147.04 DEVELOPMENT STANDARDS FOR PERMITTED USES.

In addition to the provisions of Chapter 1183, the following standards for arrangement and development of land and buildings are required for permitted uses in the R-1 Single Family Residential District.

- (a) Lot Area and Coverage. For each dwelling unit there shall be a lot area not less than 21,780 square feet per dwelling unit. One principal use shall be permitted on a lot, and such lot shall not be covered more than thirty percent (30%) by structure.
- (b) Lot Width. For a one family dwelling there shall be a lot width of one hundred (100) feet or more at the front building line and such lot shall abut on a public right of way. On a curving street or cul-de-sac fifty-five (55) feet of frontage on an improved public right-of-way is required and lot width shall be one hundred (100) feet or more at the minimum building line.

- (c) Front Yard Setback. For dwellings there shall be a front yard setback of sixty (60) feet or more as measured from the street right of way line.
- (d) Side Yard Setback. For dwellings or associated accessory buildings there shall be a side yard setback of twenty (20) feet or more on each side as measured from the side lot line.
- (e) Rear Yard Setback. For dwellings there shall be a rear yard setback of forty (40) feet or more as measured from the rear property line. For associated accessory buildings there shall be a rear yard setback of 20 feet or more as measured from the rear property line.
- (f) Maximum Height. No dwelling structure shall exceed thirty-five feet in height. Height of other structures shall not exceed the height of the dwelling structure.
- (g) Minimum dwelling structure size. No dwelling unit shall have less than 1,200 square feet of finished floor area.

1147.05 DEVELOPMENT STANDARDS FOR CONDITIONAL USES.

The Development Standards for Conditional Uses are provided for in Chapter 1183.

CHAPTER 1149 – R-2 SINGLE FAMILY RESIDENTIAL DISTRICT

1149.01 PURPOSE.

The R-2 Single Family Residential District is established as a medium density residential district. The R-2 District establishes and preserves quiet single-family neighborhoods free from other uses except those which are both compatible with and convenient to the residents of such a district. As the health, safety and welfare of residents in such neighborhoods is directly linked to the provision of essential services and facilities, connection to public sewer and water is required for each dwelling unit in the R-2 District.

1149.02 PERMITTED USE.

Land and buildings in the R-2 Single Family Residential Districts shall be used only for the following purposes:

- (a) Dwelling Structures. Single-family dwelling structures.
- (b) Accessory Use. Accessory buildings and uses in association with permitted dwellings as specified in Section 1183.05 .

1149.03 CONDITIONAL USE.

The following uses shall be allowed in the R-2 Single Family Residential District subject to approval in accordance with Section 1138.06.

- (a) Elementary and Secondary Schools. No rooms shall be regularly used for housing or sleeping of students.
- (b) Public and Private Parks and Public Recreational Facilities.
- (c) Religious. Church or other place of worship.
- (d) Child Day Care Services. (SIC 8351)
- (e) Home Occupation. Home occupation in association with a permitted dwelling, and in accordance with the provisions of Section 1183.12.
- (f) Bed and Breakfasts.
- (g) Accessory Dwelling Unit. Accessory dwelling units may be constructed in accessory structures provided they meet the requirements of Section 1183.05 and other additional requirements determined appropriate by the Board of Zoning Appeals.
- (h) Two-Family Residences (Duplexes). Subject to the following:
 - (1) A minimum lot area of 14,520 square feet and a minimum lot width of eighty feet are provided.
 - (2) A minimum floor area of 1000 square feet per unit is provided.
 - (3) A firewall meeting the applicable Ohio Building Code is provided along any proposed common wall.
 - (4) Separate utilities and meters are provided for each unit.
 - (5) Detailed street elevation plans are provided with the Conditional Use permit application.
 - (6) The proposed twin single, duplex or similar structure does not substantially depart from or detract from the character of the area.
 - (7) A minimum of four off-street parking spaces is provided per structure.

- (8) A minimum side yard setback of 15 feet or more on each side and a minimum rear yard setback of 40 feet or more are provided.
- (i) Small Wind Energy Projects that meet the requirements of Sections 1196.04 - 1196.06.

1149.04 DEVELOPMENT STANDARDS FOR PERMITTED USES.

In addition to the provisions of Chapter 1183, the following standards for arrangement and development of land and buildings are required in the R-2 Single Family Residential District.

- (a) Lot Area and Coverage. For each dwelling unit there shall be a lot area not less than 14,520 square feet per dwelling unit. Only one principal use shall be permitted on a lot, and such lot shall not be covered more than thirty percent (30%) by structure.
- (b) Lot Width. For a single-family dwelling there shall be a lot width of 80 feet or more at the front building line and such lot shall have access to and abut on a public right of way for a distance of sixty-six (66) feet or more. On a curving street or cul-de-sac forty-five (45) feet of frontage or more on an improved public right-of-way is required and lot width shall be eighty (80) feet or more at the minimum building line.
- (c) Front Yard Setback. For dwellings there shall be a front yard setback of thirty (30) feet as measured from the street right of way line.
- (d) Side Yard Setback. For dwellings there shall be a side yard setback of five (5) feet or more on each side as measured from the side lot line, so long as the structure is guaranteed to be fifteen (15) feet from all structures on adjoining lots. For accessory buildings there shall be a side yard setback of the same minimum distance.
- (e) Rear Yard Setback. For main buildings there shall be a rear yard of thirty (30) feet or more as measured from the rear property line. For associated accessory buildings there shall be a rear yard setback of ten (10) feet or more as measured from the rear property line.
- (f) Maximum Height. No dwelling structure shall exceed thirty-five feet in height. Height of other structures shall not exceed the height of the dwelling structure.
- (g) Minimum dwelling structure size. No dwelling unit shall have less than 900 square feet of finished floor area.

1149.05 DEVELOPMENT STANDARDS FOR CONDITIONAL USES.

The Development Standards for Conditional Uses are provided for in Chapter 1183.

CHAPTER 1157 – MFR MULTI-FAMILY RESIDENTIAL DISTRICT

1157.01 PURPOSE.

The MFR Multi-Family Residential District is established to allow renter and owner occupied properties at suitable locations with on-site amenities, such as recreational facilities and off-street parking. Such uses shall be serviced by public water and sanitary sewer systems and shall have access to either a collector or arterial street.

1157.02 PERMITTED USE.

Land and buildings in the MFR Multi-Family Residential District shall be used only for the following purposes:

- (a) Dwelling Structures. Multiple-family structures having three or more dwelling units per structure.
- (b) Accessory Uses. Accessory buildings and uses in association with permitted dwellings as specified in Section 1183.05 .

1157.03 CONDITIONAL USE.

The following uses shall be allowed in the MFR Multi-Family Residential District subject to approval in accordance with Section 1138.06.

- (a) Two-Family Structures. Subject to the following:
 - (1) A minimum lot area of 9,000 square feet and a minimum lot width of eighty feet or more are provided.
 - (2) A minimum floor area of 800 square feet per unit is provided.
 - (3) A firewall meeting the applicable Ohio Building Code is provided along any proposed common wall.
 - (4) Separate utilities and meters are provided for each unit.
 - (5) Detailed street elevation plans are provided with the Conditional Use permit application.
 - (6) The proposed twin single, duplex or similar structure does not substantially depart from or detract from the character of the area.
 - (7) A minimum of four off-street parking spaces is provided per structure.
 - (8) A minimum side yard setback of 10 feet or more on each side and a minimum rear yard setback of 15 feet or more are provided.
- (b) Elementary and Secondary Schools. No rooms shall be regularly used for housing or sleeping of students.
- (c) Public and Private Parks and Public Recreational Facilities.
- (d) Religious. Church or other place of worship.
- (e) Incidental and Accessory Uses. These uses include recreational facilities, swimming pools and rental offices when part of a multiple-family development.
- (f) Child Day Care Services.
- (g) Nursing Care Facilities.
- (h) Continuing Care Facilities for the Elderly.

- (i) Small Wind Energy Projects that meet the requirements of Sections 1196.04 - 1196.06.

1157.04 DEVELOPMENT STANDARDS FOR PERMITTED USES.

In addition to the provisions of Chapter 1183, the following standards for arrangement and development of land and buildings shall be required in the MFR Multi-Family Residential District.

- (a) Minimum Lot Area and Coverage. 15,000 square feet. No lot shall be covered more than fifty percent (50%) by structure and pavement.
 - (1) Minimum lot area per unit: 4400 square feet.
- (b) Lot Width. There shall be a lot width of one hundred twenty-five (125) feet or more at the front building line and such lot shall have access to and abut on a street for sixty (60) feet or more.
- (c) Minimum Front Yard Setback. Forty (40) feet as measured from the street right of way.
- (d) Side Yard Setback. Multiple family structures and accessory buildings shall be set back from all side property lines a minimum of twenty-five feet or more on each side as measured from the side property line.
- (e) Rear Yard Setback. For multiple family structures there shall be a rear yard setback of thirty-five (35) feet or more as measured from the rear property line. For associated accessory buildings there shall be a rear yard setback of fifteen (15) feet as measured from the rear property line.
- (f) Maximum Height. No dwelling structure shall exceed thirty-five feet in height. Height of other structures shall not exceed the height of the dwelling structure.
- (g) Minimum Distance Between Buildings. If there are two or more buildings located on the site there shall be a minimum distance between buildings of twenty-five (25) feet.

1157.05 DEVELOPMENT STANDARDS FOR CONDITIONAL USES.

The Development Standards for Conditional Uses are provided for in Chapter 1183.

CHAPTER 1161 – B-1 NEIGHBORHOOD INSTITUTIONS / BUSINESS DISTRICT

1161.01 PURPOSE.

The Neighborhood Institutions / Business District (B-1) is intended to encourage the clustering of small individual retail and personal service establishments to promote convenience in serving the daily needs of the surrounding residential areas.

1161.02 PERMITTED USE.

The following uses shall be permitted in the B-1 Neighborhood Institutions / Business District:

- 523 Paint, Glass, and Wallpaper Stores
 - 525 Hardware Stores
 - 545 Dairy Products Stores
 - 546 Retail Bakeries
 - 5812 Eating Places
 - 722 Photographic Studios, Portrait
 - 723 Beauty Shops *Except Schools
 - 724 Barber Shops *Except Barber Colleges
 - 725 Shoe Repair Shops and Shoeshine Parlors
 - 7291 Tax Return Preparation Services
 - 7338 Secretarial and Court Reporting Services
 - 762 Electrical Repair Shops
 - 763 Watch, Clock, and Jewelry Repair
 - 784 Video Tape Rental
 - 791 Dance Studios, Schools, and Halls
 - 7991 Physical Fitness Facilities
 - 801 Offices and Clinics of Doctors of Medicine
 - 802 Offices and Clinics of Dentists
 - 803 Offices and Clinics of Doctors of Osteopathy
 - 804 Offices and Clinics of Other Health Practitioners
 - 811 Legal Services
 - 872 Accounting, Auditing, and Bookkeeping Services
 - 9221 Police Protection
 - 9222 Legal Counsel and Prosecution
 - 9224 Fire Protection
- Small Wind Energy Projects that meet the requirements of Sections 1196.04 - 1196.06.

1161.03 CONDITIONAL USE.

The following uses shall be allowed in the B-1 Neighborhood Institutions / Business District subject to approval in accordance with Section 1138.06.

- 078 Landscape and Horticultural Services

591	Drug Stores and Proprietary Stores
602	Commercial Banks
603	Savings Institutions
606	Credit Unions
608	Foreign Banking and Branches and Agencies of Foreign Banks
609	Functions Related to Depository Banking
611	Federal and Federally-Sponsored Credit Agencies
614	Personal Credit Institutions
615	Business Credit Institutions
616	Mortgage Bankers and Brokers
621	Security Brokers, Dealers, and Flotation Companies
622	Commodity Contracts Brokers and Dealers
628	Services Allied with the Exchange of Securities or Commodities
631	Life Insurance
632	Accident and Health Insurance and Medical Insurance Plans
633	Fire, Marine, and Casualty Insurance
635	Surety Insurance
636	Title Insurance
637	Pension, Health, and Welfare Funds
639	Insurance Carriers, Not Elsewhere Classified
641	Insurance Agents, Brokers, and Service
651	Real Estate Operators (Except Developers) and Lessors
653	Real Estate Agents and Managers
654	Title Abstract Offices
655	Land Subdividers and Developers
671	Holding Offices
672	Investment Offices
673	Trusts
679	Miscellaneous Investing
702	Rooming and Boarding Houses
7215	Coin-Operated Laundries and Dry Cleaning
7349	Building Cleaning and Maintenance Service, Not Elsewhere Classified
7336	Graphic Design
7532	Body and Upholstery Repair Shops and Paint Shops
769	Miscellaneous Repair Shops and Related Services
821	Elementary and Secondary Schools
8351	Child Day Care Services
864	Civic, Social, and Fraternal Associations

Drive-up window service. Drive-up window service or outdoor service facility developed in association with and subordinate to a permitted use. Drive-up window service shall be limited to the side or rear of the building. Landscaping and buffering shall be required consistent with the standards of Chapter 1187.

1161.04 DEVELOPMENT STANDARDS.

In addition to the provisions of Chapter 1183, the following standards for arrangement and development of land and buildings shall be required in the B-1 Neighborhood Institutions / Business District.

- (a) Intensity of Use. No minimum lot size is required, however, lot size shall be adequate to provide the yard space required by these development standards.
- (b) Lot Width. No minimum lot width is required, however, all lots shall abut a street and have adequate width to provide the yard space required by these development standards.
- (c) Side Yards. A side yard shall be required adjacent to a residential zoning district or a planned residential zoning district as listed in Section 1141.02. Such side yards shall be not less than twenty-five (25) feet per side.
- (d) Rear Yard. A rear yard shall be required adjacent to a residential zoning district or a planned development zoning district as listed in Section 1141.02. Such required rear yards shall be not less than twenty-five (25) feet. A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than forty (40) feet wide.
- (e) Building size. Principal structures in the B-1 District shall not exceed 3,000 square feet.
- (f) Building Height. No building shall exceed thirty-five (35) feet in height.

CHAPTER 1163 – B-2 COMMUNITY BUSINESS DISTRICT

1163.01 PURPOSE.

The Community Business District (B-2) is intended to encourage the concentration of a broad range of individual commercial establishments which together may constitute a cluster of general commercial activity that serves a substantial portion of the Municipality's residential population. Concentrated general commercial developments should be ideally located near major circulation routes.

1163.02 PERMITTED USE.

The following uses shall be permitted in the B-2 Community Business District:

	Retail Feed/Grain Stores
0742	Veterinary Services for Animal Specialties
521	Lumber and Other Building Materials Dealers
523	Paint, Glass, and Wallpaper Stores
525	Hardware Stores
526	Retail Nurseries and Garden Stores
531	Department Stores
533	Variety Stores
539	Miscellaneous General Merchandise Stores
541	Grocery Stores
543	Fruit and Vegetable Markets
544	Candy, Nut, and Confectionery Stores
545	Dairy Products Stores
546	Retail Bakeries
553	Auto and Home Supply Stores
554	Gasoline Service Stations
561	Men's and Boy's Clothing and Accessory Stores
562	Women's Clothing Stores
563	Women's Accessory and Specialty Stores
564	Children's and Infants' Wear Stores
565	Family Clothing Stores
566	Shoe Stores
569	Miscellaneous Apparel and Accessory Stores
571	Home Furniture and Furnishings Stores
572	Household Appliance Stores
573	Radio, Television, Consumer Electronics, and Music Stores
5812	Eating Places
5813	Drinking Places (Alcoholic Beverages)
591	Drug Stores and Proprietary Stores
592	Liquor Stores
593	Used Merchandise Stores *Except Pawn Shops
594	Miscellaneous Shopping Goods Stores

596	Nonstore Retailers
599	Retail Stores, Not Elsewhere Classified *Except Retail Sale of Fireworks.
601	Central Reserve Depository Institutions
602	Commercial Banks
603	Savings Institutions
606	Credit Unions
608	Foreign Banking and Branches and Agencies of Foreign Banks
609	Functions Related to Depository Banking
611	Federal and Federally-Sponsored Credit Agencies
614	Personal Credit Institutions
615	Business Credit Institutions
616	Mortgage Bankers and Brokers
621	Security Brokers, Dealers, and Flotation Companies
622	Commodity Contracts Brokers and Dealers
623	Security and Commodity Exchanges
628	Services Allied with the Exchange of Securities or Commodities
631	Life Insurance
632	Accident and Health Insurance and Medical Service Plans
633	Fire, Marine, and Casualty Insurance
635	Surety Insurance
636	Title Insurance
637	Pension, Health, and Welfare Funds
639	Insurance Carriers, Not Elsewhere Classified
641	Insurance Agents, Brokers, and Service
651	Real Estate Operators (Except Developers) and Lessors
653	Real Estate Agents and Managers
654	Title Abstract Offices
655	Land Subdividers and Developers
671	Holding Offices
672	Investment Offices
673	Trusts
679	Miscellaneous Investing
701	Hotels and Motels
7211	Power Laundries, Family and Commercial
7212	Garment Pressing, and Agents for Laundries and Drycleaners
7213	Linen Supply
7215	Coin-Operated Laundries and Drycleaning
722	Photographic Studios, Portrait
723	Beauty Shops
724	Barber Shops
725	Shoe Repair Shops and Shoeshine Parlors
726	Funeral Service *Except Crematories

7291	Tax Return Preparation Services
731	Advertising
732	Consumer Credit Reporting Agencies, Mercantile Reporting Agencies, and Adjustment and Collection Agencies
7331	Direct Mail Advertising Services
7334	Photocopying and Duplicating Services
7335	Commercial Photography
7336	Commercial Art and Graphic Design
7338	Secretarial and Court Reporting Services
7349	Building Cleaning and Maintenance Services, Not Elsewhere Classified
7352	Medical Equipment Rental and Leasing
736	Personnel Supply Services
737	Computer Programming, Data Processing, and Other Computer Related Services
7381	Detective, Guard and Armored Car Services
7382	Security Systems Services
7383	News Syndicates
7549	Automotive Services, Except Repair and Carwashes
762	Electrical Repair Shops
763	Watch, Clock, and Jewelry Repair
764	Reupholstery and Furniture Repair
769	Miscellaneous Repair Shops and Related Services
7832	Motion Pictures Theaters, Except Drive-in
784	Video Tape Rental
791	Dance Studios, Schools, and Halls
792	Theatrical Producers (Except Motion Picture), Bands, Orchestras, and Entertainers
793	Bowling Centers
7941	Professional Sports Clubs and Promoters
7991	Physical Fitness Facilities
801	Offices and Clinics of Doctors of Medicine
802	Offices and Clinics of Dentists
803	Offices and Clinics of Doctors of Osteopathy
804	Offices and Clinics of Other Health Practitioners
8051	Skilled Nursing Care Facilities
8052	Intermediate Care Facilities
8351	Child Day Care Services
912	Legislative Bodies
913	Executive and Legislative Offices Combined
919	General Government, Not Elsewhere Classified
921	Courts
9221	Police Protection
9222	Legal Counsel and Prosecution
9224	Fire Protection
9229	Public Order and Safety, Not Elsewhere Classified

- 931 Public Finance, Taxation and Monetary Policy
- 941 Administration and Educational Programs
- 943 Administration of Public Health Programs
- 944 Administration of Social, Human Resource and Income Maintenance Programs
- 945 Administration of Veteran's Affairs, Except Health and Insurance
- 951 Administration of Environmental Quality Program
- 953 Administration of Urban Planning and Community and Rural Development
- 964 Regulation of Agricultural Marketing and Commodities
- 965 Regulation, Licensing and Inspection of Miscellaneous Commercial Sectors
- 966 Space Research and Technology
- Small Wind Energy Projects that meet the requirements of Sections 1196.04 - 1196.06.

1163.03 CONDITIONAL USE.

The following uses shall be allowed in the B-2 Community Business District, subject to approval in accordance with Section 1138.06.

- 412 Taxicabs
- 527 Mobile Home Dealers
- 549 Miscellaneous Food Stores *Except cleaning or slaughtering of live poultry.
- 551 Motor Vehicle Dealers (New and Used)
- 552 Motor Vehicle Dealers (Used Only)
- 555 Boat Dealers
- 556 Recreational Vehicle Dealers
- 557 Motorcycle Dealers
- 559 Automotive Dealers, Not Elsewhere Classified
- 598 Fuel Dealers
- 704 Organization Hotels and Lodging Houses, on Membership Basis
- 7299 Miscellaneous Personal Services, Not Elsewhere Classified *Specifically excluding:
 - Bartering Services for Individuals
 - Escort Service
 - Tattoo Parlors
- 7342 Disinfecting and Pest Control Services
- 7359 Equipment Rental and Leasing, Not Elsewhere Classified *Specifically excluding:
 - Airplane rental and leasing
 - Industrial truck rental and leasing
 - Oil field equipment rental and leasing
 - Oil well drilling equipment rental and leasing
- 7384 Photofinishing Laboratories
- 7389 Miscellaneous Business Services, Not Elsewhere Classified *Specifically excluding:
 - Field warehousing, not public warehousing
 - Filling pressure containers (aerosol) with hair spray, insecticides, etc.
 - Gas systems, contract conversions from manufactured to natural gas
 - Inspection of commodities, not connected with transportation
 - Liquidators of merchandise on a contract or fee basis

- Metal slitting and shearing on a contract or fee basis
 - Salvaging of damaged merchandise, not engaged in sales
 - Sampling of commodities, not connected with transportation
 - Scrap steel cutting on a contract or fee basis
 - Solvents recovery service on a contract or fee basis
 - Tobacco sheeting service on a contract or fee basis
 - Weighing foods and other commodities, not connected with transportation
- 751 Automotive Rental and Leasing, Without Drivers
- 752 Automobile Parking
- 7532 Top, Body, and Upholstery Repair Shops and Paint Shops
- 7533 Automotive Exhaust System Repair Shops
- 7534 Tire Retreading and Repair Shops
- 7536 Automotive Glass Replacement Shops
- 7537 Automotive Transmission Repair Shops
- 7538 General Automotive Repair Shop
- 7539 Automotive Repair Shops, Not Elsewhere Classified
- 7542 Carwashes
- 7999 Amusement and Recreation Services, Not Elsewhere Classified
- 8071 Medical Laboratories
- 8072 Dental Laboratories
- 836 Residential Care
- 842 Arboreta and Botanical or Zoological Gardens
- 8661 Religious Organizations.

Drive-up window service. Drive-up window service or outdoor service facility developed in association with and subordinate to a permitted use. Drive-up window service shall be limited to the side or rear of the building. Landscaping and buffering shall be required consistent with the requirements of Chapter 1187. The Board of Zoning Appeals may require additional landscaping and buffering.

Principal structures shall not exceed 10,000 square feet without a Conditional Use Permit. No structure shall exceed 50,000 square feet.

Single Family Residential Use, when accessory to a permitted use.

1163.04 DEVELOPMENT STANDARDS.

In addition to the provisions of Chapter 1183, the following standards for arrangement and development of land and buildings shall be required in the B-2 Community Business District.

- (a) Intensity of Use. No minimum lot size is required; however, lot size shall be adequate to provide the yard space required by these development standards.
- (b) Lot Width. No minimum lot width is required; however, all lots shall abut a street and have adequate width to provide the yard space required by these development standards.
- (c) Side Yards. A side yard shall be required adjacent to a residential zoning district as listed in Section 1141.02 . Such side yards shall be a minimum of thirty-five (35) feet on each side as measured from the side lot line and shall be landscaped in accordance with the standards in Chapter 1187.

- (d) Rear Yard. A rear yard shall be required adjacent to a residential zoning district or a planned development zoning district as listed in Section 1141.02 . Such required rear yard shall be fifty (50) feet as measured from the rear lot line and shall be landscaped in accordance with the standards in Chapter 1187. A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than forty feet wide.
- (e) Front Building Setback. No building or use shall be located closer than fifty (50) feet to the right-of-way line of any adjacent public or private street, or seventy-five (75) feet to the back of curb of such street, whichever is greater, except where the lot abuts an arterial street, where there shall be a minimum setback of one hundred (100) feet from the right-of-way line for buildings exceeding 8,000 square feet. Buildings located on corner lots shall maintain the same building setbacks from the right-of-way lines of the adjacent public or private roads.

Building Size. Principal structures in the B-2 District shall not exceed 10,000 square feet without a conditional use permit.

CHAPTER 1169 – I-1 RESTRICTED INDUSTRIAL DISTRICT

1169.01 PURPOSE.

The Restricted Industrial District (I-1) is established for the purpose of preserving areas of the Municipality for industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses, and to make provision for certain kinds of commercial uses which are most appropriately located ancillary to industrial users or which are necessary to service the immediate needs of people in these areas.

1169.02 PERMITTED USE.

The following uses shall be permitted in the I-1 Restricted Industrial District:

- 0742 Veterinary Services for Animal Specialties
- 205 Bakery Products
- 2064 Candy and Other Confectionery Products
- 2068 Salted and Roasted Nuts and Seeds
- 2086 Bottled and Canned Soft Drinks and Carbonated Waters
- 2095 Roasted Coffee
- 2096 Potato Chips, Corn Chips, and Similar Snacks
- 2097 Manufactured Ice
- 2098 Macaroni, Spaghetti, Vermicelli, and Noodles
- 231 Men's and boys' suits, coats, and overcoats
- 232 Men's and boys' furnishings, work clothing and allied garments.
- 233 Women's, misses' and juniors' outer wear
- 234 Women's, misses', children's and infants' undergarments
- 235 Hats, caps and millinery
- 236 Girls', children's and infants' outer wear
- 237 Fur goods
- 238 Miscellaneous apparel and accessories
- 239 Miscellaneous fabricated textile products
- 271 Newspapers, publishing, publishing and printing
- 272 Periodicals, publishing, publishing and printing
- 273 Books
- 274 Miscellaneous publishing
- 275 Commercial printing
- 276 Manifold business forms manufacturing
- 277 Greeting card manufacturing
- 278 Bookbinding and related industries
- 279 Service industries for the printing trade
- 314 Footwear, except rubber
- 315 Leather gloves and mittens
- 316 Luggage
- 317 Handbags, Personal Leather Goods
- 319 Leather Goods not elsewhere classified

- 323 Glass products, made of purchased glass
 - 341 Metal cans and shipping containers
 - 367 Electronic components and accessories
 - 3732 Boat Building and Repairing
 - 379 Miscellaneous transportation equipment
 - 381 Engineering, laboratory and scientific and research instruments and associated equipment
 - 382 Laboratory apparatus and analytical, optical, measuring, and controlling instruments
 - 384 Surgical, medical and dental instruments and supplies
 - 385 Ophthalmic goods
 - 386 Photographic equipment and supplies
 - 387 Watches, clocks, clockwork operated devices and parts
 - 391 Jewelry, silverware and plated ware
 - 393 Musical instruments
 - 4215 Courier services, except by air
 - 431 US Postal Service
 - 502 Furniture and home furnishings
 - 503 Lumber and other construction materials
 - 504 Professional & commercial equipment supplies
 - 506 Electrical goods
 - 507 Hardware and plumbing and heating equipment and supplies
 - 508 Machinery, equipment and supplies (excluding 5082, Construction and Mining Machinery and Equipment)
 - 509 Miscellaneous durable goods (excluding 5093, Scrap and Waste Materials)
 - 511 Paper and paper products
 - 512 Drugs, drug proprietaries and druggists' sundries
 - 513 Apparel, piece goods and notions
 - 514 Groceries and related products
 - 5153 Grain and field beans
 - 5162 Plastic materials and basic forms and shapes
 - 5192 Books, periodicals, and newspapers
 - 5193 Flowers, nursery stock and florists' supplies
 - 5194 Tobacco and tobacco products
- Small Wind Energy Systems that meet the requirements of Sections 1196.04 - 1196.06.

1169.03 CONDITIONAL USE.

(a) Industrial Uses.

- 2099 Food preparation, not elsewhere classified
- 308 Rubber, miscellaneous plastics products
- 342 Cutlery, hand tools, and general hardware
- 3699 Electrical machinery, equipment and supplies, not elsewhere classified
- 481 Telephone communications

- 482 Telegraph and other message communications
- 483 Radio and television broadcasting
- 484 Cable and other pay TV services not elsewhere classified
- 489 Communications services not elsewhere classified
- 491 Electrical services
- 492 Gas production and distribution
- 493 Combination electric and gas and other utility services
- 494 Water services
- 518 Beer, wine, and distilled alcoholic beverages
- 5191 Farm supplies
- 5198 Paints, varnishes, and supplies
- 5199 Nondurable goods, not elsewhere classified

- (b) Commercial Establishments. The following uses normally associated with and intended to serve the industrial establishments or their employees.

- 554 Gasoline Service Stations (except truck stops)
- 5812 Eating Places
- 5813 Drinking Places.
- 602 Commercial Banks
- 603 Savings Institutions
- 606 Credit Unions
- 614 Personal Credit Institutions
- 615 Business Credit Institutions
- 7291 Tax Return Preparation Services
- 802 Offices and Clinics of Dentists
- 803 Offices and Clinics of Doctors of Osteopathy
- 804 Offices and Clinics of Other Health Practitioners
- 871 Engineering, Architectural, and Surveying Services
- 872 Accounting, Auditing, and Bookkeeping Services
- 7991 Physical Fitness Facilities.

- (c) Administrative Offices. Administrative offices engaged in general administrative supervision, purchasing, accounting, and other management functions.

- (d) Personal and Consumer Services. The following personal services generally involving the care and maintenance of tangible property or the provision of intangible services for personal consumption intended to serve the industrial establishments or their employees.

- (1) Personal.

- 723 Beauty Shops
- 724 Barber Shops
- 725 Shoe Repair Shops and Shoeshine Parlors
- 7299 Miscellaneous Personal Services, Not Elsewhere Classified

- *Specifically excluding:
- Bartering Services for Individuals
- Escort Service
- Tattoo Parlors

8351 Child Day Care Services

(2) Business.

- 731 Advertising
- 732 Consumer Credit Reporting Agencies, Mercantile Reporting Agencies, and Adjustment and Collection Agencies
- 7331 Direct Mail Advertising Services
- 7334 Photocopying and Duplicating Services
- 7336 Commercial Art and Graphic Design
- 7338 Secretarial and Court Reporting Services
- 7349 Building Cleaning and Maintenance Services, Not Elsewhere Classified
- 736 Personnel Supply Services
- 737 Computer Programming, Data Processing, and Other Computer Related Services
- 7381 Detective, Guard and Armored Car Services

- (e) Retail sales as an accessory use provided no more than 10 percent of the floor area of the building is devoted to retail activities.
- (f) Drive-up window service. Drive-up window service or outdoor service facility developed in association with and subordinate to a permitted use. Drive-up window service shall be limited to the side or rear of the building. Landscaping and buffering shall be required consistent with the requirements of Chapter 1187.
- (g) Religious Organizations (8661)

1169.04 DEVELOPMENT STANDARDS.

In addition to the provisions of Chapter 1183, the following standards for arrangement and development of land and building are required in the I-1 Restricted Industrial District.

- (a) Intensity of Use. Lot size shall be adequate to provide the yard space required by these development standards and the following provisions:
 - (1) A use allowed in this district shall operate entirely within an enclosed structure, emitting no dust, smoke, noxious odor or fumes outside this structure, and producing a noise level audible at the property line no greater than the average noise level occurring on any adjacent street.
 - (2) Open service areas and loading docks shall be screened by walls, or fences, mounding, landscaping, or a combination of the above at least six feet but not more than eight feet in height. These walls, or fences, mounding, and landscaping shall have an opaqueness of seventy- five percent (75%) or more, so as to effectively conceal service and loading operations from adjoining streets and from a residential zoning district or a planned district as listed in Section 1141.02 .
 - (3) No outside storage of materials shall be permitted.
- (b) Lot Width. All lots shall abut a public street and have adequate lot width to provide the yard space required by these development standards.

- (c) Side Yards. For main and accessory structures, including open service and loading areas, the required side yards shall not be less than fifteen feet when adjacent to a non-residential zoning district and fifty (50) feet when adjacent to any residential zoning district or planned district as listed in Section 1141.02 .
- (d) Rear Yards. For main and accessory structures the required rear yards shall be not less than fifteen feet when adjacent to a non-residential zoning district and one hundred (100) feet when adjacent to any residential zoning district or planned district as listed in Section 1141.02 .
- (e) Landscaping. Landscaping shall be provided as required in Chapter 1187.

CHAPTER 1181 – PLANNED UNIT DEVELOPMENT (PUD)

1181.01 OBJECTIVES FOR A PLANNED UNIT DEVELOPMENT (PUD).

- (a) General Objectives. A planned unit development (PUD) shall be classified as a unique zoning district or combination of districts that is subject to the provisions of this chapter. The purpose is to encourage and allow more creative and imaginative design of land development than is possible under standard zoning district regulations. A PUD is intended to allow flexibility in planning and design and overall benefits to the Village. A PUD also permits the establishment of a variety of uses brought together as parts of a compatible and unified plan. This flexibility should result in a development that has unique characteristics and features that are not found in a development produced in accordance with standard zoning district and subdivision regulations.
- (b) Specific Objectives.
 - (1) To encourage unified projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district, yet is consistent with all applicable plans including but not limited to the Comprehensive Plan, Thoroughfare Plan and the intent of the Ordinance.
 - (2) Allow the creation of development standards that respect the unique characteristics, natural quality and beauty of the site and the immediate vicinity and protect the community's natural resources by avoiding development on and destruction of sensitive environmental areas.
 - (3) Promote economical and efficient use of land and reduce infrastructure cost through unified development.
 - (4) To provide amenities and enhancements that will sustain the quality of life and property values within the development as well as the properties surrounding the proposed PUD.
 - (5) Assure compatibility between proposed land uses within and around the PUD through appropriate development controls.
 - (6) Where appropriate, provide for community facilities, open space and recreational areas.
 - (7) To provide a maximum choice of business and living environments by allowing for a variety of housing, building types and imaginative architectural design.
 - (8) To provide an opportunity for a mix of complementary uses otherwise not permitted within the standard zoning classifications.
 - (9) To develop land in an orderly, coordinated and comprehensive manner that is consistent with accepted land planning, landscape architecture practices and engineering principles.

