



PART TWELVE: PLANNING AND ZONING CODE

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CHAPTER 1220

General Provisions

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CROSS REFERENCES

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

Original plats - see Ohio R.C. 711.01 et seq.

Vacating or altering plats on application of owner - see Ohio R.C. 711.17 et seq.

Lots outside municipal boundaries - see Ohio R.C. 711.24 et seq.

Revision of plats - see Ohio R.C. 711.28 et seq.

Lost or destroyed records - see Ohio R.C. 711.34 et seq.

Street dedication and acceptance - see Ohio R.C. 723.03

§ 1220.01 TITLE.

- (a) This title shall be known and may be designated and cited as the Village of Commercial Point, Ohio, subdivision regulations, and heretofore may be referred to as the subdivision regulations, subdivision title, or subdivision regs.
- (b) Unless otherwise provided herein or by law or implication required, the same rules of construction, definition and application shall govern the interpretation of this title as those governing the interpretation of the Ohio Revised Code.

(Ord. 04-7, passed 5-3-2004)



§ 1220.02 AUTHORITY.

This chapter is adopted pursuant to the authority contained in the Ohio R.C. Chapter 711 and Chapter 713.

(Ord. 04-7, passed 5-3-2004)

§ 1220.03 JURISDICTION.

This chapter 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 Commercial Point, Ohio and to all subdivisions, which are subject to extraterritorial jurisdiction, which the village may choose to exercise under the provision of Ohio R.C. § 711.09.

(Ord. 04-7, passed 5-3-2004)

§ 1220.04 EFFECTIVE DATE.

The provisions of these subdivision regulations were adopted by ordinance May 3, 2004 and became effective on June 3, 2004.

(Ord. 04-7, passed 5-3-2004)

§ 1220.05 PURPOSE AND INTENT.

The purpose of this title is to establish subdivision standards and procedures for the Village of Commercial Point.

(Ord. 04-7, passed 5-3-2004)

§ 1220.06 RELATIONSHIP TO COMPREHENSIVE PLANNING.

It is the intention of the legislative authority that this chapter shall implement the subdivision policies adopted by the legislative authority for the Village of Commercial Point, as reflected in a comprehensive plan, land use plan, and all other planning documents formally adopted by the legislative authority. While the legislative authority reaffirms its commitment that



these regulations and any amendment to it are in conformity with adopted planning policies, the legislative authority 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.

(Ord. 04-7, passed 5-3-2004)

§ 1220.07 SEVERABILITY.

Each chapter, section, paragraph, sentence, clause, phrase, or other divisible part of these subdivision regulations 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 devisable part of this title since the same would have been enacted without the incorporation into this title of such unconstitutional or invalid chapter, section, paragraph, sentence, phrase, or other devisable part.

(Ord. 04-7, passed 5-3-2004)

§ 1220.08 PLATTING REQUIRED.

- (a) No land shall be subdivided except in compliance with this chapter and with the provisions of the Zoning Code of the Village of Commercial Point.
- (b) No land shall be subdivided within the corporate limits of the Village of Commercial Point until all of the following conditions have been met.
 - (1) The subdivider submits plats as described in this title.
 - (2) The plats have been approved as provided herein.
 - (3) The approved plats are recorded in the County Record of Plats.
- (c) No zoning permit or certificate of occupancy 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 chapter, 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. (Ord. 04-7, passed 5-3-2004)

§ 1220.09 CONFLICTING ORDINANCES.

Where conflicts exist between requirements of these subdivision regulations and other ordinances adopted by the legislative authority, the strictest interpretation, as interpreted by the Zoning Inspector, shall apply and thereby supersede the less strict requirements.

(Ord. 04-7, passed 5-3-2004)



CHAPTER 1222

Definitions

1222.01 General definitions

1222.02 Definitions

CROSS REFERENCES

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

Original plats - see Ohio R.C. 711.01 et seq.

Vacating or altering plats on application of owner - see Ohio R.C. 711.17 et seq.

Lots outside municipal boundaries - see Ohio R.C. 711.24 et seq.

Revision of plats - see Ohio R.C. 711.28 et seq.

Lost or destroyed records - see Ohio R.C. 711.34 et seq.

Street dedication and acceptance - see Ohio R.C. 723.03

§ 1222.01 GENERAL DEFINITIONS.

Except where specifically defined herein, all words used in these subdivision regulations shall carry customary meanings. 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.

(Ord. 04-7, passed 5-3-2004)



§ 1222.02 DEFINITIONS.

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGENT. The representative of the applicant. The authority of the representative shall be established to the satisfaction of the Zoning Inspector.

ALLEY. A public right-of-way, intended to afford only a secondary means of access to the abutting property, that is not less than 20 feet wide or more than 30 feet wide.

ANSI. American National Standards Institute.

APPLICANT. The owner or authorized representative of the proposed land 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.

ARCHITECT. An architect registered by the State of Ohio.

ARTERIAL STREET. See **STREETS**.

AS BUILT PLANS. Plans, on matte mylar material and CD-rom, that have been revised to incorporate all the changes that occurred during construction of the project.

ASTM. American Society of Testing and Materials.

AVERAGE DAILY TRAFFIC (ADT). The total traffic volume during a period of time divided by the number of days during that period of time. The period of time shall consist of whole days, greater than one day, and not more than one year.

AWWA. American Water Works Association.

BLOCK. All that part of one side of a street between two intersecting streets.

BOND. A form of security in an amount and form satisfactory to the legislative authority, including cash deposit, surety bond, collateral, property, or an instrument of credit.

BUFFER. Any combination of mounds, fencing, plantings, and the like, intended to separate one land use from another.



BUILDING. 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.

CALIPER. The diameter of a tree as measured approximately four feet above the ground.

CERTIFICATE OF DEPOSIT. A certificate held on deposit by a financial institution for the Village of Commercial Point until such time as the subdivider has fulfilled his or her obligation to install the required improvements.

COLLECTOR STREET. See *STREETS*.

COMPREHENSIVE PLAN. The plan or plans made and adopted by the legislative authority as may be amended, indicating the general locations recommended for the principal streets, parks, public buildings, zoning districts, character and extent of community development and other physical aspects of urban and rural planning.

CONSTRUCTION PLANS. The maps or drawings that accompany a subdivision plat that shows the specific location and design of improvements to be installed in a subdivision.

COUNTY. Pickaway County, Ohio, as applicable.

CUT SHEETS. Tabular survey information used for the purpose of construction layout staking.

DENSITY. The number of dwelling units per unit of land. To determine the density, divide the total number of dwelling units by the number of acres in the net developable site. (See definition of *NET DEVELOPABLE SITE*.)

DEVELOPER. See *APPLICANT*.

DEVELOPMENT. Any man-made change to improved or unimproved real estate.

EASEMENT. A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

ENGINEER, REGISTERED. An engineer registered by the State of Ohio.



ENGINEER, PROJECT. See **ENGINEER, REGISTERED.**

ENGINEER, VILLAGE. The Engineer of the Village of Commercial Point, Ohio.

EROSION. 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.

ESCROW. A deposit of cash with the Village of Commercial Point in lieu of an amount required and still in force on a performance or maintenance bond.

ESCROW FUND. 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 title.

EXCAVATION. 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, whether exposed or submerged.

FIRE CHIEF. The Fire Chief of the appropriate Fire Department.

FISCAL OFFICER. The Village Fiscal Officer of the Village of Commercial Point, Ohio.

FLOODPLAIN. The areas adjoining a watercourse, which are expected to be flooded as a result of a severe combination of meteorological and hydrological conditions.

FLOODWAY. The channel of the watercourse and those portions of the adjoining floodplain, which are reasonably required to carry and discharge the 100-year flood.

FRONTAGE. That portion of a lot abutting on a dedicated right-of-way.

GRADE. The slope of any surface specified in percentage terms.

GRADE, ESTABLISHED STREET. The elevation of the street, established by the Village Engineer, measured at the centerline of the street.

GRADE, FINISHED. 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.



GRADE, NATURAL. The elevation of the undisturbed surface of any land.

HILLSIDE. An area with an average slope of more than 15%.

IES. Illuminating Engineering Society.

IMPROVEMENT, PUBLIC. Any drainage ditch, roadway, parkway, sidewalks, pedestrian way, tree lawn, off-street parking area, lot improvement, or other facility for which the Village of Commercial Point may ultimately assume the responsibility for operation and maintenance or which may affect an improvement for which the Village of Commercial Point is responsible.

IMPROVEMENTS. Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, streetlights, flood control and drainage facilities, utility lines, landscaping, grading, and other related matters normally associated with development of raw land into building sites.

IN-LIEU FEES. Fees paid by a private individual or party to the Village of Commercial Point to compensate for the mandatory dedication provisions of the Commercial Point Zoning Code when the land dedication is waived by legislative authority.

INSPECTION FEE. Cost to the village of supervising construction, to be paid by the developer.

LANDSCAPE ARCHITECT. A landscape architect registered by the State of Ohio.

LEGISLATIVE AUTHORITY. The legislative authority of the Village of Commercial Point, Ohio.

LETTER OF CREDIT. An irrevocable letter of credit issued by a bank in the central Ohio area, subject to the provisions of Ohio R.C. Chapter 1305.

LOT. A tract, plat, portion of a subdivision, or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership for building development.

LOT, CORNER. A corner lot is defined as a lot located at the intersection of two or more streets.



LOT, DOUBLE FRONTAGE. A lot, other than a corner lot, that has frontage on more than one street.

LOT IMPROVEMENT. Any building, structure, place, work of art or other object, or improvement of the land on which they are situated, which constitutes a physical betterment of real property, or any part of such betterment.

LOT, INTERIOR. A lot with only one frontage on a street.

LOT, IRREGULAR. A lot that is neither square nor rectangular.

LOT, MINIMUM AREA. The area of a lot that is exclusive of any portion of the right-of-way of any public or private street.

LOT MEASUREMENT. A lot shall be measured as follows:

(1) 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.

(2) The width of a lot shall be considered to be the distance between straight lines connecting the front and rear lot lines at each side of the lot, measured at the building setback line.

LOT OF RECORD. A lot that 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.

LOT, REVERSE FRONTAGE. A double frontage lot located along a collector or arterial that derives access from an interior local street.

MANDATORY LAND DEDICATION. The required dedication of private land to the Village of Commercial Point for the purpose of providing space for park, recreation, open space and other public uses.



MAP INDEX. A map supplied with street improvement plans showing the street and storm system at a scale of one inch equals 200 feet.

MAP LOCATION. 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 one inch equals 1,000 feet.

MAYOR. The Mayor of the Village of Commercial Point, Ohio.

NET DEVELOPABLE SITE. The remainder of a parcel of land following the subtraction of all areas designated for public and private streets and alleys, open bodies of water including streams, creeks and ditches, and all other dedicated right-of-ways.

NO BUILD ZONE. An area or portion of a lot that is designated by deed not to contain any buildings, structures, or other built improvement on a permanent basis.

O.D.O.T. or ODOT. Ohio Department of Transportation.

OEPA. Ohio Environmental Protection Agency.

OFFICIAL THOROUGHFARE PLAN. The system of streets for the village as adopted by the legislative authority, on file in the Village Fiscal Officer's office, together with all amendments thereto subsequently adopted.

OFF-SITE. 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.

PERFORMANCE AND INDEMNITY BOND OR SURETY BOND. An agreement by and between a subdivider and a bonding company in favor of the Village of Commercial Point 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. (See Appendix.)



PLAN, IMPROVEMENT. Detailed construction drawings, maps, and other materials depicting a proposed subdivision meeting the requirements of this document.

PLAN, SKETCH. A drawing of a proposed subdivision intended to be used as a general indicator of how the proposed area may be subdivided, as per this document.

PLANNING COMMISSION. The Planning Commission of the Village of Commercial Point, Ohio.

PLAT, FINAL. The plat of a proposed subdivision meeting all the requirements as herein enumerated and intending to be recorded, drawn on a durable material as specified in this document.

PLAT, PRELIMINARY. The plat of a proposed subdivision that meets all of the requirements of this document.

RESERVES. Parcels of land within a subdivision set aside for future subdivision or other purposes, as noted on the plat.

RIGHT-OF-WAY. 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.

SEDIMENT. 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.

SEDIMENT BASIN. A barrier, dam, or other suitable detention facility built across an area of water-flow to settle and retain sediment carried by run-off waters.

SETBACK, FRONT. The minimum distance between the right-of-way and a building facing the right-of-way, as required by the Zoning Code.

SETBACK, PLATTED. 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.



SETBACK, REAR. The minimum distance between the rear lot line and a building, as required by the Zoning Code.

SETBACK, SIDE. The minimum distance between the side lot line and a building, as required by the Zoning Code.

SOLICITOR. The village solicitor of the Village of Commercial Point, Ohio.

STREET, ARTERIAL. A street intended to move traffic to and from expressways or to and through major commercial districts. Traffic volumes are generally greater than 10,000 ADT.

STREET, CUL-DE-SAC. A local street having only one outlet and a paved terminal for safe and convenient reversal of traffic movement.

STREET, DEAD END. A local street having only one outlet without a safe and convenient means for reversal of traffic.

STREET, INDUSTRIAL. A street intended to provide access to other streets from industrial properties, generally being a volume of traffic that includes a relatively large amount of vehicles other than passenger automobiles.

STREET, EXPRESSWAY. A street entirely devoted to the movement of large volumes of traffic at relatively high speeds. Access is completely controlled and not intended to serve abutting property.

STREET, LOCAL. A street intended to provide access to other streets from individual properties, generally bearing a volume of traffic no greater than 800 ADT.

STREET, MAJOR COLLECTOR. A street intended to carry 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.

STREET, MINOR COLLECTOR. 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.



STRUCTURE. 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.

SUBDIVIDER. See *APPLICANT*.

SUBDIVIDER'S AGREEMENT. An agreement by and between a subdivider and the legislative authority 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 subdivision.

SUBDIVISION. Any or all of the following:

(1) The division or re-subdivision of land into two or more parts, lots, parcels, sites, units, tracts, or interests for the purpose of transfer of ownership, lease or building development either immediate or future;

(2) The division or development of land whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument;

(3) The improvement of one or more parcels of land for structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street, right-of-way, or easement; and/or

(4) The division of any lot or lots in any recorded subdivision in which the sale and exchange creates additional building sites. If no additional building sites are created, it will not be defined as a subdivision.

SUBDIVISION, MINOR. Any subdivision of less than five acres, 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.

SURETY. 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 improvement.



SURVEYOR. A surveyor registered by the State of Ohio.

TREE. Any tree, shrub, or other woody plant.

TREE LAWN, The strip of land that is located between the back of the curb and the sidewalk.

TREE, LARGE. Any species of tree having a trunk diameter of six inches or more when measured four feet from the ground.

VILLAGE ADMINISTRATOR. The Administrator of the Village of Commercial Point, Ohio.

VILLAGE. The Village of Commercial Point, Ohio.

VILLAGE MAYOR. The Mayor of the Village of Commercial Point, Ohio.

VILLAGE SOLICITOR. The solicitor of the Village of Commercial Point, Ohio.

ZONING CODE. The Zoning Code of the Village of Commercial Point, Ohio.

ZONING INSPECTOR. The Zoning Inspector of the Village of Commercial Point, Ohio.

(Ord. 04-7, passed 5-3-2004)



CHAPTER 1224

Administration and Enforcement

1224.01	Administration and enforcement	1224.04	Plat corrections
1224.02	Procedures for plat and plan approvals.	1224.05	Testing.
1224.03	Waivers	1224.06	Vacation of plats

CROSS REFERENCES

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

Original plats - see Ohio R.C. 711.01 et seq.

Vacating or altering plats on application of owner - see Ohio R.C. 711.17 et seq.

Lots outside municipal boundaries - see Ohio R.C. 711.24 et seq.

Revision of plats - see Ohio R.C. 711.28 et seq.

Lost or destroyed records - see Ohio R.C. 711.34 et seq.

Street dedication and acceptance - see Ohio R.C. 723.03

§ 1224.01 ADMINISTRATION AND ENFORCEMENT.

Administration of these regulations shall be as set forth herein and in accordance with §§ 1224.02 *et seq.* (Ord. 04-7, passed 5-3-2004)

§ 1224.02 PROCEDURES FOR PLAT AND PLAN APPROVALS.

Developers approaching the Village of Commercial Point with development inquiries will first meet with the Mayor, the Village Engineer, and the Village Administrator to receive the information pertinent to their proposed development.

(Ord. 04-7, passed 5-3-2004)



§ 1224.03 WAIVERS.

The legislative authority, where it finds that 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. Under no circumstances shall a waiver be granted under this section to any requirements of the Zoning Code.

(Ord. 04-7, passed 5-3-2004; Am. Ord. 2005-16, passed 8-1-2005; Am. Ord. 2005-21, passed 9-12-2005)

§ 1224.04 PLAT CORRECTIONS.

No changes shall be made to any final plat after the legislative authority has approved it, except for minor technical corrections that do not significantly change the plat. The legislative authority, Zoning Inspector, and Village Engineer must approve all minor technical corrections that are made.

(Ord. 04-7, passed 5-3-2004; Am. Ord. 2005-16, passed 8-1-2005; Am. Ord. 2005-21, passed 9-12-2005)

§ 1224.05 TESTING.

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.

(Ord. 04-7, passed 5-3-2004)

§ 1224.06 VACATION OF PLATS.

Any plat or portion thereof may be vacated by filing a written instrument declaring the plat or portion thereof to be vacated. Such instrument shall be submitted to the legislative authority. The legislative authority may approve or reject any such instrument. If approved by the concurrence of at least a majority of the members elected to the legislative authority, the



instrument may be recorded in like manner as plats of subdivisions, and shall operate to destroy the force and effect of the plat, or portion thereof, that was vacated.

(Ord. 04-7, passed 5-3-2004; Am. Ord. 2005-16, passed 8-1-2005; Am. Ord. 2005-21, passed 9-12-2005)



CHAPTER 1226

Violations and Penalties

1226.01	Violations and penalties	1226.03	Notices
1226.02	Appeals.		

CROSS REFERENCES

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

Original plats - see Ohio R.C. 711.01 et seq.

Vacating or altering plats on application of owner - see Ohio R.C. 711.17 et seq.

Lots outside municipal boundaries - see Ohio R.C. 711.24 et seq.

Revision of plats - see Ohio R.C. 711.28 et seq.

Lost or destroyed records - see Ohio R.C. 711.34 et seq.

Street dedication and acceptance - see Ohio R.C. 723.03

§ 1226.01 VIOLATIONS AND PENALTIES.

Any person, firm, or corporation who fails to comply with, or violates, any of the subdivision regulations or Ohio R.C. Chapter 711 shall be subject to the penalties as set forth in Ohio R.C. Chapter 711.

(Ord. 04-7, passed 5-3-2004)

§ 1226.02 APPEALS.

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

(Ord. 04-7, passed 5-3-2004)



§ 1226.03 NOTICES.

The Zoning Inspector shall serve a written notice or order upon the person responsible whenever the Zoning Inspector is aware 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 shall stop all services to the property where such violation is concerned and refuse such services until the violation is corrected. The Zoning Inspector, with the consensus of the Mayor, 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.

(Ord. 04-7, passed 5-3-2004)



CHAPTER 1228

Application Procedure and Approval Process

1228.01	Application required	1228.03	Submittal of preliminary plats
1228.02	Pre-application conference	1228.04	Submittal of final plats.

CROSS REFERENCES

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

Original plats - see Ohio R.C. 711.01 et seq.

Vacating or altering plats on application of owner - see Ohio R.C. 711.17 et seq.

Lots outside municipal boundaries - see Ohio R.C. 711.24 et seq.

Revision of plats - see Ohio R.C. 711.28 et seq.

Lost or destroyed records - see Ohio R.C. 711.34 et seq.

Street dedication and acceptance - see Ohio R.C. 723.03

§ 1228.01 APPLICATION REQUIRED.

Application for subdivision must be submitted to the Mayor. The following procedures outlined in §§ 1228.02 through 1228.04 shall be followed with regard to the submittal, review, and approval of subdivision plats.

(Ord. 04-7, passed 5-3-2004)

§ 1228.02 PRE-APPLICATION CONFERENCE.

Prior to submission of a preliminary plat, the subdivider may submit to the Mayor, for review with the legislative authority and the Village Engineer, plans and data relative to the proposed development. This step does not require formal application fee or filing of the plat,



(Ord. 04-7, passed 5-3-2004; Am. Ord. 2005-16, passed 8-1-2005; Am. Ord. 2005-21, passed 9-12-2005)

§ 1228.03 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 § 1230.02. The plat and required fees shall be filed with the Mayor at least 30 days prior to the regularly scheduled meeting of the legislative authority at which the plat is to be reviewed.
- (b) The legislative authority, after receiving written comments from the Village Engineer and Village Administrator, shall review the plat and act thereon. The legislative authority may approve the plat as submitted or modified, it may conditionally approve the plat and stipulate the conditions of such approval, or it may disapprove the plat and express the reasons therefor. The action of the legislative authority shall be attached to two copies of the preliminary plat. One copy shall be returned to the subdivider and the other retained on file by the Mayor.
- (c) Approval of a preliminary plat shall be deemed as an expression of approval of the layout as a guide to the preparation of the final plat. This does not constitute approval of the final plat and improvements plans.
- (d) Review of the preliminary plat is based on conformance with the present Zoning Code and general conformance with the improvement requirements as stipulated herein.
- (e) Whether it is proposed to develop the tract in one phase, sections, or stages, the layout of the entire tract is required.

(Ord. 04-7, passed 5-3-2004; Am. Ord. 2005-16, passed 8-1-2005; Am. Ord. 2005-21, passed 9-12-2005)



§ 1228.04 SUBMITTAL OF FINAL PLATS.

- (a) Final plats shall be subsequent to, and substantially in conformance with a previously approved preliminary plat. A final plat may constitute only that portion of the project that is proposed for recording and development at the time. Final plats shall be submitted to the Mayor within 12 months after approval of the preliminary plat or such approval shall become null and void. The legislative authority may grant an extension of time upon showing of cause. Only one extension of time may be granted for a period not to exceed 12 months.
- (b) Final plats shall be prepared by a registered surveyor and 15 copies of the plat and supporting data as required in § 1230.03 shall be submitted to the Mayor at least 30 days prior to the next regular scheduled meeting of the legislative authority.
- (c) (1) A. Before any plat is approved by the legislative authority, the developer shall give notice to the State Director of Transportation stating that:
 - 1. 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
 - 2. This property is within these limits but that acquisition of the land at this time is not in the public interest.
- B. If the State Director of Transportation notifies the legislative authority that the state shall proceed to acquire the land needed, then the legislative authority may refuse to approve the plat, according to the provisions of Ohio R.C. § 5511.01.



- (2) At the request of the subdivider, the legislative authority 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.
 - (3) If the State Director of Transportation notifies the legislative authority that acquisition at this time is not in the public interest, or upon expiration of a 120-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 legislative authority shall, if the plat is in conformance with all provisions of this title, approve the plat.
 - (4) A copy of correspondence to the State Director shall be mailed to the Director. The correspondence to the State Director shall indicate the 120-day notification deadline.
- (d) The legislative authority shall, within a reasonable time from the receipt of the final plat containing all revisions as required by the legislative authority, Village Engineer, Zoning Inspector, and Village Administrator, either approve, approve with conditions, or disapprove the plat. Should the legislative authority approve the final plat or approve the final plat with conditions, the subdivider shall deliver to the Fiscal Officer a bond and other items as required by § 1236.01. The required bonds shall be posted. Upon review and approval of the 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 plat must be placed on record within six months from the date of the legislative authority's approval or approval with conditions or the plat shall be null and void. Provided, however, the time may be extended by the legislative authority for good cause.



- (e) A copy of the final plat as recorded shall be submitted to the Mayor. Upon completion of the subdivision, the developer shall prepare "as built plans" based on village inspection records and submit them to the Village Administrator in mylar form and on CD for permanent village records.
- (f) Application for building permits for lots within the subdivision shall not be submitted until the plat is recorded and street, storm sewer, waterline, and sanitary sewer improvements are completed.

(Ord. 04-7, passed 5-3-2004; Am. Ord. 2005-16, passed 8-1-2005; Am. Ord. 2005-21, passed 9-12-2005)



CHAPTER 1230

Plat Requirements

1230.01 Plat requirements

1230.03 Final plat requirements

1230.02 Preliminary Plat Requirements

CROSS REFERENCES

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

Original plats - see Ohio R.C. 711.01 et seq.

Vacating or altering plats on application of owner - see Ohio R.C. 711.17 et seq.

Lots outside municipal boundaries - see Ohio R.C. 711.24 et seq.

Revision of plats - see Ohio R.C. 711.28 et seq.

Lost or destroyed records - see Ohio R.C. 711.34 et seq.

Street dedication and acceptance - see Ohio R.C. 723.03

§ 1230.01 PLAT REQUIREMENTS.

Plats, plans, and data submitted to the village for review shall be in accordance with the requirements contained in §§ 1230.02 and 1230.03.

(Ord. 04-7, passed 5-3-2004)

§ 1230.02 PRELIMINARY PLAT REQUIREMENTS.

- (a) Preliminary plats shall be prepared at a scale of one inch equals 100 feet 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 an approximate in nature, based on existing plats of surrounding parcels, and must be noted.



