

PART ELEVEN – PLANNING AND ZONING CODE

Chap. 1101. General Provisions.

- 1101.01 Purpose.
- 1101.02 Title.
- 1101.03 Authority.
- 1101.04 Jurisdiction.
- 1101.05 Interpretations and Conflicts.
- 1101.06 Relationship with Third Party Private Agreements.
- 1101.07 Compliance Required.
- 1101.08 Severability.
- 1101.09 Transitional Rules.
- 1101.10 Restoration of Unsafe Buildings
- 1101.11 Repeal.
- 1101.12 Use of Graphics, Tables, Illustrations, Figures, and Cross-References.
- 1101.13 Burdon of Proof.

Chap. 1105. Definitions and References.

- 1105.01 Purpose.
- 1105.02 General Rules for Interpretation.
- 1105.03 Definitions and References.

Chap. 1109. Decision-Making Roles and Authority.

- 1109.01 Purpose.
- 1109.02 Illustration of Review and Decision Making-Bodies.
- 1109.03 Village Council.
- 1109.04 Planning Commission.
- 1109.05 Board of Zoning Appeals (BZA).
- 1109.06 Zoning Inspector.

Chap. 1113. Review Procedures.

- 1113.01 Purpose.
- 1113.02 Common Review requirements.
- 1113.03 Zoning Certificate.
- 1113.04 Sign Permit.
- 1113.05 Zoning Text or Map Amendment.
- 1113.06 Conditional Use.
- 1113.07 Variance.
- 1113.08 Appeals.
- 1113.09 Applications and Permits for Small Cell Facilities and Wireless Support Structures Within the Right-of-Way.

Chap. 1117. Establishment of Zoning Districts.

- 1117.01 Establishment of Zoning Districts.
- 1117.02 Official Zoning Map.
- 1117.03 Zoning District Boundary Interpretation.

Chap. 1121. Zoning Districts and Principal Use Regulations.

- 1121.01 Purpose Statements for Zoning Districts.
- 1121.02 Principally Permitted Uses and Activities.
- 1121.03 Use-Specific Standards.
- 1121.04 District Development Standards.
- 1121.05 Mixed-Use Development Standards.

Chap. 1123. Overlay Districts.

- 1123.01 Club Conservation Overlay.
- 1123.02 Open Space Conservation Overlay.

Chap. 1125. Oil and Gas Wells.

- 1125.01 Purpose, Intent, and Authority.
- 1125.02 State Standards.
- 1125.03 Oil/Gas Well Drilling Prohibitions.
- 1125.04 Permit Requirements.
- 1125.05 Application for a Permit.
- 1125.06 Public Hearing Requirements.
- 1125.07 Proof of Performance Bond.
- 1125.08 Plot Plan and Vicinity Map.
- 1125.09 Drilling Unit Size.
- 1125.10 Minimum Depth of the Well.
- 1125.11 Spacing of Oil/Gas Wells.
- 1125.12 Placement of Oil/Gas Wells.
- 1125.13 Drilling Near Structures; Exceptions.
- 1125.14 Consent from Property Owners Within 1,000 Feet.
- 1125.15 Waivers from Owners and Occupants Within 600 Feet.
- 1125.16 Construction Near Producing Oil/Gas Wells and Storage Tanks.
- 1125.17 Easements or Options for Pipelines and Storage Tanks.
- 1125.18 State Permit Required.
- 1125.19 Permit Issuance; Liability Insurance.
- 1125.20 Inspection; Permit Revocation.
- 1125.21 Information to Be Furnished to the Village.
- 1125.22 Maintenance of Well Site, Ingress and Egress, Landscaping.
- 1125.23 Rotary Equipment.
- 1125.24 Cable Tools.
- 1125.25 Training of Crews: Condition of Equipment.
- 1125.26 Sealing to Protect Fresh Water Wells.
- 1125.27 Fence Requirements; Electric Powered Well Pump Required.
- 1125.28 Prohibited Drainage in Storm or Sanitary Sewers and Lakes, Ponds, Canal and Streams.
- 1125.29 Storage Tanks, Location and Diking.
- 1125.30 Mud on Site or Streets.
- 1125.31 Restoration of Public Property; Site Clean Up.

- 1125.32 Abandoned Wells.
- 1125.33 Noise Level.
- 1125.34 Other Conditions.
- 1125.35 Brine Disposal Prohibited.
- 1125.36 Granting of Variances.
- 1125.37 Penalty.

Chap. 1129. Wireless Communication.

- 1129.01 Placement of Wireless Communication Towers and Antennae.
- 1129.02 Small Cell Facilities and Wireless Support Structures Within the Right-Of-Way.

Chap. 1133. Riparian Setback Development Standards.

- 1133.01 Public Purpose.
- 1133.02 Compliance and Violations.
- 1133.03 Establishment of a Riparian Setback.
- 1133.04 Uses Permitted in the Riparian Setback.
- 1133.05 Uses Prohibited in The Riparian Setback.
- 1133.06 Non-conforming Structures or Uses in the Riparian Setback.
- 1133.07 Boundary Interpretation and Appeals Procedure.
- 1133.08 Variances Within Riparian Setback.
- 1133.09 Inspection of Riparian Setback.

Chap. 1137. Accessory and Temporary Use Regulations.

- 1137.01 Accessory Use Regulations.
- 1137.02 Temporary Uses and Structures.

Chap. 1141. General Development Standards.

- 1141.01 Fencing, Walls, Hedges, and Similar Structures.
- 1141.02 Steep Slope Regulations.
- 1141.03 Exterior Lighting.
- 1141.04 Mailboxes and Driveway Entry Structures.

Chap. 1145. Landscaping Standards.

- 1145.01 Purpose.
- 1145.02 Applicability.
- 1145.03 General Landscaping Standards.
- 1145.04 Minimum Landscaping Standards.
- 1145.05 Streetscape-Buffer.
- 1145.06 Buffering Between Land Uses.
- 1145.07 Landscaping for Vehicular Use Areas.
- 1145.08 Screening of Service Structures.
- 1145.09 Maintenance and Installation.

Chap. 1149. Open Space Standards.

- 1149.01 Purpose.
- 1149.02 Applicability and Determination.

- 1149.03 Use of Open Space.
- 1149.04 Design Standards for Open Space.
- 1149.05 Protection and Maintenance.

Chap. 1153. Parking, Loading, and Circulation Standards.

- 1153.01 Purpose.
- 1153.02 Applicability.
- 1153.03 Bicycle Parking and Storage.
- 1153.04 Off-Street Parking Requirements.
- 1153.05 Off-Street Loading Requirements.
- 1153.06 Vehicle Stacking Requirements.
- 1153.07 General Design Standards for All Vehicular Use Areas.
- 1153.08 Sidewalk Connections to a Right-Of-Way.

Chap. 1157. Signage Standards.

- 1157.01 Purpose.
- 1157.02 Applicability.
- 1157.03 Compliance Required.
- 1157.04 Computations.
- 1157.05 General Sign Standards.
- 1157.06 Prohibited Signs.
- 1157.07 Sign or Changes Not Requiring a Sign Permit.
- 1157.08 Permanent Signs Permitted in Residential Districts.
- 1157.09 Permanent Signs Permitted in Business districts.
- 1157.10 Temporary Signs.
- 1157.11 Maintenance.
- 1157.12 Nonconforming Signs.

Chap. 1161. Nonconformities.

- 1161.01 Purpose.
- 1161.02 General Provisions.
- 1161.03 Nonconformities and Changes in Use or Variances.
- 1161.04 Nonconforming Uses.
- 1161.05 Nonconforming Structures.
- 1161.06 Nonconforming Lots of Record in Residential Districts.
- 1161.07 Nonconforming Signs.
- 1161.08 Repair and Maintenance.
- 1161.09 Burden of Proof.

Chap. 1165. Enforcement and Penalties.

- 1165.01 Enforcing Officer.
- 1165.02 Violations.
- 1165.03 Inspection.
- 1165.04 Remedies.
- 1165.05 Penalties.
- 1165.06 Affected Parties.

1165.07 Other Actions.

CHAPTER 1101

General Provisions.

Section:

1101.01 Purpose.

1101.02 Title.

1101.03 Authority.

1101.04 Jurisdiction.

1101.05 Interpretations and Conflicts.

1101.06 Relationship with Third Party Private Agreements.

1101.07 Compliance Required.

1101.08 Severability.

1101.09 Transitional Rules.

1101.10 Restoration of Unsafe Buildings

1101.11 Repeal.

1101.12 Use of Graphics, Tables, Illustrations, Figures, and Cross-References.

1101.13 Burdon of Proof.

1101.01 PURPOSE.

The purpose of this zoning ordinance, enacted by the Village of Clinton, Ohio, pursuant to Chapter 713 of the Ohio Revised Code, is to promote public health, safety, convenience, comfort, prosperity, and the general welfare of the Village.

1101.02 TITLE.

This ordinance shall be known and may be cited as the “Zoning Ordinance of the Village of Clinton, Summit County, Ohio,” and may be referred to herein as “this ordinance” or “this zoning ordinance.”

1101.03 AUTHORITY.

(a) General Authority.

This ordinance establishes the village’s zoning regulatory authority as authorized by the ORC.

(b) References to the Ohio Revised Code or the Ohio Administrative Code.

Whenever any provision of this ordinance refers to or cites a section of the Ohio Revised Code or the Ohio Administrative Code (OAC), and that section is later amended or superseded, this ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

1101.04 JURISDICTION.

(a) General Jurisdiction.

The provisions of this ordinance shall apply to all land, land development, use of all structures, architectural design, landscaping, signage, and uses of land within the incorporated areas of the Village of Clinton, Summit County, Ohio as allowed by the ORC.

1101.05 INTERPRETATION AND CONFLICTS.

(a) For purposes of interpretation and application, the provisions of this zoning ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare as allowable by law.

(b) When the provisions of this zoning ordinance are inconsistent with one another or with the provisions found in another adopted ordinance, the more restrictive provision shall govern.

(c) Where this zoning ordinance imposes a greater restriction than imposed or required by other provisions of law or by other rules, regulations or ordinances, the provisions of this zoning ordinance shall control provided it does not conflict with the ORC and/or federal law.

1101.06 RELATIONSHIP WITH THIRD PARTY PRIVATE AGREEMENTS.

(a) This zoning ordinance is not intended to interfere with or abrogate any third party private agreements including, but not limited to: easements, covenants, or other legal agreements between third parties. However, wherever this zoning ordinance proposes a greater restriction upon the use of buildings, structure, or land, upon the location or height of buildings or structures, or upon requirements for open areas than those imposed or required by such third-party private agreements, the provision of this zoning ordinance shall govern.

(b) In no case shall the village be obligated to enforce the provisions of any easements, covenants, or agreements between private parties unless the village is involved as a party to the agreement.

1101.07 COMPLIANCE REQUIRED.

(a) Except as hereinafter specified, no building, structure, or sign shall be located, constructed, erected, reconstructed, enlarged, changed, maintained or used, and no land shall be used in violation of this ordinance or in a manner that does not comply with all of the regulations established by this ordinance for the applicable zoning district and development.

(b) It shall be unlawful for an owner to use or to permit the use of any structure, building, land, or part thereof, hereafter erected, created, changed, converted or enlarged, wholly or partly, until a zoning certificate is issued by the Zoning Inspector in accordance with this ordinance. Such certificate shall state that such building, premises or part thereof, and the proposed use thereof, is in conformity with the provisions of this zoning ordinance.

(c) Existing uses, lots, buildings, structures, and signs that do not comply with this ordinance will be subject to the nonconformity provisions of [Chapter 1161: Nonconformities](#).

1101.08 SEVERABILITY.

(a) If any court of competent jurisdiction invalidates any provision of this zoning ordinance, then such judgment shall not affect the validity and continued enforcement of any other provision of this zoning ordinance.

(b) If any court of competent jurisdiction invalidates the application of any provision of this zoning ordinance to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other building, structure, sign, or situation not specifically included in that judgment.

(c) If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

1101.09 TRANSITIONAL RULES.

(a) Effective Date.

(1) This amendment is effective on January 1, 2019.

(2) Any amendments to this zoning ordinance shall be in full force and effect as provided in the ORC.

(b) Violations Continue.

Any violation of this zoning ordinance that applied to a use, structure, property, development, construction, or other activity, prior to the adoption or amendment of this zoning ordinance, shall continue to be a violation under this zoning ordinance and is subject to penalties and enforcement under **Chapter 1165: Enforcement and Penalties**, unless the use, structure, property, development, construction, sign, or other activity complies with the provisions of this zoning ordinance.

(c) Nonconformities Continue.

(1) Any legal nonconformity under previous versions of this ordinance that applied prior to the adoption of this zoning ordinance shall continue to be a legal nonconformity under this amendment, as long as the situation that resulted in the nonconforming status under the previous version of the ordinance continues to exist.

(2) If a legal nonconformity under any previous versions of this ordinance that applied prior to the adoption of this ordinance becomes conforming because of the adoption of this ordinance, then the situation will be considered conforming and shall no longer be subject to the regulations pertaining to nonconformities.

(d) Approved Projects.

(1) Any building, structure, or development for which a zoning certificate was issued prior to the effective date of this zoning ordinance may, at the applicant's option, be completed in conformance with the issued certificate and any other applicable permits and conditions, even if such building, structure, or development does not fully comply with provisions of this zoning ordinance. Such building, structure, or development shall be considered a legal nonconforming use, if applicable, upon the issuance of a certificate of occupancy from the Village of Clinton Zoning Inspector.

(2) If the building, structure, or development is not completed within the time allowed under the original building permit or any extension granted thereof, then the building, structure, or development may be constructed, completed, or occupied only in compliance with this zoning ordinance.

(3) Any application for a project where the zoning certificate has expired shall meet the standards in effect at the time the application is resubmitted.

(e) Vested Rights.

The transitional rule provisions of Sec. 1101.09(a) through Sec. 1101.09(d) of this ordinance are subject to Ohio's vested rights laws.

1101.10 RESTORATION OF UNSAFE BUILDINGS.

Except as provided in [Chapter 1161 Nonconformities](#), nothing contained in this ordinance shall hinder the construction of a building or prohibit its use where construction has started before the effective date of this ordinance provided that foundations have been put in place before said effective date of this ordinance and provided further that such building shall be completed within two years from the effective date of this ordinance.

1101.11 REPEAL.

This zoning ordinance may be repealed in accordance with the provision established in the ORC.

1101.12 USE OF GRAPHICS, TABLES, ILLUSTRATIONS, FIGURES, AND CROSS-REFERENCES.

(a) Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.

(b) In some instances, cross-references between chapters, sections, and subsections are provided that include the chapter, section, or subsection number along with the name of the referenced chapter, section, or subsection. Where a conflict may occur between the given cross-reference number and name, the name shall control.

(c) A table shall be considered text for the purposes of this ordinance unless specifically identified as a figure.

1101.13 BURDEN OF PROOF.

(a) The burden of demonstrating that an application, development, or use of land or structures subject to this ordinance complies with applicable review and approval standards is on the applicant.

(b) Such burden of proof shall also apply to demonstrating that a nonconformity was established legally under a previous amendment of this ordinance.

(c) The burden is not on the village or other parties to demonstrate that the standards have been met by the applicant or person responsible for the application, development, use of land or structure, or nonconformity with this ordinance.

CHAPTER 1105

Definitions and References.

Section:

1105.01 Purpose.

1105.02 General Rules for Interpretation.

1105.03 Definitions and References.

1105.01 PURPOSE.

It is the purpose of this chapter to define words, terms, and phrases, or identify references, contained in this ordinance.

1105.02 GENERAL RULES FOR INTERPRETATION.

The following rules shall apply for construing or interpreting the terms and provisions of this ordinance.

(a) Meanings and Intent.

All provisions, terms, phrases, and expressions contained in this ordinance shall be interpreted in accordance with the general purposes set forth in **Sec. 1101.01 Purpose**, and the specific purpose statements set forth throughout this ordinance. When a specific section of this ordinance gives a different meaning than the general definition provided in this chapter, the specific section's meaning and application of the term shall control.

(b) Headings, Illustrations, and Text.

In the event of a conflict or inconsistency between the text of this ordinance and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

(c) Lists and Examples.

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

(d) References to Other Regulations or Publications.

Whenever reference is made to a resolution, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such resolution, statute, regulation, or document, unless otherwise specifically stated.

(e) Delegation of Authority.

Any act authorized by this ordinance to be carried out by a specific official of the village may be carried out by a designee of such official.

(f) Technical and Non-technical Terms.

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(g) Public Officials and Agencies.

All public officials, bodies, and agencies to which references are made are those of the Village of Clinton, Summit County, Ohio, unless otherwise indicated.

(h) Mandatory and Discretionary Terms.

The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.

(i) Conjunctions.

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (1) “And” indicates that all connected items, conditions, provisions or events apply; and
- (2) “Or” indicates that one or more of the connected items, conditions, provisions, or events apply.

(j) Tenses and Plurals.

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

(k) Terms Not Defined.

If a term used in this ordinance is not defined in this chapter, the Zoning Inspector shall have the authority to provide a definition based upon the definitions used in accepted sources, including but not limited to A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions, published by the American Planning Association.

1105.03 DEFINITIONS AND REFERENCES.

100-YEAR FLOODPLAIN

Any land susceptible to being inundated by water from a base flood, which is the flood that has a one percent or greater chance of being equaled or exceeded in any given year. For the purposes of these regulations, the current 100-year floodplain shall be defined by FEMA and approved by the County of Summit Department of Building Standards.

ABANDONED (WIRELESS COMMUNICATION)

Small cell facilities or wireless support structures that are unused for a period of three hundred sixty-five days without the operator otherwise notifying the Village and receiving the Village’s approval.

ABOVE GROUND LIQUID HYDROCARBON STORAGE TANK

Any container used for the storage of liquid hydrocarbons including, but not limited to, oil, gasoline, kerosene, and diesel fuel which is located in whole or in part above the surface of the ground surrounding the tank.

ABUTTING OR ADJACENT

The land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement, or street.

ACCESSORY BUILDING, STRUCTURE, OR USE

See definitions under “building, accessory” “structure, accessory” or “use, accessory.”

ACCESSORY DWELLING UNITS

Detached living quarters located on a lot with an existing principal dwelling where the accessory dwelling unit is designed for the use of persons employed on the premises or for the temporary use of guests of the occupants of the principal dwelling. Such guesthouse or accessory dwellings are not rented, leased, or otherwise transferred to an individual or organization as a separate dwelling.

ACCESSORY RECREATIONAL STRUCTURES

Accessory recreational structures are structures and surfaces with permanent improvements for outdoor use, such as tennis courts, paddle tennis, shuffleboard, basketball courts, and other similar facilities for use in conjunction with a residential dwelling unit.

ADULT ARCADE

Any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

ADULT BOOKSTORE OR ADULT VIDEO STORE

A commercial establishment that, for any form of consideration, has as a significant or substantial portion of its stock-in-trade; derives a significant or substantial portion of its revenues from; devotes a significant or substantial portion of its interior business or advertising to; or maintains a substantial section of its sales or display space for the sale or rental of any of the following:

- Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, that are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas; and/or

- Instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.

Adult bookstore, adult novelty store, or adult video store includes a commercial establishment as defined in the ORC. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials exhibiting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, or adult video store. The existence of other principal business purposes does not exempt an establishment from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental for

some form of consideration, such materials that exhibit or describe specified sexual activities or specified anatomical areas.

ADULT CABARET

A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:

- Persons who appear in a state of nudity or semi-nudity;
- Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities; or
- Films, motion pictures, video cassettes, slides, or other photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

ADULT FAMILY HOMES

A residence or facility, as defined and regulated in the ORC, which provides accommodations for three to five unrelated adults and provides supervision and personal care services to at least three of the unrelated adults. See also definition of “residential facilities, small.”

ADULT GROUP HOMES

A residence or facility, as defined and regulated in the ORC, which provides accommodations for six to 16 unrelated adults and provides supervision and personal care services to at least three of the unrelated adults. See also definition of “residential facilities, large.”

ADULT MOTION PICTURE THEATER

A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT THEATER

A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas.

AFFILIATE (WIRELESS COMMUNICATION)

When used in relation to any person, means another person who owns or controls, is owned or controlled by, or is under common ownership or control with, such person.

AGENT (WIRELESS COMMUNICATION)

A person that provides the Village written authorization to work on behalf of a public utility.

AGRICULTURAL USES AND AGRICULTURE

Agricultural uses and agriculture shall be as defined in the ORC.

ALTERATION

Any change, addition, or modification in construction, type of occupancy, increase in floor space, the consummated act of which may be referred to herein as "altered" or "reconstructed."

ANTENNA

Any transmitting or receiving device used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless communications signals, or other communication signals.

APPEAL

An appeal of an administrative decision made by the Zoning Inspector, considered by the BZA, in accordance with [Sec. 1113.08 Appeals](#).

APPLICANT

A person who is authorized by the provisions of this ordinance to file an application.

APPLICATION

The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate village department, board, or commission for an application.

AUTHORIZED AGENT

A person with express written consent to act upon another person's behalf.

AUTOMATED TELLER MACHINE (ATM)

An automated device that provides bank and financial institutional customers with cash withdrawal and other financial services without the need for a bank teller.

AWNING

A roof like cover that is temporary or permanent in nature, and that projects from the wall of a building for the purpose of shielding an area of a structure and constructed of a rigid supporting framework with a canvas, vinyl or fabric covering.

BANKS AND FINANCIAL INSTITUTIONS

Establishments engaged in deposit banking. Banks or financial institutions may include, but are not limited to, commercial banks, loan or mortgage companies, stockbrokers, savings institutions, credit unions, and other similar uses.

BANNER

Any sign of lightweight fabric or similar material that is mounted to a building or other structure at one or more edges.

BED AND BREAKFAST ESTABLISHMENT

Any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner, operator, or manager's legal primary residence, is occupied by the owner, operator, or manager, at the time of rental, and where meals may be served to guests.

BERM, LANDSCAPING

In the context of landscaping, buffer-yard, or screening requirements, shall mean a mound of earth typically used to shield, screen, and buffer undesirable views and to separate potentially incompatible uses. See also the definition of “mound.”

BEST MANAGEMENT PRACTICES (BMPs)

Conservation practices or protection measures which reduce impacts from a particular land use. Best Management Practices for construction are outlined in "Rainwater and Land Development, Ohio's Standard for Storm-water Management, Land Development, and Urban Stream Protection" prepared by the Ohio Department of Natural Resources.

BOARD OF ZONING APPEALS

The Village of Clinton, Summit County, Ohio, Board of Zoning Appeals

BUILDING

Any structure, either temporary or permanent, that has a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, or property of any kind.

BUILDING HEIGHT

The vertical distance of a building as measured pursuant to [Sec. 1121.04 \(a\)\(5\) Height Measurement and Exceptions](#).

BUILDING, ACCESSORY

A building on the same lot with, and of a nature customarily incidental and subordinate to the principal building.

BUILDING, NONCONFORMING

A building that lawfully occupied a lot at the effective date of this ordinance, or amendments thereto, and that does not currently conform to the regulations of the applicable zoning district.

BUILDING, PRINCIPAL

The building containing the main or principal uses on the lot.

BZA

The Board of Zoning Appeals

CABLE FRANCHISE

An initial authorization, or renewal thereof (including a renewal of an authorization which has been granted subject to 47 U.S.C. 522 Section 546), issued by a franchising authority, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, which authorizes the construction or operation of a cable system.

CABLE OPERATOR

Any person or group of persons:

(1) who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system, or

(2) who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system;

CABLE SERVICE

(1) the one-way transmission to subscribers of (i) video programming, or (ii) other programming service, and

(2) subscriber interaction, if any, which is required for the selection of such video programming or other programming service;

CANOPY

A free-standing permanent roof-like shelter not attached to or requiring support from an adjacent structure.

CANOPY (TREE)

The portion of a tree, formed by the plant crowns (branches and leaves) that does not include the main trunk(s) of the tree or its roots.

CEMETERIES

A place for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

CHURCHES AND PLACES OF WORSHIP

A building used principally for religious worship. The word “churches and places of worship” or “church” shall not include or mean an undertaker’s chapel or a funeral home. Such places shall exist as public buildings, and as such, shall meet state and local building codes.

CLEAR ZONE (WIRELESS COMMUNICATION)

The unobstructed, traversable area provided beyond the edge of the through traveled way for the recovery of errant vehicles. The clear zone includes shoulders, bike lanes, and auxiliary lanes, except those auxiliary lanes that function like through lanes. As defined in the ODOT Location and Design Manual, Volume 1, Section 600—Roadside Design.

CCO

Club Conservation Overlay

COLLOCATION or COLLOCATE

To install, mount, maintain, modify, operate, or replace wireless facilities on a wireless support structure.

COMMERCIAL ENTERTAINMENT OR RECREATIONAL USE (INDOORS)

Any commercial activity that is related to the entertainment or sports industry, except adult entertainment establishments, that may include, but is not limited to indoor pools, bowling alleys, skating rinks, indoor tennis courts, and similar activities.

COMMERCIAL MESSAGE

Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

COMMON AREAS

Parcels of land, together with the improvements thereon, the use and enjoyment of which shall be shared by the owners and occupants of the individual building sites within a development.

COMMUNITY GARDEN

A single piece of land that is gardened collectively, as an accessory use, by a group of persons, that may include individual garden plots designated for individual gardens.

COMPLETED APPLICATION

An application that has been determined to be complete in accordance with [Sec. 1113.02 \(b\)\(3\) Complete Application Determination](#).

CONSTRUCTION DUMPSTERS AND PORTABLE TOILET FACILITIES

Temporary facilities used for the collection of trash and solid waste on a construction site.

CONSTRUCTION TRAILER

A mobile home, trailer, or similar temporary structure that is used as an office or for storage in conjunction with a construction project.

CONVENTIONAL RESIDENTIAL SUBDIVISION

A major subdivision, as defined by Section 303.2 of “General Rules and Regulations for Plats and Subdivisions in the Unincorporated Area of Summit County, Ohio” (also known as the Summit County Subdivision Regulations), that is not classified as an “open space residential subdivision.”

COUNCIL

Council for the Village of Clinton, Summit County, Ohio

COUNTY

Summit County, Ohio

CUL-DE-SAC

A street having only one outlet for vehicular traffic (to another street) and where the other terminus is either a turnaround or is a dead-end or stub street to an adjacent, undeveloped property. [See Figure 1105.03-A](#).

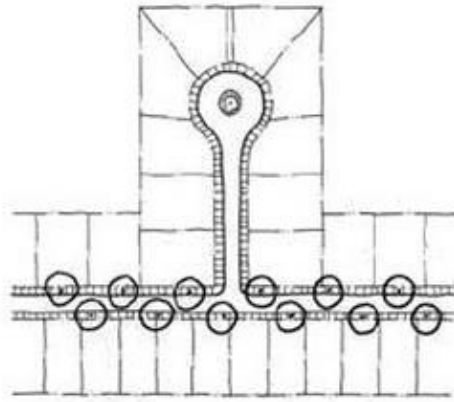


Figure 1105.03-A: Illustration of a cul-de-sac street.

CULTURAL INSTITUTIONS

Public or private facilities used for display, performance, or enjoyment of heritage, history, or the arts. This use includes, but is not limited to, museums, libraries, art performance venues, cultural centers, and interpretative sites but does not include movie theaters.

DAY CARE CENTERS (ADULT OR CHILD)

A facility operated for the purpose of providing care, protection, and guidance to individuals during part of a 24-hour day. This term includes nursery schools, preschools, adult day care centers, child day care centers, and similar uses. Day care center does not include public or private educational facilities or any facility offering care to individuals for a full 24-hour period. See also definition for “Type-B Family Day Care Home.”

DAMAGED OR DISEASED TREES

Trees that have split trunk, broken tops, heart rot, insect or fungus problems that will lead to imminent death, undercut root systems that put the tree in imminent danger of falling, lean as a result of root failure that puts the tree in imminent danger of falling, or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a stream or onto a structure.

DBH

See “diameter-at-breast height”

DECIDE

When used in reference to a review procedure outlined in [Chapter 1113 Review Procedures](#), the term decide shall mean that the zoning inspector, board, or commission with decision-making authority shall have made a final judgment or decision on the subject application.

DECKS

A flat surface attached to a building that does not have walls or a roof and that is elevated above the ground, at its highest point, by at least eighteen (18) inches. Decks are not used as habitable space.

DECORATIVE POLE

A pole, arch, or structure other than a street light pole placed in the public way specifically designed and placed for aesthetic purposes and on which no appurtenances or attachments have been placed except for any of the following:

- (1) Electric lighting;
- (2) Specially designed informational or directional signage; and/or
- (3) Temporary holiday or special event attachments.

DEFINED CHANNEL

A natural or man-made depression in the terrain which is maintained and altered by the water and sediment it carries.

DENSITY, GROSS

Unless otherwise defined, gross density shall be the total number of dwelling units divided by the gross area of a site (including streets, easements, rights-of-way, open space set-asides, and/or other public dedications established as part of the development).

DENSITY, NET

The total number of dwelling units divided by the gross area of the site minus any land used for streets, easements, rights-of-way, open space set-asides, and/or other public dedications.

DETACHED ACCESSORY BUILDINGS OR STRUCTURES

Accessory buildings or structures that are detached from the principal building or structure including, but not limited to, garages, gazebos, permanent outdoor kitchens (if they require a water, sewer, or building permit), storage sheds, and other structures.

DEVELOPMENT

Any manmade change to improved or unimproved land, including but not limited to the construction of buildings or other structure, mining, dredging, filing, grading, paving, excavation, or drilling.

DEVELOPMENT REVIEW

The procedure for evaluating an application and making a recommendation or decision as outlined in [Chapter 1113 Review Procedures](#).

DIAMETER-AT-BREAST HEIGHT (DBH)

DBH is used to measure the diameter of a tree trunk at the specific height of four and one-half (4.5) feet above the ground.

DISTRICT

See definition of “zoning district.”

DOMESTIC ANIMALS

A domestic animal shall include, but not be limited to, horses, cows, llamas, goats, pigs, hogs, mink, and fowl. For the purpose of this ordinance the term “domestic animal” shall not include “household pets.”

DRIVE-THROUGH FACILITIES

An establishment that encourages or permits customers to receive services, or obtain goods while remaining in their motor vehicles.

DRIVEWAY

A private way, other than a street or alley, that provides access to one lot of record for the use of vehicles and pedestrians unless approval has been granted for a shared driveway in which case, the driveway may serve multiple uses.

DROP-OFF BOX

A small outdoor collection facility for use by the public who can deposit recyclable materials, clothing, or household goods.

DWELLING

A building or portion thereof used exclusively for permanent residential purposes, including single-family, two-family, and other attached dwellings, but not including hotels, motels, tents, recreational vehicle, cabins, or boarding or lodging houses.

DWELLING UNIT

A single unit of one or more rooms providing complete, permanent independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation but not including a tent, cabin, hotel, motel, recreational vehicle, or other temporary or transient structure or facility. A dwelling unit shall not include a mobile home or recreational vehicle, camping equipment, or a manufactured home except for permanently sited manufactured homes that conform to the requirements for such uses.

DWELLING, ATTACHED

A building or portion thereof designed for or used exclusively for residential purposes by three or more families or housekeeping units. Attached dwellings shall include apartment buildings, condominiums, elderly housing, and buildings where three or more dwellings are attached by common walls or floors within a single structure.