1181.02 QUALIFYING CONDITIONS.

- (a) At a minimum, all proposed Planned Unit Developments shall meet the following qualifying conditions, as applicable, to be considered for approval:
 - (1) Location. Planned Unit Developments may be located in any part of the Village, subject to meeting all other applicable requirements.
 - (2) PUD Purpose. The applicant shall demonstrate that the planned unit development will achieve two or more of the purposes listed in Section 1181.01(b).
 - (3) Size. The site size for a Planned Unit Development shall be approved by Planning and Zoning Commission based on the type of development and:

- A. Rezoning the property to PUD will not result in a significant adverse effect upon nearby properties;
 - B. The proposed uses will complement the character of the surrounding area;
 - C. The purpose and qualifying conditions of the PUD district can be achieved within a smaller area; and
 - D. PUD zoning is not being used as a means to circumvent conventional zoning requirements.
- (4) Residential Development. A residential Planned Unit Development shall contain a variety of housing types and/or lot sizes to provide for varying lifestyles, diversity, and affordability.
 - (5) Commercial Development. A commercial Planned Unit Development shall enhance the Village with design and architectural principles, high-quality construction techniques, preservation of natural resources, and the provision of aesthetic amenities.
 - (6) Industrial Development. An industrial Planned Unit Development, in areas where industrial, office, and limited commercial uses are planned, should not conflict with surrounding land uses and shall enhance the Village with design and architectural principles, high-quality construction techniques, preservation of natural resources, encourage sound traffic patterns, and the provision of aesthetic amenities.
 - (7) Mixed Use Development. A mixed use Planned Unit Development combines residential and non-residential uses to create a specific environment that provides pedestrian walkability between housing, workplaces, and other amenities.
 - (8) Utilities. The Planned Unit Development shall be served by public water and sanitary sewer facilities.
 - (9) Ownership and Control. The tract(s) of land for which a PUD application is submitted must be either in single ownership or the subject of an application filed collectively by all owners of the property. Each property owner, or their agent, must sign the PUD application.
 - (10) Recognizable Public Benefit. The Planned Unit Development shall achieve recognizable and substantial benefits that may not be possible under the existing zoning classification(s). At least two of the following benefits shall be accrued to the community as a result of the proposed PUD:
 - A. Preservation of significant natural features,
 - B. A complementary mix of land uses or housing types,
 - C. Preservation of common open space beyond the minimum required,
 - D. Connectivity of preserved open space with open space, greenways, or public trails on abutting properties,
 - E. Coordinated redevelopment of multiple lots or parcels,
 - F. Removal or renovation of deteriorating buildings, sites, or contamination clean-up.

1181.03 ALLOWED USES.

Any land use or combination of uses may be considered for inclusion within a Planned Unit Development.

1181.04 DEVELOPMENT PROVISIONS.

Minimum Lot Size and Zoning Requirements. Lot area, width, setbacks, height, lot coverage, minimum floor area, parking, landscaping, lighting, and other requirements for the district specified in the following table for the proposed use shall apply to all such uses within a Planned Unit Development, unless modified in accordance with the provisions of Section 1181.04 (c). Within a PUD, the minimum buffer requirements specified in Chapter 1187, between uses shall not apply; provided, the Planning and Zoning Commission or Village Council may require separation or buffering of uses as a condition of preliminary plan approval.

Modification of Minimum Requirements. Regulations applicable to a land use in the Planned Unit Development district may be altered from the dimensional standards of the underlying or most comparable zoning district, including the following: modification from the lot area and width, building setbacks, height, lot coverage, signs, and parking. However, a reduction in lot size shall not result in an increase in the number of dwellings otherwise permitted by the applicable zoning district. Land gained by the reduction in lot sizes shall be added to the open space required within the PUD. The applicant for a Planned Unit Development shall identify, in writing, all proposed deviations from the zoning district requirements. Modifications may be approved by the Village Council during the preliminary development plan review stage, after Planning and Zoning Commission recommendation. Adjustments to the minimum requirements may be permitted only if they will result in a higher quality and more sustainable development, consistent with the purpose of the Planned Unit Development district, as expressed in Section 1181.01.

Density Bonus. In addition to the modification of minimum requirements permitted in Section 1181.04 (b), the Planning and Zoning Commission may permit an increase in the total number of residential units otherwise allowed within a Planned Unit Development, as provided in this subsection. The Planning and Zoning Commission may grant a density bonus up to twenty-five percent (25%) if the proposal meets all of the applicable criteria described below and where it is demonstrated that:

- (1) The appearance and construction will result in a development of high quality, as evidenced by the innovative design and use of building materials such as stone, masonry, wood and hardie- plank, but not including vinyl; and
- (2) Dedicated common open space is provided in excess of the minimum required, per Section 1181.04(d).
- (3) At least two of the following will be included within the development:
 - A. Amenities, beyond the minimum required open space, will be provided to create a more sustainable community and desirable living environment.
 - B. Significant natural features, including stands of mature trees, will be preserved and/or substantial landscaping beyond the minimum requirements will be incorporated into the development.
 - C. Decorative pavers or similar aesthetic enhancements will be incorporated into the vehicular and pedestrian circulation system.
 - D. A mixed use of residential and commercial and/or office component is proposed within the PUD.
 - E. Three or more public benefits, as identified in Section 1181.02 (a)(10), will be achieved.
- (d) **Common Open Space.** For purposes of the Planned Unit Development requirements, "common open space" is defined as an area of land or water, or a combination of land and water, designed and intended for the perpetual use and enjoyment of the users of the development and/or the general public. Common open space may contain accessory structures and improvements necessary or desirable for educational, noncommercial, recreational, or cultural uses. A variety of open space and recreational areas is encouraged such as: children's informal play areas in close proximity to neighborhoods or dwelling unit clusters; formal parks, picnic- areas and playgrounds; pathways and trails; scenic open areas and communal, noncommercial recreation facilities; and natural conservation areas. At a minimum, the following regulations shall apply to all common open space within a Planned Unit Development.

- (1) The area of common open space shall not be less than twenty-five percent (25%) of the total land area of a Planned Unit Development containing only residential units. Not less than twenty percent (20%) of the total land area of a Planned Unit Development containing only non-residential units. The area of common open space requirement for mixed use Planned Unit Developments will be determined by the Planning and Zoning Commission. Land dedicated for recreation use, in accordance with Section 1181.04(d)(3), shall count toward the common open space requirement.
- (2) All common open space shown on the final development plan must be reserved or dedicated by conveyance of title to a corporation, association, or other legal entity, by means of a restrictive covenant, easement or through other legal instrument. The terms of such legal instrument must include provisions guaranteeing the continued use in perpetuity of such open space for the purposes intended and for continuity of proper maintenance of those portions of the open space requiring maintenance.
- (3) The open space shall meet the following minimum dimensions, contiguity, and connectivity requirements:
 - A. The required open space shall be centrally located, established along the street frontage of the development to protect or enhance views, located to preserve significant natural features, adjacent to dwellings, and/or located to interconnect other open spaces throughout the development or on contiguous properties.
 - B. Required open space areas shall be of sufficient size and dimension and located, configured, or designed in such a way as to achieve the applicable purposes of these regulations and enhance the quality of the development. The open space shall neither be perceived nor function simply as an extension of the rear yard of those lots abutting it.
 - C. If the site contains a lake, stream or other body of water, the Village may require that a portion of the required open space shall abut the body of water.
 - D. Open space shall be sufficiently aggregated to create large useable areas of planned open space. All required open space areas shall be configured so the open space is reasonably accessible to and usable by residents, visitors, and other users of the development. The minimum size of any individual open space area shall be sufficient to achieve the visual and functional intent of the open space provisions and not simply be a remnant piece of land; and, further provided, that the Planning and Zoning Commission, may approve other open space areas designed and established as pedestrian or bicycle paths or are otherwise determined to be open space reasonably usable by residents, visitors, and other users of the development.
 - E. Open space areas are encouraged to be linked with adjacent open spaces, public parks, bicycle paths, or pedestrian paths.
 - F. Grading in the open space shall be minimal, with the intent to preserve existing topography, trees, and other natural features, where practical.
 - G. A sign, structure, or building may be erected within the required open space if it is determined to be accessory to a recreation or conservation use or an entryway. These accessory structure(s) or building(s) shall not exceed, in the aggregate, five percent (5%) of the open space area. Accessory structures or uses of a significantly different scale or character than present in abutting residential districts shall not be located near the boundary of the development if they may negatively impact the residential use of adjacent lands. Pathways or sidewalks shall be exempt from this limitation.
 - H. The following areas shall not qualify as required common open space for the purposes of this section.
 1. The area within any public street right-of-way.

2. The area within private road easements.
3. The area within a subdivision lot.
4. Land within any required yard or setback area.
5. Parking and loading areas.
6. Fifty percent (50%) of any steep slopes (twelve percent (12%) or over).
7. Seventy-five percent (75%) of any lake, stream, detention pond, or floodplain that is not generally accessible within the development. Accessible shall mean that the feature is bordered by a substantial open space area, park, playground, pathway, or reasonable means of access for enjoyment of all owners, visitors, or others, which will be determined and approved by the Planning and Zoning Commission.
8. Fifty percent of the area of any golf course.
9. Public utility and similar easements and rights-of-way, unless such land and rights-of-way are to be used for trail or other public purposes. Alternative systems of providing common open space must be specifically approved by the Planning and Zoning Commission.
10. Wetland areas in a Planned Unit Development.

- (e) Connectivity. Pathways for bicycles and pedestrians shall be incorporated throughout the Planned Unit Development and along all perimeter streets to ensure connectivity between uses and adjacent properties. Pathways and sidewalks shall be constructed in accordance with the Village design standards.

Minimum Dimensions. Within a Residential Planned Unit Development District, the minimum front setback will be determined for each street by the zoning district in which the development is located. The setback should be varied among adjacent lots by at least five feet. No more than one-third of the lots within the subdivision may employ the minimum setback line, and the varied setbacks should be reasonably dispersed throughout the subdivision. The Planning and Zoning Commission has the discretion to waive or modify this requirement within PUD zoned areas provided it determines such action is warranted to maintain a desired development style or design.

- (1) Variation in lot width shall be required for all residential subdivisions with more than eight lots, including those within Planned Unit Development Districts. No more than six lots in a row may have the same lot width. There must be a minimum variation of five (5) feet. Lots of varying width must be dispersed throughout the subdivision. No more than fifty percent (50%) of the lots contained within the preliminary plat shall be of the minimum width. When all of the lots within a development are seventy (70) feet or wider, then the varied lot width requirement shall not apply. The Planning and Zoning Commission has the discretion to waive or modify this requirement within PUD zoned areas provided it determines such action is warranted to maintain a desired development style or design.
- (2) The minimum distance between single-family detached dwellings shall not be less than fourteen (14) feet to any other main dwelling.
- (3) The minimum distance between dwelling and side lot line is five (5) feet.

- (g) Maximum Density.

- (1) Three units per acre if the development is exclusively single family. (Excludes attached single-family dwellings).
- (2) Five units per acre if the development is a mix of residential single family and multi-family types.

- (3) Seven units per acre if the development is a mix of residential single family, multi-family, and commercial types.
 - (4) Nine units per acre if the development is exclusively multi-family.
- (h) Arrangement of Use Areas.
 - (1) Buildings and uses within the proposed development shall be located to reduce any adverse influences and to protect and enhance the character of areas adjacent to the development.
 - (2) Whenever a proposed development includes areas of a higher intensity than that permitted in adjacent areas, the location and arrangement of use areas shall include appropriate buffers, open spaces, setbacks, or other transitional areas to ensure compatibility with the lower intensity areas.
 - (3) Buildings, structures, and parking areas shall be designed and located within the PUD in ways that conserve environmentally sensitive or unique natural, historic, or cultural features, and minimize environmental impacts.
 - (4) When commercial, office or industrial uses are being proposed, such buildings and establishments shall be planned to have shared common parking areas and common ingress and egress points in order to reduce the number of potential conflict points.
 - (5) All areas designed for future expansion or not intended for immediate improvements of development shall be landscaped or otherwise maintained in a neat and orderly manner as may be specified by the Planning and Zoning Commission.
- (i) Landscaping, Screening, and Buffering.
 - (1) In addition to Chapters 1187 and 1189, the following shall be followed;
 - A. The pattern of landscaping shall be coordinated in design and type of materials, mounding and fencing used. Landscaping may vary in density, spacing and other treatments to reflect variations of topography, existing landscape, or land uses.
 - B. Privacy for residential buildings shall be maintained using landscaping, screening, and buffering.
 - C. Appropriate buffer zones with adequate landscaping shall be provided between the proposed development and adjacent areas.
 - D. Alternative design approaches to meet the intent of the landscape regulations may be incorporated.
 - E. Development sites that lack natural trees or various topography, are encouraged to creatively add these types of features.
- (j) Protection of Natural Features.
 - (1) A riparian buffer shall be provided along the entire length and on both sides of a river or perennial stream channel. A buffer area not less than twenty (20) feet in width measured from the edge of the delineated bank of a river or perennial stream shall be provided along the entire length of waterway. Walkways may be permitted to be located within riparian buffers when the Planning and Zoning Commission determines that such will create minimal change to the riparian buffer.
 - (2) Wetlands that are to be retained in their natural state within the PUD shall be protected. A buffer area not less than twenty (20) feet in width measured from the edge of the delineated wetland shall be provided along the entire perimeter of the designated wetland. The buffer area shall not be disturbed and shall be retained in its natural state. Minimum building and pavement setbacks to protect such wetlands and buffer areas shall be established and shall be measured from the edge of such wetlands.

(k) Pedestrian Circulation Systems.

- (1) A pedestrian circulation system shall be included and designed to provide convenient and safe pedestrian access throughout the PUD, and to connect to neighboring developments and community facilities. The pedestrian circulation system may include sidewalks and other walkways not located along streets. Trails with public right of passage should be incorporated in the pedestrian circulation system.
- (2) Bike paths and other trail systems. Trail systems for bikes and other purposes shall be included and designed in accordance with the City's plan for bike paths. Such trail system shall have a minimum width of eight (8) feet and be properly buffered from any adjacent residential areas.

(l) Street Design and Vehicular Circulation.

- (1) The proposed vehicular circulation system shall provide adequate connections to the existing street network.
- (2) The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement and access.
- (3) Street alignments should be designed to conserve natural features and minimize the need for cut and fill practices.
- (4) The function of adjacent thoroughfares shall be maintained by limiting access points to the minimum needed, relating them to existing access points, the street patterns on surrounding development, the Thoroughfare Plan, and the intensity of proposed uses.
- (5) Private streets as a common easement may be used to provide access to clustered lots and/or structures.
- (6) Street lighting and street signs shall be adequate for safety and security.

1181.05 SITE DEVELOPMENT REQUIREMENTS.

In addition to the requirements of this chapter, all development in the Planned Unit Development District shall meet the applicable requirements as listed elsewhere in this ordinance; provided, in the event of a conflict, the requirements of the PUD District shall supersede.

- (a) General Development Standards, see Chapter 1183
- (b) Development Plan Review, see Chapter 1140
- (c) Conditional Use Requirements, see Chapter 1143
- (d) Landscaping and Screening, see Chapter 1187
- (e) Tree Preservation, see Chapter 1189
- (f) Soil Erosion, Sediment and Stormwater Control, see Chapter 1191
- (g) Off-Street Parking and Loading, see Chapter 1193
- (h) Telecommunications, see Chapter 1195
- (i) Alternative Energy, See Chapter 1196
- (j) Lighting, see Chapter 1197
- (k) Signs, see Chapter 1199

1181.06 APPLICATION PROCEDURE.

Pre-application Conference. Prior to submitting a formal application, the applicant shall schedule a meeting with the Zoning Inspector to discuss the zoning classification of the site, the applicable requirements and materials, the qualifying conditions, the review procedures, and the proposed development Concept Plan. The Zoning Inspector shall notify other appropriate staff. The purpose of this meeting is to discuss the proposed project and provide relevant information to the applicant. However, no statements or representations made at this meeting shall be construed to be a commitment or an assurance of approval on the part of the Village.

- (b) Concept Plan Submittal. Following procedures shall be followed for the review of any Planned Unit Development request.

- (1) Concept Plan Application. It is the intent of these regulations that the concept plan shall generally indicate overall design of the proposed project. Information submitted should be comprehensive enough to enable the staff to understand the existing site and concept for the proposed development.

- A. Completed application form along with the application fee.
- B. Vicinity map indicating the location of the site in the City and the general location of principal thoroughfares.
- C. Map of existing conditions and features drawn to scale, with accurate boundaries of the entire project and a north arrow, including the property proposed for development, all adjacent rights-of-way and 100 feet of property immediately adjacent thereto, indicating:
 - 1. Existing public improvements, permanent facilities, easements and property boundaries;
 - 2. General indication of existing structures on the site and abutting properties;
 - 3. Physical features and natural conditions of the site including the location of streams, tree masses, open spaces, etc.;
 - 4. General topography;
 - 5. Existing zoning district boundaries and jurisdictional boundaries;
 - 6. Existing public and private utility systems;

- (2) Planning and Zoning Commission Review. Following receipt of a completed Concept Plan Application, the Zoning Inspector will cause the application materials to be forwarded to the Planning and Zoning Commission for review.

Following receipt of a complete application and all required plans and information, the Planning and Zoning Commission shall review and discuss the proposed development with the applicant and recommend suggestions to prepare for the Preliminary Plan Application.

- (c) Preliminary Planned Unit Development Review and Rezoning. The following procedures shall be followed for the review of any Planned Unit Development request.

- (1) Preliminary Plan Application. An application for rezoning to Planned Unit Development district shall be submitted to the Zoning Inspector by the owner, owner's authorized representative or option holder of the property that is the subject of the application. The application shall be filed on a form provided for that purpose, along with a fee established by the Village Council, and a preliminary plan and narrative containing the information specified in the following subsections.

- A. Preliminary Plan. A preliminary plan shall be submitted and include the following:

- 1. Name, address, phone number and email address of the applicant

2. Name, address, phone number and email address of the professional or firm that prepared the plan
 3. Legal description of the property
 4. North arrow, scale, and title block
 5. General location map
 6. Existing zoning on the subject property and all abutting properties
 7. Property boundary survey
 8. Adjacent buildings and structures within 100 feet of the property boundaries
 9. All perimeter streets abutting the property, including right-of-way width
 10. Existing topographic conditions two-foot intervals
 11. Existing natural features (woods, ponds, streams, wetlands, slopes greater than twelve percent (12%))
 12. Approximate location of existing and proposed utilities, including a preliminary utility and drainage preliminary plan
 13. Proposed uses within the Planned Unit Development
 14. Conceptual layout of the development illustrating the general location of interior streets, access points to abutting streets, common open spaces, areas to be developed by type of use, parking areas and easements
 15. Perspective sketches or photographs of representative building types, illustrating the proposed architectural style and building materials.
- B. Project Narrative. A written statement shall also be submitted with the application, providing the following information:
1. Statement of how the Planned Unit Development meets each of the Qualifying Conditions specified in Section 1181.02.
 2. Identification of the present owners of all land within the proposed project.
 3. Explanation of the proposed character of the Planned Unit Development, including a summary of acreage by use, number and type of dwelling units, gross residential density, area, and percent of the project to be preserved as common open space, minimum lot sizes by type of use.
 4. A complete description of any requested deviations, in accordance with Section 1181.04(b), from the minimum spatial or other requirements applying to the property.
 5. An explanation of why the proposed development should be given a density bonus, if applicable, in accordance with Section 1181.04(c).
 6. A general description of the proposed development schedule and anticipated phases.
 7. Intended agreements, provisions, and covenants to govern the use of the development, approval of building materials/architectural styles and open space areas to be preserved.

- C. Planning and Zoning Commission Review. Following receipt of a complete application package, the Zoning Inspector will cause the application materials to be forwarded to the Planning and Zoning Commission for review. Following receipt of a complete application and all required plans and information, the Planning and Zoning Commission shall review the request and make a recommendation to the Village Council, as follows:
 1. Recommendation. Within sixty (60) days following the Zoning Inspector's determination that the application is complete, the Commission shall recommend to Council that the preliminary plan and Planned Unit Development zoning be approved as presented, approved with supplementary conditions, or disapproved. The recommendation shall be based on the standards of Section 1181.07. However, the commission may, with the consent of the applicant, extend the sixty (60)-day time limit.
 2. Project representation. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.
- D. Village Council Action. Within forty-five (45) days of receiving the recommendation from the Planning and Zoning Commission, the Village Council shall schedule a public hearing and take final action on the request.
 1. Notice of hearing. Within forty-five (45) days of receiving the recommendation from the Planning and Zoning Commission, the matter shall be scheduled for a public hearing. Public notice of the time, date, location, and purpose of the hearing shall be provided, in accordance with the requirements of Ohio zoning law.
 2. Public hearing. The Village Council shall conduct a public hearing in accordance with its rules of procedure.
 3. Action. Within forty-five (45) days of the public hearing, Council shall approve, approve with supplementary conditions or disapprove the preliminary plan, or final plan if the applicant chooses that option, and zoning change, based on the standards of Section 1181.07.
 4. Failure of Council to take final action within forty-five (45) days of the public hearing shall constitute an approval of the Planning and Zoning Commission's recommendation, unless said forty-five (45) day period is extended with the consent, or at the request of the applicant. An affirmative vote of the Council majority is needed to approve or modify the Planning and Zoning Commission's recommendation. To reverse the Planning and Zoning Commission's recommendation requires the affirmative vote of three-fourths of the Council members.
 5. Conditions. Failure of the applicant to comply with any conditions of approval shall be considered a violation of this ordinance and subject to all applicable enforcement, remedies and penalties provided for in this code.
 6. Project representation. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.
- (d) Final Planned Unit Development Review. The following procedures shall be followed for the review of the final development plan.
 - (1) Timing. An application for final development plan approval shall be filed not later than twenty-four (24) months after the date of approval of the preliminary plan and zoning change, otherwise

the preliminary plan approval shall be considered expired. One extension of up to twelve (12) months may be authorized by the Zoning Inspector for reason/cause. The applicant shall submit the request for extension in writing, prior to the expiration of the original approval period, to the Zoning Inspector who shall make a written determination regarding his decision to extend or deny the extension. Both the request and the determination shall be made part of the record.

- (2) Pre-application Conference. Prior to submitting a formal application, the applicant shall schedule a meeting with the Zoning Inspector to discuss the applicable requirements and materials, compliance with conditions that may have been imposed as part of the preliminary plan approval, review procedures and conformance of the final development plan with the approved preliminary plan. The Zoning Inspector shall notify other appropriate staff. The purpose of this meeting is to discuss the proposed project and provide relevant information to the applicant. However, no statements or representations made at this meeting shall be construed to be a commitment or an assurance of approval on the part of the Village.
- (3) Application. An application for approval of the final development plan shall be submitted to the Zoning Inspector by the property owner or owner's authorized representative. The application shall be filed on a form provided for that purpose, along with a fee established by the Village Council, including a final development plan and narrative containing the information specified in the following subsections. Incomplete applications will not be accepted and will not be processed or forwarded to the Planning and Zoning Commission.
 - A. Final Plan. A final development plan, substantially consistent with the approved preliminary plan and containing all information required in Section 1140.05(b), shall be submitted with the required application form. If required, a plat may be submitted concurrently in accordance with the subdivision requirements of this chapter.
 - B. Project Narrative. A project narrative shall also accompany the application and final development plan and provide the following:
 1. Proposed covenants and/or deed restrictions governing the use, design, maintenance, ownership and control of development and common areas;
 2. Identification of the entity responsible for maintenance of common areas;
 3. Description of all deviations from the otherwise applicable zoning requirements;
 4. Net and gross density of any residential component of the project;
 5. Open space calculations, identifying the gross acreage and percent of lands to be preserved as common open space, including calculations by phase of the development, if applicable.
 6. Restrictions or requirements regarding architectural style and/or building materials;
 7. Improvements that would be the responsibility of the developer such as construction of roads, parks, utilities, pathways, sidewalks, and similar elements; and
 8. An anticipated development schedule by phase, if applicable.
 - C. Phased Projects. If a proposed Planned Unit Development is to be constructed in two or more phases, final development plan approval may be granted for individual phases; provided, a complete plan for the entire development was first given preliminary plan approval and that each subsequent phase shall be submitted for final development plan approval and is consistent with the approved preliminary plan. The Planning and Zoning Commission may require additional information beyond what is otherwise required if, in its judgment, more detailed information is necessary due to the size of the development;

number of phases proposed; or the interrelationship of roads, utilities or drainage systems within the total site.

- D. Planning and Zoning Commission Action. Following receipt of a complete application package, the Zoning Inspector shall cause the application materials to be forwarded to the Planning and Zoning Commission for review. Within forty-five (45) days after submission of a complete application and all required plans and information, the Planning and Zoning Commission shall consider the application and take action to approve, approve with supplementary conditions, disapprove, or table the final development plan, based on the review standards of Section 1181.07 and the standards of Chapter 1140. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.
 - E. Performance Guarantee. In conjunction with the approval of a final development plan, the petitioner may be required, at the Planning and Zoning Commission's discretion, to provide a performance guarantee for all public and common improvements, in accordance with Chapter 1129.
 - F. Private Covenants and Restrictions.
 - 1. Covenants and restrictions for the property within any PUD district are required and must be recorded with the office of the county clerk prior to the approval of a plat or issuance of a building permit. These restrictions shall run with the land to ensure that, if subdivided or developed in phases, the covenants and restrictions shall still be enforced.
 - 2. Covenants and restrictions shall:
 - i. Be based on the conditions attached to the approved PUD application;
 - ii. Subject each owner or person taking title to land located within the development to the terms and conditions of the covenants and restrictions as well as any other applicable regulations;
 - iii. Establish a property owners association (POA) with mandatory membership for each owner or person taking title to land located within the development, and require the collection of assessments from owners in an amount sufficient to pay for its functions; and
 - iv. Provide for the ownership, development, management, and maintenance of any private open space, private community parking facilities, private community meeting spaces, or other common areas, as required by Section 1181.04 (d).
- (4) Expiration. Final site plan approval shall expire 12 months after the date of final approval unless substantial construction has been commenced and is continuing. An extension of up to twelve (12) additional months may be granted.

1181.07 REVIEW STANDARDS.

In considering a Planned Unit Development request, the Planning and Zoning Commission and/or Village Council, as applicable, shall find that the proposed development meets all applicable requirements and qualifying conditions, as well as the following general standards:

- (a) Purpose of PUD. The proposed development shall be consistent with the stated Purpose of this district, as found in Section 1181.01.

- (b) Qualifying Conditions. The proposed development shall satisfy each of the Qualifying Conditions, as stated in Section 1181.02.

Comprehensive Plan. The Planned Unit Development shall be consistent with the recommended future land use patterns, goals and relevant recommendations contained in the Village of Sparta Comprehensive Plan.

- (d) Surrounding Uses. The development shall be compatible with the existing and intended uses surrounding the subject property.
- (e) Natural Environment. The design and layout of the Planned Unit Development shall be harmonious with the natural character of the site and surrounding area and shall employ best management practices to ensure their conservation.
- (f) Public Facilities and Services. The proposed development shall not place undue burden on the capacity of public facilities and services such as, but not limited to, roads, fire and police protection, water, sanitary sewer service and drainage.
- (g) Health, Safety and Welfare. The Planned Unit Development shall not contain uses or conditions of use that may be injurious to the public's health, safety, or welfare.
- (h) Consistent with All Applicable Standards and Requirements. The proposed development shall conform to all applicable requirements of this code, unless specifically modified and approved, as authorized by Section 1181.04(b).
- (i) Final Development Plan. The final development plan is substantially consistent with the representations made and plans shown during the prior preliminary plan stage of approval.

Recognizable and Substantial Benefits. Approval of the Planned Unit Development will result in a recognizable and substantial benefit to the users of the project and to the community which would not otherwise be feasible or achievable under conventional zoning districts. The development shall provide two or more of the benefits specified in Section 1181.02(a)(10).

1181.08 CHANGES TO AN APPROVED PUD.

Changes to an approved final development plan shall be permitted only under the following circumstances:

The holder of an approved final development plan shall notify the Zoning Inspector of any proposed change to the approved plan.

Minor changes may be approved by the Zoning Inspector upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions or commitments imposed as part of the original approval. Minor changes shall include the following:

- (1) Reduction in building size or increase in building size up to five percent of the total approved floor area;
- (2) Movement of a building or other structure by no more than ten (10) feet;
- (3) Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size;
- (4) Changes in building materials to a comparable or higher quality;
- (5) Internal changes in floor plans which do not alter the character or intensity of the use;
- (6) Changes in parking layout do not alter the number of spaces by more than five percent (5%) of the total spaces within the parking area and do not change the location of driveways or roads providing access to the parking area.

- (7) Changes required or requested by a county, state, or federal regulatory agency in order to conform to other laws or regulations.

A proposed change to an approved final development plan that is determined by the Zoning Inspector to not be a minor change shall be considered a major change and amendment to the approved final development plan and shall be submitted and reviewed in accordance with the procedures established for the final development plan.

When, in the sole judgment of the Planning and Zoning Commission, the proposed change is a substantial deviation from the approved preliminary plan, the change shall be reviewed as a new application, in accordance with the provisions of Sections 1181.05(b) and 1181.05(c); provided, public hearings shall not be required, but may be conducted at the discretion of the Planning and Zoning Commission and/or the Village Council.

1181.09 EXISTING PUDS.

Existing Planned Unit Developments. Planned Unit Developments and all associated Development Plans and supporting documentation adopted prior to the effective date of these regulations shall continue in effect and be considered legally conforming under this Planning and Zoning Ordinance. The procedures for amendments of those developments must conform to the regulations indicated in this Planning and Zoning Ordinance. Amendments to the text of this Planning and Zoning Ordinance or to the official Zoning amendments passed during the time period granted for the approved Development Plan have no effect on the terms under which approval of the PUD was granted.

CHAPTER 1182 – BLIGHT CONTROL

1182.01 PURPOSE.

The purpose of this Chapter is to protect the public health, safety and general welfare by establishing minimum standards governing the exterior maintenance, condition and appearance of structures and premises; to prevent blighting problems and enhance property values; to fix responsibilities and duties upon owners and occupants of structures with respect to sanitation, repair and maintenance; to authorize and establish procedures for the inspection of premises; and to provide for penalties for violations of this Chapter. This Blight Control Chapter shall apply to all structures and premises within the Village.

1182.02 MAINTENANCE OF BUILDINGS AND FENCES.

- (a) All buildings and structures shall comply with the applicable provisions of Part 13 - Building Code, of the Village Codified Ordinances. The exterior and condition of all buildings and structures on any premises shall be maintained so that the appearance thereof reflects a level of maintenance in keeping with the standards of the Village as set forth in this Chapter and so as to avoid blighting influences and hazards to health and safety.
- (b) All buildings on any property that are a blighting influence shall be removed or rehabilitated by the owner. All buildings which are to remain shall provide weather-proofed usable space and shall not harbor termites or other vermin, such as rats and mice or otherwise, directly or indirectly, threaten the health and safety of the general public.
- (c) Fences, retaining walls or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner, shall be maintained so that such fences, retaining walls or similar structures shall always be in a state of good structural repair and shall not constitute a threat to the health and safety of the general public and/or a blighting influence. Finish coatings shall be maintained and free from peeling paint. In the alternative, such fences, retaining walls or similar structures shall be removed or replaced by the owner. If necessary, in such cases where the structural repair is in question, the Village Engineer or the County Building Department, whichever may be applicable, will be notified to provide a professional opinion. Any opinion of the Village Engineer or County Building Department shall be binding.

1182.03 MAINTENANCE OF PREMISES.

- (a) The owner, lessee, agent or tenant of the owner having charge of the premises shall keep the exterior of all buildings and other structures on the premises, including, but not limited to, walls, gutters, downspouts, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, store fronts, signs, windows, doors, awnings and marquees, in good repair, and all surfaces thereof shall be kept protected for the purpose of preservation and avoiding a blighting influence to adjoining properties. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick or other conditions reflective of deterioration or inadequate maintenance, to the end that the property itself may be preserved safely, fire hazards eliminated and adjoining properties and neighborhoods protected from blighting influences.
- (b) All premises shall be appropriately maintained, and lawns, hedges, bushes, trees and other vegetation shall be kept trimmed and from becoming overgrown as provided for in Chapters 1183 and 1186, where exposed to public view or where such vegetation may constitute a blighting influence or obstruct a public right of way. However, this subsection shall not preclude the maintenance of undeveloped or underdeveloped land in its natural state.
- (c) All canopies, marquees, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies and similar overhanging or protruding extensions, where exposed to public view, shall be maintained in good condition and shall not show evidence of weathering, rotting, ripping, tearing or other holes or breaks.