- (b) Preliminary plats shall include the following:
- (1) A location map showing the relationship of the proposed subdivision to the surrounding area;
 - (2) 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;
 - (3) The location by Section, Range, and Township or other surveys;
 - (4) 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 Agricultural Soil Survey;
 - (5) The names and locations of all adjoining property owners and adjacent subdivisions within 150 feet of the proposed subdivision;
 - (6) The current zoning of the property to be subdivided and of the contiguous properties;
 - (7) The location and dimensions of all boundary lines of the property expressed in feet and decimals of a foot, and the approximate acreage of the land to be subdivided;
 - (8) The location of existing water bodies, streams, drainage ditches, stands of trees and trees with a caliper more than six inches in diameter, and other pertinent features within 500 feet of the proposed subdivision;
 - (9) 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;
 - (10) Approximate location of all existing buildings within 500 feet of the proposed subdivision;



- (11) 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;
- (12) The location of all existing wells within 300 feet of the proposed subdivision;
- (13) The approximate location, dimensions, including dimensions at the building line, square footage, and numbering of all proposed lots;
- (14) The approximate location, dimensions, and area of all property proposed to be set aside for parks, open space, and other public or private reservation, with designation of the purpose and proposed ownership thereof;
- (15) Topography with a maximum contour interval of two feet. Elevations shall be based on mean sea level datum obtained from bench marks established by the United States Geological Survey;
- (16) Indication of the proposed use of any lots other than residential;
- (17) Lots within the subdivision, including future additions, numbered consecutively beginning with "one," the total number of lots, and their combined acreage;
- (18) 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;
- (19) 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;
- (20) The 100-year floodplain of any stream identified as having flood hazard areas;



- (21) Written indication from the Village Administrator and Village Engineer that capacity for both water and sanitary sewer service is available;
- (22) A tentative delineation of the sections and their phasing, including an estimated time frame, when applicable; and
- (23) Proposed floor plans and elevations of all homes to be built.
(Ord. 04-7, passed 5-3-2004)

§ 1230.03 FINAL PLAT REQUIREMENTS.

- (a) Final plats shall be prepared and stamped by a registered surveyor or engineer. The plats shall be drawn in black India ink on reproducible mylar at a scale of one inch equals 100 feet. The size of the reproducible mylar shall be 24 inches by 36 inches for subdivisions in Pickaway County.
- (b) Final plats shall include the following:
 - (1) A location map showing the relationship of the proposed subdivision to the surrounding area;
 - (2) The name of the subdivision, north arrow, scale, and date;
 - (3) The names of all adjoining property owners as shown on the preliminary plat;
 - (4) The boundary lines of the area being subdivided with accurate distance and bearings, including section, corporation, and county lines;
 - (5) Curve data for street including the radii, arcs, chords, chord bearings, tangent and central angle;
 - (6) Accurate dimensions for all lots, reserve parks, rights-of-way, and easements;
 - (7) Accurate location of all required monuments;
 - (8) A summary of the area of land used for each of the following:
 - A. Lots;



- B. Rights-of-way;
 - C. Park; and
 - D. Other open space;
- (9) Location of setback lines from all rights-of-way, public or private, and the building envelope shown on all irregular lots;
 - (10) 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 Commercial Point;
 - (11) A statement signed by the owner setting forth the rights associated with the easements and reserve parcels shown on the plat;
 - (12) 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; and
 - (13) An approval block for the endorsement of the plat by the Village Mayor and Village Fiscal Officer upon the approval by legislative authority. The approval block and associated subdivision plat wording is shown in Appendix E.
- (c) The final plat shall not be approved until the following items have been submitted to the Mayor:
- (1) Improvement plans prepared by a registered engineer for all required improvements at a scale of one inch equals 50 feet on 24 inches by 36 inches reproducible mylar or at such other scale acceptable to the Village Engineer;
 - (2) A landscaping plan;
 - (3) An erosion and sedimentation control plan as described in § 1232.12;
 - (4) A letter from the Village Administrator and Village Engineer approving the improvement plans for the sanitary sewer;



- (5) A letter from the Village Administrator and Village Engineer approving the improvement plans for the water distribution system;
 - (6) Bonds or other guarantees as may be required by Chapter 1234;
 - (7) All approvals from regulatory agencies;
 - (8) Payment of all required fees; and
 - (9) Developer's agreement.
- (Ord. 04-7, passed 5-3-2004)



CHAPTER 1232

Required Improvements

1232.01 General requirements	1232.12 Erosion and sedimentation control.
1232.02 Monuments.	1232.13 Landscaping.
1232.03 Streets.	1232.14 Subdivision information signs
1232.04 Street layout.	1232.15 Hillside regulations
1232.05 Lots.	1232.16 Public sites and open spaces
1232.06 Street lighting.	1232.17 Sewage disposal and water supply
1232.07 Signs.	1232.18 Variances and revisions.
1232.08 Water.	1232.19 Platted easements.
1232.09 Sanitary sewers.	1232.20 Private utilities.
1232.10 Drainage.	1232.21 Protection of wells.
1232.11 Bridges.	1232.22 Fences.

CROSS REFERENCES

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

Original plats - see Ohio R.C. 711.01 et seq.

Vacating or altering plats on application of owner - see Ohio R.C. 711.17 et seq.

Lots outside municipal boundaries - see Ohio R.C. 711.24 et seq.

Revision of plats - see Ohio R.C. 711.28 et seq.

Lost or destroyed records - see Ohio R.C. 711.34 et seq.

Street dedication and acceptance - see Ohio R.C. 723.03



§ 1232.01 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 of 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, county, and location map. Space shall be provided on the title sheet or the first sheet of the plan for signature of the Village Administrator and Village Mayor.
- (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 before completion of the improvement plans.
- (d) The construction plans made 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 inches by 36 inches, with one-half inch margin border on the three sides and a one and one-half inch to two inch binding margin on the short left side. A poorly drawn or illegible plan is sufficient cause for rejection.
- (e) Submittal requirements include improvement plans, sanitary sewer calculations, storm drainage calculations, grading plans, landscaping plans, erosion and sedimentation control plans, and lighting plans. See § 1228.04 for time frames for submittal to the Village Mayor in conformance with policy established with the legislative authority.



- (f) Re-submittals of improvement plans shall clearly show all revisions made thereto, by notes in the "revision" block and outlines of the revisions.
- (g) After the improvements have been completed, the developer shall prepare a complete set of as-built plans and submit them to the Village Administrator in mylar form and on CD for permanent village records.

(Ord. 04-7, passed 5-3-2004; Am. Ord. 2005-16, passed 8-1-2005; Am. Ord. 2005-21, passed 9-12-2005)

§ 1232.02 MONUMENTS.

- (a) 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 13/16-inch inside diameter, 30 inches long with a plastic plug placed in the top bearing the initials of the surveyor.
- (b) Permanent markers shall be one inch inside diameter, material 30 inches long, buried one 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.
- (c) The placing of all monuments shall meet the minimum standards for boundary surveys in the State of Ohio.

(Ord. 04-7, passed 5-3-2004)

§ 1232.03 STREETS.

Streets shall be designed and constructed so as to meet the following criteria.

- (a) (1) Right-of-way and pavement widths shall be as shown in the following table. Pavement widths shall be measured face to face of curbs.



<i>Street Type</i>	<i>Minimum Right-of-Way</i>	<i>Minimum Pavement Width</i>
Arterial	100 feet	52 feet
Major Collector	80 feet	36 feet
Minor Collector	70 feet	36 feet
Local	60 feet	30 feet
Cul-de-sac	50 feet	26 feet

- (2) A turn-around on a cul-de-sac shall have a minimum 100 feet diameter right-of-way. If the turn-around includes a center island, a minimum 26 feet wide pavement shall be provided around the island. The legislative authority may approve center islands, on a case-by-case basis, only with the concurrence of the Scioto Township Fire Chief.
- (b) The typical sections contained in the appendix of these subdivision regulations shall be utilized.
- (c) Pavement shall meet or exceed the following criteria. (All reference numbers refer to Ohio Department of Transportation Construction and Material Specifications, latest edition.)

<i>Minimum Composition</i>							
	<i>Deep Strength</i>			<i>Concrete Base</i>			<i>Conc. Pvmt.</i>
	301	402	404	305	402	404	452
Local Street (3)	5 inches		1-1/2 inches	6 inches		1-1/2 inches	6 inches



Collector Street (10)	6 inches		1-1/2 inches	6 inches		1-1/2 inches	6 inches
Collector or Arterial Street (20)	6 inches	1-1/2 inches	1-1/2 inches	6 inches		1-1/2 inches	8 inches
Arterial or Industrial Street (75)	7 inches	1-1/2 inches	1-1/2 inches	8 inches	1-1/2 inches	1-1/2 inches	9 inches
<p>** A tack coat (Item 407) (0.10 gallon per square yard) will be required between the 305 and 404 course.</p>							
<p>Note: The number in parenthesis is the design traffic number and is the minimum <u>n</u> number of 18,000 lbs. equivalent loads per day. When it is possible that this will be exceeded, the developer's engineer shall check with the County Engineering Department about changing design.</p>							
<i>Legend</i>							
301 = Bituminous Aggregate Base				404 = Asphalt Concrete			
304 = Aggregate Base				407 = Track Coat (RC-70 or RS-1)			
305 = Plain Portland Cement Concrete Pavement (5 Bag)				408 = Prime Coat (RC-30, MC-70, RT-2, RS-1, RS-2)			
402 = Asphalt Concrete				452 = Plain Portland Cement Pavement Class C. - ODOT Specifications			

- (d) Curb and gutter with under-drains shall be constructed in accordance with village standards.
- (e) Sub-base shall be free of topsoil, vegetation, soft clay, or other objectionable material for a minimum depth of two feet below finished sub-grade. The subbase shall be rolled, shaped, and compacted to a minimum depth of one foot below sub-grade and to a minimum width of 18 inches beyond the back of curbs. Compaction shall be not less than 100% of maximum dry density.



(f) The minimum radius at intersections measured at the face of curb shall be 20 feet for cul-de-sacs and local streets, 35 feet for collector streets, and 50 feet for arterial intersections.

(g) Horizontal and vertical alignment shall meet the following minimum standards.

	<i>Arterial</i>	<i>Major Collector</i>	<i>Minor Collector</i>	<i>Cul-de-Sac or Local</i>
Centerline Radius	1,050 feet	650 feet	400 feet	200 feet
Minimum Gradient	0.5%	0.5%	0.5%	0.5%
Maximum Gradient	6%	6%	7%	8%
Minimum Street Intersection Angle (in degrees)	90	90	90	80

(h) Clear sight distance (length along each approach leg) shall be a minimum of 100 feet.

(i) Intersection centerline offsets shall meet the following minimum requirements.

Local/local	150 feet
Local/collector	200 feet
Local/arterial	300 feet
Collector/collector	300 feet
Collector/arterial	1,320 feet
Cul-de-sac/cul-de-sac	150 feet
Cul-de-sac/local	150 feet
Cul-de-sac/collector	200 feet



Cul-de-sac/arterial	not permitted
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- (j) (1) Vertical curves shall be provided at any change of vertical grade where the algebraic difference on grades is 1% or greater unless otherwise directed by the Village Engineer. Sight distance shall be measured as the line of sight from a height of three and three-fourths feet to one-half feet above the pavement.
- (2) The following table shall be used as a guide for minimum lengths of vertical curves.

<i>Algebraic Difference % Grade</i>	<i>Length of Vertical Curve</i>
1.0 - 2.0	50 feet
2.0 - 4.0	100 feet
4.0 - 4.5	150 feet
4.5 - 5.0	200 feet
5.0 - 6.0	250 feet
6.0 - 7.0	300 feet

- (k) The maximum profile grade approach to intersections shall be 3%.
- (l) Sidewalks shall be installed along all streets and shall be constructed of portland cement concrete and shall be located with the outside edge six inches inside the right-of-way. Sidewalk shall be minimum width as indicated below. The minimum thickness of sidewalks shall be four inches. At driveways, and other points of vehicle crossing, the thickness shall be six inches. Sidewalks shall extend to the curbs at all intersections and shall include wheelchair ramps. No water boxes, manholes, and the like, shall be placed in any proposed sidewalk or driveway.



<i>Type of Street</i>	<i>Sidewalk Width</i>
Cul-de-Sac	4 feet
Local	4 feet
Minor Collector	4 feet
Major Collector	6 feet
Arterial	8 feet*
* Or may be bikeway, may be asphalt or concrete.	

- (m) Driveway aprons six 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 14%.

(Ord. 04-7, passed 5-3-2004; Am. Ord. 2005-16,, passed 8-1-2005; Am. Ord. 2005-21, passed 9-12-2005)

§ 1232.04 STREET LAYOUT.

The arrangement, character, extent, width, and location of all streets shall conform to the master street plan of the Village of Commercial Point and to the following.

- (a) Streets shall be so arranged as to provide for the continuation of existing streets.
- (b) Connections shall be provided to adjoining properties for future access.
- (c) Local residential streets shall be laid out so as to discourage through traffic while providing for interconnection of neighborhoods and reasonable safety and service vehicle access.



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- (d) Permanent cul-de-sacs shall not exceed 600 feet except where the legislative authority, based on topography, property configuration, or such other conditions deemed reasonable, specifically waives this requirement. Temporary cul-de-sacs may exceed 600 feet where they are part of an overall street network.
- (e) 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 legislative authority and may be approved by the legislative authority 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 1,500 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 900 feet in length, a crosswalk easement no less than ten feet in width at or near the halfway point may be required to provide property access to schools, recreational areas, shopping centers, and other facilities.
- (f) Street names shall be approved by the legislative authority and shall not duplicate names of existing streets in Commercial Point, Ohio.

(Ord. 04-7, passed 5-3-2004; Am. Ord. 2005-16, passed 8-1-2005; Am. Ord. 2006-10, passed 8-7-2006; Am. Ord. 2005-21, passed 9-12-2005)

§ 1232.05 LOTS.

Lots should be designed so as to accomplish the following.

- (a) Each lot shall have access to a public 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.
- (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, which is more than three and one-half times its average width unless otherwise allowed by the legislative authority.

(Ord. 04-7, passed 5-3-2004; Am. Ord. 2005-16, passed 8-1-2005; Am. Ord. 2005-21, passed 9-12-2005)

§ 1232.06 STREET LIGHTING.

- (a) Street lighting shall be required and shall be designed, and installed by the subdivider. Street lights every 200 feet on opposite sides of street. 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. The legislative authority shall approve selection of fixtures. Each development shall be required to set up an assessment on each lot to cover the cost of all street lights.
- (b) Division (a) above requires all developers and subdividers to install street lights in subdivisions and provides that each development shall be required to set up an assessment on each lot to cover the cost of all street lights. It shall be the responsibility of the individual lot owners and the developer who owns any remaining lots, or the homeowners' association for the subdivision, to pay the utility costs of the street lights or to reimburse the village if the village pays any such costs.
 - (1) To implement these requirements, the utility providers shall directly bill each lot owner and the owner of any reserve lot or common space in the subdivision for the owner's pro-rata share of the costs of providing energy



for the street lights. The Fiscal Officer is hereby directed to contact the utility company or companies which provide utility services to the street lights and assist the company or companies in providing for the direct billing to the lot owners as provided for in this division.

- (2) If direct billing of the lot owners cannot be obtained, the home owners' association of each such subdivision shall be responsible of paying for the costs of street lighting. To implement this provision, each subdivision which is required to install street lights shall have a homeowners' association, which shall be established before any lots are sold, and which shall be responsible for payment of the energy bill for the street lights upon direct billing by the utility provider. If direct billing to the homeowners' association cannot be made, then the homeowners' association shall be responsible for payment of the costs incurred by the village in obtaining and providing energy for the street lights and the administrative costs of the village in collecting and being reimbursed for all such costs. The homeowners' association shall have the power to assess each lot in the subdivision with its pro rata share of the cost, and the assessment levied by the association shall become a lien on the property. The village shall bill the homeowners' association on a monthly basis or at other times and in the manner the village deems appropriate for administrative purposes.
- (3) The developer or subdivider shall file a declaration of covenants and restrictions which shall govern the homeowners' association and which shall implement the provisions of this division with the application for final plat approval.
- (4) If the costs of the village in providing energy to the street lights within a subdivision are not paid for as provided above, the cost and expense of the village in providing energy to the street lights in each subdivision may be



paid for by special assessments levied upon all lots and lands within the subdivision. The special assessments shall be based upon a percentage of the tax valuation of all lots and lands within the subdivision, and shall produce the sum of money which shall reimburse the village for the payment of the energy costs for the street lights as set forth above as determined by Council. The assessments shall be payable annually in two equal installments each year. The assessments shall be a lien on each lot or parcel within the subdivision from the date of the assessment upon the respective lots and parcels assessed, and shall be enforceable in the manner provided by law. The Fiscal Officer is hereby authorized and directed to certify the same to the Pickaway County Auditor to be collected as other village taxes on the lots and lands within the subdivision are collected and paid.

(Ord. 04-7, passed 5-3-2004; Am. Ord. 2005-16, passed 8-1-2005; Am. Ord. 2005-21, passed 9-12-2005; Am. Ord. 2006-10, passed 8-7-2006)

§ 1232.07 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 current Ohio Manual of Uniform Traffic Control Devices shall be submitted for review and approval.

(Ord. 04-7, passed 5-3-2004)

§ 1232.08 WATER.

- (a) Evidence that the Village Administrator and the Village Engineer have approved the construction plans of the water supply system shall be submitted to the Mayor prior to approval of the final plat.



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- (b) Adequate public water service shall be provided for all lots in conformance with the following criteria:
- (1) All water mains shall conform to village specifications; and
 - (2) All water mains and appurtenances shall be constructed in accordance with the rules, standards, and specifications of the Village of Commercial Point and shall be reviewed, tested, and approved by the Village Engineer prior to acceptance by the village.
- (c) Service connections shall be provided for each lot. At an intersection and a cul-de-sac turnaround, the service connections shall be installed at the time the water main is installed.
- (d) The standard minimum size of mains shall be eight-inch. Line sizes may need to be larger than the minimums to be in conformance with the proposed master plan sizes of the village or to provide the needed fire hydrant flows. Waterlines larger than 12 inches, when required by the village, will be subject to over-sizing reimbursement.
- (e) Minimum cover shall be 48 inches.
- (f) Water mains shall be laid at least ten feet horizontally from any existing or proposed sanitary sewer or force main. The distance shall be measured edge to edge. In cases where it is not practical to maintain a ten-foot separation, the village may allow deviation on a case-by-case basis as approved by the Village Engineer, provided that the bottom of the water main is at least 18 inches above the top of the sewer.
- (g) Water mains crossing sewers shall be laid to provide a minimum vertical distance of 18 inches between the outside of the water main and the outside of the sewer. This shall be the case where the water main is either above or below the sewer. At crossing, one full length of water pipe should be located so both joints will be



as far from the sewer as possible. Special structural support for the water and sewer pipes may be required. At all crossings of water mains and other utilities, compacted granular material is required between the deeper and shallower pipe.

- (h) The following requirements shall be met for fire protection.
- (1) In a residential single family area, there shall be a minimum distribution of fire hydrants on a ratio of one to each 120,000 square feet of area. The distance between fire hydrants shall not exceed 400 feet, and one hydrant shall be placed within 200 feet of the end of a cul-de-sac or dead-end street.
 - (2) In commercial, business, industrial, and multi-family areas, there shall be a distribution of public and/or private fire hydrants on a ratio of one to 80,000 square feet of area. A minimum of one hydrant shall be provided within 250 feet of every building or part thereof with a minimum of one additional hydrant within 500 feet of every building or part thereof.
 - (3) Fire hydrants shall be placed two feet clear behind the back of curb, whenever possible, or eight feet clear behind the edge of pavement in uncurbed streets. Fire hydrants shall be placed a minimum of 40 feet from buildings protected whenever possible.
 - (4) Fire hydrants shall be located in the center of the frontage of any proposed lot.
 - (5) Computations may be required to verify that the minimum fire hydrant flow in the proposed improvement meets the requirements for the appropriate insurance ratings. The computations shall be based on a Hazen Williams coefficient of 100. For residential, (single family) areas, the fire flow should be 1,000 gpm at 20 pounds per square inch (psi). For industrial, multi-family, or commercial areas, the fire flow should be a minimum of 2,000 gpm at 20 psi. Higher flows may be required depending on the type of



use. Fire flows shall be provided in addition to maximum daily requirements.

- (i) Valves shall be placed outside of pavement wherever practical. In general, two valves shall be installed at every main line tee, and three valves shall be placed at every main line cross. The maximum distance between main line valves shall be 1,000 feet.
- (j) At high points in water mains 12-inch diameter and larger where air can accumulate, provisions shall be made to remove the air by means of hydrants or manual air relief valves.
- (k) All tees, bends, plugs, and hydrants shall be provided with reaction blocking, tie rods, or joints designed to prevent movement. Tie rods shall be coated with epoxy or two coats of bitumastic material equal to Inertol No. 49 Thick.
- (l) Meters shall be supplied by the village and paid for by the customer.
- (m) The subdivider shall provide the village with all required Ohio EPA approvals and pay all Ohio EPA review fees.

(Ord. 04-7, passed 5-3-2004)

§ 1232.09 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 and Village Administrator shall be submitted to the Mayor prior to approval of the final plat.

- (a) (1) All sanitary sewer piping shall be extra strength vitrified clay, reinforced concrete, ductile iron, or polyvinyl chloride (minimum SDR 35). All piping 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 one-year



guarantee to assure maximum deflection of 5% has not been exceeded. Any pipe that fails this test will be replaced at the subdivider's expense.

- (2) 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 Village of Commercial Point, OEPA, and the Ohio Department of Health.
- (c) Sewage lift stations, sewage grinder pumps or individual household sewage disposal systems will be permitted only under circumstances of extreme hardship and with the approval of the Village Engineer and the Village Administrator. Where approved, such systems shall meet the standards and specifications of the Village Engineer and the Village Administrator. The developer will be required to pay all utility bills for the first year of operation.
- (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 may be used for this purpose.
- (e) Sanitary sewers shall be designed in accordance with Appendix A, Sanitary Sewer Design Criteria.
 - (1) Appendix A is based on a population density of eight and four-tenths persons per acre (single family, residential density) with a per capita flow of 100 gallons per day (gpd).
 - (2) For areas of greater population density than eight and four-tenths persons per acre, the design flow shall be determined on a basis of population instead of area.



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- (3) The sanitary sewer design shall be in accordance with the current edition of the “Ten States - Recommended Standards for Sewage Works” and the requirements of the Ohio Environmental Protection Agency (Ohio EPA).
- (f) The subdivider shall provide the village with all required Ohio EPA approvals and pay all Ohio EPA review fees.
- (g) Minimum line size shall be eight-inch. Downstream sanitary sewer pipe sizes shall be greater than or equal to the upstream size unless otherwise approved by the Village Engineer and the Village Administrator. The flow lines of pipes shall be set such that either the crown, or the eight-tenths 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 be in conformance with the master plan, the village will participate in the cost of over-sizing.
- (h) All sanitary sewer manholes shall be pre-cast concrete.
- (i) Service shall be provided to each lot. 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.
- (j) Prior to acceptance of the sewers by the village, all sanitary sewers shall be videotaped in VHS format after construction. The videotape shall remain the property of the village. The videotape shall clearly identify the location of the camera within the sewer, date and time of videotape, and be of sufficient quality to determine the condition of the sewers.

(Ord. 04-7, passed 5-3-2004)



§ 1232.10 DRAINAGE.

An adequate storm drainage system shall be provided for each subdivision. The design of the system shall be prepared using the rational method and shall be based on a minimum two 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) (1) A separate grading plan shall be submitted at a scale of one inch equals 50 feet or one inch equals 100 feet. The grading plan shall indicate ground elevations with existing and proposed contours shown at intervals of not more than five feet where the slope is greater than 10% and not more than two feet where the slope is less than 10%. Sufficient proposed elevations must be shown such as at all lot corners, and the like 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.
- (2) The minimum building elevation adjacent to the 100-year routing path shall be set a minimum of one 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.
- (b) Storm sewer requirements.
 - (1) Minimum cover for storm sewer pipe shall be one foot clear from the bottom of the curb and gutter or from the bottom of the under-drain 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 piping shall be extra strength vitrified clay, reinforced concrete, or ductile iron. Other materials may be approved at the direction of the Village Engineer. All piping 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 on a 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 400 feet before entering a curb inlet. Except, that the maximum overland drainage area tributary to any yard inlet or curb inlet shall not exceed one and one-half 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 two-year storm shall not exceed



eight feet for 30 foot wide streets and nine feet for streets wider than 30 feet. Spread calculations may be required, at the discretion of the Village Engineer.

- (10) All storm water runoff shall be conducted through storm drainage systems up to and including the equivalent of a 72 inch inside diameter pipe.
 - (11) The flow lines of pipes shall be set such that either the crown, or the eight-tenths depth points, at junctions, are at the same elevation. However, the crown of the outlet pipe may be lower.
 - (12) Where an open watercourse is 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.
 - (13) 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 outlines 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 storm water drainage design for areas up to 200 acres. Storm sewers shall be designed to carry a two-year storm flowing full $Q = CIA$, in which:
 - Q = Quantity of storm water runoff in cubic feet per second.
 - C = Coefficient of runoff (four-tenths 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 ten 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” (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 ten minutes. The minimum time of concentration to the first catch basin shall be 15 minutes.
 - (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 three feet per second (fps) in pipe. The maximum allowable velocity shall be seven fps.
 - (5) A hydraulic grade line check based on a five-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 one foot freeboard.