DWELLING, SINGLE-FAMILY

A building designed for or used exclusively for residential purposes by one family or housekeeping unit.

EASEMENT

Written authorization by a property owner for the use by another, for a specified purpose, of any designated part of his or her property.

EDUCATIONAL INSTITUTIONS (PUBLIC OR PRIVATE)

Buildings or structures in which students are taught. Educational institutions may include primary schools, elementary schools, middle schools, or high schools. Educational institutions shall not include colleges, vocational schools, and other similar uses.

ELECTRONIC MESSAGE CENTER

A sign whose alphabetic, pictographic, or symbolic information content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments.

ELIGIBLE FACILITIES REQUEST (WIRELESS COMMUNICATION)

Means the same as defined by the FCC in 47 U.S.C. 1455 (a)(2), as may be amended, which defines that term as "any request for modification of an existing support structure that does not substantially change the physical dimensions of such support structure, involving:

- (1) Collocation of new small cell facilities;
- (2) Removal of small cell facilities; or
- (3) Replacement of small cell facilities."

ENTRANCE MONUMENT

A fence, wall, or sign located at the entrance of a subdivision or development that identifies the name of the subdivision or development.

ESTATE SALE, TAG SALE, OR AUCTION (THIRD-PARTY SALE)

A temporary event for the sale of personal possessions or property that is organized or conducted by a third-party that includes, but is not limited to, any sale entitled estate sale, tag sale, auction, or third-party sale.

EXOTIC ANIMALS

Any cat, other than felis catus; any canine, other than canis familiaris, non-human primates; poisonous reptiles; crocodiles; bears; kangaroos; eagles; and similar animals as defined by the ORC.

EXPANSION

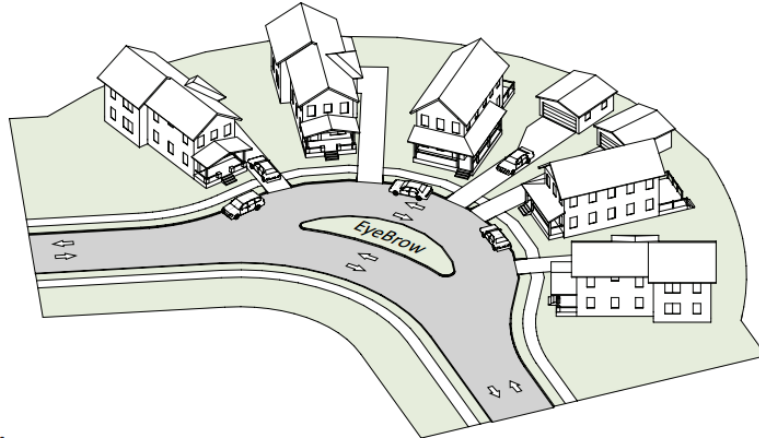
An increase in the size of an existing structure or use, including physical size of the land, building, parking, or other improvements or structures.

EXTERIOR LIGHTING

Any source of light that is installed or mounted outside of a building or structure, but not including streetlights installed or maintained along public streets by a government agency or public utility.

EYEBROW (STREET OR ROAD)

An eyebrow is a rounded expansion of a street beyond the normal curb line. See [Figure 1105-B](#).



See *Figure 1105-B: Illustration of an eyebrow street configuration.*

FAÇADE

The exterior wall of a building parallel to the frontage line or the street that fronts the parcel on which the building is located. Facades may be on the front, side, or rear elevation of the building regardless of whether the building side faces a street.

FARM MARKET OR ROADSIDE FARM STAND

The use of any land or a structure for the sale of produce in accordance with the provisions of [Sec. 1137.01 Accessory Use Regulations](#).

FCC

The U.S. Federal Communications Commission and any legally appointed, designated, or elected agent or successor.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

The agency with overall responsibility for administering the National Flood Insurance Program.

FEMA

Federal Emergency Management Agency; The agency with the overall responsibility for administering the National Flood Insurance Program.

FENCE

A structure that serves to screen an area, enclose an area, or separate two spaces that has a height and length greater than its thickness and that is constructed of a wood, metal, wire, vinyl, composite, or other similar material that may or may not be a solid material. See also the definition of “wall.”

FLAG

Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

FLAGPOLE

A pole that can be permanently affixed in the ground or to a building that is used for the sole purpose of flying a flag.

FLOODPLAIN

The 100-year regulatory floodplain as currently defined by FEMA and illustrated on the applicable National Flood Insurance Program Flood Insurance Rate Map.

FLOOR AREA, GROSS

The sum of the gross horizontal areas of each floor of the principal building measured from the exterior faces of the exterior walls or from the centerline of common walls separating two buildings. The “floor area” of a building shall include all livable spaces including the basement floor area when more than one-half of the basement height is above the finished lot grade level at the front of the building; interior balconies and mezzanines; enclosed porches and floor area devoted to accessory uses. Garages shall not be included in the floor area of a structure.

FLOOR AREA, MINIMUM LIVING

The living floor area consists of areas such as living room, bedroom, bathroom, dining room, rooms for cooking, den, library, and family rooms, but shall not include areas such as porches, breezeways, basements, terraces, and garages.

FOOT-CANDLE

A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

FOOTPRINT

The area of a building measured from the exterior surface of the exterior walls at grade level.

FRANCHISE AUTHORITY (WIRELESS COMMUNICATION)

See “Cable Franchise.”

FRONTAGE, BUILDING

The length of the facade of an enclosed building facing a public or private street. See [Figure 1105-C](#).

FRONTAGE, STREET

The distance for which the front boundary line of the lot and the street line are coincident. See [Figure 1105-C](#).

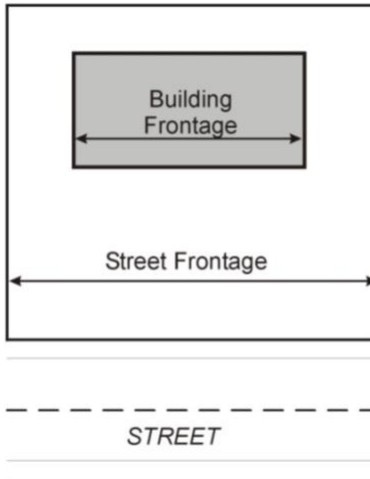


Figure 1105-C: An illustration of street frontage versus building frontage

FUNERAL HOMES

A building or part thereof used for human funeral services. It may include space for the embalming and other services used in the preparation of the dead for burial; the storage of caskets, funeral urns, and other related uses and supplies; the storage of funeral vehicles; facilities for cremation; and chapels.

GARAGE

An accessory building primarily intended for and used for the enclosed storage or shelter of private motor vehicles of the owner or occupant of the principal building.

GARAGE SALES

A temporary event for the sale of used or surplus personal possessions that is organized and conducted by residents of the dwelling unit where the sale occurs. The garage sale may include, but is not limited to, all sales entitled garage, yard, lawn, basement, attic, porch, room, tent, backyard, patio, or moving sale.

GARDEN

A piece of ground where ornamental trees, shrubs, herbs, fruits, vegetables, and similar vegetation is cultivated for use by the occupants of the premises.

GAS AND OIL WELLS

A hole bored into the earth that produces natural gases and oils that are brought to the surface for further refining and distribution.

GASOLINE STATIONS

A gasoline station is a building or part of a building or structure or space for the retail sale of motor vehicle fuels, lubricants, and other automobile accessories and for minor services and repairs of automobiles not accompanied by objectionable noises, fumes, dusts, or odors.

GENERAL OFFICES (ADMINISTRATIVE, PROFESSIONAL, BUSINESS)

Establishments providing executive, management, administrative, or professional services including, but not limited to, real estate, architecture, legal, travel, employment, advertising, design, engineering, accounting, and similar uses.

GENERAL REQUIREMENTS (WIRELESS COMMUNICATION)

Means those requirements established in [Sec. 1129.02 Small Cell Facilities and Wireless Support Structures Within the Right-Of-Way](#) for the design, construction, and installation of small cell facilities and wireless support structures in the right-of-way, which are supplemented by Design Guidelines, and which are effective insofar as they do not conflict with state or federal law, including without limitation any applicable FCC rules and regulations.

GLARE

Direct light that causes annoyance, discomfort or loss in visual performance and visibility.

GOVERNMENTAL UTILITIES

Infrastructure or facilities used in the completion or assistance of the performance of a public service within the Village; including but not limited to the providing of energy, internet and related services, sanitary or storm sewer, and waste collection to residents of the Village.

GOVERNMENT OFFICES AND BUILDINGS

Buildings or office space utilized for the provision of services by the Village of Clinton, an Ohio municipality, Summit County, the State of Ohio, or the Federal Government.

GRADE

The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above ground level shall be measured at the sidewalk, unless otherwise defined herein.

GROUND COVER

A plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Ground covers also provide permanent covering of open ground to prevent erosion and/or create visual appeal.

HEDGE

A line of closely spaced shrubs and tree species, planted and trained in such a way as to form a barrier, screen, or to mark the boundary of an area.

HOME OCCUPATION

An occupation or profession which is incidental to and carried on entirely within a dwelling unit excluding an attached garage or patio area, by resident occupants of the dwelling unit and which occupation is clearly incidental to and accessory to the residential use of the property.

HOTEL AND MOTELS

A building in which lodging, with or without meals, is offered for compensation and in which there are more than five sleeping rooms. Hotels and motels may include typical accessory uses within the principal building including, but not limited to, swimming pools, bars, and restaurants.

HOUSEHOLD PETS

A household pet shall include any animal commonly kept inside a residence such as a dog or cat.

HOUSEKEEPING UNIT

One or more related or non-related persons lawfully occupying a dwelling unit and living together as a single group on a permanent basis, and doing their own cooking and sleeping on the premises as distinguished from a group temporarily occupying a bed and breakfast establishment, hotel, motel, or group home.

IMPERVIOUS SURFACE

Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to buildings, roofs, parking areas, driveways, sidewalks, and pavement.

INSTITUTIONS FOR HIGHER EDUCATION

Buildings or structures in which students are taught at a level beyond primary schools, elementary schools, middle schools, and high schools. Higher educational institutions shall include, but not be limited to, colleges, vocational schools, universities, training centers, and other similar uses.

INSTITUTIONS FOR HUMAN MEDICAL CARE

A facility providing physical or mental health services, outpatient care, inpatient accommodations, and medical or surgical care of the sick or injured.

INTERMITTENT STREAM

A natural waterway that contains water throughout the year except during periods of low precipitation.

KEEPING OF DOMESTIC ANIMALS

The keeping, raising, and caring of domestic animals on a lot as an accessory to a principal use.

KNUCKLE (STREET OR ROAD)

A knuckle street configuration is when a turnaround (typically seen at the termination of a cul-de-sac) is located at the intersection of two streets, allowing large street frontage for a limited number of lots. A knuckle differs from a cul-de-sac in that there is no straight portion of a street connecting the turnaround to the adjacent intersection. See [Figure 1105-D](#).

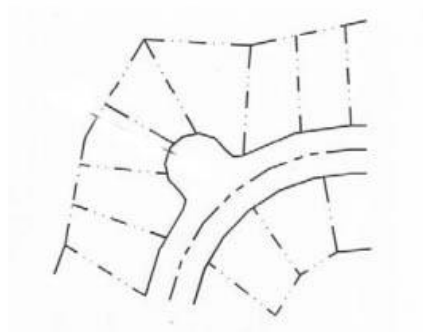


Figure 1105-D: Illustration of a knuckle street configuration.

LANDSCAPE MATERIAL

Landscaping consists of:

- Material such as, but not limited to, living trees, shrubs, vines, lawn grass, ground cover, and landscape water features; and
- Non-living durable material commonly used in landscaping including, but not limited to, rocks, pebbles, sand, decorative walls and fences, brick pavers, and earthen mounds, but excluding pavements for vehicular use.

LANDSCAPING

The improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects.

LATTICE AND ANTENNA TOWER

A framework or structure of crossed metal strips typically resting on three or more members constructed vertically to which antennas are affixed.

LIGHT TRESPASS

Light emitted by a lighting fixture that falls beyond the boundaries of the property on which the fixture is installed.

LIGHT, CUTOFF

An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground as regulated and illustrated in [Sec. 1141.03 Exterior Lighting](#).

LIGHT, NON-CUTOFF

An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground as regulated and illustrated in [Sec. 1141.03 Exterior Lighting](#).

LOADING SPACE

An off-street space on the same lot with a building, or a group of such buildings, and accessory buildings, or utilized for the principal use and accessory use.

LOT

A parcel of land that is part of a plat, legally recorded in the Recorder's Office of Summit County, Ohio, occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required in this ordinance.

LOT AREA

The total area within the lot lines of a lot as measured in accordance with [Sec. 1121.04 District Development Standards](#).

LOT COVERAGE

That portion of a lot that is covered by the principal and accessory building, structures, and surfaces that prevent the passage or absorption of storm-water including paving and driveways (impervious surfaces).

LOT LINE, FRONT

The front lot line, which is coterminous with the street right-of-way. A front lot line is generally parallel to or less than 45 degrees to the rear lot line. The front lot line is generally opposite the rear lot line except as may be identified in [Sec. 1121.04 \(a\) Measurements, Computations, and Exceptions](#). See [Figure 1105-E](#).

LOT LINE, REAR

A lot line opposite a front yard. A rear lot line is generally parallel to or less than 45 degrees to the front street right-of-way line. See [Sec. 1121.04 \(a\) Measurements, Computations, and Exceptions](#). See [Figure 1105-E](#).

LOT LINE, SIDE

A lot line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line. See [Sec. 1121.04 \(a\) Measurements, Computations, and Exceptions](#). See [Figure 1105-E](#).

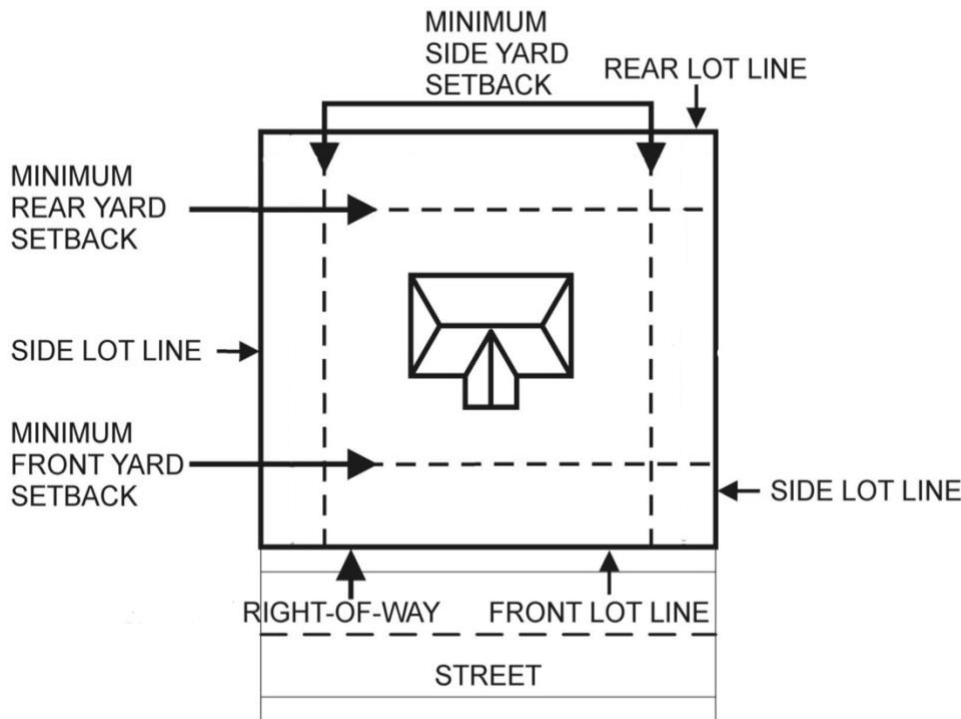


Figure 1105-E: Image of typical lot lines on an interior lot

LOT LINES

The property lines bounding the lot.

LOT OF RECORD

A parcel of land, the dimensions of which are shown on a document or map filed with the Summit County Recorder of Deeds, and which actually exists as so shown.

LOT WIDTH AT THE BUILDING SETBACK LINE

The horizontal distance between the side lot lines measured at the two points where the building line, or setback line, intersects the side lot lines. See [Sec 1121.04 \(a\)\(4\) Lot Width Measurements](#).

LOT WIDTH AT THE STREET RIGHT-OF-WAY

The horizontal distance between the side lot lines measured along the street right-of way. See [Sec 1121.04 \(a\)\(4\) Lot Width Measurements](#).

LOT, CORNER

A lot abutting upon two or more streets at their intersection or upon two parts of the same street, and in either case forming an interior angle of less than one-hundred-thirty-five (135) degrees. See [Figure 1105-F](#).

LOT, CUL-DE-SAC OR CURVED STREET

A lot with frontage along a curved street or cul-de-sac. See [Figure 1105-F](#).

LOT, DOUBLE FRONTAGE

A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See [Figure 1105-F](#).

LOT, FLAG

A lot that has limited frontage on a public street and where access to the public street is through a narrow strip of land. See [Figure 1105-F](#).

LOT, INTERIOR

A lot that has a single street frontage, a rear lot line, and at least two side lot lines. See [Figure 1105-F](#).

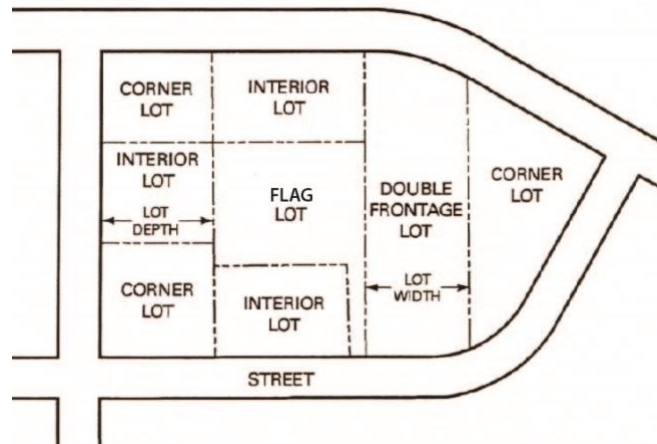


Figure 1105-F: Illustration of lot configurations and types

LOT, NONCONFORMING

A vacant lot that does not meet the minimum lot width, street frontage, and/or lot area requirements of the applicable zoning district.

MAIN USE

See definition of “use, principal” under the broader definition of “use.”

MAXIMUM EXTENT FEASIBLE

That no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize the potential harm or adverse impacts have been undertaken. Economic considerations may be taken into consideration.

MEDICAL AND DENTAL OFFICES

Office or clinic uses concerned with the diagnosis, treatment, and care of human beings. This definition does not include hospitals, skilled nursing facilities, or personal care facilities.

MICRO WIRELESS FACILITY

A small cell facility that is not more than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height and that does not have an exterior antenna more than eleven (11) inches in length suspended on cable strung between wireless support structures.

MIXED USE BUILDING

A building that contains a commercial or office use and an attached residential use within a single building as provided for in this ordinance.

MIXED USE DEVELOPMENT

A mixed use development is a lot, tract, or parcel of land with (2) or more different uses including but not limited to residential, office, retail, public uses, personal service, or entertainment uses, designed, planned and constructed as a unit.

MONOPOLE

A single, slender and typically cylindrical, vertical structure to which antennas or antenna support structures are affixed.

MOUND

A mound or landscaping berm formed as a result of man-made grading and/or excavation.

MUD

Mixed Use Development

NAMEPLATE

A sign indicating only the name and/or address of the person, business, or activity occupying the lot or the buildings.

NONCONFORMITY

A use, lot, structure, building, sign, or lighting that does not comply with the provisions of this zoning ordinance. See also the definitions for “use, nonconforming,” “lot of record,” “building, nonconforming,” and “structure, nonconforming.”

NUDE OR SEMINUDE MODEL STUDIO

Any place where a person, who regularly appears in a state of nudity or semi-nudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. A modeling class or studio is not a nude or seminude model studio and is not subject to this chapter if it is operated in any of the following ways:

- By a college or university supported entirely or partly by taxation;
- By a private college or university that maintains and operates educational programs, the credits for which are transferable to a college or university supported entirely or partly by taxation;
- In a structure that has no sign visible from the exterior of the structure and no other advertising indicating that a person appearing in a state of nudity or semi-nudity is available for viewing, if in order to participate in a class in the structure, a student must enroll at least three days in

advance of the class and if not more than one nude or seminude model is on the premises at any one time.

NUDITY, NUDE, OR STATE OF NUDITY

The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering; or the showing of the female breasts with less than a fully opaque covering of any part of the nipple.

- Regularly features or regularly shown means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the adult entertainment establishment.

OAC

The Ohio Administrative Code, as amended

OCCUPY OR USE (WIRELESS COMMUNICATION)

With respect to the right-of-way, to place a tangible thing in the right-of-way for any purpose, including, but not limited to, constructing, repairing, positioning, maintaining, or operating lines, poles, pipes, conduits, ducts, equipment, or other structures, appurtenances, or facilities necessary for the delivery of public utility services or any services provided by a cable operator.

OFFICIAL ZONING MAP

The Official Zoning Map of the Village of Clinton, Summit County, Ohio, as amended

OHIO MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES or OMUTCD

The uniform system of traffic control devices promulgated by the Ohio Department of Transportation.

OHIO RAPID ASSESSMENT METHOD

A multi-parameter qualitative index established by the Ohio Environmental Protection Agency to evaluate wetland quality and function.

OPEN SPACE

Any park or recreational facility where there is no material disturbance of the existing topographic contours of the land for any purpose, including but not limited to, the construction of facilities, lighting, or developing of ball fields except that passive parks, recreational facilities, and open space may include the construction and use of trails and sidewalks.

OPEN SPACE RESIDENTIAL SUBDIVISION

A major subdivision, as defined and regulated by the Summit County Subdivision Regulations (as amended thereto).

ORC

The Ohio Revised Code, as amended

ORDINARY HIGH-WATER MARK

The point of the bank or shore to which the presence and action of surface water is so continuous as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic. The ordinary high-water mark defines the channel of a stream.

OSC

Open Space Conservation Overlay

OUTDOOR DINING

Areas on sidewalks (public or private), patios, or other unenclosed areas, excluding vehicular use areas, which are designated for outdoor seating where patrons may be served food and beverage for on-site dining.

OUTDOOR STORAGE AND DISPLAY

The seasonal storage and display of products or materials for sale outside of a retail or wholesale sales establishment.

OWNER

A person recorded as such on official real-estate records and including duly authorized agent, purchaser, devisee, and person having a vested or contingent interest in the property in question.

PARAPET OR PARAPET WALL

That portion of a building wall that rises above the roof level.

PARCEL

A distinct portion or tract of land as is recorded and distinguished in the Summit County Auditor's Property Tax Atlas. See also definition of "lot."

PARKING AISLE

The driveway or access drive by which a car enters and departs a parking space.

PARKING LOT

A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two vehicles.

PARKING SPACE

A designated parking area designed for one vehicle that is exclusive of drives, aisles or entrances giving access thereto.

PARKS, PLAYGROUNDS, AND GOLF COURSES (EXCEPT MINIATURE)

Any park or recreational facility that requires grading of the land, construction of facilities, lighting, or is developed for ball fields, tennis courts, golf courses, swimming pools, skate parks, disc golf, and other similar outdoor facilities but not including miniature golf courses.

PERMANENTLY SITED MANUFACTURED HOUSING

A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with applicable laws subject to the following:

- The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- The structure was manufactured after January 1, 1995; and
- The structure is not located in a manufactured home park as defined in the ORC.

PERSON

Any individual, corporation, government agency, government official, business trust, partnership, association, two or more persons having a joint interest, or any other legal entity.

PERSONAL CARE

In addition to room and board, personal services such as help in walking and getting in and out of bed; assistance with bathing, dressing, and feeding; preparation of a special diet; and supervision over medications which can be self-administered.

PERSONAL CARE FACILITY

A long-term or short-term residential facility that provides personal care. Such facility shall not mean the same as “institutions for human medical care,” “adult family homes or small residential facilities,” or “adult homes or large residential facilities.”

PERSONAL SERVICE ESTABLISHMENTS

Establishments that are primarily engaged in providing services generally involving the care of the person or person’s possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

PERSONAL WIRELESS SERVICES

Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by Federal Law.

PLANNING COMMISSION

The Village of Clinton, Summit County, Ohio, Planning Commission

PLATTED RESIDENTIAL DEVELOPMENT

A residential subdivision that has been subdivided and a plat has been formally recorded in the offices of the Summit County Recorder.

PLAYSETS OR TRAMPOLINES

Recreational equipment for children that may include, but is not limited to, small structures in trees, swings, slides, monkey bars, trampolines, and play enclosures.

POLITICAL SIGN

A temporary sign advertising a political candidacy or issue.

POLLUTION

Any contamination or alteration of the physical, chemical, or biological properties of any waters that will render the waters harmful or detrimental to: public health, safety, or welfare; domestic; commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; livestock, wildlife, including birds, fish, or other aquatic life.

PORCHES

A structure attached to a building, that may or may not have a roof, and is elevated above the ground, at its highest point, by at least eighteen (18) inches. Porches are not used as habitable space.

PORTABLE STORAGE UNITS

A portable structure or container that allows for storage of goods or materials, on or off-site and which is not permanently affixed to a foundation and that is related to the construction, renovation, or rehabilitation of the building on which the site is located.

PRELIMINARY PLAN

A drawing of a major subdivision for the purpose of study and which, if approved, permits proceeding with the preparation of the final plat.

PRIVATE RECREATIONAL USES(OUTDOORS)

Any outdoor commercial activity that is related to the entertainment or sports industry such as outdoor commercial swimming pools, driving ranges, and similar activities. See also the definitions for “parks, playgrounds, and golf courses (except miniature),” “commercial entertainment or recreation (indoors),” and “open space.”

PRODUCE

Fresh fruits, vegetables, and grain, grown for sale to the public.

PUBLIC HEARING

A meeting open to the public advertised in advance in the local printed media, or as otherwise required by statute, concerning proposed resolutions, amendments or other official village business which require public participation and input.

PUBLIC UTILITY or UTILITY

A facilities-based provider of wireless service to one or more end users in this state, or any company described in section 4905.03 of the Ohio Revised Code and as further defined in section 4905.02 of the Ohio Revised Code, including but not limited to the following types of companies: telephone, electric light, gas, natural gas, pipe-lines, water-works, and sewage disposal systems.

QUASI-PUBLIC, FRATERNAL, OR SERVICE FACILITIES

A building or portion thereof or premises owned or operated by a corporation, association, or group of persons for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit which is customarily carried on as a business.

QUORUM

The minimum number of members that must be present in order to conduct official business or take official action.

RECESSED CEILING FIXTURE

An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

REINFORCED TURF

Grass grown on a special membrane that is laid over a prepared bedding layer that includes a sub-base designed specifically to support the temporary parking of motor vehicles while having the appearance of a turf lawn.

RESEARCH AND DEVELOPMENT FACILITIES

An establishment or facility for carrying on investigation in the natural, physical, or social sciences, or engineering and development as an extension of investigation with the objective of creating end products. Such establishment shall not include the manufacturing or assembly of products beyond the development of prototype systems or products. All activities shall take place within an enclosed building.

RESIDENTIAL FACILITY

A home or facility, as defined and regulated in the ORC, in which an intellectually or developmentally disabled person resides, except the home of a relative or legal guardian in which an intellectually or developmentally disabled person resides, a respite care home certified under the ORC, a county home or district home operated pursuant to the ORC, or a dwelling in which the only intellectually or developmentally disabled residents are in an independent living arrangement or are being provided supported living. See also “Adult Family Home” and “Adult Group Home.”

RESIDENTIAL FACILITY, LARGE

A residential facility where there is supervision in a family setting of nine to 16 unrelated persons.

RESIDENTIAL FACILITY, SMALL

A residential facility where there is supervision in a family setting of six to eight unrelated persons.

RESTAURANTS AND TAVERNS

- A tavern is an establishment providing or dispensing, for on-site consumption, any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors. The sale of food products including, but not limited to, sandwiches and light snacks may be a secondary use to the service of the aforementioned drinks.
- A restaurant is an establishment with table service whose principal business is the selling of unpackaged food and beverages to the customer in a ready to consume state, in individual servings, or in non-disposable containers, provided that no drive-through window is permitted.

For the purposes of this definition, a restaurant shall not include any drive-in or carry-out services unless a drive-through facility is permitted as an accessory use.

RETAIL COMMERCIAL USES

Establishments primarily engaged in the sale of goods and materials to the general public. Retail commercial uses may include, but are not limited to, bookstores, antique stores, convenience stores, bakeries, grocery stores, and other similar uses.

RIGHT-OF-WAY

The surface of and the space above and below the paved or unpaved portions of any public street, public road, public highway, public freeway, public lane, public path, public bike path, public way, public alley, public court, public sidewalk, public boulevard, public parkway, public drive and any other land dedicated or otherwise designated for the same now or hereafter held by the Village. A RIGHT-OF-WAY shall include those lands within its proper use and meaning in the sole opinion of the Village Engineer, entitle a permittee, in accordance with the terms hereof and of any right-of-way permit, to the use thereof for the purpose of installing or operating any poles, wires, cables, transformers, conductors, ducts, lines, mains, conduits, vaults, manholes, amplifiers, appliances, attachments or other property, infrastructure, or facilities as may be ordinarily necessary and pertinent to the provision of utility, cable television, communications or other services as set forth in any service agreement or any right-of-way permit. RIGHT-OF-WAY shall not include private easements.

RIGHT-OF-WAY FEE

A fee levied to recover the costs incurred by the Village and associated with the occupancy or use of right-of-way.

RIGHT-OF-WAY PERMIT, NON-RESIDENTIAL

A permit issued by the Village that must be obtained in order to perform any work in, on, above, within, over, below, under, or through any part of the public right-of-way, including, but not limited to, the act or process of digging, boring, tunneling, trenching, excavating, obstructing, or installing, as well as the act of opening and cutting into the surface of any paved or improved surface that is part of the public right-of-way.

RIGHT-OF-WAY PERMIT, SMALL CELL

Means a small cell facility or wireless support structure right-of-way occupancy permit as further defined in [Sec. 1129.02 \(c\) Application Required](#).

RIPARIAN AREA

A transitional area between flowing water and terrestrial ecosystems, which provides a continuous exchange of nutrients and woody debris between land and water. This area is at least periodically influenced by flooding. Riparian areas, if appropriately sized and managed, help to stabilize banks, limit erosion, reduce flood size flows and/or filter and settle out runoff pollutants, or perform other functions consistent with the purposes of these regulations.

RIPARIAN SETBACK

The area set back from each bank of a stream to protect the riparian area and stream from impacts of development, and streamside residents from impacts of flooding and land loss through erosion; Riparian Setbacks are those lands within the County of Summit that fall within the area defined by the criteria set forth in these regulations.

SALES OFFICES AND SHOWROOMS

Office or retail space designed to provide an area to demonstrate or show certain goods and materials that are large-scale or not necessarily a component of typical retail commercial uses including, but not limited to, kitchen showrooms, plumbing supply sales, appliance showrooms, office furniture supplies, etc. Such term shall not include buildings, structures, or lots used for the sale of vehicles.

SATELLITE DISH

A parabolic dish antenna including its structural supports, used for reception of various satellite television programming signals.