- (d) No furniture (except lawn furniture which is designed for exclusive outdoor use and in good repair), mattresses, household furnishings, rugs, appliances, unused posts, abandoned, dilapidated or junk vehicles or vehicle parts, tires, discarded or abandoned machinery, equipment, construction equipment, construction material, brush, broken glass, railroad ties, telephone poles, roots, stumps, fallen trees, filth, garbage, trash, drums, and debris shall be placed or stored in any yard area, outdoor living area, porch, or carport, within the Village.
- (e) Construction dumpsters may not remain on a property for more than ninety (90) consecutive days. The construction dumpster must be removed within thirty (30) days of completion or cessation of construction. If necessary, a request for an extension, not to exceed ninety (90) days per extension, may be made by the owner of the property to the Village Zoning Inspector.
- (f) Portable storage units may not remain on a property for more than thirty (30) consecutive days, in a front yard.
 - (1) No more than one (1) portable storage unit on a lot at any given time without the express permission of the Village Zoning Inspector who may approve one (1) additional portable storage unit upon a showing of good cause.
 - (2) No storage unit can obstruct traffic visibility when placed on a property.
 - (3) During construction, a portable storage unit may be used to store on site tools. The portable storage unit must be removed within fifteen (15) days of cessation of construction.
 - (4) As used in this Section, "cessation" means a temporary stop of construction for thirty (30) days or more, or final stopping of all construction action.
 - (5) Upon request and a showing of good cause, the Village Zoning Inspector may grant a thirty (30) day extension for the placement of a portable storage unit or additional units.
- (g) As used in this Section, "junk vehicle" means a motor vehicle, boat or trailer that meets any one of the following criteria:
 - (1) Not readily operable on the roadways of Ohio under ORC 4513 or waterways under ORC 1547;
 - (2) Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission, missing or broken glass, missing body panels;
 - (3) Unregistered in the State of Ohio or any other state;
- (h) Automotive repair, storage, and restoration is prohibited in all residential zoning districts, except for work outdoors on a personal vehicle of the resident.

1182.04 REMOVAL OF MISCELLANEOUS DEBRIS.

All yards, courts or lots shall be kept free of debris which may cause a fire hazard or act as a breeding place for vermin or insects, unsightly material not appropriate to the area and/or which have a blighting influence on the area. All trash or debris shall be placed into trash containers suitable for such use. All trash containers shall be stored out of sight from street right-of-way.

1182.05 STEPS, WALKS AND DRIVEWAYS.

All steps, paths, walkways, and off-street parking, including spaces, parking lots, parking area, drives, driveways, aisles and circulation drives shall be constructed to promote safety, kept free from deterioration and blighting influences, and maintained free of chuck holes/pot holes, litter, glass, nails or other dangerous materials. If any such area, by reason of its state of repair, violates this Section, it shall be repaired or replaced within thirty (30) days. Hazards and unsanitary conditions shall be eliminated immediately. All walks which exist within the public right of

way which are now paved shall be maintained in a safe condition and good repair by the abutting property owner, free of trip hazards, cracks, and obstructions.

1182.06 NOTICES OF VIOLATION; NONCOMPLIANCE; REMEDIES OF VILLAGE.

- (a) When any premises is in violation of this Chapter, the Village Zoning Inspector or his/her designee shall issue a notice of violation to the owner, lessee, agent or tenant of the owner having charge of the premises, by certified mail, return receipt requested, or by personal service by a Municipal employee designated by the Village Zoning Inspector to perform such service. This notice of violation shall specify the violation committed and contain an order to conform to this Chapter within a certain number of days, not to exceed one-hundred and eighty (180) days. In the event that weather or other unforeseen circumstances prevents correcting or abating the violation, the Village Zoning Inspector may extend the time set forth herein.
- (b) If the owner does not comply with the order contained in the notice of violation, then the Village Zoning Inspector or his/her designee shall have the provisions of this Chapter enforced and shall cause the violation to be corrected. Upon the approval of Village Council, the Village Administrator may employ the necessary labor and equipment to perform such task, together with any cleanup work required. All expenses incurred shall, when approved by Council, be paid out of the General Fund of the Village.
- (c) In addition, the owner shall be liable for the penalties provided in this Chapter.

1182.07 CORRECTION OF VIOLATIONS BY VILLAGE; COSTS; LIENS.

- (a) Whenever any violation of this Chapter is corrected by the Village, having given prior notice as set forth in Section 1182.08 and upon completion of the work, the Village Administrator shall invoice the owner, lessee, agent or tenant of the owner having charge of the premises in violation, at the last known address of such person and require payment of the charges incurred within five (5) days. The invoiced costs of the corrective work required shall be for the actual costs incurred by the Village, including the following:
 - (1) Administration and supervision;
 - (2) Transportation of equipment;
 - (3) Equipment rental;
 - (4) Equipment operator;
 - (5) Incidental labor;
 - (6) Materials provided; and
 - (7) Legal fees.
- (b) If such charges are not paid within thirty (30) days after receipt of the notice, then the Village Fiscal Officer shall make a written notice to the County Auditor of its action under this Chapter, with a statement of the approved charges, the amount paid for the performing of labor, the fees of the officers who made the service of the notice and return and a proper description of the premises by legal description or permanent parcel number. Such amounts, as approved by the Village Council, shall be entered upon the tax duplicate, shall be a lien upon such lands from the date of the entry and shall be collected as other taxes and returned to the Village with the General Fund.

1182.08 REPORTS OF VIOLATIONS.

Any resident or employee of the Village may report violations of this Chapter to the Village Zoning Inspector for appropriate actions.

1182.09 APPEALS.

- (a) Any person directly affected by a decision of the Village Zoning Inspector or a notice of order issued under this Code Section shall have the right to appeal to the Board of Zoning Appeals within twenty (20) days of the date of the notice or order by filing a written notice with the Village Zoning Inspector and the Board of Zoning Appeals.
- (b) An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of the Code do not fully apply, the requirements of this Code are adequately satisfied by other means, and/or the strict application of any requirement of this Code would cause an undue and unnecessary hardship. The cost for the application for appeal under this Section is listed under Section 1135.04(f) and is applicable for each offense for which an appeal is requested.
- (c) The Board of Zoning Appeals shall hear such appeal in accordance with the provisions of Section 1138.04 of the Codified Ordinances of the Village of Sparta, Ohio.

1182.99 PENALTY.

- (a) Whenever the person responsible under this Chapter with the maintenance of a structure or premises fails to comply with any final order as provided in this Chapter, the Village Solicitor may file an action seeking injunctive relief or any other remedies as provided by law.
- (b) Whoever violates or fails to comply with any of the provisions of this Chapter is guilty of a minor misdemeanor and shall be fined not more than five hundred dollars (\$500.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

CHAPTER 1183 – GENERAL DEVELOPMENT STANDARDS

1183.01 GENERAL REGULATION OF THE ARRANGEMENT AND DEVELOPMENT OF LAND AND STRUCTURES.

Standards pertaining generally and uniformly to the arrangement and development of land and structures within the zoning districts adopted in Chapter 1141 are hereby established and adopted as supplementary to the district regulations of Chapters 1143 through 1180.

1183.02 LOT AND YARD SPACE REQUIREMENTS.

- (a) Platting Required. No use shall be established or altered and no structure shall be constructed or altered except upon a lot that has been platted in accordance with or which otherwise meets, the requirements of the Subdivision Regulations, when applicable and/or has been recorded with the Morrow County Recorder.
 - (1) Minimum requirements. The General Development Standards of this chapter are minimum requirements for the arrangement of lots and spaces to be achieved in all developments.
- (b) Lot Area and Yard Space Preserved. The lot area and yard space required for a use or structure shall be maintained during its life and shall not be reduced below the minimum requirement, occupied by another use or structure, or counted as yard space for any other use or structure.
 - (1) Open yard required. The yard space required for a use or structure shall, during its life, remain free of all uses or occupancy except as follows:
 - A. Fences, walls and landscaping shall be permitted in any required yard, or along the edge of any yard, provided they comply with the standards of 1183.11 and are not located so as to reduce visibility. In no instance shall a fence or wall located between a public right of way and the front building line be more than three (3) feet in height. Landscaping intended to serve as a natural wall shall also not be more than three (3) feet in height between a public right of way and the front building line.
 - B. Eaves, cornices, window sills and belt courses may project into any required yard a distance not to exceed two feet.
 - C. Open and uncovered porches may project beyond the front building line or into a required rear yard a distance not to exceed five feet.
 - D. Driveways shall be permitted in required yards, but shall be three feet or more from any property line, except where such driveways are developed jointly as a common drive to adjoining lots.
 - E. Parking areas shall be permitted in required yards developed in Industrial Zoning Districts to within twenty-five feet of a Residential Zoning District or a Planned Unit Development (PUD) Zoning District.
 - (2) Minimum yard requirements (nonresidential). Nonresidential uses shall not be located or conducted closer to any lot line of a Residential District than the distance specified in the following schedule.

Minimum Side or Rear Yard	Use
Abutting Any	
"R" District	
25 Feet	Off-street parking spaces and access drives for nonresidential uses.
50 Feet	Churches, schools, and public or semi-public buildings.

75 Feet	Recreation facilities, entertainment facilities, motels, all commercial uses, and billboards.
100 Feet	Outside sale or storage of building material or construction equipment uses.

Minimum yard requirements for Industrial uses are provided for in Chapter 1169.

- (3) Yards not otherwise required. Side and Rear Yard space not otherwise specified shall be twenty-five feet or more in width.
- (4) Yards maintained. All yard space shall be maintained in accordance with one or more of the following provisions:
 - A. Fenced as permitted or required.
 - B. Landscaped by lawns, shrubberies, trees and other plantings, maintained in a neat and orderly natural state, or used for permitted accessory or ancillary use.
 - C. Paved for parking as permitted.
- (5) Exceptions to yard requirements. The following exceptions may be made to yard requirements:
 - A. Where, on the effective date of the Zoning Ordinance, forty percent (40%) or more of a frontage was occupied by two or more buildings, then the front yard is established in the following manner:
 1. Where the building farthest from the street provides a front yard of not more than ten feet deeper than the building closest to the street, then the front yard for the frontage is and remains an average of the then existing front yards.
 2. Where subsection A.1. hereof is not the case and a lot is within 100 feet of a building on each side, then the front yard is a line drawn from the closest front corners of these two adjacent buildings.
 3. Where neither subsections A.1. nor A.2. is the case, and the lot is within 100 feet of an existing building on one side only, then the front yard is the same as that of the existing adjacent building.

1183.03 BUILDING LINES ALONG PUBLIC RIGHTS OF WAY.

- (a) Building Lines Established. Except as otherwise provided, along every street right of way, a building line shall be established from the center line of that right of way a distance equal to the width of the existing right of way.
 - (1) Front building setback. The front setback is that distance between the established building line and the actual or proposed street right of way. No structure or other use of land, except parking, shall locate in the required setback. In no case shall the required setback be less than the minimum required in the applicable zoning district.
 - (2) Parking within the required setback. Open parking or loading spaces shall be permitted to extend toward the street right of way from the established building line a distance equal to forty percent (40%) of the required setback distance as measured from right of way or proposed right of way. In no case shall any part of a parking area be closer than fifteen feet to any established or proposed right of way.
 - (3) Platted setback. No structure or other use, except parking, shall be located between the street right of way and the platted building line.

- (b) Sight Triangle Established at Driveway and Street Intersections. To ensure that landscape materials, vehicles, utility poles, and signs do not constitute a driving hazard, a sight triangle shall be observed at all street intersections or intersections of driveways with streets.
- (1) Visibility maintained. Within the sight triangle there shall be maintained a clear visibility between the heights of two and one-half feet, except trunks of all existing trees or light or sign supports. Such supports shall have a maximum dimension of six inches or less in any horizontal section. If there are two or more supports on a framework, they shall not have an opaqueness of more than ten percent (10%) when viewed parallel to the third side of the sight triangle. Trees shall be permitted as long as, except during early growth stages, only the tree trunk is visible between the ground and eight feet above the ground, or otherwise does not present a traffic visibility hazard. The maintenance of clear visibility first requires that there shall be no vehicle parking or standing space provided within the sight triangle.
 - (2) Driveway intersection sight triangle. At intersections of driveways with streets, the sight triangle shall be established by locating the intersection of the street curb with the driveway edge, measuring from this point a distance of ten feet along the driveway to a point, measuring a distance twenty feet along the street curb to a point, and connecting these points.
 - (3) Street intersection sight triangle. At intersections of street rights of way, the sight triangle shall be established as described by the right-of-way lines of the intersecting streets and the third side being a line passing through a point on each right-of-way line that is a distance from their point of intersection equal to the sum of the width of both rights of way divided by four.

1183.04 MARIJUANA CULTIVATORS, PROCESSORS AND RETAIL DISPENSARIES.

No person shall open, establish or operate any business or commercial enterprise engaged as a cultivator, processor or retail dispenser of marijuana within the Village of Sparta.

1183.05 ACCESSORY USES AND STRUCTURES.

Accessory uses and structures shall be permitted in association with a principal use or structure provided that the area of the accessory use or structure shall be twenty-five percent (25%) or less of the gross floor area of the principal use or structure.

- (a) Accessory Use and Structure Defined. "Accessory use or structure" means a subordinate use or structure which is incidental to and in association with a principal use or structure and which is customarily required or provided for the principal use or structure. For purposes of Section 1183.05 , garages, porches, decks and other similar features that are physically attached to a dwelling structure shall not be considered accessory structures in all residential districts.
- (b) Permit Required. Zoning Permit shall be issued prior to the erection, addition, or alteration of an accessory structure located on any lot in conjunction with a permitted principal use.
- (c) Location. Accessory uses and structures shall be located on the same lot as the principal use or structure. Accessory uses and structures shall be completely to the rear of the principal structure and shall be no closer than five (5) feet from any part of the principal structure with the exception of fences, hot tubs, pools, saunas, and patios. Accessory uses and structures shall meet the rear and side yard setback requirements of the applicable residential zoning district. Accessory uses and structures shall not be located within a recorded easement.
- (d) Number. No more than two accessory buildings shall be permitted on any lot.

1183.06 RESERVED.

Reserved for future legislation.

1183.07 PUBLIC NUISANCE REGULATIONS.

- (a) Prevention of Nuisance. Every structure or use subject to the provisions of the Zoning Ordinance shall be located, arranged and operated in accordance with the following provisions so that it will not interfere with the development and enjoyment of adjacent property.
- (b) Required Standards. In addition to any other provisions of this Zoning Ordinance, the following standards of development and operation are provided to control hazardous, obnoxious or other nuisance activity of uses subject to the provisions of the Zoning Ordinance.
 - (1) Vibrations and noise. No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth-shaking vibrations which are discernable to the Zoning Inspector without instruments at or beyond the property line of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.
 - (2) Smoke. Smoke shall be controlled in its emission so as to be less dark in shade than that designated as No. 2 on the Ringlemann Chart published and used by the U.S. Bureau of Mines, except that emission above such level shall be permitted for a period of three minutes or less during the operation of starting or cleaning a fire.
 - (3) Dust. Dust or particulate matter shall be so controlled as not to produce a hazardous or obnoxious situation beyond the property lines of the lot on which such dust or particulate matter is produced.
 - (4) Odors. There shall be no use or storage of substances so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located or stored. The applicable standards of the Environmental Protection Agency shall be adhered to.
 - (5) Glare. Glare or heat from processing or other activity or lighting shall be so screened as not to be perceptible beyond the property lines of the lot on which such glare or heat is produced.
 - (6) Fire and explosion hazards. All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
 - (7) Air pollution. No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
 - (8) Liquid or solid wastes. No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.

1183.08 PRIVATE SWIMMING POOLS.

No private swimming pool (see Chapter 1137 Definitions "Swimming Pool"), above or below ground, shall be allowed in a residential zoning district except as an accessory use, as regulated by 1183.05 herein and provided such pool complies with the following additional conditions and requirements:

- (a) The pool is intended and used primarily for the enjoyment of the occupants of the principal use of the property.
- (b) The pool shall be located to the rear of the principal structure and may not be located closer than seven (7) feet to any lot line of the property on which it is located.

- (c) The pool, or the entire lot on which such pool is located, shall be enclosed by a structure with a minimum height of four (4) feet to prevent uncontrolled access from the street and from adjacent properties.
- (d) Any lighting to illuminate the pool area shall be so arranged as to deflect the light away from the adjoining properties.
- (e) No person, firm or corporation shall construct or install a swimming pool or make any alteration therein or in the appurtenances thereof without having received an approved zoning permit consistent with the requirements of Chapter 1135.

1183.09 ADULT ENTERTAINMENT FACILITIES.

(a) Definitions.

- (1) Adult Entertainment Facilities: A facility having a significant portion of its function as adult entertainment which includes the following listed categories:
 - A. Adult Book Store. An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined or an establishment with a segment or section devoted to the sale or display of such material;
 - B. Adult Mini Motion Picture Theater. A facility with a capacity for less than fifty persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or relating to "specified anatomical areas" for observation by patrons therein;
 - C. Adult Motion Picture Theater. A facility with a capacity of fifty or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein; and
 - D. Adult Entertainment Business. Any establishment involved in the sale or services of products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage and similar functions which utilize activities as specified above.
- (2) Specified sexual activities.
 - A. Human genitals in a state of sexual stimulation or arousal;
 - B. Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus or fellatio;
 - C. Fondling or other erotic touching of human genitals, pubic regions, buttock or female breasts.
- (3) Specified anatomical areas.
 - A. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola;
 - B. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

- (b) Use. Adult entertainment facilities are permitted uses in the I-1 Restricted Industrial District only, subject to the conditions and requirements set forth in the Planning and Zoning Code and the following limitations:
- (1) No adult entertainment facility shall be established within 1000 feet of any area zoned for residential use.
 - (2) No adult entertainment facility shall be established within a radius of 1500 feet of any school, library, or teaching facility, whether public or private, governmental or commercial, which school, library, or teaching facility is attended by persons under eighteen years of age.
 - (3) No adult entertainment facility shall be established within a radius of 1500 feet of any park or recreational facility attended by persons under eighteen years of age.
 - (4) No adult entertainment facility shall be established within a radius of 1000 feet of any other adult entertainment facility or within a radius of 1000 feet of any two of the following establishments:
 - A. Cabarets, clubs or other establishments which feature topless or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers;
 - B. Establishments for the sale of beer or intoxicating liquor for consumption on the premises;
 - C. Pawn shops;
 - D. Pool or billiard halls;
 - E. Pinball palaces, halls or arcades;
 - F. Dance halls or discotheques;
 - G. Gaming establishments or playing card clubs.
 - (5) No adult entertainment facility shall be established within a radius of 1500 feet of any established church, synagogue or permanently established place of religious services which is attended by persons under eighteen years of age.
 - (6) No advertisements, displays or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.
 - (7) All building openings, entries, windows, etc., for adult uses shall be located, covered, or serviced in such a manner as to prevent a 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.
 - (8) 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.
 - (9) Off-street parking shall be provided in accordance with Chapter 1193 for similar uses, as well as all other standards for permitted uses within the I-1 District.

1183.10 LOT OF RECORD.

- (a) Existing Lot of Official Record. In any district where dwellings are permitted, a permitted residential dwelling(s) may be erected on any lot of official record on the effective date of this Zoning Code even though such lot does not comply with the minimum lot area and minimum width requirements of such district, provided said lot has a minimum of forty (40) feet of frontage on an improved public street and further provided the following conditions are met:

- (1) If the owner of such lot does not own adjoining property and did not own such property at the time this Zoning Code became effective:
 - A. Each required side yard may be reduced by two (2) inches for every foot that is narrower than the required lot width at the building line, but in no case shall each required side yard be less than four (4) feet. Such dedications shall not apply to structures higher than two (2) stories.
 - B. Required rear yards shall be twenty-five (25) percent of the lot depth, but in no case shall be less than fifteen (15) feet.
 - C. Required building line, see Section 1183.03.
- (2) If the owner of such lot owns the adjoining property and owned such property at the time this Zoning Code became effective then in order to erect a dwelling(s) that meets district dimensional requirements, such lots shall be combined to create a parcel that meets said requirements.

1183.11 FENCES AND HEDGES.

- (a) **Definitions and Application.** The words "fence" and "wall" mean any structure composed of wood, metal, stone, brick or other material erected in such a manner and position as to enclose, partially enclose or divide any premises or any part of any premises. Trellises or other structures supporting or for the purpose of supporting vines, flowers or other vegetation when erected in such a position as to enclose, partially enclose or divide any premises or any part of any premises shall also be considered a fence.

The provisions of this section shall apply to all zoning districts. Fences approved as a part of a site plan or during development plan review shall not require a separate Zoning Permit.

- (b) **Regulations.**
 - (1) Barbed wire or similar sharp point fences are prohibited.
 - (2) Electrically charged fences shall be forbidden in all districts except on sites of more than ten (10) acres used to confine livestock.
 - (3) All fences shall be maintained in good condition, be structurally sound and attractively finished at all times. Any ground between the fence and property line shall be well maintained.
 - (4) All fences and walls must present the finished non-structural face outward.
 - (5) No fence or wall may be placed within the sight visibility triangle defined in Section 1183.03(b).
 - (6) No fence or wall shall be permitted to encroach upon public rights-of-way or easements.
 - (7) No mesh wire fence, consisting of woven, knotted or interlocking wires in an open configuration of evenly spaced holes of less than four (4) inches in any dimension, shall be constructed in any district.
 - (8) No fence shall be constructed on any property line; nor shall any fence be constructed on or within any easement.
 - (9) No fence or wall shall be constructed in any platted no-build zone, conservation/no disturb zone, floodway, floodplain or drainage easement for any parcel or subdivision, which would be detrimental to the public health, safety and welfare. All portions of the property shall remain accessible from outside the fence area by means of a gate or other opening.
 - (10) All fences on a parcel shall have a unified style.
 - (11) Guard rails shall not be used as fencing.

- (c) Zoning Permit Required. No fence shall be constructed, altered or reconstructed without a Zoning Permit from the Zoning Inspector. Applicable Fees shall be as set by Council.
- (d) Inspections. It shall be the duty of each property owner to determine property lines and to ascertain that the fence thus constructed does not deviate from the plans approved by the Municipality, and such fence does not encroach upon another lot or parcel of land nor is it in violation of any deed restrictions. The Municipality shall furnish such inspection as is deemed necessary to determine that the fence is constructed in accordance with plans submitted for permit, provided, however, that the issuance of the permit by the Municipality shall not be construed to mean that the Municipality has determined that the fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed upon him therein.
- (e) Exemptions for Temporary Fences. The following temporary fences shall be exempt from the provisions of this section:
 - (1) Temporary construction fences when such fence is indicated on an approved site plan.
 - (2) Temporary fences used for Special Events and shown on an approved site plan for said event.
 - (3) Temporary snow fence installed by any Government agency.
 - (4) Temporary fences installed for the protection of the public from any obvious danger.

1183.12 HOME OCCUPATIONS.

Home occupations shall be those limited occupations which are hereafter defined and which may be carried on as a conditional use in any residential district except Multi-Family Residential Districts. Home occupations are prohibited in Multi-Family Residential Districts.

- (a) Standards for home occupations. No home occupation shall hereafter be established, altered or enlarged in any residential district unless such home occupation is permitted by this Zoning Code and complies with the following restrictions or standards:
 - (1) No person other than members of the family residing on the premises shall be engaged in a home occupation.
 - (2) No sign shall be used in connection with a home occupation, nor shall any display be used that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling.
 - (3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, which would change the essential character thereof as a dwelling.
 - (4) The space devoted for use of the home occupation must be clearly incidental to the residential use of the property.
 - (5) No mechanical or electrical equipment shall be used except normal domestic or household equipment, computers, adding machines, typewriters, copy machines and similar equipment, or any equipment necessary and essential to any home occupation that otherwise meets the requirements of this section.
 - (6) No home occupation shall be used in such a manner as to create offensive odors, noise, vibration, smoke or other particulate matter, heat, humidity, glare, electronic interference or otherwise constitute a nuisance or safety hazard to any occupant of adjacent or nearby properties.
 - (7) There shall be no outdoor, unscreened storage of equipment or materials used in the home occupation.

- (8) Not more than four motor vehicles, used by customers of the home occupation, shall be parked at the location of the home occupation at one time.
 - (9) The home occupation shall not generate traffic greater in volume than normal for residential neighborhood.
 - (10) Vehicles used by customers shall be parked in the driveway or along the street curb abutting the premises.
- (b) Conditional Use Permit Required. All persons conducting home occupations which are presently existing or which are established, changed or enlarged after this chapter is in effect shall be required to obtain a conditional use permit from the Board of Zoning Appeals. All persons who presently have a valid permit issued by the Zoning Inspector for an existing home occupation will be required to obtain a conditional use permit following expiration of the existing permit.

1183.13 ONE USE PER RECORDED LOT.

In all residential districts (RU, R-1, R-2, MFR) there shall not be more than one (1) principal permitted use on each recorded lot.

1183.14 MULTIPLE COMMERCIAL/INDUSTRIAL USES PERMITTED.

In the B-1, B-2, I-1, and PUD districts, multiple uses may be permitted on a single lot of record subject to the following standards:

- (a) Uses Shown on Approved Final Site Plan. Multiple uses may be permitted on a single lot of record when such uses are shown on an approved final site plan.
- (b) Multiple uses may be permitted on a single lot of record when such uses are located in a multi-tenant structure and the uses are not a prohibited use.

1183.15 CONNECTIVITY REQUIRED.

When located adjacent to an existing pathway or when indicated on a Village pathway plan, the developer will be required to construct a pathway and connect to existing pathway. The proposed connection must be shown on the final site plan.

1183.16 MANUFACTURED HOUSING REGULATIONS.

Permanently-sited manufactured housing is permitted in all residential districts provided it complies with the following:

- (a) Must be attached to a permanent, frost-free foundation meaning permanent masonry, concrete, or a locally approved footing or foundation (slab, crawl space foundation or full foundation), and connected to appropriate utilities;
- (b) Excluding any additions, have a width of at least 22 feet and a length of at least 22 feet as manufactured;
- (c) Have conventional residential siding, (i.e. lap, clapboard, shake, masonry, vertical natural materials), a 6-inch minimum eave overhang, and a minimum "A" roof pitch of 3:12;
- (d) Meets all applicable zoning requirements uniformly imposed on all single-family dwellings in the particular district including minimum square footage requirements (excepting contrary requirements for minimum roof pitch and requirements that do not comply with HUD code standards for manufactured housing);
- (e) Is not located in a mobile home park as defined by O.R.C. 3733.01.

1183.17 MOBILE HOMES.

No mobile homes or mobile home parks, as defined by O.R.C. 3733.01 shall be permitted within Sparta boundaries, except as permitted by conditional use.

1183.18 ADDRESSES REQUIRED.

All buildings need to have addresses posted on the exterior in a location visible from the public right of way. The address may not exceed one square foot in area.

CHAPTER 1184 – SPECIAL PERMITS

1184.01 PURPOSE.

The purpose of this chapter is to identify land uses which require a Special Permit due to unique characteristics relative to location, design, size, operation, traffic circulation or need for public services and to provide supplemental criteria which shall be applied by the Board of Zoning Appeals when reviewing the proposed use.

1184.02 SPECIAL PERMIT REQUIRED.

Within the Municipality, no building, structure or premises shall be used and no building or structure shall be erected which is arranged, intended or designed to be used for any use specified in this chapter unless a Special Permit has been issued by the Board of Zoning Appeals.

1184.03 POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS.

The Board of Zoning Appeals shall have the following powers and duties in addition to those defined elsewhere in this Zoning Ordinance.

- (a) To grant Special Permits for uses listed in this chapter where it is shown that the special use can be granted a permit without substantial impairment of the general purpose and intent of the zoning district in which the use is proposed to be located and without significant incompatibility with the general character of the neighborhood.
- (b) To impose such requirement(s), conditions and appropriate time limitations regarding the location, character or other features of the proposed uses or structures as the Board of Zoning Appeals feels necessary to carry out the intent and purpose of the Zoning Ordinance and to otherwise safeguard the public safety and welfare.
- (c) Upon application by the Village Solicitor to revoke any Special Permit whose condition has been violated after notice and opportunity to conform have been given by the Zoning Inspector.

1184.04 DISH ANTENNAE.

- (a) Purpose. The purpose of these regulations is to regulate the proper development and use of satellite dish antenna systems. In addition to protecting from distractions and obstructions, it is the intent of these regulations that satellite dish antennas are as much subject to control as noise, odors, debris and like characteristics of a use that, if not controlled and regulated, can become a nuisance factor to adjacent properties or the community in general. To protect the general health, safety and welfare, and to protect and encourage a more attractive economic, business and overall physical appearance of the community, all satellite dish antennas are subject to the regulations set forth in this section. This section shall not apply to satellite dish antennas less than two feet in diameter.
- (b) Permit Process. A Zoning Permit for the installation of all dish antennae shall be issued to the owner of the property by the Zoning Inspector or appropriate designee after approval of a Special Permit by the Board of Zoning Appeals through the procedure described in Section 1138.07 . An accessory use permit will not be required. The Board will base its approval upon a site plan submitted by the applicant and the extent to which the plan demonstrates that the installation of the dish antenna is in conformance with the guidelines of this Section.
- (c) Fee. A fee in such amount as may be established by the Council acting by ordinance or resolution shall be paid to the Municipality for each application for a Special Permit to install a dish antenna.
- (d) Regulations. No Zoning Permit shall be issued, and no satellite dish antenna shall be installed or maintained, unless the satellite dish antenna complies with the following regulations:

(1) Residential uses.

- A. No satellite dish antenna shall be more than three feet in diameter.
- B. Satellite dish antennas shall be permanently mounted and located to the side or rear of the principal building or as otherwise provided for in this Section. No rooftop installations or mobile satellite dish antennas mounted on trailers or vehicles are permitted.
- C. The satellite dish antenna shall be open mesh type if possible.
- D. The satellite dish antenna shall be wired underground.
- E. Satellite dish antennas shall be located not closer than twenty feet to the rear lot line and fifteen feet to the side lot line.
- F. The maximum height of the satellite dish antenna shall not exceed fifteen feet from grade level.
- G. The satellite dish antenna, including mounting hardware and guywires, shall be permanently screened by landscaping a minimum of five feet in height which visually screens the dish on all sides during all seasons from adjacent residences.
- H. The satellite dish antenna foundation shall be concrete. The satellite dish antenna shall consist of metal supports and/or galvanized construction. The structure, including foundation, shall be designed to withstand wind forces up to 70 miles per hour.
- I. The satellite dish antenna shall be removed within six months of ceasing operation or when replaced or unused.

(2) Nonresidential uses. Except as to the following, the regulations set forth for residential uses in subsection (c)(1) above shall apply:

- A. Rooftop installations shall be permitted, provided that the satellite dish antenna, including mounting hardware and guywires, are permanently screened so as not to be visible from the street level.
- B. When adjacent to a residential district, a satellite dish antenna shall be located not closer than fifty feet to the rear and/or side lot line.
- C. The maximum diameter of a satellite dish antenna shall not exceed six feet.

1184.05 PORTABLE STRUCTURES AND TEMPORARY USES.

- (a) Purpose. Regulation of portable structures such as temporary construction trailers, temporary use trailers and portable classrooms is intended to provide for unusual circumstances or the short term needs of the residents of the Village of Sparta, to preserve the quality of life in residential areas and to provide a review process that maximizes the safety and aesthetic appeal of the portable structures and temporary uses and minimizes the duration and intrusion of such structures.
- (b) Definitions.
 - (1) "Portable non-residential structure(s)" means a building(s) or similar structure(s) designed for occupation which is not placed on a permanent foundation. The definition shall include construction trailers, portable classrooms, tents, storage sheds, trailers and any other uses which may be proposed for such structures.
 - (2) "Construction trailer" means a temporary building or structure used as a construction office for a project located on the same site during its construction.

- (3) "Portable classroom" means a manufactured structure not permanently attached to the ground, used on a temporary basis in conjunction with a permanent structure to provide educational services.

(c) Permit Process.

- (1) A Zoning Permit shall be issued to the owner of the property by the Zoning Inspector or designee after approval of a Special Permit by the Board of Zoning Appeals for any portable non-residential structure, through the procedure described in Section 1138.07 . The Board of Zoning Appeals shall approve, disapprove or approve with conditions a Special Permit, based on a site plan and a narrative outlining the scope of use to be submitted by the applicant and owner of record of the property according to the rules of the Board of Zoning Appeals. In making its decision, upon the Special Permit application, the Board shall consider that the proposed structure be:
- A. Permitted in any zoning district provided the use of the structure is a permitted use in the zoning district or an accessory use as provided in Section 1183.05 ;
 - B. Located on the site so as to provide safe access to the structure and be served by adequate parking;
 - C. Screened from view and sensitively located and to show adherence to the standards of the community;
 - D. Detailed in a dimensioned site plan to include a complete structure elevation, landscape plan and site lighting;
 - E. Proposed for a limited period of time not to exceed one year. The duration of the proposed Special Permit shall be specified by the applicant and approved by the Board. Extension of the Special Permit for an additional limited period of time may be permitted by reapplication to the Board when reasonable progress toward a permanent structure is demonstrated. The Board shall base its decision on any extension request on the same criteria as the initial Special Permit.
 - F. Detailed in a narrative noting the specific use proposed and the scope of the intended use; and
 - G. Proposed in compliance with development standards with respect to parking and landscaping.

(d) Exemptions.

- (1) Construction trailers are not subject to a Special Permit review by the Board of Zoning Appeals and are permitted in non-residential zoning districts provided:
- A. The location and footprint of the construction trailer is noted on the construction plans submitted and approved for the Certificate of Zoning Compliance for the project,
 - B. The construction trailer is used in conjunction with an approved construction project only during actual construction work; and
 - C. The construction trailer is removed from the construction site upon completion of actual construction work or when construction has been discontinued for a period of thirty days or more.
- (2) Construction trailers are not subject to a Special Permit review by the Board of Zoning Appeals and are permitted in residential zoning districts provided:
- A. A site plan approval is issued by the Zoning Inspector to show agreement between the Municipality and residential developer as to the location of the construction trailer, and

the installation of landscape screening in order to improve the visual appearance of the site if the trailer is not screened by existing natural vegetation.