(3) The minimum velocity for open channels shall be two feet per second. The maximum velocity is dependent on the type of channel protection provided. The desirable minimum grade for open channel is 1%.

(4) A. The Manning “n” Values shall be as follows:

Sod or jute mat lining	0.05
Paving lining	0.015
Rock protection	0.08

B. The Village Engineer on a case-by-case basis will review Manning “n” Values for other lining materials.

(5) The minimum side slope shall be three to one for unprotected slopes and two to one 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 fringes must be shown on the improvement plans.

(e) Storm water detention.

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

<i>Increase in Two-Year Volume of Runoff</i>	<i>Control Frequency (Critical Storm)</i>	<i>Design (Critical Storm)</i>
1 - 2 Times	10-Year	
2 - 3 Times	25-Year	
3 - 4 Times	50-Year	



over 4 Times	100-Year
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- (2) The maximum allowable release rate shall be based on the two-year storm under pre-developed 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 pre-developed rate for the same frequency storm, for storms up to and including the 100-year storm.
- (3) Appendix B, Total Runoff Volume Computations Worksheet, should be used to determine pre-developed and postdeveloped runoff volumes, runoff volumes for critical storm, and required detention volume calculations.
- (4) Detention basins shall be lined with riprap or other bank protection as approved by the Village Engineer, extending at least three feet horizontally and two feet vertically from the established water table line. Soils information shall be provided to demonstrate the retention basin will be impervious. All wet basins shall have fountains approved by the legislative authority. Dry basins must have concrete channels to handle low flows.
- (5) Detention basins shall have a minimum 1% slope.
- (6) All control facilities shall be designed with overflow provisions to handle the developed 100-year discharge.

(Ord. 04-7, passed 5-3-2004; Am. Ord. 2005-16, passed 8-1-2005; Am. Ord. 2005-21, passed 9-12-2005)

§ 1232.11 BRIDGES.

Bridges over walkways or watercourses shall be designed to ODOT standards. Calculations shall be submitted to the Village Engineer to demonstrate that these standards have been met.

(Ord. 04-7, passed 5-3-2004)



§ 1232.12 EROSION AND SEDIMENTATION CONTROL.

- (a) Measures shall be taken to minimize erosion and its impacts during subdivision construction activity. Detailed erosion control plans 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 it. All erosion control devices shall be in place at the start of construction and other measures implemented according to the approved time schedule.
- (b) 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 approved by the Village Engineer based on site conditions and the requirements of the Soil Conservation Service Handbook "Water Management and Sediment Control for Urbanizing Areas."

(Ord. 04-7, passed 5-3-2004)

§ 1232.13 LANDSCAPING.

- (a) All improved areas within dedicated street rights-of-way shall be graded, top soiled, 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 the 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, the subdivider shall provide the following per lot: one shade tree, one and one-half to two inch (maple family); two shrubs, three to four feet (pyramidal evergreens); two shrubs, two to three feet



(flowering shrubs); four shrubs 18 to 24 inches (spreading evergreens); and 12 bags of mulch.

- (c) The subdivider shall be responsible for the establishment of required trees and such responsibility shall extend for one year from the date of original planting. A bond shall be posted to ensure the planting and replacement of trees. The amount of the bond shall be based on the estimated costs of planting and establishing the required trees, and may be reduced as trees are planted. The legislative authority may require a tree buffer or landscaped mound between adjoining properties.

(Ord. 04-7, passed 5-3-2004; Am. Ord. 2005-16, passed 8-1-2005; Am. Ord. 2005-21, passed 9-12-2005)

§ 1232.14 SUBDIVISION INFORMATION SIGNS.

The developer of such subdivision, other than a minor subdivision, shall erect on the site of the subdivision, informational signs meeting the following criteria.

- (a) The signs shall be placed at each entrance to the subdivision so as to be clearly visible from the public streets providing access to the subdivision and located in accordance with the Zoning Code.
- (b) The signs shall be erected prior to the start of construction and shall remain until all of the lots have been sold, unless prior permission to remove them is granted by the legislative authority.
- (c) The signs shall be four square feet in size, of materials and design as approved by the Zoning Inspector, and shall state the name (and phase, if applicable) of the subdivision.
- (d) Maintenance of the sign shall be the responsibility of the developer.

(Ord. 04-7, passed 5-3-2004; Am. Ord. 2005-16, passed 8-1-2005; Am. Ord. 2005-21, passed 9-12-2005)



§ 1232.15 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 one foot for each two and one-half 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 90% dry density or greater, to within four inches of finished grade.
- (c) *Retaining walls.*
 - (1) Retaining walls may be required whenever topographic conditions warrant or where necessary to retain fill or cut slopes within the right-of-way.
 - (2) Such improvements shall require the approval of the Village Engineer.
(Ord. 04-7, passed 5-3-2004)

§ 1232.16 PUBLIC SITES AND OPEN SPACES.

- (a) *Relationship to comprehensive plan.* Where a proposed park or school site, as shown in the Commercial Point plan, is located in whole or in part within a proposed subdivision, the legislative authority may require the following:
 - (1) The dedication of all or part of the proposed site to the public, as discussed below; or
 - (2) Reservation of the site for a period of up to three years to enable acquisition by the appropriate agency.
- (b) *Minimum dedication requirements.*
 - (1) The subdivider shall be required to reserve a minimum of 5% of the total area of the land included in the proposed plat as permanent open space.



The open space shall either be dedicated to a public agency, which has expressed a desire, to accept and maintain the open space, or shall be transferred to a private association or entity. 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 plat shall also state that residents of the proposed subdivision shall not be denied access to the open space.

- (2) Land proposed for open space shall be suitable for recreational purposes. The legislative authority shall have the authority to determine whether or not the proposed open space and maintenance provisions are acceptable. Lands used for sewage, retention ponds and/or other utilities shall not be considered open space for the purposes of this title.
- (3) Under special circumstances, a developed open space of less than 5% of the total area may be accepted.

(c) *Payment in lieu of dedication.*

- (1) Where the legislative authority determines that open space dedication is not desirable within a proposed subdivision, the subdivider shall be required to pay an amount equal to 5% of the total value of the land within the proposed subdivision of the Village of Commercial Point.
- (2) The total value of the land proposed for subdivision shall be as shown on current tax records.
- (3) The payment in lieu of dedication shall be placed in a separate fund to be used by the Village of Commercial Point only for the purposes of open space acquisition or improvement of public open space and recreational facilities for the benefit of the residents of the village.

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



(Ord. 04-7, passed 5-3-2004; Am. Ord. 2005-16, passed 8-1-2005; Am. Ord. 2005-21, passed 9-12-2005)

§ 1232.17 SEWAGE DISPOSAL AND WATER SUPPLY.

The general policy is connection to village central sewer and water systems and shall be required for all subdivisions within the Village of Commercial Point.

(Ord. 04-7, passed 5-3-2004)

§ 1232.18 VARIANCES AND REVISIONS.

(a) *Criteria.* Where the legislative authority finds that extraordinary hardships may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these regulations 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 these regulations; and further provided the legislative authority shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
- (2) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
- (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out; and



- (4) Variances contrary to other applicable guidelines and ordinances shall not be granted.
- (b) *Conditions.* In approving variances, the legislative authority may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
(Ord. 04-7, passed 5-3-2004; Am. Ord. 2005-16, passed 8-1-2005; Am. Ord. 2005-21, passed 9-12-2005)

§ 1232.19 PLATTED EASEMENTS.

The following standards shall govern the provision of easements.

- (a) Where a subdivision is traversed by a water course, drainage-way, channel, storm conduit or stream, there shall be provided to the village, a storm water 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 ten feet in widths 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) Utility or drainage 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 seven and one-half 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 seven and one-half 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 legislative authority. 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.

(Ord. 04-7, passed 5-3-2004; Am. Ord. 2005-16, passed 8-1-2005; Am. Ord. 2005-21, passed 9-12-2005)

§ 1232.20 PRIVATE UTILITIES.

All utilities (including, but not limited to, gas, electric, telephone, and CATV cables) shall be located underground throughout the subdivision. Wherever existing utility facilities are above ground, unless otherwise stipulated by the Village Engineer, they shall be placed underground.

(Ord. 04-7, passed 5-3-2004)

§ 1232.21 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, the legislative authority 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 the 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 the impact.



- (b) Furthermore, the Village Engineer may require wellhead protection easements in accordance with the wellhead protection plan report on file with the Village Administrator.

(Ord. 04-7, passed 5-3-2004; Am. Ord. 2005-16, passed 8-1-2005; Am. Ord. 2005-21, passed 9-12-2005)

§ 1232.22 FENCES.

When considered necessary to protect the residents of the village, the residents of a new subdivision, or for the protection of adjacent properties, the legislative authority, may require any developer of a new subdivision within the village to construct a fence or fences between the subdivision and one or more adjacent properties. The Council shall determine the location of the fence or fences, and all such fences shall be at least five feet in height as shall be determined by the Council. Any such fence or fences may be temporarily removed when necessary for construction or other purposes, but all such fences shall be replaced within 48 hours after the construction is completed or the purpose for which a fence was removed has been accomplished.

(Ord. 2006-14, passed 7-10-2006)



CHAPTER 1234

Bonds, Deposits and Insurance

1234.01	General requirements	1234.03	Indemnity insurance
1234.02	Bonding requirements		

CROSS REFERENCES

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

Original plats - see Ohio R.C. 711.01 et seq.

Vacating or altering plats on application of owner - see Ohio R.C. 711.17 et seq.

Lots outside municipal boundaries - see Ohio R.C. 711.24 et seq.

Revision of plats - see Ohio R.C. 711.28 et seq.

Lost or destroyed records - see Ohio R.C. 711.34 et seq.

Street dedication and acceptance - see Ohio R.C. 723.03

§ 1234.01 GENERAL REQUIREMENTS.

Prior to final approval of any plat, the subdivider shall provide all bonds, deposits, and insurance policies.

(Ord. 04-7, passed 5-3-2004)

§ 1234.02 BONDING REQUIREMENTS.

- (a) Upon approval of a final plat by the legislative authority, the subdivider shall furnish a performance bond or other acceptable security to the Village Fiscal Officer prior to endorsement of the plat by the Village Mayor.
- (b) The bond shall be in one of the following forms:



- (1) A. The subdivider shall deposit a cash security with a local bank in the amount of 100% of the estimated cost of the improvements (storm sewers, sanitary sewers, water lines, pavements, landscaping, and the like, excluding sidewalks). The security shall be in favor of the Village of Commercial Point 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 the improvements to the subdivider only with the approval of the Village Engineer, who may require a balance to be maintained which in his or her opinion is sufficient to complete the 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 the improvements by the legislative authority.
- B. The Village Administrator, Zoning Inspector, and the Village Engineer, in consultation with the subdivider, shall establish a time period for the completion of required improvements. In the event the improvements are not constructed within the designated time period and not maintained, the legislative authority shall have the option after 30 days written notice to the subdivider to complete and maintain the improvements and to collect and receive from the local bank any remaining balance of the deposit to be applied toward payment of costs and expenses of completing the improvements.
- (2) A. The subdivider may furnish a corporate surety bond to the Village Fiscal Officer in the principal amount of the estimated cost of the improvements with surety to the satisfaction of the Mayor and the legislative authority, in such a form approved by the solicitor, guaranteeing completion and maintenance of the improvements



according to plans, profiles and specifications and to the satisfaction of the Village Engineer. The bond shall remain in effect until the improvements have been completed and maintained as provided in these regulations and released by the legislative authority. The bond shall provide that upon default of performance by the subdivider, the village may complete the same after 30 days written notice.

- B. In addition to the required performance bond, the Village Engineer may require a restoration bond. The 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 the bond shall be as determined by the Village Engineer based on his or her 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 subdivider is aggrieved by a decision of the Village Engineer, he or she may appeal the decision to the legislative authority.

(Ord. 04-7, passed 5-3-2004; Am. Ord. 2005-16, passed 8-1-2005; Am. Ord. 2005-21, passed 9-12-2005)

§ 1234.03 INDEMNITY INSURANCE.

A policy of indemnity insurance in the amount of five hundred thousand dollars/one million dollars (\$500,000.00/\$1,000,000.00) personal liability and one million dollars (\$1,000,000.00) 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 legislative authority.

(Ord. 04-7, passed 5-3-2004)



CHAPTER 1236

Fees

- 1236.01 Fees Appx. A Sanitary Sewer Design Criteria.
Appx. B Runoff Volume Computation Worksheet and Data
Appx. C Standard Drawings
Appx. D General Notes to be Included on Detailed Plans (As
Applicable).
Appx. E Subdivision Plat Wording and Approval Block

CROSS REFERENCES

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

Original plats - see Ohio R.C. 711.01 et seq.

Vacating or altering plats on application of owner - see Ohio R.C. 711.17 et seq.

Lots outside municipal boundaries - see Ohio R.C. 711.24 et seq.

Revision of plats - see Ohio R.C. 711.28 et seq.

Lost or destroyed records - see Ohio R.C. 711.34 et seq.

Street dedication and acceptance - see Ohio R.C. 723.03

§ 1236.01 FEES.

Subdividers shall be responsible for payment of the following fees, which shall be submitted with the plats. These fees are subject to review and revision by the Planning Commission and the legislative authority.

- (a) For processing of a preliminary subdivision plat, the sum of four hundred dollars (\$400.00), plus five dollars (\$5.00) per lot for each plat.



- (b) For processing of a final subdivision plat and final improvement plans, the sum of two hundred dollars (\$200.00), plus ten dollars (\$10.00) per lot, plus 2% of the estimated construction cost.
- (c) For processing of minor subdivision plats that require improvement plans, 2% of the estimated construction cost (six hundred dollars (\$600.00) minimum).
- (d) For processing of minor subdivision plats that do not require improvement plans, the sum of four hundred dollars (\$400.00), plus ten dollars (\$10.00) per lot.
- (e) Processing of resubmitted final plats are subject to a fee of five dollars (\$5.00) per lot. Processing of resubmitted improvement plans are subject to a fee of up to 50% of the original fees.
- (f)
 - (1) A retainer for all inspection fees, supervision, and testing of materials, in the amount of 5% of the cost of construction of the required improvements based upon the subdivider's detailed estimate of the cost as approved by the Village Engineer. The fee shall be paid prior to recordation of the plat.
 - (2) If the inspection, supervision, and testing fees are anticipated to exceed the retained amount, an additional amount will be required to be deposited. Any of these amounts remaining at the completion of construction will be returned to the subdivider.
 - (3) Tests performed for the village by commercial laboratory to verify compliance with construction standards shall be billed to the subdivider at the rates as charged by the laboratory.
- (g) If the fees collected for processing of plats exceed the costs incurred by the village, the balance will be returned to the subdivider.

(Ord. 04-7, passed 5-3-2004; Am. Ord. 2005-16, passed 8-1-2005)



APPENDIX A

Sanitary Sewer Design Criteria

Data:

Use: OEPA Peaking Factor

8.4 people per acre

100 gallons per capita per day

Infiltration at 0.1 cfs per 100 acres

Peak Flow = Ave. Flow (840 gal. Per acre) X Peak Factor +
Infil.

<i>Average</i>	<i>Gpd Ave. Flow</i>	<i>Gpd. Peak Factor</i>	<i>Gpd Infiltration</i>	<i>Gpd Peak Flow</i>	<i>Cfs Peak Flow</i>
10	8,400	6.8	6,463	63,583	0.10
20	16,800	6.7	12,926	125,486	0.19
30	25,200	6.3	19,389	178,149	0.28
40	33,600	6.0	25,852	227,452	0.35
50	42,000	5.8	32,315	275,915	0.43
60	50,400	5.7	38,778	326,058	0.50
70	58,800	5.5	45,241	368,641	0.57
80	67,200	5.4	51,704	414,584	0.64



<i>Average</i>	<i>Gpd Ave. Flow</i>	<i>Gpd. Peak Factor</i>	<i>Gpd Infiltration</i>	<i>Gpd Peak Flow</i>	<i>Cfs Peak Flow</i>
90	75,600	5.3	58,167	458,847	0.71
100	84,000	5.2	64,630	501,430	0.78
125	105,000	5.0	80,788	605,788	0.94
150	126,000	4.8	96,945	701,745	1.09
175	147,000	4.7	113,103	804,003	1.24
200	168,000	4.6	129,260	902,060	1.40
225	189,000	4.4	145,418	977,018	1.51
250	210,000	4.3	161,575	1,064,575	1.65
275	231,000	4.2	177,733	1,147,933	1.78
300	252,000	4.1	193,890	1,227,090	1.90
350	294,000	4.0	226,205	1,402,205	2.17
400	336,000	3.9	258,520	1,568,920	2.43
450	378,000	3.8	290,835	1,727,235	2.67
500	420,000	3.7	323,150	1,877,150	2.90
600	504,000	3.7	317,780	2,252,580	3.49
700	588,000	3.6	452,410	2,569,210	3.98
800	672,000	3.5	517,040	2,869,040	4.44
900	756,000	3.5	581,670	3,227,670	4.99
1,000	840,000	3.4	646,300	3,502,300	5.42



<i>Average</i>	<i>Gpd Ave. Flow</i>	<i>Gpd. Peak Factor</i>	<i>Gpd Infiltration</i>	<i>Gpd Peak Flow</i>	<i>Cfs Peak Flow</i>
1,200	1,008,000	3.3	775,560	4,101,960	6.35
1,400	1,176,000	3.3	904,820	4,785,620	7.40
1,600	1,344,000	3.2	1,034,080	5,334,880	8.25
1,800	1,512,000	3.1	1,163,340	5,850,540	9.05
2,000	1,680,000	3.0	1,292,600	6,332,600	9.80

(Ord. 04-7, passed 5-3-2004)

APPENDIX B

RUNOFF VOLUME COMPUTATION WORKSHEET AND DATA

Drainage Area (DA) ___ acres	Design Storm Frequency ___ Year
Land Use Conditions	___ Present (Undeveloped)
(Check One)	___ Future (Developed)

Sub-Area Area	(1) Land Use Description (Ohio Supplement - TR-55, Table OH3)	(2) Hydrologic Soil Group	(3) Area (acres)	(4) Runoff Curve Number (Ohio Supplement - TR- 55, Table OH3)	Column (3) x (4)



		Total (3) =	Total (5) =
--	--	-------------	-------------

Weighted Runoff Curve Number	=	Total Column (5)	=	=	
		Total Column (3)			

Nearest Whole Runoff Curve Number (CN) =

Design Storm Frequency _____ year Rainfall Depth _____ inches (see below)

Direct Runoff Depth _____ inches (Ohio Supplement Figure OH-2)

Total Runoff Volume = Runoff Depth x Drainage Area

= Inches x _____ acres 1-1/12

= _____ acre-feet

= _____ x 43,560 = _____ cubic feet



<i>Rainfall Depth</i>	
<i>Frequency</i>	<i>24-Hour Rainfall Depth In Inches</i>
1	2.3
2	2.6
5	3.3
10	3.8
25	4.3
50	4.7
100	5.0

Supplemental Runoff Curve Numbers

<i>Land Use and Treatment Description</i>	<i>Curve Number by Hydrologic Soil Group</i>			
	A	B	C	D
Agricultural Areas:				
Row Crops:				
Straight row - poor condition	72	81	88	91
Straight row - good condition	67	78	85	89



<i>Land Use and Treatment Description</i>	<i>Curve Number by Hydrologic Soil Group</i>			
	A	B	C	D
Contoured - poor condition	70	79	84	88
Contoured - good condition	65	75	82	86
Contoured and terraced - poor condition	66	74	80	82
Contoured and terraced - good condition	62	71	78	81
Small Grain:				
Straight row - poor condition	65	76	84	88
Straight row - good condition	63	75	83	87
Contoured - poor condition	63	74	82	85
Contoured and terraced - poor condition	61	73	81	84
Contoured and terraced - good condition	59	70	78	81
Close Seeded Legumes or Rotation Meadow:				
Straight row - poor condition	66	77	85	89
Straight row - good condition	58	72	81	85
Contoured - poor condition	64	75	83	85
Contoured - good condition	55	69	78	83
Contoured and terraced - poor condition	63	73	80	83
Contoured and terraced - good condition	51	67	76	80
Pasture - fair condition	49	69	79	84
Woods - fair condition	36	60	73	79



<i>Land Use and Treatment Description</i>	<i>Curve Number by Hydrologic Soil Group</i>			
	A	B	C	D
Farmsteads	59	74	82	86
Urban Areas: Development under way vegetation established. <u>1/</u>				
Newly graded area	81	89	93	95
Row houses, town houses, and residential				
Areas with lot sizes 1/8 acre or less	93	96	97	98
Residential:				
1/4 acre lots	88	93	95	97
1/2 acre lots	85	91	94	96
1 acre lots	82	90	93	95
2 acre lots	81	89	92	94
<u>1/</u> These CN are suitable for the design of temporary measures during grading and construction.				
Land Use Description				
Urban Areas: Development completed and vegetation established.				
Residential:				
Row houses and town houses	80	85	90	95
2 acre lots	47	66	77	82
Streets and Roads:				
Paved with open earth ditches	83	89	92	93



<i>Land Use and Treatment Description</i>	<i>Curve Number by Hydrologic Soil Group</i>			
	A	B	C	D
NOTE: The curve numbers for urban areas include an accounting for streets and roads in the proportion that they generally occur in the various sized lot plats.				

<i>Land Use and Treatment Description</i>	<i>Curve Number by Hydrologic Soil Group</i>			
	A	B	C	D
References - SCS National Engineering Handbook, Section 4				
- SCS Engineering Field Manual, Chapter 2				

Example Problem #1 - Computation of Runoff Curve Number

Given:

Watershed soils - 30% Crosby and 70% Kokomo
(undrained) evenly dispersed throughout the watershed.

Land use - 20% Row crops, straight row, good condition
30% woods, poor condition
40% residential, 1/4 acre lots
10% parking lots and roof

Find:

Composite CN for watershed.



Solution:

Hydrologic Soil Groups (Table OH-2)

Crosby - C

Kokomo - D (undrained)

Land Use	"C" Soils			"D" Soils			Weighted CN
	%	CN	Product	%	CN	Product	
Raw Crops	6	85	5.10	14	89	12.46	
Woods	9	77	6.93	21	83	17.43	
Residential	12	83	9.96	28	87	24.36	
Parking Lots, roofs	3	98	<u>2.94</u>	7	98	<u>6.86</u>	
			24.93			61.11	86.04

Round CN to nearest whole number.