SCREEN OR SCREENING

A visual shield between uses accomplished by the use of berms, landscaping, walls or other aesthetic means.

SEASONAL AGRICULTURAL SALES

A temporary structure or vehicle used in the sale of agricultural products such as fruits, vegetables, and juices where such facilities may sell agricultural products not grown on site. Seasonal sales, including the sale of such items as trees, pumpkins, seasonal produce, and similar agricultural products, which may be permitted on a temporary basis pursuant to [Sec. 1137.02 Temporary Uses and Structures](#).

SEASONAL COVER

A temporary shelter for items including, but not limited to, firewood, equipment, motor vehicles, recreational vehicles, and similar items, where such items are stored or parked for a temporary period of time or season.

SEMINUDE OR STATE OF SEMI-NUDITY

A state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

SERVICE COMMERCIAL USES

Establishments that primarily engage in rendering services to businesses including, but not limited to, printers, equipment rental, protective services, mailing, photo finishing, and other similar uses.

SETBACK

The minimum distance a building or structure must be built from a lot line or road right-of-way as defined further in [Sec. 1121.04 \(a\) Measurements, Computations, and Exceptions](#).

SETBACK LINE

The line created when applying the required setback distance to a lot.

SETBACK, FRONT

The minimum distance required between a building, structure, or improvement and the front lot line.

SETBACK, REAR

The minimum distance required between a building, structure, or improvement and the rear lot line.

SETBACK, RIPARIAN

The area set back from the ordinary high-water mark of a stream to protect the riparian area and stream from impacts of development, and streamside residents from impacts of flooding and land loss through erosion. Riparian Setbacks are those lands within the Village of Clinton that fall within the area defined by the criteria set forth in these regulations.

SETBACK, SIDE

The minimum distance required between a building, structure, or improvement and a lot that is shared with another lot where such lot line is defined as a side lot line.

SEXUAL ENCOUNTER ESTABLISHMENT

A business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where either of the following occur:

- Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.
- Two or more persons appear nude or seminude for the purpose of displaying their nude or seminude bodies for their receipt of consideration or compensation in any type or form.

An establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated by the ORC, is not a “sexual encounter establishment.”

SEXUALLY ORIENTED BUSINESSES

An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, or sexual encounter establishment. An establishment in which a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated by the ORC, is not an “sexually oriented business.” A “sexually oriented business” does not include a nude or seminude model studio.

SHORT-TERM RENTAL

The conditional or permitted use of all or part of a dwelling unit, by rental or short-term occupancy for dwelling, sleeping, or lodging. Short-term Rentals include the arrangement of such rental by the owner through a booking agent in connection with “Airbnb” or similar internet sites, any other type of advertising or notification, or similar agreement.

SHRUB

A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

SIDEWALK

A pedestrian walkway within a right-of-way of a public street but not on the street surface.

SIGN

Any object, device, display or structure or part thereof situated outdoors or adjacent to the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.

SIGN AREA

The entire display area of a sign including the advertising surface located on one or more sign faces and any framing, trim and molding, but not including the supporting structure as measured pursuant to [Sec. 1157.04 Computations](#).

SIGN FACE

The area or display surface used for the message. See [Sec. 1157.04 Computations](#).

SIGN HEIGHT

The vertical distance measured from the lowest adjacent grade to the highest point of the sign or sign structure. See [Sec. 1157.04 Computations](#).

SIGN PERMIT

A certificate where the Zoning Inspector has the authority to make a decision on the application in accordance with [Sec. 1113.04 Sign Permit](#).

SIGN, ABANDONED

A sign or sign structure which no longer correctly directs any activity conducted or product available on the premises where such sign is displayed.

SIGN, A-FRAME

A sign consisting of two hinged boards that hang front and back, with the hinge at the top or along the side.

SIGN, ANIMATED OR MOVING

Any sign or part of a sign which changes physical position by any movement or rotation or which gives visual impression of such movement or rotation.

SIGN, AWNING OR CANOPY

Any sign that is painted on, part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area identifying the name of the owner and business, industry, or any activity conducted within the premises.

SIGN, CHANGEABLE COPY

A sign such as a bulletin board, announcement board, or electronic message center, where the message or graphics is not permanently affixed to the structure, framing, or background and may be periodically replaced or covered over by electronic or mechanical devices or other means.

SIGN, FEATHER

A long sign generally made of fabric and supported by a single pole with the shape of a feather. See [Figure 1105-G](#).



Figure 1105-G: Feather signs

SIGN, FLASHING

Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or any externally mounted intermittent light source.

SIGN, GROUND-MOUNTED MONUMENT

Any permanent or temporary sign placed on the ground or attached to a supporting structure (not on poles or pylons) and not attached to any building.

SIGN, HANGING

A sign attached to a building and extending perpendicular from the building wall.

SIGN, HIGH-RISE

A sign that is supported from the ground by poles or other types of supports that exceed four feet in height.

SIGN, ILLEGAL

Any sign which is contrary to the requirements of this ordinance.

SIGN, NONCONFORMING

Any sign lawfully existing on the effective date of this ordinance, which does not conform to all the standards and regulations of this ordinance, as amended.

SIGN, OFF-PREMISES

Any sign, including billboards, that advertises or otherwise directs attention to an activity not on the same parcel where the sign is located.

SIGN, ON-PREMISES

A sign, which advertises or otherwise directs attention to an activity on the same parcel where the sign is located.

SIGN, PERMANENT

A sign permitted by this ordinance to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground.

SIGN, PORTABLE (DAISY SIGNS)

A sign not permanently affixed to the ground, building, or other structure, which may be moved from place to place, including, but not limited to, signs designed to be transported by means of wheels, and signs attached to or painted on a vehicle parked and visible from the public right-of-way, unless such vehicle is used in the day to day operations of a business.

SIGN, ROOF

Any sign erected, constructed, mounted, or maintained upon or over the roof or parapet wall of a building and having its principal support on the roof or parapet walls of the building.

SIGN, SNIPE

A sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.

SIGN, TEMPORARY

A sign that is designed to be used only temporarily and is not permanently, or intended to be permanently, attached to a building, attached to a structure, or installed in the ground.

SIGN, WALL

A sign fastened to the wall of a building or structure (such as a fence or wall) in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project more than eighteen (18) inches from such building or structure. On a wall sign, the exposed face of the sign is in a plane parallel to the plane of said wall or structure.

SIGN, WINDOW

A sign that is applied or attached to the glass of a window or door, or located inside a building within three feet of a window so that the sign is visible and capable of being read from the outside of the building.

SITE

Any lot, plot, or parcel of land or combination of contiguous lots or parcels of land.

SITE DEVELOPMENT

The improvement of a site in accordance with an approved site plan and zoning certificate including construction of buildings and structures and the rearrangement of land surface.

SITE PLAN

The proposed layout of a lot showing all elements of the site development as well as utility and drainage lines, and existing buildings, structures, trees and vegetation to remain.

SKILLED NURSING

In addition to room and board, those nursing services and procedures employed in caring for the persons who require training, judgment, technical knowledge, and/or skills beyond those which the untrained person possesses. It involves administering medications and carrying out procedures in accordance with the orders, instructions, and prescriptions of the attending physician or surgeon.

SKILLED NURSING FACILITY

A residential facility that provides skilled nursing. Such facility shall not mean the same as “institutions for human medical care,” “adult family homes or small residential facilities,” or “adult homes or large residential facilities.”

SMALL CELL DESIGN GUIDELINES

Means those detailed design guidelines, specifications and examples promulgated by the Village Engineer for the design and installation of small cell facilities and wireless support structures in the right-of-way, which are effective insofar as they do not conflict with FCC rules and regulations established in [Sec. 1129.02 \(e\) General Small Cell Requirements](#).

SMALL CELL FACILITY

A wireless facility that meets both of the following requirements:

- (1) Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of not more than six (6) cubic feet in volume.
- (2) All other wireless equipment associated with the facility is cumulatively not more than twenty-eight (28) cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

SMALL CELL FACILITY OPERATOR or OPERATOR

A wireless service provider, or its designated agent, or cable operator, or its designated agent, or a video service provider, or its designated agent that operates a small cell facility and provides wireless service as defined herein. For the purpose of this chapter, "operator" includes a wireless service provider, cable operator, or a video service provider that provides information services as

defined in the "Telecommunications Act of 1996," 110 Stat.59, 47 U.S.C. 153(20), and services that are fixed in nature or use unlicensed spectrum.

SMALL WIND ENERGY CONVERSION SYSTEM (SWECS)

A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics that generates power for an individual property for the purpose of reducing on-site energy consumption with a rated nameplate capacity of 100kW or less. This includes, but is not limited to, storage, electrical collection and supply equipment, and transformers. Excess electrical power generated, and not presently needed for onsite use, may be utilized by the applicable utility company. The following are the definitions for the three types of systems permitted in the Village of Clinton:

- Horizontal Axis Wind Turbines (HAWT) – A wind turbine system that is typically mounted to a pole where the rotating shaft of the turbine (e.g., motor shaft) is parallel to the ground and the blades are perpendicular to the ground.
- Vertical Axis Wind Turbines (VAWT) – A wind turbine system where the rotating shaft of the turbine is perpendicular to the ground and the cups or blades rotate parallel to the ground.
- Blade Tip Power System Turbines (BTPS) – A wind turbine system that is somewhat similar in appearance to the HAWT system but where there is no gear or turbine shaft at the center of the system. The energy is generated from the blade tips rather than the traditional central gear box of a HAWT.

SNOW FENCE

A temporary fence designed to prevent or minimize the drifting of snow across certain areas of a lot.

SOIL AND WATER CONSERVATION DISTRICT (SWCD)

An entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employees, hereinafter referred to as the Summit SWCD.

SOIL DISTURBING ACTIVITY

Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed. and which may result in, or contribute to, erosion and sediment pollution.

SOLAR PANELS

Structures designed to utilize solar energy as an alternate for, or supplement to, a conventional energy system.

SPECIFIED ANATOMICAL AREAS

Human genitals

SPECIFIED SEXUAL ACTIVITIES

Human genitals in a state of sexual stimulation or arousal: acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; and/or fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.

STACKING SPACE OR LANE

A lane or area that is specifically designated for cars to queue while utilizing drive-up or drive-through services at uses that may include, but are not limited to, restaurants, and financial institutions.

STAND-ALONE BASKETBALL HOOP

Basketball hoop and backboard that are not attached to a structure.

STATE

The State of Ohio

STATIC SIGN CHANGE

A change of messages that does not involve any movement or animation other than an almost instantaneous change from one message to another message. A static sign change does not include any transition or animation in the change of the message that may have the appearance of fading in or out, sliding in from the side, rotating, etc.

STORM-WATER POLLUTION PREVENTION PLAN (SWPPP)

The plan which describes all the elements of the storm-water strategy implemented during and after construction. The plan addresses erosion control and storm-water runoff quality.

STORMWATER QUALITY TREATMENT

The removal of pollutants from urban runoff and improvement of water quality, accomplished largely by deposition and utilizing the benefits of natural processes.

STORY

The portion of a building included between the surface of any floor and the surface of the next floor above it or if there is no floor above it than the space between the floor and the ceiling next above it.

STORY, HALF

A space under sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.

STREAM

A surface watercourse with a well-defined bed and bank, either natural or artificial, which confines and conducts continuous or periodical flowing water, as defined by the ORC, in such a way that terrestrial vegetation cannot establish roots within the channel.

STREAMBANK

The ordinary high-water mark of the stream or river, otherwise known as the bank-full stage of the stream or river channel. Indicators used in determining the bank-full stage may include changes in vegetation, slope or bank materials, evidence of scouring, and stain lines.

STREAM CENTERLINE

For the purposes of this ordinance, the stream centerline is the point or series of points along a stream located exactly halfway between the ordinary high-water marks on either side of the stream. The “ordinary high-water mark” is the point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation or other easily recognized characteristic.

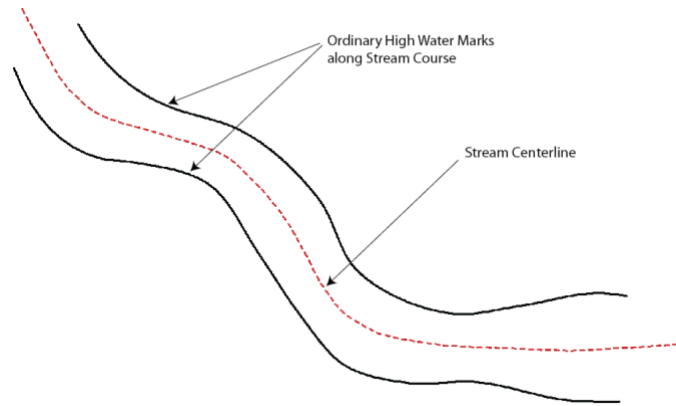


Figure 1105-H: Illustration of a stream centerline

STREET FRONTAGE

See definition of “frontage, street.”

STREET, PRIVATE

A street or roadway that has not been dedicated for public use or accepted by the Village Council and is not maintained by the village.

STREET, PUBLIC

A publicly dedicated or owned right-of-way constructed to the Village Engineer’s standards intended or used, for vehicular and pedestrian movement, and, except where limited or controlled access, affording the principal means of access to abutting properties.

STREETSCAPE-BUFFER

A strip of landscaped area located on private property that runs parallel and adjacent to the applicable street.

STRUCTURAL ALTERATION

Any change, other than incidental repairs, which would prolong or modify the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

STRUCTURAL LAWN

An area of land intended to be used for temporary or seasonal parking with structural plastic or concrete pavement materials under the surface, allowing for the growth of grass through the pavement material, having the appearance of a vegetated lawn.

STRUCTURE

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. All buildings are considered structures.

STRUCTURE, ACCESSORY

A structure (including buildings but not fences) that is accessory and incidental to the principal building.

STRUCTURE, NONCONFORMING

A structure where the use is permitted in the applicable zoning district but the structure does not meet the setbacks, development standards, site development standards, or other dimensional or numerical standards for the applicable district.

SWIMMING POOL

A structure, whether above or below grade level, designed to hold water more than eighteen (18) inches deep with a total surface area exceeding one-hundred (100) square feet, that is designed to be used for personal recreation (private swimming pool) or as a recreational amenity to a larger development (community swimming pool).

TELECOMMUNICATIONS

The technology permitting the passage of information from the sender to one or more receivers in a usable form by means of an electromagnetic system and includes the term “personal wireless services.”

TEMPORARY SPECIAL EVENTS

A temporary use on private property that is not usual or customary for that property and the zoning district in which the subject property is located (e.g., festivals, circuses, and other temporary events).

TEMPORARY STRUCTURE FOR PUBLIC OR INSTITUTIONAL USES

A temporary structure that is related and incidental to a use within the institutional use classification that may include temporary classrooms or storage facilities.

TEMPORARY TENT

Any structure used for living or sleeping purposes, or for sheltering a public gathering constructed wholly or in part from canvas, tarpaulin, or other similar materials.

THEATER AND ASSEMBLY HALLS

A building or part thereof used for housing dramatic presentations, stage entertainments, motion-picture shows, or other assemblies of people.

TOLLING or TOLL PERIOD

The pausing or delaying of the running of a required time period.

TOWER

Any ground or roof mounted pole, spire, structure, or combination thereof taller than fifteen (15) feet, including support lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

TREE, CANOPY

A tree that has an expected height at maturity greater than forty (40) feet and which produces significant shade because it has a crown that is oval, round, vase-shaped, or umbrella-shaped.

TREE, DECIDUOUS

Generally, a tree that loses all of its leaves for part of the year. Sometimes called a broad-leaf tree or a hardwood tree.

TREE, EVERGREEN

A tree with foliage that is not dropped, or that remains green throughout the year.

TREE, ORNAMENTAL

A small to medium tree with an expected height of twenty (20) feet at maturity and that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

TREE, UNDERSTORY

A tree that would occupy the understory of a forest in a natural ecological situation. These types of trees are often referred to as ornamental trees. Examples include redbud, hazel, alder, holly, hornbeam, dogwood, witch-hazel, etc.

TYPE-B DAY CARE HOMES (1-6 CHILDREN)

A permanent residence of the provider in which child day care is provided for one (1) to six (6) children at one time and in which no more than three children are under two (2) years of age at one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to the provider and who are on the premises of the Type-B day care home shall be counted. Type-B day care homes do not include homes where all of the children being cared for are siblings and the residence is the home of the siblings. Type-B day cares homes do not include any child day camp as defined in the ORC.

UNENCLOSED PATIOS

Uncovered, non-enclosed outdoor hard surfaced areas that are no higher than eighteen (18) inches above the ground.

URGENT CARE CLINIC

A medical facility, other than an “institution for human medical care” or “medical or dental office,” where medical, mental health, and other personal health services are provided on an outpatient basis from on-site staff on an as-needed, basis. Such clinics differ from “medical or dental offices” in that doctors do not treat patients on a long-term, repeat basis but instead, treat short-term illnesses or medical issues.

USE

A purpose for which land, a building, lot, sign, or other structure is arranged, intended, designed, constructed, used, occupied, or maintained.

USE, ACCESSORY

A use or building on the same lot with, and of a nature customarily incident and subordinate to, those of the main use or building.

USE, CONDITIONAL

A use permitted within a district only with a conditional use permit approval from the Planning Commission. See [Sec. 1113.06 Conditional Use](#).

USE, NONCONFORMING

A use that lawfully occupied a building or land until the effective date of this ordinance, or amendments thereto, and that does not conform to the use regulations of the applicable zoning district.

USE, PRINCIPAL

The principal use to which the premises are devoted and the primary purpose for which the premises exist.

USE, TEMPORARY

A use or building permitted to exist during periods of construction of the main building or use, or for special events, but not inhabitable.

UTILITY POLE

A structure that is designed for, or used for the purpose of, carrying lines, cables, or wires for electric or telecommunications service. "Utility pole" excludes street signs and decorative poles.

VARIANCE

A deviation from the requirements of this ordinance that is approved, approved with condition, or denied by the BZA in accordance with [Sec. 1113.07 Variance](#).

VEHICLE

Any contrivance that is used in the public or private transportation of one or more persons, is used in the transportation of goods over public or private property on roadways or is used in a commercial or agricultural enterprise. A contrivance that is designed to be pushed, pulled, or towed by any self-propelled vehicle is considered a vehicle.

VEHICULAR USE AREA

Any paved ground surface area, except public rights-of-way, used by any type of vehicle, whether moving or at rest for the following purposes, but not limited to driving, parking, loading, unloading, storage or display.

VIDEO SERVICE PROVIDER

A person granted a video service authorization under sections 1332.21 to 1332.34 of the Ohio Revised Code.

VILLAGE

The Village of Clinton, Summit County, Ohio

VILLAGE HALL

The Village of Clinton offices located at: 7871 Main Street, Clinton, Ohio 44216.

VIEW SHED

The area that is visible from a specific view point.

WALL

A structure that serves to screen an area, enclose an area, or separate two spaces that has a height and length greater than its thickness and that is constructed of stone, a masonry material, or similarly solid material. See also the definition of “fence” or “wall, retaining.”

WALL, RETAINING

A retaining wall is a structure that holds back soil or rock from a building, structure or area. Retaining walls prevent downslope movement or erosion and provide support for vertical or near-vertical grade changes.

WATERCOURSE

A natural or artificial waterway, such as a stream or river, with a defined bed and channel and a definite direction of course that is contained within, flows through, or borders the community.

WATERSHED

An area of land that drains into a particular watercourse, usually divided by topography.

WETLAND

An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The three criteria that must exist on a site for an area to be designated a wetland are hydric soils, hydrophytic vegetation, and wetland hydrology.

WING WALL

A wing wall is a wall secondary in scale projecting from a primary wall and not having a roof.

WIRELESS FACILITY

(1) Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including all of the following:

- (a) Equipment associated with wireless communications;
- (b) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

- (2) The term includes small cell facilities.
- (3) The term does not include any of the following:
 - (a) The structure or improvements on, under, or within which the equipment is collocated
 - (b) Coaxial or fiber-optic cable that is between wireless support structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

WIRELESS SERVICE

Any services using licensed or unlicensed wireless spectrum, whether at a fixed location or mobile, provided to the public using wireless facilities.

WIRELESS SERVICE PROVIDER

A person who provides wireless service as defined herein.

WIRELESS SUPPORT STRUCTURE

A pole, street light pole, traffic signal pole, a fifteen-foot or taller sign pole, or utility pole capable of supporting small cell facilities, excluding decorative poles, utility poles, or other facilities used to supply traction power to public transit systems, including railways, trams, streetcars, and trolleybuses.

WIRELESS TELECOMMUNICATIONS EQUIPMENT SHELTER

The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

WIRELESS TELECOMMUNICATIONS TOWER

A tower including but not limited to self-supporting lattice or monopole, which elevates the wireless telecommunication antenna and may include accessory transmission and receiving equipment.

WIRELINE BACKHAUL FACILITY

A facility used for the transport of communications service or any other electronic communications by coaxial, fiber-optic cable, or any other wire.

YARD

An open space on the same lot with a building, unoccupied, and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

YARD, FRONT

A yard extending across the full width of a lot and being the distance between the street right-of-way and the nearest wall of the principal building. Where the right-of-way line is not established, the right-of-way shall be assumed to be sixty (60) feet.

YARD, REAR

A yard extending across the full width of a lot between the side lot lines and being the distance between the rear lot line and the nearest wall of the principal building. On corner lots the rear yard shall be considered parallel to the street upon which the lot has its least dimension. On both

corner lots and interior lots the rear yard shall be, in all cases, at the opposite end of the lot from the front yard.

YARD, REQUIRED

The minimum yard required between a lot line and the building line in order to comply with the regulations of the district in which the zoning lot is located.

YARD, SIDE

A yard between the principal building and the side lot line, extending from the front yard to the rear yard.

ZONING CERTIFICATE

A certificate where the Zoning Inspector has the authority to make a decision on the application in accordance with [Sec. 1113.03 Zoning Certificate](#).

ZONING DISTRICT

A section or sections of the incorporated territory of the Village of Clinton for which regulations governing the use of buildings and premises, the height of buildings, development standards, yards, lot areas, and other standards are uniform.

ZONING DISTRICT, BUSINESS

The B-1, B-2, and I-1 districts are considered business zoning districts for the purposes of this ordinance unless otherwise specified.

ZONING DISTRICT, RESIDENTIAL

The CD, R-1, R-2, and R-3 districts are considered residential zoning districts for the purposes of this ordinance unless otherwise specified.

ZONING INSPECTOR

The Zoning Inspector, his/her assistants, or any other person designated by Village Council to perform the statutory duties of the Zoning Inspector.

ZONING MAP

The “Zoning Districts Map of the Village of Clinton, Summit County, Ohio”

ZONING MAP AMENDMENT

An amendment or change to the Official Zoning Map of the Village of Clinton, reviewed and approved by Village Council in accordance with [Sec. 1113.05 Zoning Text or Map Amendment](#).

ZONING TEXT AMENDMENT

An amendment or change to the text of the Village of Clinton Zoning Ordinance reviewed and approved by Village Council in accordance with [Sec. 1113.05 Zoning Text or Map Amendment](#).

CHAPTER 1109**Decision-Making Roles and Authority.**

Section:

1109.01 Purpose.

1109.02 Illustration of Review and Decision Making-Bodies.

1109.03 Village Council.

1109.04 Planning Commission.

1109.05 Board of Zoning Appeals (BZA).

1109.06 Zoning Inspector.

1109.01 PURPOSE.

The purpose of this chapter is to identify the roles and responsibilities of various elected and appointed boards, and the duties of village staff, in the administration of this zoning ordinance. This chapter also includes the review procedures for zoning text and map amendments, zoning certificates, appeals, conditional uses, and variances.

1109.02 ILLUSTRATION OF REVIEW AND DECISION MAKING-BODIES.

(a) **Figure 1109.02-A** summarizes the review and decision-making responsibilities of the entities that have roles in the procedures set forth in this chapter. Other duties and responsibilities of the entities are set forth in subsequent sections of this chapter.

(b) Even though not referenced in **figure 1109.02-A**, other boards, commissions, government agencies, and non-government agencies may be asked by the Zoning Inspector, the Village of Clinton Planning Commission, the Village of Clinton Board of Zoning Appeals, or the Village of Clinton Council, to review some applications, including, but not limited to, map amendments (re-zonings), text amendments, appeals, variances, and conditional uses.

H = HEARING (PUBLIC HEARING REQUIRED) M = MEETING (PUBLIC MEETING REQUIRED)		R = REVIEW AND/OR RECOMMENDATION D = DECISION (RESPONSIBLE FOR FINAL DECISION)				
PROCEDURE	SECTION	VILLAGE COUNCIL	PLANNING COMMISSION	BOARD OF ZONING APPEALS (BZA)	ZONING INSPECTOR	VILLAGE ENGINEER
Zoning Certificate	Sec. 1113.03				R-D	
Sign Permit	Sec. 1113.04		R		R-D	
Zoning Text or Map Amendment	Sec. 1113.05	H-D	H-R		R	
Conditional Use	Sec. 1113.06		H-D		R	
Variance	Sec. 1113.07			H-D	R	
Appeals	Sec. 1113.08			H-D	R [1]	
Applications & Permits for Small Cell Facilities and Wireless Support Structures Within the Right-of-Way	Sec. 1113.09					R-D
NOTES: [1] The Zoning Inspector or other staff shall forward all records of their decision to the BZA including any staff report or summary that provides a history of actions and decisions made in relation to the appealed action.						

Figure 1109.02-A: The above is an illustration of the roles of the Zoning Inspector and village boards and commissions in the review and decisions on all review procedures subject to this zoning ordinance.

1109.03 VILLAGE COUNCIL.

For the purpose of this zoning ordinance, the Village of Clinton Council, hereafter referred to as the Village Council, shall have the following duties:

- (a) Initiate proposed amendments to the text of this zoning ordinance and/or the official zoning map;
- (b) Review and decide on all proposed amendments to the text of this zoning ordinance and/or the official zoning map; and
- (c) Perform all other duties as specified in the ORC and as specified in this zoning ordinance.

1109.04 PLANNING COMMISSION.

The Village Council, for the purpose and intent of this zoning ordinance, has hereby created and established the Village of Clinton Planning Commission, hereafter referred to as the Planning Commission.

(a) Appointment and Organization.

- (1) The Planning Commission shall be composed of five members who reside in the incorporated area of the Village of Clinton, Summit County, Ohio, one of whom shall be the Mayor, one of whom shall be a member of Council to serve for the remainder of his/her term as a member of Council, and three of whom shall be appointed by the mayor for terms of six years each.
- (2) Each member shall serve until his or her successor is appointed and qualified.
- (3) Members of the Planning Commission shall be removable for non-performance of duty, misconduct in office, or other cause, by the Village Council. Such removal may take place after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least 10 days prior to the hearing, either personally or by registered mail or by leaving same at his or her usual place of residence. The member shall be given an opportunity to be heard and answer such charges.
- (4) Vacancies shall be filled by appointment by the Mayor and shall be for the time remaining in the unexpired term.

(b) Roles and Powers.

- (1) The Planning Commission shall have the authority to initiate proposed amendments to the text of this zoning ordinance and/or the official zoning map.
- (2) The Planning Commission shall have the authority to review all proposed amendments to the text of this zoning ordinance and/or the official zoning map and make recommendations to the Village Council.
- (3) The Planning Commission shall have the authority to hear and decide, in accordance with the provisions of this zoning ordinance, applications filed for conditional uses or for decisions upon

other special questions on which the Planning Commission is authorized by this zoning ordinance to pass.

(4) In considering an application for a conditional use, the Planning Commission shall have the power to impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this zoning ordinance for the particular conditional use, as the Planning Commission may deem necessary for the protection of adjacent properties and the public interest.

(5) The Planning Commission shall perform all other duties as specified for village planning commissions in the ORC and as specified in this zoning ordinance.

(c) Organization and Bylaws.

(1) The Planning Commission shall elect a chairman from its membership and shall appoint a recording secretary, who need not be a member of the Planning Commission.

(2) The Planning Commission may organize and adopt bylaws for its own governance provided they are consistent with state law and with any other resolution of the village.

(d) Meetings.

(1) Meetings shall be held at the call of the chair, or at the call of any two members, and at such other times as the Planning Commission may determine.

(2) All meetings shall be open to the public, except as exempted by law.

(3) The Planning Commission shall keep minutes of its proceedings showing the vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record, unless exempted by law, and be immediately filed at Village Hall with the Office Administrator.

(e) Quorum and Recommendations.

(1) Any combination of three or more members of the Planning Commission shall constitute a quorum.

(2) The Planning Commission shall act when three members who are eligible to vote and concur.

(3) Every recommendation shall be accompanied by written findings specifying the reason for granting or denying the application, or making its decision.

1109.05 BOARD OF ZONING APPEALS (BZA).

The Village Council, for the purpose and intent of this zoning ordinance, has hereby created and established the Village of Clinton Board of Zoning Appeals, hereafter referred to as the BZA.

(a) Appointment and Organization.

(1) The BZA shall be composed of five members who reside in the incorporated area of the Village of Clinton, Summit County, Ohio, to be appointed by the Village Council.

(2) Members shall serve terms of six (6) year from the time of their appointment.

(3) Each member shall serve until his or her successor is appointed and qualified.

(4) Members of the BZA shall be removable for non-performance of duty, misconduct in office, or other cause, by the Village Council. Such removal may take place after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least 10 days prior to the hearing, either personally or by registered mail or by leaving

same at his or her usual place of residence. The member shall be given an opportunity to be heard and answer such charges.

(5) Vacancies shall be filled by appointment by the Village Council and shall be for the time remaining in the unexpired term.

(b) Roles and Powers.

(1) The BZA shall have the authority to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant, or refusal made by the Zoning Inspector, other village official, or administrative body of the village in the interpretation or enforcement of the provisions of this zoning ordinance.

(2) The BZA shall have the authority to hear and decide, in accordance with the provisions of this zoning ordinance, interpretation of the zoning map or for decisions upon other special questions on which the BZA is authorized by this zoning ordinance to pass.

(3) The BZA shall have the power to authorize upon appeal in specific cases, filed as herein provided, such variances from the provisions or requirements of this zoning ordinance as will not be contrary to the public interest, but only in such cases where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this zoning ordinance would cause unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done. The BZA may attach thereto such conditions regarding the location, character and other features of the proposed structure or use, as it may deem necessary in the interest of the furtherance of the purposes of the zoning ordinance and in the public interest.

(4) The BZA shall have the authority to review and provide an interpretation of the zoning map or zoning text whenever there is a question of how the zoned districts or regulations of this ordinance are applied.

(5) The BZA shall have the authority to permit the substitution of a nonconforming use existing at the time of enactment of this ordinance in compliance with **Chapter 1161: Nonconformities**.

(6) The BZA shall have all other powers conferred upon village boards of zoning appeals in the ORC, or as authorized by the Village Council in compliance with state law.

(c) Organization and Bylaws.

(1) The BZA shall elect a chairman from its membership and shall appoint a recording secretary, who need not be a member of the BZA.

(2) The BZA may organize and adopt bylaws for its own governance provided they are consistent with state law or with any other ordinance or resolution of the village.

(d) Meetings.

(1) Meetings shall be held at the call of the chair, or at the call of any two members, and at such other times as the BZA may determine.

(2) The chair, or in their absence, the acting chair, may administer oaths and the BZA may compel the attendance of witnesses.

(3) All meetings of the BZA shall be open to the public, except as exempted by law.