- (3) Tents are not subject to a Special Permit review by the Board of Zoning Appeals and are permitted in non-residential zoning districts and non- residential planned districts provided:
 - A. A site plan approval is issued by the Zoning Inspector;
 - B. The use for which the tent is proposed is a temporary accessory use to a permitted principal use on the same site; and
 - C. The tent is approved by the Central Ohio Joint Fire Department.
- (4) Tents are not subject to a Special Permit review by the Board of Zoning Appeals and are permitted in Residential Zoning Districts and Planned Residential Districts provided:
 - A. The tent is used as an accessory use to the residential use of the premises or the tent is an accessory to a special event sanctioned or permitted by the Village; and
 - B. In the case of tents having a floor area greater than 100 square feet, the tent is approved by the Fire Department.
- (e) Fee. A fee in such amount as may be established by the Council acting by ordinance or resolution shall be paid to the Municipality for each application for a Special Permit for Portable Structures and Temporary Uses.

1184.06 MODEL HOMES IN RESIDENTIAL DISTRICTS.

- (a) Purpose. Regulation of model homes is intended to preserve the opportunity for potential residents of Sparta to inspect housing available within the Municipality; to provide home builders a forum to demonstrate housing types; to preserve the quality of residential life for nearby residents; and to protect residential areas from uses which are not residential in nature.
- (b) Definition. "Residential model home" means a residential structure used by a home builder/developer, real estate worker or realtor to demonstrate construction, display building amenities and color selection charts to prospective home buyers and promote the sale or lease of housing units. The model home may be staffed and furnished.
- (c) Permit Process.
 - (1) A Zoning Permit shall be issued to the owner of the property by the Zoning Inspector or appropriate designee after approval of a Special Permit by the Board of Zoning Appeals for a model home. The Board of Zoning Appeals shall approve, disapprove or approve with conditions, a Special Permit based on its proposed location in the community. In making its decision, the Board shall consider that the proposed model home be:
 - A. Sited so that it is easily accessible and identifiable;
 - B. Integrated into the residential character of the neighborhood with external lighting approved on a case-by-case basis. No exterior lighting other than usual and customary residential lighting shall be permitted at the model home after 9:00 p.m.
 - C. Approved for a limited duration not to exceed two years for model homes in a new subdivision and not to exceed one year in developed or mature neighborhoods. Extension of the duration of model homes may be permitted by application to the Board of Zoning Appeals. The Board shall consider the same criteria in approving extensions as is prescribed for initial applications.
 - D. Identified by no more than one sign in compliance with the sign code;

- E. The Special Permit application will describe the use proposed for the model home including:
 - 1. Hours of operation.
 - 2. Number of employees.
 - 3. Maximum number of employees to be on site at any time.
 - 4. Provision for parking for employees and customers.
 - F. Parking. All model homes shall provide off-street, paved parking for the public. Such off-street, paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be six (6) per model home. The driveway of the model home may be utilized for not more than two (2) of the required parking spaces.
- (d) Fee. A fee in such amount as may be established by the Council, acting by ordinance or resolution, shall be paid to the Municipality for each application for a Special Permit to establish a model home.

CHAPTER 1186 – NUISANCES

1186.01 APPLICATION OF THE CHAPTER.

The provisions of this Chapter shall be enforceable within this Municipality concurrently with the State and Federal laws relative to sanitation and health and the ordinances or orders of the local health district relative thereto, and shall not be construed as modifying, repealing, limiting, or affecting in any manner such laws, ordinances, or orders.

1186.02 REPORTS OF VIOLATIONS.

Any resident or employee of the Village may report violations of this Chapter to the Village Zoning Inspector for appropriate actions.

1186.03 UNCLEAN HABITATIONS.

- (a) Permitting Unclean Habitations. It shall be unlawful for any person to lease, let, permit the occupancy of, permit the continuation of the occupancy of, or continue the occupancy of a structure or building or any portion thereof used for human habitation, unless such structure or building or portion thereof is free from unclean and unsanitary conditions as defined in subsection (b) hereof and unless the provisions of the subsequent sections are complied with.
- (b) A structure, building, or any portion thereof used for human habitation shall be deemed to be a public nuisance and in an unclean and unsanitary condition when any of the following conditions exist:
 - (1) Infection with communicable disease;
 - (2) Absence of the toilet facilities required by law or ordinance;
 - (3) Excessive dampness, wetness or the presence of black mold due to lack of repair;
 - (4) Accumulation of dirt, filth, litter, refuse, or other offensive or dangerous substances likely to cause sickness among the occupants;
 - (5) Defective or improperly used drainage, plumbing, or ventilation facilities likely to cause sickness.
 - (6) Inadequately secured or maintained structure(s) as to allow for the habitation of wild animals as defined in ORC 505.071(a)(5).
- (c) Order for Abatement or Vacation of Premises.
 - (1) If the County Board of Health ascertains from examination or reports of its inspectors or sanitary officers, or otherwise determines that a public nuisance as defined in subsection (b) hereof, exists in or upon any structure or building, or portion thereof, and has notified the owner, occupant, or person in charge of the premises to abate the nuisance or vacate the premises, it shall be unlawful to occupy or permit the occupancy of the premises or portion thereof until the nuisance has been completely abated and the building or portion thereof has been rendered clean and sanitary in accordance with the terms of the notices of the Board of Health.
- (d) Enforcement of Vacation Order by Police Chief or His/her Designee. When the notice or order of vacation has not been complied with, and the Board of Health certifies such fact to the Police Chief or his/her designee, together with a copy of the order of notice, it shall be the duty of the Police Chief or his/her designee to enforce such notice or order of vacation and to cause the premises to be vacated in accordance with the terms of the notice or order.
- (e) Enforcement through Court Proceedings. Whenever the Board of Health certifies to the Village Solicitor any failure to comply with any order or notice of vacation, with the request that civil proceedings for the

enforcement thereof be instituted, the Village Solicitor shall institute any and all proceedings, either legal or equitable, that may be appropriate or necessary for the enforcement of the order or notice and the abatement of the nuisance against which the order or notice was directed. These suits or proceedings shall be brought in the name of the Municipality. Proceedings under this Section shall not relieve any party defendant from criminal prosecution or punishment under this Code or any other criminal law or ordinance in force within the Municipality.

1186.04 PRIVY VAULTS, CESSPOOLS, REFUSE.

- (a) Location of Privy Vaults, Cesspools, and Septic Tanks. No owner, occupant, or person in charge of any premises so situated as to permit connection with any sanitary sewer shall maintain or permit to be maintained on or in connection with such premises any privy vault, cesspool, septic tank, or other repository for human excreta.
- (b) Unsanitary Vaults. It shall be unlawful for any person being the owner, lessor, occupant, or person in charge of any premises upon which a privy vault, cesspool, or septic tank is located to permit such vault, pool, or tank, or any building, fixture, or device appurtenant thereto, to become foul, noisome, filthy, or offensive to neighboring property owners.
- (c) Removal of Contents of Vault. Whenever any part of the waste in any privy vault or cesspool extends to a point less than three feet below the surface of the ground adjacent thereto, or whenever use of any such vault or cesspool is abandoned or where such use or maintenance is prohibited by ordinance or health order, the owner, lessor, occupant or person in charge of such premises shall cause the vault or cesspool to be emptied of its contents, thoroughly cleaned, and disinfected, and if abandoned, to be filled with clean earth or mineral matter to the level of the adjacent ground.
- (d) Deposit of Dead Animals, Offal. No person shall put the carcass of a dead animal or spoiled meat, spoiled fish, or other putrid substance or the contents of a privy vault, upon or into a lake, river, bay, creek, pond, canal, well, spring, reservoir of water works, road, street, alley, lot, meadow, public ground, market place, or common ground. No owner or occupant of such place shall knowingly permit such thing to remain therein to the annoyance of any citizen or neglect to remove or abate the nuisance occasioned thereby within twenty-four (24) hours after knowledge of the existence thereof, or after notice thereof in writing from the Village Zoning Inspector.

1186.05 WEEDS AND LITTER ON PRIVATE PROPERTY (ORD. 2010-10)

- (a) Definitions
 - (1) "Offensive and noxious weeds" means any plant designated as a "prohibited noxious weed" in Section 901: 5-37-01 of the Ohio Administrative Code, as amended or replaced from time to time, as well as any plant designated as a prohibited or restricted noxious weed in Section 901:5-27-06 of the Ohio Administrative Code, as amended or replaced from time to time.
 - (2) "Person" includes a natural person, a corporation, partnership, trust, company, or any other form of artificial person or entity recognized in law or operating de facto.
 - (3) "Residential." means any building or structure with three or fewer dwelling units.
- (b) Duty to Cut Weeds, Vines or Grass and Trim Trees
 - (1) No owner or tenant, or any other person having possession or control over any lot or land within the Village shall fail to cut down and remove any offensive or noxious weeds, or vines or grass of a height of twelve (12) inches or more.
 - (2) It is a prima-facie violation of this section if any such offensive or noxious weeds, vines or grass twelve inches or more in height exist on any lot or land.

(c) Trees Over Hanging Street or Sidewalk; Duty to Trim Height. The owner, and the tenant or other person in possession of or control over any lot or land situated within the Village and abutting on any public street, alley or highway, shall trim, and keep trimmed, all trees growing on such lot or land, where branches of trees overhang any portion of such street, alley or highway or overhang any part of the pavement or sidewalk or that part of such street or highway so abutting upon such lot or land. Such trees shall be trimmed and kept trimmed so that the lowest branch thereof is at least eight (8) feet above the level of that part of such pavement or sidewalk and fourteen feet above the level of that part of such pavement on any street or highway, or the surface of any alley so overhung by such branches.

(d) Dangerous Trees on Private Property, Inspections and Removal Order

- (1) No owner, tenant or person in possession of or in control over any lot or land shall permit or allow any tree to continue to exist which, because of age, disease, location, or for any other reason, has become dangerous to the residents of the Village; provided, however, that the Village shall be responsible for maintaining trees in the street treelawn. If there is no street tree lawn, the owner, tenant, or person in possession of or control over the property, remains responsible. The Village Mayor or designate is hereby authorized to make inspections in order to ascertain whether any dangerous tree contemplated by this section exists on any lot or land. For the purpose of making inspections under the provisions of this section, the Village Mayor, or duly authorized representative, shall, at all reasonable hours, have the right to enter lawfully into and upon any lot or land located within the Village.
- (2) If the Village's authorized representative, upon making any inspection allowed by this section, finds any tree located on any lot or land which he determines to be dangerous under this section, he shall condemn such tree and order the owner and the tenant or person in possession of or control over such land or land, in writing, to remove such tree within the time specified in the order, which shall not be less than fifteen (15) days. If however, the Village representative finds that the condition of any such tree creates an emergency due to the risk of imminent serious physical harm to person(s) or property, the Village's representative may require the property owner, tenant or other person in possession of or control over the lot or land to remove any such tree within such time as may be reasonable under the circumstances.
- (3) Notice of such order shall be served as provided herein. No person shall fail to comply with such order within the prescribed time.

(e) Failure to Comply

- (1) No owner, tenant or any other person, having possession of or control over a lot or land, shall fail to maintain such lot or land as required in this Ordinance.
- (2) No owner, tenant, or any other person, having possession of or control over a lot or land, shall fail to trim low-hanging branches on trees on such lot or land as required in this Ordinance.
- (3) No owner, tenant or any other person, having possession of or control over a lot or land, shall fail to remove any diseased, damaged or otherwise dangerous tree on such lot or land as required by this Ordinance.

(f) Notice to Cut Weeds, Vines or Grass; Notice to Trim Trees; Notice to Remove

- (1) If the Village's representative becomes aware of an alleged violation of any provision of this Ordinance, the Village's representative shall investigate the allegation. If the Village's representative finds conditions which violate this Ordinance, the following procedures apply:
 - a) The Village's Representative shall cause a Notice to Cut Weeds, Vines, or Grass (Notice to Cut), a Notice to Trim Trees (Notice to Trim), and/or a Notice to Remove Tree (Notice to Remove), which are collectively called "Notices", to be posted on one or more places at the property on which the violation is occurring.
 - b) The Notices shall be in a form approved from time to time by the Village.

- c) The Notice to Cut shall include:
 - 1. A Description of the nature of the violation.
 - 2. A requirement that the person(s) to whom it is directed to correct or eliminate the violation by the end of the second business day following the date of the posting of the notice;
 - 3. The date and time the Notice to Cut was posted;
 - 4. A warning that if the violation is not eliminated, the owner of the property, tenant or other person having possession of or control over the lot or land may be cited for a criminal violation of this Ordinance, or may have the cost of the Village cutting the offensive or noxious weeds, vines, or grass in excess of twelve (12) inches high assessed and made a lien against the property.
 - d) The Notice to Trim shall state the following:
 - 1. A description of the nature of the violation;
 - 2. A requirement that the person(s) to whom it is directed to correct or eliminate the violation by the end of the second business day following the date of posting of the notice;
 - 3. The date and time the Notice to Trim was posted;
 - 4. A warning that if the violation is not eliminated the owner of the property, tenant or other person having possession of or control over the lot or land may be cited for a criminal violation of this Ordinance, or may have the cost of the Village trimming the low-hanging branches assessed and made a lien against the property.
 - e) Notice to Remove shall state the following:
 - 1. A description of the nature of the violation;
 - 2. A requirement that the person(s) to whom it is directed to correct or eliminate the violation within fifteen (15) days following the date of posting of the notice;
 - 3. The date and time the Notice to Remove was posted;
 - 4. A warning that if the violation is not eliminated the owner of the property, tenant or other person having possession of or control over the lot or land may be cited for a criminal violation of this Ordinance, or may have the cost of the Village removing such tree(s) assessed and made a lien against the property.
- (2) Notwithstanding the foregoing, if the Village's representative finds that one or more Notices have been posted on the property within the previous twelve (12) months, the Village's representative may determine to by-pass the Notice procedure and immediately refer the report to a police agency or the Village Council for investigation and action, and authorize corrective action by the Village and assessing the costs against the property and making the costs a lien against the property.

1186.99 PENALTY.

Notice of Violation; Penalties; and Remedies

- (a) If the conditions remain on the property after the time allowed by the Notice, or if the Village's representative determines to bypass the Notice procedure, the Village's representative may refer the matter to a police agency or other law enforcement personnel for investigation and other action as appropriate.

- (b) A police agency with jurisdiction, a public health and safety agency, prosecuting attorney, or counsel for the Village may pursue such remedies as it considers appropriate, including the filing of criminal or civil cases.
- (c) A first violation of this Ordinance is a minor misdemeanor. A second or subsequent violation of this Ordinance within five (5) years, is a misdemeanor of the second degree.
- (d) If the owner, tenant or other person having possession of or control over the property which is the subject of a Notice fails to comply with the Notice, the Village's representative may cause the offensive to be corrected and may employ the necessary services. The Village Fiscal Officer may make a written return to the Morrow County Auditor of the Village's action under this Ordinance with a statement of the costs and charges, the fees of the Village's representative, and a property description of the property. The Village shall provide such information in the form requested by the Morrow County Auditor to enable the Auditor to enter those amounts upon the tax duplicate to become a lien upon the property to be collected as taxes, and returned to the Village's general fund.

CHAPTER 1187 – LANDSCAPING AND SCREENING

1187.01 INTENT.

The intent of this chapter is to:

- (a) Improve the appearance of vehicular use areas and property abutting public rights of way;
- (b) Require buffering between noncompatible land uses;
- (c) Protect, preserve, and promote the aesthetic appeal, character, and value of the surrounding neighborhoods;
- (d) Promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature, and artificial light glare.

1187.02 PURPOSE.

It is further the purpose of this chapter to specifically promote the preservation and the replacement of trees and significant vegetation removed in the course of land development, and to promote the proper utilization of landscaping as an ease between certain land uses to minimize the opportunities of nuisances.

1187.03 SITES AFFECTED.

- (a) **Individual Single Family Lots Exempted.** Individual single family lots are exempt from the requirements of this chapter following the transfer of ownership from the developer or builder to the homeowner except that single family lot owners must maintain and replace street trees with trees on the approved tree list.
- (b) **New Sites.** No Zoning Permit shall be issued hereafter for any site development or the construction or improvement of any building, structure or vehicular use except where landscaping for such development, construction has been approved as required by the provisions of this chapter.
- (c) **Existing Sites.** No building, structure, or vehicular use area shall be constructed, altered, or expanded unless the minimum landscaping required by the provisions of this chapter is provided. In the case of an alteration or expansion, such landscaping shall be provided to the extent required only by the alteration or expansion, unless the alteration or expansion is substantial. If the alteration or expansion is substantial, then the minimum landscaping required shall be provided to the entire property. An alteration or expansion to an existing property is substantial when:
 - (1) In the case of a building or structure expansion which does not involve additional land, the square footage of the alteration or expansion exceeds twenty-five percent (25%) of the square footage of the existing building exclusive of the alteration or expansion; and
 - (2) In the case of an alteration or expansion involving both an existing building or structure and additional land, and, if applicable, additional structures or buildings, the area or square footage of the expanded or altered land or structure or building, respectively, exceeds twenty-five percent (25%) of the area or square footage of the existing land or structure or building, respectively, exclusive of the alteration or expansion.
 - (3) "Land" as use herein, includes land used for space, parking, or building purposes.

1187.04 MINIMUM LANDSCAPE REQUIREMENTS.

- (a) This section describes the minimum landscape requirements that shall be met in regard to perimeter landscaping for noncompatible land use areas, landscaping or service areas, and interior landscaping for businesses, buildings, structures, or other new developments of the land. For the purposes of this section, the following shall be considered "noncompatible":

- (1) The location of a residential land use area adjacent or contiguous to a business, commercial, or industrial land use area;
 - (2) The location of a business or commercial land use area adjacent or contiguous to a residential or industrial land use area; or
 - (3) The location of an industrial land use area adjacent or contiguous to a residential, business, or commercial land use area;
 - (4) The location of a multi-family residential land use area adjacent or contiguous to a single family residential land use area.
- (b) **Perimeter Landscaping Requirements.** Unless otherwise provided, landscape materials, fences, or walls used to meet this requirement shall be installed to provide one hundred percent (100%) year round opacity within four years after installation. Landscape materials must be an evergreen species. The required landscaping shall be provided either in easements in certain zones or adjacent to vehicular use areas.

Table 1. Property Perimeter Requirements

Grass or ground cover shall be planted on all portions of the easements not occupied by other landscape material.

A. When the following:	B. Adjoins the following, or vice versa,	C. The minimum landscape, within a buffer zone of this average width (with 3 ft. as the least dimensions), is required (1)	D. Which will contain this material (2), to achieve opacity required
1. Any residential zone	Any non-residence zone	20 ft. adjacent to all common boundaries except street frontage	1 large or medium tree per 40 ft. of lineal boundary or fraction thereof , plus a continuous 6 ft. high planting hedge, fence, wall or earth mound.
3. Any single or two-family residential zone	Multi-family residential zone with more than 8 units	10 ft. adjacent to all common boundaries except street frontage	1 large or medium tree per 40 ft. of lineal boundary or fraction thereof.
2. Any zone except rural zone	A freeway or arterial street prohibiting driveways	5 ft. for all zones adjacent to freeway or arterial	1 large or medium tree per 40 ft. of lineal boundary or fraction thereof.

- (c) **Interior Landscaping for Vehicular Use Areas.** Any open vehicular use area, excluding loading, unloading, and storage areas in an industrial zone or business zone, containing more than 6,000 square feet of area, or twenty or more vehicular parking spaces, shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping may be peninsular or island types.

- (1) **Landscape area.** For each 100 square feet or fraction thereof, of vehicular use area, a minimum total of five square feet of landscaped area shall be provided.
 - A. **Minimum area.** The minimum landscape area permitted shall be sixty-four square feet with a four-foot minimum dimension to all trees from the edge of pavement where vehicles overhang.
 - B. **Maximum contiguous area.** In order to encourage the required landscape areas to be properly dispersed, no individual landscape area shall be larger than 350 square feet in size, and no individual area shall be larger than 1,500 square feet in vehicular use areas

over 30,000 square feet. In both cases, the least dimension of any required area shall be four feet minimum dimension to all trees from the edge of pavement where vehicles overhang. Individual landscape areas larger than the above are permitted as long as the additional area is in excess of the required minimum total.

- (2) Minimum trees. The following minimums are required, based upon total ground coverage of structures and vehicular use areas:
 - A. Up to 20,000 square feet: A minimum of one tree per 5,000 square feet of ground coverage, and a total tree planting equal to one inch in tree trunk size for every 2,000 square feet of ground coverage.
 - B. Between 20,000 and 50,000 square feet: A minimum of one tree for every 5,000 square feet of ground coverage, and a total tree planting equal to ten inches plus one-half inch in tree trunk size for every 2,000 square feet over 20,000 square feet in ground coverage.
 - C. Over 50,000 square feet: A minimum of one tree for every 5,000 square feet of ground coverage, and a total tree planting equal to twenty-five inches plus one-half inch in tree trunk size for every 4,000 square feet over 50,000 square feet in ground coverage.
 - D. Trees shall have a clear trunk of at least five feet above the ground, and the remaining area shall be landscaped with shrubs, or ground cover, not to exceed two feet in height.
 - (3) Vehicle overhang. Parked vehicles may hang over the interior landscaped area no more than two and one-half feet, as long as concrete or other wheel stops are provided to ensure no greater overhang of the landscaped area.
- (d) Landscaping for Service Structures. Service structures shall be screened in all zoning districts. For the purposes of this section, service structures shall include, but not be limited to, loading docks, propane tanks, dumpsters, electrical transformers, utility vaults which extend above the surface, and other equipment or elements providing service to a building or site. Structures may be grouped together; however, screening height shall be based upon the tallest of the structures.
- (1) Location of screening. Screening shall have a one hundred percent opacity and consist of a continuous planting, hedge, fence, or wall of earth. Screening shall enclose the service structure on all sides, unless the service structure must be frequently moved, in which case screening on all but one side is required. The average height of the screening material shall be one foot more than the height of the enclosed structure, but shall not be required to exceed seven feet in height. Whenever a service structure is located next to a building wall, perimeter landscaping material, or vehicular use area landscaping material, such walls or screening material may fulfill the screening requirement for that side of the service structure, if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Whenever service structures are screened by plant material, such material may count toward the fulfillment of the required interior or perimeter landscaping. No interior landscaping shall be required within an area screened for service structures.
 - (2) Curbs to protect screening material. Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regularly occurring basis, a curb to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The curbing shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.
- (e) Interior Landscaping for All New Developments. All new developments, regardless of the type, and all alterations or expansions to existing developments shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping shall consist primarily of new tree planting or the preservation of existing trees or hedges within the development site, consistent with the requirements of Chapter 1189.

- (1) Preservation of existing landscaping materials. See Chapter 1189. Tree planting requirements.

- A. For all new developments, the following landscape requirements shall apply:

New Development Landscape Requirements:

Use	Requirements
All Residential Districts except Single-Family	There shall be tree plantings equal to one-half inch in tree trunk size for every 150 square feet in ground coverage by structures. Such plantings shall be required within the property lot lines of each structure.
Business and Community Shopping Uses per lot	In addition to the requirements of subsection (c) hereof for vehicular use areas, the following shall apply: there shall be landscaped areas equal to 20 square feet for every 1,000 square feet of building ground coverage area, or fraction thereof. Such landscaped areas shall contain trees, planting beds, hedges, fences, walls, earth mounds, benches, or other materials designed and located in a manner complimentary to the overall architecture of the surrounding buildings.
Office-Institutional Uses	In addition to the requirements of subsection (c) hereof for vehicular use areas, the following shall apply: there shall be tree plantings equal to one inch in tree size for every 1,500 square feet of building ground coverage area, or fraction thereof.
Industrial Uses	In addition to the requirements of subsection (c) hereof for vehicular use areas, the following shall apply: there shall be tree plantings equal to one inch in tree size for every 2,000 square feet of building ground coverage area, or fraction thereof.

- B. Parking Lots. See subsection (c) hereof.
- C. No new tree plantings shall be required if the existing trees and the aggregate trunk sizes of such trees meet or exceed the requirements as set forth in this chapter, and providing that such trees are evenly distributed throughout the developed area and not confined to either out-of-the way dense clusters or to the perimeter of the developed area. The minimum tree size for such tree plantings shall be no less than one and one-half inch in trunk diameter.
- D. For new development or construction, if new tree plantings are required for conformance to the landscaping requirements of this chapter, the applicant or owner shall indicate on the landscape plan the location and size of such tree plantings. If such landscape plan is approved, the applicant or owner shall plant such trees as may be required within one year or the next planting season after issuance of a zoning permit. Failure to comply with the landscaping requirements shall be in violation of this section and be subject to such penalties as provided in Section 1135.99 .

1187.05 LANDSCAPE MATERIALS.

The landscaping materials shall consist of the following, and should complement the form of the existing trees and plantings, as well as the development's general design and architecture. The type of shade or sun should be considered in selecting plant materials.

- (a) Walls and Fences. Walls and fences shall be structurally sound and constructed of stone, brick, or wood.
- (b) Earth Mounds. Earth mounds shall be physical barriers which block or screen the view, similar to a hedge, fence, or wall. Mounds shall be constructed with proper and adequate plant material to prevent erosion. A

difference in elevation between areas requiring screening does not constitute an existing earth mound and shall not be considered as fulfilling any screening requirement.

- (c) Plants. Artificial plants are prohibited. All plant materials shall be living plants and shall meet the following requirements:
- (1) Quality. Plant materials used in conformance with the provision of this chapter shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.
 - (2) Deciduous trees. Trees which normally shed their leaves in the fall, shall be species having an average mature crown spread of greater than fifteen feet in Central Ohio, and having trunks which can be maintained with over five feet of clear wood in areas which have visibility requirements, except at vehicular use area intersections, where eight feet clear wood requirement shall control. Trees having an average mature crown spread of less than fifteen feet may be substituted by grouping of the same so as to create the equivalent of a fifteen foot crown spread. A minimum of ten feet overall height or a minimum caliper (trunk diameter measured at four feet above the ground) of at least one and three-fourths inches immediately after planting shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than fifteen feet to such public works, unless the root system is completely contained within a barrier for which the minimum interior containing dimensions shall be five feet square and five feet deep and for which the construction requirements shall be four inch thick, reinforced concrete.
 - (3) Prohibited trees. No silver maple, poplar, box elder, basswood, willow or honey locust shall be permitted.
 - (4) Evergreen trees. Evergreen trees shall be a minimum of five feet high with a minimum caliper of one and one-half inches immediately after planting.
 - (5) Shrubs and hedges. Shall be at least two feet for Section 1187.04 (b)(2), and three feet for Section 1187.04 (b)(1), in average height when planted and shall conform to the opacity and other requirements within four years after planting.
 - (6) Vines. Shall be at least twelve or fifteen inches high at planting, and generally used in conjunction with walls or fences.
 - (7) Grass or ground cover. Grass of the fescue (Gramineae) or bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns in Central Ohio, and may be sodded or seeded, except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used. Nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted in a manner as to present a finished appearance and seventy-five percent (75%) of complete coverage after two complete growing seasons, with a maximum of eight inches on center. In certain cases, when approved by the Planning and Zoning Commission, ground cover may consist of rocks, pebbles, sand, and similar approved materials.
- (d) Maintenance and Installation. All landscaping materials shall be installed in a sound, workmanship-like manner and according to accepted, good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first, while other defective landscape material shall be replaced or repaired within three months. Violation of these installation and maintenance provisions shall be grounds for the Zoning Inspector to refuse to issue a Certificate of Zoning Compliance or to institute legal proceedings.
- (e) Pruning. Landscaping materials used to fulfill code requirements, or conditions of approval, as authorized by Council, Planning and Zoning Commission, Board of Zoning Appeals, or other appropriate body may

not be pruned or otherwise treated so as to reduce height or level of opacity to less than required by this chapter. Landscape materials are intended to grow, spread, and mature over time, and pruning or other inhibiting measures, including removal, may only be practiced to ensure the public safety, to maintain a neat and attractive appearance, and to preserve the health of the material involved.

1187.06 PLAN SUBMISSION AND APPROVAL.

Whenever any property is affected by these landscape requirements, the property owner or developer shall prepare a landscape plan for submittal to the Zoning Inspector for review. Where such plans are part of an application for rezoning, variance, conditional use, or other matters which must be approved by the Planning and Zoning Commission or the Board of Zoning Appeals, such plans shall be submitted to the Zoning Inspector fifteen business days before the first meeting of the approving body, or along with the application if there are other required plans. All other landscape plans shall be approved by the Zoning Inspector prior to issuance of a building permit.

(a) Plan Content. The contents of the plan shall include the following:

- (1) Plot plan, drawn to an easily readable scale no smaller than one inch equals twenty feet, showing and labeling by name and dimensions:
 - A. All existing and proposed property lines;
 - B. Easements;
 - C. Buildings, and other structures;
 - D. Vehicular use areas, including parking stalls, driveways, service areas, square footage, etc.;
 - E. Locations of structures on adjoining parcels;
 - F. Water outlets;
 - G. Landscape material, including botanical name and common name, installation size, on center planting dimensions where applicable, and quantities for all plants used;
 - H. All existing trees.
 - I. Such other documentation as may be necessary to determine conformance.
- (2) Typical elevations and/or cross sections as may be required;
- (3) Title block with pertinent names and addresses, property owner, person drawing plan, scale, date, north arrow (generally orient plan so that north is to top of the plan), and zoning district.

(b) Zoning Permit and Certificate of Zoning Compliance.

- (1) Where landscaping is required, no Zoning Permit shall be issued until the required landscaping plan has been submitted and approved, and no Certificate of Zoning Compliance shall be issued until the landscaping is completed as certified by an on-site inspection by the Zoning Inspector, unless a performance bond, or irrevocable letter of credit from a banking institution, has been posted.
- (2) If the required landscaping has not been completed and a temporary Certificate of Zoning Compliance is issued, a performance bond or irrevocable letter of credit from a banking institution shall be posted at that time.
- (3) All trees and plantings shall meet the requirements of Section 1187.04 , including the restrictions of Tables 1 and 2, and a written certification to this effect shall be submitted by the landscaper upon completion.

- (c) Posting of Bond or Irrevocable Letter of Credit. After a bond or irrevocable letter of credit has been posted, the landscaping material required in the approved landscaping plan shall be installed within six months after the date of posting the bond or irrevocable letter of credit. A one-month extension of the planting period may be granted by the Zoning Inspector upon a demonstration by the property owner or developer that such an extension is warranted because of adverse weather conditions or unavailability of required plant materials. No more than three such one-month extensions may be granted. Foreclosure proceedings shall be brought against the performance bond or irrevocable letter of credit if the required landscaping plans have not been complied with by the end of the approved planting period.

1187.07 VARIANCES.

Any landscape plan submitted to, and disapproved by the Zoning Inspector may be appealed according to the procedure provided for in Chapter 1138 for appeal from decisions by administrative officers and the Planning and Zoning Commission.

CHAPTER 1189 – TREE PRESERVATION

1189.01 PURPOSE.

These regulations are established in order to recognize the vital importance of tree growth in the ecological system, while allowing for reasonable development of lands in the Village of Sparta and achieve, among others, the following purposes:

- (a) To ensure the preservation of existing trees and natural wooded areas and encourage replacement of damaged or removed trees so that Village residents may benefit from a healthy urban forest. The benefits derived from tree preservation and replacement include:
 - (1) Energy conservation;
 - (2) Improved air quality;
 - (3) Reduced noise pollution and light glare;
 - (4) Enhanced habitat for birds and other desirable wildlife;
 - (5) Improved control of soil erosion and moderation of water runoff;
 - (6) Enhanced visual and aesthetic qualities; and
 - (7) Increased property value.
- (b) To promote the preservation and replacement of existing trees and wooded areas in such a manner that the benefits listed in (a) above are realized.
- (c) To promote the preservation, replacement and/or augmentation of trees that might otherwise be damaged or removed in the course of land development and building construction.

1189.02 APPLICABILITY.

- (a) This chapter shall apply to trees that have a minimum six (6) inch diameter at breast height (DBH), also known as major trees, on all public and private properties, in all zoning districts, unless exempted below.
 - (1) This chapter shall not apply to single-family residential lots of less than two (2) acres.
- (b) No trees shall be removed from any parcel of land until a tree clearance permit has been issued by the Village Administrator or designee, unless specifically exempted by the provisions of this Chapter.
 - (1) Clearing of Land. No trees shall be removed from any parcel of land until a tree clearance permit has been issued signifying compliance with the regulations of this Chapter.
 - (2) Clearing of Land Prior to Annexation. Trees removed from any parcel of land within one year prior to its annexation to the Village of Sparta shall be subject to a tree replacement plan as if the parcel had been a part of the Village when the tree removal occurred.
 - (3) New Development or Construction. No Zoning Permit shall be issued for any development or the construction of any building, structure or vehicular use without it first being determined through the development plan review process that the proposed development is in conformance with the provisions of this chapter.
 - (4) Substantial Alteration or Expansion of Existing Development. No building, structure or vehicular use area shall be substantially altered or expanded without it first being determined through the development plan review process that the proposed development is in conformance with the provisions of this chapter.

- (c) The fee for a tree removal permit shall be \$15.00 (See Section 1135.04 Fees). Collected fees shall be placed in the Tree Fund.