Use CN = 86

(Ord. 04-7, passed 5-3-2004)



APPENDIX C

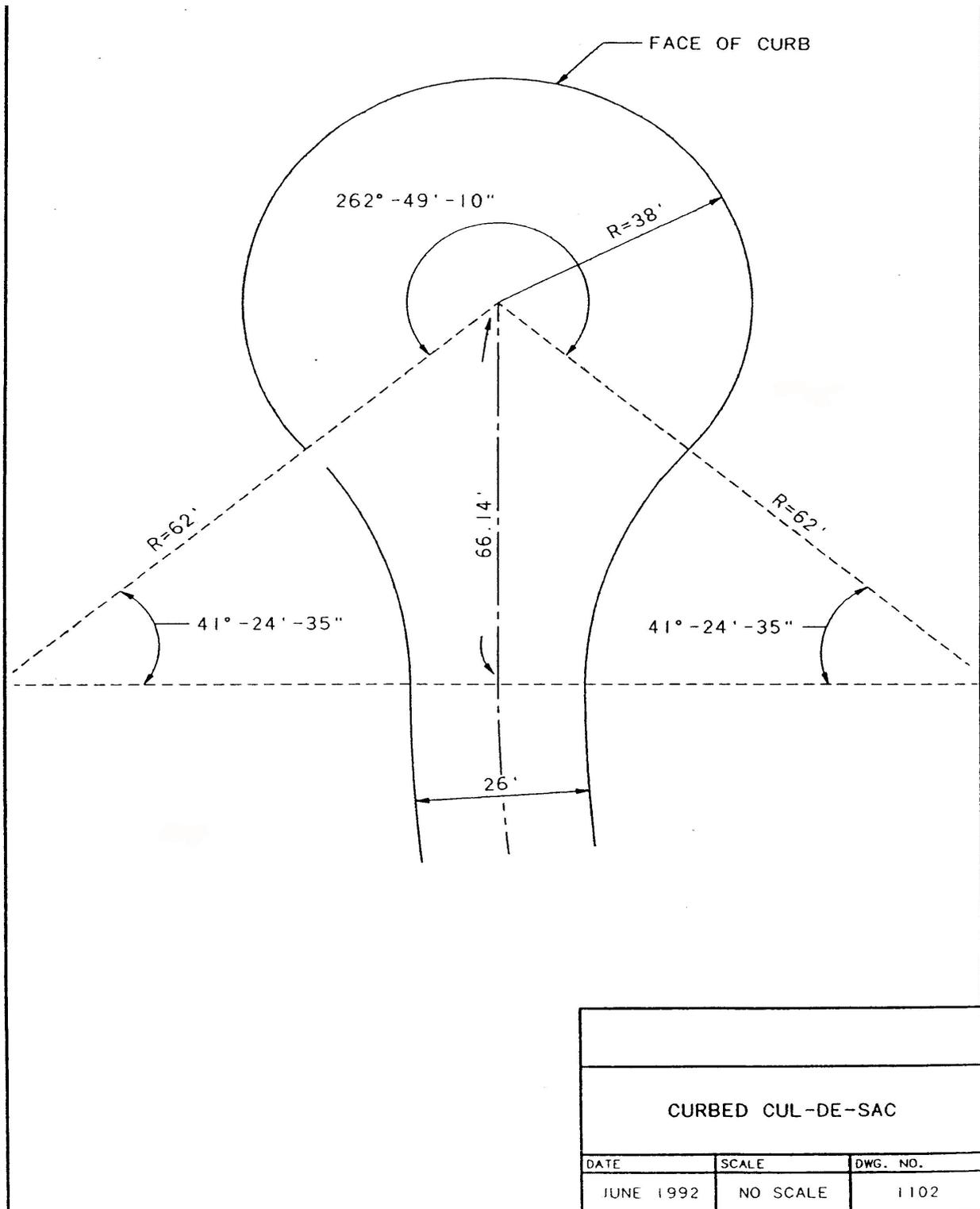
Standard Drawings

<i>Index of Standard Drawings</i>	
<i>Drawing</i>	<i>Drawing Number</i>
26 Foot Pavement Section with Curb and Gutter - Cul-de-sac	1048
30 Foot Pavement Section with Curb and Gutter - Local Street	1050
36 Foot Pavement Section with Curb and Gutter - Collector and Minor Arterial Streets	1052
52 Foot Pavement Section with Curb and Gutter	1054
Typical Asphalt Section Without Curb	1056
"T" Turn-a-round	1100
Curbed Cul-de-sac	1102
Eyebrow Typical Section	1106
Cul-de-sac Joint Spacing Details	1107
Standard Residential Driveway Approach Using Combined Curb and Gutter	1200
Standard Residential Driveway Approach (Unimproved Street)	1205
Concrete Combined Curb and Gutter	1250
Standard Catch Basin	1300

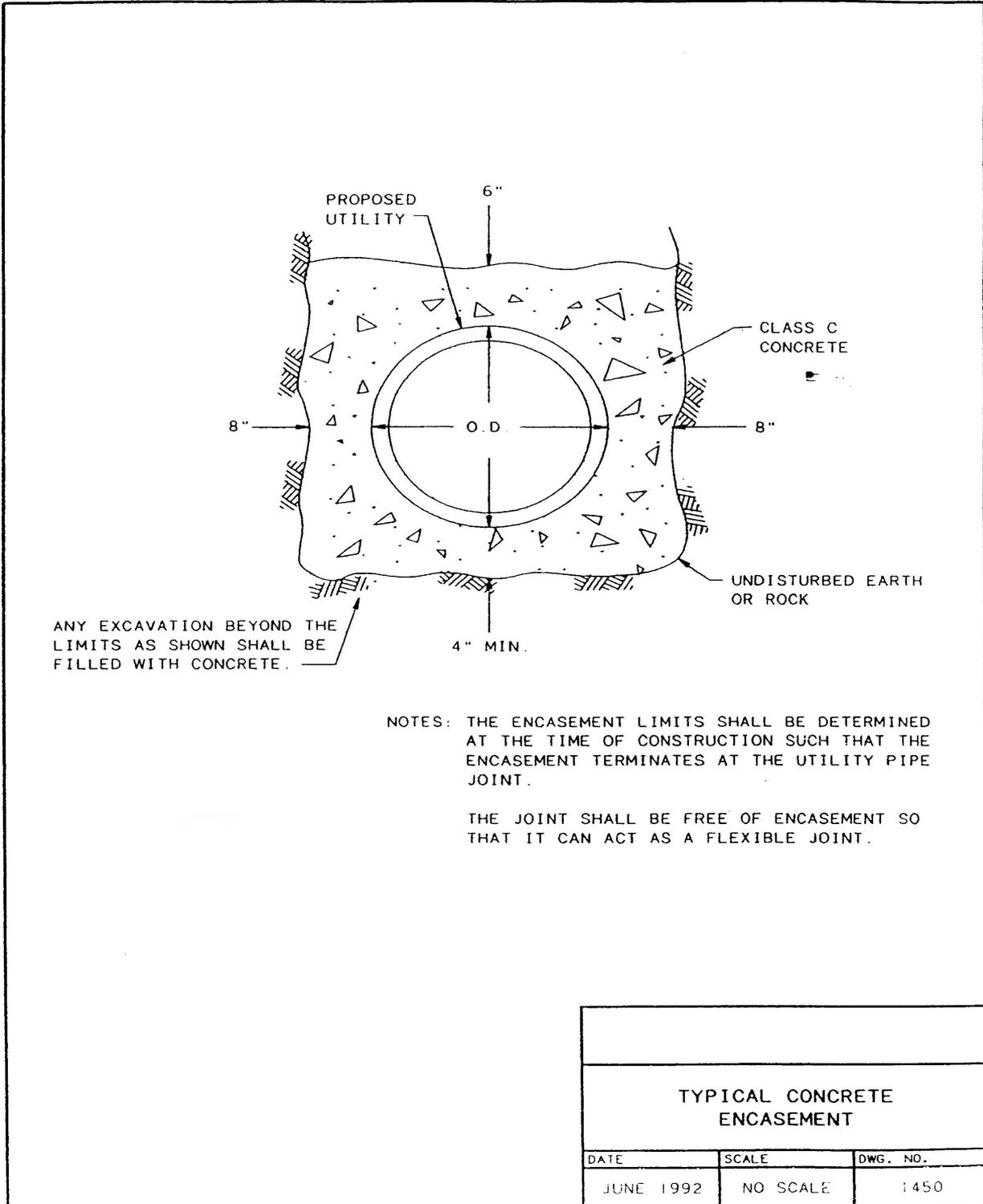


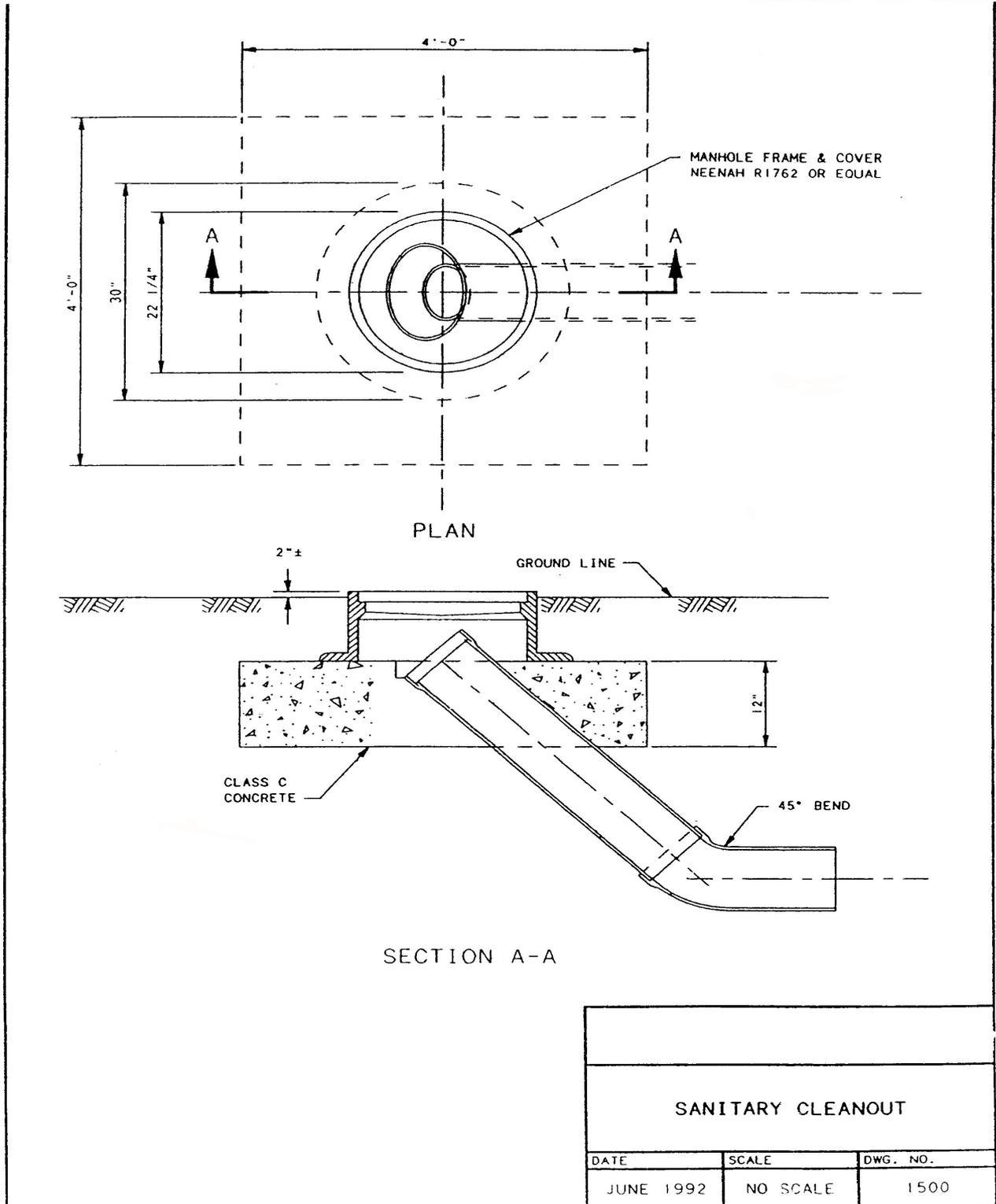
<i>Index of Standard Drawings</i>	
<i>Drawing</i>	<i>Drawing Number</i>
Standard Catch Basin (24 inch Side Inlets)	1302
Curb and Gutter Inlet	1304
Standard Wheelchair Ramp	1350
Standard Sidewalk	1355
Permanent Pavement Replacement over Trenches	1400
Temporary Pavement Replacement	1402
Concrete Encasement	1450
Pipe Culvert Headwalls	1455
Sanitary Cleanout	1500
Water Service Detail	1600

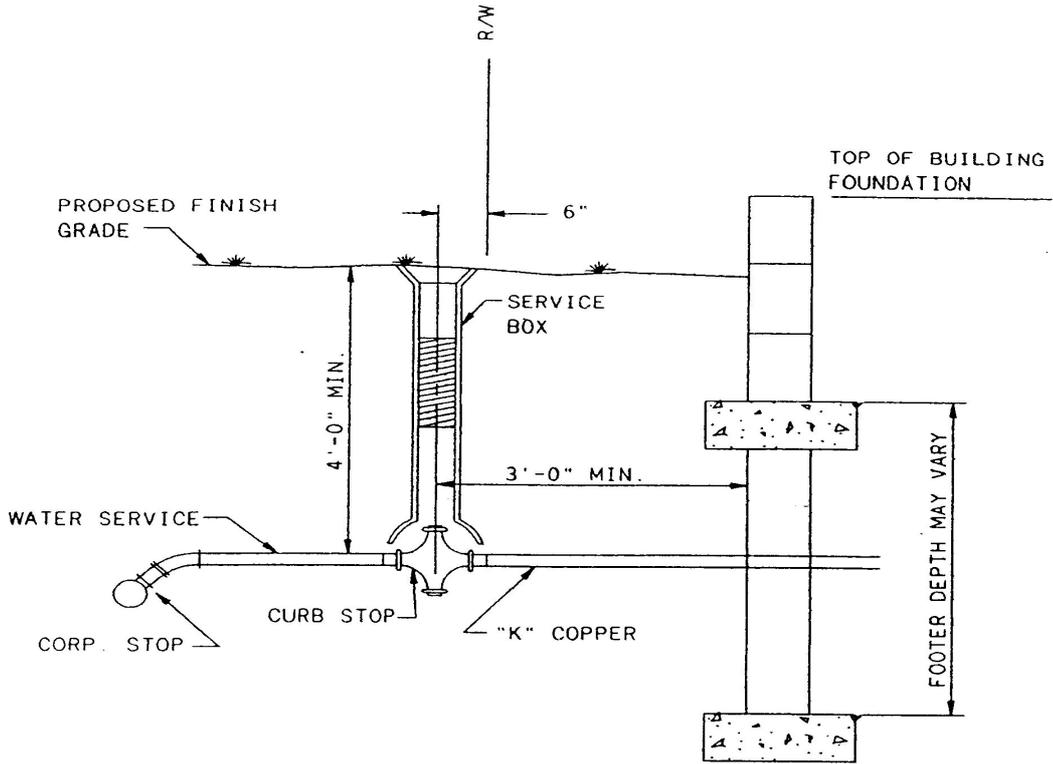
(Ord. 04-7, passed 5-3-2004)











NOTE: MINNEAPOLIS PATTERN TYPE CURB STOP WITH STEM AND BOX (2" OR LESS)
HEAVY DUTY BUFFALO TYPE CURB BOX (LARGER THAN 2")

WATER SERVICE DETAIL		
DATE	SCALE	DWG. NO.
JUNE 1992	NO SCALE	1600



APPENDIX D

General Notes

- (a) The Village of Commercial Point requirements together with the latest edition of the City of Columbus, construction and material specifications (C.M.S.C.) shall govern all construction items that are a part of this plan, unless otherwise noted. If there are any discrepancies, the Village of Commercial Point requirements shall govern. All field testing shall be the responsibility of the contractor (material composition, material compaction, concrete testing, and the like).
- (b) Any modification to the specifications or changes to the work as shown on these drawings must have prior written approval of the Commercial Point Village Engineer.
- (c) 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.
- (d) The contractor shall notify the Village of Commercial Point Administrator's office (614-877-9248) at least three working days prior to the commencement of any construction.
- (e) The contractor shall obtain all necessary permits, prior to construction.
- (f) 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 as directed by the engineer to provide sufficient clearance between the proposed and existing utilities. The contractor shall call, toll free, the Ohio Utilities Protection Service (1-800-362-2764) three working days prior to work in the vicinity of their underground lines.

- (g) The following utilities and owners are located within the work limits of this project and do not subscribe to a registered underground utility service:

<i>Utilities</i>	<i>Owner</i>	<i>Telephone</i>
Sanitary Sewer & Water Facilities	Village of Commercial Point	614-877-9248

- (h) Any property corner pins or permanent survey markings disturbed during construction shall be reset by a registered surveyor at the contractor's expense.
- (i) The tracking of spillage of mud, dirt, or debris upon village streets is prohibited and any such occurrence shall be cleaned up immediately by the contractor.
- (j) 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.
- (k) The contractor shall be responsible for maintaining mail service in the construction area.
- (l) 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.



-
- (m) The contractor shall exercise extreme caution when excavating in the vicinity of existing trees, taking all measures possible to protect and preserve them. The contractor shall be governed by the provisions of his or her contract with the owner.
 - (n) 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 Engineer.
 - (o) 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.
 - (p) All traffic control devices shall be furnished, erected, maintained, and removed by the contractor in accordance with the "Ohio Manual of Traffic Control Services for Construction and Maintenance Operations" (current edition), copies of which are available from the Ohio Department of Transportation, Bureau of Traffic, 25 South Front Street, Columbus, Ohio 43215.
 - (q) 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.
 - (r) All traffic lanes shall be fully open to traffic on _____ (Street/Drive) from 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. One lane may be closed to traffic during working hours and on _____ (Street/Drive).
 - (s) All trenches shall be backfilled or securely plated during nonworking hours.
 - (t) Access to all adjoining properties shall be maintained at all times.
 - (u) The developer/owner shall, prior to any construction operation, deposit with the Village of Commercial Point, a retainer for all inspection fees, supervision, and testing of materials in the amount of 5% of the estimated construction cost.



- (v) All site clearing (tree removal, fence removal, and the like) shall be performed by the owner at his or her expense prior to construction of this project.
- (w) All areas within the public right-of-way, that are disturbed by this project, shall be restored to original or better condition, per item 623 (seeding and mulching) or other applicable specifications.
- (x) At all utility crossings, the backfill shall consist of compacted granular material in accordance with item 912 of the C.M.S.C. 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 of the C.M.S.C. extending at least three feet beyond the back of curb or edge of pavement. Cost is to be included in the price bid for related pipe.
- (y) In the event excavation for the street is from zero inches to six inches below that called for on the plans, the contractor shall replace this excess excavated material with compacted 46D crushed aggregate as directed, and at no extra cost to the owner.
- (z) Curb inlets, manholes, and catch basins shall be channeled as directed.
- (aa) The contractor shall provide two roof drain openings in the curb for each lot, each opening located not more than four feet in from each lot line
- (bb) 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.
- (cc) The developer shall enter into an agreement with the Village of Commercial Point prior to constructing any utility extensions.
- (dd) 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 inches.
- (ee) In the event that it becomes necessary for the village to perform work of an immediate nature (such as the placement of barricades or replacement of signs or other warning or protective devices) required of the contractor by this contract



because of failure or refusal of the contractor to perform such work, the contractor shall reimburse the village at the rate of two and one-half times the actual cost of labor, materials, and equipment necessary to perform such work. The village shall be required to notify or attempt to notify the designated representative of the contractor of the necessity to perform such work. If the contractor refuses or fails within a reasonable time to perform or cause the performance of 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 hour from the time of notification by the village.

- (ff) Prior to the construction of the streets, soil tests shall be made on all sanitary sewers and designated storm sewer trenches which cross the proposed pavements or which lay such that the proposed pavements are located within any part of the influence line of the trench. Where the results indicated that the trench backfill does not meet the compaction requirements of 912.03 of the construction and material specifications, all backfill material shall be removed, replaced, and retested until compaction meets requirements of 912.03.
- (gg) Erosion control measures in accordance with the requirements of the soil conversation handbook "Water Management and Sediment Control for Urbanizing Areas" are required.

General Notes (Sewers)

- (a) Roof drains, foundation drains, and other clean water connections to the sanitary sewer system are prohibited on this project.
- (b) All sewers constructed under this plan shall meet the requirements of the Village of Commercial Point specifications.



-
- (c) The minimum requirements for sanitary sewer pipe shall be extra strength clay pipe C 700, or PVC plastic sewer pipe ASTM D-3034, SDR 35.
 - (d) 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 the Village of Commercial Point construction and material specifications.
 - (e) Pipe for all six inch house services shall be vitrified clay pipe C700 (joints C 425 Type 111) or PVC plastic sewer pipe, ASTM D-3034, SDR 35. All service extensions shall be laid at a minimum grade of one-fourth inch per foot and shall be constructed at the time of construction of the main sewer, unless otherwise directed by the engineer.
 - (f) Approved Y-poles made of two inch by two inch 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.
 - (g) Service risers, Item 914, shall be installed where depths from wyes to the existing or proposed elevations exceed 10 feet. The top of the risers shall be $9\pm$ feet below the existing or proposed surface elevation, whichever is higher. 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.
 - (h) The wye locations shown on the plans are approximate and shall be field located during construction to serve the individual structures.
 - (i) 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.
 - (j) The contractor shall install a temporary bulkhead where directed on the plans prior to construction of the proposed sewers and maintain some until the sewers are accepted by the engineer.



- (k) All sanitary sewer line installed on this project using PVC pipe will be subject to deflection testing by pulling an approved mandrel equal in diameter to 95% of the pipe diameter through the pipe after pipe is backfilled and an additional mandrel test be performed just prior to expiration of the one-year guarantee.
- (l) The maximum trench width at the top of pipe barrel shall be not greater than outside diameter of pipe plus 16 inches or 30 inches, whichever is greater.
- (m) Reinforced concrete pipe and structures, and PVC pipe, shall be tested in accordance with the City of Columbus construction inspection division's quality control program at subdivider's expense. A report of the material test shall be provided to the Village Engineer. Horizontal elliptical reinforcement for concrete pipe is not acceptable.
- (n) The curb shall be marked with an "S" in front of every wye pole and a "SM" for every manhole.

General Notes - (Water Mains)

- (a) All water line materials and installations shall be in accordance with the current rules and regulations of the City of Columbus, Division of Water and the Village of Commercial Point Utilities Department. If there are any discrepancies, the Village of Commercial Point requirements shall govern.
- (b) Water mains shall be laid with a minimum of four feet-zero inches from the top of finished grade to the top of the water main.
- (c) In case of conflict in grade between water mains and sewers, the water mains shall be lowered during construction.
- (d) Maximum clearance between sanitary sewer and water lines shall be ten feet horizontal or one foot-six inches vertical outside of each pipe.



- (e) Water mains shall be deflected around structures without the use of special fittings and without exceeding the manufacturer's allowable deflection.
- (f) If the top of the operating nut for any valve is more than 36 inches below the finished grade, an extension stem shall be provided to place the operating nut between 24 inches and 36 inches of the finished grade.
- (g) The contractor shall thoroughly clean, flush, and test the water mains prior to being put in service and before acceptance by the Village of Commercial Point.
- (h) All water mains shall be disinfected in accordance with item 801.12 of the C.M.S.C. special attention is directed to applicable sections of A.W.W.A. C-601, particularly for flushing (Section 5) and for chlorinating valves and for fire hydrants (Section 7).
- (i) All cost to plug and block the ends of water mains at location shown in plan shall be included in the price bid for pipe. Standard drawing I-7001.
- (j) A tap permit for each water service tap must be obtained from the Village of Commercial Point before the taps are made into the water line. No water taps shall be sold until the water lines have been disinfected by the contractor.
- (k) Water service boxes shall be located 12 inches from the edge of proposed sidewalks between the sidewalk and the curb unless otherwise authorized by the Village of Commercial Point engineer.
- (l) On dead end water mains in cul-de-sacs, two three-fourth inch taps shall be installed within two feet of the end of the main.
- (m) Fire hydrants provided shall conform to specifications of the Village of Commercial Point. A hydrant operating wrench shall be provided with each five or fewer fire hydrants.
- (n) Water service curb boxes for services two-inch diameter and smaller shall be Minneapolis pattern, Muller H-10300, H-10302, H-10304, or equal, complete with stationary rod and lid.



- (o) The curb shall be marked with a “WV” for water valve and a “CB” for each curb box. (Ord. 04-7, passed 5-3-2004)

APPENDIX E

Subdivision Plat Wording and Approval Block

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

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 corporate on partnership act and deed) for uses and purposes therein expressed.

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



Notary Public

Approved this _____ day of _____, 20__.

Council President

Village of Commercial Point

This _____ day of _____, 20__ , rights-of-way for all roads, boulevards, and the like, herein dedicated to public use are hereby approved and accepted as such for the Village of Commercial Point, Ohio.

Mayor, Village of Commercial Point

Fiscal Officer

Village of Commercial Point

(Ord. 04-7, passed 5-3-2004)



TITLE FOUR - Zoning

- Chap. 1250. General Provisions.
- Chap. 1252. Enforcement.
- Chap. 1254. Nonconforming Uses.
- Chap. 1256. Administrative Bodies and Their Responsibilities.
- Chap. 1258. Administrative Procedures.
- Chap. 1260. Zoning Districts and Zoning Maps.
- Chap. 1262. Use Districts.
- Chap. 1264. Supplementary Regulations.
- Chap. 1266. Special Regulations.
- Chap. 1268. Definitions.



CHAPTER 1250

General Provisions

1250.01	Title	1250.03	Severability clause
1250.02	Interpretation and conflict	1250.04	Adoption

CROSS REFERENCES

Municipal zoning - see Ohio R.C. 713.06 et seq.

§ 1250.01 TITLE.

This title shall be known and may be cited as the Zoning Code of the Village of Commercial Point, Pickaway County, Ohio.
(Ord. 2100.01C, passed 11-2-1987)

§ 1250.02 INTERPRETATION AND CONFLICT.

In their interpretation and application, the provisions of this title shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. It is not intended by this title to interfere with, or abrogate, or annul any easements, covenants, or other agreements between parties unless they violate this title. When two specific provisions of this title conflict, or a provision of this title conflicts with any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards shall apply.

(Ord. 2100.01C, passed 11-2-1987)

§ 1250.03 SEVERABILITY CLAUSE.

The invalidation of any clause, sentence, paragraph or section of this title by a court of competent jurisdiction shall not affect the validity of the remainder of this title either in whole or in part.



(Ord. 2100.01C, passed 11-2-1987)

§ 1250.04 ADOPTION.

All ordinances or parts of ordinances in conflict with this Zoning Code or inconsistent with the provisions of this code are hereby repealed to the extent necessary to give this code full force and effect. This code shall become effective from and after the date of its approval and adoption, as provided by law.

(Ord. 2100.01C, passed 11-2-1987)



CHAPTER 1252

Enforcement

1252.01	Enforcement.	1252.06	Expiration of zoning permit
1252.02	Zoning permits required	1252.07	Certificate of occupancy
1252.03	Contents of application for zoning permit	1252.08	Violation
1252.04	Approval of zoning permit	1252.09	Schedule of fees, charges and expenses.
1252.05	Submission to the Director of the Department of Transportation	1252.99	Penalty

CROSS REFERENCES

Municipal zoning - see Ohio R.C. 713.06 et seq.