(4) The BZA shall keep minutes of its proceedings showing the vote, indicating such fact and shall keep records of its examinations and official actions, all of which shall be filed at Village Hall with the Office Administrator. and shall be a public record, unless exempted by law.

(5) The BZA may call upon any village department for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the BZA as may reasonably be required.

(e) Quorum and Decisions.

(1) Any combination of three regular or alternate members of the BZA shall constitute a quorum.
(2) The BZA shall act by resolution when at least three members who are eligible to vote concur.
(3) Every decision of the Board shall be a resolution, each of which shall be accompanied by written findings of fact, based on testimony and evidence and specifying the reason for granting or denying the application, by case number under one or another of the following headings: Interpretation; Variances; Conditional Zoning Certificates; together with all documents pertaining thereto.

(f) Modification of Approval.

No substantial modification of a variance approval or conditional use approval, as determined by the Zoning Inspector, shall be permitted without a new application and applicable fee pursuant to this article.

1109.06 ZONING INSPECTOR.

The Village Council shall appoint a Zoning Inspector who shall serve as the zoning inspector referenced in the ORC.

(a) Roles and Powers.

The Zoning Inspector shall have the following roles and powers:

- (1) The Zoning Inspector shall have the authority to conduct inspections of structures and land to determine compliance with this ordinance.
- (2) The Zoning Inspector shall have the authority to review and decide on applications for zoning certificates, sign permits, and to ensure compliance with this zoning ordinance in accordance with the applicable procedures in this ordinance.
- (3) The Zoning Inspector shall have the authority to collect all fees required for all applications.
- (4) The Zoning Inspector shall have the authority to provide input, staff reports, or other guidance to the Village Council, Planning Commission, and/or BZA, when requested.
- (5) After written request from a person having a legitimate present or future interest in the property, the Zoning Inspector shall have the authority to issue a zoning certificate for any building or premises existing at the time of enactment of this ordinance, certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this ordinance.
- (6) It shall be the duty of the Zoning Inspector to keep adequate records of all applications and decisions on said applications.
- (7) It shall be the duty of the Zoning Inspector to issue citations of zoning violations and keep adequate records of all violations.
- (8) The Village Council may also appoint additional personnel to assist the Zoning Inspector in such roles and powers as outlined in this section.
- (9) The Zoning Inspector shall have the authority to seek the advice of professional consultants, when authorized by the Village Council.

(10) The Zoning Inspector shall have the authority to conduct additional duties as designated by the Village Council or as specified in this zoning ordinance.

(b) Decisions.

(1) Any decision of the Zoning Inspector may be appealed in writing to the BZA within 20 days of the Zoning Inspector's decision pursuant to **Sec. 1113.08 Appeals**.

(2) The Zoning Inspector shall have appropriate forms for appeal available, or such forms shall be accessible the Village website at the time of denial.

CHAPTER 1113

Review Procedures

Section:

1113.01 Purpose.

1113.02 Common Review requirements.

1113.03 Zoning Certificate.

1113.04 Sign Permit.

1113.05 Zoning Text or Map Amendment.

1113.06 Conditional Use.

1113.07 Variance.

1113.08 Appeals.

1113.09 Applications and Permits for Small Cell Facilities and Wireless Support Structures Within the Right-of-Way.

1113.01 PURPOSE.

The purpose of this chapter is to identify the review procedures used in the administration of this zoning ordinance.

1113.02 COMMON REVIEW REQUIREMENTS

The requirements of this section shall apply to all development review applications and procedures subject to review under this zoning ordinance, unless otherwise stated.

(a) Authority to File Applications.

(1) The person having legal authority to take action in accordance with the approval sought shall file an application for any review in accordance with this zoning ordinance. The person having legal authority shall be the recorded property owner or the duly authorized agent of the recorded property owner and may be required to provide written proof of such authority at the time of application.

(2) The Planning Commission and Village Council may initiate zoning text and map amendments under this zoning ordinance with or without an application from the property owner who may be affected.

(b) Application Contents.

(1) Submittal Requirements.

a. Applications required under this zoning ordinance shall be submitted in a form and in such numbers as established by the village and made available to the public.

b. The Village Council shall adopt the submittal requirements at a regular council meeting after hearing recommendations on the requirements from the Zoning Inspector.

c. The applicant shall attest to the truth and correctness of all facts and information presented with the application.

(2) Submission of Professional Fees and Costs.

a. All persons submitting an application, license, or other request to the Village Engineer, Street Commissioner, Zoning Inspector, Planning Commission, and/or the Board of Zoning Appeals shall be required to reimburse the Village for any professional fees and related costs associated with the Village's review, analysis, inspection, and other activity related to such request.

b. The Village Fiscal Officer shall establish a Professional Fees, Costs, and Review Account for the Village of Clinton. The funds placed in this Review Account are subject to the deposit and fee schedules described in subparts (c) and (d) herein.

c. A Professional Fees and Costs Deposit shall accompany each application, license, or request submitted to the Village Engineer, Street Commissioner, Zoning Inspector, Planning Commission, and/or the Board of Zoning Appeals. The Deposit shall be placed in a Professional Fees, Costs, and Review Account, which shall be maintained for each separate application, license or request. The initial Deposit shall be received before the Village will incur any professional fee or cost associated with the Village's review, analysis, inspection, and other activity related to an applicant's request. The specific amount for an initial Deposit shall be established in the Village Fee Schedule as established in Section 105.01 of the Codified Ordinances. The Mayor or the Mayor's designee may, on a case by case basis, assess an applicant an additional Deposit based upon anticipated future professional fees and cost review of the size and scope of the project. At all times during the pendency of an application, license or request where professional fees and/or costs for the Village are required, such fees and costs shall be charged against the Professional Fees and Cost Deposit on a monthly and/or as needed basis and a positive balance shall be maintained in an applicant's professional review account. The Village shall give notice to an applicant once the balance in the applicant's professional review account reaches a five hundred dollar (\$500.00) or lower balance if an additional Deposit will be required. Should the fees as set forth in subpart (d) consume the entire initial Professional Fees and Costs Deposit, all reviews, consideration, deliberation and analysis of the subject application, license or request by the Village shall be suspended and no further construction, work, and/or further use shall be done by the applicant or its agents until a supplemental Deposit is assessed and deposited. The balance of the Deposit funds on hand, after fees are assessed to said applicant, shall be returned to the applicant within ninety (90) days of the final conclusion of the project and any potential legal matter pertaining to the request, application or license.

d. The Village Fee Schedule may also include a listing of typical charges associated with the professional review, inspection, or other conduct required in association with any application, request, or license submitted to the Village Engineer, Street Commissioner, Zoning Inspector, Planning Commission, and/or the Board of Zoning Appeals.

e. No approvals shall be granted for any application, license, or other request submitted to the Village Engineer, Street Commissioner, Zoning Inspector, Planning Commission, and/or the Board of Zoning Appeals unless and until the required initial and/or supplemental Deposit have been made; subject to waiver of the deposit by the Mayor. The requirement for payment of professional fees, as established under subsection (a) herein, is non-waivable.

f. The commencement, undertaking, and/or completion of any construction, grading, soil preparation or other activity conducted by an applicant related to a project that requires a Deposit under this Codified Ordinance is strictly prohibited until an initial and/or supplemental Deposit has been made. Any such work completed without the submission of an initial and/or supplemental Deposit shall be subject to removal and/or demolition by the Village at the applicant's costs.

(3) Complete Application Determination.

a. The Zoning Inspector shall only initiate the review and processing of applications submitted under this chapter if such application is determined to be complete.

b. The Zoning Inspector shall make a determination of application completeness within a reasonable time.

- c. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this ordinance.
- d. If an application is determined to be incomplete, the Zoning Inspector shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected.
- e. If the applicant fails to re-submit a complete application within 60 days of the notice provided by the Zoning Inspector pursuant to Paragraph d. above, the incomplete application shall not be reviewed, the applicant's original filing fee shall be forfeited, and the incomplete application shall be deemed withdrawn. No reconsideration of an incomplete application shall occur after expiration of the 60-day period and an applicant in need of further development approval under the zoning ordinance shall, pursuant to all of the original requirements of **Sec. 1113.02 (b) Application Contents**, submit a new application and filing fee.
- f. If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be rejected.

(4) Refund of Fees.

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

(5) Submission Schedule.

The Zoning Inspector is authorized and shall establish the submission and review schedule (including time frames for review where not established within the ORC) for applications. The Zoning Inspector may amend and update these requirements as determined necessary.

(c) Examination and Copying of Application and Other Documents.

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

(d) Notice.

(1) BZA Hearing Notice.

- a. Written notice shall be mailed to any party of interest including each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property that is the subject of the application. Such notice shall be given a minimum of 10 days prior to the date of the public hearing. The failure of delivery of such notice does not invalidate the notice.
- b. The village shall also give notice of such public hearing by publishing a legal notice in one or more newspapers of general circulation in the county at least 10 days before the date of such hearing.

(2) Constructive Notice for All Proceedings.

The following shall apply to all public notice requirements, regardless of decision-making body.

- a. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct the agency having responsibility

for notification to make a formal finding as to whether there was substantial compliance with the notice requirements of this zoning ordinance, and such finding shall be made available to the decision-making body prior to final action on the request.

b. When the records of the village document the publication, mailing, and/or posting of notices as required by this article, it shall be presumed that notice of a public hearing was given as required by this section.

(e) Computation of Time.

(1) In computing any period of time prescribed or allowed by this zoning ordinance, the date of the application, act, decision, or event, from which the designated period of time begins shall not be included. The last date of the period of time to be computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday as observed by the United States Postal Service.

(2) When the United States Postal Service is closed to the public for the entire day which constitutes the last day of the period of time, then such application, act, decision, or event may be performed on the next day which is not a Saturday, a Sunday, or a legal holiday observed by the United States Postal Service in which its offices are closed for the entire day.

(f) Conduct of Public Hearing.

(1) Rights of All Persons.

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

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

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

b. A request for deferral of consideration of an application received by the Village of Clinton Zoning Inspector after publication of notice of the public hearing as required by this ordinance shall be considered as a request for a continuance of the public hearing, and may only be granted by the review or decision-making body.

c. The review or decision-making body conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time, and place.

(3) Withdrawal of Application.

Any request for withdrawal of an application shall be either submitted in writing to the Zoning Inspector or made through a verbal request by the applicant prior to action by the review or decision-making body.

a. The Zoning Inspector shall approve a request for withdrawal of an application if it has been submitted prior to publication of notice for the public hearing on the application in accordance with this ordinance.

- b. If the request for withdrawal of an application is submitted after publication of notice for the public hearing in accordance with this ordinance, the request for withdrawal shall be placed on the public hearing agenda and acted upon by the review or decision-making body.
- c. In all cases where the applicant has requested the withdrawal of an application, the application fee paid shall not be refunded.
- (4) In the absence of any rule upon any matter of business not provided for in foregoing rules or the statutes of the State of Ohio, as so far as provisions for the same are therein made, Roberts Rules of Order, shall be the standard of parliamentary usage.

1113.03 ZONING CERTIFICATE.

(a) Applicability.

A zoning certificate shall be required for any of the following:

- (1) New construction or structural alteration of each single-family dwelling or attached dwelling, including related accessory structures, unless otherwise exempted in this ordinance;
- (2) Any work or improvements to those portions of a lot located within the Riparian Setback.
- (3) Occupancy and use of vacant land in a residential zoning district;
- (4) Temporary uses or structures in a residential zoning district that require a certificate pursuant to **Sec. 1137.02 Temporary Uses and Structures**; or
- (5) Any change in the use of a nonconforming use.

(b) Review Procedure.

(1) Step 1 – Application.

The applicant shall submit an application for a zoning certificate for review and approval prior to submitting for a building permit from Summit County. Such application shall include:

- a. The zoning certificate application and applicable forms available from village hall;
- b. All such forms, maps, and information as may be prescribed by the Zoning Inspector to assure the fullest practicable presentation of the facts for the permanent record;
- c. All required fees as established in the Village of Clinton fee schedule.

(2) Step 2 – Review.

The Zoning Inspector shall review the application for conformance with the provisions of this zoning ordinance.

(3) Step 3 – Decision.

- a. Within 30 business days after an application (Step 1) is determined to be complete, the Zoning Inspector shall either approve and issue the zoning certificate or deny the application and state in writing the reasons for the action taken. Such statement of denial shall include, but not be limited to, a list of regulations that would be violated by the proposed use, and shall transmit one copy thereof to the applicant along with one copy of the plot plan, signed, dated, and noted as denied.
- b. In conducting the review of the application, the Zoning Inspector may consult with any department, agency, public body, official, company, or individual necessary to determine whether the application complies with the regulations of this ordinance. Any costs of review shall be borne by the applicant, as stated in the Village of Clinton fee schedule.
- c. Upon approval, the Zoning Inspector shall give to the applicant one signed copy of the zoning certificate and file the second copy of the certificate with the Office Administrator at Village Hall to be maintained for village records.

d. If the application is denied, the applicant may submit a revised application for review in accordance with this review procedure, or the applicant may appeal the decision to the BZA in accordance with [Sec. 1113.08 Appeals](#).

(c) Review Criteria.

(1) All applications for a zoning certificate shall demonstrate conformity with the provisions of this zoning ordinance.

(2) No zoning certificate shall be issued without evidence that the responsible health authority has approved the proposed sanitary sewage disposal facilities for the use for which the zoning certificate has been requested.

(3) No zoning certificate shall be granted to build any structure where there is a proposed ingress or egress point to the roadway until the owner of such property has secured a permit from the Ohio Department of Transportation, the Summit County Engineer, or the proper village official (whichever authority has jurisdiction), for permission to install a culvert of the proper size and specifications required by the respective authority and has completed the installation of such culvert.

(d) Expiration.

(1) Construction shall begin within 12 months of issuance of a zoning certificate. Construction shall be considered “begun” if the footers of the structure have been installed.

(2) Failure to begin construction within 12 months shall result in the expiration of the zoning certificate unless the applicant requests and receives an extension from the Zoning Inspector for good cause.

(3) Where the zoning certificate is for a use of land or a structure, such use shall be open or fully functioning within 12 months of issuance of a zoning certificate or the zoning certificate shall expire.

(4) Construction shall be completed within 24 months of the zoning certificate approval or the certificate shall expire. Construction shall be considered complete when a certificate of occupancy has been issued by the Zoning Inspector.

(5) Upon expiration of a zoning certificate, a new zoning certificate application, including all applicable fees, shall be required before construction.

(e) Temporary Zoning Certificate.

(1) Temporary buildings and uses that require a zoning certificate as established in [Sec. 1137.02 Temporary Uses and Structures](#), shall be required to obtain a temporary zoning certificate in accordance with the procedure set forth above for approval of a zoning certificate.

(2) A temporary zoning certificate shall be valid for a period of 30 days, unless the Zoning Inspector authorizes a longer period or in accordance with [Sec. 1137.02 Temporary Uses and Structures](#).

(f) Revocation of a Zoning Certificate.

(1) The Zoning Inspector shall hereby have the authority to revoke an approved zoning certificate or temporary zoning certificate if the information submitted as part of the application is found to be erroneous or fraudulent after the certificate has been issued.

(2) The Zoning Inspector may also revoke a zoning certificate if the applicant has not conformed with all applicable federal, state, county, and village regulations, resolutions, and rules including,

but not limited to, the Summit County Planning Commission, the Summit County Engineer, the Summit Soil and Water Conservation District, and the Clinton Sewer District.

1113.04 SIGN PERMIT.

(a) Sign permits shall be considered a form of a zoning certificate, required by this ordinance and allowed for in accordance with the ORC.

(b) Applicability.

(1) A sign permit shall be required for all new permanent signs, certain temporary signs, or sign changes as established in **Chapter 1157 Signage Standards**.

(2) All sign permits, unless otherwise specified in **Chapter 1157 Signage Standards**, shall be subject to review by the Planning Commission prior to the Zoning Inspector making a decision.

(4) Temporary signs shall not be subject to review by the Planning Commission.

(c) Review Procedure.

(1) Sign permits shall be subject to the following procedure:

a. Step 1 – Application.

The applicant shall submit an application for a sign permit for review and approval prior to submitting for a building permit from Summit County. Such application shall include:

i) The sign permit application and applicable forms available from village hall or accessible on the Village website;

ii) All such forms, maps, and information as may be prescribed by the Zoning Inspector to assure the fullest practicable presentation of the facts for the permanent record; and

iii) All required fees as established in the Village of Clinton fee schedule.

b. Step 2 – Review and Recommendation by the Planning Commission.

i) Within 30 business days after an application (Step 1) is determined to be complete, the Planning Commission shall hold a public meeting to review and make a recommendation on the sign permit application. The recommendation shall be made to the Zoning Inspector who shall make the final decision on the application.

ii) The Planning Commission may refer to this ordinance in making its recommendation.

c. Step 3 – Review by the Zoning Inspector.

i) The Zoning Inspector shall review the application for conformance with the provisions of this zoning ordinance.

ii) The applicant shall be responsible for providing the Zoning Inspector with amended information (e.g., drawings) where modifications are to be made to the sign based on the Planning Commission's recommendations.

d. Step 4 – Decision.

i) Within 15 business days after the Planning Commission makes a recommendation (Step 2), the Zoning Inspector shall either approve and issue the sign permit (pursuant to the actual application or any amendment application) or deny the application and state in writing the reasons for the action taken. Such statement of denial shall include, but not be limited to, a list of regulations that would be violated by the proposed use, and shall transmit one copy thereof to the applicant along with one copy of the application, signed, dated, and noted as denied.

ii) Upon approval, the Zoning Inspector shall return one signed copy of the application and file the second copy of the application with the Office Administrator at Village Hall to be maintained for village records.

iii) If the application is denied, the applicant may submit a revised application for review in accordance with this review procedure, or the applicant may appeal the decision to the BZA in accordance with [Sec. 1113.08 Appeals](#).

(2) Signs that do not require Planning Commission review (e.g., temporary signs) shall be subject to Steps 1, 3, and 4 in the above review procedure. Applicants may request that an application be submitted to the Planning Commission for review and recommendations.

(d) Expiration.

(1) Construction of the sign shall be completed within 12 months of the sign permit approval or the sign permit shall expire.

(2) Upon expiration of a sign permit, a new sign permit application, including all applicable fees, shall be required before construction or changes to the applicable sign.

(e) Revocation of a Sign Permit.

The Zoning Inspector shall have the authority to revoke a sign permit for the same reason and in the same manner as a zoning certificate. [See Sec. 1113.03 \(f\) Revocation of a Zoning Certificate](#).

1113.05 ZONING TEXT OR MAP AMENDMENT.

(a) Amendment Initiation.

(1) Amendments or supplements to the zoning ordinance or zoning map may be initiated by:

- a. A motion of the Planning Commission;
- b. Passage of a resolution by the Village Council; or
- c. By the filing of an application by the owners (or their agents) of property within the area proposed to be changed or affected by the proposed amendment.

(2) If the Village Council initiates the amendment, the council shall, upon the passage of such resolution, certify such resolution to the Planning Commission.

(b) Review Procedure.

(1) Step 1 – Pre-application Conference (Optional).

- a. If initiated by the property owners, the applicant may request to meet with the Planning Commission to discuss the initial concepts of the proposed amendment and general compliance with applicable provisions of this zoning ordinance prior to the submission of the application.
- b. Discussions that occur during a pre-application conference or any preliminary meeting with the Planning Commission are not binding on the village and do not constitute official assurances or representations by the Village of Clinton or its officials regarding any aspects of the plan or application discussed.

(2) Step 2 – Application.

- a. Applications for any change of district boundaries, classifications of property as shown on the zoning map, or changes to the zoning ordinance text shall be submitted to the Planning Commission at village hall or submitted through the Village website.
- b. The application shall include all such forms, maps, and information, as may be prescribed by the Zoning Inspector to assure the fullest practicable presentation of the facts for the permanent record.
- c. Each application initiated by property owners shall be signed by at least one of the owners, or the owners authorized agent of the property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications.

d. Applications for amendments initiated by the Planning Commission or the Village Council shall be accompanied by the initiating board's motion or resolution pertaining to such proposed amendment.

e. All applications shall be submitted with the required fees as established in the Village of Clinton fee schedule.

(4) Step 3 – Public Hearing and Recommendation by the Planning Commission.

a. Upon adoption of a motion, certification of a resolution, or the filing of an application (certified as complete by the Zoning Inspector) for an amendment (Step 2), the Planning Commission shall set a date for a public hearing regarding the proposed amendment.

b. The public hearing shall not be less than 20 or more than 40 days after the date the application (Step 2) was certified as complete by the Zoning Inspector.

c. Notification shall be given in accordance with the ORC.

d. Within 30 days after the completion of the Planning Commission's public hearing, the Planning Commission shall recommend the approval, denial, or modification of the proposed amendment and submit such recommendation together with such application or resolution, and the text and map pertaining thereto, to the Village Council.

(5) Step 4 – Public Hearing and Decision by the Village Council.

a. Upon receipt of the recommendation from the Planning Commission (Step 3), Village Council shall set a time for a public hearing on such proposed amendment.

b. The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the Planning Commission.

c. Notification shall be given in accordance with the ORC.

d. Within 20 days after its public hearing, the Village Council shall either adopt or deny the recommendations of the Planning Commission. If Village Council denies or modifies the Planning Commission's recommendations, not less than three-fourths (3/4) vote of the membership of Council shall be required.

(c) Effective Date.

(1) Any amendment adopted by the Village Council shall become effective 30 days after the date of such adoption unless otherwise specified.

(d) Review Criteria.

The following criteria shall be used by the Planning Commission and the Village Council in decisions regarding zoning amendments:

(1) The amendment is in accordance with and in the spirit of this ordinance;

(2) The applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon the policies of the village; and

(3) Any other substantive factor deemed appropriate by the Planning Commission or Village Council.

1113.06 CONDITIONAL USE.

(a) Review Procedure.

The review procedure for variances and conditional uses shall be as follows:

(1) Step 1 – Application.

- a. An application for a conditional use over which the Planning Commission has original jurisdiction under **Sec. 1109.04 Planning Commission**, may be made by any property owner, including an authorized agent, or by a governmental officer, department, board or bureau.
- b. The application shall include all such forms, maps, and information, as may be prescribed by the Zoning Inspector to assure the fullest practicable presentation of the facts for the permanent record.
- c. The Zoning Inspector shall transmit a copy of the application to the Planning Commission.
- d. All applications shall be submitted with the required fees as established in the Village of Clinton fee schedule.

(2) Step 2 – Public Hearing with the Planning Commission.

- a. Upon application (Step 1), the Planning Commission shall fix a reasonable time for the public hearing on any application, give at least ten days notice in as noted in **Sec. 1113.02 (d) Notice**, and give notice of such public hearing by publication in one or more newspapers of general circulation in the county at least ten days before the date of such hearing.
- b. Upon the day for hearing any application, the Planning Commission may adjourn the hearing in order to obtain additional information or to cause further notice, as it deems proper, to facilitate the discussion and decision on said application. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Planning Commission so decides.

(3) Step 3 – Decision.

- a. Within 30 days after the hearing concludes (Step 2), the Planning Commission shall make a decision on the application.
- b. A decision of the Planning shall not become final until the expiration of 30 days from the date of such decision unless the Planning Commission shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.
- c. A certified copy of the Planning Commission's decision shall be transmitted to the applicant or appellant at the applicant's address as shown on the records of the Planning Commission. A copy shall be maintained by the Zoning Inspector.
- d. In authorizing a conditional use, the Planning Commission may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as the Planning Commission may deem necessary in the interest of the furtherance of the purposes of this ordinance. In authorizing a conditional use with conditions, the Planning Commission may require such other evidence, guarantee, or bond as it may deem necessary. The applicant shall be required to comply with the conditions.
- e. Failure to comply with the conditions of a decision shall be deemed a violation of this zoning ordinance.
- f. Any party adversely affected by a decision of the Planning Commission may appeal the decision to the BZA.
- g. Approval of an application for a conditional use by the Planning Commission shall constitute an approval of a zoning certificate.

(b). Conditional Use Review Criteria

In reviewing conditional uses, the Planning Commission shall consider the following:

- (1) The use is a conditional use, permitted with approval by the Planning Commission, in the district where the subject lot is located;

- (2) The use is in accordance with the objectives of this zoning ordinance; and
- (3) The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare.
- (4) The Planning Commission shall also consider the following as applicable to the subject application:
 - a. The comparative size, floor area and mass of the proposed structure(s) in relationship to adjacent structures and buildings in the surrounding properties and neighborhood;
 - b. The frequency and duration of various indoor and outdoor activities and special events and the impact of these activities on the surrounding area;
 - c. The number of transit movements generated by the proposed use and relationship to the amount of traffic on abutting streets and on minor streets in the surrounding neighborhood;
 - d. The capacity of adjacent streets to handle increased traffic in terms of traffic volume;
 - e. The added noise level created by activities associated with the proposed use and the impact of the ambient noise level of the surrounding area and neighborhood;
 - f. The requirements for public services where the demands of the proposed use are in excess of the individual demand of adjacent land uses in terms of police and fire protection, and the presence of any potential fire or other hazards created by the proposed use;
 - g. The general appearance of the neighborhood will not be adversely affected by the location of the proposed use on the parcel;
 - h. The impact of night lighting in terms of intensity and duration and frequency of use as it impacts adjacent properties and in terms of presence in the neighborhood;
 - i. The impact of the landscaping of the proposed use in terms of maintained landscaped areas versus areas to remain in a natural state, and the openness of landscape versus the use of buffers and screens;
 - j. The impact of a significant amount of hard-surfaced areas for building, sidewalks, drives, parking areas and service areas in terms of noise transfer, water runoff and heat generation;
 - k. The potential for the proposed use to remain in existence for a reasonable period of time and not become vacant or unused. Consideration should also be given to unusual single purpose structures or components of a more temporary nature; and
 - l. Any other physical or operational feature or characteristic that may affect the public health, safety and welfare.

(c) Expiration.

- (1) For a conditional use approval, the applicant shall be subject to the same expiration requirements as a zoning certificate. See **Sec.1113.03 (d) Expiration.**
- (2) Upon expiration of a conditional use approval, a new conditional use application, including all applicable fees, shall be required.

(d) Continuation of Existing Uses Conditionally Permissible Under This Ordinance.

- (1) All legally established uses existing at the time of passage of this ordinance or amendments thereto that are made a conditional use by a zoning text amendment shall be issued conditional use permits within one year after the passage of this ordinance or amendments thereto.
- (2) The Planning Commission shall issue such permits and may approve the conditional uses as brought forth by the owner.

1113.07 Variance.

(a) Review Procedure.

The review procedure for variances and conditional uses shall be as follows:

(1) Step 1 – Application.

a. An application for a variance over which the BZA has original jurisdiction under **Sec. 1109.05 Board of Zoning Appeals (BZA)**, may be made by any property owner, including an authorized agent, or by a governmental officer, department, board or bureau.

b. The application shall include all such forms, maps, and information, as may be prescribed by the Zoning Inspector to assure the fullest practicable presentation of the facts for the permanent record.

c. The Zoning Inspector shall transmit a copy of the application to the BZA.

d. All applications shall be submitted with the required fees as established in the Village of Clinton fee schedule.

(2) Step 2 – Public Hearing with the Board of Zoning Appeals.

a. Upon application (Step 1), the BZA shall fix a reasonable time for the public hearing on any application, give at least ten days notice in as noted in **Sec. 1113.02 (d) Notice**, and give notice of such public hearing by publication in one or more newspapers of general circulation in the county at least ten days before the date of such hearing.

b. Upon the day for hearing any application, the BZA may adjourn the hearing in order to obtain additional information or to cause further notice, as it deems proper, to facilitate the discussion and decision on said application. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the BZA so decides.

(3) Step 3 – Decision.

a. Within 30 days after the hearing concludes (Step 2), the BZA shall make a decision on the application.

b. A decision of the BZA shall not become final until the expiration of 30 days from the date of such decision unless the BZA shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

c. A certified copy of the BZA's decision shall be transmitted to the applicant or appellant at the applicant's address as shown on the records of the BZA. A second copy shall be filed with the Office Administrator at Village Hall for village records.

d. In authorizing a variance, the BZA may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as the BZA may deem necessary in the interest of the furtherance of the purposes of this ordinance. In authorizing a variance with conditions, the BZA may require such other evidence, guarantee, or bond as it may deem necessary. The applicant shall be required to comply with the conditions.

e. Failure to comply with the conditions of a decision shall be deemed a violation of this zoning ordinance.

f. Any party adversely affected by a decision of the BZA may appeal the decision to the Summit County Court of Common Pleas.

(b) Variance Review Criteria.

(1) The BZA shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the provisions or requirements of this ordinance as will not be contrary to the public interest. Where an applicant seeks a variance, said applicant shall be required to supply evidence that demonstrates that the literal enforcement of this

ordinance will result in practical difficulty for an area/dimensional variance or unnecessary hardship for a use variance. The factors for an area/dimensional variance and use variance, as individually specified in this section, shall be considered and weighed by the BZA.

(2) Area/Dimensional Variance.

a. The following factors shall be considered and weighed by the BZA to determine practical difficulty:

- i) Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;
- ii) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- iii) Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
- iv) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
- v) Whether the variance would adversely affect the delivery of governmental services such as sewer and trash pickup;
- vi) Whether special conditions or circumstances exist as a result of actions of the owner;
- vii) Whether the property owner's predicament can feasibly be obviated through some method other than a variance;
- viii) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and/or
- ix) Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

b. No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

(3) Use Variance.

In order to grant a use variance, the BZA shall determine that strict compliance with the terms of this ordinance will result in unnecessary hardship to the applicant. The applicant must demonstrate such hardship by clear and convincing evidence that all of the following criteria are satisfied:

- a. The property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located;
- b. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
- c. The variance requested cannot otherwise be resolved by a zoning map amendment;
- d. The essential character of the neighborhood will not be substantially altered as a result of the variance;
- e. There is an existing structure that cannot be reasonably used for a permitted use or a conditionally permitted use in the applicable zoning district;
- f. The proposed use is listed in [Table 1121.01-1 Permitted Use Table](#);
- g. The hardship condition is not created by actions of the applicant;

- h. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
- i. The granting of the variance will not adversely affect the public health, safety or general welfare;
- j. The variance will be consistent with the general spirit and intent of this ordinance;
- k. The requested use is permitted in another district in this ordinance; and
- l. The variance sought is the minimum that will afford relief to the applicant.

(c) Expiration.

- (1) For a variance, the applicant shall submit a completed application for a zoning certificate within six months of the BZA decision.
- (2) A variance approval shall expire if a completed zoning certificate application has not been submitted to the Zoning Inspector within six months of the BZA's decision. The applicant may request an extension of an additional six months if such request is submitted to the Zoning Inspector in writing a minimum of two weeks prior to the date of expiration.
- (3) Upon expiration of a variance, a new variance application, including all applicable fees, shall be required.

1113.08 APPEALS.

(a) Appeal Applicability.

An appeal to the BZA may be taken by the applicant or any person aggrieved by a decision of the Zoning Inspector or administrative official in the enforcement of this zoning ordinance. Such appeal shall be taken within 20 days after receipt of notification of the decision, by filing with the Zoning Inspector and with the BZA, a notice of appeal specifying the grounds thereof including applicable sections of the Village of Clinton Zoning Ordinance.

(b) Review Procedure.

The review procedure for an appeal shall be as follows:

(1) Step 1 – Filing of Appeal.