1189.03 DEFINITIONS.

As used in this chapter, the following terms shall have the meanings indicated herein:

- (a) Caliper. The American Association of Nurserymen standard for the trunk measurement of nursery stock. Caliper of the trunk shall be taken six (6) 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 (4) inches.
- (b) Diameter at Breast Height (DBH). The diameter of a tree trunk measured in inches at a height 4.5 feet above ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point below the split.
- (c) Major Tree. A living tree with a DBH measurement of six (6) inches or more.
- (d) Site DBH. The total combined DBH of all major trees existing on a site.
- (e) Substantial Alteration. An alteration or expansion of existing development is substantial when such alteration or expansion involves or exceeds twenty-five percent (25%) of the total floor area of the existing building, structure or vehicular use area.
- (f) Tree Fund. An account maintained by the Village of Sparta. Such funds shall be used for reforestation on public property.

1189.04 REQUIRED PRESERVATION AND REPLACEMENT OF MAJOR TREES.

In all non-residential zoning districts, all major trees shall be preserved and/or replaced in compliance with the provisions of this chapter, unless exempted herein.

1189.05 TREE PRESERVATION PLAN.

A tree preservation plan which includes a tree survey shall be filed in connection with the following projects: excavation, earth moving, demolition, road widening, road construction, road extensions, parking lots, utility service lines, utility structures, bikepaths, sidewalks, the construction of new buildings, the construction of building additions, and the construction of detached accessory buildings. The tree preservation plan and tree survey shall be filed prior to the commencement of any construction activities, including clearing and grading, and must be approved by the Zoning Inspector or designee. All structures and construction activity shall be located upon a parcel of land in such a way as to minimize tree damage and/or removal, consistent with the various setback requirements of the Zoning Code and consistent with standard engineering practices for the design of public and private utilities, and with established erosion and sedimentation control practices, and consistent with the Village's stormwater management regulations. The tree preservation plan shall specify the following:

- (a) The location, common name, and size (DBH) of all existing major trees. The tree survey shall indicate the location, species, the condition, and the outline of the critical root zone or 15 feet whichever is greater of all major trees. The Village may, at its discretion, accept an estimate of the number and size of trees on a site when the site exceeds three (3) acres. In considering estimates, the Village may allow the use of techniques such as site photographs, aerial photographs, site visits, etc.
- (b) Identification of the tree preservation area(s), including all existing major trees that will be preserved and remain on site after construction and development.
- (c) Identification of all major trees that will be removed from the site as permitted by Section 1189.06.
- (d) The location, common name, and size of all replacement trees to be planted on the site as required by Section 1189.07.

- (e) The location of all proposed protective fencing;
- (f) Location of all utility lines;
- (g) Site grading;
- (h) Specified locations for ingress, egress, operation and parking of all construction vehicles and equipment, and storage of solvents, hazardous materials, and soil and material stockpiles;
- (i) Specified locations for all clearing, grubbing, grading and excavation;
- (j) Other measures such as construction pruning and root pruning of trees directly impacted by construction must also be indicated on the plan or on an accompanying sheet and approved by the city. Pruning shall be performed in accordance with International Society of Arboriculture Standards; and
- (k) Short term and long term maintenance plans.

1189.06 REMOVAL OF MAJOR TREES.

- (a) The Village Administrator (or designee) may approve the cutting down, removal, or destruction of a major tree when the tree interferes with the proper development of the lot, provided that the lot is the subject of application for approval of a zoning permit, development plan, variance or conditional use permit; such application is approved; and one of the following applies:
 - (1) The tree is located within a proposed public right-of way.
 - (2) The proposed structure cannot be located in a manner to avoid removal of the tree and, at the same time, permit the desirable and logical development of the lot.
 - (3) The tree is located within the area of a proposed driveway that will service a single-family or two-family home or is within the area of a proposed access drive that will service dwellings in any residential development or any multi-family development.
 - (4) The tree is damaged or diseased.
 - (5) The tree is an undesirable species in its present location.
- (b) Removal. A tree shall be deemed removed if one or more of the following occurs:
 - (1) Damage is inflicted to the root system by machinery, storage of materials and/or soil compaction.
 - (2) The natural grade is changed above or below the root system or around the trunk. Damage is inflicted on the tree that would permit fungus or pest infection.
 - (3) The tree is excessively pruned or thinned.
 - (4) Areas are paved with concrete, asphalt or other impervious material within such proximity to the tree as to be harmful to the tree.

1189.07 REPLACEMENT OF REMOVED TREES.

- (a) Each major tree with a caliper less than 18 inches removed during the course of the development of a lot shall be replaced by the owner of the lot with two (2) trees, each having a minimum caliper of 3.0 inches and a clear trunk height of at least six (6) feet. Trees with a caliper of 18 inches or more removed from the lot shall be replaced on a 1 to 1 caliper basis.
- (b) The Village Administrator (or designee) shall approve the caliper, species, and health of all proposed replacement trees.

- (c) Failure to replace a major tree within one and a half (1 ½) years of the approval of the application referred to in subsection (a) shall constitute a violation subject to penalties under Section 1135.99 for each separate failure to replace a tree.
- (d) In the event the Village Administrator or designee determines that full replacement would result in the unreasonable crowding of trees upon the lot, a fee equivalent to the cost to purchase trees totaling the excess aggregate caliper shall be paid into the Tree Fund to be used for reforestation on public property. The fees required to be paid by this section shall be used solely for the planting of trees on publicly owned property.

1189.08 EXEMPTIONS FROM REPLACEMENT.

The Village Administrator may approve the removal of a major tree if one of the following applies. Trees removed under the following conditions are exempt from the replacement requirements of Section 1189.07:

- (a) The tree is dead, damaged, or diseased as determined by a licensed arborist.
- (b) The tree is an undesirable species in its present location, as determined by the Village Administrator (or designee) and Tree Commission.
- (c) The tree poses potential danger to life or property.

1189.09 PLANTING AND MAINTENANCE REQUIREMENTS.

All trees to be used as replacement trees shall be of a variety determined to be acceptable by the Village Administrator or designee based on the list of approved trees in the Tree Ordinance.

- (a) Replacement trees that may reach a height of thirty (30) feet shall not be planted within twenty (20) feet of an overhead power line.
- (b) Trees shall be planted an adequate distance from access drives and intersections so that, at full maturity, such planting does not obstruct the visibility of motorists and pedestrians.
- (c) The developer/owner shall be required to maintain all replacement trees and to replace any tree that dies within two (2) years.
- (d) Preserved or replacement trees shall not subsequently be removed from a site unless approved pursuant to this chapter.

1189.10 PRECONSTRUCTION ACTIVITIES.

- (a) General Regulations. Prior to any construction activities on a site containing major trees, a tree preservation plan including a tree survey, and a tree removal permit (if applicable) must be submitted to the Zoning Inspector for review and approval.
- (b) Site Layout and Design. All reasonable efforts shall be undertaken in the architectural layout and site engineering design of the proposed development to preserve existing major trees.
 - (1) It shall be required that building(s), driveway(s), sidewalks, bikepaths, stormwater management facilities, and parking areas be designed in such a way as to avoid unnecessary removal of major trees.
 - (2) The required drainage and grading plan, including stormwater management facilities, shall be developed in such a way as to avoid removal of major trees in the tree preservation area thereby causing risk of loss through change in grade or moisture.

- (3) Proposed placement of all utility service lines shall be shown on the tree preservation plan. Every effort shall be made to protect existing major trees during the placement of utility service lines including augering and/or jacking as opposed to open cutting as appropriate. A copy of the tree preservation plan and this subchapter shall be submitted at the preliminary plat stage by the applicant to the appropriate public utilities in order to alert said public utilities to the proposed placement of the utility service lines.
- (4) Landscape planning shall include the preservation of existing healthy major trees.
- (5) Every effort shall be made during architectural and site engineering layout and design, including grading and utility placement, of the proposed development to preserve major trees on adjacent parcels through sensitivity to the critical root zones of said protected trees. The critical root zones of major trees on adjacent parcels shall be carefully reviewed and consideration given during the preparation of the tree preservation plan.

1189.11 CONSTRUCTION ACTIVITIES.

- (a) Protective Fencing. The owner shall be responsible for the construction, erection, and maintenance of temporary fencing or other physical barrier around the tree preservation areas so that all major trees shall be preserved. The fencing or other protective barrier must be located a distance from the trunk that equals, at a minimum, the distance of the critical root zone or 15 feet whichever is greater, unless otherwise approved by the Village Administrator or designee. The fencing or other physical barrier must remain in place and be secured in an upright position during the entire construction period to prevent impingement of construction vehicles, materials, spoils, and equipment into or upon the tree preservation area. Tree protection signs must be located along the fencing.
- (b) Tree Preservation Plan. The approved tree preservation plan shall be available on the building site before work commences and at all times during construction of the project. The owner shall be responsible for notifying all contractors and utilities involved with a given project of the tree preservation plan.
- (c) Construction Measures. During all phases of construction, all steps necessary to prevent the destruction or damage to major trees (other than those specified to be removed) shall be taken, including but not limited to the following:
 - (1) No construction activity, movement and/or placement of equipment, vehicles, or materials or spoils storage shall be permitted within the tree preservation area. No excess soil, additional fill, liquids, or construction debris shall be placed within the critical root zone of any tree that is to be preserved;
 - (2) No attachments, including but not limited to ropes, nails, advertising posters, signs, fences or wires (other than those approved for bracing, guying or wrapping) shall be attached to any trees;
 - (3) Unless otherwise authorized by the tree removal permit, no soil is to be removed from or placed upon the critical root zone of any tree that is to remain; and
 - (4) All utilities, including service lines, shall be installed in accordance with the tree preservation plan.

1189.12 COORDINATION WITH REQUIRED LANDSCAPING.

The tree preservation requirements of this Chapter shall be in addition to the landscaping and screening requirements of Chapter 1187. The required tree preservation plan shall be coordinated with all landscaping required by Chapter 1187 to achieve a cohesive landscape treatment for the entire site.

CHAPTER 1191 – SOIL EROSION, SEDIMENT AND STORMWATER CONTROL

1191.01 PURPOSES.

- (a) These Regulations are adopted to establish feasible and economically reasonable standards aimed at achieving a level of management and conservation practices which will minimize erosion of the soil and degradation of the waters of the State by soil sediment, caused by non-farm earth-disturbing activities.
- (b) These Regulations are also adopted for the following purposes, but are not limited to such purposes:
 - (1) To permit development while keeping downstream flooding, erosion and sedimentation at minimal levels.
 - (2) To reduce damage to receiving streams which may be caused by increases in the quantity and/or rate of water discharged, and to reduce impairment of their capacity which may be caused by sedimentation, other pollutants or other hydrologic modifications.
 - (3) To establish a basis for the design of all storm drainage systems which will preserve the rights and options of dominant and servient property owners, help assure the long-term adequacy of storm and drainage systems, and ensure that post-construction water quality meets or exceeds preconstruction levels.

1191.02 APPLICATION OF CHAPTER.

These Regulations shall apply to all non-farm, earth-disturbing activities performed on lands within the corporate limits of the Municipality, except those activities excluded in sections of the ORC, as follows:

- (a) Strip mining operations regulated by ORC 1513.01;
- (b) Surface mining operations regulated by ORC 1514.01;
- (c) Public highways, transportation and drainage improvements or maintenance thereof undertaken by a government agency or political subdivision, provided that its standard erosion and sediment control policies have been approved by the Zoning Inspector or his or her designee or the Chief of the Ohio Division of Soil and Water Conservation and that the applicable erosion, sediment and stormwater control policies are no less restrictive than these Regulations. Stormwater permits, however, are required through the Ohio Environmental Protection Agency for these activities. These sites will also be subject to inspections.

1191.03 DISCLAIMER OF LIABILITY.

Neither submission of a plan under provisions of these Regulations nor compliance with the provisions of these Regulations shall relieve any person from responsibility for damage to any person or property otherwise imposed by law, nor impose any duty or liability upon the Village or its agents for damage to any person or property.

1191.04 INTERPRETATION AND DEFINITIONS.

- (a) Interpretation. For the purpose of these Regulations, certain rules of word usage apply to the text, as follows:
 - (1) Words used in the present tense include the future tense, and the singular includes the plural, unless the context clearly indicates the contrary.
 - (2) The word "shall" is always mandatory and never discretionary; the word "should" is permissive, but indicates strong suggestion; the word "may" is permissive.

- (3) A word or term not interpreted or defined by this section shall be construed according to the rules of grammar and common usage so as to give these Regulations their most reasonable application.
- (b) Definitions. As used in this chapter, the following words and terms shall have the meanings respectively ascribed to them:
- (1) "Approving agency" means the governing body of the Village or its duly designated representative. The office of the Zoning Inspector is hereby designated as the approving agency.
 - (2) "Builder" means following the issuance of a building permit, the person responsible for the construction of a structure.
 - (3) "Channel" means the natural bed that conveys water; a ditch excavated for the flow of water.
 - (4) "Conservation" mean the wise use and management of natural resources.
 - (5) "Cut and fill slope" means the portion of land surface or area from which soil material is excavated and/or filled forming a slope or embankment.
 - (6) "Denuded area" means the portion of land surface on which the vegetation or other soil stabilization features have been removed, destroyed or covered, which may result in or contribute to erosion and sedimentation.
 - (7) "Detention structure" means a permanent or temporary structure for the temporary storage of runoff, which is designed so as not to create a permanent pool of water.
 - (8) "Developer" means any individual, subdivider, firm, association, syndicate, partnership, corporation, trust or other legal entity commencing proceedings under these Regulations to effect a development of land hereunder for himself or herself or for another.
 - (9) "Development" means the division of land into two or more parcels, the carrying out of any building, or the making of any material change in the use or appearance of any land, through activities of construction, erection or alteration.
 - (10) "Development area" means any contiguous area owned by one person or operated as one development unit and used or being developed for non-farm commercial, industrial, residential or other non-farm purposes upon which earth-disturbing activities occur.
 - (11) "Ditch" means an open channel, either dug or natural, for the purpose of drainage or irrigation with its intermittent flow.
 - (12) "Drainage improvement" means as defined in ORC 6131.01(C), and/or conservation works of improvement, ORC 1511 and 1515.
 - (13) "Drainageway" means an area of concentrated flow other than a river, stream, ditch or grassed waterway.
 - (14) "Dumping" means grading, pushing, piling, throwing, unloading or placing of earthen material.
 - (15) "Earth disturbing activity" means any grading, excavating, filling or other alteration of the earth's surface where natural or man-made ground cover is destroyed and which may result in or contribute to erosion and sediment pollution.
 - (16) "Earth material" means soil, sediment, rock, sand, gravel and organic material or residue associated with or attached to the soil.
 - (17) "Erosion" means the process by which the land surface is worn away by the action of wind, water, ice or gravity.

- A. "Accelerated erosion" means a process which is more rapid than natural or geologic erosion and which is primarily a result of the activities of man.
 - B. "Channel erosion" means the erosion process whereby the volume and velocity of a concentrated flow wears away the bed and banks of a well defined channel.
 - C. "Floodplain erosion" means abrading and wearing away of the nearly level land situated on either side of the channel due to overflow and flooding.
 - D. "Gully erosion" means the erosion process whereby water accumulates in narrow channels during and immediately after rainfall or snow or ice melt and actively removes the soil from this narrow area to considerable depths, such that the channel would not be obliterated by normal smoothing or tillage operations.
 - E. "Natural erosion" (geologic erosion) means the wearing away of the earth's surface by water, wind or ice under natural environmental conditions that are undisturbed by man.
 - F. "Normal erosion" means the gradual erosion of land used by man which does not greatly exceed natural erosion.
 - G. "Rill erosion" means an erosion process in which numerous small channels only several inches deep are formed, which, if not corrected, can become gullies. Normal tillage operations can remove the rills.
 - H. "Sheet erosion" means the removal of a fairly uniform layer of soil from the land surface as a result of raindrop splash and runoff.
- (18) "Erosion, sediment and stormwater control" means a system of structural and vegetative measures that minimize soil erosion and off site sedimentation.
 - (19) "Erosion, sediment and stormwater control plan" means an erosion and sediment control strategy or plan to minimize erosion and prevent off-site sedimentation by containing sediment on-site or by passing sediment laden runoff through a sediment control measure, prepared and approved in accordance with the specific requirements of these Regulations and designed in accordance with the latest edition of Rainwater and Land Development - Ohio Standards for Stormwater Management, Land Development, and Stream Protection, by ODNR, NRCS, and the OEPA.
 - (20) "Farm" means land or water devoted to agriculture.
 - (21) "Frequency storm" means a rainfall event of a magnitude with a specified average recurrence interval, calculated with SCS type II twenty-four-hour curves or depth duration frequency curves.
 - (22) "Grassed waterway" means a broad or shallow natural course or constructed channel with erosion-resistant grasses or similar vegetative cover, used to conduct surface water.
 - (23) "Highly erodible soil" means a portion of land surface which is very susceptible to erosive forces and is characterized by steep or long slopes.
 - (24) "Impervious" means not allowing infiltration.
 - (25) "Landslide" means rapid movement downslope of a mass of soil.
 - (26) "Outfall" means an area where water flows from a structure, such as a conduit, storm sewer, improved channel or drain, and the area immediately beyond the structure which is affected by the velocity of flow in the structure.
 - (27) "Owner" means any person seized of a freehold estate in land, except that persons holding easements are not included within such meaning.

- (28) "Person" means any individual, corporation, joint venture, agency unincorporated association, municipal corporation, county or state agency, the Federal Government, or any combination thereof.
- (29) "Public waters" means water within rivers, streams, ditches and lakes, except private ponds and lakes wholly within single properties, or waters leaving property on which surface water originates.
- (30) "Retention structure" means a permanent structure that provides for the storage of runoff by means of a permanent water pool.
- (31) "Runoff" means the portion of rainfall, melted snow or irrigation water that flows across the ground surface and is eventually returned to streams.
- (32) "Sediment" means soils or other surficial materials transported or deposited by the action of wind, water, ice or gravity as a product of erosion.
- (33) "Sediment basin" means a dam or other suitable detention facility built across an area of water flow to settle and retain sediment carried by the runoff waters.
- (34) "Sediment pollution" means failure to use management or conservation practices to abate wind or water erosion of the soil or to abate the degradation of the waters of the State by soil sediment in conjunction with land grading, excavating, filling or other soil-disturbing activities on land used or being developed for non-farm commercial, industrial, residential or other non-farm purposes.
- (35) "Sedimentation" means the process or action of depositing sediment.
- (36) "Sensitive area" means as area or water resource delineated by the approving agency prior to plan approval that requires special management because of its susceptibility to sediment pollution or because of its importance to the well-being of the surrounding communities, region or the State, including:
 - A. Ponds, wetlands or small lakes with less than five acres of surface area;
 - B. Small streams with gradients less than ten feet per mile, with average annual flows of less than 3.5 feet per second and containing sand or gravel bottoms.
- (37) "Site" means any lot or parcel of land, or a series of lots or parcels of land adjoining, contiguous or joined together under one ownership, where clearing, stripping, grading or excavating is performed.
- (38) "Slip" means landslide, as defined above.
- (39) "Sloughing" means a slip or downward movement of an extended layer of soil resulting from the undermining action of water or the earth-disturbing activity of man.
- (40) "Soil conservation" means using the soil within the limits of its physical characteristics and protecting it from unalterable limitations of climate and topography.
- (41) "Soil loss" means soil moved from a given site by the forces of erosion.
- (42) "Soil stabilization" means vegetative or structural soil cover controlling erosion, including permanent and temporary seed, mulch, sod, pavement, etc.
- (43) "Stockpile" means any deposition of soil to be used for a future purpose.
- (44) "Storm frequency" means the average period of time within which a storm of a given duration and intensity can be expected to be equaled or exceeded.

- (45) "Stormwater conveyance system" means all storm sewers, channels, streams, ponds, lakes, etc., used for conveying concentrated stormwater runoff or storing stormwater runoff.
- (46) "Stormwater management" means runoff water safely conveyed or temporarily stored and released at an allowable rate to minimize erosion and flooding.
- (47) "Stormwater runoff" means that portion of the rainfall that exceeds the infiltration capacity of the soil.
- (48) "Stream" means a body of water running or flowing on the earth's surface. Flow may be seasonally intermittent.
- (49) "Subsoil" means that part of the soil below the surface soil or plow layer.
- (50) "Topsoil" means the upper layer of soil which is usually darker and richer in organic matter and nutrients than the subsoil.
- (51) "Unstable soil" means a portion of land surface or area which is prone to slipping, sloughing or landslides.
- (52) "Water resources" means all streams, lakes, ponds, wetlands, watercourses, waterways, drainage systems and other bodies or accumulations of surface water, natural or artificial, which are situated wholly or partly within, or border upon this State, or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural surface waters.
- (53) "Watercourse" means a definite channel with bed and banks within which concentrated water flows, either continuously or intermittently.
- (54) "Watershed" means the total drainage area contributing runoff to a single point.

1191.05 GENERAL REQUIREMENTS.

No person shall cause or allow earth-disturbing activities on a development area except in compliance with the criteria of Section 1191.06, the standards and specifications of Sections 1191.07 through 1191.18, and the following:

- (a) When a proposed development area involves less than one acre, it is not necessary to submit an erosion, sediment and stormwater control plan. However, the responsible person must comply with other provisions of these Regulations. Submittal of specific information may be required to determine compliance.
- (b) When a proposed development area consists, when submitted, of one or more acres and earth-disturbing activities are proposed for the whole area or any part thereof, the owner of record shall develop an erosion, sediment and stormwater control plan and submit the same for review of its adequacy. Such a plan shall contain sufficient information, drawings and notes to describe how soil erosion and off-site sedimentation will be kept to a minimum, both during and after construction. No earth-disturbing activities shall commence prior to review and approval of the erosion, sediment and stormwater control plan by the Zoning Inspector
- (c) An erosion, sediment and stormwater control plan shall be submitted consistent with the requirements of 1191.22.
- (d) The Zoning Inspector shall be notified seventy-two hours before the commencement of earth-disturbing activities. However, in the event that activities are scheduled to begin on a Monday, the Zoning Inspector must be notified by 3:00 p.m. the preceding Thursday. The Zoning Inspector shall also be notified when the project is completed. Failure to notify the Zoning Inspector is a direct violation of these regulations. Each day that construction activity continues without notification constitutes a separate violation.
- (e) All improvements shall be constructed in conformity with approved plans.

1191.06 EXCEPTIONS.

- (a) Any person seeking approval to construct a single-family residence or structure shall be exempted from having to prepare an erosion, sediment and stormwater control plan, provided such person:
 - (1) Constructs upon one lot or parcel at a time, and there is no other construction occurring simultaneously on land or property within 200 feet of the proposed development site; and
 - (2) Does not disrupt, alter or expose one acre (1 acre) or more of the existing natural surface of the total development site at a time; and
 - (3) Submits an affidavit stating that they have read and understand the requirements of Chapter 1191.
- (b) Exemption under this section of any person for the preparation and submission of an erosion, sediment and stormwater control plan does not, however, exempt such person from complying with the provisions of this chapter. Temporary soil stabilization shall comply with the Temporary stabilization Table and other requirements of this Zoning Ordinance. The approving agency may require the responsible person to submit information deemed necessary to determine compliance.

1191.07 STABILIZATION OF DENUED AREAS AND SOIL STOCKPILES.

- (a) Permanent or temporary soil stabilization shall be applied to denuded areas within seven days after final grade is reached on any portion of the site. Any such area which will not be regraded for longer than fifteen days shall also be stabilized.

Soil stabilization refers to measures which protect soil from the erosive forces of raindrop impact and flowing water. Application practices include vegetative establishment, mulching and the early application of gravel base on areas to be paved. Soil stabilization measures should be selected to be appropriate for the time of year, site conditions and estimated time of use.

- (b) Soil stockpiles shall be stabilized or protected with sediment trapping measures to prevent soil loss. All stockpiles shall be located at least three (3) feet from any curbs, roads, storm inlets, or other structures that may be declared a potential hazard in the event of a large storm event. Soil stockpiles shall not be located within fifty (50) feet of a free flowing stream. "Other structures" will be declared, as necessary, for each individual site by the site inspector. Temporary soil stabilization shall comply with the Temporary Soil Stabilization Table and other requirements of this Zoning Ordinance. Permanent soil stabilization shall comply with the Permanent Soil Stabilization Table and other requirements of this Zoning Ordinance.

Temporary Soil Stabilization Table

Area Requiring Temporary Stabilization	Time Frame to Apply Erosion Controls
Any disturbed areas within fifty (50) feet of a stream and not at final grade	Within two (2) days of the most recent disturbance if the area will remain idle for seven days or more
For residential subdivisions, non-residential subdivisions (e.g. industrial parks and commercial developments such as shopping centers), any disturbed areas that will be dormant for more than fifteen days, but less than one year and not within fifty (50) feet of a stream	Within seven (7) days of the most recent disturbance in the area. For residential subdivisions, disturbed areas must be stabilized seven days prior to transfer of permit coverage of the individual lot(s).
Disturbed areas that will be idle over winter	Prior to the onset of winter weather

1191.08 ESTABLISHMENT OF PERMANENT VEGETATION.

A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until ground cover is achieved which is mature enough to

control soil erosion satisfactorily and to survive severe weather conditions. Permanent soil stabilization shall comply with the PS Table and other requirements of this Zoning Ordinance.

Permanent Soil Stabilization Table

Area Requiring Permanent Stabilization	Time Frame to Apply Erosion Controls
Any area that will lie dormant for one year or more	Within seven (7) days of the most recent disturbance
Any area within fifty (50) feet of a stream and at a final grade	Within two days of reaching final grade
Any other areas at final grade	Within seven (7) days of reaching final grade within that area

1191.09 PROTECTION OF ADJACENT PROPERTIES.

- (a) Properties adjacent to the site of a land disturbance shall be protected from sediment deposition. This may be accomplished by preserving a well-vegetated buffer strip around the lower perimeter of the land disturbance, by installing perimeter controls such as sediment barriers, filters or dikes, or sediment basins, or by a combination of such measures.
- (b) Vegetated filter strips may be used alone only where runoff in sheet flow is expected. Filter strips should be at least fifteen (15) feet in width. If at any time it is found that a vegetated filter strip alone is ineffective in stopping sediment movement onto adjacent property, additional perimeter controls shall be provided.

1191.10 ESTABLISHMENT OF CONSTRUCTION ENTRANCES.

Construction entrances shall be established prior to the start of construction and shall be the sole entrances on and off the property. The location of the construction entrance(s) shall be shown on the erosion, sedimentation control plan.

1191.11 TIMING AND STABILIZATION OF SEDIMENT TRAPPING MEASURES.

Sediment basins and traps, perimeter dikes, sediment barriers and other measures intended to trap sediment on-site shall be constructed as a first step in grading and be made functional before upslope land disturbance takes place. Earthen structures such as dams, dikes and diversions shall be seeded and mulched within 48 hours of completion of installation. These structures will be inspected every seven days or within twenty-four hours of a rain event greater than 0.5 inch and will be maintained until vegetative cover sufficient enough to control erosion is established.

1191.12 SEDIMENT BASINS.

- (a) Where five acres or more of the development area is disturbed, stormwater runoff shall pass through a sediment basin or other suitable sediment trapping facility with equivalent or greater storage capacity. Sediment basins or traps may be required for smaller disturbed areas if deemed necessary. The sediment basin requirement may also be waived, by variance, if the approving agency agrees that site conditions do not warrant its construction.
- (b) The sediment settling basin shall be sized to provide at least 67 cubic yards of storage per acre of total contributing drainage area. When determining the total contributing drainage area, off-site area and areas, which remain undisturbed by construction, must be included unless runoff from these areas is diverted away from the sediment settling basin and is not co-mingled with sediment-laden runoff. The depth of the sediment settling basin must be less than or equal to five feet. The configuration between inlets and the outlet of the basin must provide at least two (2) units of length for each unit of width (>2:1 length: width ratio). Sediment must be removed from the sediment settling basin when the design capacity has been reduced by 40% (this typically is reached when sediment occupies one-half of the basin depth). When

designing sediment basins, you must consider public safety, especially as it relates to children, as a design factor for the sediment basin. Alternative sediment controls must be used where site limitations would preclude a safe design. The use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal is encouraged.

- (c) For drainage locations serving less than five (5) acres, smaller sediment basins, and/or sediment traps shall be used.
- (d) Unless otherwise designed, sediment basins are temporary and shall be removed following final stabilization of the site when vegetation is sufficient enough to control erosion.

1191.13 CUT AND FILL SLOPES.

Cut and fill slopes shall be designed and constructed in a manner which will minimize erosion. Consideration should be given to the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions and other applicable factors. Slopes which are found to be eroding excessively during the first year after construction shall be provided with additional slope stabilizing measures by the developer until the problem is corrected. The following guidelines are provided to aid in the development of and adequate design for the site.

- (a) Roughened soil surfaces are generally preferred to smooth surfaces on slopes.
- (b) Diversions should be constructed at the top of long steep slopes which have significant drainage areas above the slope. Diversions or terraces may also be used to reduce slope length.
- (c) Concentrated stormwater should not be allowed to flow down cut and fill slopes unless contained within an adequate channel, flume or slope drain structure.
- (d) Wherever a slope face crosses a water seepage plane which endangers the stability of the slope, adequate drainage or other protection should be provided. A geotechnical engineer may be utilized to evaluate the site in questionable situation.

1191.14 STORMWATER MANAGEMENT CRITERIA.

- (a) To control pollution of public waters by soil sediment from accelerated stream channel erosion, and to control floodplain erosion caused by accelerated stormwater runoff from development areas, the increased peak rates and volumes of runoff shall be controlled such that:
 - (1) The peak rate of runoff from the critical storm and all more frequent storms occurring on the development area does not exceed the peak rate of runoff from a two-year frequency, twenty-four hour storm occurring on the same area under predevelopment conditions.
 - (2) Storms of less frequent occurrence (longer return periods) than the critical storm up to the 100-year storm have peak runoff rates no greater than the peak runoff rates of equivalent size storms under predevelopment conditions. Consideration of the one, two, five, ten, twenty-five, fifty and 100-year storm will be considered adequate in designing and developing to meet this standard.
 - (3) The critical storm for a specific development area is determined as follows:
 - A. Use the SCS TR-55, Urban Hydrology for Small Watersheds, or its replacement, to determine the total volume of runoff from a two-year frequency twenty-four hour storm occurring on the development area before and after development. Other design methods approved by the approving agency can also be used.
 - B. From the volumes determined in paragraph (a)(3)A. hereof, determine the percentage of increase in the volume of runoff due to development, and, using this percentage, select the twenty-four hour critical storm.

- (b) Methods for controlling increases in stormwater runoff peaks and volumes may include, but are not limited to, the following: (Listed in order of preference)
- (1) Retarding flow velocities by increasing friction. (For example, using grassed road ditches rather than paved street gutters where practical, and discharging roof water to vegetated areas or grass and rock-lined drainage channels.)
 - (2) Grading and construction of terraces and diversions to slow runoff and use of grade control structures to provide a level of control in flow paths and stream gradients.
 - (3) Induced infiltration of increased stormwater runoff into the soil where practical. (For example, constructing special infiltration areas where soils are suitable, retaining topsoil for all areas to be re-vegetated, or providing good infiltration areas with proper emergency overflow facilities.)
 - (4) Provisions for detention and retention. (For example, utilizing permanent ponds and lakes with proper drainage; multiple use areas for stormwater detention, recreation, wildlife, fire protection and aesthetics; or subsurface storage areas.)

1191.15 STABILIZATION OF WATERWAYS AND OUTLETS.

All on-site stormwater conveyance channels except roadway ditches shall be designed and constructed to withstand the expected velocity of flow from a ten-year frequency storm without erosion. Stabilization adequate to prevent erosion shall also be provided at the outlet of all pipes and paved channels.

1191.16 STORM SEWER INLET PROTECTION.

All storm sewer inlets which are made operable during construction shall be protected so that sediment-laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment. Said inlet protection cannot be removed from the inlet until the section of the site surrounding it has been deemed sufficiently stable by the site inspector.

1191.17 WORKING IN OR CROSSING OF WATERCOURSES.

- (a) Construction vehicles should be kept out of a watercourse to the extent possible. Where in-channel work is necessary, precautions shall be taken to stabilize the work area during construction to minimize erosion. The channel (including bed and banks) shall always be restabilized immediately after in-channel work is completed.
- (b) Where a live (wet) watercourse will be crossed by construction vehicles regularly during construction, a temporary stream crossing shall be provided.

1191.18 DISPOSITION OF TEMPORARY MEASURES.

All temporary erosion and sediment control measures shall be disposed of within thirty days after final site stabilization is achieved, as determined by the inspecting agency or after temporary measures are no longer needed, unless otherwise authorized by the inspecting agency. Trapped sediment and other disturbed soil areas resulting from the disposition of temporary measures shall be permanently stabilized to prevent further erosion and sedimentation.

1191.19 MAINTENANCE.

All temporary and permanent erosion and sediment control practices shall be maintained and repaired as needed to assure continued performance of their intended function. The developer will be responsible for such maintenance until the final inspection. For long-term maintenance, see Section 1191.26.

1191.20 PUMPING WATER.

Under no circumstance shall water be directly pumped into the receiving stream or other waterways. There shall be no turbid discharges to surface waters of the State resulting from de-watering activities. If trench or ground water contains sediment, it must pass through a sediment settling basin or other equally effective sediment control device, prior to being discharged from the construction site. Alternatively, sediment may be removed by settling in place or by de-watering into a sump pit, filter bag, or comparable practice. Groundwater de-watering which does not contain sediment or other pollutants is not required to be treated prior to discharge. However, care must be taken when discharging ground water to assure that it does not become pollutant-laden by traversing over disturbed soils or other pollutant sources.