Violations of zoning ordinance may be enjoined - see Ohio R.C. 713.13

§ 1252.01 ENFORCEMENT.

It shall be the duty of the Zoning Inspector to enforce these regulations in accordance with the provisions hereof. All officials and public employees of the Village of Commercial Point, shall conform to the provisions of these regulations and shall issue no permit or license for any use, building, or purpose in conflict with the provisions of these regulations. Any permit or license, issued in conflict with the provisions of these regulations shall be null and void.

(Ord. 2100.01C, passed 11-2-1987)

§ 1252.02 ZONING PERMITS REQUIRED.

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefor, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the



provisions of these regulations unless the Zoning Inspector received a written order from the Board of Zoning Appeals deciding an appeal, conditional use, variance, planned unit development, or mobile home park, as provided by these regulations.

(Ord. 2100.01C, passed 11-2-1987)

§ 1252.03 CONTENTS OF APPLICATION FOR ZONING PERMIT.

(a) Three copies of an application for a zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application.

(b) 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 two and one-half years.

(c) At a minimum, the application shall contain the following information:

- (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, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any, and the location and dimensions of the proposed building(s) or alteration;
- (7) Building heights;
- (8) Number of off-street parking spaces or loading berths;
- (9) Number of dwelling units; and
- (10) Such other matters as may be necessary to determine conformance with, and provide for the enforcement of these regulations.



(Ord. 2100.01C, passed 11-2-1987)

§ 1252.04 APPROVAL OF ZONING PERMIT.

Within 30 days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of these regulations. All zoning permits shall, however, be conditional upon the commencement of work within one year. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after he or she shall have marked such copy either as approved or disapproved and attested to same by his or her signature on such copy. Two copies of plans, similarly marked, shall be retained by the Zoning Inspector. One copy retained by the Zoning Inspector shall be forwarded to the County Auditor upon issuance of a certificate of occupancy along with one copy of the application. 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 use or alteration is in conformance with the provisions of these regulations. In every case where the lot is not provided with public water supply and/or disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a certificate of approval by the health officer of Pickaway County of the proposed method of water supply and/or disposal of sanitary wastes prior to approval by the Zoning Inspector.

(Ord. 2100.01C, passed 11-2-1987)

§ 1252.05 SUBMISSION TO THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION.

Before any zoning permit is issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of the Department of Transportation or any land within a radius of 500 feet from the point of intersection of the centerline with any public road or highway, the Zoning Inspector shall give notice, by registered or certified mail to the Director of the Department of Transportation. The Zoning Inspector shall not issue a zoning permit for 120



days from the date the notice is received by the Director of the Department of Transportation. If the Director of the Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or upon the expiration of the 120 day period, or any extension thereof agreed upon by the Director of the Department of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of these regulations, issue the zoning permit.

(ORC 5511.01) (Ord. 2100.01C, passed 11-2-1987)

§ 1252.06 EXPIRATION OF ZONING PERMIT.

If the work described in any zoning permit has not begun within one year from the date of issuance thereof, the permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the person affected. If the work described in any zoning permit has not been substantially completed within two and one-half years of the date of issuance thereof, the permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted. (Ord. 2100.01C, passed 11-2-1987)

§ 1252.07 CERTIFICATE OF OCCUPANCY.

- (a) *Instances where issuance required.* It shall be unlawful to use or occupy, or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of these regulations.
- (b) *Application.* Certificates of occupancy shall be applied for coincident with the application of zoning permits, and shall be issued within ten days after notice by



the applicant that the exterior erection or structural alteration of such building shall have been completed in conformity with the provisions of these regulations.

- (c) *Temporary certificate of occupancy.* A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding six months during alterations or partial occupancy of a building pending its completion.
- (d) *Record of certificate of occupancy.* The Zoning Inspector shall maintain a record of all certificates of occupancy and a copy of any individual certificate shall be furnished upon request to any occupant or his or her legally authorized representative.

(Ord. 2100.01C, passed 11-2-1987)

§ 1252.08 VIOLATION.

- (a) *Failure to obtain a zoning permit or certificate of occupancy.* Failure to obtain a zoning permit or certificate of occupancy shall be a violation of these regulations and punishable under § 1252.99 of these regulations.
- (b) *Construction and use to be as provided in applications, plans, permits, and certificates.*
 - (1) Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction.
 - (2) Use, arrangement, or construction at variance with that authorized shall be deemed a violation of these regulations, and punishable as provided in § 1252.99 of these regulations.
- (c) *Complaints regarding violations.*
 - (1) Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint.



- (2) Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector.
- (3) He or she shall record properly such complaint, immediately investigate, and take such appropriate action thereon as may be necessary and as provided by these regulations.

(Ord. 2100.01C, passed 11-2-1987)

§ 1252.09 SCHEDULE OF FEES, CHARGES AND EXPENSES.

- (a) The Village Council shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, certificates of occupancy, appeals, and other matters pertaining to these regulations. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Village Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.
- (b) Upon request of a political subdivision or a charitable or religious institution, Council may waive, in whole or in part, any fee or charge for a zoning permit or for the filing of an application for a conditional use permit variance, or an appeal from a decision of the Zoning Inspector when the property which is the subject of the permit or application is or will be used for public purposes or for charitable or religious purposes.

(Ord. 2100.01C, passed 11-2-1987; Am. Ord. 02-6, passed 7-8-2002; Am. Ord. 02-22, passed 12-16-2002; Am. Ord. 4-10, passed 6-7-2004; Am. Ord. 2005-15, passed 9-12-2005; Am. Ord. 2007-08, passed 2-5-2007; Am. Ord. 2007-12, passed 4-2-2007)

§ 1252.99 PENALTY.

Violation of the provisions of these regulations or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of



these regulations) shall constitute a misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars (\$100.00) and in addition shall pay all costs and expenses involved in the case. Each day such violation continues, after receipt of a violation notice, shall be considered 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 village from taking such other lawful action as is necessary to prevent or remedy any violations.

(Ord. 2100.01C, passed 11-2-1987)



CHAPTER 1254

Nonconforming Uses

1254.01	Intent	1254.04	Discontinuance
1254.02	Grace period	1254.05	Reconstruction
1254.03	Substitution or extension	1254.06	Repairs and alterations

CROSS REFERENCES

Municipal zoning - see Ohio R.C. 713.06 et seq.

Retroactive zoning ordinances prohibited; nonconforming uses - see Ohio R.C.713.15

§ 1254.01 INTENT.

Within the districts established by these regulations or amendments hereinafter adopted there exist lots, structures, uses of land and structures which were lawful before these regulations were passed or amended, but which would be prohibited, regulated, or restricted under the terms of these regulations or future amendments. It is the intent of these regulations to permit these nonconformities to continue until they are removed, but not to encourage their survival.

(Ord. 2100.01C, passed 11-2-1987)

§ 1254.02 GRACE PERIOD.

Any property purchased or acquired in good faith for any nonconforming use prior to the adoption of these regulations, upon which property the work of changing or remodeling or construction of such nonconforming use has been legally commenced at the time of adoption of these regulations, may be used for the nonconforming use for which such changing, remodeling, or construction was undertaken provided that such work is completed within two years of the date of adoption of these regulations or amendment thereto making the use nonconforming.

(Ord. 2100.01C, passed 11-2-1987)



§ 1254.03 SUBSTITUTION OR EXTENSION.

- (a) A nonconforming use may be changed to another nonconforming use only by the Board of Zoning Appeals, provided:
- (1) The Board may allow another nonconforming use which is first allowed in the same use district in which the previous nonconforming use was first allowed and may allow a use permitted in a more restricted district but shall not allow a use which is first permitted in a less restricted district; and
 - (2) The Board must determine that any change of use will be no more detrimental to the neighborhood than the prior or existing use.
- (b) Except as hereinafter specifically provided, no nonconforming use, except when required to do so by law, shall be enlarged, extended, reconstructed or structurally altered.
- (1) The Board of Zoning Appeals may permit a building containing a nonconforming use to be enlarged to an extent not exceeding 25% of the ground floor area of the existing building or buildings devoted to a nonconforming use at the time of enactment of these regulations or at the time of its amendment making a use nonconforming. The Board shall not authorize any enlargement which would result in a violation of the provisions of these regulations with respect to any adjoining premises, or which would occupy ground space required for meeting the yard or other requirements of these regulations.
 - (2) No nonconforming building or structure shall be moved in whole or in part to any other location unless such building or structure and the yard and other open spaces provided are made to conform to all of the regulations of the district in which such building or structure is to be located.



- (3) The Board may authorize the expansion of nonconforming uses of open space upon the land in ownership at the effective date of these regulations, or the date of any amendments making such use nonconforming, provided that such extension is necessary and incidental to the existing properties and shall involve no structure or buildings.
- (4) Any residential structure which is nonconforming use to the fact of its being in a B-District or I-District may be enlarged, extended, reconstructed, or structurally altered provided it meets with the requirements of the least restrictive R-District.
- (c) The Zoning Inspector may upon application issue a zoning permit and occupancy permit for a mobile home which is not more than five years old and which replaces an existing nonconforming mobile home of approximately the same size and is to be placed in the same location on the lot as the existing home. In lieu of the fees required for a zoning and occupancy permit, the applicant shall pay a fee of one hundred and twenty-five dollars (\$125.00); provided that a fee of five hundred dollars (\$500.00) shall be paid if the home is to be installed on a permanent foundation that extends below the frost line.

(Ord. 2100.01C, passed 11-2-1987; Am. Ord. 2006-02, passed 5-1-2006)

§ 1254.04 DISCONTINUANCE.

- (a) A nonconforming use which has been discontinued or abandoned shall not thereafter be returned to a nonconforming use.
- (b) A nonconforming use shall be considered abandoned whenever any one of the following conditions exist:
- (1) When the intent of the owner to discontinue the use is apparent;
 - (2) When the use has been discontinued for a period of two years;
 - (3) When the nonconforming use has been replaced by a conforming use; or



- (4) When it has been changed to another nonconforming use under permit from the Village Council.

(Ord. 2100.01C, passed 11-2-1987; Am. Ord. 98-1, passed 3-3-1998)

§ 1254.05 RECONSTRUCTION.

The reconstruction of a nonconforming use which has been damaged by fire, explosion, act of God, or the public enemy, to the extent that the building must be demolished may be rebuilt provided the Village Council determines that such action would not be severely detrimental to surrounding areas.

(Ord. 2100.01C, passed 11-2-1987; Am. Ord. 98-1, passed 3-3-1998)

§ 1254.06 REPAIRS AND ALTERATIONS.

Such repairs and maintenance work as required to keep it in sound condition may be made to a nonconforming building or structure, provided no structural alterations shall be made except as required by law or authorized by the Village Council.

(Ord. 2100.01C, passed 11-2-1987; Am. Ord. 98-1, passed 3-3-1998)



§ 1256.02 VILLAGE COUNCIL AS BOARD OF ZONING APPEALS.

(a) *Proceedings of the Village Council on zoning appeals.*

- (1) The Village Council shall serve as a Board of Zoning Appeals for the village and in such capacity shall organize and adopt rules in accordance with these zoning regulations.
- (2) Meetings of the Village Council in its capacity as a Board of Zoning Appeals shall be held at the call of the President of Council. The President of Council, or in his or her absence, the President Pro-Tempore, may administer oaths, and the Village Council may compel the attendance of witnesses. All meetings of the Village Council while serving as a Board of Zoning Appeals shall be open to the public. The Clerk of the Village Council 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 preserved and maintained by the Clerk as public record.

(b) *Duties of the Village Council while acting as a Board of Zoning Appeals.*

- (1) In exercising its duties on hearing zoning appeals, the Village Council may, as long as such action is in conformity with the terms of these regulations, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken.
- (2) The concurring vote of a three-fourths majority of the members of the Council shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant



of any matter upon which it is required to pass under these regulations or to effect any variation in the application of these regulations.

(3) For the purposes of these regulations the Council has the following specific responsibilities:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the Zoning Inspector;
- B. To authorize such variance from the terms of these regulations as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of these regulations will result in unnecessary hardship, and so that the spirit of these regulations shall be observed and substantial justice done;
- C. To grant conditional zoning permits as specified elsewhere in these regulations and under the conditions specified and such additional safeguards as will uphold the intent of these regulations; and
- D. To authorize the issuance of a zoning permit for planned unit developments after recommendation if the Council finds the proposed planned unit development is consistent with the intent of these regulations.

(c) *Duties of the Zoning Inspector, Village Council on zoning appeals, legislative authority and courts on matters of appeal.* It is the intent of these regulations that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Council only on appeal from the decision of the Zoning Inspector, and that recourse from the decision of the Council shall be to the courts as provided by law.

(Ord. 2100.01C, passed 11-2-1987; Am. Ord. 98-1, passed 3-3-1998; Am. Ord. 2005-17, passed 8-1-2005)



CHAPTER 1258

Administrative Procedures

1258.01	Procedures for amendment or district changes	1258.03	Procedures and requirements for approval of conditional uses.
1258.02	Procedures and requirements for appeals and variances	1258.04	Procedures and requirements for approval of planned unit development

CROSS REFERENCES

Municipal zoning - see Ohio R.C. 713.06 et seq.

Notice and hearing on Municipal zoning regulations - see Ohio R.C. 713.12

§ 1258.01 PROCEDURES FOR AMENDMENT OR DISTRICT CHANGES.

These regulations may be amended by utilizing the procedure specified in divisions (a) through (i) inclusive, of these regulations.

- (a) *Amendments generally.* Whenever the public necessity, general welfare, or good zoning practice require, the Village Council may by ordinance and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classifications of property.
- (b) *Initiation of zoning amendments.* Amendments to these regulations may be initiated in one of the following ways:
 - (1) By adoption of a resolution by the Village Council; or
 - (2) By the filing of an application by at least one owner or lessee of property within the area proposed or affected by the amendment.
- (c) *Contents of application.* The application for amendment shall contain at a minimum the following information:
 - (1) Name, address, and phone number of the applicant;



- (2) Proposed amendment to the text or legal description of the property affected;
 - (3) Present use and district;
 - (4) Proposed use and district;
 - (5) A vicinity map at a scale approved by the Zoning Inspector showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Inspector may require;
 - (6) A list of all property owners within, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their address as appearing on the County Auditor's current tax list. The requirement for addresses may be waived by the Zoning Inspector when more than ten parcels are proposed to be rezoned;
 - (7) A statement on how the proposed amendment relates to the village comprehensive plan, when and if adopted, and to the neighboring properties; and
 - (8) A fee as established by the Village Council.
- (d) *Submission to the Director of the Department of Transportation.*
- (1) Before any zoning amendment is approved affecting any land within 300 feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of the Department of Transportation, or within a radius of 500 feet from the point of intersection of the centerline with any public road or highway, the Village Council shall give notice, by registered mail or certified mail to the Director of the Department of Transportation.
 - (2) The Village Council shall not approve the amendment for 120 days from the date the notice is received by the Director of the Department of Transportation.



- (3) If the Director of the Department of Transportation notifies the Village Council that acquisition at this time is not in the public interest or upon the expiration of the 120 day period or any extension thereof agreed upon by the Director of the Department of Transportation and the property owner, the Village Council shall proceed as required by law.

(ORC 5511.01)

(e) *Public hearing by Village Council.*

- (1) The Village Council shall schedule a public hearing.
- (2) The date of the hearing shall be not more than 40 days from the receipt of the recommendation from the Planning Commission.

(f) *Notice of public hearing.*

- (1) Notice of the public hearing required in division (e) above shall be given by the Village Council by at least one or more newspapers of general circulation in the village affected.
- (2) The notice shall be published at least 30 days before the date of the required hearing.
- (3) The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

(g) *Notice to property owners by Village Council.*

- (1) If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of the Village Council, by first class mail, at least 20 days before the date of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list and to such other list or lists that may be specified by the Village Council.



- (2) The notice shall contain the same information as required of notices published in newspapers as specified in division (f) above. The failure to deliver the notification noted above shall not invalidate any such amendment.
- (h) *Action by Village Council.*
- (1) Within 30 days after the public hearing required in division (e) above, the Village Council shall either adopt or deny the recommendation of the legislative authority or adopt some modification thereof.
- (2) In the event the village modifies the amendment, it must do so by not less than three-fourths of the full membership of the Village Council.
- (3) No such ordinance shall be passed unless it has been fully and distinctly read on three different days, except that such ordinance may become emergency legislation if three-fourths of the members of the Village Council note to dispense with this rule.
- (i) *Effective date and referendum.*
- (1) Such amendment adopted by the Village Council shall become effective 30 days after the date of such adoption unless within 30 days after the passage of the ordinance there is presented to the Village Council a petition, signed by a number of qualified voters residing in the village equal to not less than 10% of the total vote cast for all candidates for Governor in such area at the last preceding general election to which a Governor was elected, requesting the Village Council to submit the amendment to the electors of the village for approval or rejection, at the next primary or general election.
- (2) No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the



amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

(Ord. 2100.01C, passed 11-2-1987; Am. Ord. 2005-17, passed 8-1-2005)

§ 1258.02 PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES.

Appeals and variances shall conform to the procedures and requirements of divisions (a) through (i) inclusive.

(a) *Appeals.*

- (1) Appeals to the Village Council concerning interpretation or administration of these regulations may be taken by any person aggrieved or by any officer of the legislative authority of the village affected by any decision of the Zoning Inspector.
- (2) Such appeal shall be taken within 20 days after the decision by filing, with the Zoning Inspector and with the Clerk of the Village Council, a notice of appeal specifying the grounds upon which the appeal is being taken.

(b) *Stay of all proceedings by appeal.*

- (1) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Village Council, after notice of appeal shall have been filed with him or her that by reason of facts stated in the application a stay would, in his or her opinion, cause imminent peril to life or property.
- (2) In such case, proceedings shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Village Council after notice to the Zoning Inspector, or by judicial proceedings.

(c) *Power of Village Council.*

- (1) The Village Council shall have the power to authorize upon appeal in specific cases, filed as hereinafter provided, such variances from the



provisions or requirements of these regulations as will not be contrary to the public interest, but only in the case of exceptional conditions, involving irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby strict application of such provision or requirements would result in practical difficulty and unnecessary hardship that would deprive the owner of the reasonable use of the land and buildings involved, but in no other case.

- (2) Provided, however, no variances from the strict application of any provision of these regulations shall be granted by Village Council unless it finds, beyond reasonable doubt, that all the following facts and conditions exist.
- A. There are special circumstances or conditions, fully described in the Council's decision, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that the circumstances or conditions are such that strict application of the provisions of this code would result in practical difficulty and unnecessary hardship and deprive the applicant of the reasonable use of the land and building.
 - B. The variance as granted by the Council is the minimum variance that will accomplish the reasonable use of the subject land or building.
 - C. The granting of the variance will be in harmony with the general purpose and intent of these regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Council, in determining its findings,



shall take into account the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.

D. The condition or situation of the specific piece of property, or the intended use of the property, for which variance is sought (one or the other or in combination) is not of so general or recurrent a nature as to make reasonably practicable the formulation as a part of these regulations of a general regulation for such condition or situation.

(d) *Application for variance and appeals: procedure.*

(1) Any person owning or having an interest in property may file an application to obtain a variance or appeal a decision of the Zoning Inspector.

(2) An application for a variance or an appeal shall be filed in triplicate with the Zoning Inspector who shall forward without delay a copy to the Clerk of the Village Council.

(e) *Supplementary conditions and safeguards.*

(1) In granting any appeal or variance, the Village Council may prescribe appropriate conditions and safeguards in conformity with these regulations.

(2) Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of these regulations. Under no circumstances shall the Council grant an appeal or variance to allow a use not permissible under the terms of these regulations in the district involved, or any use expressly or by implication prohibited by the terms of these regulations in the district.

(f) *Public hearing by Village Council on appeals.* The Village Council shall hold a public hearing within 20 days after receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

(g) *Notice to parties in interest.*



- (1) Before holding the public hearing required in division (f) above, written notice of such hearing shall be mailed by the Clerk of the Village Council, by first class mail, at least ten days before the day of the hearing to all parties of interest.
 - (2) The notice shall contain the same information as required of notices published in newspapers as specified in § 1258.01(f).
 - (3) Parties of interest shall include owners of property contiguous to, and directly across the street from the property being considered.
- (h) *Adjournment of hearings.*
- (1) Upon the day for hearing any application or appeal, the Council may adjourn the hearing in order to permit additional information to be secured, or to cause such further notice as it deems proper to be served upon such other property owners as it decides may logically be concerned with the application or appeal.
 - (2) In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified at the time of resumption of the hearing unless the Council so decides.
- (i) *Decisions of the Village Council on appeals.*
- (1) The Village Council shall decide all application and appeals within 30 days after completion of the hearings thereon, and such decision shall become effective upon certification of the resolution of the Council.
 - (2) A certified copy of the Council's decision shall be binding upon the Zoning Inspector and observed by him or her, and he or she shall incorporate the terms and conditions or the same in the permit to the applicant or appellant whenever a permit is authorized by the Council.
 - (3) After the Council by resolution certifies its approval on any application or appeal, there shall be no further hearings upon such case. However, when



the Council has denied an application or appeal a new application or appeal may be filed subject to the same procedure as an original application or appeal.

- (4) If a new application or appeal is filed within one year of the date of the Council's decision, the Clerk shall not schedule any hearing until the Council has received the application or appeal and decided that there is a new matter, evidence, or facts to be heard by Council.

(Ord. 2100.01C, passed 11-2-1987; Am. Ord. 98-1, passed 3-3-1998)

§ 1258.03 PROCEDURES AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USES.

(a) *Authorization.*

- (1) 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 principal permitted uses of such zoning district.
- (2) The intent of the procedure for authorizing a conditional use 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) *Application for conditional use.*

- (1) Any person owning or having an interest in property may file an application to use such property for one or more of the conditional uses provided for by these regulations in the zoning district in which the property is situated.
- (2) An application for a conditional use certificate shall be filed in triplicate with the Zoning Inspector who shall forward without delay a copy to the Clerk of the Village Council.



- (c) *Contents of application.* The application for a conditional use shall contain the following information:
- (1) Name, address, and phone number of the applicant;
 - (2) Legal description of property;
 - (3) The proposed use of the property;
 - (4) A statement of the necessity or desirability of the proposed use to the neighborhood or community;
 - (5) A statement of the compatibility of the proposed use to adjacent property and land use;
 - (6) The application shall be accompanied by three copies of the plat plan, drawn to an appropriate scale, clearly showing the following:
 - A. 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, loading spaces, and landscaping;
 - D. The use of land and location of structures on adjacent property;
 - E. Architectural rendering when requested by the Village Council; and
 - (7) Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the Village Council deliberations.
- (d) *Standards for conditional use.* The Council shall not grant a conditional use unless it shall, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, that support conclusions that:
- (1) The proposed conditional use will comply with all applicable regulations of these regulations, including lot size requirements, development standards, and use limitations;



- (2) Adequate utility, drainage, and other such necessary facilities have been or will be provided;
 - (3) Adequate access roads or entrance and exit drives will be provided and will be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys;
 - (4) All necessary permits and licenses for the use and operation of the conditional use have been obtained, or evidence has been submitted that such permits are obtainable for the proposed conditional use on the subject property;
 - (5) All exterior lights for artificial open-air illumination are so shaded as to avoid causing direct light upon any property located in an R-District;
 - (6) The location and size of the conditional use, the nature and intensity of the operation involved or conducted in connection with it, the size with respect to streets giving access to it, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located;
 - (7) The location, nature and height of buildings, structures, wall, and fences, on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings, and structures; and
 - (8) The conditional use desired will not adversely affect the public health, safety, and morals.
- (e) *Supplementary conditions and safeguards.* In granting any conditional use, the Council may prescribe appropriate conditions and safeguards in conformity with these regulations. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a



violation of these regulations and punishable under § 1252.99 of these regulations.

- (f) *Public hearing By the Village Council on appeals.* The Council shall hold a public hearing within 20 days from the receipt of the application specified in division (b) above.
- (g) *Notice of public hearing in newspaper.*
- (1) Before holding the public hearing required in division (f) above, notice of such hearing shall be posted in five posting places at least ten days before the date of the hearing.
 - (2) The notice shall set forth the time and place of the public hearing, and the nature of the proposed conditional use.
- (h) *Notice to parties in interest.*
- (1) Before holding the public hearing required in division (f) above, written notice of such hearing shall be mailed by the Clerk of the Council, by first class mail, at least ten days before the day of the hearing to all parties in interest.
 - (2) The notice shall contain the same information as required of notices published in newspapers as specified in division (g) above.
- (i) *Action by the Village Council on appeals.*
- (1) Within 30 days after the public hearing required in division (f), the Council shall either approve, approve with supplementary conditions as specified in division (e), or disapprove the application as presented.
 - (2) If the application is approved or approved with modifications, the Council shall direct the Zoning Inspector to issue a conditional zoning permit listing the specific conditions specified by the Council for approval.
 - (3) If the application is disapproved by the Council, the applicant may seek relief through the court of common pleas.