- a. Upon the filing of an appeal, the Zoning Inspector shall transmit to the BZA all the documents and other evidence constituting the record.
- b. The filing of an appeal shall stay all proceedings unless the Zoning Inspector or any affected person certifies to the BZA that, by reason of facts pertaining to the matter in question, a stay, in their opinion, would cause imminent peril to life or property. When such certification is made, proceedings shall not be stayed except by order granted by the BZA.
- c. All appeals shall be submitted with the required fees, if applicable, as established in the Village of Clinton fee schedule.

(2) Step 2 – Public Hearing with the Board of Zoning Appeals.

- a. Upon the filing of an appeal (Step 1), the BZA shall fix a reasonable time for the public hearing on the appeal, give notice in writing at least ten days prior to the hearing to the parties of interest, and give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten days before the date of such hearing.
- b. Upon the day for hearing any appeal, the BZA may adjourn the hearing in order to obtain additional information or to cause further notice, as it deems proper, to facilitate the discussion and decision on said appeal. In the case of an adjourned hearing, persons previously notified and

persons already heard need not be notified of the time of resumption of said hearing unless the BZA so decides.

(3) Step 3 – Decision.

- a. Within 30 days after the hearing concludes (Step 2), the BZA shall make a decision on the appeal.
- b. A decision of the BZA shall not become final until the expiration of 30 days from the date of such decision unless the BZA shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.
- c. A certified copy of the BZA's decision shall be transmitted to the applicant or appellant at the applicant's address as shown on the records of the BZA and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him and he shall incorporate the terms and conditions of the decision in the permit to the appellant, whenever the BZA authorizes a zoning certificate.
- d. The BZA may, in conformity with the provisions of this section, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination as necessary; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken.
- e. Failure to comply with the conditions of a decision shall be deemed a violation of this zoning ordinance.
- f. Any party adversely affected by a decision of the BZA may appeal the decision to the Summit County Court of Common Pleas.

(c) Appeal Review Criteria.

An order, decision, determination, or interpretation shall not be reversed or modified by the BZA unless there is competent, material, and substantial evidence in the record that the order, decision, determination, or interpretation fails to comply with either the procedural or substantive requirements of this zoning ordinance, state law, or federal law.

1113.09 APPLICATIONS AND PERMITS FOR SMALL CELL FACILITIES AND WIRELESS SUPPORT STRUCTURES WITHIN THE RIGHT-OF-WAY.

The applicable application process for working on small cell facilities within the public right-of-way is set forth in **Sec. 1129.02 Small Cell Facilities and Wireless Support Structures Within the Right-of-Way.**

CHAPTER 1117

Establishment of Zoning Districts.

Section:

1117.01 Establishment of Zoning Districts.

1117.02 Official Zoning Map.

1117.03 Zoning District Boundary Interpretation.

1117.01 ESTABLISHMENT OF ZONING DISTRICTS.

The incorporated territory of the Village of Clinton, Summit County, Ohio, is hereby divided into the zoning districts established in **Table 1117.01-1 Zoning Districts**.

TABLE 1117.01-1 ZONING DISTRICTS	
DISTRICT DESIGNATION	ZONING DISTRICT NAME
CD	Conservation District
R-1	Rural Residential District
R-2	Residential District
R-3	High Density Residential District
B-1	Downtown Canal District
B-2	Warwick Business District
I-1	Industrial District

1117.02 OFFICIAL ZONING MAP.

(a) The zoning districts and their boundary lines are indicated upon a map entitled “Zoning Districts Map of the Village of Clinton, Summit County, Ohio,” dually adopted by Village Council, as amended; hereafter referred to as the Zoning Districts Map.

(b) The Zoning Districts Map, together with all notations, references, and other matters shown thereon, are hereby declared a part of this ordinance.

1117.03 ZONING DISTRICT BOUNDARY INTERPRETATION.

Where uncertainty exists with respect to the boundaries of any of the established zoning districts as shown on the Districts Map, the following rules shall apply:

(a) Where district boundaries are indicated as approximately following streets, alleys, roads, highways, or other thoroughfares, such boundaries shall be construed to be the centerline of the right-of-way or easement upon which the streets, roads, alleys, highways, or other thoroughfares are located.

(b) Where district boundaries are so indicated that they are approximately parallel to the centerlines or alley lines of alleys, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance from there as indicated on the Zoning Districts Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.

1117.04 VACATION OF PUBLIC WAYS.

Whenever any street or public way is vacated in the manner authorized by law, and the vacated public way is un-zoned or it is unclear what the applicable zoning district should be, the Village Council or Planning Commission shall initiate a zoning map amendment (See Sec. 1113.05 Zoning Text or Map Amendment.) to establish a zoning district(s) for the vacated public way.

CHAPTER 1121

Zoning Districts and Principal Use Regulations.

Section:

- 1121.01 Purpose Statements for Zoning Districts.
- 1121.02 Principally Permitted Uses and Activities.
- 1121.03 Use-Specific Standards.
- 1121.04 District Development Standards.

1121.01 PURPOSE STATEMENTS FOR ZONING DISTRICTS.

The following are the purpose statements for each of the zoning districts established in this ordinance.

(a) CD Conservation District.

The purpose of the CD Conservation District is to: (1) preserve and protect the values of distinctive geologic, topographic, botanic, historic, or scenic area; (2) protect the ecological balance of an area; (3) conserve natural resources, such as river valley and tracts of forest land; (4) reduce the problems created by intensive development of areas having excessively high water tables, or which are subject to flooding, or which are topographically unsuited for urban type uses.

(b) R-1 Rural Residential District.

The purpose of the R-1 Rural Residential District is to accommodate residential development in areas which cannot be reasonably serviced by central water and/or sanitary sewer facilities and where the underground water supply or the soil conditions for septic tanks are inadequate to accommodate a higher density.

(c) R-2 Residential District.

The purpose of the R-2 Residential District is to accommodate single-family and two-family residential dwellings in areas that may reasonably be expected to be provided with central sewer and water facilities. The stipulated densities are intended to maintain the suburban character of the community.

(d) R-3 High Density Residential District.

The purpose of the R-3 High Density Residential District is to encourage apartment development of densities of up to ten (10) dwelling units per acre. The regulations are intended to restrict the overcrowding of land and to encourage the provision of amenities of urban living in areas offering unique regional transportation, recreational, and/or scenic advantages, and in areas where centralized water and sewerage facilities exist or can be provided as projects are developed.

(e) B-1 Downtown Canal District.

The purpose of the B-1 district is to promote the Mixed Use Development of the Downtown Canal Area. The regulations are intended to promote the mixed use by permitting residential, office, retail, public uses, personal services, or entertainment uses, designed, planned and constructed as a unit. These developments will maintain the essential historical character of the district.

(f) B-2 Warwick Business District.

The purpose of the B-2 Warwick Business District is to provide for Mixed Use Development which principally accommodates an urban feel, but at a lesser intensity. The regulations are set forth to provide the Mixed Use Development, at a lesser intensity, so to encourage the desired character of the district.

(g) I-1 Industrial District.

The purpose of the I-1 Industrial District is to provide for and accommodate industrial uses in the fields of repair, storage, manufacturing, processing, wholesaling, and distribution, free from the encroachment of residential, retail, and institutional uses. The uses allowed are those which because of their normally unobjectionable characteristics, can be in relatively close proximity to residential and business districts.

1121.02 PRINCIPALLY PERMITTED USES AND ACTIVITIES.

(a) General Use Regulations.

(1) Number of Principal Buildings.

a. Unless otherwise specifically stated, only one principal building or use shall be permitted on any lot.

b. Multiple principal buildings may be permitted in commercial and industrial zoning districts if the lot is sufficient in size to conform to all the use, area, height, parking, and other requirements of this ordinance. Multiple principal uses may also be permitted within a single principal building within business districts.

(2) Required Frontage.

a. Every principal building and/or use shall be located on a lot that meets the minimum lot widths along a public or private street, built to the appropriate public street standards and specifications contained in the Summit County Subdivision Regulations.

b. Issuance of a village zoning certificate authorizing the construction of a principal building or use shall be done only if the proposed building site or use is located on an existing street as specified above or on a proposed public street contained on a recorded dedicated plat for which financial guarantees for construction and maintenance have been accepted by the Village Engineer.

c. Evidence of such financial guarantees and recorded plat shall be submitted to the Zoning Inspector prior to the issuance of said zoning certificate.

(3) Enclosed Building.

a. Unless specifically stated in the use name, all principal uses shall be required to take place in a fully enclosed building.

b. Except as provided in Chapters **1125 Gas Wells** and **1129 Wireless Communication**.

(4) Prohibited Activities.

a. No activities shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this ordinance, are or may become hazardous, noxious, or offensive due to the emission of odor, light, dust, smoke, cinders, gas, fumes, noise, vibrations, electrical interference, refuse matters, or water-carried wastes including, but not limited to, outdoor fire boilers.

b. Any action to abate a nuisance shall be administered by the Village Council or Zoning Inspector in accordance with applicable laws.

(b) Operations for Which Effects on Adjacent Premises are Not Readily Known.

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

(c) Permitted Use Table Summary.

Table 1121.02-1 Permitted Use Table sets forth the uses allowed within the zoning districts.

(1) Permitted Uses.

a. A “P” in a cell indicates that a use is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this ordinance.

b. Permitted uses are approved by the Zoning Inspector through the zoning certificate procedure.

(2) Conditional Uses.

a. A “C” in a cell indicates that a use may be permitted if approved through the conditional use review (**See Sec. 1113.06 Conditional Use**). Conditional uses may be subject to use-specific standards as identified in the last column of **Table 1121.02-1 Permitted Use Table**. Conditional uses are subject to all other applicable regulations of this ordinance.

b. The existence of additional use-specific standards in this ordinance shall not be implied to be the only standards the use is required to meet. All uses that are permitted as a conditional use shall be subject to the general review standards for conditional uses in **Sec. 1113.06 Conditional Use**.

(3) Permitted Uses with Standards.

a. A “PS” in a cell indicates that a use category is allowed by-right in the respective zoning district if it meets the additional standards set forth in the numerically referenced sections. Permitted uses with standards are subject to all other applicable regulations of this ordinance.

b. Uses permitted with standards under this category are approved by the Zoning Inspector through the zoning certificate procedure (**See Sec. 1113.06 Conditional Use**).

(4) Prohibited Uses.

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

(5) Numerical References.

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

(6) Unlisted Uses.

If an application is submitted for a use that the Zoning Inspector determines is not defined or **established in Table 1121.02-1 Permitted Use Table**, the applicant may choose to take one of the following actions:

a. The applicant may appeal the determination of the Zoning Inspector to the BZA pursuant to **Sec. 1113.08 Appeals**.

b. The applicant may submit an application for a zoning text amendment to include the proposed use and applicable standards pursuant **Sec. 1113.05 Zoning Text or Map Amendment**.

c. The applicant may present their case to the Planning Commission and/or Village Council to request that the village initiate a text amendment to address the proposed use and applicable standards.

(7) Riparian Setback Development.

The requirements for the Riparian Setback ([See Chapter 1133 Riparian Setback Development Standards](#)), when applicable, may alter how a use may be permitted or reviewed, or may prohibit a use that is otherwise permitted in the applicable zoning district.

(d) Permitted Use Table.

TABLE 1121.02 - 1: PERMITTED USE TABLE								
PERMITTED USES P = Permitted Use PS = Permitted with Additional Use-Specific Standards C = Conditional Use Blank Cell = Prohibited	ZONING DISTRICTS							USE-SPECIFIC STANDARDS
	CD	R-1	R-2	R-3	B-1	B-2	I-1	SEE SECTION:
AGRICULTURAL USES								
Agricultural uses	P	PS	PS					Sec. 1121.03-(a)
RESIDENTIAL USES								
Multifamily dwellings of the townhouse, rowhouse, garden apartment, or multistory type				C	C	C		Sec. 1121.03-(b)
Single-family dwellings - on lots of record	P	P	P	P	P	P		
Two-family residential dwellings			P	P	P	P		
PUBLIC AND INSTITUTIONAL USES								
Airports, airfields, and landing strips	C	C						Sec. 1121.03-(c)
Cemeteries	C	C	C		C			Sec. 1121.03-(d)
Churches and places of worship	C	C	C	C	C	C		Sec. 1121.03-(e)
Educational institutions (public or private)		C	C	C	C			Sec. 1121.03-(f)
Government offices and buildings	C	C	C		C	C	C	Sec. 1121.03-(g)
Governmental Utilities	P	P	P	P	C	P	P	
Institutions for human medical care			C	C	C			Sec. 1121.03-(h)
Institutions for higher education			C	C	C			Sec. 1121.03-(i)
Parks, playgrounds, golf courses (except miniature), swimming facilities, tennis clubs, country clubs, riding academies, and other similar uses	C	C	C	C	C			Sec. 1121.03-(j)
Quasi-public, fraternal or service facilities			C	C	C			Sec. 1121.03-(k)
Recreational areas and campgrounds	C	C						Sec. 1121.03-(l)
Wildlife refuge and Game Preserve	P							
COMMERCIAL AND OFFICE USES								
Banks, drive in banking facilities and financial institutions					C	PS		
Bed and breakfast establishments	C	C	C	C	C	C		Sec. 1121.03-(m)
Car wash						C		Sec. 1121.03-(n)
Commercial entertainment or recreation uses (indoors)					C	C		Sec. 1121.03-(o)
Child day care centers	C	C	C		P	P		Sec. 1121.03-(p)

TABLE 1121.02 - 1: PERMITTED USE TABLE

PERMITTED USES P = Permitted Use PS = Permitted with Additional Use-Specific Standards C = Conditional Use Blank Cell = Prohibited	ZONING DISTRICTS							USE-SPECIFIC STANDARDS
	CD	R-1	R-2	R-3	B-1	B-2	I-1	SEE SECTION:
Deli, meat market, and dairy store					C	P		
Drive in refreshment stand					C	C		Sec. 1121.03-(q)
Gasoline stations (fueling only)						C		Sec. 1121.03-(r)
General offices (administrative, professional, business)					P	P		
Medical and dental offices					C	P		
Mini storage facility						P		
Mixed use buildings					C	C		Sec. 1121.03-(s)
Hotels					C	C		Sec. 1121.03-(t)
Personal service establishments					C	P		
Private recreational uses (outdoors)						C		Sec. 1121.03-(u)
Restaurants and taverns					P	P		Sec. 1121.03-(v)
Retail					C	P		Sec. 1121.03-(w)
Sexually oriented businesses								Sec. 1121.03-(x)
Strip or open pit mining, soil removal, or extracting operations	C						C	Sec. 1121.03-(y)
Veterinarian offices (no boarding)							PS	Sec. 1121.03-(bb)
Industrial Uses								
Blacksmith, welding, or other metal working shops including machine shop operations of tool, die, and gauge types							PS	Sec. 1121.03-(bb)
Building materials, sales yard, and lumber yard, Contractor's equipment storage yard, or storage of rental equipment							PS	Sec. 1121.03-(cc)
Carpenter, cabinet, upholstery, sheetmetal, plumbing, heating, roofing, air conditioning, painting, and other similar establishments							PS	Sec. 1121.03-(bb)
Foundry, casting, lightweight nonferrous metals							PS	Sec. 1121.03-(bb)
Fuel, food, and goods distribution station, warehouse, and storage							PS	Sec. 1121.03-(bb)
Manufacturing, processing, cleaning, servicing, or laboratory facilities							PS	Sec. 1121.03-(z)
Motor, freight garage, truck, or transfer terminal, office, warehousing and storage							PS	Sec. 1121.03-(cc)
Oil, gas, or brine wells, drilling and operations necessary for their extraction, storage, and skimming							C	Sec. 1121.03-(aa)
Plant greenhouse							P	
Machinery, equipment, and automobile repair							PS	Sec. 1121.03-(cc)
Warehousing and wholesale establishments							P	

1121.03 USE-SPECIFIC STANDARDS.

(a) Agricultural Uses.

(1) The following standard applies to all Districts:

a. Gardens are permitted on any lot by-right.

(2) The following standards apply to agricultural uses in the R-1 District:

a. All buildings and structures, except fencing, used to house farm animals should be located no less than seventy-five (75) feet from all lot lines.

b. Fencing utilized to corral or pen livestock shall be set back no less than twenty (20) feet from all lot lines.

c. Livestock or poultry raising or breeding for commercial purposes shall only be permitted on lots of five (5) acres or more. For this section, the selling of eggs produced on premises shall not be considered a commercial purpose.

(b) Multifamily Dwellings of the Townhouse, Rowhouse, Garden Apartment, or Multistory Type.

The following standards apply to Multifamily Dwellings of the Townhouse, Rowhouse, Garden Apartment, or Multistory Type when reviewed as a conditional use:

(1) No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.

(2) Such uses shall not require uneconomical extensions of utility services at the expense of the community.

(3) Such uses should be properly landscaped to be harmonious with surrounding residential uses.

(4) Special provisions for group dwellings:

a. Group dwelling shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements, the entire group as a unit requiring one (1) front and rear and two (2) side yards as specified for dwellings in the appropriate district.

b. Each two (2) or two and one-half (2-1/2) story group dwelling development shall have a minimum court of forty (40) feet in width and forty (40) feet in length, in addition to its required yards, and each one (1) story group dwelling development shall have a minimum court of thirty (30) feet in width and thirty (30) feet in length, in addition to its required yards.

c. In a group dwelling development, no two (2) separate dwelling structures shall be closer to each other along the sides or end of a court than fifteen (15) feet.

d. The court shall be unoccupied by any building or other structures, except fire hydrants, utility poles, or other street improvements.

e. The court shall have an unobstructed opening, not less than thirty (30) feet wide, onto the front yard of a lot which has a width not less than that required in the district in which it is located.

f. All dwelling structures of the group except those facing a public street shall face upon the court.

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

a. Vehicular approach to the property shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

b. Maximum possible privacy for each apartment shall be provided through good design and use of proper building materials and landscaping. Visual privacy should be provided through structural screening and landscaping treatment. Auditory privacy should be provided through soundproofing.

- c. The architectural design of apartment buildings should be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, line and pattern, and character.
 - d. Building location and placement should be developed with consideration given to minimizing removal of trees and change of topography.
 - e. Television antenna and satellite dishes shall be centralized.
 - f. On-site circulation shall be designed to make possible adequate fire and police protection.
 - g. In large parking areas, visual relief shall be provided through the use of tree planted and landscaped dividers, islands, and walkways. No parking or service areas shall be permitted between any street and the main building.
 - h. Paved off-street parking and service areas shall be required, parking spaces shall contain at least two hundred (200) square feet and shall be provided at the rate of two (2) spaces per dwelling unit in each apartment building; all parking and service areas shall be paved with concrete, asphalt, or equivalent, and shall be located no closer than twenty (20) feet from any residential structure. Paved vehicle access drives of at least ten (10) vehicles or less capacity, and two-way drives of twenty (20) feet paving width minimum shall be required for parking areas of eleven (11) or more vehicle capacity.
 - i. The property must be served by centralized sewer approved by the State and County Health Department and operated and maintained according to the inspection and rules of the Summit County Health Department and Summit County Sanitary Engineer's regulations.
- (6) No Zoning Certificate shall be issued until final site plans have been submitted and approved by the Planning Commission. Said site plans shall show the following: drainage (including storm water), location of all buildings, fuel tanks (if any), off- street parking and service facilities, water supply, sanitation, walks, fences, walls, landscaping, outside lighting, traffic flow, and its relation to abutting streets.
- No Zoning Certificate shall be issued until the approval by the State and County Health Departments has been obtained concerning the proposed sanitary sewage facilities.
- (7) The design and construction of all access drives, access points to public streets, and parking and service areas shall be approved by the Planning Commission.
- (8) A performance bond or other financial acceptable to the Planning Commission shall be placed with the Commission to ensure that the landscaping be installed, that the hard-surfacing of the access drives and parking and service areas be installed, and that adequate storm water drainage be installed, all in accordance with the Planning Commission's approved plans.

(c) Airports, Airfields, and Landing Strips.

- (1) All structures and activity areas should be located at least one hundred (100) feet from all property lines.
- (2) There shall be no more than one (1) advertisement oriented to each abutting road identifying the activity.
- (3) No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- (4) Such uses should be located on a major thoroughfare, adjacent to nonresidential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.

(d) Cemeteries.

The following standards shall apply to cemeteries:

- (1) All points of entrance or exit would be located no closer than two hundred (200) feet from the intersection of two major thoroughfares; or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
- (2) Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- (3) The area proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:
 - a. Only memorial park cemeteries having grave markers flush with the surface of the ground shall be permitted. The term "marker" to refer to name of deceased.
 - b. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
 - c. Minimum area required for a cemetery site to be forty (40) acres.
 - d. A building of brick and/or stone, solid and/or veneered, shall be provided if storage of maintenance equipment and/or materials is to be necessary.
 - e. Pavement width of driveways shall be at least twenty (20) feet (ten feet per moving lane).
 - f. Drives shall be of useable shape, improved with bituminous, concrete or equivalent surfacing and so graded and drained as to dispose of all surface water accumulation within area.
 - g. Pavement is to be installed as development progresses and as indicated on the final plans approved by the Planning Commission.
 - h. Sufficient parking space shall be provided as to not deter traffic flow within the cemetery.
 - i. Area drainage and/or sanitary facilities are subject to rules promulgated by Summit County.
 - j. Only signs designating entrances, exits, traffic direction, and titles shall be permitted, and must be approved by the Planning Commission.
 - k. Adequate screening with shrubs, trees, or compact hedge shall be provided parallel to property lines adjacent to or abutting residential dwelling: such shrubs, trees, and hedges shall not be less than two feet in height and must be maintained in good condition.
 - l. Provisions shall be made for landscaping throughout the cemetery.
 - m. Location of cemetery buildings and all other structures shall conform to front, side, and rear yard building lines of the particular district in which it is located.
 - n. No grave sites shall be located within one hundred (100) feet of the right-of-way lines of any publicly dedicated thoroughfare.
 - o. A grave site shall not be within two hundred (200) feet of an existing residence unless the owner of such residence gives his written consent.
 - p. Guarantees shall be made that the cemetery will be developed as proposed on the plans approved by the Planning Commission, the County Engineer, and the County Board of Health. Guarantees shall be in a form approved by the Planning Commission and may be one of the following:
 - i. A performance bond is required in the amount specified in the Village Bond and Insurance Fee Schedule.
 - ii. Other methods as might be worked out by the Planning Commission, Council, Developers and their legal advisors.
 - q. A trust fund of an amount set by the Planning Commission shall be established by the cemetery developers for the perpetual maintenance of the cemetery grounds. Said trust fund shall be established before any burial spaces are sold or used and shall be held and invested by a financial institution mutually agreed upon by the developers and the Council. A percentage of the money from the sale of each burial space shall be put into the maintenance trust fund. The

percentage shall be an amount set by the Planning Commission. Interest yielded by the fund shall be applied toward the maintenance of the cemetery grounds.

(e) Churches and Places of Worship.

(1) The following standards shall apply to churches and places of worship in all districts where conditionally allowed:

- a. All structures and activity areas should be located at least one hundred (100) feet from all property lines.
- b. All points of entrance or exit would be located no closer than two hundred (200) feet from the intersection of two major thoroughfares; or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
- c. Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- d. Such uses should be properly landscaped to be harmonious with surrounding residential uses.

(2) The following standards shall apply to churches and places of warship in the districts: CD, R-1, R-2, B-1, and B-2:

- a. Such structures should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities.
- b. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.

(3) The following standard shall apply to churches and places of warship in the R-3 district:

- a. Such developments should be located adjacent to nonresidential uses such as churches, parks, or business districts.

(f) Educational Institutions (Public or Private).

The following standards shall apply to educational institutions:

- (1) All structures and activity areas should be located at least one hundred (100) feet from all property lines.
- (2) Loud speakers which cause a hazard or annoyance shall not be permitted.
- (3) All points of entrance or exit would be located no closer than two hundred (200) feet from the intersection of two major thoroughfares; or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
- (4) No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- (5) Elementary school structures should be located on a collector thoroughfare.
- (6) Such uses should be properly landscaped to be harmonious with surrounding residential uses.
- (7) Such uses shall incorporate a landscaping buffer in accordance with [Sec. 1145.06 Buffering Between Land Uses](#).

(g) Government Offices and Buildings.

(1) The following standards shall apply to government offices and buildings in all districts where conditionally allowed:

- a. All points of entrance or exit would be located no closer than two hundred (200) feet from the intersection of two major thoroughfares; or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.

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

c. Such developments should be located adjacent to nonresidential uses such as churches, parks, or business districts.

d. Such uses should be properly landscaped to be harmonious with surrounding residential uses.

(3) The following standards shall apply to government offices and buildings the following district: B-1

a. Such uses shall be permitted under the following conditions:

i. Provided that such facilities be located at the extremity of business districts so as not to interfere with the pedestrian interchange between stores in the district and provided further, that it would not limit expansion of the pedestrian-oriented facilities.

ii. No more than two (2) driveway approaches shall be permitted directly from any thoroughfare and shall not exceed thirty (30) feet in width at the property line.

iii. If the property fronts on two (2) or more streets, the driveways shall be located as far from the street intersections as is practical.

iv. At least a six (6) inch high pedestrian safety curb shall be installed along all street right-of-way lines except at driveway approaches.

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

(h) Institutions for Human Medical Care.

The following standards shall apply to institutions for human medical care:

(1) All structures and activity areas should be located at least one hundred (100) feet from all property lines.

(2) Loud speakers which cause a hazard or annoyance shall not be permitted.

(3) All points of entrance or exit would be located no closer than two hundred (200) feet from the intersection of two major thoroughfares; or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.

(4) No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.

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

(6) Such uses shall not require uneconomical extensions of utility services at the expense of the community.

(7) Such uses should be properly landscaped to be harmonious with surrounding residential uses.

(8) Such uses shall incorporate a landscaping buffer in accordance with [Sec. 1145.06 Buffering Between Land Uses](#).

(9) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.

(10) Ambulances and other vehicles used in the operation of the principal use shall be stored in an enclosed building.

(i) Institutions for Higher Education.

The following standards shall apply to institutions for higher education:

- (1) All structures and activity areas should be located at least one hundred (100) feet from all property lines.
- (2) Loud speakers which cause a hazard or annoyance shall not be permitted.
- (3) All points of entrance or exit would be located no closer than two hundred (200) feet from the intersection of two major thoroughfares; or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
- (4) There shall be no more than one (1) advertisement oriented to each abutting road identifying the activity.
- (5) No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- (6) Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- (7) Such uses should be properly landscaped to be harmonious with surrounding residential uses.

(j) Parks, Playgrounds, and Golf Courses (Except Miniature), Swimming Facilities, Tennis Clubs, Country Clubs, Riding Academies, and Other Similar Uses.

- (1) All structures and activity areas should be located at least one hundred (100) feet from all property lines.
- (2) Loud speakers which cause a hazard or annoyance shall not be permitted.
- (3) All points of entrance or exit would be located no closer than two hundred (200) feet from the intersection of two major thoroughfares; or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
- (4) There shall be no more than one (1) advertisement oriented to each abutting road identifying the activity.
- (5) No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- (6) Such uses shall not require uneconomical extensions of utility services at the expense of the community.
- (7) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- (8) Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted; and shall include such uses as refreshment stands, souvenir stands, and concession stands.
- (9) A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a three (3) year period only. After a three (3) year period has elapsed, a new Conditional Zoning Certificate shall be required. And may be issued provided that the Planning Commission and the Zoning Inspector determine that the said use has been and is being and is being operated according to the specifications of the Zoning ordinance and the previous Conditional Zoning Certificate. If necessary, the Commission may make additional requirements for the continued operation of the use as a prerequisite for reissuance of the Conditional Zoning Certificate.
- (10) All facilities and structures shall meet all State of Ohio and/or local health, building, electrical, and other applicable codes.
- (11) All activities, programs, and other events shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or to the community in general.

(12) C-R CD R-1 shall also follow:

a. Such uses should be properly landscaped to be harmonious with surrounding residential uses.

(k) Quasi-Public, Fraternal or Service Facilities.

The following standards shall apply to quasi-public, fraternal, or service facilities:

(1) All structures and activity areas shall be set back a minimum of 100 feet from all lot lines and street rights-of-way.

(2) All vehicular entrances or exits shall be set back a minimum of 200 feet from the intersection of any streets under county or state authority.

(3) Such uses shall incorporate a landscaping buffer in accordance with [Sec. 1145.06 Buffering Between Land Uses](#).

(4) Such establishments shall be located on collector thoroughfares or at intersections of arterial and/or collector streets.

(l) Recreational Areas and Campgrounds.

The following standards shall apply to recreational areas and campgrounds:

(1) All structures and activity areas should be located at least one hundred (100) feet from all property lines.

(2) All points of entrance or exit would be located no closer than two hundred (200) feet from the intersection of two major thoroughfares; or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.

(3) There shall be no more than one (1) advertisement oriented to each abutting road identifying the activity.

(4) No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.

(5) Such uses shall not require uneconomical extensions of utility services at the expense of the community.

(6) Such uses should be properly landscaped to be harmonious with surrounding residential uses.

(7) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.

(8) A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a three (3) year period only. After a three (3) year period has elapsed, a new Conditional Zoning Certificate shall be required. And may be issued provided that the Planning Commission and the Zoning Inspector determine that the said use has been and is being and is being operated according to the specifications of the Zoning ordinance and the previous Conditional Zoning Certificate. If necessary, the Commission may make additional requirements for the continued operation of the use as a prerequisite for reissuance of the Conditional Zoning Certificate.

(9) No campsite shall be occupied by the same occupant or group and/or tent, trailer, or other camping equipment for a period longer than fourteen (14) consecutive days. No cabin, lodge, room, or other rental accommodations shall be occupied by the same occupant or group for a period longer than thirty (30) consecutive days.

(10) Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted as part of the park, recreational area, or campground. Included as such retail uses are refreshment stands, souvenir stands, concession stands, park office, and the limited sale of groceries when the customers are primarily the campers using the park.

(11) A minimum area of fifty (50) acres shall be required for a use proposed under these regulations.

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

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

(m) Bed and Breakfast Establishments.

The following shall apply to bed and breakfast establishments:

(1) The principal building shall have been originally designed as a single-family dwelling.

(2) The owner, operator, or manager of the premises used for the bed and breakfast establishment shall reside full-time in the dwelling, or in a dwelling on an adjoining lot.

(3) No more than four bedrooms in any dwelling may be used for bed and breakfast lodging.

(4) At least one bathroom shall be dedicated to guest use.

(5) One (1) off-street parking space shall be provided for each (2) bedroom used for guest lodging in addition to those normally required for the single-family dwelling.

(6) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the bed and breakfast establishment that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling unit.

a. In a residential district, a bed and breakfast establishment may have one ground monument sign that does not exceed twelve (12) feet in sign area and shall not exceed four feet in height.

The sign shall be subject to the same general sign standards as all other signs in residential districts as established in [Chapter 1157 Signage Standards](#).

(7) Meals provided for cost in a bed and breakfast establishment shall only be served to the guests who are lodging at the bed and breakfast establishment.

(8) Guests shall be permitted to reside at the facility for not longer than two continuous weeks.

(n) Car Wash.

(1) Any approved car wash shall adhere to State Health and E.P.A. codes and regulations.

(o) Commercial Entertainment or Recreation Uses (Indoors).