1191.21 DUST CONTROL.

A water truck equipped with suitable sprinkling devices and street-sweeping equipment shall be on-site during periods of dry weather for dust control. Water shall be applied at least 4 times a day to all unpaved surfaces during periods of dry weather to help control the dust. The County Engineer may require additional measures as covered by ODOT CMS 616. Streets shall be swept daily to remove material from paved streets onto which such material has been deposited by trucking, earth-moving, erosion by water, or other means. Evaluations shall be performed during representative, normal working conditions by the contractor. No evaluation shall be necessary if the area is covered with snow, ice, or if precipitation has occurred that is sufficient for dust control. The following information shall be recorded by the contractor for dust control maintenance.

- (a) The date and reason any required inspection was not performed, including those evaluations that were not performed due to snow and/or ice cover or precipitation.
- (b) The date of each evaluation where it was determined that it was necessary to implement the control measures.
- (c) The dates and the type of control measures that were implemented.

1191.22 EROSION, SEDIMENT, AND STORMWATER CONTROL PLAN.

- (a) Every person required to submit an erosion, sediment, and stormwater sediment control plan pursuant to Section 1191.05(b) of these Regulations shall submit one original and two copies of such plan to the Zoning Inspector prior to the start of construction.
- (b) The erosion, sediment, and stormwater control plan shall be certified by a professional engineer registered in the State of Ohio.
- (c) Such plan, which shall be accompanied by a map or maps of the proposed development area or areas, drawn to a scale of one inch equals 100 feet, shall contain the following information:
 - (1) The location of the area and its relation to its general surroundings, including off-site areas susceptible to sediment deposits or to erosion caused by accelerated runoff and off-site areas affecting potential accelerated runoff and erosion control;
 - (2) Existing topography of the development area and adjacent land within 200 feet of the boundaries. The topographic map shall contain existing contours at an interval of not greater than one foot if the slope of the ground is six percent or less and not greater than two feet where the slope is more than six percent, to clearly portray the conformation and drainage pattern of the area. Pre-construction and post-construction contours shall be provided.
 - (3) The location of the existing buildings, structures, utilities, water bodies, drainage facilities (including drainage tiles, even agricultural, utilized by upland property owners), vegetative cover, paved areas (roads, streets, driveways, sidewalks, etc.) and other significant natural or man-made features on the development area and adjacent land within 100 feet of the boundaries;

- (4) A general description of the predominant soil types, their location and their limitations for the proposed use (refer to the Soil Survey of Morrow County, Ohio).
- (5) The proposed use of the development area, including present development and ultimate utilization, with detail on soil cover, both vegetative and impervious;
- (6) All proposed earth disturbance, including:
 - A. Areas of excavation, grading and filling, installations of utilities, removal or destruction of top soil, and spreading of earth material and including a time schedule of such operation.
 - B. The finished grade, stated in feet horizontal to feet vertical, of cut and fill slopes;
 - C. Kinds of utilities and proposed areas of installation;
 - D. Proposed paved and covered areas in square feet or to scale on a plan map;
 - E. The makeup of proposed surface soil (upper six inches) on areas not covered by buildings, structures or pavement. The description shall be in such terms as lawn, turfgrass, shrubbery, trees, forest cover, rip-rap, mulch, etc.
 - F. The proposed construction sequence;
- (7) Provisions for temporary and permanent erosion control;
- (8) Provisions for the management of stormwater, derived both on-site and from upper watershed areas, including the control of acceleration of on-site runoff, to a stable receiving outlet;
- (9) Provisions for erosion control improvements during construction (temporary) and during the life of the development (permanent) provisions shall include a time schedule and sequence of operations with an estimated time exposure and include the number, types, dimensions, and locations of all runoff, erosion or sediment control devices to be utilized wither temporarily or permanently on the area of land disturbed. Also the location of areas likely to require temporary stabilization during the course of development shall be shown.
- (10) Provisions for maintenance of control facilities, including easements or agreements, to insure short-term as well as long-term erosion and sediment pollution control and stormwater management.
- (11) The proposed construction sequence, a time schedule for all earth-disturbing activities and installation of provisions for erosion and stormwater management. The sequence of construction shall, as a minimum, include a schedule and time frame for the following activities:
 - A. Clearing and grubbing for those areas necessary for installation of perimeter controls.
 - B. Construction of perimeter controls.
 - C. Remaining clearing and grubbing.
 - D. Road grading.
 - E. Grading for the remainder of the site.
 - F. Utility installation and whether storm drains will be used, protected or abandoned after construction.
 - G. Final grading, landscaping or stabilization; and
 - H. Removal of temporary controls.

- (12) Design computations and applicable assumptions for all structural measures for erosion and sediment pollution control and water management. Volume and velocity of flow must be given for all surface water conveyance. This information shall also be provided for surface water outlets.
 - (13) Seeding mixtures and rates, lime and fertilizer application rates, and kind and quantity of mulching for both temporary and permanent vegetative control measures. Details on proposed methods and schedules of providing temporary and permanent stabilization, pertaining to seeding and/or mulching shall be included.
 - (14) An estimate of the cost of erosion and sediment control and water management structures and features;
 - (15) The title, scale, direction, legend and date of all plan maps;
 - (16) Names and addresses of the persons preparing the plan;
 - (17) Name, address and phone number of the property owner;
 - (18) Name, address and phone number of any contractor, development, subcontractor, and site supervisors (if known);
 - (19) Total site acres and total disturbed acres;
 - (20) NPDES - The plan shall contain all documentation and permits required/levied by other natural resource agencies, including but not limited to:
 - A. Certified wetland delineation's;
 - B. Permit for the U.S. Army Corps of Engineers jurisdictional streams, wetlands, and waterways;
 - C. Ohio Environmental Protection Agency (EPA) National Pollution Discharge Elimination System (NPEDES) permit; and/or
 - D. Floodplain permit.
 - (21) The name of the receiving waters which will receive the stormwater discharge;
 - (22) Certification that all earth disturbance, construction and development will be done pursuant to the plan and that the Village will be notified pursuant to the requirements of 1191.05(d).
- (d) The approving agency may waive specific requirements for plan detail or may require additional information to show that work will confirm to the basic requirements of this chapter.

1191.23 PLAN REVIEW.

The Approving Agency shall, within thirty (30) calendar days of receipt of an erosion, sediment and stormwater control plan, indicate its status of compliance or non-compliance to the person who filed the plan. Indication of non-compliance shall include the plan deficiencies and the procedures for filing a revised plan. Pending preparation and determination of a status of compliance of a revised plan, earth-disturbing activities shall proceed only in accordance with conditions outlined by the approving agency.

1191.24 INSPECTION TO ENSURE COMPLIANCE.

- (a) The Approving Agency, as designated by the Village of Sparta, shall inspect development areas to determine compliance with these Regulations. If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the contractor must replace or modify the control for the site conditions.

- (1) When a practice requires repair or maintenance; If the inspection reveals that a control practice is in need of repair or maintenance, with the exception of sediment basin clean-out, or sediment basin removal, it must be repaired or maintained within 48 hours of the inspection. Sediment basin clean-out or removable must occur within seven (7) days of the inspection.
- (2) When practices fail to provide their intended function: If the inspection reveals that a control practice fails to perform its intended function and that another, more appropriate control practice is required, the sediment and erosion control plan must be amended and a new control practice must be installed within seven (7) days of the inspection.
- (3) When practices depicted on the sediment and erosion control plan are not installed: If the inspection reveals that a control practice has not been implemented in accordance with the schedule contained on the plan, the control practices must be implemented prior to the next storm event, which produces runoff from the site, but in no case later than seven (7) days from the date of inspection. If the inspection reveals that a planned control practice is not needed, the record must contain a statement as to why the control practice is not needed.

If the deficiency or non-compliance has not been corrected or the plans have not been approved by the Zoning Inspector for its correctness, said deficiency or non-compliance shall be reported to the Village Solicitor for action. If it is determined at the time of inspection that the magnitude of the violation is such that the issue requires immediate resolution, the inspecting agency may define the time frame in which such violation must be resolved.

- (b) If the Zoning Inspector determines that a violation exists and requests the Village Solicitor, in writing, to take action, the Zoning Inspector shall seek an injunction or other appropriate relief to abate excessive erosion and sedimentation and to secure compliance with these Regulations. In granting relief, the court may order the construction of sediment control improvements or implementation of other control measures.
- (c) A final inspection shall be made to determine if the criteria of these Regulations have been satisfied.

1191.25 APPEALS.

Any person aggrieved by an order, requirement, determination or any other action in relation to these Regulations may appeal to the Court of Common Pleas. Such an appeal shall be made within twenty calendar days of an order or decision and shall specify the grounds for appeal.

1191.26 MAINTENANCE.

- (a) Permanent Runoff Control Installations. When permanent runoff control installations are necessary, the maintenance responsibility shall be determined by the approving agency. The maintenance responsibility of said installation(s) will be either the Village, through appropriate sections of the Ohio Constitution, or privately by the property owner or a group of property owners.
- (b) Maintenance by Morrow County. When determined appropriate by the inspecting agency or Village, the person(s) developing a site shall petition the County for maintenance of permanent runoff control installations under ORC 6131, provided that such required installations:
 - (1) Benefit two or more property owners; and
 - (2) Are designed for cost-effective maintenance.
- (c) Maintenance by the Property Owner or Group of Property Owners. When determined appropriate by the approving agency, permanent runoff control installations which are to be privately maintained by the property owner or a group of property owners shall be:

- (1) Designed and constructed by the person(s) developing the site with easements or agreements sufficient to allow adequate access for inspections and corrective actions, if necessary, by the approving agency;
 - (2) Regularly inspected by the Approving Agency to ensure that privately maintained installations are properly maintained and, if not, maintained at the expense of the responsible owner(s) by order of the approving agency. In any controversy arising between the owner(s) and the approving agency regarding the maintenance of said installations, the decision of the approving agency shall be final.
 - (3) Maintained and installed by the person(s) developing the site according to the approved design and not altered unless approved by the approving agency. In the event of a change in ownership, the new party is responsible for compliance.
- (d) Maintenance Within Subdivisions. Should the maintenance of any permanent runoff control installations be within a subdivision plat, the maintenance responsibilities shall be described on the recorded plat of the said subdivision.

CHAPTER 1193 – OFF-STREET PARKING AND LOADING

1193.01 DEFINITIONS.

As used in this chapter, certain terms are defined or interpreted as follows:

- (a) "Off-street parking space" means a rectangular area for parking one motor vehicle, which is located in a building or in the open, which has access to a public street and is exclusive of the right-of-way of any public or private street or any driveway, aisle, circulation drive or off-street loading space. Off-street parking spaces shall have minimum rectangular dimensions as follows:

<u>Parking Angle (Dimensions in Feet)</u>	<u>Width</u>	<u>Length</u>
Parking Space Parallel	9	24
60 Degrees	10	20
90 Degrees	10	20

- (b) "Off-street loading space" means a cubical area for parking one commercial vehicle for pickups and deliveries, which space has minimum dimensions of twelve feet in width, fifty feet in length and fifteen feet in vertical height, which is located in a building or in the open on the same lot as the use such space is intended to serve, and which has access to a public street and is exclusive of the right-of-way of any public or private street or any driveway, aisle, circulation drive or off-street parking space.
- (c) "Gross floor area", for determining parking requirements, means the total floor area of all main and accessory buildings, whether closed or unenclosed, measured from the exterior building face including storage areas but excluding interior areas used for parking and loading and access thereto.
- (d) "Gross floor area", for determining loading requirements, means the total floor area of all main and accessory buildings, whether closed or unenclosed, measured from the exterior building face, including storage areas but excluding interior areas used for parking and loading and access thereto.
- (e) "Employees", for determining parking requirements, means the maximum number of employees on duty on the premises at one time or on any two successive shifts, whichever is greater.
- (f) "Seats" means the number of seating units installed or indicated on plans, or each thirty lineal inches of stands, benches or pews. It is assumed that a seating unit occupies seven square feet of floor area for uses without fixed seating, exclusive of aisles and assembly areas.
- (g) "Hospital bassinets", for determining parking requirements, shall not be counted as beds.
- (h) "Aisle" means that portion of the off-street parking and loading area that provides access to parking, stacking or loading spaces, exclusive of driveways and parking and loading spaces. Minimum aisle width to serve a loading space shall be fifteen feet. Minimum aisle width to serve a parking space shall be as follows:

	<u>Minimum Aisle Width (Feet)</u>	<u>Angle of Parking (Degrees)</u>
One-Way Travel	12	20
Two-Way Travel	18	60
Parallel	20	90

1193.02 INTERPRETATION AND CALCULATION.

- (a) Parking and loading spaces for a use not specifically provided for in this chapter shall be the same as required for a use of a similar nature.
- (b) Each separate use shall meet its own specific requirements as set forth in this chapter when located on an individual lot. For mixed uses or when more than one use is located on a lot, the number of the parking and loading spaces required shall be the sum of all the requirements for each separate permitted, accessory or conditional use.
- (c) Fractional numbers shall be increased to the next whole number. (See Sec. 1191)
- (d) Parking spaces shall be designated for the physically handicapped and may be used to compute the total number of spaces required.
 - (1) The number and location of the designated spaces shall be in compliance with the requirements of the Ohio Basic Building Code (OAC 4101:2-5-12) as follows:

Total Number of Spaces in the Lot or Structure	Required Number of Accessible Space
Up to 100	One space per 25 parking spaces
101 to 200	Four spaces plus one space per 50 parking spaces over 100
201 to 500	Six spaces plus one space per 75 parking spaces over 200
Over 500	Ten spaces plus one space per 100 parking spaces over 500
 - (2) All such handicapped parking spaces shall be designated by free-standing signs as provided for pursuant to the Ohio Manual of Uniform Traffic Control Devices, Type R-59-A and/or R-59-B. Any such handicapped parking spaces which are not currently designated as set forth herein shall be brought into compliance with this provision within ninety days from the effective date of this section.
- (e) Parking within the required setback and platted setback shall be governed by Section 1183.03.

1193.03 COMPLIANCE REQUIRED.

- (a) No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected or constructed unless permanently maintained off-street parking and loading spaces shall be provided as required by and in accordance with the provisions of this chapter. If a building is constructed without a tenant at the time of construction, then the Zoning Inspector will determine the minimum number of parking spaces required and the owner/developer will be required to set aside vacant land where additional parking can be provided if needed once the use of the structure is determined.
- (b) No building or structure or part thereof shall be substantially reconstructed, altered or repaired unless permanently maintained off-street parking and loading spaces shall be provided as required by and in accordance with the provisions of this chapter.
- (c) The required space provisions of this chapter, except where there is any change of use, shall not apply to any existing building or structure. Where the new use as changed involves no additions or enlargements, there shall be provided as many of such spaces as may be required for the new use.
- (d) Whenever the use of a building or structure is changed or is increased in floor area, number of employees, seating capacity or otherwise so as to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of such change or increase.

- (e) Revision of an approved parking lot, including, but not limited to reduction, enlargement, restriping or remarking of any parking lot in a manner that differs from the existing site plan, shall require a new site plan and a Certificate of Zoning Compliance prior to such change.

1193.04 JOINT USES.

- (a) All off-street parking and loading spaces shall be located on the same lot as the use to be served, except the owners of two or more separate uses may establish a joint parking area to provide the total number of required off-street parking and loading spaces for all such combined uses, subject to approval of the Board of Zoning Appeals and to such conditions as may be imposed by the Board.
- (b) Churches or other uses with limited hours and days of use may establish joint parking areas for fifty percent (50%) or less of their required spaces if such areas are located within 300 feet of the main entrance.

1193.05 WHEEL STOPS.

- (a) Whenever a parking area extends to a lot line, sidewalk, planter strip or building, a wheel stop device consisting of blocks, a permanent curb, expanded sidewalk or other suitable restraining shall be installed to prevent any part of a parked motor vehicle from extending beyond the property line, overhanging a pedestrian walkway or sidewalk, or damaging any building, structure or landscaping.
- (b) The height of a wheel stop device shall be not less than four inches nor greater than 6 inches. The minimum distance from a wheel stop device to a property line or protected area shall be two and one-half feet.

1193.06 SURFACING AND MAINTENANCE.

- (a) All off-street parking and loading areas including spaces, driveways, aisles and circulation drives shall be concrete, asphaltic concrete, premixed asphalt pavement, blacktop, brick or grass pavers or the equivalent so as to provide a durable and dustless surface. Pervious surface materials may be used for spill over parking. Off-street parking area designs shall be reviewed and approved by the Zoning Inspector prior to issuance of a Zoning Permit.
- (b) All off-street parking and loading areas including spaces, driveways, aisles and circulation drives shall be graded and maintained so that water does not unreasonably accumulate on such areas nor flow or drain onto adjacent public or private property. All such surfaced areas shall be maintained free of chuckholes, litter, glass, nails or other dangerous materials.
- (c) The stormwater standards and requirements of the Village Subdivision Regulations shall be satisfied and complied with fully. See Chapter 1191.

1193.07 LIGHTING, STRIPING AND TRAFFIC CONTROL.

- (a) Any nonresidential parking area with ten or more off-street parking spaces and any residential parking area with twenty or more off-street parking spaces shall be illuminated during poor visibility to provide an average intensity of one-half foot candles of light as measured at the parking surface area. All lighting for vehicular use areas shall be full cutoff type. All outdoor lighting shall be of constant intensity and shall be directed, reflected or shielded so as not to be of excessive brightness or cause glare hazardous to pedestrians or drivers, create a nuisance or unreasonably interfere with a neighboring property owner's right to enjoy his property.
- (b) Any parking area with ten or more off-street parking spaces shall be striped and maintained in good condition to be clearly visible with lines at least 3 inches wide to indicate parking space limits.
- (c) Any off-street parking use shall be marked or posted with such traffic control devices as may be determined necessary by the Police Chief for the protection of operators and pedestrians, including directional arrows, one-way signs, no parking signs and fire lane signs.

1193.08 PARKING IN RESIDENTIAL DISTRICTS AND OTHER DISTRICTS.

- (a) Limitation of Parking in Residential Zoning Districts. The provision of parking space, either open or enclosed for the parking or storage of motor vehicles and recreational vehicles in a residential zoning district shall be governed the following:
 - (1) All motor vehicles at the premises, whether private, passenger, commercial or other, shall be parked on driveways or paved areas or concealed from public view in private garages, carports, etc. No vehicle shall be parked in the required front yard.
 - (2) All motor vehicles in public view on the premises shall be in operating condition and in compliance with all motor vehicle safety, equipment, registration and licensing laws, including displaying proper tags and validation stickers.
 - (3) Motor homes, trailers, and boats and non-private passenger vehicles that are parked on a driveway must be parked a minimum of twenty (20) feet from the edge of the public right of way.
 - (4) Automotive repair, storage, and restoration is prohibited in all residential zoning districts, except for work on a personal vehicle of the resident, and enclosed within a garage.
 - (5) Within any residential district no boats or recreational vehicles may be parked in a driveway of a residence for more than three (3) consecutive days.
- (b) No property owner(s), user(s), contractors, business commercial, industrial or residential owners shall permit commercial vehicles or non-private passenger vehicles to be parked upon such property that is located in a residential neighborhood except in connection with repair or construction work being undertaken on the premises in the property and only during such periods of repair or construction.
 - (1) Exception. Light commercial vehicles that have a gross vehicle weight of one (1) ton or less and are used daily by the owner shall be permitted to be parked in the driveway or garage of the premises.
- (c) Camping Trailers or Other Trailers. Camping trailers or other trailers, including boat, cargo, horse or other similar trailers may be parked or stored for a period not to exceed two (2) consecutive weeks, except that such trailer is enclosed by structure, fence or otherwise protected so that the vehicle cannot be entered upon or seen from an adjacent lot or street.

1193.09 MANEUVERING AND DRIVE-IN STACKING AREAS.

- (a) Maneuvering. Every parking and loading space shall have sufficient access and maneuvering use. All maneuvering uses shall be on the same lot as the use such use is intended to serve. In single-family or two-family residential districts, the maneuvering area may include a driveway, street or parking space.
- (b) Stacking Areas. Drive-in commercial uses, in order to obtain approval as a conditional use as specified in Sections 1161.02 , 1163.02 , and 1167.02 shall be provided with such stacking areas as may be required by the Board of Zoning Appeals. In no event shall any portion of a public right-of-way be used for stacking purposes.

1193.10 LANDSCAPING AND PERIMETER REQUIREMENTS.

Landscaping and perimeter requirements shall be provided as required by Chapter 1187.

1193.11 DRIVEWAYS.

A driveway is any access corridor leading from a public right-of-way to a parking lot, aisle, parking circulation areas, garage, off-street parking space or loading space. Each driveway shall be located and designed in a manner that provides for the safety of motorists and pedestrians.

- (a) A driveway serving a residential parking area or lot shall be regulated as follows: Parking areas containing one to eight parking spaces shall have a minimum width of ten feet. Driveways shall be no less than three feet from a side lot line or adjacent to the side lot line where a single common drive is provided for two adjoining lots. Driveways shall have a minimum width of ten feet and a maximum width of twenty feet at the street right-of-way line. Driveways shall have a minimum width of sixteen feet and a maximum width of twenty-six feet including two 3-foot flairs, one on each side, at the curb line. In no case shall the width of the driveway exceed the width of the garage. Driveways exceeding twenty feet in width shall taper in width from the garage or parking area to the street right-of-way line. Curb cuts or points of ingress/egress shall be generally restricted to promote traffic safety, and limited to one per single-family residence.
- (b) A driveway serving a commercial parking area or lot shall be regulated as follows: Driveways shall be designed so that vehicles entering or leaving such parking lot will be traveling in a forward motion. Driveways shall have:
 - (1) A minimum width of thirty feet at the street right-of-way line and a maximum width of forty feet at the street right-of-way line; and
 - (2) A minimum width of forty feet at the curb line and a maximum width of fifty feet at the curb line, including two 10-foot radii curb returns.

Driveways, exclusive of curb returns, shall be two feet or more from the side lot line and twenty feet or more from another access drive measured at the street right-of-way line. Curb cuts or points of ingress/egress shall be generally restricted to promote traffic safety and limited to one per lot or parcel of land.

1193.12 MINIMUM NUMBER OF LOADING SPACES REQUIRED.

The minimum number of off-street loading spaces shall be not less than that as set forth in the following table:

- (a) Each use of a business, institutional, personal or professional service nature including but not limited to a business office, hotel, motel, recreational or entertainment type use shall provide loading spaces based on gross floor area as follows:

<u>Gross Floor Area (Sq. Ft.)</u>	<u>Minimum Loading Spaces Required</u>
Under 10,000	0
10,000 to 100,000	1
100,000 to 350,000	2
350,000 or more	2 plus 1 for each additional square feet or fraction thereof exceeding 350,000 square feet.
- (b) Each commercial or industrial type use involving the retail or wholesale exchange, sale, storage, processing or manufacturing of merchandise of personal property of any type, which is permitted in any commercial or manufacturing district, shall provide loading spaces based on gross floor use as follows:

<u>Gross Floor Area (Sq. Ft.)</u>	<u>Maximum Loading Spaces Required</u>
Under 5,000	0
5,000 to 10,000	1
10,000 or more	2

1193.13 MINIMUM NUMBER OF PARKING SPACES REQUIRED.

The minimum number of off-street parking spaces required shall be not less than that as set forth in the following table: (sq. ft. means square feet of gross floor area)

<u>Type of Use</u>	<u>Minimum Number of Parking Spaces Required</u>
Single family detached and semi detached, two family, and single family attached	Two (2) spaces per dwelling unit, exclusive of garage
Multi family	1.5 spaces for each studio or 1-bedroom unit and 2 spaces for each unit with 2 or more bedrooms plus one guest space for every 5 units
Special Residential Uses	
Bed & Breakfast	Two (2) spaces plus one (1) space per guest room
Family and group care homes	One (1) space per six (6) residents plus one (1) space per employee
Retirement villages and senior citizen housing	Three fourths (3/4) space per dwelling unit, plus one (1) space per employee.
Institutional and Recreational Uses	
Community centers, libraries, museums, art galleries and other establishments of historical, education and cultural interest	One (1) space per four hundred (400) square feet of gross floor area, plus one (1) space per employee on the largest work shift.
Daycare centers and nursery schools	One (1) space per employee, plus one (1) space per ten (10) children at capacity.
Elementary and junior high schools	Three (3) per room used for administration or classroom.
High schools	Three (3) spaces per room used for administration or classroom, plus one (1) space per five (5) students at design capacity.
Hospitals and medical centers	Two and a half (2.5) per bed at design capacity
Junior colleges, colleges and universities	10 per classroom
Places of worship	One (1) space per four (4) seats at maximum design capacity
Public offices and buildings	One (1) space for every two hundred fifty (250) square feet of gross floor area
Nursing and personal care facilities, including nursing homes, extended care facilities, rest homes and convalescent homes	One (1) space per four (4) beds at design capacity
Auditoriums, arenas, stadiums, gymnasiums, and playing fields with stands	One (1) space for every four (4) seats at capacity.
Golf courses	Five (5) per hole
Parks, playgrounds, nature areas and other open space:	To be determined by the Planning and Zoning Commission based on the type of park and the facilities within each park
Recreation facility, indoor (includes skating rinks)	One (1) space per every three hundred (300) square feet of gross floor area
Recreation facility, outdoor	One (1) space per every one hundred twenty five (125) square feet
Senior center	One (1) space per every five hundred (500) square feet of floor area
Swimming pools:	One (1) space for every one hundred (100) square feet of water surface area.
Tennis, racquetball and handball courts	When located inside a recreation facility the parking standards above will apply. When located outside, a minimum of 2 parking spaces per court will be provided.

<u>Type of Use</u>	<u>Minimum Number of Parking Spaces Required</u>
Business and Professional Offices	
Business and professional offices and associations	One (1) space per three hundred (300) square feet of gross floor area
Medical offices and duties	Five per one thousand (1,000) square feet of gross floor area but not less than five (5) per office
Retail Commercial and Service Uses	
All hospitals and veterinary clinics	One (1) space per three hundred (300) square feet of gross floor area
Commercial schools and studios	One (1) space per every one hundred fifty (150) square feet of usable floor area
Financial establishments, banks and savings and loan associations	One (1) space per 200 square feet of gross floor area
Funeral homes and mortuaries	One (1) space per every fifty (50) square feet of public floor area, plus one (1) space for each business vehicle.
General commercial establishments and supermarkets	One (1) space per two hundred (200) square feet of usable floor display and merchandise area.
Home furnishings, home improvements and equipment stores	One (1) space per four hundred (400) square feet of indoor and outdoor sales and display area and one (1) space for each eight hundred (800) square feet of office, storage and warehouse area.
Nurseries and garden supply stores	One space per 300 feet of indoor floor area plus one (1) space per one thousand (1,000) square feet of outdoor display area
Restaurant, standard	One (1) space per every three (3) seats under maximum seating capacity
Restaurants, fast food	One (1) space per seventy-five (75) square feet of customer service or dining area; 1 per 200 square feet if no customer service or dining area
Specialty retail commercial, specialty food stores, personal services	One (1) space for every two hundred (200) square feet of gross floor area less than two thousand (2,000) and one (1) space for every three hundred (300) square feet of gross floor area greater than two thousand (2,000) square feet.
Convenience food stores, mini-markets and carry-outs	One (1) space per 350 square feet of gross floor area
Business services (copy services, cleaning services, etc)	Three (3) per 1,000 square feet of gross floor area plus one (1) space for every company or service vehicle regularly stored on the premises
Automobile service stations including auto repair, painting and body shops	Three (3) spaces for each service bay or one (1) per 150 square feet of gross floor area, whichever is greater
Hotels and motels	One (1) space per room or suite, plus plus one (1) space for three (3) persons to the maximum capacity of each public meeting and/or banquet room
Vehicle sales and service	One (1) parking space for each eight hundred (800) square feet of floor area, plus one (1) space for each three thousand (3,000) square feet of open lot area devoted to the sale and display of motor vehicles.

<u>Type of Use</u>	<u>Minimum Number of Parking Spaces Required</u>
Dance halls, bingo halls, assembly and exhibition halls	One (1) space for every seventy-five (75) square feet of floor area
Game rooms and pool halls	One (1) space per three hundred (300) square feet
Golf driving range	One (1) space per tee
Golf courses, miniature	One (1) space per hole
Other outdoor commercial entertainment	One (1) space for every four (4) patrons at maximum capacity
Theatres, concert halls, private clubs, and meeting and banquet halls	One (1) space per two hundred (200) square feet of seating area
Construction trades and contractor offices and industrial craft shops	One space for every 300 square feet of floor area, plus one space for every business vehicle
Lumberyards and buildings materials sales	One parking space for each 800 square feet of floor area, plus one space for every 3,000 square feet of lot area devoted to the storage and display of building materials.
Industrial use, light	One (1) space per 1,000 square feet of gross floor area up to 20,000 square feet, plus one (1) space per 2,000 square feet of gross floor area in excess of 20,000 square feet
Industrial use, heavy Warehouses	One (1) per 2,000 square feet of gross floor area One per business vehicle plus one space per one space for every 1,000 square feet of gross floor area for facilities 20,000 square feet or less; one (1) space per 5,000 square feet of gross floor area for facilities between over 20,000 square feet but less than 120,000 square feet; One (1) space per 10,000 square feet for facilities 120,000 square feet and over
Wholesaling facilities	One (1) per 1,000 square feet of gross floor area

1193.14 MAXIMUM NUMBER OF PARKING SPACES PERMITTED.

Except by approval of the Board of Zoning Appeals, the maximum number of off-street parking spaces for any building or use shall not exceed the amount determined as follows:

- (a) For parking lots of more than twenty and less than fifty spaces: Parking lots may not have more than one hundred twenty percent (120%) of the number of spaces required in Section 1193.13, not including handicap accessible spaces, unless a minimum of twenty percent (20%) of the parking area is landscaped in accordance with the standards of Chapter 1187.
- (b) For parking lots of fifty-one spaces or more: No more than one hundred ten percent (110%) of the number of spaces required in Section 1193.13, not including handicap accessible spaces, is permitted.

CHAPTER 1195 – TELECOMMUNICATIONS

1195.01 PURPOSE.

The purpose of this section is to regulate the placement, construction and modification of Towers and Wireless Telecommunications Facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the Municipality. Specifically, the purposes of this chapter are:

- (a) To direct the location of Towers and Wireless Telecommunications Facilities in the Municipality.
- (b) To protect residential areas and land uses from potential adverse impacts of Towers and Wireless Telecommunications Facilities.
- (c) To minimize adverse visual impacts of Towers and Wireless Telecommunications Facilities through careful design, siting, and landscaping techniques.
- (d) To promote and encourage shared use/co-location of Towers and Antenna Support Structures as a primary option rather than construction of additional single-use Towers.
- (e) To avoid potential damage to adjacent properties caused by Towers and Wireless Telecommunications Facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained and removed.
- (f) To the greatest extent feasible, ensure that Towers and Wireless Telecommunications Facilities are compatible with surrounding land uses.
- (g) To the greatest extent feasible, ensure that proposed Towers and Wireless Telecommunications Facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.

1195.02 APPLICABILITY.

- (a) All Towers, Antenna Support Structures and Wireless Telecommunications Facilities, any portion of which are located within the Municipality, are subject to this chapter.
- (b) Except as provided in this chapter, any use being made of an existing Tower or Antenna Support Structure on the effective date of this chapter (herein "Nonconforming Structures") shall be allowed to continue, even if in conflict with the terms of this chapter. Any Tower site that has received Municipal approval in the form of a Special Permit or building permit, but has not yet been constructed or located, shall be considered a Nonconforming Structure so long as such approval is current and not expired.

1195.03 DEFINITIONS.

For purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein: When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. All capitalized terms used in the definition of any other term shall have their meaning as otherwise defined in this section. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

- (a) "Antenna Support Structure" means any building or other structure other than a Tower which can be used for location of Wireless Telecommunications Facilities.
- (b) "Applicant" means any Person that applies for a Conditional Use Permit pursuant to Section 1138.06 .

- (c) "Application" means the process by which an Applicant submits a request and indicates a desire to be granted a Conditional Use Permit under the provisions of this chapter. An Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an Applicant to the Municipality concerning such a request.
- (d) "Municipality" means the Municipality of Sparta, a municipal corporation, in the State of Ohio, acting by and through its Council.
- (e) "Code" means the Codified Ordinances of the Village of Sparta.
- (f) "Co-location" means the use of a wireless telecommunications facility by more than one wireless telecommunications provider.
- (g) "Council" means the Sparta Village Council.
- (h) "Emergency" means a reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause substantial damage to property that calls for immediate action.
- (i) "Engineer" means any engineer licensed by the State of Ohio.
- (j) "Equipment Shelter" means the structure in which the electronic receiving and relay equipment for a Wireless Telecommunications Facility is housed.
- (k) "FCC" means the Federal Communications Commission and any legally appointed, designated or elected agent or successor.
- (l) "Monopole" means a support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
- (m) "Open Space" means land devoted to conservation or recreational purposes and/or land designated by a municipality to remain undeveloped (may be specified on a zoning map).
- (n) "Person" is any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not-for profit.
- (o) "Tower" means a self-supporting lattice, guyed or monopole structure constructed from grade which supports Wireless Telecommunications Facilities. The term Tower shall not include amateur radio operators' equipment, as licensed by the FCC.
- (p) "Viewshed" means the area surrounding a Wireless Telecommunications Facility or Antenna Support Structure, within which the Facility or Structure is visible from street level.
- (q) "Wireless Telecommunications Facilities" means any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a Person seeks to locate or has installed upon a Tower or Antenna Support Structure. However, the term Wireless Telecommunications Facilities shall not include:
 - (1) Any satellite earth station antenna six (6) feet in diameter or less which are located in an area zoned industrial or commercial;
 - (2) Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.
 - (3) Antennas used by amateur radio operators are excluded from this definition.