- (j) *Expiration of conditional use permit.* A conditional use permit shall be deemed to authorize only one particular conditional use and the permit shall automatically expire if, for any reason, the conditional use shall cease for more than six months.
- (k) *Repeal of conditional use permit.* The Village Council may repeal a conditional use permit at any time when the applicant does not, or is not complying with conditions which were made a part of the original approval.

(Ord. 2100.01C, passed 11-2-1987; Am. Ord. 2100.01D, passed 4-3-1989; Am. Ord. 98-1, passed 3-3-1998)

§ 1258.04 PROCEDURES AND REQUIREMENTS FOR APPROVAL OF PLANNED UNIT DEVELOPMENT.

- (a) *Approval.* Planned unit development shall be approved in accordance with this section and § 1262.09 of these regulations.
- (b) *Submission of application for preliminary development plan.*
- (1) An application for preliminary planned unit development shall be filed with the Village Council by at least one owner or lessee of the property for which the planned unit development is proposed.
 - (2) The application shall contain the follow information filed in triplicate.
 - (3) If a proposed rezoning is required, a concurrent application shall be filed as prescribed in § 1258.01.
 - A. Name, address, and phone number of the applicant, registered surveyor, and engineer assisting in the preparation of the preliminary plan.
 - B. Legal description of property.
 - C. Description of existing use, present zoning district and proposed zoning district.



- D. A vicinity map of a scale approved by the Village Council, showing property lines, streets, existing zoning, and such other items as the Village Council may require to show the relationship of the planned unit development to the comprehensive plan and to existing community facilities and services.
 - E. A preliminary development plan at a scale approved by the Village Council showing general topography, layout, dimensions, and names of existing and proposed streets, rights-of-way, utility easements, parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawing showing water, sewer, drainage, electricity, telephone and natural gas (all utilities must be underground) and, such other characteristics as the Village Council deems necessary.
 - F. Proposed schedule for the development of the site and evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within two years.
- (c) *Approval of preliminary plan.*
- (1) Within 30 days after the receipt of the preliminary development plan, the Village Council shall review the preliminary development plan to determine if it is consistent with the intent and restrictions of these regulations.
 - (2) The Village Council approval in principle of the preliminary development plan shall be necessary before an applicant may submit a final development plan.
- (d) *Platting required.*
- (1) All planned unit developments shall be platted.



- (2) Nothing contained in these regulations shall exempt the developer from the requirements of subdivision plat approval as required in the village subdivision regulations.
- (e) *Final development plan.*
- (1) After approval in principle of the preliminary development plan, the developer shall submit five copies of a final development plan to the Village Council.
 - (2) The final development plan shall be in conformance with the preliminary development plan.
- (f) *Submission of application for final development plan.*
- (1) An application for approval of the final development plan shall be filed with the Village Council by at least one owner or lessee of property for which the planned unit development is proposed.
 - (2) Each application shall contain the following information.
 - A. A survey of the tract that is to be developed showing existing features of the property including streets, alleys, easements, utility lines, existing land use, topography and physical features.
 - B. A site plan showing the location and arrangement of all existing and proposed structures, the proposed traffic circulation pattern within the development, the areas to be developed for parking, the points of ingress and egress, including access streets where required, the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed public or common open space, if any, including parks, playgrounds, school sites, and recreational facilities.
 - C. A statement of the anticipated density for residential planned unit developments.



- D. Preliminary sketches of the proposed structures and landscaping.
- E. When a planned unit development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. No such stage or unit shall have a density that exceeds more than 20% of the proposed density of the entire planned unit development. When a planned unit development provides for common open space, the total area of common open space provided at any stage of development shall at a minimum, bear the same relationship to the total open space to be provided in the planned development as the stages or units completed or under development bear to the entire planned development.
- F. Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development.
- G. In the case of an office, business, or industrial planned unit development, a statement identifying the principle types of office, business, and/or industrial uses that are to be included in the proposed development.
- H. When a planned development includes provisions for common space, or recreational facilities, a statement describing the provisions that are to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.



- I. Copies of any restrictive covenants that are to be recorded with respect to property included in the planned development.
- (g) *Criteria for Village Council.* Before approving with supplementary conditions, or disapproving the application as presented, the Village Council shall find that the facts submitted with the application and presented at the public hearing as required in division (h) below establish the following.
- (1) The planned unit development can be substantially completed within the period of time specified in the schedule of development submitted by the developer.
 - (2) The planned unit development will not jeopardize the public health, safety, and morals.
 - (3) The site will be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development and the streets and driveways on the site of the proposed development will be adequate to serve the residents or occupants of the proposed development. Traffic control signals will be provided without expense to the village when the village determines that such signals are required to prevent traffic hazards or congestion in adjacent streets.
 - (4) The development will not impose an undue burden on public services and facilities, such as schools, and fire and police protection.
 - (5) The planned unit development plan contains such proposed covenants, easements, and other provisions relating to the proposed development standards, as reasonably are required for the public health, safety, and morals.
 - (6) The locations and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a planned unit development not used for structures,



parking, and loading areas, or accessways, shall be landscaped or otherwise improved.

- (7) When business or manufacturing structures or uses in a planned unit development abut an R-District, screening shall be provided.
- (h) *Public hearing by Village Council.* Within 30 days from the receipt of the recommendation from the Planning Commission, the Village Council shall hold a public hearing.
- (i) *Notice of public hearing.* Before holding the public hearing required in division (h) above, notice of such hearing shall be given by the Clerk of Village Council in one or more newspapers of general circulation of the village at least ten days before the date of the hearing. The notice shall set forth the time and place of the public hearing, and a general description of the planned unit development.
- (j) *Action by Village Council.*
- (1) Within 15 days after the public hearing required in division (h) above, the Village Council shall either approve, approve with supplementary conditions, or disapprove the application as presented.
- (2) If the application is approved or approved with conditions, the Village Council shall direct the Zoning Inspector to issue a zoning permit for the planned unit development listing any supplementary conditions specified by Council for approval.
- (3) However, no zoning permit shall be issued until the subdivision plat of the development is recorded.
- (4) Any and all actions of Council shall be consistent with specific requirements set forth in § 1262.09 of these regulations.
- (k) *Conditions and safeguards.* In approving any planned unit development, the Village Council may prescribe appropriate conditions and safeguards in conformity



with these regulations. Violation of such conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of these regulations and punishable under § 1252.99 of these regulations.

(l) *Expiration and extension of approval period.*

- (1) The zoning permit for a planned unit development shall be for a period not to exceed five years.
- (2) If no construction has begun within one year after approval is granted, the approval shall be void and the land shall revert to the district regulations in which it is located.
- (3) An extension of the time limits or modifications of the approved final development plan may be approved if the Village Council finds that such extension or modification is not in conflict with the public interest.

(Ord. 2100.01C, passed 11-2-1987; Am. Ord. 98-1, passed 3-3-1998; Am. Ord. 2005-17, passed 8-1-2005)



CHAPTER 1260

Zoning Districts and Zoning Maps

1260.01	Districts	1260.03	Maps
1260.02	Overlay districts	1260.04	District boundaries

CROSS REFERENCES

Municipal zoning - see Ohio R.C. 713.06 et seq.

§ 1260.01 DISTRICTS.

- (a) In order to classify, regulate, and restrict the use and location of buildings designed from specified uses; to regulate and limit the heights and bulk of buildings; to regulate and determine the area of yards, courts, and other open spaces surrounding buildings; and to regulate and limit the density or population, the Village of Commercial Point, Pickaway County, Ohio, is divided into nine zoning districts.
- (b) The uses and area regulations are uniform in each district and the districts shall be known as:

		<i>Section Number</i>
A-1	Agricultural-Residential District	1262.01
R-1	Single Family District	1262.02
R-2	Two Family District	1262.03
R-3	Low Density Apartment District	1262.04
M-1	Mobile Home Residential District	1262.05
B-1	Business District	1262.06



1-1	Industrial District	1262.07
F-1	Flood Plain District	1262.08
PUD-1	Planned Unit Development District	1262.09

(Ord. 2100.01C, passed 11-2-1987)

§ 1260.02 OVERLAY DISTRICTS.

The following districts shall be overlay districts and subject to the regulations of the district which it overlays unless specifically exempted, in addition to the regulations of the specific overlying district.

F-1	Flood Plain District
PUD-1	Planned Unit Development District

(Ord. 2100.01C, passed 11-2-1987)

§ 1260.03 MAPS.

- (a) The boundaries of these districts are hereby established as shown on the zoning maps of the Village of Commercial Point, Pickaway County, Ohio.
- (b) The zoning maps and all notations and references and other matters shown thereon, shall be and are hereby made a part of these regulations.
- (c) The zoning maps shall be and remain on file in the Zoning Inspector's office.

(Ord. 2100.01C, passed 11-2-1987; Am. Ord. 4-19, passed 10-4-2004)



§ 1260.04 DISTRICT BOUNDARIES.

- (a) Except where referenced and noted on the zoning maps by a designated line and/or dimensions, the district boundary lines are intended to follow property lines, lot lines, on centerlines of streets, alleys, streams, or railroads as they existed at the time of the passage of these regulations, or the extension of such lines.
- (b) The Zoning Inspector shall interpret the boundary lines which are on the zoning maps. When the Zoning Inspector's interpretation is disputed, the boundary lines shall be determined by the Village Council.

(Ord. 2100.01C, passed 11-2-1987; Am. Ord. 98-1, passed 3-3-1998)



CHAPTER 1262

Use Districts

1262.01	Agricultural-Residential	1262.06	B-1 Business District
1262.02	R-1 Single Family District	1262.07	I-1 Industrial District
1262.03	R-2 Two-Family District	1262.08	F-1 Flood Plain District (Overlay District)
1262.04	R-3 Low Density Apartment District.	1262.09	PUD-1 Planned Unit Development District (Overlay District)
1262.05	M-1 Mobile Home Residential District		

CROSS REFERENCES

Municipal zoning - see Ohio R.C. 713.06 et seq.

§ 1262.01 AGRICULTURAL-RESIDENTIAL.

- (a) *Intent.* It is the intent of the A-1 Agricultural-Residential District to provide for agricultural activity on large tracts and areas of open land with large tract developments intermingled.
- (b) *Principal permitted uses.* A building or lot in the A-1 District shall be used only for the following purposes.
 - (1) Agriculture and the usual agriculture buildings and structures.
 - (2) One-family detached dwellings.
 - (3) Churches or other places of worship, Sunday school buildings and parish houses; provided, that churches and other places of worship and Sunday school buildings shall be located not less than 100 feet from any lot.



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- (4) Public and parochial schools provided that no building intended for such use shall be located less than 150 feet from any other lot.
 - (5) Public parks, public playgrounds, public recreational and community center buildings and grounds, golf courses, tennis courts, country clubs, and swimming pools, provided that any principle building, tennis court or swimming pool shall be located not less than 200 feet from any other lot.
 - (6) Transformer stations, booster stations, sewage pumping stations, pressure regulating stations, and other similar utility stations when operating requirements necessitate, provided there is not storage building or storage yard in connection therewith.
 - (7) Hospitals and sanitariums provided any building used for such purposes shall be 200 feet from any lot in an R-District.
 - (8) Cemeteries, including mausoleums therein, provided that any mausoleum shall be 200 feet from any lot in an R-District.
- (c) *Accessory uses.*
- (1) Roadside stands, offering for sale only agricultural products grown on the premises and further that the stand is in operation for not more than 150 days in any year and adequate area exists adjacent thereto for parking. No permanent buildings or structures shall be placed without permission of the Village Council and issuance of a conditional use permit.
 - (2) Private garage, parking space, or stable.
 - (3) Living quarters of persons employed on the premises and not otherwise used as a separate building.
 - (4) Customary home occupations such as handicraft, dressmaking, millinery, laundering, preserving and home cooking provided:
 - A. That such occupations shall be conducted solely by resident occupants in the residence;



- B. That not more than one quarter of the area of one floor of the residence shall be used for such purposes;
 - C. That no such use shall require internal or external structural alterations;
 - D. That no such use shall involve construction features or the use of mechanical equipment not customary in dwellings;
 - E. That the entrance to the space devoted to such use shall be from within the dwellings;
 - F. At home occupation shall not include beauty culture schools, beauty parlors, barber shops, offices of professionals or the sale or storage of items which are readily available through retail and wholesale outlets;
 - G. A permit shall be obtained from the Zoning Inspector prior to establishing a home occupation; and
 - H. No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
- (5) Private swimming pools, to be used primarily for the enjoyment of the occupants of the principle use of the property on which it is located and subject to the provisions of § 1266.01.
- (6) Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.
- (d) *Conditional uses.* Subject to approval by the Village Council as provided in § 1258.03.
- (1) Kennels and animal hospitals for the raising, breeding, treatment, and boarding of dogs, or other small animals, provided that all buildings and outside runs be at least 200 feet from any other lot.



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- (2) Riding academies, provided that such buildings or stables shall be 200 feet from any other lot in an R-District.
- (3) Radio, television, or other transmission tower or mast, and the usual accessory buildings, only after their height and location have been approved by the governmental agency charged with the responsibility for maintaining air safety and provided there is a yard area with a radius of half the height of the tower or mast.
- (e) *Signs.* The only signs permitted in the A-1 District shall be:
- (1) Outdoor advertising signs and billboards subject to the provisions of § 1266.03;
- (2) An unlighted sign not over three square feet in area and attached flat against the building for home occupations;
- (3) One illuminated bulletin board not exceeding 12 square feet in area for any church, school, or other public or semi-public institution, provided the source of light is not visible from the street; or
- (4) One temporary unlighted real estate sign advertising the sale or rental of only the premises on which it is maintained, not exceeding a total of six square feet on any face or a total of 12 square feet and located at least six feet from all right-of-way lines or attached flat against the principle building.
- (f) *Off-street parking and loading.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in § 1266.05.
- (g) *Lot areas, yard requirements, and height limits.* Lot areas, yard requirements, and height limits shall be as provided in § 1264.01.
- (h) *Prohibited uses.*
- (1) No use not specifically authorized by the express terms of this chapter of these zoning regulations shall be permitted.



- (2) Outdoor storage of unoperable, unlicensed or unused motor vehicles. The vehicles, if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- (3) No motor home, mobile home or camper of any type may be occupied by a guest of the resident owner for more than seven days.
- (4) No mobile home shall be placed or occupied in this district.

(Ord. 2100.01C, passed 11-2-1987; Am. Ord. 98-1, passed 3-3-1998)

§ 1262.02 R-1 SINGLE FAMILY DISTRICT.

- (a) *Intent.* It is the intent of the R-1 Single Family District to provide areas for single family dwellings.
- (b) *Principle permitted uses.* A building or lot in the R-1 District shall be used only for the following purposes.
 - (1) One-family detached dwelling.
 - (2) Churches or other places of worship, Sunday school buildings and parish houses; provided that churches and other places of worship and Sunday school building shall be located not less than 50 feet from any other lot in an R-1 District; 35 feet from any other lot in an R-2 District; and 25 feet from any other lot in an R-3 District.
 - (3) Public and parochial schools, provided that no building intended for such use shall be located less than 50 feet from any other lot in an R-1 District; 40 feet from any other lot in an R-2 District; and 30 feet from any other lot in an R-3 District.
 - (4) Public libraries, public museums, and public art galleries, provided that no building intended for such use shall be located less than 30 feet from any other lot in an R-1 District; or 20 feet from any other lot in an R-2 and R-3 District.



- (5) Public parks, public playgrounds, public recreational and community center buildings and grounds, golf courses, tennis courts, country clubs, and swimming pools, provided that any principle building, tennis court, or swimming pool shall be located not less than 150 feet from any other lot in an R-1 District; 100 feet from any other lot in an R-2 District; or 75 feet from any lot in an R-3 District.
 - (6) Transformer stations, booster stations, sewage pumping stations, pressure regulating stations, and other similar utility stations when operating requirements necessitate locating within an R-District provided there is no storage yard in connection therewith and provided that no building or structure shall be located closer than 20 feet from any other lot in an R-District.
 - (7) Transitional uses, subject to provisions of § 1264.05.
- (c) *Accessory uses.* Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted uses shall be allowed under conditions specified herein, provided that such accessory uses shall not involve any business, trade, or industry, or any private way or walk giving access to such activity.
- (1) Accessory building including private garages as regulated by § 1264.05.
 - (2) The keeping of not more than one roomer or boarder by a resident family.
 - (3) Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
 - (4) Customary home occupations as permitted and regulated in § 1262.01(c)(4).
 - (5) Private swimming pools, to be used primarily for the enjoyment of the occupants of the principle use of the property on which it is located and subject to the provisions of § 1266.01.



- (6) Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion of abandonment of the construction work.
- (d) *Conditional uses.* Subject to approval by the Village Council as provided in § 1258.03, radio, television, or other transmission tower or mast, and the usual accessory building, only after their heights and locations have been approved by the governmental agency charged with the responsibility for maintaining air safety and provided there is a yard area with a radius of half the height of the tower or mast.
- (e) *Signs.*
- (1) Unlighted signs not over one square foot in area attached flat against the building for home occupations.
 - (2) One illuminated board not exceeding 12 square feet in area for any church, school, or other public or semi-public institution provided the source of light is not visible from the street.
 - (3) One temporary unlighted real estate sign advertising the sale or rental of only the premises on which it is maintained, not exceeding a total of six square feet on any face or a total of 12 square feet and located at least six feet from all right-of-way lines or attached flat against the principle building.
 - (4) One temporary unlighted sign not exceeding 100 square feet in area in a real estate development containing 25 or more lots; some signs shall be removed within three years of the date of its construction.
- (f) *Off-street parking and loading.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in § 1266.05.
- (g) *Lot areas, yard requirements, and height limits.* Lot areas, yard requirements, and height limits shall be as provided as in § 1264.01.



(h) *Prohibited uses.* See § 1262.01(h).

(Ord. 2100.01C, passed 11-2-1987; Am. Ord. 98-1, passed 3-3-1998; Am. Ord. 4-17, passed 10-4-2004)

§ 1262.03 R-2 TWO-FAMILY DISTRICT.

(a) *Intent.* It is the intent of the R-2 Two-Family District to provide an area for single and two-family dwelling units on smaller lots adjacent to urban area where public sewer and water would be provided.

(b) *Principle permitted uses.*

(1) Any use or structure permitted and as regulated in the R-1 District, except as hereinafter specified.

(2) Two-family dwellings.

(c) *Conditional uses.* Subject to the approval of the Village Council as provided in § 1258.03.

(1) Any conditional use permitted and as regulated in the R-1 District.

(2) The office of a resident physician, dentist, architect, engineer, attorney, accountant, real estate broker, or insurance agent or similar professional person when located within his or her dwelling provided:

A. That not more than one person not a resident in the dwelling is employed in such office or agency; and

B. That there shall not be any external alterations made except in the case of a dwelling fronting along a major thoroughfare as shown on the official thoroughfare plan. The dwelling shall retain an exterior appearance of a residential structure similar to that of surrounding properties.

(d) *Accessory uses.* Any accessory use or structure permitted and as regulated in the R-1 District shall be allowed.



- (e) *Signs.*
 - (1) Any sign permitted and as regulated in the R-1 District.
 - (2) One illuminated announcement or professional sign not over two square feet in area attached flat against the main building with the source of light not visible from the street.
- (f) *Off-street parking and loading.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in § 1266.05.
- (g) *Lot areas, yard requirements, and height limits.* Lot areas, yard requirements, and height limits shall be as provided in § 1264.01.
- (h) *Prohibited uses* See § 1262.01(h).

(Ord. 2100.01C, passed 11-2-1987; Am. Ord. 98-1, passed 3-3-1998)

§ 1262.04 R-3 LOW DENSITY APARTMENT DISTRICT.

- (a) *Intent.* It is the intent of the R-3 Low Density Apartment District to provide an area for low density apartments in areas where public water and sewer are available.
- (b) *Principle permitted uses.* A building or lot in the R-3 District shall be used only for the following.
 - (1) Any use or structure permitted and as regulated in the R-2 District, except as hereinafter specified.
 - (2) Multi-unit dwellings and apartment hotels for any number of families or housekeeping units, but not primarily operated for transients.
 - (3) Rooming or boarding houses having not more than five guest rooms, provided they are not primarily operated for transients.
 - (4) A tourist house having not more than five guest rooms when located on a state or federal highway.



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- (5) Private clubs, lodges, and meeting places for other organizations not including any use that is conducted as a gainful business, provided that the buildings in which such uses are housed shall be located at least 25 feet from any other lot in an R-District.
- (6) Nursery schools and day nursery schools, provided that all outdoor play areas shall be located not less than ten feet from any adjoining lot in an R-District and, provided, further, that such play area shall be fenced and screened.
- (c) *Conditional uses.* Subject to the approval of the Village Council as provided in § 1258.03.
- (1) Any conditional use permitted and as regulated in the R-District.
- (2) Offices and clinics of physicians, dentists, architects, engineers, attorneys, or similar professional persons, provided:
- A. Any building used therefor shall retain or have an exterior appearance of a residential structure similar to that of surrounding properties excepting a one story structure may be built adjacent to two story structures; and
- B. The yard requirements for a three family dwelling are complied with.
- (d) *Accessory uses.* Any accessory use or structure as regulated in the R-2 District shall be allowed.
- (e) *Signs.*
- (1) Any sign permitted and as regulated in the R-2 District.
- (2) A non-illuminated sign not exceeding six square feet in area or an illuminated sign not exceeding four square feet in area when erected in such a manner that the source of light shall not be visible from the street or from adjoining premises identifying by name the building to which it is



accessory and any lawful principle use thereof and attached flat to the building.

- (f) *Off-street parking and loading.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in § 1266.05.
- (g) *Lot areas, yard requirements, and height limits.* Lot areas, yard requirements, and height limits shall be as provided in § 1264.01.
- (h) *Prohibited uses.* Same as § 1262.01(h).

(Ord. 2100.01C, passed 11-2-1987; Am. Ord. 98-1, passed 3-3-1998)

§ 1262.05 M-1 MOBILE HOME RESIDENTIAL DISTRICT.

- (a) *Intent.* It is the intent of the M-1 Mobile Home Residential District to provide an area for planned mobile home courts where public sewer and water are available.
- (b) *Principle permitted uses.* A building on a lot in the M-1 District shall be used only for the mobile home parks.
- (c) *Accessory uses.* Accessory uses, buildings, or other structures customarily incidental to mobile home parks shall be allowed.
- (d) *Approval procedure.* Any M-1 District shall be established as set forth in § 1258.01 of these regulations providing the following additional procedures and requirements are fully met.
 - (1) General standards for mobile home parks.
 - (2) Each application for an M-1 District shall submit in addition to that required in § 1258.01, a plan at a scale approved by the Village Council showing the location and dimensions of streets, and other roadways; lots; typical lot improvements; areas for recreation, storage, and off- or on-street parking, buffering, screening, or fencing; provisions for garbage and trash removal;



location of utilities including street lighting, pedestrian walkways, and such other items the Village Council deems necessary.

- (e) *Mobile home park requirements.* Mobile home parks shall meet the following minimum requirements.
- (1) A mobile home park shall contain a minimum of twenty (20) acres.
 - (2) The maximum density shall not exceed six mobile homes per gross acre.
 - (3) All mobile homes or accessory buildings shall be located no closer than 35 feet from the front property lines, not closer than 20 feet from the side or rear property line. However, if the side or rear property line abuts an arterial street as shown on the major thoroughfare plan, the minimum side or rear yard shall be 35 feet.
 - (4) All mobile home parks should have access to adequate collector streets with a right-of-way not less than 60 feet in width. Marginal access roads may be required if deemed necessary for mobile home parks that would have direct access onto an arterial street.
 - (5) The design and construction of the interior street system shall conform to all requirements of the Village Engineer. Parking on interior streets shall not be permitted unless the pavement width is 35 feet at a minimum. Street width shall be measured from back of curb to back of curb.
 - (6) All mobile home parks shall have paved pedestrian walkways at least four feet in width. The location of necessary walkways shall be decided by the Village Council and may vary relative to location, intensity of use, and location of recreational areas and service buildings.
 - (7) At least 10% of the gross land area of the mobile home park shall be reserved for recreational and open space uses. This figure is in addition to any other open areas required by yard requirements or other sections of this resolution. A clustering of units is encouraged.