The following standards shall apply when commercial entertainment or recreational uses (indoors) is a conditional use:

(1) Loud speakers which cause a hazard or annoyance shall not be permitted.

(2) No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.

(3) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.

(4) Such uses shall be permitted under the following conditions:

a. Provided that such facilities be located at the extremity of business districts so as not to interfere with the pedestrian interchange between stores in the district and provided further, that it would not limit expansion of the pedestrian-oriented facilities.

b. No more than two (2) driveway approaches shall be permitted directly from any thoroughfare and shall not exceed thirty (30) feet in width at the property line.

- c. If the property fronts on two (2) or more streets, the driveways shall be located as far from the street intersections as is practical.
- d. At least a six (6) inch high pedestrian safety curb shall be installed along all street right-of-way lines except at driveway approaches.
- (5) All activities related to the use, except parking, shall be located within an enclosed building.
- (6) All structures shall be set back a minimum of 100 feet from all lot lines and street rights-of-way.
- (7) All vehicular entrances or exits shall be set back a minimum of 200 feet from the intersection of any streets under county or state authority.
- (8) Such uses shall incorporate a landscaping buffer in accordance with [Sec. 1145.06 Buffering Between Land Uses](#).
- (9) Such establishments shall be located on major thoroughfares or at intersections of arterial and/or collector streets.

(p) Child Daycare Center).

The following standards apply to child daycare centers when reviewed as a conditional use:

- (1) All structures and activity areas should be located at least one hundred (100) feet from all property lines.
- (2) Loud speakers which cause a hazard or annoyance shall not be permitted.
- (3) All points of entrance or exit would be located no closer than two hundred (200) feet from the intersection of two major thoroughfares; or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
- (4) No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- (5) Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- (6) Such uses shall not require uneconomical extensions of utility services at the expense of the community.
- (7) Such uses should be properly landscaped to be harmonious with surrounding residential uses.
- (8) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.

(q) Drive-in Refreshment Stand.

- (1) Loud speakers which cause a hazard or annoyance shall not be permitted.
- (2) No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- (3) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- (4) Such uses shall be permitted under the following conditions:
 - a. Provided that such facilities be located at the extremity of business districts so as not to interfere with the pedestrian interchange between stores in the district and provided further, that it would not limit expansion of the pedestrian-oriented facilities.
 - b. No more than two (2) driveway approaches shall be permitted directly from any thoroughfare and shall not exceed thirty (30) feet in width at the property line.

- c. If the property fronts on two (2) or more streets, the driveways shall be located as far from the street intersections as is practical.
- d. At least a six (6) inch high pedestrian safety curb shall be installed along all street right-of-way lines except at driveway approaches.

(r) Gasoline Stations (Fueling Only).

- (1) No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- (2) Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- (3) Such uses shall be permitted under the following conditions:
 - a. Provided that such facilities be located at the extremity of business districts so as not to interfere with the pedestrian interchange between stores in the district and provided further, that it would not limit expansion of the pedestrian-oriented facilities.
 - b. No more than two (2) driveway approaches shall be permitted directly from any thoroughfare and shall not exceed thirty (30) feet in width at the property line.
 - c. If the property fronts on two (2) or more streets, the driveways shall be located as far from the street intersections as is practical.
 - d. At least a six (6) inch high pedestrian safety curb shall be installed along all street right-of-way lines except at driveway approaches.
- (4) All activities, except those required to be performed at fuel pumps, shall be carried on inside a building; if work is performed on a vehicle, said vehicle shall be entirely within a building.
- (5) Outdoor storage and display shall be regulated by [Sec. 1137.01 Accessory Use Regulations](#).

(s) Mixed-Use Buildings.

The following standards shall apply to mixed use buildings:

- (1) Residential apartments shall only be permitted on the second or higher floor of a mixed-use building.
- (2) Areas for the collection and storage of refuse and recyclable materials shall be located on the site in locations that are convenient for both the residential and nonresidential uses.
- (3) A mixed-use project proposing a commercial component that will operate outside of the hours from 8:00 a.m. to 9:00 p.m. shall require a conditional use approval to ensure that the commercial uses will not negatively impact the residential uses within the building or on adjacent properties.

(t) Hotels.

The following standards apply to hotels when reviewed as a conditional use:

- (1) No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- (2) Such uses shall not require uneconomical extensions of utility services at the expense of the community.
- (3) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- (4) Such development should be located within three-quarters (3/4) of a mile of a state highways.

- (5) Such facilities shall be located at the extremity of districts so as not to interfere with the pedestrian interchange between stores in the district and provided further, that it would not limit expansion of the pedestrian-oriented facilities.
- (6) No more than two (2) driveway approaches shall be permitted directly from any thoroughfare and shall not exceed thirty (30) feet in width at the property line.
- (7) If the property fronts on two (2) or more streets, the driveways shall be located as far from the street intersections as is practical.
- (8) At least a six (6) inch high pedestrian safety curb shall be installed along all street right-of-way lines except at driveway approaches.

(u) Private Recreational Uses (Outdoors).

- (1) All structures and activity areas should be located at least one hundred (100) feet from all property lines.
- (2) Loud speakers which cause a hazard or annoyance shall not be permitted.
- (3) No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- (4) Any outdoor areas utilized for the use shall only be located in the side and rear yard and shall be set back a minimum of two hundred (200) feet from all lot lines and street rights-of-way.
- (5) Outdoor entertainment activities such as concerts, rallies, or similar activities, are prohibited.
- (6) The Planning Commission may require portions of the site with high activity areas to be enclosed by a fence having a minimum height of six (6) feet.
- (7) Swimming pools shall be subject to the accessory use standards related to swimming pools. See [Sec. 1137.01 Accessory Use Regulations](#).

(v) Restaurants and Taverns.

The following standards shall apply to restaurants and taverns:

- (1) Any outdoor dining shall be subject to the applicable provisions of [Sec. 1137.01 Accessory Use Regulations](#).
- (2) Any proposed drive through-facility must be approved as part of a conditional use (See [Sec. 1113.06 Conditional Use](#)).
- (3) Loud speakers which cause a hazard or annoyance shall not be permitted.

(w) Retail.

Where retail is a conditional use the following standards apply:

- (1) No more than 1,500 square feet of floor area in a dwelling shall be used for such purposes and no noticeable odors, smoke, noise, dust, refuse, electromagnetic interference, or other objectionable conditions shall be created outside the structure.
- (2) Loud speakers which cause a hazard or annoyance shall not be permitted.
- (3) There shall be no more than one (1) advertisement oriented to each abutting road identifying the activity.
- (4) No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- (5) Such uses shall not require uneconomical extensions of utility services at the expense of the community.
- (6) Such uses should be properly landscaped to be harmonious with surrounding residential uses.

(7) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.

(8) A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a three (3) year period only. After a three (3) year period has elapsed, a new Conditional Zoning Certificate shall be required. And may be issued provided that the Planning Commission and the Zoning Inspector determine that the said use has been and is being and is being operated according to the specifications of the Zoning ordinance and the previous Conditional Zoning Certificate. If necessary, the Commission may make additional requirements for the continued operation of the use as a prerequisite for reissuance of the Conditional Zoning Certificate.

(x) Sexually Oriented Businesses.

The following standards shall apply to sexually oriented businesses:

(1) Required Setbacks

(a) No sexually oriented business shall be located on any parcel within 500 feet of any residentially zoned district within the Village of Clinton.

(b) No such business shall be located on any parcel within 1,000 feet of any public library, private or public elementary or secondary school, public park, church, or other place of worship.

(c) No such business shall be located on any parcel within 1,000 feet of another sexually oriented business.

(2) For the purposes of **Sec. 1121.03 (bb)(1)** above, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted, to the nearest lot line of the premises of a public library, church or other place of worship, or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot.

(3) For the purposes of **Sec. 1121.03 (bb)(1)** above, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

(4) There shall be no more than one advertisement oriented to each abutting road identifying the use.

(5) No person shall establish, or operate, or cause the establishment or operation of any sexually oriented business in violation of the provisions of this section. Nothing in this section shall be construed to prohibit or limit the display, sale or rental of descriptive, printed, film or video material or any live performance which, taken as a whole, contains serious literary, artistic, political, medical, educational or scientific value.

(6) Once approved and established a sexually oriented business will not be made non-conforming as a result of the establishment of an activity set out in **1121.03 (bb)(1)** above within the buffer zone.

(y) Strip or Open Pit Mining, Soil Removal, or Extracting Operations.

(1) No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.

(2) Shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the development. Fences shall be adequate to prevent trespass and shall be placed no closer than fifty (50) feet to the top or bottom of any slope. No sand or gravel shall be removed or stored or

overburden stored within one hundred (100) feet of any lot line not owned or controlled by the developer or operator of said business or his agent, nor shall such mineral extraction business be conducted closer to any lot line or street so that areas contiguous and adjacent thereto do not have adequate lateral support.

All work conducted in connection with such operations shall be done between the hours of 7:30 a.m. and 5:00 p.m.

(3) No rehabilitated slope shall exceed an angle with the horizontal of forty-five (45) degrees.

(4) All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural. Areas shall be completely and continually drained of water when not in use or not supervised by a watchman. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration.

Such operations shall be conducted so as not to leave or cause to exist spoil banks.

(5) Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community.

(6) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.

(7) To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted a mining permit as herein provided, shall furnish a performance bond of \$25,000.00 per acre with a minimum bond of \$25,000.00 to the Village of Clinton as a guarantee that such work will be done in a satisfactory manner. Plans and specifications of proposed restoration shall be approved by the Village Council prior to the issuance of the permit.

(z) Manufacturing, Processing, Cleaning, Servicing, or Laboratory Facilities.

(1) Manufacturing, processing, cleaning, servicing, and laboratory facilities so long as the use does not create a nuisance for occupants of adjacent premises or the community at large by reason of the emission or creation of noise, vibration, smoke, dust, or other particular matter, toxic and noxious materials, odors, fire or explosive hazards, glare or heat, or electromagnetic disturbances.

(2) Laboratories shall not use equipment or conduct experiments which would create hazards, noxious, or offensive conditions.

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

(aa) Oil, Gas, or Brine Wells, Drilling and Operations Necessary for Their Extraction, Storage, and Skimming.

- (1) All structures and activity areas should be located at least one hundred (100) feet from all property lines.
- (2) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to ensure that this provision will be met.
- (3) The area of use shall be completely enclosed by a six (6) foot (open or closed) and appropriately landscaped to be harmonious with surrounding properties.

(bb) Minimum Distance Required from Residential Districts.

- (1) The designated uses shall not be conducted closer than within one hundred (100) feet of any residential district. Where the Industrial District abuts upon but is separated from any residential district by a street the width of the street may be considered as part of the required setback.

(cc) Enclosure Requirements.

- (1) The following uses, provided storage is within an enclosed building or an area enclosed on all sides by a solid masonry wall or a minimum six (6) foot solid painted fence with openings no greater than fifteen percent (15%).

1121.04 DISTRICT DEVELOPMENT STANDARDS.

(a) Measurements, Computations, and Exceptions.

(1) General Rules of Measurement.

a. Percentages and Fractions.

When a calculation required by this ordinance results in a fractional number or percentage, the resulting number shall be rounded to the nearest whole number.

b. Distance Measurements.

Unless otherwise expressly stated, distances specified in this ordinance are to be measured as the length of an imaginary straight line joining those points.

c. Lots, Yards, and Open Spaces.

No space which, for the purpose of a building, has been counted or calculated as part of a side yard, front yard, or other open space required by this Ordinance may, by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard or other open space requirements of or for any other building.

(2) Lot Area Measurements.

- a. The area of a lot includes the total horizontal surface area within the lot's boundaries, excluding any area of street right-of-way.
- b. For nonconforming lots, see [Sec. 1161.06 Nonconforming Lots of Record in Residential District](#).
- c. With the exception of approval of an open space residential subdivision or governmental acquisition of land, no lot shall be reduced in area so that the lot area per dwelling unit, lot width, yards, building area, or other requirements of this ordinance are not met.

(3) Setback and Yard Measurements.

a. Setback Measurements and Permitted Projections.

Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a principal structure and the lot line of the lot on which the structure is located. Every part of a required yard shall be open to the sky and unobstructed except:

- i. As otherwise provided in this section;

- ii. For temporary and accessory buildings as allowed in [Chapter 1137 Accessory and Temporary Use Regulations](#);
- iii. Fences and walls as permitted in [Sec. 1141.01 Fencing, Walls, Hedges, and Similar Structures](#);
- iv. For the ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting into the yard a distance not to exceed twelve (12) inches;
- v. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five (5) feet;
- vi. The ordinary projections of chimneys and flues may be permitted by the Summit County Building Department when placed so as not to obstruct light and ventilation but shall not be any closer than two (2) feet to any lot line;
- vii. An open and unenclosed porch or paved terrace may project into the front yard for a distance not to exceed ten (10) feet; or
- viii. Awnings and canopies may extend into any required setback but shall maintain a minimum setback of one foot from all lot lines.

b. Front Yard Setback.

Unless otherwise noted, the required minimum front yard setback shall be measured from each street right-of-way or, where a right-of-way is not identified, the lot line adjacent to the street. See [Figure 1121.04-A](#).

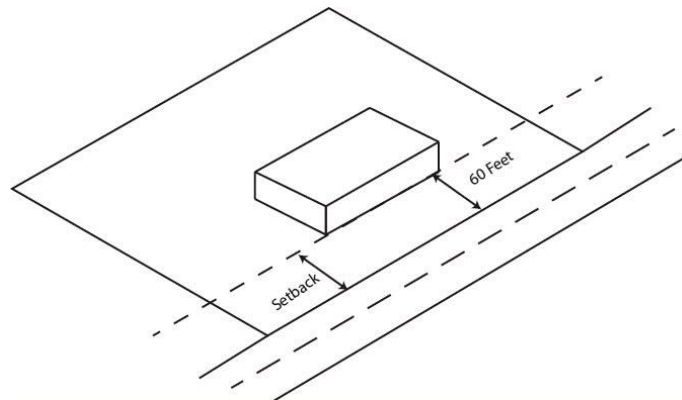


Figure 1121.04-A: Measurement of a 60-foot front yard setback.

c. Front Yard Modifications.

Notwithstanding [Sec. 1121.04 \(b\) Front Yard Setback](#), in any residential district where the average depth of at least two existing front yards on lots within two hundred (200) feet of the lot in question and within the same block front is less or greater than the minimum front yard setback prescribed elsewhere in this ordinance, the required front yard setback on such lot may be modified. In such case, this shall not be less than the average depth of said existing front yards on the two lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining.

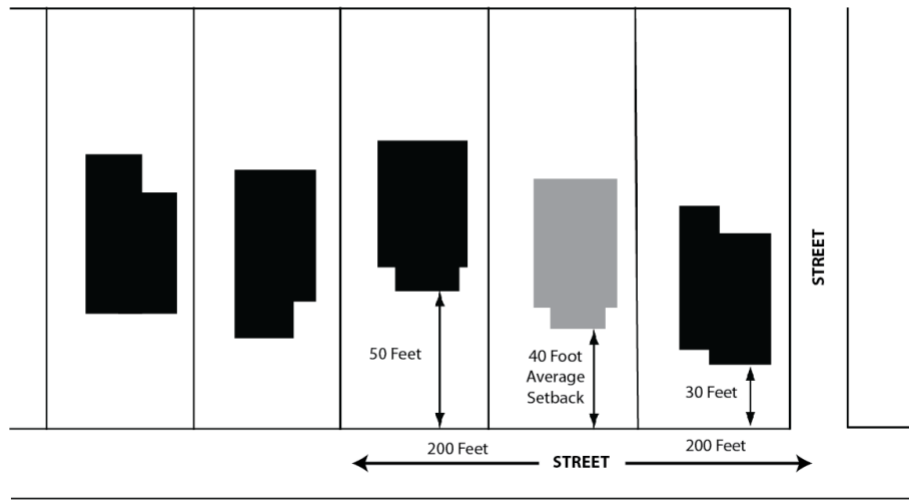


Figure 1121.04-B: Illustration of the averaging of front yard setbacks. In a district with a minimum front yard setback requirement of 60 feet, smaller setbacks may be allowed if the average front yard setbacks on the same lot are less than the required setback.

d. Interior Lots (Side and Rear Yards)

- i. The lot line located directly behind the rear of the structure shall be the rear lot line and the rear yard setback shall be applied. See Figure 1121.04-C.
- ii. All other lot lines shall be considered the side lot line and the side yard setback shall be applied. See Figure 1121.04-C.

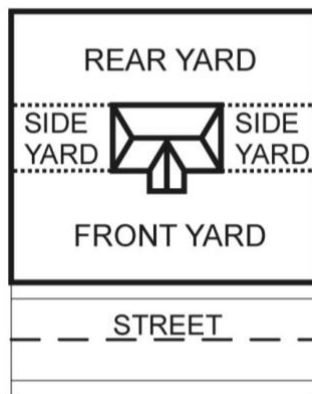


Figure 1121.04-C: Typical yard locations for an interior lot.

e. Corner Lots.

- i. On corner lots, the required minimum front yard setback shall be provided from each street or section thereof. Figure 1121.04-D.
- ii. The lot line that runs parallel with the rear façade of the building shall be the rear lot line and the minimum rear yard setback shall be applied from such lot line. See Figure 1121.04-D.
- iii. All other lot lines shall be a side lot line and the minimum side yard setback shall be applied from such lot lines. See Figure 1121.04-D.

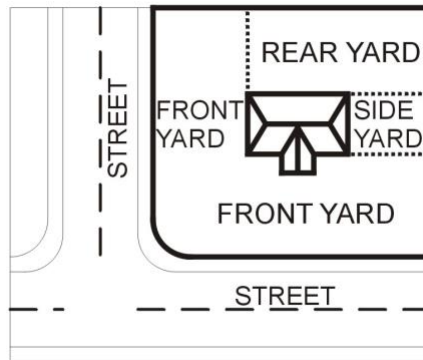


Figure 1121.04-D: Typical yard locations for a corner lot.

f. Double Frontage Lots.

- i. Where a lot is considered a double frontage lot, the required minimum front yard setback shall be provided on all lot lines that abut a street. See Figure 1121.04-E.

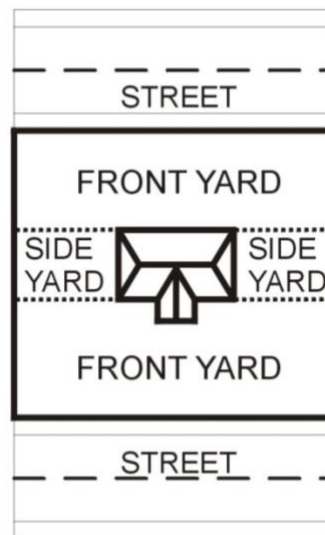


Figure 1121.04-E: Typical yard locations for double frontage lots.

- ii. The remaining lot lines not abutting a public road right-of-way shall be considered as side yards and shall have the required minimum side yard setback provided for each side lot line. See Figure 1121.04-E.
- iii. For the purposes of allowing accessory uses in a rear yard, the front yard that is located to the rear of the house shall be considered the rear yard.

g. Cul-de-Sac or Curved-Street Lot.

- i. For a cul-de-sac lot (including lots with frontage on a knuckle or eyebrow) or a lot abutting a curved street, the front-yard setback shall follow the curve of the front lot line. See Figure 1121.04-F.

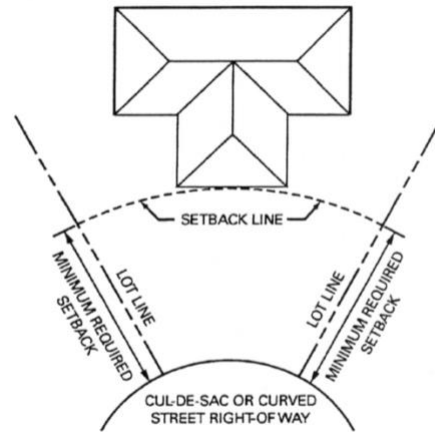


Figure 1121.04-F: Setback line of a lot with frontage on a curved street or cul-de-sac.

ii. On a cul-de-sac roadway, knuckle, or eyebrow, the required lot width at the street right-of-way shall be required and measured at the right-of-way on the curve of the cul-de-sac, knuckle, or eyebrow.

h. Flag Lots.

i. Flag lots shall not be used to avoid the construction of a street.

ii. The “flag pole” portion of the lot shall have a minimum lot width at the street right-of-way as required in [Table 1121.04-1 Site Development Standards for Zoning Districts](#).

iii. The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot as illustrated in Figure 1121.04 G.

iv. The “flag pole” portion of the lot shall not be used for storage nor shall any structures be permitted in such portion of the lot.

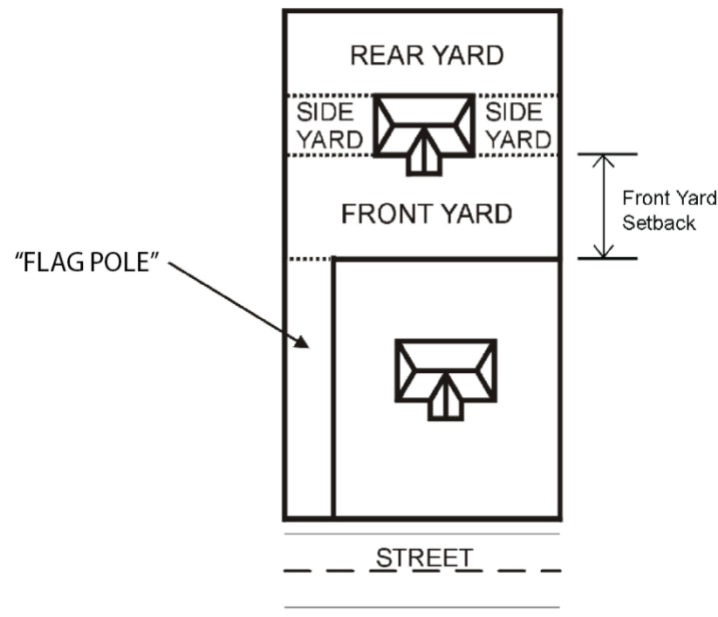


Figure 1121.04-G: Yard and front yard setback locations on a flag lot.

i. Other Lot Types.

For any type of irregular lot not addressed in this section, the Zoning Inspector shall determine the location of the front, side, and rear yard taking into consideration the effect on adjoining properties.

(4) Lot Width Measurements.

a. The lot width at the street right-of-way is the distance between the side lot lines measured at the point of the street right-of-way line or, if no right-of-way exists, at the back of the curb/pavement, or at the back of any public utility easement along the roadway, whichever is greater. See Figure 1121.04-H.

b. The lot width at the building setback line is the distance between the side lot lines measured along the front yard setback line. See Figure 1121.04-H.

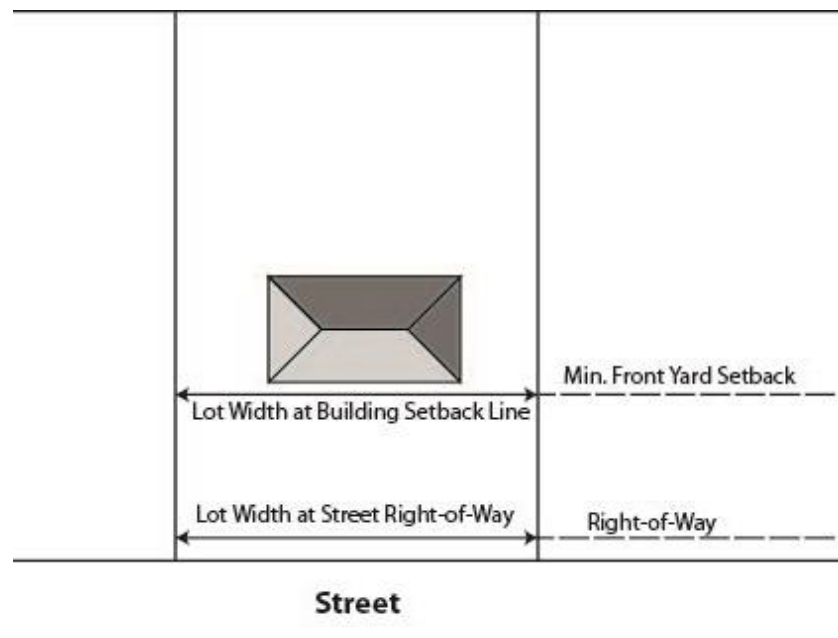


Figure 1121.04-H: Illustration of lot width measurements.

(5) Height Measurement and Exceptions.

a. Height Measurement.

i. Where specified in stories, building height shall be measured in number of complete stories above the finished grade for any elevation fronting on a public street including attics, half-stories, mezzanines, at-grade structured parking, but excluding features that are greater than one-half story or completely below grade, such as basements, cellars, crawl spaces, sub-basements, and underground parking structures.

ii. Where specified in feet, building height shall be measured as the vertical distance from the average grade at the base of the structure to (See Figure 1121.04 I.):

- a) The highest point of a flat roof;
- b) The deck line of a mansard roof; or

c) The mean height between the eaves and ridge on gable, hip, or gambrel roofs.

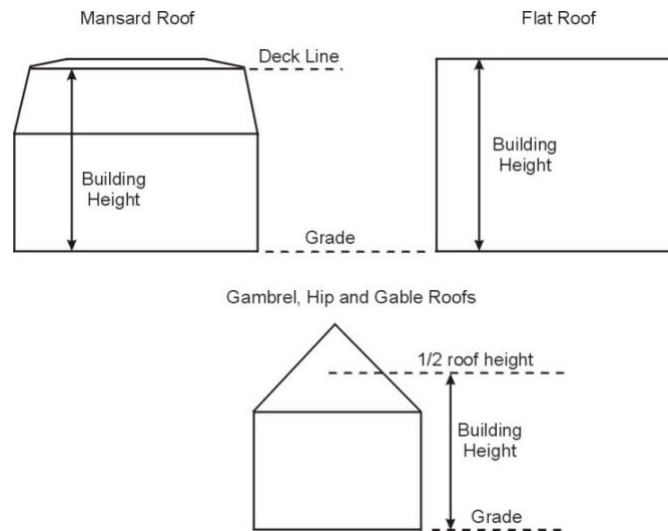


Figure 1121.04-I: Measurement of roof heights based on the type of roof.

b. Exceptions to Height Limits.

Height limitations stipulated in this ordinance shall not apply:

- i. To barns, silos or other agricultural buildings or structures on farms (not located in an improved platted subdivision); to church spires, belfries, and domes, monuments, chimneys, and smokestacks, provided such space is not habitable;
- ii. To cupolas and parapet walls extending not more than three feet above the maximum height of buildings permitted within the applicable zoning district; or
- iii. To bulkheads, elevator penthouses, water tanks, monitor and lookout towers, provided:
 - a) The height of any such structure shall not be greater than the number equal to the height of the first story of the principal structure; and
 - b) The total footprint of the structure shall not exceed 60 percent of the footprint of the principal structure and shall have the same materials as the principal structure unless an alternative material is approved by the Zoning Inspector.

(b) Site Development Standards.

(1) **Table 1121.04-1 Site Development Standards for Zoning Districts** establishes the minimum site development standards for zoning districts.

(2) The minimum site development standards established in **Table 1121.04-1** may be reduced or enlarged:

- a. By requirement of the Summit County General Health District if an on-site wastewater system (e.g., septic system) is required;
- b. In the use-specific standards established in **Sec. 1121.03: Use-Specific Standards**; or
- c. As a condition of an approved conditional use or variance (See **Sec. 1113.06 Conditional Use** or **Sec. 1113.07 Variance**).

1121.04 -1: SITE DEVELOPMENT STANDARDS FOR ZONING DISTRICTS

DWELLING / BUILDING TYPE	SEWER Y- YES N- NO	MINIMUM LOT AREA [1]	MINIMUM LOT WIDTH AT BUILDING SETBACK LINE (FEET)	MINIMUM LOT FRONTAGE (FEET)	MINIMUM SETBACKS			MAX. BUILDING HEIGHT (FEET) [2]	MAX. LOT COVERAGE	MIN. USABLE OPEN SPACE
					FRONT YARD (FEET)	SIDE YARD EACH SIDE (FEET)	REAR YARD (FEET)			
CD Conservation District										
Single family	-	5 acres	200	60	100	25	50	35	-	-
R-1 Rural Residential District										
Single family	N	2 acres	200	60	100	25	50	35	-	-
Single family	Y	20,000 sf.	100	60	60	15	50	35	-	-
R-2 Residential District										
Single family	N	1 acre	120	50	60	15	50	35 [1]	-	-
Single family	Y	15,000 sf.	90	50	60	15	50	35 [1]	-	-
Two family	N	2 acres	160	50	60	15	50	35 [1]	-	-
Two family	Y	20,000 sf.	120	50	60	15	50	35 [1]	-	-
R-3 High Density Residential District										
Single family	-	10,000 sf.	80	50	45 [2]	10 [2]	35 [2]	100	1-2 Stories – 25% 3-5 Stories – 20% 6+ Stories – 18% [4]	20% of lot area
Two family	-	15,000 sf.	100	50	45 [2]	10 [2]	35 [2]	100		
Multi-family	-	4,000 sf. [3]	150	50	45 [2]	10 [2]	35 [2]	100		
B-1 Downtown Canal District										
Single family	Y	10,000 sf.	90	50	-	8	25	40	30% of lot area	25% of lot area
Two family	Y	15,000 sf.	90	50	-	10	25	40		
Residential-commercial	Y	10,000 sf.	-	50	-	10	25	60		
B-2 Warwick Business District										
-	-	15,000 sf.	100	100	-	10	25	35	-	-
I-1 Industrial District										
-	-	½ acre	100	100	50 [5]	25 [5][6]	25 [5][6]	50 [7]	-	-

NOTES:

Sf.. = square feet

[1] The maximum building height is given in feet but in no case shall a residential building exceed 2.5 stories in height. Building heights are maximum heights except as provided in [Chapter 1113 Review Procedures](#).

[2] Plus one foot for each one foot of building height over 35 feet.

[3] 4,000 sf. Per dwelling, minimum parcel of 40,000 sf.

[4] When no part of a parking building is used for residence purposes directly above it, it shall not be considered in computing maximum lot coverage.

[5] Does not apply to permitted uses for I-D

[6] Where the boundary of an I-District adjoins the boundary line of any residence (R) district, the minimum front, rear, or side yard, as the case may be, shall be one hundred (100) feet. The area abutting the residential boundary, to a depth of fifty (50) feet, shall be landscaped and maintained so as to minimize any undesirable visual effects of an industry on adjacent residential uses; the balance of the yard area shall be used for open space or vehicular parking.

[7] Except as provided elsewhere in Chapter [1121 Zoning Districts and Principal Use Regulations](#).

(3) Maximum Impervious Surface Coverage.

A maximum impervious surface coverage of 50% in all Business districts shall be calculated by dividing the amount of the site that is covered by any impervious surface by the total area of the lot. Impervious surfaces include, but are not limited to, roofs, streets, sidewalks, and parking lots paved with asphalt, concrete, compacted sand, compacted gravel or clay.