1195.04 REQUIREMENTS.

- (a) Wireless Telecommunications Facilities shall be a conditional use in the I-1 zoning district contingent upon a number of requirements being met. These criteria are in place in an attempt to minimize adverse health,

safety, public welfare or visual impacts through buffering, siting, design and construction, and reduction of the need for new Towers.

(b) Application Requirements. In addition to the requirements of Section 1138.06 (b) the following additional information shall be provided.

- (1) A plot plan indicating all building uses within 200 feet of the proposed facility. Aerial photos and/or renderings may be required.
- (2) A diagram or map showing the viewshed of the proposed Wireless Telecommunications Facilities or Antenna Support Structure.
- (3) Photo simulations of the proposed facility from effected residential properties and public rights-of-way at varying distances.
- (4) A list of the location of every Tower, building, or structure within the area that could support the proposed antenna. The applicant must show that it has pursued a reasonable shared use arrangement with the owner(s) of the existing towers and that such pursuit was unsuccessful.

(c) Standards.

- (1) The Tower and Equipment Shelter shall be 1,000 feet from the nearest residential district or public park.
- (2) The maximum size of the Equipment Shelter shall not exceed 400 square feet.
- (3) Minimum setback for the Tower from all property lines shall be a distance equal to the height of the tower. Setback shall be defined as the distance from the property line to the nearest portion of the structure. The Equipment Shelter shall meet the minimum setback requirements of the appropriate district.
- (4) Underground wiring to the site shall be required.
- (5) Equipment, mobile or immobile, not used in direct support of the transmission or relay facility, shall not be stored or parked on the site except in connection with a repair or maintenance being made to the installation.
- (6) The owner of the tower shall annually file with the Zoning Inspector a declaration ascertaining the continued operations, according to the Board of Zoning Appeal's approval, of each tower approved.
- (7) Obsolete or unused facilities shall be removed within six months of ceasing operation.
- (8) No employees shall be employed on a regular basis at the installation site.
- (9) The location of the Tower and Equipment Shelter and Antenna Support Structure shall comply with all natural resource protection standards established in the Zoning Code.
- (10) Security fencing eight (8) feet in height shall be required to surround the Tower, Equipment Shelter and any guy wires, either completely or individually as determined by the Board of Zoning Appeals. No barbed or razor wire shall be permitted. The Village and co-locators shall have reasonable access. No fence shall be required on top of a building or other structure if access to the roof or top of the structure or building is secure.
- (11) Buffer plantings shall be located around the perimeter of the security fence as deemed appropriate by the Board of Zoning Appeals. Options are an evergreen screen to be planted that consists of either a hedge, planted three feet on center maximum, or a row of evergreen trees planted five feet on center maximum, or other screens determined to be appropriate by the Board of Zoning Appeals.

- (12) Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
 - (13) Compliance with co-location requirements.
 - (14) The Tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA). Except for Tower or Monopole structures, all appurtenances shall be aesthetically and architecturally compatible with the surrounding environment.
 - (15) No advertising is permitted anywhere on the Wireless Telecommunications Facility, with the exception of identification signage.
 - (16) No Tower under 150 feet shall be artificially lighted except to assure safety or as required by the FAA.
 - (17) "No Trespassing" signs shall be posted around the Wireless Telecommunications Facility with a telephone number of who to contact in the event of an emergency.
 - (18) Underground Equipment Shelters are encouraged, and may be requested by the Board of Zoning Appeals.
 - (19) Towers must be designed and certified by an Engineer to be structurally sound and, at a minimum, in conformance with the Ohio Basic Building Code.
 - (20) Any Wireless Telecommunications Facilities which are not attached to a Tower shall be a permitted ancillary use to any commercial, industrial, or professional structure, regardless of the zoning restrictions applicable to the zoning district where the structure is located and a Zoning Permit shall be required and issued provided that the person making such ancillary use files a written certification with the Village establishing the following:
 - A. The total height of the Antenna Support Structure and Wireless Telecommunications Facilities do not exceed the structural height limitations in the applicable zoning district by more than twenty feet;
 - B. The Antenna Support Structure and Wireless Telecommunications Facilities comply with the Ohio Basic Building Code;
 - C. Any Wireless Telecommunications Facilities and their appurtenances, located on the roof of a building, are set back one foot from the edge of the roof, not including the penthouse, for each one foot in height of the Wireless Telecommunications Facilities. However, this setback requirement shall not apply to antennas less than two inches in thickness, which are mounted to the sides of Antenna Support Structures, but which do not protrude more than six inches from the side of such an Antenna Support Structure.
 - D. That the Wireless Telecommunications Facilities will utilize camouflaging techniques or will be side-mounted to an Antenna Support Structure in order that the Wireless Telecommunications Facilities harmonize with the character and environment of the area in which they are located.
- (d) No new Tower shall be constructed in the Village unless such Tower is capable of accommodating at least one additional Wireless Telecommunications Facility owned by other Persons.

CHAPTER 1196 – ALTERNATIVE ENERGY

1196.01 PURPOSE.

To establish regulations for alternative energy in order to preserve and protect public health and safety and to permit residents and businesses of the Village of Sparta to take advantage of alternative energy while maintaining the integrity of the Sparta Comprehensive Plan.

1196.02 DEFINITIONS.

- (a) "Anemometer" is an instrument that measures the force and direction of the wind.
- (b) "Clear Fall Zone" means an area surrounding the wind turbine unit into which the turbine, tower and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure. The area shall remain confined within the property lines of the primary parcel where the turbine is located. The purpose of the zone being that if the turbine shall fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not intrude onto a neighboring property.
- (c) "Ground mounted" means an alternative energy project which is not attached to a building and which is either attached directly to the ground or elevated on a supporting structure attached to the ground.
- (d) "Cowling" means a streamlined removable cover that encloses the turbine's nacelle.
- (e) "Megawatt" means a unit of power equal to one million watts.
- (f) "Monopole tower" means a tower constructed of a single, self supporting metal tube, anchored to a foundation.
- (g) "Nacelle" sits atop the tower and contains the essential mechanical components of the turbine to which the rotor is attached.
- (h) "Owner" means any of the following:
 - (1) "Equipment owner" means the person or entity that owns an alternative energy project.
 - (2) "Participating owner" means the owner of the property on which an alternative energy project is built.
 - (3) "Non-participating landowner" means an owner of property on which an alternative energy project is not being built.
- (i) "Roof/building mounted" means an alternative energy project which is attached to a building or roof.
- (j) "Rotor diameter" means the cross sectional dimension of the circle swept by the rotating blades.
- (k) "Small wind energy project" means a wind energy project that has a capacity of more than 2 kilowatts and less than 5 megawatts, including the wind turbine generator or anemometer or any parts thereof and is primarily used to generate energy for use on the property where it is located. Small wind energy projects shall include Horizontal Axis Wind Turbines (HAWTs), Vertical Axis Wind Turbines (VAWTs), and Blade Tip Power System (BTPSs) as shown in Figure 1.
- (l) "Total height" means any of the following:
 - (1) Means for a horizontal and vertical axis turbine; the vertical distance from ground level to the tip of the wind generator blade when the tip is at its highest point.

- (2) Means for a blade tip power system; the vertical distance from ground level to the highest point of the turbine structure.
- (m) "Wind energy project" mean equipment that converts and then stores or transfers energy from the wind into usable forms of energy (as defined by ORC 1551.20) and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire or other component used in the project.
- (n) "Wind generator" means the mechanical and electrical conversion components mounted at the top of a tower in a wind energy project.
- (o) "Zoning Inspector" means the Village of Sparta Zoning Inspector.

1196.03 SMALL WIND ENERGY PROJECTS.

Wind Energy Projects of 5MW or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Any proposed construction, erection, or siting of a small wind project less than 5MW must comply with the regulations set forth in Sections 1196.04 - 1196.06.

1196.04 STANDARDS - SMALL WIND ENERGY PROJECT.

Small Wind Energy Projects are designated as a "Conditional Use" in all residential zoning districts in accordance with Sections 1147.03, 1149.03, 1157.03. Small Wind Energy Projects are designated as a "Permitted Use" in all other zoning districts.

- (b) Setbacks:
 - (1) Ground mounted.
 - A. A distance equal to 1.1 times its total height from any overhead utility lines, unless written permission is granted from the affected utility.
 - B. A distance equal to 1.1 times its total height from all adjacent property lines.
 - C. A distance equal to 1.1 times its total height from all road right-of-way lines.
 - D. The owner shall provide for a "clear fall zone" that shall be maintained at all times the turbine or tower is standing. The "clear fall zone", along with the manufacturer's recommendations of such a zone must be attached to the engineering report submitted as part of the application.
 - E. May be placed in the side and rear yards, but shall not be placed closer to the street than the front of the principal structure.
 - (2) Roof or building mounted.
 - A. Total height of the wind energy project plus 10 feet.
 - B. Shall be located on the rear half of the principal structure.
- (c) Maximum Height:
 - (1) Ground mounted – 50 feet
 - (2) Roof or building mounted – Maximum permitted height of the principal building, plus 3 feet.

- (d) Location. Small wind energy projects shall not be located or co-located on existing and/or future public and private utility structures including but not limited to cell towers, radio antennas, television antennas, water towers, grain bins/elevators.
- (e) Design. Small wind energy projects shall be designed in a manner that makes them as visually unobtrusive as possible, while meeting safety requirements. Towers and poles shall be monopole in design. Turbines, towers and poles shall be black, white, off-white or unpainted metal, unless colors are required by federal regulations.
- (f) Lighting. Small wind energy projects shall not be illuminated except if required by the Federal Aviation Administration, Ohio Department of Transportation or other applicable authorities. If lighting is required, a design that minimizes disturbances to nearby properties shall be utilized.
- (g) Signs. No sign, other than a warning sign or installer, owner, participating landowner, or manufacturer identification sign, may be placed on any component of a small wind energy project.
- (h) Signal Interference.
 - (1) Wind energy projects shall comply with FAA and FCC regulations for signal interference.
 - (2) The owner (permittee) must operate the wind energy project in accordance with FCC regulations, and in a manner that does not interfere with microwave, television, satellite, radio, cellular, radar or navigation signals.
 - A. Any interference requires the permittee to make immediate corrective action.
 - B. Lack of corrective action within 30 days will result in the permit for the wind energy project to be revoked, and require the wind energy project to be decommissioned and removed within 30 days of the date of the notice of failure to comply with the permit requirements.
- (i) Decibel Levels. Decibel levels shall not exceed those provided by the manufacturer, and/or those stated in the permit for the wind energy project. The more restrictive of the decibel levels shall govern.
- (j) Wiring and Electrical Apparatuses. All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground, within the monopole or within the principal building and meet all applicable local, state and federal codes including the County Building Regulations and the Residential Building Code of Ohio.
- (k) Utility Interconnection: A small wind energy project that connects to the electric utility must comply with all pertinent provisions of the ORC.

1196.05 PERMIT REQUIREMENTS - SMALL WIND ENERGY PROJECTS.

- (a) Zoning Permit. A zoning permit shall be required before construction can commence on an individual small wind energy project.
- (b) As part of the permit process, the applicant shall inquire with the County and the Village as to whether or not additional height restrictions are applicable due to the unit's location in relationship to the Morrow County Airport.
- (c) Applicant shall provide the Village Zoning Inspector with the following information in addition to a completed zoning permit application:
 - (1) Location of all public and private airports in relation to the location of the wind turbine.
 - (2) A report that shows:

- A. Description and specifications of the components of the wind project, including the manufacturer, model, capacity, blade length, rotor diameter, total size and height of the unit.
 - B. If applicable, the total size and depth of the unit's foundation structure, as well as soil and bedrock data.
 - C. A list and/or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, lightning protection, braking systems, guy wiring and anchoring.
 - D. Data specifying the kilowatt size and generating capacity in kilowatts of the particular unit.
 - E. The maximum decibel level of the particular unit. This information shall be obtained from the manufacturer of the turbine unit.
 - F. If the wind energy project is affixed to a primary structure and not a tower then the project developer must provide definitive evidence that the existing structure has adequate capacity to support that additional weight, overturning moments and cyclic loading due to operating resonance generated by the wind turbine.
- (3) A site plan showing:
- A. Property lines and physical dimensions of the property;
 - B. Location, dimensions and types of structures on the property;
 - C. Location of the proposed wind project;
 - D. Location of overhead utility lines on or adjacent to the property;
 - E. The rights of way of any public road/street/alley that is contiguous to the property;
 - F. Location and size of the "clear fall zone".
- (4) A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled.

1196.06 MAINTENANCE - SMALL WIND ENERGY PROJECTS.

- (a) Wind energy projects shall be maintained in good working order. A complete inspection of the system shall occur every two years at the cost of the owner. Inspections shall occur no later than September 30th of the required inspection calendar year and a copy of the inspection report shall be submitted to the Village by no later than October 31st of said inspection calendar year.
- (b) The owner shall within 30 days of permanently ceasing operation of a small wind energy project, provide written notice of abandonment to the Zoning Inspector.
- (c) A small wind energy project that is unused or out-of-service for a continuous 6 month period shall be deemed to have been abandoned. The Zoning Inspector may issue a Notice of Abandonment to the owner of the wind project that the project has been deemed to have been abandoned. The equipment owner shall have the right to respond to the Zoning Inspector's Notice of Abandonment within 30 days from the Notice date. The Zoning Inspector shall withdraw the Notice of Abandonment and notify the equipment owner that the Notice has been withdrawn if the owner provides verification that demonstrates that the wind project has not been abandoned. Periodic or intermittent usage of a small wind energy project for a period of less than 30 consecutive days shall not constitute an active system.

- (d) If the small wind energy project is determined to be abandoned or the Zoning Inspector receives a Notice of Abandonment from the equipment owner, the small wind project shall be removed within 90 days of the Notice of Abandonment and the site must be reclaimed. "Reclamation" includes removal of all equipment and apparatuses, supports and/or other hardware associated with the existing wind turbine, including removal of the above mentioned items to a depth of three (3) feet below grade if ground mounted. If the owner fails to remove a small wind energy project, the Village may cause the removal of the structures at the expense of the permit holder or other responsible party.

CHAPTER 1197 – LIGHTING

1197.01 PURPOSE AND INTENT.

It is the purpose and intent of this chapter to encourage lighting practices and systems which will minimize light pollution, glare, and light trespass; conserve energy and resources while maintaining nighttime safety, utility, and security; and reverse the degradation of the nighttime visual environment. It is recognized that the topography, atmospheric conditions, and nature of the Village are unique and valuable to the community. The Village, through the provisions contained in this title, promotes the reduction of light pollution that interferes with enjoyment of the night sky.

1197.02 CONFORMANCE WITH APPLICABLE CODES.

All outdoor electrical lighting systems shall be installed in conformance with the provisions of this title, the latest adopted versions of the Village Building Code, the National Electrical Code, any additional requirements of the Ohio Industrial Commission, and all other applicable laws. If there are conflicts between any code requirements, the more restrictive requirements will apply.

1197.03 DEFINITIONS.

Words and phrases used in this title, unless the context clearly indicates otherwise, mean as follows:

- (a) "Commercial" means property or structure thereon that is used for any purpose other than residential.
- (b) "Direct glare source" means light that originates in a direct line of sight from a light source that results in objectionable glare.
- (c) "Existing street lighting" means those streetlight fixtures in operation as of the effective date of the most current zoning code.
- (d) "Fixture" means the assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast housing, and the attachment parts.
- (e) "Historic streetlight" means streetlight fixtures manufactured before January 1, 1950, and streetlight fixtures manufactured after 1950 that are designed to replicate streetlight fixtures manufactured before January 1, 1950.
- (f) "Horizontal cutoff" means fixtures that are designed in such a manner that light rays emitted by the fixture, either directly from the lamp, lens, or housing, are only projected below a horizontal plane running through the lowest point on the light source.
- (g) "Light source" means artificial light emitted directly from a fixture lamp, lens, or mirror. Light which is reflected after leaving the fixture does not constitute a light source.
- (h) "Light trespass" means any form of artificial illumination emanating from a light fixture that penetrates other property and creates a direct glare source that exceeds 0.5 foot-candles in a vertical plane at the subject property line.
- (i) "Residential" means a property or structure containing less than five (5) dwelling units that is used primarily as a dwelling place.
- (j) "Streetlight" means an outdoor light fixture located within a public right of way irrespective of ownership.

1197.04 RESIDENTIAL LIGHTING.

- (a) Except as further provided, an exterior residential light fixture installed or replaced after the adoption of the code must use a reflective baffle or other means to limit upward light trespass. While not required, use of a horizontal cutoff fixture is highly encouraged. This requirement does not apply to any exterior residential lighting fixture producing two thousand eight hundred fifty (2,850) average lumens (equivalent of a 150-watt incandescent bulb) or less.
- (b) Exterior residential lighting may not result in light trespass on adjacent property.
- (c) The height of an exterior residential light fixture may not exceed the structure height permitted in the zoning district wherein the fixture is located.
- (d) The installation of any mercury vapor light fixture, lamp or replacement bulb for use as an outdoor light is prohibited.
- (e) Lighting Levels. The following standards give maximum lighting levels for outdoor facilities used at night averaged over the entire activity area. All other illuminance not addressed shall not exceed IESNA recommendations as published in the Lighting Handbook (9th ed, c. 2000), Lighting for Exterior Environments (RP-33-99), Recommended Practice for Lighting Merchandising Areas (RF-2), or other applicable IES publications, as these publications are amended.
 - (1) Walkways in residential areas - 0.5 footcandle
 - (2) Parking areas in a residential zoning district - 1.0 footcandle
 - (3) The amount of nuisance glare (light trespass) projected onto a residential use from another property shall not exceed 0.1 foot-candles at the property line.

1197.05 COMMERCIAL LIGHTING.

- (a) Commercial lighting installed or replaced after the date of adoption of the code must use a full horizontal cutoff fixture.
- (b) A commercial lighting fixture attached to a pole may not exceed a height of twenty feet (20') from the ground to the top of the fixture. The fixture height must be brought into conformance at the time of the replacement of the pole.
- (c) The light source in a commercial fixture may not emit an illumination of more than thirty (30) candle feet as measured three feet (3') above ground level at any point underneath the fixture.
- (d) Exterior commercial lighting may not result in light trespass on adjacent property.
- (e) The requirements for commercial lights using a horizontal cutoff do not apply to:
 - (1) Fixtures producing two thousand eight hundred fifty (2,850) average lumens (equivalent of a 150-watt incandescent bulb) or less; and
 - (2) Sign lighting.
- (f) The height of an exterior commercial light fixture may not exceed the structure height permitted in the zoning district wherein the fixture is located.
- (g) The installation of any mercury vapor light fixture, lamp or replacement bulb for use as an outdoor light is prohibited.
- (h) Lighting levels. The following standards gives maximum lighting levels for outdoor facilities used at night averaged over the entire activity area. All other illuminance not addressed shall not exceed IESNA recommendations as published in the Lighting Handbook (9th ed, c. 2000), Lighting for Exterior Environments (RP-33-99), Recommended Practice for Lighting Merchandising Areas (RF-2), or other applicable IES publications, as these publications are amended.

- (1) Building surrounds - 1.0 foot-candle
 - (2) Walkways in commercial areas - 0.9 footcandle
 - (3) Parking areas, including outdoor display and retail areas - 2.0 footcandles
 - (4) Loading and unloading platforms - 5.0 footcandles
 - (5) Maximum on-site lighting levels shall not exceed ten (10) footcandles, except for loading and unloading platforms where the maximum lighting level shall be twenty (20) footcandles.
 - (6) The amount of nuisance glare (light trespass) projected onto a residential use from another property shall not exceed 0.1 foot-candles at the property line.
 - (7) Outdoor display lots for vehicles sales and leasing shall comply with the requirements of this section. In addition, display fixture illumination shall be reduced within thirty (30) minutes after closing so that the remaining illumination levels are sufficient for security purposes only; provided, however, that any illumination used after 11:00 p.m. shall be reduced to levels sufficient for security purposes only.
- (i) Maintenance. All lighting fixtures and supporting structures and hardware, including temporary installations, must be structurally safe, clean, free of visible defects and functioning properly at all times. Visible rot or rust, falling parts, burned out bulbs or broken parts are prima facie evidence that the lighting is not in good repair. Repairs to lighting shall be equal to or better in quality of materials and design than the original lighting fixture and support structures.

1197.06 FEATURE LIGHTING.

Monuments, natural terrestrial features, and buildings may be illuminated by upward directed light, providing:

- (a) The fixture produces two thousand eight hundred fifty (2,850) average lumens (equivalent of a 150-watt incandescent bulb) or less;
- (b) The light beam is narrowly focused and does not exceed a height of 15 feet or the width of the object being illuminated;
- (c) The light is directed on the feature being lit and not directly upwards; and
- (d) The illumination does not constitute a trespass or glare on neighboring properties.
- (e) The installation of any mercury vapor light fixture, lamp or replacement bulb for use as an outdoor light is prohibited.

1197.07 CONSTRUCTION SITES.

The Zoning Inspector may grant temporary exemptions from the provisions of this chapter for lighting of construction sites, including night security during construction, upon consideration of a lighting mitigation plan submitted by the owner of the construction site or the owner's representative. Criteria for approval include duration, number, location, and height of each light source, and hours of operation.

1197.08 EXEMPT LIGHTING.

The following types of lighting are exempt from the provisions of this chapter:

- (a) Temporary Lighting For Events. Temporary lighting for circuses, carnivals, fairs and other events that do not constitute a light trespass to neighboring property is exempt from this title during the duration of the event.

- (b) Seasonal Lighting. Seasonal lighting used for the celebration of commonly acknowledged holidays and special events, so long as it does not constitute a light trespass.
- (c) Airport And Emergency Lighting. Lighting for runways at airports, illumination of towers and other tall structures for aircraft warnings and other aeronautical lighting is exempt from this title. Lights used during emergencies or by police, fire, public works and public utility personnel in their official duties are exempt from this title.
- (d) Public Recreational Lighting. Public recreational lighting such as parks, schools and Village property.

1197.09 EXEMPT FIXTURES.

- (a) Traffic signals, street lights and other traffic safety and control devices are exempt from the requirements of this chapter.
- (b) Existing historic streetlights are exempt from the requirements of this chapter. New fixtures designed to resemble historic street lighting must, to the extent possible, utilize and orient the lighting so as to accommodate the aesthetic values of the surrounding area while minimizing light trespass and be approved by the Planning and Zoning Commission prior to installation.
- (c) Low amperage decorative lighting used to illuminate pedestrian pathways and walking malls are exempt from the requirements of this chapter.

1197.10 STREET LIGHTING STANDARD.

- (a) Light Configuration. All street lighting must be configured with a full horizontal cutoff brightness between 0.5 and 1.0 footcandle of light along the sidewalk at all times.
- (b) Bulb Type. Mercury vapor bulbs or lamps may not be used in streetlights.

1197.11 NONCONFORMANCE.

All existing street lighting fixtures not otherwise exempt that are in violation of this chapter are permitted as nonconforming street lighting. Any replacement of a fixture on a nonconforming streetlight must comply with this chapter.

1197.12 COMPLAINT AND NOTICE OF VIOLATION PROCEDURE.

Only an owner or occupant of private property containing light trespass from a light may file a complaint with the Village. Within ten (10) working days from the filing of the complaint, the Village Zoning Inspector shall investigate if the light is causing light trespass on private property. If the light is causing light trespass, the Village shall order the owner of the offending light to remedy the light trespass.

1197.13 SIGN LIGHTING. (SEE ALSO CHAPTER 1199 SIGNS)

The level of illumination emitted or reflected from a sign shall not be of an intensity sufficient to constitute a demonstrable safety hazard to air traffic or to vehicular traffic on any street from which the sign may be viewed.

CHAPTER 1199 – SIGNS

1199.01 PURPOSE.

The purpose of this chapter is to provide standards for on-site signs for purposes of navigation, information and identification to safeguard life, health, property, safety and public welfare. To provide the public with a safe and effective means of locating businesses, service areas and points of interest in the Municipality while encouraging creativity, variety and compatibility, and enhancement of the Municipality's image. The provisions of this Chapter are intended to encourage creative and well-designed signs that contribute in a positive way to the Municipality's visual environment, express local character, and help develop a distinctive image for the Municipality and limit the height and size of signs to those that are appropriate in scale to the community.

1199.02 CLASSIFICATION OF SIGNS.

For the purposes of these regulations, a sign shall include any device that is intended to announce, direct, or advertise, and may be represented by words or letters, figures, symbols or characterizations, or other insignia. As used in this Chapter, signs shall be classified by physical design or structure, and function or purpose based on the following:

(a) Physical Characteristics.

- (1) Awning or Canopy Sign. A sign which is attached to or made a part of an awning, canopy, or other fabric, plastic, or structural protective cover over a door, window or other opening to a building.
- (2) Banner Sign. Any non-rigid cloth, plastic or canvas sign with no enclosing framework that is mounted to a building at one or more edges. National or state flags, or the official flag of any institution, shall not be considered banners.
- (3) Changeable Copy Sign. A sign or portion of a sign that permits computer driven or manually changeable copy that provides nonmoving messages.
- (4) Electronic Message Sign. A sign or portion of a sign that permits computer driven messages on a message board having a black background using amber or red letters and whose messages shall be displayed without change for a minimum of at least one minute changed instantaneously to the next message without any special effects. In addition, green letters may only be used in gasoline station price signs as required by law. This definition includes liquid Crystal Display (LCD), Light Emitting Diodes (LED) or other similar electro-mechanical display common with gasoline station price signs and drive-thru menu boards.
- (5) Flag. An ensign, standard, colors, or emblem of a government body, association, group, business or corporation. Strings of flags are not included in this definition.
- (6) Freestanding Sign. A sign attached to the ground or a structure which is intended and designed only to support the sign and which is permanently embedded in the ground or anchored in concrete
- (7) Ghost Sign. The remaining image of a previous commercial sign that is still visible.
- (8) Ground Sign. Ground signs shall include Pole Signs, Monument Signs, and other types of free standing signs supported by uprights or braces on the ground.
- (9) Illuminated Sign. A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
 - A. Externally illuminated sign. A sign that is illuminated by an external source, which reflects light off the surface of a sign face.

B. Internally illuminated sign. A sign with internal electronic circuitry emitting light through the sign face.

- (10) Marquee Sign. A sign attached to or supported by a permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.
- (11) Nonconforming Sign. A sign that was erected legally but which does not comply with subsequently enacted sign restrictions and regulations.
- (12) Off-site or off-premises sign. A sign identifying a use, facility, service, or product that is not located, sold, or manufactured on the same premises as the sign or which identifies a use, service, or product by a brand name which, although sold or manufactured on the premises, does not constitute the principal item for sale or manufactured on the premises.
- (13) Pennant. A triangular-shaped banner displaying no images or words.
- (14) Pole sign. A sign that is mounted on a free-standing pole or other support so that the bottom edge of the sign face is eight feet or more above finished grade.
- (15) Portable sign. A sign that is not permanently affixed to a building or structure on the ground, designed in such a way to allow it to be moved from one location to another without any change in its structure components or members. Such signs include trailer signs, A-frame signs, self-supporting signs, and air activated attraction devices.
- (16) Ribbon. A rectangular-shaped banner displaying no signage.
- (17) Roof Sign. A sign erected on or over the roof of a building.
- (18) Sandwich sign. A portable rectangular shaped sign limited in size to two (2) feet in width x three (3) feet in height with the top no higher than forty-two (42) inches from the sidewalk surface. Sandwich signs are to be sufficiently secured to prevent tipping, subject to the approval of the Zoning Inspector.
- (19) Streamer. A ribbon-shaped or cord-like rope that may have multiple pennants or ribbons attached and which is stretched or hung between two supports.
- (20) Under-Canopy Sign. A sign suspended beneath a canopy, ceiling, roof or marquee intended to be viewed by pedestrians from the sidewalk beneath the canopy, ceiling, roof or marquee.
- (21) Wall Sign. A sign attached to or painted on a building face, with the exposed face thereof in a plane parallel to the plane of the wall, and not extending more than 12 inches therefrom, and which does not project above the roofline or beyond the corner of the building.
- (22) Window Sign. A sign, graphic, poster, symbol or other identification which is physically affixed to or painted on the glass or other structural component of the window, or placed within two (2) feet of the glass, for the purpose of being visible to and read from the outside of the building.

(b) Function.

- (1) Building Marker. A cornerstone, historical marker or similar sign with letters, words, or insignia cut into the building surface, or otherwise permanently mounted on the building, which convey a memorial, the name of the building, address or date of construction, or similar message.
- (2) Directional Sign. A permanent sign located on private property, at or near the public right-of-way, directing or guiding traffic and parking from the street onto private property.
- (3) Identification Sign. A sign intended to identify the principal use of a lot, development, building or building unit according to the following:

- A. Business Identification Sign. A sign intended to announce or promote the use, activity, service or business on the premises of any business, commercial or industrial establishment, and which may include a directory of occupants.
 - B. Institution Identification Sign. A sign displaying the name and/or organization occupying the premises of a public or quasi-public use such as but not limited to: churches and other places of worship, hospitals, public or semi-public recreational facilities, schools.
 - C. Development Identification Sign. A freestanding sign identifying the name and address of a completed residential subdivision or multi-family development.
- (4) Instructional Sign. A sign that has a purpose secondary to the use on the lot that is intended to instruct employees, customers or users as to specific parking requirements, the location or regulations pertaining to specific activities on the site or in the building, specific services offered or methods of payments accepted.
 - (5) Nameplate. A sign indicating only the name and address of the person, business, home occupation, profession or activity occupying the lot, building(s) or part of the operation or maintenance of any equipment which is placed on the building or site.
 - (6) Project Construction Sign. A temporary sign identifying the name of a subdivision, building or public works project or facility or an architect, contractor, subcontractor, and/or material supplier participating during the time of construction.
 - (7) Public Purpose and Safety Sign. A sign erected by a public authority, utility, public service organization or private industry upon the public right-of-way or, when required by law, on private property and which is intended to control traffic, direct, identify or inform the public or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy. Such signs include "No Parking" or "Fire lane" signs.
 - (8) Temporary Sign. A sign that is designed to be used only temporarily and is not permanently, or not intended to be permanently, attached to a building or structure, or on the ground, and is in fact used for a time period of one year or less.

1199.03 APPLICABILITY; EXEMPTIONS AND PARTIAL EXEMPTIONS.

This Chapter and shall require permits in accordance with Chapter 1135. Erection, modification, alteration, placement, replacement, or other action involving a sign that is in any way inconsistent with this Chapter shall be a violation of the zoning ordinance and subject to the penalties and remedies set forth in Chapter 1135 of the Zoning Ordinance.

- (a) Addresses, showing street number, shall mark all buildings in a manner easily visible for location by emergency personnel, with characters that are at least three (3) inches tall. All other restrictions limiting size, color, materials and location as outlined in this Chapter 1199 remain applicable.
- (b) Signs Exempt from Ordinance. These exempt signs shall not require a permit and shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site.
 - (1) Any sign located entirely inside a building and not visible from the public right-of-way or from private property other than the property on which such sign is located shall be entirely exempt from regulations under this ordinance.
 - (2) The flag, pennant or insignia of any nation, state, city or other political subdivision.
- (c) Signs Partially Exempt from Ordinance. Signs listed in this subsection shall be exempt from the permit requirements of Chapter 1135 but shall, to the maximum extent allowed by law, be subject to the standards of this subsection. Where a sign is erected pursuant to a statute or a court order, the sign may exceed the

size standards of this Ordinance or otherwise deviate from the standards set forth in this Ordinance to the extent that the statute or court order expressly required the larger size or deviation. In all other respects, such signs shall conform to the standards of this Ordinance.

- (1) Signs conforming with the Ohio Manual of Uniform Traffic Control Devices and bearing no commercial message. These signs may be installed in the rights-of-way.
- (2) Signs bearing no commercial message and installed by employees or officials of a state or federal agency or of Sparta or Morrow County in the course of their governmental duties. These signs may be installed in the rights-of-way.
- (3) Signs required by a state or federal statute. These signs may be installed in the rights-of-way.
- (4) Signs required by an order of a court of competent jurisdiction. These signs may be installed in the rights-of-way.
- (5) Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message is necessary to identify the user.
- (6) Signs installed by a transit company with a franchise or other right to operate in Morrow County, where such signs are installed along its routes and relate to schedules or other information about the transit route. These signs may be installed in the rights-of-way.

Signs in the nature of cornerstones, commemorative tables and historical signs, provided such signs are limited to six square feet or less and are not illuminated.