- (8) The outer boundaries of a mobile home park shall contain a buffer zone. This buffer zone shall be composed of a green strip, not less than 20 feet in width, located along all park boundaries. The type of plantings shall be approved by the Village Council. This green strip may be in a yard adjacent to a street or road, provided all other provisions of these regulations are met.
- (f) *Mobile home lot requirements.* Individual mobile home lots within mobile home parks shall conform to the following requirements.
- (1) Each mobile home lot shall contain a minimum area of 4,000 square feet.
 - (2) The minimum width of each mobile home lot shall be 40 feet and the minimum depth of each lot shall be 100 feet. The minimum width of corner lots, however, shall be 50 feet.
 - (3) There shall be a minimum clearance of 20 feet between individual mobile homes.
 - (4) Each mobile home lot shall be provided with a paved driveway to accommodate off-street parking for two vehicles. The size of the driveway shall not be less than 400 square feet.
 - (5) Each mobile home lot shall be provided with a three foot walkway leading from the main entrance to the main walkway or adjacent street.
 - (6) Each mobile home lot shall be provided with a stable base upon which to place the mobile home. This base shall be approved by the Village Council.
 - (7) Each mobile home lot shall be provided with a paved patio area at least 100 square feet in area. The patio should be located on the entrance side of the mobile home.
 - (8) Each mobile home lot shall be provided with anchors and tie downs such as cast-in place concrete “dead men” eyelets imbedded in the concrete



- runways, screw augers, arrowhead anchors, or other devices for securing the stability of the mobile home.
- (9) The four corners of each mobile home lot shall be marked in a manner acceptable to the Village Council.
 - (10) Each mobile home shall be skirted, entirely enclosing the bottom section, within 90 days after its placement.
 - (11) Each mobile home placed within the mobile home park shall have a minimum area of 400 square feet.
 - (12) The maximum height of mobile homes and accessory buildings shall not exceed 20 feet.
- (g) *Mobile home utilities and other services.* Mobile home park utilities and other services shall conform to the following requirements.
- (1) Within each mobile home park storm drainage shall be provided in accordance with the following requirements.
 - A. All areas of a mobile home park shall be graded in a manner so that there will be no poorly drained areas. Grading shall not obstruct the natural drainage of surrounding properties.
 - B. Open drainage ditches are prohibited. All drainage systems shall be designed in accordance with the specifications of the Village Engineer.
 - (2) Within each mobile home park there shall be installed a water supply and distribution system in conformance with the requirements of the Ohio Department of Health. Each mobile home lot shall be connected to this system.
 - (3) Within each mobile home park, there shall be installed a sanitary waste distribution system which shall be connected with a municipal sewer system where available, or a central treatment plan shall be located, constructed,



and maintained in accordance with the regulations of the Ohio Department of Health and the EPA (Environmental Protection Agency). Each mobile home lot shall be connected to this system.

- (4) Each mobile home shall be provided with suitable electrical equipment in accordance with the National Electrical Code and local codes.
 - (5) All interior streets and walkways shall be lighted by not less than three tenths foot candle of artificial light.
 - (6) Within each mobile home park, all utility lines including those for electricity and telephone service shall be installed underground.
 - (7) The storage and collection of garbage and refuse within each mobile home park shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards, or air pollution. All garbage shall be stored in fly-tight, rodent-proof containers. These containers shall be located no more than 150 feet from any mobile home lot, and shall be collected at least once weekly.
 - (8) Within each mobile home park, there shall be provided a fire protection system approved by the Ohio Department of Health and the local fire authority. Standard fire hydrants should be located within 400 feet of all mobile homes. If standard fire hydrants are not feasible, there shall be installed within 300 feet of each mobile home lot a two inch frost protected riser with a two and one-half inch hose connection. Portable fire extinguishers should be provided at convenient and accessible locations.
 - (9) Service buildings may be provided by the management for offices, repair and storage, laundry facilities, and indoor recreation areas. No such building shall be located closer than 50 feet from any mobile home.
- (h) *Signs.* The only signs permitted in the M-1 District shall be those signs permitted in an R-1 District.



(i) *Prohibited uses.* Same as § 1262.01(h).

(Ord. 2100.01C, passed 11-2-1987; Am. Ord. 2005-17, passed 8-1-2005)

§ 1262.06 B-1 BUSINESS DISTRICT.

(a) *Intent.*

- (1) It is the intent of the B-1 Business District to provide an area for most retail business and limited service uses.
- (2) It is further the intent of this District to prohibit residential units except in conjunction with business uses.

(b) *Principal permitted uses.* A building or lot in a B-1 District shall be used only for the following purposes.

- (1) Any retail business; except those first permitted in an I-1 District which are considered as either industrial or service establishments rather than retail business.
- (2) Restaurants, cafés, and soda fountains.
- (3) Automobile service stations and commercial parking lots.
- (4) Bank, building and loan associations and personal loan company.
- (5) Indoor theater or assembly hall.
- (6) Bar, cocktail lounge, nightclub, billiard parlor, pool hall, bowling alley, and dance hall provided the principle building shall be located not less than 100 feet from any lot in an R-District.
- (7) Motel.
- (8) Self-service laundry and dry cleaner.
- (9) Funeral parlor.
- (10) Offices of business, professionals, or industrial firms, not including the manufacture or storage of goods on the premises.
- (11) Commercial recreational area.



- (12) Outdoor advertising signs and billboards subject to the provisions of § 1266.03.
- (c) *Accessory uses.*
- (1) Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use.
 - (2) Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.
- (d) *Signs.* The only signs permitted in a B-1 District shall be as follows.
- (1) Signs which contain only the name of the permitted use conducted on the premises and:
 - A. Are painted on a vertical surface of the building or attached flat thereto or project not more than four feet beyond the building line but not over any street right-of-way;
 - B. Do not project above the principle roof of a building, except a sign may be attached flat against or painted on a parapet wall not exceeding three feet above such roof line;
 - C. Do not exceed in square feet for each lot, two square feet per lineal foot of frontage of a structure providing in no case shall it exceed a total of 60 square feet on any one structure or business except as elsewhere exempted in these regulations;
 - D. Shall not face an R-District unless the sign is 50 feet from any lot in an R-District; and
 - E. If illuminated, the light or lights shall be shaded or concealed so that they will not interfere with the vision of motor vehicle operators or shine directly on residential property located in an R-District;



illumination of such signs shall not be flashing and no sign simulating movement shall be permitted.

- (2) One sign, in addition to the above, located on a lot having 30,000 square feet of area and where the principle building is set back at least 50 feet from the street right-of-way, provided the sign:
- A. Is free standing and not over 18 inches in thickness;
 - B. Advertises only the name of the permitted uses conducted on the premises;
 - C. Does not project over the street right-of-way;
 - D. Shall have its lowest portion at least 12 feet off the ground; and
 - E. Shall not exceed 150 square feet in area on one face of the sign or 300 feet total area, not be flashing and no sign simulating movement shall be permitted.

- (e) *Off-street parking and loading.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in § 1266.05.
- (f) *Lot areas, yard requirements, and height limits.* Lot areas, yard requirements, and height limits shall be provided in § 1264.01.

(Ord. 2100.01C, passed 11-2-1987)

§ 1262.07 I-1 INDUSTRIAL DISTRICT.

- (a) *Intent.*
- (1) It is the intent of the I-1 Industrial District to provide area for businesses, service establishments, and industrial uses.
 - (2) It is further the intent of the I-1 District to prohibit dwelling units.



- (b) *Principle permitted uses.* A building or lot in the I-1 District shall be used only for the following purposes.
- (1) Any use permitted and as regulated in the B-1 District except as hereinafter specified.
 - (2) Warehouses.
 - (3) Railroad yards, not including railroad repair shops.
 - (4) Any other industrial use provided the building, structure, area, or lot used for such purposes is set back 100 feet from any R-District.
- (c) *Accessory uses.* Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted uses shall be allowed.
- (d) *Signs.* Any sign permitted and as regulated in the B-1 District, except the total area of any sign set forth in § 1262.06(d) shall not exceed 100 square feet, not be flashing and no sign simulating movement shall be permitted.
- (e) *Off-street parking and loading.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in § 1266.05.
- (f) *Lot areas, yard requirements, and height limits.* Lot areas, yard requirements, and height limits shall be as provided in § 1264.01.
- (g) *Prohibited uses.* No land, building, or structure in the I-1 District shall be used for the following:
- (1) Dwellings, residences, living quarters, or other residential uses, except for watchman quarters;
 - (2) Motel or hotel;
 - (3) Schools and colleges;
 - (4) Churches; and
 - (5) Hospitals, clinics, and other institutions for human care, except where incidental to a permitted principle use.



- (h) *Prohibited uses.* No use not specifically authorized by the express terms of this chapter of these zoning regulations shall be permitted.

(Ord. 2100.01C, passed 11-2-1987)

§ 1262.08 F-1 FLOODPLAIN DISTRICT (OVERLAY DISTRICT).

- (a) *Intent.* It is the intent of the F-1 Floodplain District to prohibit the use of floodplains for uses which could be detrimental to health and welfare.
- (b) *Land subject to flooding.* The Village of Commercial Point shall maintain on file for public examination, current maps, delineating the boundaries within the village of all lands designated floodplains. In the event a property owner contests the boundaries of such floodplain, he or she shall be given reasonable opportunity to present technical evidence to support his or her position.
- (c) *Prohibited uses in floodplains.*
- (1) Structures designated or used for human habitation.
 - (2) The storage or processing of materials that are pollutants, buoyant, flammable, poisonous, explosive, or could be injurious to human, animal, or plant life in time of flooding, or that have a high flood damage potential.
 - (3) Garbage and waste disposal facilities.
 - (4) Open space uses shall be permitted within the floodplain to the extent that they are permitted within the zoning district controlling use of the land and provided they do not require structures, fill or storage of material or equipment.
 - (5) No structure shall be permitted within the 100 year floodplain and no use shall be permitted within the floodplain which will adversely affect the efficiency or which will unduly restrict the capacity of the channel or



floodway or any tributary to the main stream, drainage ditch or other drainage facility or system.

- (6) No fill shall be deposited within the floodplain without permission from the Village Council. Showing must be made that such fill is for some beneficial purpose and will be protected against erosion by rip-rap, vegetation cover or bulkheading. No dredging shall be permitted of the channel or floodway unless the applicant provides evidence to the Village Council that all state and federal permits are issued as required by law.

- (d) *Permitted uses.* The only uses allowed in a floodplain are those uses which are allowed in the underlying district which are not specifically prohibited in division (c) above of these regulations.

(Ord. 2100.01C, passed 11-2-1987; Am. Ord. 98-1, passed 3-3-1998)

§ 1262.09 PUD-1 PLANNED UNIT DEVELOPMENT DISTRICT (OVERLAY DISTRICT).

- (a) *Intent.* This section is intended to permit creation of new planned development districts. Such districts are to provide for innovative and creative approaches to development utilizing standards and concepts which may or may not fully comply with the various requirements of these regulations, but will result in areas of equal or better desirability than adjoining areas.
- (b) *Procedures.* In any district a planned unit development project may be granted by the Village Council following the procedures set forth in § 1258.04 of this Zoning Code.
- (c) *Principle permitted uses.* A building or lot in a PUD-1 District shall be used only for the uses first permitted in the underlying district.
- (d) *Accessory uses.* Any accessory use or structure permitted in an underlying district shall be allowed.
- (e) *Signs.* Any sign permitted in the underlying district shall be allowed.



(f) *Off-street parking and loading.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in § 1266.05.

(g) *Lot areas, yard requirements, and height limits.*

(1) *Lot area.*

A. No specific minimum lot area shall be required for an individual unit, however, the overall development shall comply with the lot area per dwelling unit for the district for which it is located.

B. At least 20% of the total area shall be devoted to common open spaces and recreational facilities for the residents or users of the area being developed.

(2) *Yard requirements.* No structure shall be located closer than 50 feet from any boundary of the planned unit development, 30 feet for any accessway or street, or 15 feet from any other structure.

(3) *Height limits.* Height limits of the district in which the planned unit development is located shall apply.

(h) *Special considerations.* The site plan shall provide among other things for:

(1) The physical character of the site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site from probability of flooding, erosion, subsidence, or slipping of the soil or other dangers, annoyances, or inconveniences;

(2) The site must be provided with public utilities;

(3) The site must have direct access to a major street without creating traffic on minor residential streets outside the district;

(4) Efficient, safe, convenient, and harmonious grouping of structures, uses, and facilities;

(5) Appropriate relation of space inside and outside buildings to intended uses and facilities;



- (6) Vehicular access to streets and pedestrian ways;
- (7) Protection of pedestrian and traffic visibility; and
- (8) Screening of off-street parking areas, loading areas, and areas for storage and collection of trash and garbage.

(i) *Supersedence.* Divisions (a) and (h) shall supersede and replace any and all existing development regulations of the village.

(Ord. 2100.01C, passed 11-2-1987; Am. Ord. 98-1, passed 3-3-1998)



CHAPTER 1264

Supplementary Regulations

1264.01	Lot areas, yard requirements, and height limits	1264.05	Transitional uses in R-District.
1264.02	Existing lots of record: modification of requirements.	1264.06	Accessory building in an R-District.
1264.03	Conversion of dwelling.	1264.07	Pending applications for zoning permits.
1264.04	Rear dwellings.		

CROSS REFERENCES

Municipal zoning - see Ohio R.C. 713.06 et seq.

§ 1264.01 LOT AREAS, YARD REQUIREMENTS, AND HEIGHT LIMITS.

(a) *Residential Districts.*

- (1) The minimum lot areas, yard requirements, and height limits for a residential district shall be as follows for each principle structure.
- (2) For principle buildings other than residential buildings, minimum lot areas, yard requirements, and height limits, shall be the least restrictive requirements established in any residential district, provided, however, the requirements established in principle permitted use sections shall take precedence over any requirements established in this section.



District	Type of Dwelling	Percent of Total Subdivision	Area Square Feet/Family		Lot Width at Building Line (Feet)		Yard Dimensions (Feet)			Next to Any Single Family Zoning	Required Off-Street Parking Spaces			Percent of Lot Covered by All	Building Height (Feet)
			Lot	Building Floor Area	Interior Lot	Corner Lot	Front Depth	Rear Width	Side		Side or Rear	Garage	Open		
R-1	Single Family														
	Single Floor	10%	16,000	1,800	80	90	40	15%	6		2	0		30	35
	Residence	20%	16,000	2,000	80	90	40	15%	6		2	0		30	35
	Residence	20%	16,000	2,400	80	90	40	15%	6		2	0		30	35
	Residence	30%	18,000	3,000	90	90	40	15%	6		2	0		30	35
	Residence	20%	18,000	3,500	90	90	40	15%	6		2	0		30	35



(b) *Business and Industrial Districts.* The lot areas, yard requirements, and height limits for business and industrial district shall be as follows for each principal structure.

	<i>B-1 Business District</i>	<i>I-1 Industrial District</i>
Front Yard Depth (Feet)	50	50
Lot Area (Square Feet)	12,000*	12,000*
Lot Frontage (Feet)	80*	80*
Side Yard Widths, Each Side Yard (Feet)	None required except adjoining any R-District, then 25 feet	None required except adjoining any R-District, then not less than 25 feet
Rear Yard Depth (Feet)	25 feet except abutting any R-District, then not less than that required in the adjoining R-District	Same as for B-1 District
Height Limits (Feet)	No principle structure shall exceed two stories or shall not exceed 35 feet in height whichever is greater	Distance from centerline of street; however, within 200 feet of R-District three stories which shall not exceed 50 feet
*Where public sewer and water are not available, the minimum lot requirements shall be 30,000 square feet of area and 150 feet of frontage.		

(c) *Measurements.*

(1) *Front yard depth.*

- A. The front yard depth shall be measured from the right-of-way line of the existing street on which the lot fronts provided there is a minimum right-of-way of 60 feet.



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- B. In the case where the right-of-way is less than 60 feet, the front yard depth shall be measured from a point 30 feet from the centerline of the street.
- (2) *Side yard width.*
- A. The side yard width shall be measured from the nearest side lot line and, in the case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street provided there is a minimum right-of-way of 60 feet.
- B. In the case where the right-of-way is less than 60 feet, the side yard width shall be measured from a point 30 feet from the centerline of the street.
- (d) *Exceptions.*
- (1) *Side yard exceptions.* The only side yard modifications and exceptions shall be:
- A. Along the side line of a corner lot in a residential district, the width of the street side yard shall not be less than 20 feet.
- B. The side yard requirements for a row dwelling are the same as if the row dwelling was considered one structure.
- C. Side yard width may be varied where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular. In such case, the average width of the side yard shall not be less than the otherwise required least width provided, however, that such side yard shall not be narrower at any point than three-fourth the otherwise required least width.
- (2) *Front yard exception.*



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- A. In any R-District where a block has 30% of the lot frontage on one side of the street improved with buildings, and the average depth of the front yards of the existing buildings along the entire block front, excluding corner lots, is less than the front yard depth prescribed elsewhere in these regulations the required depth of the front yards shall be modified, provided, however, there are two or more front yards of existing buildings involved.
- B. In such cases, the required front yard in question shall be the average depth of existing front yards provided, further, that the front yard shall be at least 30 feet.
- (3) *Rear yard exceptions.* Institutional facilities and buildings of a religious organization shall be required to furnish a 20 foot rear yard.
- (4) *Projections into yards.* The only projections into yards shall be as follows.
- A. A wall or fence not over six feet high may be erected in any yard or court, except a front yard or side street side yard in which case the height of the wall or fence shall not be over four feet. If the wall is a retaining wall, the height shall be measured on the highest (fill) side. No fence, trees, or foliage shall be maintained on a lot that will materially obstruct the view of a driver of a vehicle.
- B. Steps, uncovered porches, or other similar features not over three and one-half feet high above the average finished grade and district at least five feet from every lot line, may project into any yard.
- C. Cornices, canopies, eaves, pilasters, sills, or other architectural features may project into any yard or court a distance not exceeding three feet.
- D. Chimneys may project into any yard a distance not exceeding two and one-half feet, any bay windows or balconies may project into



any yard a distance not exceeding three feet, provided; however, that such chimneys, bay windows, and balconies, do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.

(5) *Height limits exceptions.*

- A. The height limitations of these regulations shall not apply to churches, schools, hospitals, and such public buildings as a library, museum, art gallery, fire station, or a public building of a cultural, recreational or administrative nature; provided, that for each two feet by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased by one-half foot over the side and rear yard otherwise required in the district.
- B. Church spires, belfries, cupolas, and domes, monuments, fire and house towers, observations towers, transmission towers, chimneys, smokestacks, flag poles, radio and television towers, masts and aerials, may exceed the height limitations.
- C. In the I-1 District, the height limitations shall not apply to bulkheads, water tanks, monitors, towers, monuments, fire towers, hose towers, cooling towers, grain elevators, and gas holders.

(Ord. 2100.01C, passed 11-2-1987; Am. Ord. 92-10, passed - -1992; Am. Ord. 4-17, passed 10-4-2004)

§ 1264.02 EXISTING LOTS OF RECORD: MODIFICATION OF REQUIREMENTS.

In any district where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record on the effective date of these regulations, even though such lot does not comply with the lot area and width requirements of the district; provided the lot has



a minimum of 40 feet frontage on a public street; and further provided the following conditions are complied with.

- (a) If the owner of such lot does not own adjoining property and did not own such property at the time these regulations became effective.
 - (1) *Reduction in side yard widths for narrow lots.* In any district where dwellings are permitted, two inches may be deducted from the required least width of each side yard and four inches from the required sum of least widths of both side yards for each foot that a lot is narrower than the required width for the district. Such deductions shall not apply to buildings higher than two stories. In no case, however, shall any side yard be narrower than five feet.
 - (2) *Reduction in depth of rear yard.* For lots have a depth of less than 110 feet, the depth of the rear yards need not exceed 25% of the depth of the lot, but shall not be less than 15 feet in any case.
- (b) If the owners of such lot owns adjoining property, or owned such property at the time these regulations became effective, the modification of lot area and yard dimensions set forth hereinbefore shall not apply except as set forth hereinafter. In order to erect a dwelling or dwellings thereon, the owner of two or more adjacent lots fronting on the same street shall redivide such lots in such a manner that they conform with the lot area and yard requirements for a single family dwelling in the district. However, if the average width of the lots resulting from such re-division would exceed the required lot width for a single family dwelling by more than 20 feet, such re-division, if any, may be so made as to provide one more building lot than otherwise would be permitted. In such a case, the provisions of division (a) hereinbefore relating to reduction of side yard width and rear yard depth shall apply. (Ord. 2100.01C, passed 11-2-1987)



§ 1264.03 CONVERSION OF DWELLING.

- (a) The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only within a district in which a new building for similar occupancy would be permitted under these regulations. The occupancy resulting from such conversion shall comply with the requirements governing new construction in such district with respect to minimum lot width, lot area per dwelling unit, dimensions of yards and other open spaces, and off-street parking, except that, in case of a dwelling in existence at the time of the effective date of these regulations.
- (b) The following modification of such requirements shall be permitted.
- (1) In the R-2 District, a one-family dwelling may be converted to two-family occupancy, provided it is located on a lot having an area of not less than 10,000 square feet.
 - (2) In the R-3 District, a dwelling may be converted to a two or more family occupancy provided it is located on a lot having a width of not less than 90 feet and a lot area of not less than 4,000 square feet per dwelling unit.
 - (3) No addition to an existing building shall be permitted if the addition violates any yard requirement of the district.

(Ord. 2100.01C, passed 11-2-1987)

§ 1264.04 REAR DWELLINGS.

Rear dwellings shall be prohibited and considered nonconforming uses subject to the requirements of Chapter 1254.

(Ord. 2100.01C, passed 11-2-1987)



§ 1264.05 TRANSITIONAL USES IN R-DISTRICT.

In any R-1, R-2, or R-3 District, a transitional use shall be permitted on a lot, the side line of which adjoins either directly or across an alley from a B or I District. The permitted transitional use for any such lot shall be the same as for the district respectively next listed in Chapter 1262. The requirements governing lot area per dwelling unit, off-street parking, yards and other open spaces shall be as listed in Chapter 1262. Any transitional use authorized in this section shall not extend more than 100 feet into the residential district as measured from the side lot line abutting the zoning district boundary line.

(Ord. 2100.01C, passed 11-2-1987)

§ 1264.06 ACCESSORY BUILDING IN AN R-DISTRICT.

Accessory building in an R-District shall be subject to the following requirements.

- (a) No accessory building shall be erected in any required yard, other than a rear yard.
- (b) No accessory building shall occupy more than 40% of the required rear yard.
- (c) An accessory building may be erected five feet from the interior side or rear lot line provided the accessory building is located not less than 70 feet in any Agricultural District, or 55 feet in any other district from the front yard line.
- (d) The height of an accessory building shall not exceed 15 feet and the distance of such building from other principle buildings on the same or adjacent lot shall be at least ten feet.

(Ord. 2100.01C, passed 11-2-1987)

§ 1264.07 PENDING APPLICATIONS FOR ZONING PERMITS.

Nothing contained in these regulations shall require any change in the overall layout, plans, construction, size, or designated use of any development, building, structure, or part thereof, for which official approvals and required zoning permits have been legally granted before



the enactment of these regulations, the construction of which, conforming with such plans, shall have been started within six months of the effective date of these regulations and completion thereof carried on in a normal manner within the subsequent two year period, and not discontinued until completion except for reasons beyond the owner's control.

(Ord. 2100.01C, passed 11-2-1987)



CHAPTER 1266

Special Regulations

1266.01	Private swimming pools.	1266.04	Burned structures.
1266.02	Patios.	1266.05	Off-street parking and loading spaces.
1266.03	Outdoor advertising, billboards, poster panels, signboards.	1266.06	Adult entertainment facilities

CROSS REFERENCES

Municipal zoning - see Ohio R.C. 713.06 et seq.

§ 1266.01 PRIVATE SWIMMING POOLS.

No private swimming pool shall be allowed in any R-District except as an accessory use, and unless it complies with the following conditions and requirements.

- (a) The pool is intended, and used primarily for the enjoyment of the occupants of the principle use of the property.
- (b) It may not be located closer than 15 feet to any lot line of the property on which it is located.
- (c) The swimming pool, or the entire lot on which it is located, shall be walled or fenced by a four foot or higher structure so as to prevent uncontrolled access by children from the street, or from adjacent properties.
- (d) A. An enclosed swimming pool shall be considered as accessory building and shall comply with the requirements of § 1264.06.
B. An existing pool shall not be enclosed unless it complies with the requirements of § 1264.06.

(Ord. 2100.01C, passed 11-2-1987)



§ 1266.02 PATIOS.

Patios may be located in side and rear yards provided they are not closer than two and one-half feet to any property line.

(Ord. 2100.01C, passed 11-2-1987)

§ 1266.03 OUTDOOR ADVERTISING, BILLBOARDS, POSTER PANELS, SIGNBOARDS.

Outdoor advertising, billboards, poster panels, and signboards, when permitted within a district, shall be subject to the following conditions.

- (a) The billboard structures must be set back from the established right-of-way of any street or highway at least as far as the required front yard depth for a principle building in such district.
- (b) At the intersection of any state or federal highway, major or secondary thoroughfares, or at the intersection of major thoroughfares, the setback of any billboard structures shall not be less than 100 feet from the established right-of-way line of each such highway or thoroughfare, unless erected on or adjacent to the wall of a building; or in such other manner as not to interfere with, or obstruct clear vision of such intersection in any direction for a distance of 250 feet.
- (c) No such billboard structures shall be permitted which faces the front or side lot line of any lot or parcel of land in any R-District and is within 100 feet of such lot line.

(Ord. 2100.01C, passed 11-2-1987)

§ 1266.04 BURNED STRUCTURES.

- (a) *Generally.* A structure in the village that has been on fire shall comply with the following.



- (1) If repair work has not been started within 90 days after date of fire, sufficient written evidence shall be given the Zoning Inspector to indicate owner has not made settlement with insurance company.
 - (2) If the structure is declared a total loss, it shall be removed within 180 days from the date of fire or 180 days after settlement with insurance company. If removal has not been started within 180 days after date of fire, sufficient written evidence shall be given Zoning Inspector to indicate owner has not made settlement with insurance company.
 - (3) Removal must be completed within 60 days after such removal work has been started.
- (b) *Required trash areas.*
- (1) All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence of at least four feet in height if such area is not within an enclosed building or structure.
 - (2) Provisions of adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Inspector shall be required.
- (c) *Visibility at intersections.* On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half and ten feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along the street lines 30 feet from the point of intersection.