(4) Minimum Floor Area Requirements.

a. The following minimum floor area requirements shall apply to all residential uses in the village, except multi-family dwellings located in the R-3 district:

- i. There shall be a minimum of 700 square feet of floor area for any one-bedroom dwelling unit.
- ii. There shall be a minimum of 1,100 square feet of floor area for any two-bedroom dwelling unit.
- iii. There shall be a minimum of 1,400 square feet of floor area for any three-bedroom dwelling unit.
- iv. There shall be a minimum of 1,700 square feet of floor area for any four-bedroom dwelling unit.
- v. There shall be a minimum of 2,000 square feet of floor area for any dwelling unit with five or more bedrooms.

b. The following minimum floor area requirements shall apply to all multi-family dwellings located in the R-3 district:

- i. There shall be a minimum of 500 square feet of floor area for any efficiency suit.
- ii. There shall be a minimum of 650 square feet of floor area for any one-bedroom dwelling unit.
- iii. There shall be a minimum of 900 square feet of floor area for any two-bedroom dwelling unit.
- iv. There shall be a minimum of 1,200 square feet of floor area for any three-bedroom dwelling unit.
- v. There shall be a minimum of 1,500 square feet of floor area for any dwelling unit with four or more bedrooms.

(5) Visibility at Intersections.

a. A traffic safety visibility triangle area, which may include private property and/or public right-of-way, is a triangle area defined by measuring 30 feet from the intersection of street curb lines (or the right-of-way lines where there is no curb) and connecting the lines across the property.

See **Figure 1121.04-J**.

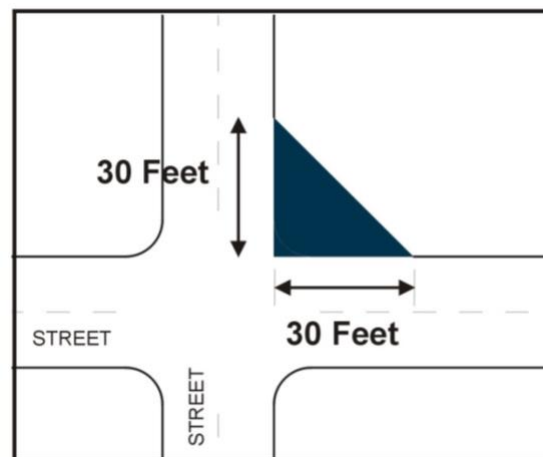


Figure 1121.04-J: Traffic safety visibility triangle for intersecting streets.

b. For intersections of streets and driveways, the traffic safety visibility area shall be created by measuring 25 feet from the edge of the driveway along the curb or right-of-way line and 20 feet along the driveway, perpendicular from the street. See Figure 1121.04-K.

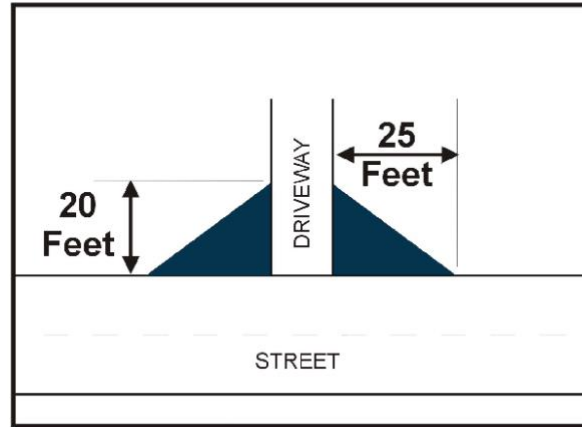


Figure 1121.04-K: Traffic safety visibility triangle for driveway and street intersections.

- c. No structure, sign, or landscape element shall exceed 24 inches in height, measured from the top of the curb, within the traffic safety visibility area, unless approved by the Zoning Inspector. Mailboxes are exempt from this requirement.
- d. An exception to this requirement shall be for existing trees where the tree canopy (branches and leaves) is trimmed to a minimum of eight feet above grade.

1121.05 MIXED USE DISTRICT DEVELOPMENT STANDARDS.**(a) Purpose.**

(1) The purpose of the Mixed Use District (MUD) and its regulations are established in order to permit and encourage an intensity and mix of development that supports and implements the development policies that have been established for the area by the Village of Clinton. The intent in establishing this MUD in the development regulations is to permit specific uses, at a development intensity and with a form in a manner that:

- a. Encourages a pedestrian-oriented mix of uses which includes retail, office, light industrial and residential.
- b. Expands the available economic options while strengthening the existing uses found.
- c. Encourages land development pattern that increases employment and resident densities.
- d. Establishes design criteria for new development or redevelopment to ensure that an aesthetically pleasing and pedestrian friendly environment is provided.

(2) The MUD standards shall apply to the zoning districts: (1) Downtown Canal District (B-1) and (2) Warwick Business District (B-2).

(b) Building and Parking Setback Requirements.

(1) Principal and accessory buildings shall be located on a lot in a manner that maintains the front, side and rear yard requirements as set forth in **Table 1121.05 – 1**

TABLE 1121.05 - 1 BUILDING AND PARKING SETBACK REQUIREMENTS		
	DOWNTOWN CANAL DISTRICT (MUD-B-1)	WARWICK BUSINESS DISTRICT (MUD-B-2)
A. Building		
1. Front Setback from Street Right-of-Way		
(a) Minimum	None	None
(b) Maximum	10 feet ⁽¹⁾	10 feet
2. Side and Rear Setback		
(a) From Residential District property line	25 feet	25 feet
(b) From Non-Residential District property line	None	None
B. Parking		
1. From Street	Equal to Building Setback	Equal to Building Setback
(a) Minimum	5 feet ⁽²⁾	5 feet
(b) Maximum	None	None
2. From Rear or Side Lot Line of Adjacent Residential District	10 feet	10 feet
3. From Rear or Side Lot Line of Adjacent Non-Residential District	5 feet	5 feet
Notes: ⁽¹⁾ The maximum setback from the street right-of-way may be increased to 20 feet with the approval of the Planning Commission for the purpose of providing a plaza, café, public art or similar pedestrian- oriented amenity.		
⁽²⁾ Must be sufficient to meet landscape requirements for screening as provided in Section 1121.05 (f)(1)		

(c) Building Height Requirements.

Principal buildings shall have height characteristics as set forth in **Table 1121.05 – 2**

TABLE 1121.05 - 2 BUILDING HEIGHT REQUIREMENTS		
	DOWNTOWN CANAL DISTRICT (MUD-B-1)	WARWICK BUSINESS DISTRICT (MUD-B-2)
Minimum height requirement	2 stories (that are occupiable floors)	None
Maximum height requirement	50 feet	45 feet

(d) Off-Street Parking and Loading.

In addition to the standards for off-street parking set forth in **Chapter 1153 Parking, Loading, and Circulation Standards**, the following restrictions shall apply:

(1) Location and Access – Residential Uses

- a. Off-street parking shall not be located in a principal buildings front yard setback area.
- b. Off-street parking shall be located at the rear or side of a principal building on the interior of the lot and shall be accessed by means of shared driveways, preferably from side streets or alleys.
- c. Driveways may be located in the rear yard setback area.

(2) Location and Access – Non-Residential Uses

- a. No more than twenty percent (20%) of off-street parking shall be located to the side of a principal building.
- b. All other off-street parking shall be located at the rear of the building on the interior of the lot and shall be accessed by means of shared driveways, preferably from side streets or alleys
- c. Driveways may be located in the rear yard setback area.

(3) Shared parking requirements for non-residential uses are set forth in **Sec 1153.04 (e) Shared or Off-Site Parking.**

(4) Bicycle parking shall be provided at the level of one (1) for every ten (10) automobile parking spaces, with a minimum of two (2) spaces and a maximum of twenty (20) spaces.

- a. Location and Access: Required bicycle parking spaces shall be located at least as close to the entrance of the building as the nearest non-handicapped automobile parking space. Where automobile parking is provided in an enclosed area, bicycle parking shall be provided within the enclosure or in such a way as to provide comparable protection from the elements.
- b. Size: Required bicycle parking spaces for nonresidential uses must have minimum dimensions of two (2) feet in width by six (6) feet in length.
- c. Design: Bicycle racks and lockers must be securely anchored to the ground or a building. Bicycle racks must provide a stable frame to which the bicycle may be conveniently secured, such as the inverted-U, post and loop, or another type of rack that meets these standards. Bicycle racks that support the wheel but not the frame of the bike may not be used to fulfill a bicycle parking requirement. In parking lots and parking garages, physical barriers, such as posts or bollards, shall be provided so as to prevent a motor vehicle from striking a parked bicycle.

(e) Site Development Standards.

(1) Landscaping, Visual Screening and Buffers. Landscaping, visual screening and buffers shall be provided for all lots in the entire MUD in accordance with provisions in [Chapter 1145 Landscaping Standards](#).

(2) Fencing. Fencing requirements shall be provided for all lots in the MUD in accordance with the provisions set forth herein and those referenced in [Sec. 1141.01 Fencing, Walls, Hedges, and Similar Structures](#), the requirement of this section shall prevail.

a. In the entire MUD, only ornamental fences up to five (5) feet in height with twenty-five percent (25%) maximum opacity are permitted in the required building and parking setback area unless provided for screening pursuant to [Chapter 1153 Parking, Loading, and Circulation Standards](#). Alternatively, a masonry wall up to three (3) feet in height may be provided in lieu of an ornamental fence in the required building and parking setback area unless the fence is provided for screening pursuant to [Chapter 1153](#).

b. In the entire MUD, fences and walls shall be permitted in interior rear and side yards consistent with the following:

i. The fence shall not exceed seven (7) feet in height.

ii. The fence shall be to the side and rear of the building, starting at the building line, and may not encroach on the front setback.

(3) Lighting Requirements. Appropriate site lighting, including lights for signs, buildings and streets, shall be arranged so as to provide safety, utility, and security and control light trespass and glare adjacent properties and public roadways. Lighting shall be provided for all parking lots in the entire MUD in accordance with the provisions set forth herein.

a. All development with ten (10) or more parking spaces are required to provide exterior lighting for all vehicular use areas including entrance and exit access drives and pedestrian paths connecting parking areas to principal buildings.

b. Lighting shall be integrated into the public character both in terms of illumination and fixtures.

c. Light poles shall not be higher than thirty (30) feet.

d. All parking lot and security fixtures shall be cut-off fixtures except for decorative lighting meaning that the lighting fixture is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture.

(4) Building Siting and Orientation.

a. Principal Residential Structures – Single Family Detached and Two-Family Residential Dwellings.

i. The main entrance(s) to the residence shall face the street.

ii. The front wall of the principal structure shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.

b. Principal Residential Structures – Single Family Attached, Townhomes, and Multi-Family.

i. The entrance to at least one (1) dwelling unit within each building shall face the street.

ii. The front wall of the principal structure, or the front wall of at least one (1) principal structure in a multi-building development, shall be parallel to the street or perpendicular to a radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.

c. Principal Residential Structures on Corner Lots.

i. In general, the structure shall face one (1) of the streets and not the corner.

ii. One (1) side of the structure shall be designated the “front” and shall be subject to the requirements set forth in paragraph (a) or (b) above and requirements regarding private walks and entryways set forth below in subsection.

d. Private Garages:

i. Doors of attached garages shall not face the street

ii. An attached garage shall be sited so that its door is not visible from the primary direction of approach.

iii. Detached garages shall be located in the rear yard.

e. Non-Residential Development:

i. Commercial/Retail buildings shall maintain a continuous wall plane at the front property line. Architectural features, such as bay windows, may project beyond this plane no more than thirty (30) inches at minimum height of twelve (12) feet above the sidewalk.

ii. The main entrance to the principal structure shall face the street.

iii. The front wall of the principal structure shall be parallel to the street or perpendicular to the radius of the curve of the street extended through the approximate center of the main mass, if the street is curved.

(5) Distance Between Residential Buildings: Structures containing either single-family attached, townhomes, or multi-family dwelling units shall be separated from each other by a minimum of ten (10) feet at their closest points.

(6) Maximum Building Coverage:

a. Commercial/Retail Uses: The amount of impervious coverage shall be no more than eighty (80%) percent of the total gross lot area unless covered under the provisions of a Planned Development or Development Agreement.

b. Single-Family Attached, Townhome, and Multi-Family Residential Uses: The amount of impervious coverage shall be no more than eighty (80%) percent of the total gross lot area.

(7) Driveway Curb Cuts:

a. Townhomes and Two-Family Residential Dwellings: No more than one (1) driveway curb cut per lot.

b. Single Family Attached and Multi-Family: No more than two (2) driveway curb cuts per development site.

c. Non-Residential Uses: no more than one (1) driveway curb cut per lot, except that when the lot is wider than one hundred fifty (150) feet then no more than two (2) driveway curb cuts per lot.

(8) Pedestrian Amenities:

a. Provision shall be made in the design of all developments for non-vehicular circulation systems, including but not limited to sidewalks, pathways, and bikeways.

b. Sidewalks:

i. Sidewalks at least five (5) feet wide shall be provided on all sides of a lot that abut a public street, way or open space

ii. Sidewalks at least five (5) feet wide shall be provided along the full length of a building façade that features a customer entrance and along any building façade abutting a public parking area.

iii. All internal pedestrian walkways shall be designed to be visually attractive and distinguishable from driving surfaces through use of durable, low-maintenance surface materials such as pavers, brick, or scored concrete to enhance pedestrian safety and comfort.

c. Linkages: to the maximum extent feasible, provision shall be made in the design of development for connections with existing or future pedestrian systems on adjoining properties,

including but not limited to connections to existing or future sidewalks, bikeways, walkways, and any existing or planned trail systems.

(f) Design Criteria.

All new development or redevelopment projects in the MUD shall be subject to the guidelines and review procedures established in [Chapter 1113 Review Procedures](#). The following design criteria are also established to ensure that new development or redevelopment in the MUD complies with the purpose and objectives of this chapter.

(1) General Criteria

- a. The proposal shall enhance and improve the character of the community and be appropriate and compatible with its surroundings in accordance with the intent, objectives and development requirements set forth in this chapter.
- b. Buildings, structures and landscaping should be designed and located on the site and be of a scale and massing to complement adjacent buildings and enhance the character of the surrounding area.
- c. Each building or unit of a multiple building development should have its own distinct identity, yet should also be compatible with adjacent units or buildings in terms of scale, proportion, color, and materials.
- d. Ingress and egress to drive-thru facilities, if permitted, should be from side streets.

(2) Building Design, Walls and Materials

a. Building Design

- i. Building entrances should be oriented to the major thoroughfare where feasible.
- ii. Architectural style is not restricted, but the evaluation of the appearance of the project shall be based on the quality of its design and relationship to the prevailing design characteristics of the surrounding area.
- iii. Building components, such as windows, doors, eaves, and parapets, shall be composed on a facade of a building with harmonious proportions in relationship to one another and surrounding buildings.
- iv. Architectural features should be placed upon a facade of a building in a pattern that creates a building fenestration that has a constant rhythm and harmonious appearance.

b. Building Walls

- i. When the wall of a non-residential building faces a public right-of-way or is within forty- five (45) degrees of facing a public right-of-way, a minimum of fifty percent (50%) of such wall area, on the ground floor, shall have display-type windows. The bottom edge of such window shall not be higher than three (3) feet above grade. A maximum of twenty percent (20%) of such windows may be opaque.
- ii. Walls shall have no more than twenty (20) feet of continuous wall length devoid of windows, on any ground floor, unless the wall includes architectural features such as piers, columns, defined bays or an undulation of the building, so that a pedestrian scale, rhythm, and visual interest is created.
- iii. Walls that meet the following criteria shall be exempt from the requirements of division (b)(2) above:

1. Two (2) walls face one another, are separated by not more than thirty (30) feet and the space between the two (2) walls is used for servicing the buildings; or
2. The wall faces an area devoted solely to loading and delivery and the wall is screened from view from all public rights-of-way, parking areas and abutting residential areas.

c. Building Materials

- i. Buildings shall have finish materials on all sides, including brick, stone, decorative spilt face block or other similar materials. Finish materials shall not include exposed concrete or cinder block or stucco unless it is utilized with bands of accent color, recessed or protruding belt courses, wide reveals or combinations thereof.
- ii. A combination of materials, textures, colors, and finishes are preferred to create visual interest.

(g) Conditional Use Regulations.

(1) General Criteria: a conditional use, and uses accessory to such conditional use, shall be permitted in the MUD only when specified as a conditional use in such district, and only if such use conforms to the following general criteria and specific conditions, standards, and regulations set forth in this section. The Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following criteria and shall find adequate evidence that the use, as proposed, satisfies the following criteria:

- a. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area;
- b. Will not restrict or adversely affect the existing use of the adjacent property owners;
- c. Will be properly landscape in compliance with [Chapter 1145 Landscaping Standards](#).
- d. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.

(2) Supplemental Criteria for Specific Uses: The following are specific conditions, standards and regulations for certain conditional uses as they apply to MUDs.

a. Drive-through facility

- i. Such facilities shall be located to the ear of the building if possible or in area least disruptive to pedestrian or vehicular traffic if location to the rear of the building is not feasible.
- ii. To the extent possible, access to the drive-thru should be provided from a side street and, if necessary, there shall be one (1) access to/from the main thoroughfare.
- iii. Any proposed loudspeaker system shall be approved by Planning Commission.
- iv. At least five (5) waiting or stacking parking spaces shall be provided.

b. Outdoor Storage

- i. Outdoor storage of materials includes the storage of goods, materials or products associated with the principal use. The storage of radioactive, toxic or otherwise hazardous materials shall not be permitted.
- ii. The following provisions shall apply to outdoor storage of goods and materials:
 1. Areas devoted to outdoor storage shall be located in a side or rear yard only and shall comply with the building setbacks set forth in [Table 1121.05-1 Building and Parking Setback Requirements](#);
 2. All outdoor storage areas shall be contiguous to the principal building;
 3. No outdoor storage area shall be permitted to occupy or interfere with traffic circulation, required parking areas, public sidewalks or pedestrian access;
 4. The area of the lot devoted to outdoor storage shall not exceed twenty-five percent (25%) of the ground floor area of the principal building;
 5. Areas devoted to outdoor storage shall be paved with asphalt or concrete and free of dust;

6. All outdoor storage areas shall be enclosed with a solid wall or fence, including solid gates. The wall or fence shall be at least seven (7) feet tall. No razor or barb wire shall be permitted. Where the fencing presents a face to the front or to a public street, a landscaping strip of at least three (3) feet shall be provided with fifty percent (50%) opacity at planting as a means of camouflaging the storage wall or fence;
7. No signs shall be permitted in conjunction with outdoor storage areas except those otherwise in compliance with the sign regulations in Chapter 1157 Signage Standards;
8. No junk, inoperative or unlicensed vehicle, except for the inventory of new or used cars for sale, shall be permitted to remain outside an enclosed building for more than forty-eight (48) hours.

c. Outdoor Display

- i. Outdoor display of materials includes merchandise in an outdoor area that is representative of the merchandise for sale from inside the building and is permitted by retail uses subject to the following provisions:
- ii. The display of merchandise for sale is limited to products that are customarily associated with the operation of the principal business located on the premises and conducted by the employees of such principal business;
- iii. The areas devoted to outdoor display must comply with all building setbacks and yard regulations set forth in [Table 1121.05-1](#) and be contiguous to the building;
- iv. The height of the outdoor display may not exceed six (6) feet;
- v. No outdoor display is permitted to occupy or interfere with traffic circulations, required parking areas, public sidewalks or pedestrian access
- vi. No signs are permitted in conjunction with the outdoor display except those otherwise in compliance with the sign regulations in [Chapter 1157 Signage Standards](#).

CHAPTER 1123

Overlay Districts.

Section:

1123.01 Club Conservation Overlay.

1123.02 Open Space Conservation Overlay.

1123.01 CLUB CONSERVATION OVERLAY.

(a) Purpose.

The Club Conservation Overlay District (CCO) and its regulations are established in order to permit and encourage the intensity, mix of development, and the open space preservation and standards that are currently in existence within the mapped areas of the overlay.

(b) Establishment of Club Conservation Overlay.

The boundaries of the Club Conservation Overlay (CCO) are defined as the area to the south of South Lake Shore Drive, the area west of North Oakwood Drive and the area to the northwest of the lake as defined by the map. The boundaries of the Club Conservation Overlay District shall be indicated on the official Village of Clinton Zoning Map with the symbol CCO.

(c) Permitted Uses.

(1) **Table 1123.03-1 Club Conservation Overlay District Permitted Use Table** sets forth uses allowed within the overlay district.

TABLE 1123.01-1: CLUB CONSERVATION OVERLAY DISTRICT PERMITTED USE TABLE	
PERMITTED USES P = PERMITTED USE PS = PERMITTED WITH ADDITIONAL USE-SPECIFIC STANDARDS C = CONDITIONAL USE BLANK CELL = PROHIBITED	CCO CLUB CONSERVATION OVERLAY DISTRICT
Agricultural Uses	
Agricultural Uses	PS
Residential Uses	
Multifamily dwellings of the townhouse, row house, garden apartment, or multistory type	P
Single family	P
Two-family residential	
Public and Institutional Uses	
Airports, airfields, and landing strips	
Cemeteries	
Churches and places of worship	
Educational institutions (public or private)	
Government offices and buildings	C
Institutions for human medical care	
Institutions for higher education	
Parks, playgrounds, golf courses (except miniature), swimming facilities, tennis clubs, country clubs, riding academies, and other similar uses	C
Quasi-public, fraternal or service facilities	
Recreational areas and campgrounds	C
Wildlife refuge and Game Preserve	
Commercial and Office Uses	

TABLE 1123.01-1: CLUB CONSERVATION OVERLAY DISTRICT PERMITTED USE TABLE	
PERMITTED USES P = PERMITTED USE PS = PERMITTED WITH ADDITIONAL USE-SPECIFIC STANDARDS C = CONDITIONAL USE BLANK CELL = PROHIBITED	CCO CLUB CONSERVATION OVERLAY DISTRICT
Banks, drive in banking facilities and financial institutions	
Bed and breakfast establishments	C
Car wash	
Commercial entertainment or recreation uses (indoors)	
Child day care centers	C
Deli, meat market, and dairy store	
Drive in refreshment stand	
Gasoline stations (fueling only)	
General offices (administrative, professional, business)	
Medical and dental offices	
Mini storage facility	
Mixed use buildings	
Hotels	
Personal service establishments	
Private recreational uses (outdoors)	
Restaurants and taverns	
Retail	
Sexually oriented businesses	
Strip or open pit mining, soil removal, or extracting operations	
Veterinarian offices (no boarding)	

(2) All Industrial Uses listed in **Table 1121.02-1: Permitted Use Table**, are expressly prohibited in the CCO.

(d) Site Development Standards.

(1) **Table 1123.01-2 Site Development Standards for Club Conservation Overlay District** establishes the minimum site development standards for the district.

TABLE 1123.01-2: SITE DEVELOPMENT STANDARDS FOR ZONING DISTRICTS							
DWELLING / BUILDING TYPE	MINIMUM LOT AREA [1]	MINIMUM LOT WIDTH AT BUILDING SETBACK LINE (FEET)	MINIMUM LOT FRONTAGE (FEET)	MINIMUM SETBACKS			MAX. BUILDING HEIGHT (FEET) [2]
				FRONT YARD (FEET)	SIDE YARD EACH SIDE (FEET)	REAR YARD (FEET)	
CCO Club Conservation Overlay District							
Single family	2,500 sf.	-	-	10	10	10	32
Multi-family	2,500 sf.	-	-	10	10	10	32

(2) Structures.

a. New structures may not expand the total square footage of the existing structure it is replacing by more than ten-percent (10%) until such time as the County of Summit determines a structures footprint may be expanded.

- b. Any decks or porches which are planned to be enclosed living space must be identified as such in the initial plan approval process.
- c. Numbers for residencies should be clearly affixed to the front of the structure to be clearly identified.
- d. No structure may be built or placed which obstructs easements or access to same.
- e. Easements may not be encroached upon by lot lessees without written, enacted permission, and then only for utilities required for habitation, such as water well, electric service poll or drainage line.
- f. View sheds to the lake are not guaranteed for the residential owner, however view sheds should be taken into account for expansions and reconfigurations of structures.

(3) Fences.

No fence is permitted to be constructed, including fencing created by landscaping except for fenced in areas for pets.

(4) Landscaping.

- a. General landscaping requirements shall hereby be consistent with **Chapter 1145 Landscaping Standards**, unless otherwise stated below. Where there is conflict between a provision in this section and a provision for **Chapter 1145**, the requirement of this section shall prevail.
- b. The placement of new trees should take into account potentially obstructing lake views both currently and in the future.

(5) Lake Docks.

- a. No private boat house on the shores of the lake or sides of private docks is permitted.
- b. Docks must be minimally ten (10) feet apart from one another, and be seven (7) feet long for a single, twelve (12) feet long for a double, and eighteen (18) feet long for a triple.

(e) Open Space Standards.

- (1) General open space standards shall hereby be consistent with **Chapter 1149 Open Space Standards**, unless other state below. Where there is conflict between a provision in this section and a provision for **Chapter 1149**, the requirement of this section shall prevail.
- (2) A sixty (60) foot buffer beginning from the Lake Shoreline outward will be maintained for the health and conversation of the lake.
 - a. All existing structures existing within the established Lake Buffer are permitted, with any application for an addition to be reviewed by the appropriate boards and commissions.

(f) Design Criteria.

- (1) All new development or redevelopment projects in the CCO District shall be subject to any applicable design guidelines established in these codified ordinances. Where there is conflict between a provision in this section and another chapter of these this zoning ordinance, the requirement of this section shall prevail.
- (2) General Criteria.
 - a. The proposal shall enhance and improve the character of the community and be appropriate and compatible with its surroundings in accordance with the intent, objectives and development requirements set forth in this chapter.
 - b. Buildings, structures, and landscaping should be designed and located on the site and be of a scale and massing to complement adjacent buildings and enhance the character of the district.

c. Each building or unit of a multiple building development should have its own distinct identity, but should also be compatible with adjacent units in terms of scale, proportion, color and materials.

(3) Building Design.

a. Architectural style is not restricted, but the evaluation of the appearance of the project shall be based on the quality of its design and relationship to the prevailing design characteristics of the surrounding community.

b. Building components such as windows, doors, eaves, and parapets shall be composed on a building façade with harmonious proportions in relationship to one another and surrounding buildings.

(4) Building Materials.

Buildings should have a finish on all sides which either relates to the existing materials of the community or enhances the aesthetic of the community.

(g) Conditional Use Regulations.

(1) A conditional use, and uses accessory to such conditional use, shall be permitted in the CCO District only when specified as a conditional use in such District, and only if such use conforms to the following general criteria, and the specific conditions, standards and regulations set forth in this section. The Village Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following criteria and shall find adequate evidence that the use, as proposed, satisfies the following:

- a. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area;
- b. Will not restrict or adversely affect the existing use of the adjacent property owners;
- c. Will be properly landscaped in compliance with **Chapter 1149 Open Space Standards**;
- d. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare.

(2) Supplemental Criteria for Specific Uses. The following are specific conditions, standards and regulations for certain conditional uses.

- a. Bed and Breakfast Establishments: Parking for guest lodging must be provided on the lot. Off-street parking spaces are not counted toward the parking requirement.
- b. Recreational Areas and Campgrounds: Campgrounds are not permitted.

(h) Approval of Overlay Projects.

All development projects within the CCO District shall be subject to review requirements set forth in **Chapter 1113 Review Procedures** in addition to review and approval by Planning Commission.

1123.02 OPEN SPACE CONSERVATION OVERLAY.

(a) Purpose.

The intent of the Open Space Conservation Overlay (OSC) District is to encourage the flexibility in the development and design of residential dwellings in the underlying zoning district, however preserve the natural features of the development area and provide open/green space. Open space design is intended to result in more efficient use of land, lower development

and infrastructure costs, and the conservation of land for recreation or aesthetic and environment enrichment. It is not the intent of this overlay district to significantly increase overall development densities, but to allow for the stipulated densities of the underlying zoning district. It is also the intent of the overlay district to encourage design flexibility, creativity and development complementary to surrounding and existing neighborhoods.

(b) Intent.

The purpose of these open space design development regulations is to enable and encourage flexibility of design and development of land in such a manner as to:

- (1) Preserve open space and natural features;
- (2) Protect important natural resources and sensitive lands;
- (3) Encourage creativity and adaptability in the layout of residential lots; and to
- (4) Reduce the public long-term costs associated with infrastructure maintenance.

(c) Applicability.

The standards of this section shall apply in cases where open space is required to be set aside as part of the development requirement or in cases where an applicant voluntarily establishes open space as part of a development. These standards may be overlaid upon the R-1, R-2, and R-3 zoning districts. Unless otherwise stated in this section, all other regulations within the underlying zoning district apply.

- (1) Areas to be placed in open space. All regulations pertaining to areas to be placed in Open Space referenced in [Section 1149.02 Open Space Standards - Applicability and Determination](#), and [Chapter 1133 Riparian Setback Development Standards](#) apply.
- (2) Areas not considered open space: The following land areas are not included as dedicated open space for the purposes of this section.
 - a. The area of any street right of way proposed to be dedicated to the public
 - b. Any submerged land area
 - c. Any portion of the project used for commercial purposes.

(d) Permitted Main Uses.

The following main uses shall be permitted in the overlay district, in addition to the permitted uses in the underlying zoning districts:

- (1) Public Parks
- (2) Playgrounds
- (3) Public Open Spaces (wooded areas, grassy areas, nature preserves, scenic overlooks)
- (4) Multi-purpose Trails

(e) Permitted Accessory Uses.

Only the following accessory uses shall be permitted in the overlay district:

CHAPTER 1125
Oil and Gas Wells.

Section:

- 1125.01 Purpose, Intent, and Authority.
- 1125.02 State Standards.
- 1125.03 Oil/Gas Well Drilling Prohibitions.
- 1125.04 Permit Requirements.
- 1125.05 Application for a Permit.
- 1125.06 Public Hearing Requirements.
- 1125.07 Proof of Performance Bond.
- 1125.08 Plot Plan and Vicinity Map.
- 1125.09 Drilling Unit Size.
- 1125.10 Minimum Depth of the Well.
- 1125.11 Spacing of Oil/Gas Wells.
- 1125.12 Placement of Oil/Gas Wells.
- 1125.13 Drilling Near Structures; Exceptions.
- 1125.14 Consent from Property Owners Within 1,000 Feet.
- 1125.15 Waivers from Owners and Occupants Within 600 Feet.
- 1125.16 Construction Near Producing Oil/Gas Wells and Storage Tanks.
- 1125.17 Easements or Options for Pipelines and Storage Tanks.
- 1125.18 State Permit Required.
- 1125.19 Permit Issuance; Liability Insurance.
- 1125.20 Inspection; Permit Revocation.
- 1125.21 Information to Be Furnished to the Village.
- 1125.22 Maintenance of Well Site, Ingress and Egress, Landscaping.
- 1125.23 Rotary Equipment.
- 1125.24 Cable Tools.
- 1125.25 Training of Crews: Condition of Equipment.
- 1125.26 Sealing to Protect Fresh Water Wells.
- 1125.27 Fence Requirements; Electric Powered Well Pump Required.
- 1125.28 Prohibited Drainage in Storm or Sanitary Sewers and Lakes, Ponds, Canal and Streams.
- 1125.29 Storage Tanks, Location and Diking.
- 1125.30 Mud on Site or Streets.
- 1125.31 Restoration of Public Property; Site Clean Up.
- 1125.32 Abandoned Wells.
- 1125.33 Noise Level.
- 1125.34 Other Conditions.
- 1125.35 Brine Disposal Prohibited.
- 1125.36 Granting of Variances.
- 1125.37 Penalty.