- (7) Signs in the nature of cornerstones, commemorative tables and historical signs, provided such signs are limited to six square feet or less and are not illuminated.
- (8) Signs clearly in the nature of decorations customarily associated with any national, state, local or religious holiday to be limited to sixty days in any one year, and to be displayed not more than sixty consecutive days. Such signs may be illuminated, provided no safety or visibility hazards are created.
- (9) Temporary signs, regardless of the message displayed, provided that such signs do not exceed eight (8) square feet in area, are removed within a reasonable time after they are no longer needed, do not create a safety or visibility hazard, are not affixed to any public utility pole, tree, or natural object, and are not located within a public right-of-way.
- (10) Signs not exceeding one square foot in area, bearing only property numbers, postal box numbers or names of occupants or premises.
- (11) Temporary signs located on private property, provided such signs are limited in size to eight (8) square feet in area, no more than six (6) feet in height, and one (1) sign per street frontage; are placed on the property to which they relate and not in public rights-of-way; do not create a safety or visibility hazard; and are removed within a reasonable time after they are no longer needed.
- (12) Temporary event signs, regardless of the message displayed, provided such signs are installed no more than thirty (30) days before the event and removed within five (5) days after the event; are not located within public rights-of-way; are not affixed to any public utility pole, tree, or natural object; are limited to one (1) sign per property, or two (2) if the property is a corner lot; and are not illuminated.
- (13) Window display signs incorporated into the window display of a business, provided such window display signs are:

- A. Limited to one sign per window, with the total area of each sign not exceeding 10% of the area of the window in which it is placed, or six square feet, whichever is less, and limited to an aggregate maximum of 24 square feet per business;

- B. Placed only in ground level windows unless no portion of the business is located on the ground level;
 - C. Erected for no longer than 30 days each if the window sign is temporary. All previously displayed signage must be removed and not reinstalled for 30 days;
 - D. The name of the company or business is limited to a maximum of 10% of the actual size of the window display sign.
- (14) Window signage with a total area of less than two square feet and bearing only information about entry and exit, business hours and/or discount and credit systems accepted in that establishment (e.g., American Express, Master Card, Visa, Golden Buckeye Card, Discover).
 - (15) A business or use located in a nonresidential district may have one neon "open" sign along each public street right-of-way of which the building fronts containing the business or use. The maximum number of open signs shall be limited to two (2). Such sign shall indicate only the words "open" and "closed" and shall not exceed three square feet in area and one and one-half feet in height.
 - (16) Traffic and directional signs indicating points of entry or exit for a facility or off-street parking area, provided such signs are limited to two square feet in display area and three feet in height, do not interfere with safe traffic circulation and do not interfere with or obstruct the view of drivers exiting onto highways or thoroughfares and contain no information other than the word "in", "enter", "entrance", "out", "exit", "do not enter", or parking/towing-related information, and/or arrows indicating desired traffic movement. Such signs must be on the property to which they refer and may not be placed within a public right-of-way.

1199.04 GENERAL REQUIREMENTS FOR TEMPORARY AND PERMANENT SIGNS.

- (a) Location. No sign shall be placed in public rights of way, except as provided in Section 1199.03. No sign shall be placed in public parks or any other public property or on utility poles, trees or natural objects. No sign shall be located in such a way that it obscures traffic control signs, obstructs the view of approaching or intersecting traffic, or interferes with the visibility or safety of vehicles or pedestrians entering, leaving or crossing public rights of way. No sign shall be located in any residential district, except as specified in Sections 1199.03, and 1199.06.
- (b) Size. Sign area shall include the face of all the display area of the sign not including the bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the sign. When all faces of the sign shall be included in determining the area of the sign. Unless two display faces are joined back to back, are parallel to each other and not more than twenty-four inches apart. For spherical signs, the size shall be defined as the area of the bisecting plane. The area of a sign consisting of individual letters or symbols, either free-standing or attached to or painted on a surface, building, wall or window shall be considered to be that of the smallest rectangle or regular geometrical shape which encompasses all the letters and symbols. Temporary signs shall not exceed 8 square feet.
- (c) Design.
 - (1) Signs shall not resemble by design, color, shape or other characteristics any common traffic control device, or directional or warning signs directed or maintained by the State, Municipality or by any railroad, public utility or similar agency concerned with the protection of public health or safety.
 - (2) Any multi-faced sign shall consistently display the name and message on all used faces.
 - (3) Reverse sides of signs shall be unobtrusive and blend with the surroundings.
 - (4) Colors. No more than four colors may be incorporated into the design of the sign, including black or white.

- (5) Test. Message Substitution. Any sign permitted under this Chapter may display any lawful noncommercial message in place of any commercial message, and no provision of this Chapter shall be applied or construed to regulate a sign on the basis of the content of its message.
- (d) Construction. All signs shall be properly constructed and maintained to insure that no hazard is created and shall be able to withstand a wind pressure of thirty pounds per square foot. All signs and related surroundings shall be properly maintained and shall not be allowed to fall into a state of obvious disrepair or neglect.

1199.05 PERMANENT SIGNS.

All permanent signs shall also comply with the following requirements.

- (a) Wall Signs. Wall signs are permitted for any use located in a nonresidential district.
 - (1) Placement.
 - A. Wall signs shall not protrude more than six (6) inches from the building wall or face.
 - B. A wall sign may not extend above the window sill of the second story. If wall signs, either box or separated letters, are placed in a space between windows, the height of such signs may not exceed two-thirds of the distance between the top of the window and the sill of the window above, or major architectural details related thereto. If individual letters or a boxed graphic is placed between window spandrels, the height of the letters or box may not exceed two-thirds of the height of the spandrel.
 - C. Signs may be attached to a building wall or extension which faces a street, parking lot or service drive, or may be attached to a canopy, marquee or roof which projects beyond the building, provided that no part of the sign may extend above the roof, canopy or marquee.
 - (2) Size. The maximum allowable size for any wall sign shall be sixteen (16) square feet, not to exceed two (2) feet in height and eight (8) feet in length.

The maximum allowable size for any advertising sign shall be limited to fifty percent (50%) of the window area, if applicable, or eight (8) square feet, whichever is less.
 - (3) Number. Wall identification signs shall be limited in number to one per building or use and wall/window advertising signs shall be limited to not more than three (3) signs visible from the road. For buildings or uses on corner lots on two rights of way, an identification sign is permitted facing each right of way. Both signs shall conform to this chapter as to size, independently.
- (b) Ground Signs. Ground signs shall be prohibited.
- (c) Projecting Signs. A projecting sign is prohibited.

1199.06 TEMPORARY SIGNS REQUIRING A PERMIT.

- (a) Zoning Inspector to Issue Permit. The Zoning Inspector must issue a temporary sign permit prior to the erection or construction of any temporary sign listed in this Section. No sign shall contain more than two faces nor be illuminated. The maximum square footage allowed for a temporary sign shall apply to each face. The Zoning Inspector shall collect a fee for each temporary sign permit issued. The fee is due when the permit is issued.
- (b) Project Construction Signs. Project construction signs announcing the names of contractors, material men, developers, designers and financial institutions participating in the construction of a building shall be permitted only during the actual time of construction and shall be limited to only one (1) sign per building, shall not exceed twenty (20) square feet in area for a residential project and thirty-two (32) square feet for a

non-residential project, shall not exceed four (4) feet in height for a residential project and ten (10) feet in height for a non-residential project, and shall be located no closer than fifteen (15) feet from any public right-of-way. Such signs shall be removed within thirty (30) days after the Certificate of Occupancy is issued.

1199.07 SPECIAL CONDITIONS.

In addition to the requirements and regulations previously listed, the following special conditions shall apply as applicable:

- (a) Nonconforming Signs. All existing signs that do not conform to the standards of this section must be brought into conformity:
 - (1) Upon any change of use of the property for which such property was intended at the time this chapter became effective.
 - (2) Upon alterations to the existing sign. The following regulations shall apply:
 - A. Structural. No display sign shall hereafter be altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this section.
 - B. Repainting. The repainting of signs shall not be deemed to be an alteration within the meaning of this section.
 - C. Existing signs; continuance. Except as otherwise specifically provided, nothing in this section shall require the removal or discontinuance of a legally existing permanent display sign which is attached to the realty, as distinguished from a temporary or portable sign, that is not altered, rebuilt, enlarged, extended or relocated, and the same shall be deemed a nonconforming use under the terms of this section. Further revisions for non-conformance may be enacted.
- (b) Conditional Uses. A conditional use shall be subject to the same signage requirements as if such use were a permitted use.

1199.08 FEES; MAINTENANCE.

- (a) Fees. Prior to the erection of any sign, except as otherwise noted, a permit shall be secured from the Zoning Inspector. In applying for such permit, a scale drawing or drawings of proposed sign including details of fastenings, colors, lighting and any lettering, symbols, or other identification which will be on the sign and a plot plan showing its proposed location and location of adjacent buildings, access drives, and parking lots shall be submitted to the administrative office. When making an application for a sign permit, the investigation and compliance fees, in such amount as may be established by Council from time to time, shall be paid to the Municipality for each application.

NOTE: No fee is required for signs exempted in Section 1199.03.

- (b) Maintenance.
 - (1) Signs and supporting hardware, including temporary signs shall be structurally safe, clean, free of visible defects, and functioning properly at all times. Visible rot or rust, falling parts, visible light bulbs and electrical wiring, or broken parts are prima facie evidence that a sign is not in a state of good repair. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.
 - (2) Notice to Repair. Whenever the Zoning Inspector, when making an inspection, finds a sign in need of repair, support, replacement, cleaning, repainting or any maintenance service necessary to maintain reasonable and proper appearance and public safety, he shall issue an order to the owner of such sign allowing thirty days to affect needed repairs or maintenance. Any party receiving the

notice may file an appeal to the Board of Zoning Appeals. If such an appeal is not filed within fifteen calendar days of the date on which the notice is delivered, persons receiving the notice shall be responsible for repairing the sign or otherwise bringing it into conformance with the Ordinance. The repair work shall be accomplished within thirty (30) calendar days of the date of the notice. If the Zoning Inspector believes that the lack of repair constitutes a danger to persons or to property other than that of those persons receiving the notice, the Zoning Inspector shall so state in the notice and the Village may seek immediate relief under the Building Code or under the laws of public nuisance or under any other legal relief available to the Village.

- (3) Sign Removal or Replacement. When a sign is removed or replaced, all brackets, poles, and other structural elements that supported the sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure.
- (4) Failure of an owner to comply with the provision listed above shall be cause for the Zoning Inspector to order the sign abandoned.

1199.09 ABANDONED SIGNS.

- (a) Abandonment Defined. If any sign shall become abandoned, in a manner defined herein, such sign is declared a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and creating a blighting influence on nearby properties. An abandoned sign shall be any sign that meets one or more of the following conditions:
 - (1) Any sign associated with an abandoned, nonconforming use;
 - (2) Any sign that remains after the termination of a business. A business shall be considered terminated if it has ceased operations for at least 30 consecutive days. Seasonal businesses are exempted from this determination.
 - (3) When the sign on its immediate premises is not maintained.
 - (4) The sign is not repaired as directed by the Zoning Inspector.
- (b) The Zoning Inspector shall notify the property owner and the owner of the sign if they can be located, of the determination that said sign is abandoned. Upon determination that the sign is abandoned, the right to maintain and use such sign shall terminate immediately. The Zoning Inspector or designee shall issue an order for the sign to be removed within thirty days. Any abandoned sign still standing after thirty days following an order for removal may be removed by the Municipality and the cost of the removal certified to the County Auditor for collection as a special assessment against the property upon which such sign is located. The property owner or sign owner may appeal such decision to the Board of Zoning Appeals as provided in Chapter 1138. The Zoning Inspector shall maintain a photograph of said sign along with a written report of any finding in a permanent file.

1199.10 PROHIBITED SIGNS.

All signs not expressly permitted in this Chapter or exempt from regulation pursuant to Section 1199.03 are prohibited in the Village of Sparta. Such signs and similar devices include, but are not limited to, the following:

- (a) Any sign bearing a commercial message related to a product or service not offered on the premises on which the sign is located.
- (b) Portable signs with a size limit of two (2) feet by three (3) feet and no higher than forty-two (42) inches from the sidewalk surface.
- (c) Pole signs.
- (d) Signs mounted on the roof of any building or structure

- (e) Ghost signs.
- (f) Neon and neon look-alike signs except in Section 1199.03(c)(14).
- (g) Changeable copy (except for gasoline station price signs, drive-thru menu boards, and signs for institutional uses)
- (h) Spinners.
- (i) Projected images and animated signs.
- (j) Mobile placards.

PART THIRTEEN - BUILDING CODE

CHAPTER 1309 – FLOOD DAMAGE REDUCTION

1309.01 GENERAL PROVISIONS.

- (a) Statutory Authorization. Article XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens.
- (b) Findings of Fact. The Village of Sparta has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, this chapter is adopted.
- (c) Statement of Purpose. It is the purpose of this chapter to promote the public health, safety and general welfare, and to:
 - (1) Protect human life and health;
 - (2) Minimize expenditure of public money for costly flood control projects;
 - (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (4) Minimize prolonged business interruptions;
 - (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
 - (6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
 - (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
 - (8) Minimize the impact of development on adjacent properties within and near flood prone areas;
 - (9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
 - (10) Minimize the impact of development on the natural, beneficial values of the floodplain;
 - (11) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
 - (12) Meet community participation requirements of the National Flood Insurance Program.
- (d) Methods of Reducing Flood Losses. In order to accomplish its purposes, this chapter includes methods and provisions for:
 - (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
 - (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

- (4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
 - (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.
- (e) Lands to which this Chapter Applies. This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Village of Sparta as identified in Section 1309.01 (f), including any additional areas of special flood hazard annexed by the Village of Sparta.
- (f) Basis for Establishing the Areas of Special Flood Hazard. For the purposes of this chapter, the following studies and/or maps are adopted:
 - (1) Flood Insurance Study Morrow County, Ohio and Incorporated Areas and Flood Insurance Rate Map Morrow County, Ohio and Incorporated Areas.
 - (2) Other studies and/or maps which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways, or delineation of other areas of special flood hazard.
 - (3) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the Village of Sparta as required by Section 1309.04 (c) Subdivisions and Large Developments; and
 - (4) Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of this chapter. Such maps and/or studies are on file at the office of the Zoning Inspector.
- (g) Abrogation and Greater Restrictions. This chapter is not intended to repeal any existing ordinances or resolutions including subdivision regulations, zoning or building codes. In the event of a conflict between this chapter and any other ordinance or resolution, the more restrictive shall be followed. This chapter shall not impair any deed restriction, covenant or easement, but the land subject to such interests shall also be governed by this chapter.
- (h) Interpretation. In the interpretation and application of this chapter, all provisions shall be:
 - (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body; and
 - (3) Deemed neither to limit nor repeal any other powers granted under State statutes. Where a provision of this chapter may be in conflict with a State or Federal law, such State or Federal law shall take precedence over this chapter.
- (i) Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the Village of Sparta, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on this chapter or any administrative decision lawfully made thereunder.
- (j) Severability. Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1309.02 DEFINITIONS.

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

- (a) "Accessory structure" means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.
- (b) "Appeal" means a request for a review of the Zoning Inspector's interpretation of any provision of this chapter or a request for a variance.
- (c) "Base Flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one percent (1%) chance annual flood or one hundred (100) year flood.
- (d) "Base (100-Year) Flood Elevation," or "BFE" means the water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from one (1) to three (3) feet).
- (e) "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.
- (f) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (g) "Enclosure Below the Lowest Floor" - See "Lowest Floor."
- (h) "Executive Order 11988 (Floodplain Management)" means the Executive Order issued by President Carter in 1977, which order requires that no federally assisted activities be conducted in, or have the potential to affect, identified special flood hazard areas, unless there is no practicable alternative.
- (i) "Federal Emergency Management Agency," or "FEMA" means the agency with the overall responsibility for administering the National Flood Insurance Program.
- (j) "Fill" means a deposit of earth material placed by artificial means.
- (k) "Flood," or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters, and/or
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (l) "Flood Hazard Boundary Map," or "FHBM" usually means the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.
- (m) "Flood Insurance Rate Map," or "FIRM" means an official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.
- (n) "Flood Insurance Risk Zones" means zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:
 - (1) Zone A: Special flood hazard areas inundated by the one-hundred (100) year flood; base flood elevations are not determined.
 - (2) Zones A1-30 and Zone AE: Special flood hazard areas inundated by the one-hundred (100) year flood; base flood elevations are determined.

- (3) Zone AO: Special flood hazard areas inundated by the one-hundred (100) year flood; with flood depths of one (1) to three (3) feet (usually sheet flow on sloping terrain); average depths are determined.
 - (4) Zone AH: Special flood hazard areas inundated by the one-hundred (100) year flood; flood depths of one (1) to three (3) feet (usually areas of ponding); base flood elevations are determined.
 - (5) Zone A99: Special flood hazard areas inundated by the one-hundred (100) year flood to be protected from the one-hundred (100) year flood by a Federal flood protection system under construction; no base flood elevations are determined.
 - (6) Zone B and Zone X (shaded): Areas of five-hundred (500) year flood; areas subject to the one-hundred (100) year flood with average depths of less than one (1) foot or with contributing drainage area less than one (1) square mile; and areas protected by levees from the base flood.
 - (7) Zone C and Zone X (unshaded): Areas determined to be outside the five-hundred (500) year floodplain.
- (o) "Flood Insurance Study," or "FIS" means the official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.
 - (p) "Flood Protection Elevation," or "FPE" is the base flood elevation plus one (1) foot of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the Zoning Inspector.
 - (q) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one (1) foot at any point within the community.
- The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.
- (r) "Freeboard" means a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.
 - (s) "Historic Structure" means any structure that is:
 - (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
 - (3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
 - (4) Individually listed on the inventory of historic places maintained by the Village of Sparta whose historic preservation program has been certified by the Ohio Historic Preservation Office.

- (t) "Hydrologic and hydraulic engineering analysis" means an analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.
- (u) "Letter of Map Change," or "LOMC" means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's are broken down into the following categories:
 - (1) "Letter of Map Amendment," or "LOMA" which is a revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.
 - (2) "Letter of Map Revision," or "LOMR" which is a revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.
 - (3) "Conditional Letter of Map Revision," or "CLOMR" which is a formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.
- (v) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in this chapter for enclosures below the lowest floor.
- (w) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of this chapter, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the ORC.
- (x) "Manufactured home park" means, as specified in the Ohio Administrative Code 3701-27-01, any tract of land upon which three (3) or more manufactured 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 part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three (3) or more manufactured homes are parked thereon, if the roadways are dedicated to the Village of Sparta.
- (y) "National Flood Insurance Program," or "NFIP" means the Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.
- (z) "New construction" means structures for which the "start of construction" commenced on or after October 3, 2006 December 15, 1983, the initial effective date of the Village of Sparta Flood Insurance Rate Map, and includes any subsequent improvements to such structures.

- (aa) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the ORC 111.15 as any governmental entity of the State and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.
- (bb) "Recreational vehicle" means a vehicle which is:
 - (1) Built on a single chassis;
 - (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - (3) Designed to be self-propelled or permanently towable by a light duty truck; and
 - (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (cc) "Registered Professional Architect" means a person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the ORC.
- (dd) "Registered Professional Engineer" means a person registered as a professional engineer under Chapter 4733 of the ORC.
- (ee) "Registered Professional Surveyor" means a person registered as a professional surveyor under Chapter 4733 of the ORC.
- (ff) "Special Flood Hazard Area" or "Areas of Special Flood Hazard," means the land in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal, state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.
- (gg) "Start of construction" means the date the Certificate of Zoning Compliance was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the certificate date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.
- (hh) "Structure" means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
- (ii) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before the damage would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
- (jj) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before

the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

- (1) Any improvement to a structure which is considered "new construction,"
 - (2) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - (3) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure".
- (kk) "Variance" is a grant of relief from the standards of this chapter consistent with the variance conditions herein.
- (ll) "Violation" means the failure of a structure or other development to be fully compliant with this chapter.

1309.03 ADMINISTRATION.

- (a) Designation of the Floodplain Administrator. The Zoning Inspector is hereby appointed to administer and implement this chapter and is referred to herein as the Floodplain Administrator.
- (b) Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:
 - (1) Evaluate applications for permits to develop in special flood hazard areas.
 - (2) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
 - (3) Issue permits to develop in special flood hazard areas when the provisions of this chapter have been met, or refuse to issue the same in the event of noncompliance.
 - (4) Inspect buildings and lands to determine whether any violations of this chapter have been committed.
 - (5) Make and permanently keep all records for public inspection necessary for the administration of this chapter including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of this chapter.
 - (6) Enforce the provisions of this chapter.
 - (7) Provide information, testimony, or other evidence as needed during variance hearings.
 - (8) Coordinate map maintenance activities and FEMA follow-up.
 - (9) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of this chapter.
- (c) Floodplain Development Permits. It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1309.01 (f), until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit

shall show that the proposed development activity is in conformity with the provisions of this chapter. No such permit shall be issued by the Floodplain Administrator until the requirements of this chapter have been met.

- (d) Application Required. An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:
- (1) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
 - (2) Elevation of the existing, natural ground where structures are proposed.
 - (3) Elevation of the lowest floor, including basement, of all proposed structures.
 - (4) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of this chapter.
 - (5) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
 - A. Floodproofing certification for non-residential floodproofed structure as required in Section 1309.04(e).
 - B. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1309.04(d)(5) are designed to automatically equalize hydrostatic flood forces.
 - C. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1309.04(i)(3).
 - D. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one (1) foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1309.04(i)(2).
 - E. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1309.04(i)(1).
 - F. Generation of base flood elevation(s) for subdivision and large developments as required by Section 1309.04(c).
 - (6) A Floodplain Development Permit Application Fee in such amount as may be established by Council from time to time.
- (e) Review and Approval of a Floodplain Development Permit Application.
- (1) Review.
 - A. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of this chapter have been met. No floodplain

development permit application shall be reviewed until all information required in Section 1309.03 (d) has been received by the Floodplain Administrator.

- B. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.
- (2) Approval. Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.
- (f) Inspections. The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.
- (g) Post-Construction Certifications Required. The following as-built certifications are required after a floodplain development permit has been issued:
- (1) For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
- (2) For all development activities subject to the standards of Section 1309.03 (j)(1), a Letter of Map Revision.
- (h) Revoking a Floodplain Development Permit. A floodplain development permit shall be revocable if, among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section 1309.05 of this chapter.
- (i) Exemption from Filing a Development Permit. An application for a floodplain development permit shall not be required for:
- (1) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than five thousand dollars (\$5,000.00).
- (2) Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Chapter 3701.
- (3) Major utility facilities permitted by the Ohio Power Siting Board under Chapter 4906 of the ORC.
- (4) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Chapter 3734 of the ORC.
- (5) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 - Floodplain Management.

Any proposed action exempt from filing for a floodplain development permit is also ex-empt from the standards of this chapter.

- (j) Map Maintenance Activities. To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the Village of Sparta flood maps, studies and other data identified in Section 1309.01 (f) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:
- (1) Requirement to Submit New Technical Data.
 - A. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six (6) months of the date such information becomes available. These development proposals include:
 - 1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - 2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - 3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - 4. Subdivision or large development proposals requiring the establishment of base flood elevations in accordance with Section 1309.04(c).
 - B. It is the responsibility of the applicant to have technical data, required in accordance with Section 1309.03(j)(1), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
 - C. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - 1. Proposed floodway encroachments that increase the base flood elevation; and
 - 2. Proposed development which increases the base flood elevation by more than one (1) foot in areas where FEMA has provided base flood elevations but no floodway.
 - D. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1309.03(j)(1)A.
 - (2) Right to Submit New Technical Data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the Village of Sparta, and may be submitted at any time.
 - (3) Annexation / Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the Village of Sparta have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Village of Sparta's Flood Insurance Rate Map accurately represent the Village of Sparta boundaries, include within such notification a copy of a map of the Village of Sparta suitable for reproduction, clearly showing the new corporate limits or the new area for which the Village of Sparta has assumed or relinquished floodplain management regulatory authority.

- (k) Data Use and Flood Map Interpretation. The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:
- (1) In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
 - (2) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
 - (3) When Preliminary Flood Insurance Rate Maps and/or Flood Insurance Study have been provided by FEMA: (A) Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering this chapter. (B) Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and / or appeal to FEMA.
 - (4) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1309.05 , Appeals and Variances.
 - (5) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.
- (l) Substantial Damage Determinations. Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:
- (1) Determine whether damaged structures are located in special flood hazard areas;
 - (2) Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
 - (3) Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

1309.04 USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION.

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1309.01(f) or 1309.03(k)(1):

(a) Use Regulations.

(1) Permitted Uses. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the Village of Sparta are allowed provided they meet the provisions of this chapter.

(2) Prohibited Uses.

A. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Chapter 3701 of the ORC.

B. Infectious waste treatment facilities in all special flood hazard areas, permitted under Chapter 3734 of the ORC.

(b) Water and Wastewater Systems. The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the ORC:

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

(2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

(3) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

(c) Subdivisions and Large Developments.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in this chapter;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(4) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least fifty (50) lots or five (5) acres, whichever is less.

(5) The applicant shall meet the requirement to submit technical data to FEMA in Section 1309.03(j)(1)A. when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1309.04(c)(4).

(d) Residential Structures.

(1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (1309.04(d)(1)) and construction materials resistant to flood damage (1309.04(d)(2)) are satisfied.

(2) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.

(3) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed

and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

- (4) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation.
- (5) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - A. Be used only for the parking of vehicles, building access, or storage; and
 - B. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - C. Have a minimum of two (2) openings on different walls having a total net area not less than one (1) square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot (1') above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (6) Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors.
- (7) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 1309.04(d).

(e) Nonresidential Structures.

- (1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1309.04(d)(1)-(3) and Section 1309.04(d)(5)-(7).
- (2) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
 - A. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 - B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - C. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Floodproofing Certificate, that the design and methods of construction are in accordance with Section 1309.04(e)(2)A and Section 1309.04(e)(2)B.

- (f) **Accessory Structures.** Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than six hundred (600) square feet. Such structures must meet the following standards:
- (1) They shall not be used for human habitation;
 - (2) They shall be constructed of flood resistant materials;
 - (3) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of flood waters;
 - (4) They shall be firmly anchored to prevent flotation;
 - (5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
 - (6) They shall meet the opening requirements of Section 1309.04(d)(5)C;
- (g) **Recreational Vehicles.** Recreational vehicles must meet at least one of the following standards:
- (1) They shall not be located on sites in special flood hazard areas for more than one hundred eighty (180) days, or
 - (2) They must be fully licensed and ready for highway use, or
 - (3) They must meet all standards of Section 1309.04(d).
- (h) **Above Ground Gas or Liquid Storage Tanks.** All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydro-dynamic and hydrostatic loads.
- (i) **Assurance of Flood Carrying Capacity.** Pursuant to the purpose and methods of reducing flood damage stated in this chapter, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:
- (1) **Development in Floodways.**
 - A. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
 - B. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 1. Meet the requirements to submit technical data in Section 1309.03 (j)(1);
 2. An evaluation of alternatives which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 3. Certification that no structures are located in areas which would be impacted by the increased base flood elevation;
 4. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
 5. Concurrence of the Mayor of the Village of Sparta and the Chief Executive Officer of any other communities impacted by the proposed actions.

- (2) Development in Riverine Areas with Base Flood Elevations but No Floodways.
- A. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than one foot (1') at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
 - B. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot (1') increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - 1. An evaluation of alternatives which would result in an in-crease of one foot (1') or less of the base flood elevation and an explanation why these alternatives are not feasible;
 - 2. Section 1309.04(i)(1)B, items 1 and 3-5.
- (3) Alterations of a Watercourse. For the purpose of this chapter, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:
- A. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
 - B. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
 - C. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with The Village of Sparta specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
 - D. The applicant shall meet the requirements to submit technical data in Section 1309.03 (j)(1)A.3. when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

1309.05 APPEALS AND VARIANCES.

- (a) Appeals Board Established.

- (1) The Board of Zoning Appeals as established by the Village of Sparta shall be the Appeals Board and all appointments and terms regarding the same shall be as provided for the Board of Zoning Appeals under Village ordinances.
- (2) Meetings of the Appeals Board shall be held as needed and shall be held at the call of the Chairperson, or in his absence, the Acting Chairperson. All meetings of the Appeals Board shall be open to the public except that the Board may deliberate in executive sessions as part of quasi-judicial hearings in accordance with law. The Appeals Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of all official actions. Records of the Appeals Board shall be kept and filed at the office of the Zoning Inspector.

(b) Powers and Duties.

- (1) The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of this chapter.
- (2) Authorize variances in accordance with Section 1309.05 (d) of this chapter.

- (c) Appeals. Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within twenty (20) days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

- (d) Variances. Any person believing that the use and development standards of this chapter would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of this chapter, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of this chapter would result in unnecessary hardship.

(1) Application for a Variance.

- A. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.
- B. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.
- C. All applications for a variance shall be accompanied by a variance application fee in such amount as may be established by Council from time to time.

- (2) Notice for Public Hearing. The Appeals Board shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a variance from the Floodplain Administrator. Prior to the hearing, a notice of such hearing shall be given in one (1) or more newspapers of general circulation in the community at least ten (10) days before the date of the hearing.

- (3) Public Hearing. At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall

consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of this chapter and the following factors:

- A. The danger that materials may be swept onto other lands to the injury of others.
- B. The danger to life and property due to flooding or erosion damage.
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- D. The importance of the services provided by the proposed facility to the community.
- E. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
- F. The necessity to the facility of a waterfront location, where applicable.
- G. The compatibility of the proposed use with existing and anticipated development.
- H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- I. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- J. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
- K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(4) Determination of Variance. Variances shall only be issued upon:

- A. A showing of good and sufficient cause.
- B. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of this chapter does not constitute an exceptional hardship to the applicant.
- C. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this chapter; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
- D. A determination that the structure or other development is protected by methods to minimize flood damages.
- E. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of this chapter, the Appeals Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(5) Other Conditions for Variances.

- A. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

- B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 1309.05(d)(3)A to Section 1309.05(d)(3)K have been fully considered. As the lot size increases beyond one-half (1/2) acre, the technical justification required for issuing the variance increases.
 - C. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 - (e) Procedure at Hearings.
 - (1) All testimony shall be given under oath.
 - (2) A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
 - (3) The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
 - (4) The Administrator may present evidence or testimony in opposition to the appeal or variance.
 - (5) All witnesses shall be subject to cross-examination by the adverse party or their counsel.
 - (6) Evidence that is not admitted may be proffered and shall become part of the record for appeal.
 - (7) The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
 - (8) The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reason-able time after the hearing.
 - (f) Appeal to the Court. Those aggrieved by the decision of the Appeals Board may appeal such decision to the Court of Common Pleas of the county within which the property which is the subject of the decision is located, as provided in Chapter 2506 of the ORC.

1309.06 ENFORCEMENT.

- (a) Compliance Required.
 - (1) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this chapter and all other applicable regulations which apply to uses within the jurisdiction of this chapter, unless specifically exempted from filing for a development permit as stated in Section 1309.03(i).
 - (2) Failure to obtain a floodplain development permit shall be a violation of this chapter and shall be punishable in accordance with Section 1309.06(c).
 - (3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this chapter and punishable in accordance with Section 1309.06(c).

- (b) Notice of Violation. Whenever the Floodplain Administrator determines that there has been a violation of any provision of this chapter, he shall give notice of such violation to the person responsible therefor and order compliance with this chapter as hereinafter provided. Such notice and order shall:
- (1) Be put in writing on an appropriate form;
 - (2) Include a list of violations, referring to the section or sections of this chapter that have been violated, and order remedial action which, if taken, will effect compliance with the provisions of this chapter;
 - (3) Specify a reasonable time for performance;
 - (4) Advise the owner, operator, or occupant of the right to appeal;
 - (5) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.
- (d) Violations and Penalties. Violation of the provisions of this chapter or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a misdemeanor of the fourth degree. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the Village of Sparta. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village of Sparta from taking such other lawful action as is necessary to prevent or remedy any violation. The Village of Sparta shall prosecute any violation of this chapter in accordance with the penalties stated herein.

CHAPTER 1315 – RESIDENTIAL CODE OF OHIO

1315.01 ADOPTION.

There is no locally adopted building code, though construction, modification or change of use of non-residential buildings in the State of Ohio are required to seek permits from the Ohio Department of Commerce.

PART FIFTEEN - FIRE PREVENTION CODE

CHAPTER 1501 – OHIO FIRE CODE

1501.01 ADOPTION.

There is hereby adopted by the Municipality, the Ohio Fire Code (OFC) as adopted by the Ohio Division of State Fire Marshal, Department of Commerce, most recent version, and as published in Division 1301:7 of the Ohio Administrative Code (OAC).

1501.02 PURPOSE.

The purpose of this Code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations.

1501.03 APPLICATION.

The Ohio Fire Code as adopted herein applies to the use of all lands and properties within the Municipality and such other lands or properties owned by the Municipality which are situated outside the corporate limits thereof.

1501.04 COMPLIANCE.

- (a) No person shall knowingly violate any provision of the Ohio Fire Code as adopted herein or any order issued pursuant thereto. (ORC 3737.51(A))
- (b) No person shall fail to comply with the fire prevention measures or fire protection activities as prescribed in the Ohio Fire Code, or fail to obtain a permit or license for the various uses or activities as required by such Code, or fail to comply with the Municipal application and plan submission and processing requirements including payment of the fees designated therefor.

1501.05 REMOVAL OR REPAIR SECURING FUND.

The Village hereby authorizes the procedure described in ORC 3929.86(C) and (D) to be implemented whereby no insurance company doing business in the State shall pay a claim of a named insured for fire damage to a structure located within the Village unless the applicable provisions of ORC 3929.86 are fully complied with. The Fire Chief is hereby designated as the officer authorized to carry out the duties of ORC 3929.86. The Fire Chief shall file a certified copy of this section with the State Superintendent of Insurance.

1501.99 PENALTY.

- (a) Criminal Penalties. Whoever violates Sections 1501.05(b) or 1501.06 is guilty of a minor misdemeanor. (ORC 3737.99(C))
- (b) Civil Penalties.
 - (1) Any person who has received a citation for a serious violation of the Ohio Fire Code or any order issued pursuant to it, shall be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each such violation.
 - (2) Civil penalties imposed by this chapter shall be paid to the Municipal Chief Fiscal Officer for deposit into the General Revenue Fund. Such penalties may be recovered in a civil action in the name of the Municipality brought in the Court of Common Pleas. (ORC 3737.51(B) to (H))