(Ord. 2100.01C, passed 11-2-1987)



§ 1266.05 OFF-STREET PARKING AND LOADING SPACES.

In all directions, every industrial, business, institutional, recreational, residential or any other use shall provide at the time any building or structure is erected, enlarged, or increased in capacity, off-street parking and loading spaces for motor vehicles in accordance with the requirements of this section.

- (a) Each off-street parking space shall have an area of not less than 160 square feet exclusive of access drives or aisles and shall be of usable shape and condition. There shall be adequate provisions for ingress and egress to all parking spaces. Where a lot does not abut on a public street or alley, or on a private easement or access not less than eight feet in width in the case of a dwelling, and not less than 18 feet in width in all other cases, leading to the parking or storage areas, or loading or unloading spaces, required hereunder, in such manner as to secure the most appropriate development of the property in question; but, except where provided in connection with a use permitted in an R-District, such easement of access, or access drive, shall not be located in an R-District.
- (b) Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of these regulations.
- (c) Off-street parking facilities shall be located as hereinafter specified; where a distance specified, such distance shall be measured from the nearest point of the parking facility to the nearest point of the building or use such facility is required to serve.
 - (1) For one and two-family dwellings on the same lot with the building they are required to serve.
 - (2) For multi-unit dwellings, not more than 200 feet from the building they are required to serve.
 - (3) For uses located in, and first permitted in a B-1 District; and for hospitals, sanitariums, convalescent, nursing, and rest homes; homes for the aged,



dormitories, tourist houses, private clubs, fraternity and sorority houses; lodges, and offices as first permitted in an R-District, not more than 300 feet from the building they are required to serve.

- (4) For uses other than those specified above, not more than 800 feet from the building they are intended to serve.
- (d) For the purpose of this section, *FLOOR AREA* in the case of offices, merchandising, or service types of uses, shall mean the gross floor area used, or intended to be used, by tenants; or by services to the public or customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for areas used principally for non-public purposes such as storage, incidental repair, processing or packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores, or buildings; for toilet or restrooms; for utilities, or for dressing rooms, fitting, or alteration rooms.
- (1) In hospitals, bassinets shall not be counted as beds.
 - (2) In stadiums, sports arenas, churches, and other places of assembly, in which patrons, or spectators occupy benches, pews, or other similar seating facilities, each 20 inches of such seating facilities shall be counted as one seat for the purposes of determining facilities under these regulations.
 - (3) When units of measurement, determining number of required parking spaces, result in a requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- (e) Whenever, in any building, there is a change in use, of an increase in floor area, or other unit of measurement specified hereinafter; for the purpose of determining the number of required off-street parking spaces, and such change or increase creates a need for an increase of more than 10% in the number of off-street parking spaces, as determined by the requirements in this section. Additional off-



street parking spaces shall be provided on the basis of the increased requirement of the new use, or on the basis of the increase in floor area, or other unit of measurement. Provided, however, that in case a change or changes in use creates a need for an increase of less than five off-street parking facilities since the effective date of these regulations, no additional space shall be required.

- (f) In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses, computed separately. Off-street parking facilities for one use, shall not be considered as providing required parking facilities for any other use.
- (g) Nothing in this section shall be construed to prevent collective provision of off-street parking facilities for two or more buildings or uses; provided that the total of such off-street parking spaces supplies collectively, shall not be less than the sum of the requirements for the various uses computed separately; provided, also, that the requirements set forth in division (c) of this section as to maximum distances between parking facilities and buildings, or uses served, shall apply to each establishment participating in the collective provision of parking.
- (h) Not more than 50% of the off-street parking facilities required under this section for a church, theater, bowling alley, dance hall; or an establishment for the sale and consumption of food, alcoholic beverages or refreshments; may be supplied by off-street parking facilities provided by other types of buildings or uses as specified in division (i) of this section which are not normally open, used, or operated during the principle operating hours of theaters, churches, or other aforesaid establishments, provided that a properly drawn instrument is executed by the parties concerned for the joint instrument, duly approved as to form and manner of execution by the village's legal representative, shall be filed with the application for a building permit. Buildings or uses not normally open, used, or operated during the principle operating hours of theaters, churches, or other aforesaid



establishments; are defined as banks, business offices, retail stores, personal service shops, clothing, or shoe repair, or service shops, manufacturing buildings, and similar uses.

- (i) The number of off-street parking facilities required shall be as set forth in the following.

<i>Use</i>	<i>Number of Off-Street Parking Facilities</i>
Automobiles or Machine Sales and Service	1 for each 800 square feet of floor area
Banks, business and professional offices, except medical and dental offices and clinics	1 for each 400 square feet of floor area
Bowling Alleys	5 for each alley plus the necessary space as set forth in this section for affiliated uses such as bars, restaurants, and the like
Churches and Schools	1 for each 8 seats in an auditorium or 1 for each 6 seats in places of worship or 1 for each 17 classroom seats, whichever is greater
Dance Halls, and Assembly Halls without fixed seats; Exhibition Halls, except church assembly rooms in conjunction with auditoriums	1 for each 100 square feet of floor area used for assembly or dancing
Dwellings	2 for each family or dwelling unit
Funeral Homes, Mortuaries	4 for each parlor or 1 for each 50 square feet of floor area, whichever is greater
Furniture and Appliance Stores, Household Equipment, or Furniture Repair Shop, over 1,000 square feet of floor area	4 plus 1 for every 400 square feet of floor area over 1,600 square feet
Hospitals	1 for each 2 beds
Hotels, Rooming Houses, Lodging Houses	1 for each bedroom



<i>Use</i>	<i>Number of Off-Street Parking Facilities</i>
Fraternities, Sororities	1 for each 3 beds
Libraries, Museums, or Galleries	1 for each 600 square feet of floor space
Manufacturing Plans, Research or Testing Laboratories, Bottling Plants	1 for each 1,200 square feet of area
Medical and Dental Clinics	1 for each 100 square feet of floor area
Motels	1 for each living or sleeping unit
Restaurants, Beer Parlors, and Night Clubs	1 for each 100 square feet of floor area
Retail Stores, Shops, and the like	1 for each 200 square feet of floor area
Sanitariums, Convalescent Homes, Homes for Aged, Children's Homes	1 for each 6 beds
Sport Arenas, Auditoriums, Theaters, Assembly Halls, other than Schools	for each 6 seats
Wholesale Establishments or Warehouses	5 plus 1 for every 3,000 square feet of floor area over 5,000 square feet
In the case of a use not specifically mentioned above, the requirements for off-street parking facilities for a use which is so mentioned and to which the use is similar, as determined by the Zoning Inspector, shall apply.	
Each of the above required parking facilities shall be equal to the off-street parking space established in division (a) of this section.	

- (j) Loading spaces shall be provided and maintained on the same premises with every building, structure, or part thereof, erected, occupied, enlarged, or intended to be used for manufacturing, storage, warehouses, goods display, department store, wholesale store, market retail store, hotel, hospital, laundry, dry cleaning, or



other uses similarly involving the receipt or distribution by vehicles, of materials or merchandise.

- (1) Such space shall be adequate for standing, loading, and unloading services, in order to avoid undue interference with public use of the streets or alleys.
- (2) Loading and unloading space shall not be occupied or considered as any part of the required off-street parking.
- (3) All districts shall include a ten foot by 25 foot loading space with a 14 foot height clearance, for every 20,000 square feet or fraction thereof, in excess of 3,000 square feet of building floor or land used for above mentioned purposes.

A. *Buildings used for offices or hotel.*

3,000 - 150,000	1 space
150,000 - 399,999	2 spaces
400,000 - 659,999	3 spaces
Each additional 350,000	1 space

B. *All other uses.*

1,000 - 9,999	1 space
10,000 - 39,999	2 spaces
40,000 or more	3 spaces plus one space for each 30,000 square feet over 40,000 square feet of building area.

(Ord. 2100.01C, passed 11-2-1987)



§ 1266.06 ADULT ENTERTAINMENT FACILITIES.

(a) *Purpose.*

- (1) The purpose of this section of the Zoning Code is to promote the public health, safety and welfare through the regulation of adult entertainment businesses.
- (2) It is the intent of this section to regulate businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing adult entertainment businesses, residential areas, schools, churches, parks and playgrounds within the village.

(b) *Definitions.*

ADULT ENTERTAINMENT FACILITY. Any establishment which is involved in one or more of the following listed categories.

ADULT BOOKSTORE. An establishment which utilizes 15% or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug operated motion picture machines, projectors, video recorders, compact disc recorders, or other image producing devices, or any combination thereof, books, magazines or other periodicals, films, tapes and cassettes which are distinguished by their emphasis on specified sexual activities or specified anatomical areas as defined below.

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 the 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.



ADULT MOTION PICTURE BUSINESS. A facility for the display of motion pictures which regularly uses or utilizes 15% or more of its total viewing time for presenting material distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas, for observation by patrons therein.

FINE ART GALLERY. Any display of art work which is individually crafted and signed by the artist or which is limited in edition to 1,000 or less.

SADOMASOCHISTIC SEXUAL ABUSE. Actual or simulated flagellation, rape, torture, or other physical or sexual abuse, by or upon a person who is nude or partially denuded, or the condition of being fettered, bound for sexual gratification or abuse or represented in the context of a sexual relationship.

SEXUALLY EXPLICIT NUDITY. The sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depiction in such position or manner which present or expose such nudity to prominent, focal, or obvious viewing attention.

SPECIFIED ANATOMICAL AREAS. Any of the following:

- A. Less than completely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola; or
- B. Human male genitals in a discernible turgid state.

SPECIFIED SEXUAL ACTIVITIES. Any of the following:

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts, real or simulated, or human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic sexual abuse; or
- C. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.

VISIBLY DISPLAYED. The material is visible on a billboard viewing screen, marquee, newsstand, display rack, window, showcase, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general



public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, have unrestrained and reasonable anticipated access and presence.

(c) *Exceptions.* Nothing in this section shall be construed to pertain to:

- (1) The purchase, distribution, exhibition and/or loan of any work of art, book, magazine or other printed material or manuscript by an accredited museum, library, fine art gallery, school or museum of higher learning; or
- (2) The exhibition and/or performance of any play, drama tableau, or motion picture by any theater, museum, library, fine art gallery, school, or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

(d) *Location.* Adult entertainment facilities are to be considered a conditional use in the business district and are additionally subject to the following conditions.

- (1) No adult entertainment facility shall be established within 1,500 feet of any residence or district where residences are a permitted use.
- (2) No adult entertainment facility shall be established within the radius of 1,500 feet of any school, library, or teaching facility, whether public or private, when such school, library or teaching facility is attended by persons under 18 years of age.
- (3) No adult entertainment facility shall be established within a radius of 1,500 feet of any park or recreational facility attended by persons under 18 years of age.
- (4) No adult entertainment facility shall be established within a radius of 1,500 feet of any church, synagogue, or permanently established place of religious services attended by persons under 18 years of age.
- (5) No adult entertainment facility shall be established within a radius of 1,500 feet of any other adult entertainment facility.



- (6) No advertisements, displays or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
- (7) All building openings, entries, windows, and the like, for adult entertainment 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.
- (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 from public or semi-public areas.

(Ord. 01-17, passed 12-3-2001)



CHAPTER 1268

Definitions

1268.01 Definitions. Appx. A Zoning map.

CROSS REFERENCES

Municipal zoning - see Ohio R.C. 713.06 et seq.

§ 1268.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACREAGE. Any tract or parcel of land which has not been subdivided and/or platted.

ACCESSORY USE OR STRUCTURE. A use or structure subordinate to the principle use of a building on the same lot and serving a purpose customarily incidental to the use of the principle building or use.

AGRICULTURE. The use of land for agriculture purposes, including farming, dairying, pasturage, apiculture, horticulture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

ALLEY. A public right-of-way less than 30 feet in width, but not less than 12 feet, which affords only secondary means of access to abutting property.

APARTMENT. Two or more rooms, designed for, arranged for, intended for, or occupied, as a residence by one family with facilities for cooking therein.



APARTMENT BUILDING. Any building housing three or more apartment units providing the units are the principle use of the building.

AUTOMOBILE OR TRAILER SALES AREA. An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers in operable condition and where only incidental repair work is done.

BASEMENT. The portion of a building, the floor of which is not less than two feet below and the ceiling of which is not less than four feet and six inches above the average grade. A ***BASEMENT***, when used as a dwelling, shall be considered as a story for purposes of height measurement, and as a half-story for purposes of side yard determination.

BILLBOARD or ***SIGN.*** Any structure or portion thereof, on which lettered, figured, or pictorial matter is displayed for advertising purposes.

BOARDING HOUSE or ***ROOMING HOUSE.*** A building or part thereof, other than a hotel or restaurant where meals and/or lodging are provided for compensation, for three or more persons primarily non-transients where no cooking or dining facilities are provided in individual rooms.

BUILDABLE AREA. The buildable area of a lot is the space remaining after the minimum open space requirements of these regulations have been complied with.

BUILDING. A combination of materials to form a construction that is safe and stable, and adapted to permanent or continuous occupancy for public, institutional, residence, business or industry purposes.

BUILDING, HEIGHT OF. The vertical distance from the average contact ground level at the front wall of the building to the highest point of the copying of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

CELLAR. The portion of a building, the ceiling of which is entirely below or less than four feet six inches above ground.



CERTIFICATE OF OCCUPANCY. A document issued by the Zoning Inspector which indicates that buildings, structures, or uses are consistent with these regulations.

COURT. An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings.

DISTRICT. A portion of the territory of the village within which certain regulations and requirements or various combinations thereof apply under the provisions of these regulations.

DISTRICT-MORE RESTRICTED OR LESS RESTRICTED. Each of the districts as listed in § 1260.01 shall be deemed to be more restricted than any of the other districts succeeding it, and each shall be deemed to be less restrictive than any of the other districts preceding it in the list.

DWELLING. Any building or portion thereof designed or used as the residence of one or more persons, but not including a tent, trailer, or trailer coach, or a room in a hotel or motel.

DWELLING, MOBILE HOME.

(1) A single-family dwelling designed to be moved by being built on a frame or chassis and further specifically designed and constructed so that wheels are, or may be attached 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.

(2) If applicable, the following criteria may be used to define and identify a mobile home for purposes of these regulations:

- A. A single-family dwelling constructed between 1975 and June 14, 1976 may be defined as a mobile home if constructed in accordance with the standards of Chapter BB-77, Industrialized Units, and Mobile Homes of the Ohio Building Code.
- B. A single-family dwelling constructed other than between 1975 and June 14, 1976 may be defined as a mobile home if constructed in



accordance with the standards of the National Home Construction and Safety Standards Act, 24 CFR §§ 3282.1 *et seq.* and as hereinafter amended.

- (3) A single-family dwelling may be defined as a mobile home if constructed in accordance with the standards of the National Home Construction and Safety Standards Act, 24 CFR §§ 3282.1 *et seq.* and as hereinafter amended; except those constructed between 1975 and June 14, 1976, which may be defined as mobile home if constructed in accordance with the standards of Chapter BB-77, Industrialized Units and Mobile Homes of the Ohio Building Code.

DWELLING, MULTI-UNIT. A building or portion thereof designed for or used for residence purposes by three or more families.

DWELLING, REAR. A dwelling which does not have at least 30 feet of frontage on a public street.

DWELLING, SINGLE FAMILY. A building designed for or used for residence purposes by one family.

DWELLING, TWO FAMILY. A building designed for or used for residence purposes by two families.

DWELLING UNIT. A one room, or a suite of two or more rooms, designed for and used by one family for living and sleeping purposes.

FAMILY. A person living alone, or two or more persons living together as a single housekeeping unit, in a dwelling unit.

FILLING STATION. Any building, structure, or land used primarily for the dispensing, sale, or offering for sale to the consumers, automobile fuels, oils, or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories, but not including major work such as motor replacement, body and fender repair or spray painting.



GARAGE, PRIVATE. A detached accessory building or a portion of the principle building used only for the storage of self-propelled vehicles and incidental residential storage.

GARAGE, PUBLIC. A building or portion thereof, designed or used for equipping, servicing, repairing, hiring, selling, or storing self-propelled vehicles.

HOME OCCUPATION. See § 1262.01(c).

HOSPITAL. An institution providing health and services primarily for in-patient medical and surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility. The term ***HOSPITAL*** shall specifically not include tuberculosis, mental, or penal hospitals, rest homes, or nursing homes.

HOTEL. A building occupied as primarily and temporary abiding place of individuals who are lodged with or without meals, and in which there are more than 20 sleeping rooms or apartments.

JUNK YARD. A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials, and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars, inoperable condition, or salvaged materials incidental to manufacturing operations.

LOT. A parcel of land occupied or intended to be occupied by a principle building or a group of such buildings and accessory buildings, or utilized for a principle use and used accessory thereto, together with the open space as required by these regulations and having frontage on a public street. Thus, the lot boundary may or may not coincide with the boundary of a lot of record.

LOT AREA. The computed area contained within the lot lines.



LOT, CORNER. A lot abutting upon two or more streets at their intersection or upon two parts of the same street, forming an interior angle of less than 135 degrees. The point of intersection of the street lines is the corner.

LOT, DEPTH. The mean horizontal distance between the front and the rear lot lines.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINES. The property lines bounding the lot.

LOT LINE, REAR. The lot line opposite the most distant from the front lot line.

LOT LINE, SIDE. Any lot line other than a front or rear lot line.

LOT OF RECORD. A lot which is part of a subdivision, or a lot described by metes and bounds, the map and/or description of which has been recorded in the office of the Registrar of Deeds of Pickaway County.

LOT, THROUGH. An interior lot having frontage on two streets.

LOT WIDTH. The mean width of the lot measured at right angles to its depth.

MOTEL. A building, or group of buildings comprising individual sleeping or living units primarily for the accommodation of transient guests.

NONCONFORMING USE. A building, structure, or premises legally existing and/or used at the time of adoption of these regulations or any amendment thereto, and which does not conform with the use regulations of the district in which located.

OWNER. Owner of record according to records contained in the county offices.

PARKING AREA. An open area, other than a street or other public way, used for the parking of motor vehicles.

PATIO. An uncovered area, other than a parking space, surfaced or constructed, the use of which is customarily incidental to that of the main use of the land.

SIGN, AREA OF. The area of a sign shall be the exterior surface computed in square feet. A sign projecting from a building which has two or more readable surfaces shall be deemed to have two or more exterior surfaces.



STORY. That portion of a building, included between the surface of any floor, and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

STORY, FIRST. The lowest story or the ground story of any building the floor of which is not more than two feet below the average contact ground level at the exterior walls of the building except that any basement or cellar used for residence purposes, other than for a janitor or caretaker shall be deemed the first story.

STORY, HALF. A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.

STREET. A public right-of-way 60 feet or more in width which provides a public means of access to abutting property, or any such right-of-way more than 30 feet in width provided it existed prior to the enactment of these regulations. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term. A **MAJOR STREET** shall be any street so designated on the approved village highway thoroughfare plan.

STRUCTURE. Anything constructed, the use of which required permanent location on the ground, or attachment to something having a permanent location on the ground.

STRUCTURAL ALTERATION. Any change in the structural members of a building, such as walls, floors, columns, beams, or girders.

SWIMMING POOL, PRIVATE. A private swimming pool, as regulated herein, shall be any pool, enclosed or unenclosed, and containing or normally capable of containing water to a depth at any point greater than three feet.

TOURIST HOME. A building or part thereof, other than a hotel, boarding house or motel, where lodging is provided by a resident family in its home for compensation, primarily for transients.

TRAILER CAMP or TRAILER PARK. Any lot or part thereof, or any parcel of land, which is used or offered as a location for two or more house trailers.



THOROUGHFARE PLAN. The official thoroughfare plan as adopted and as amended from time to time by the Village Planning Commission establishing the general location and official right-of-way widths of the major or secondary highways and thoroughfares.

USE, TRANSITIONAL. A use of land or building located or permitted to be located on certain lots abutting a zoning boundary line in the more restricted of the two different zoning districts in accordance with the provisions of these regulations.

YARD, FRONT. An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward as hereinafter specified.

FRONT YARD, MINIMUM DEPTH. The shortest distance, measured horizontally, between any part of a building, other than such parts hereinafter excepted, and the front lot line.

YARD, REAR. An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified.

REAR YARD, MINIMUM DEPTH. The shortest distance measured horizontally, between any part of a principle building, other than such parts hereinafter excepted, and the rear lot line.

YARD, SIDE. An open space extending from the front yard to the rear yard between a principle building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified.

SIDE YARD, MINIMUM WIDTH. The shortest distance measured horizontally, between any part of a building, other than such parts hereinafter excepted, and the nearest side lot line.

ZONING CERTIFICATE. A document issued by the Zoning Inspector authorizing the construction or alteration of buildings, structures, or uses consistent with the terms of these regulations.

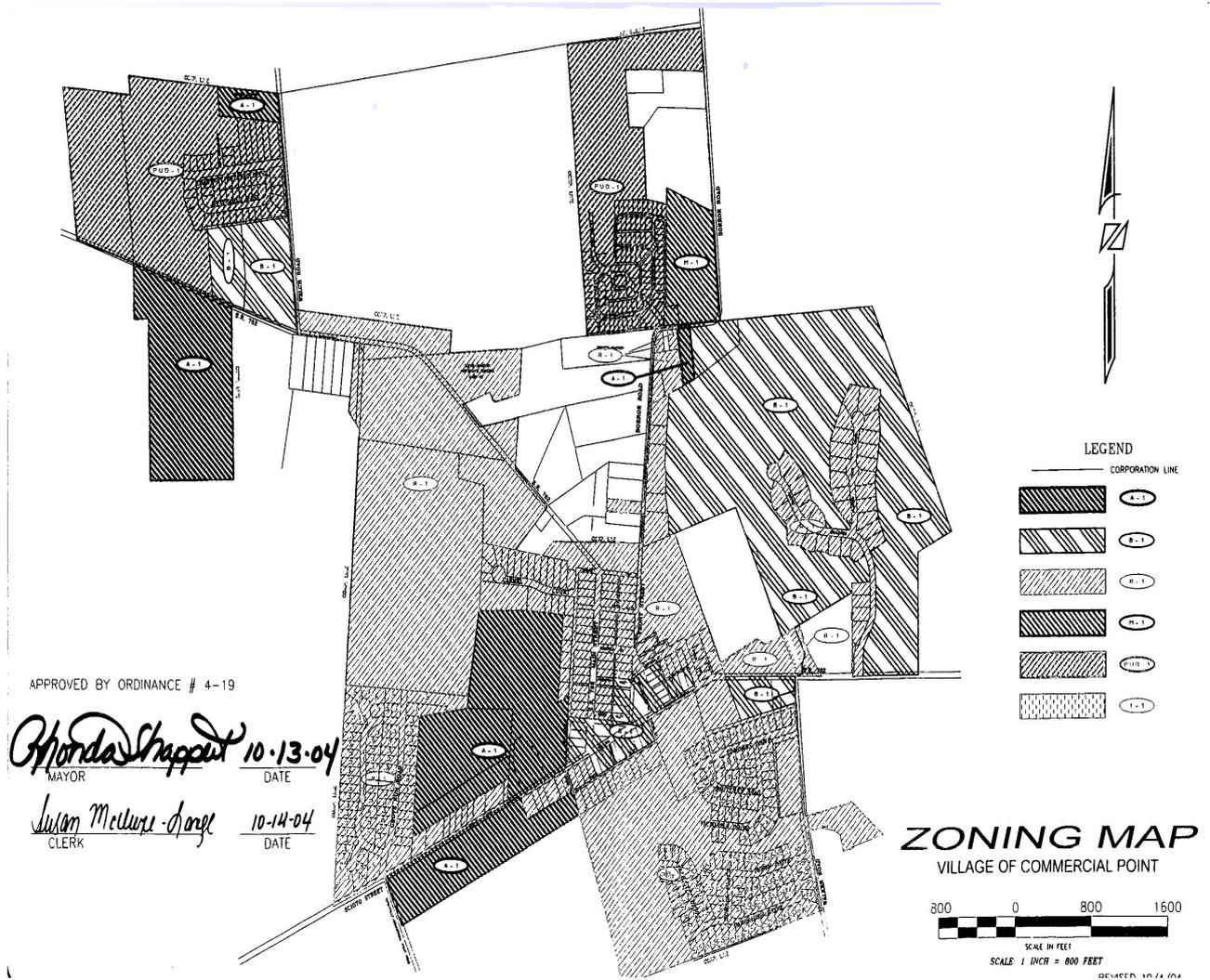
ZONING INSPECTOR. The Zoning Inspector or his or her authorized representative, appointed by the Mayor.



ZONING MAP. The zoning maps of the Village of Commercial Point, Pickaway County, Ohio, dated as of these regulations date together with all amendments subsequently adopted. (Ord. 2100.01C, passed 11-2-1987)



APPENDIX A: ZONING MAP



(Ord. 4-19, passed 10-14-2004)