1125.01 PURPOSE, INTENT, AND AUTHORITY.

(a) Purpose.

The purpose of the standards in this chapter is to provide for health, safety, and the welfare of the public through the regulation of drilling and operation of wells for oil, gas or other hydrocarbons in gaseous or liquid form within the boundaries of the Village of Clinton.

(b) Intent.

The Planning Commission is aware of the difficulty in setting rigid rules as to the areas to be included in any one drilling unit. It is the intent of this chapter to have an oil/gas well properly drilled, when reasonable and expedient in the Planning Commission's judgment, on one permit encompassing all appropriate and compatible properties and to prevent the withholding of permission by a landowner for the sole purpose of later requesting individual permission to drill on the same lot or area.

(c) Authority of the Planning Commission.

The Planning Commission is herewith given full authority to give full force and effect to the intent as expressed in Subsection (a) herein. Each application for a drilling permit shall rest solely on its merits and the prudent use of discretion by the Planning Commission.

1125.02 STATE STANDARDS.

Gas and oil wells shall be subject to all applicable state regulations established in both the ORC and the OAC.

1125.03 OIL/GAS WELL DRILLING PROHIBITIONS.

No oil/gas well drilling unit shall be located in the R-3 High Density Residential District or any business district.

1125.04 PERMIT REQUIREMENTS.

(a) Any person wishing to drill for oil, gas, or any other hydrocarbon within the Village of Clinton must secure a permit according to the specifications set forth as follows:

(1) A drilling permit, which is issued by the Planning Commission, shall be required for the actual drilling of the well. No drilling permit shall be issued until the applicant has paid the appropriate fee and met all requirements of the chapter and whatever additional conditions the Planning Commission may impose.

1125.05 APPLICATION FOR A PERMIT.

(a) Any person desiring to drill an oil/gas well in the Village of Clinton shall make application for a permit with the Zoning Inspector who will after all requested information is provided, place it upon the Planning Commissions agenda. The applicant must provide all the information required in this chapter. Eight (8) copies of the application must be submitted. A nonrefundable fee, as determined in the Village of Clinton fee schedule, shall be submitted with application. The drilling permit, if issued, will be terminated and become inoperative, without any action on the part of the Village, unless within ninety (90) days from the date of issue of the drilling permit, actual on-site drilling shall have commenced, and after the drilling of a well has commenced, the cessation of a ninety (90) day period of the drilling operations shall operate to

terminate and cancel the permit and the well shall be deemed abandoned for all purposes of this section, and it shall be unlawful thereafter to drill or operate any such well without the issuance of another permit. Reapplication requires payment of all fees.

(b) The Planning Commission may, for good cause, grant an extension of the drilling permit up to six (6) months without holding a public hearing. No well or wells shall begin production until compliance with all provisions is certified by both the Fire Inspector and the Zoning Inspector.

(c) No person shall be permitted to drill more than two (2) wells at any one time. Application for the third permit, or any subsequent permit, may be made upon completion of drilling the first, second, and each numerically subsequent well.

1125.06 PUBLIC HEARING REQUIREMENTS.

(a) The Planning Commission shall, before granting a drilling permit, schedule a public hearing, the date and time of which shall be established by the Planning Commission, and shall cause all property owners and residents within the Village of Clinton within 1,000 feet of the wellhead to be notified of such hearing, in writing, all by regular mail, and notice shall be given of said hearing by publication in a newspaper of general circulation in Clinton not less than ten (10) days before the date of the hearing. The notice to be mailed must carry a map showing the specific location of the well. All mailings shall also include proof of service.

The public hearing must not occur less than four (4) weeks prior to the Commencement of drilling. It shall be sufficient notice to all the residents of any one residential unit to address notice to "Resident or Residents" at the mailing address of the residential unit.

(b) Compliance with the hearing provision of this subsection shall be mandatory conditions of drilling under the permit.

1125.07 PROOF OF PERFORMANCE BOND.

(a) Prior to the issuance of a drilling permit of an oil/gas well, each applicant shall deposit with the Village of Clinton, proof that a performance bond has been attained. The bond shall be conditional upon compliance with all subsections of this chapter. The amount of the bond, not less than the amount specified in the Village Bond and Insurance Fee schedule, shall be set by the Planning Commission. The bond shall be maintained by the permittee until the well is abandoned, all equipment is removed, the premises restored to predrilling condition, and the well is sealed. The bond shall not only be conditional upon compliance of the applicant, but also upon compliance with this chapter by any assignee and owner of any permit granted hereunder, or any employee, contractor, subcontractor, or any other party performing services in connection with any permit issued hereunder.

1125.08 PLOT PLAN AND VICINITY MAP.

(a) Each application for drilling an oil/gas well must be accompanied by a plot plan and vicinity map of the drilling unit involved in the application drawn to a legible scale and showing thereon:

1. the lot lines of all properties within 1,000 feet of the proposed well site;
2. the location of all buildings and structures 750 feet of the proposed well site;

3. the location of all associated wells and appliances; that is, the well head, piping, tank batteries, access roads, drives and fences;
4. a landscaping plan drawn to reasonable scale as required by the Planning Commission;
5. the names and addresses of the owners and the addresses the occupants of each property shown on the map within a radius of 1,000 feet of the proposed well sites;
6. a circle drawn on the map at a radius of 300 feet, 400 feet, 500 feet, 700 feet and 1000 feet from the proposed well site;
7. a schematic of all pipe lines;
8. a listing of the name, address, and telephone number of the firm and/or individuals making application for a permit; and
9. if the request for a drilling permit is part of a larger planned drilling area, the applicant must submit a plan upon which is shown the location of all projected drilling units, including the proposed locations of the drilling sites.

The applicant must provide eight (8) copies of the application and all attachments.

1125.09 DRILLING UNIT SIZE.

- (a) The minimum size of a drilling unit shall be twenty (20) acres for wells from 2,500 to 4,000 feet deep and forty (40) acres for wells deeper than 4,000 feet.

1125.10 MINIMUM DEPTH OF WELL.

- (a) All oil/gas wells drilled in the Village of Clinton shall be a minimum of 2,500 feet in depth. No production is permitted from wells shallower than 2,500 feet.

1125.11 SPACING OF OIL/GAS WELLS.

- (a) The spacing between wells shall be a minimum of 1,000 feet.

1125.12 PLACEMENT OF OIL/GAS WELLS.

- (a) A well site shall not be less than 500 feet from any boundary of the subject tract. If the drilling unit borders on any village corporate municipal boundary, the well head shall be at least 300 feet from said boundary.

1125.13 DRILLING NEAR STRUCTURES; EXCEPTIONS.

- (a) No drilling shall be permitted for oil or gas wells within 600 feet of a building designed for human occupancy, including residential structures, industrial or mercantile, or any school, child day-care centers, church, hospital, or assembly hall, regardless of the zone where drilling is permitted. In the case of particular installations where compliance with the foregoing distance requirements may be handicap to the use of the property and where no undue hazard will be created, the Planning Commission may, with waivers as required in [Sec. 1125.14 Consent from Property Owners Within 1,000 Feet](#), reduce the distance to not less than 400 feet. Any reduction in distance must be based upon a consideration of the special features such as topographical conditions, nature or occupancy, and proximity of the storage tanks, degree of fire protection provided and the facilities available at fire departments to cope with liquid fires. The above features are not to be in any way construed as a limitation of matters which the Planning Commission may consider. The Planning Commission shall have the right to consider any and

all other special features it may deem important in determining whether or not an undue hazard is created.

1125.14 CONSENT FROM PROPERTY OWNERS WITHIN 1,000 FEET.

(a) All applications for a drilling permit shall be accompanied by consents in writing of owners of fifty-one percent (51%) or more of the real estate units located within a radius of 1,000 feet from the proposed wellhead. The consents shall plainly state that the persons whose signatures are affixed thereto do give their consent to the drilling of an oil or gas well on the site as proposed in the application for a permit. Measurement for determination of the distance of the aforesaid 1,000 feet shall be made from the exact center of the hole that is to be drilled for the well. As used in this subsection, the term "real estate unit" shall mean a land area with a common ownership irrespective as to how it may be divided into lots. No permits may be issued until fifty-one percent (51%) of the real estate units within 1,000 feet of the wellhead approves of the drilling of oil/gas well.

(b) In the event the owner of any property abutting a proposed well site:

- (1) has leased his property for drilling for oil or gas;
- (2) has signed and filed an application for a permit to drill for oil or gas on his property, or his leasee, contractor, or agent has signed and filed the application;
- (3) has signed and delivered a written assent under Subsection 1125.14 (a) to an application for a permit to drill a well for oil or gas; or
- (4) has utilized his property by entering into a community lease or agreement for drilling a well for oil or gas, if drilled under the community lease or agreement is to be located nearer to his property than the well or proposed well site first above mentioned in this division of this subsection;

then the owner shall not be permitted to object, but shall be deemed to have given his written assent under the provisions of this subsection, to drilling a well for oil or gas on the proposed well site first mentioned above. However, any owner who has united his property by entering into a community lease or agreement as set-forth in Subsection 1125.14 (b)(4) herein, shall not share in any adjacent well production because of conflicting lease interests of the real estate caused by the real estate being in more than one unitized area. It is the expressed intention of the provision to prohibit an owner of property from unitizing identical property under more than one community lease or agreement.

1125.15 WAIVERS FROM OWNERS AND OCCUPANTS WITHIN 600 FEET.

(a) In addition to the consents required in Subsection 1125.14, no drilling shall be permitted for oil and/or gas wells in any permitted zone within 600 feet of any building or structure of any nature unless written waivers, as hereinafter provided for, accompany an application for a permit.

(b) The owners and occupants of any buildings or structures within 600 feet of the proposed well site must waive, in writing, the distance set forth. The owners or occupants may waive down to a minimum distance of 400 feet without the necessity of vacating, or causing to be vacated, any buildings or structures during drilling operations.

(c) Where the owners or occupants of any buildings or structures which are closer than 600 feet to a proposed drilling site have, at any time, waived, in writing, the distance requirement provided for in this subsection for any proposed drilling site which was closer than 600 feet to the buildings or structures, then the property owners and occupants shall be deemed to have waived the distance requirement provided for in the party waived for the other proposed drilling site, or to the distance that the well was actually drilled, whichever is smaller.

(d) The Planning Commission may refuse to reduce the distance from any building or structure even though the owners and occupants within 600 feet of the well site have waived the distance set forth in this subsection. The Planning Commission will evaluate each case from the perspective of safety, impact on the immediate area, and relationship to long term plans for the area.

1125.16 CONSTRUCTION NEAR PRODUCING OIL/GAS WELLS AND STORAGE TANKS.

(a) Oil/Gas Well: No zoning permit shall be issued for the construction of any building designed for human occupancy or use, i.e., residential, industrial, business or public, if the proposed site is within 400 feet of any oil/gas well; until such time as the well has been plugged in conformance with this section.

(b) Oil/Gas Well Storage Tanks: No zoning permit shall be issued for the construction of any building designed for human occupancy, i.e., residential, industrial, business or public, if the proposed site is within 400 feet of any oil/gas well storage tank.

1125.17 EASEMENTS OR OPTIONS FOR PIPELINES AND STORAGE TANKS.

(a) An applicant who has received drilling permission and has realized a producing well shall submit to the Zoning Inspector copies of easements or options for easements for a pipeline where the pipeline will be crossing other property, and shall also provide a copy of an agreement or option for a location or storage tanks should there be a producing well.

1125.18 STATE PERMIT REQUIRED.

(a) No Drilling permit will be issued by the Planning Commission until the applicant presents evidence of having obtained a permit issued by the Ohio Department of Natural Resources, Division of Oil and Gas, and bearing a current date.

1125.19 PERMIT ISSUANCE; LIABILITY INSURANCE.

(a) Upon approval by the Planning Commission the permit shall be issued. However, prior to the issuance, the Village shall be provided with a policy or certificate of insurance covering the applicant's liability in an amount of not less than that set forth in the Village Bond and Insurance Fee Schedule. The insurance policy or policies must be maintained for such period of time as drilling is in progress, the well is pulled and plugged as hereinafter provided. The insurance policies and the coverages thereunder must be to the complete satisfaction of the Village and such policies may be rejected by the Solicitor for any valid reason. The rejection of the insurance policy by the Village shall serve to stay the granting of permit theretofore approved until such time as an insurance policy providing coverage resulting entirely satisfactory to the Village has been provided by the applicant. All policies must include coverage for property damage,

personal injury, and including coverage resulting from blowout or cratering. The Village of Clinton shall be named as a named or additional insured and shall be held harmless from all liability resulting from the granting of a permit under this chapter.

1125.20 INSPECTION; PERMIT REVOCATION.

(a) Duly authorized representatives of the Village, including the Zoning Inspector, Fire Inspector, Fire Chief, and Police Chief, shall have the authority, at any time, to enter upon property where a well is being drilled, a well site is being contemplated, or a producing well site for the purpose of inspecting the site, equipment, and all other things necessary to ensure the compliance with this section. Noncompliance is punishable as per [Chapter 1165 Enforcement and Penalties](#).

1125.21 INFORMATION TO BE FURNISHED TO THE VILLAGE.

(a) The name, address, and telephone number of the persons responsible for the ownership, operation, and all maintenance of each producing well located within the village shall be furnished to the Zoning Inspector, police department, and fire department in order that some responsible person may be reached at any time in the event of an emergency. The Zoning Inspector shall prepare a list of such names and addresses and shall post a list in a conspicuous place in the police department for ready reference. Detailed instructions regarding the shutdown procedures for each well shall be filed with the Fire Chief. This information shall also be posted at the well site. In addition, the developer shall notify the Zoning Inspector forty-eight (48) hours before commencing drilling operations.

1125.22 MAINTENANCE OF WELL SITE, INGRESS AND EGRESS, LANDSCAPING.

(a) The applicant shall install a forty (40) foot long culvert as approved by the Street Commissioner, at each entrance or exit, to provide for a gravel entry roadway, a minimum of twelve (12) feet wide, shall be laid to the well site to reduce the amount of mud being carried to the right-of-way.

(b) The well site shall be landscaped and maintained in a manner approved by the Planning Commission.

(c) All access roads shall be twelve (12) feet in width and constructed and maintained in a manner to allow access and egress by public safety vehicles under all climatic conditions.

1125.23 ROTARY EQUIPMENT.

(a) The drilling preparation used in wells drilled with rotary equipment shall be capable of sealing off each oil, gas, brine, or fresh water stratum above the producing horizon/objective formation and shall be capable of preventing blowouts and flows of salt or fresh water in accordance with good drilling practices.

1125.24 CABLE TOOLS.

(a) Wells drilled with cable tools shall have the innermost string of casing equipped with a high-pressure master gate valve and control head and oil saver, securely anchored by concrete, prior to drilling any formation likely to contain oil or gas.

1125.25 TRAINING OF CREWS: CONDITION OF EQUIPMENT.

(a) All crews shall be trained in the operation of the blowout preventer, control head and related equipment, and all equipment used shall be in good condition.

1125.26 SEALING TO PROTECT FRESH WATER WELLS.

(a) It shall be the duty of the permittee to seal gas and oil wells to protect fresh water wells from salt water or other pollution or contamination in such proper manner as is in accordance with good practice. Both the permittee and his driller shall establish contingency plans for the immediate furnishing of potable water to affected residents from such period as may be required to re-establish proper potability on any polluted or contaminated well or wells. The permit holder and his driller shall be jointly and severally responsible for the obligation to provide potable water, without cost to the residents receiving the same. Drillers' responsibility shall include covering the cost of drilling new wells or extending public water service, if available.

(b) Drillers shall also pay to have all water wells, within 1,000 foot radius of the well being drilled, tested before and after drilling.

1125.27 FENCE REQUIREMENTS; ELECTRIC POWERED WELL PUMP REQUIRED.

(a) A permittee shall maintain a fence around the drilling site in accordance with good oil field practices. Should a well be a producing one, the permittee shall upon completion of the well construct a fence as specified by the Planning Commission. The fence shall be maintained around the well pump satisfactory to the Zoning Inspector. All landscaping shall be completed as soon as possible after setting the storage tanks, in no case longer than six (6) months.

(b) All well pumps shall be operated by explosion-proof electric motors only unless otherwise approved by the Planning Commission for demonstrated good cause.

(c) All existing and future tank batteries, separators, temporary holding pits and all other installations of equipment used at oil or gas well installations located within the Village of Clinton, shall be surrounded by a fence which shall be of sufficient height and construction to meet with the approval of the Planning Commission. The fence shall be a minimum of six (6) feet high and of a design and material specified by the Planning Commission, with suitable locking gates for access. Locking devices used on all gates, valves, or other secured apparatus in conjunction with any well or tank battery operated by a permittee in the Village of Clinton shall be keyed alike so that one key will provide access to any such secured apparatus. A copy of such key shall be provided to the Clinton Fire Department and the Police Department serving the Village of Clinton. All shut-off valves shall be painted a conspicuous common color.

(d) Electrical underground power service in schedule 40 plastic buried to a minimum of 24 inches is required.

(e) No lighting during drilling or on a producing well shall constitute a nuisance to surrounding properties.

1125.28 PROHIBITED DRAINAGE IN STORM OR SANITARY SEWERS AND LAKES, PONDS, CANAL AND STREAMS.

(a) No waste, sludge, water or effluents of any type from where an oil or gas well is being drilled shall in any manner be drained or emptied into any storm or sanitary sewer or lakes, ponds, canal, or streams in the Village of Clinton. All sludge water, or effluents which are allowed to run off and pollute any area outside the dike shall be removed from the site in trucks, tanks, or similar vehicles for disposal in suitably licensed and permitted sites.

1125.29 STORAGE TANKS, LOCATION AND DIKING.

(a) Oil well storage tanks must be located a minimum of 500 feet from industrial, commercial, or residential structures, or any church, hospital, assembly hall, library, public building, or other public gathering place, and at least 200 feet from a public road, street, or railroad tracks, regardless of the zone.

(b) Where more than one well is to be drilled, storage tanks for all wells shall be grouped together.

(c) All oil well storage tanks or groups of tanks situated within the corporate limits of the village shall be diked or other suitable means taken to prevent discharge of liquid from endangering adjoining property or reaching waterways. Each dike shall have a capacity of not less than that of the tank or tanks served by the enclosure.

(d) All dikes shall be constructed of earth, clay, steel, masonry, or reinforced concrete so constructed as to be watertight and afford adequate protection and, if of concrete or masonry, shall be properly reinforced and shall have footings below the frost line. All pits used for storage or disposal of sludge or lime shall be lined with plastic or comparable material to prevent leaching and shall be of sufficient size to contain all effluents.

1125.30 MUD ON SITE OR STREETS.

(a) All permittees shall use care at a drilling site to keep the area around the drilling site free of mud which could be carried onto public streets by any vehicle or other equipment used at the drilling site. Should any mud be carried onto public streets from a drilling site, the Zoning Inspector has the authority to request the permittee to clean up the public streets to his satisfaction. Failure to take specific steps to reduce mud at a given location, as requested by the Zoning Inspector, shall be grounds for revocation of the permit and/or forfeiture of the bond posted under [Sec. 1125.07 Proof of Performance Bond](#).

1125.31 RESTORATION OF PUBLIC PROPERTY; SITE CLEAN UP.

(a) The permittee shall restore the streets, sidewalks, and other public places of the village damaged or destroyed in the operation of drilling or preparing to drill to their former condition immediately upon completion of drilling.

(b) The permittee shall clear the area of all litter, rubbish, machinery, derricks, buildings, oil, or other substances used or allied to the use of drilling or producing operations.

(c) The permittee shall defend, indemnify, and hold the village harmless from any and all liability arising out of the issuance of a drilling permit for an oil or gas well or unlawful brine disposal.

(d) The permittee shall pay to the owners of any realty, crops, building, improvements, goods, or chattels located in the area, except persons of the drilling unit, any extra cost of insurance on such property imposed by reason of granting of the permit to the operations carried on thereunder.

(e) Landscaping shall be required around all well sites and tank batteries to standards established by the Planning Commission. All landscaping shall be completed within six (6) months after setting the storage tanks and shall meet all other standards set forth in **Chapter 1145 Landscaping Standards**.

1125.32 ABANDONED WELLS.

(a) In the event that a well is abandoned, it shall be the duty of the owner or lessee to notify the Zoning Inspector of such abandonment before the well has been abandoned and the equipment removed. A well shall be considered abandoned when it is in a condition in which it is incapable of functioning for thirty (30) days.

(b) All permittees shall be required to pull and/or plug a well site upon abandonment and to remove all aboveground appurtenances and to return the ground to its original grade and condition. All other rules or regulations promulgated by any department or division of the State of Ohio relative to pulling, plugging, and abandoning oil or gas wells shall also be complied with. All such efforts shall be completed within six (6) months of abandonment.

(c) Landscaping may be preserved at the time of abandonment of the well, if feasible, and only if desired by the property owner.

1125.33 NOISE LEVEL.

(a) Drilling operations shall be controlled by double exhausts or otherwise so that the noise level of actual drilling does not exceed the noise level of 75 decibels in a 600 foot radius during maximum noise-producing periods.

1125.34 OTHER CONDITIONS.

(a) The wells, tank batteries and access roads shall be located as shown on the approved site plan.

(b) The applicant shall provide a list of all subcontractors, including the brine disposal subcontractors, with names, mailing addresses and telephone numbers.

1125.35 BRINE DISPOSAL PROHIBITED.

(a) Any method of brine disposal within the Village of Clinton is prohibited.

1125.36 Granting of Variances.

(a) Variances to any of the provisions of this chapter shall be governed by **Sec. 1113.07 Variance**.

1125.37 PENALTY.

(a) Violations under this chapter are punishable under **Chapter 165 Enforcement and Penalties**.

CHAPTER 1129

Wireless Communication.

Section:

1129.01 Placement of Wireless Communication Towers and Antennae.

1129.01 PLACEMENT OF WIRELESS COMMUNICATION TOWERS AND ANTENNAE.

(a) General.

The following requirements apply to all wireless telecommunications facilities regardless of the zoning district in which they are to be located. These general standards are to be supplemented with the specific regulations for nonresidential and residential districts as set forth in Sections 1129.01(b) and 1129.01(c) which follow.

- (1) When the proposed wireless telecommunications facility is to include a new tower, a plot plan at a scale of not less than one (1) inch is equal to one hundred (100) feet which shall be submitted. This plot plan shall indicate all building uses within three hundred (300) feet of the proposed facility. Aerial photos and/or renderings may augment the plot plan.
- (2) The location of the tower and equipment shelter shall comply with any natural resources protection standards established in this Zoning Ordinance, including those for floodplain, wetlands and steep slopes.
- (3) Security fencing eight (8) feet in height shall surround the tower, equipment shelter, and any guy wires, either completely or individually as determined by the Planning Commission.
- (4) The following buffer plantings may be located around the perimeter of the security fence as deemed appropriate by the Planning Commission:
 - a. An evergreen screen shall be planted that consists of either a hedge, planted three (3) feet on center maximum, or
 - b. A row of evergreen trees planted five (5) feet on center maximum.
- (5) Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
- (6) Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within a one-half (1/2) mile radius of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations and present written information regarding the collocation inquiries. The application shall not be deemed complete until this information is provided. The applicant's letter(s) as well as response(s) shall be presented to the Planning Commission as a means of demonstrating the need for a new tower.
- (7) All wireless telecommunications facilities shall be constructed initially with the structural capability to allow a minimum of two (2) additional carriers to collocate on the tower. The fenced in area shall be sufficient size to accommodate the additional carriers' equipment building(s).
- (8) The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
- (9) No advertising is permitted anywhere on the facility, with the exception of identification signage.
- (10) All providers utilizing towers shall present a report to the Zoning Inspector notifying the Inspector of any tower facility located in the municipality whose use will be discontinued and the date this use will cease. If at any time the use of the facility is discontinued for 180 days, the

Zoning Inspector may declare the facility abandoned. (This excludes any dormancy period between construction and the initial use of the facility). The facility's owner/operator will receive written notice from the Zoning Inspector and instructed to either reactivate the facility's use within 180 days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the municipality will remove or will contract to have removed the facility and assess the property owner/operator or the landowner on which the facility exists the costs.

(11) The owner or operator shall be required as a condition of issuance of a permit to post a cash or surety bond acceptable to the Village Engineer of, not less than the amount established in the Village Bond and Insurance Schedule, per vertical foot from natural grade of the wireless communication tower which bond shall insure that an abandoned, obsolete or destroyed wireless communication antenna or tower shall be removed within six (6) months of cessation of use and abandonment.

(12) No tower under one hundred fifty (150) feet shall be artificially lighted except to assure safety or as required by the FAA. Any tower between one hundred fifty (150) and two hundred (200) feet in height shall follow safety marking and obstruction lighting as prescribed by the FAA. Security lighting around the equipment shelter is permitted. No strobe lighting is permitted unless required by the FAA.

(13) "No Trespassing" signs shall be posted around the facility with a telephone number of whom to contact in the event of an emergency.

(14) Applicants will provide evidence of legal access to the tower site thereby maintaining this access regardless of other developments that may take place on the site.

(15) A Conditional Use Permit must be approved by the Village Planning Commission with a subsequent Zoning Permit issued by the Zoning Inspector. Collocation of antennas on a single tower is a permitted use and will not be subject to the conditional use permitting process.

(16) Regular scheduled maintenance shall be conducted on weekdays from 8:00 a.m. to 5:00 p.m. in all districts. The Village shall be notified when emergency maintenance is required.

(17) Any decision to deny a request to place, construct or modify a wireless telecommunications antenna and/or tower shall be in writing and supported by evidence contained in a written record of the proceedings of the Planning Commission.

(18) Underground equipment shelters are encouraged, especially in nonindustrial districts, and may be requested by the Planning Commission.

(19) Any wireless telecommunications facility built for or by the village for the primary purpose of police, fire and emergency communications shall be considered an essential service within the meaning of this chapter.

(b) CD, R-1 and I-1 Districts.

Wireless telecommunications facilities proposed for CD-Conservation District, R-1 Residential District, and I-1 Industrial District are subject to the following conditions:

(1) Sole use on a lot: A wireless telecommunications facility is permitted as a sole use on a lot subject to the following:

a. Minimum lot size allowable for the district.

b. Minimum yard requirements - Tower: The minimum distance to any single-family or multi-family residential use or district lot line shall be equal to the vertical height of the wireless telecommunications tower plus fifty (50) feet.

Equipment shelter: Must comply with minimum setbacks.

c. Maximum height - Tower: two hundred fifty (250) feet (includes antenna). Equipment shelter: Must comply with maximum building height for the district.

d. Maximum size of equipment shelter - Three hundred (300) square feet for a single shelter, or, if there is more than one (1) shelter, seven hundred fifty (750) total square feet.

(2) Combined with another use: A wireless telecommunications facility is permitted on a property with an existing use subject to the following conditions:

a. The existing use on the property may be any permitted use in the district or any lawful nonconforming use and need not to be affiliated with the wireless telecommunications provider. The wireless telecommunications facility will not be considered an addition to the structure or value of a nonconforming use.

b. The wireless telecommunications facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic and necessary maintenance (except during construction or an emergency).

c. Minimum lot area - The minimum lot area shall be the area needed to accommodate the tower (and guy wires, if used), the equipment shelter, security fencing and buffer planting.

d. Minimum yard requirements - Tower: The minimum distance to any single- family or multi-family residential use or district lot line shall be equal to the vertical height of the wireless telecommunications tower plus fifty (50) feet. Equipment shelter: Shall comply with the minimum setback requirements for the primary lot.

e. Access - The service access to the equipment shelter shall, whenever feasible, be provided along the circulation driveways of the existing use.

f. Maximum height - Tower: two hundred fifty (250) feet (includes antenna). Equipment shelter: Must comply with maximum building height for the district.

g. Maximum size of equipment shelter: three hundred (300) square feet for a single shelter, or, if there is more than one (1) shelter, seven hundred fifty (750) square feet.

(3) Combined with an existing structure: Where possible an antenna for a wireless telecommunications facility shall be attached to an existing structure or building subject to the following conditions:

a. Maximum height: five (5) feet above the existing building or structure, whichever is greater.

b. If the applicant proposes to locate the telecommunications equipment in a separate shelter (not located on, or attached to, the building), the shelter shall comply with the following:

i. The minimum setback requirements for the subject zoning district.

ii. A vegetative buffer must be established

iii. Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principle use.

iv. The maximum size of the equipment shelter shall not exceed three hundred (300) square feet, or, if there is more than one (1) shelter, seven hundred fifty (750) total square feet.

v. Building materials used on the equipment shelter shall be similar to those used on the principal structure.

(c) R-2, R-3, B1, and B-2 Districts.

Wireless telecommunications facilities that include new towers are not permitted in the R-2 Medium Density, R-3 High Density, B-1 Downtown Canal District, or B-2 Warwick Business District. However, antennas attached to existing buildings or structures are conditionally permitted. In applying for a permit in any residential district, the applicant must present substantial evidence as to why it is not technically feasible to locate in a more

appropriate business district. Once those efforts have been exhausted, a wireless telecommunications facility may be located in a residential district subject to the following conditions:

(1) General: The wireless telecommunications facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic and necessary maintenance. This shall apply to **subsection (c)(2)** below.

(2) Combined with a nonresidential use: An antenna may be attached to a nonresidential building or a structure that is a permitted use in the district, including, but not limited to, a church, a municipal or governmental building or facility, agricultural building, and a building or structure owned by a utility. The following conditions shall be met:

a. Maximum height: The antenna may not extend more than five (5) feet above the existing building or structure.

b. If the applicant proposes to locate the telecommunications equipment in a separate shelter, the shelter shall comply with the following:

i. The shelter shall comply with the minimum setback requirements for the subject zoning district.

ii. The maximum size of the equipment shelter shall not exceed three hundred (300) square feet, or, if there is more than one (1) shelter, seven hundred fifty (750) total square feet.

iii. A vegetative buffer will be established

iv. Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principle use.

v. Building materials used on the equipment shelter shall be similar to those used on the principal structure.

(d) Criteria for a Conditional Use.

Wireless telecommunications facilities may be permitted as a conditional use. In order to be considered for review, the applicant must prove that a newly-constructed tower or antenna placement is necessary in that opportunities for collocation on an existing tower in the Village or adjacent communities are not feasible. The following steps must also be taken for the application to be considered for review in this category:

(1) The applicant shall present a landscaping plan that indicates how the wireless telecommunications facility will be screened from adjoining uses, if applicable.

(2) The applicant shall demonstrate that the telecommunications tower must be located where it is proposed in order to service the applicant's service area. There shall be an explanation of why a tower and this proposed site is technically necessary.

(3) Where the telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that the vehicular access is provided to the facility.

(4) Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within a one-half (1/2) mile radius of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within thirty (30) days. The applicant's letter(s) as well as response(s) shall be presented to the Planning Commission as a means of demonstrating the need for a new tower.

CHAPTER 1133

Riparian Setback Development Standards.

Section:

- 1133.01 Public Purpose.
- 1133.02 Compliance and Violations.
- 1133.03 Establishment of a Riparian Setback.
- 1133.04 Uses Permitted in the Riparian Setback.
- 1133.05 Uses Prohibited in the Riparian Setback.
- 1133.06 Non-Conforming Structures or Uses in the Riparian Setback.
- 1133.07 Boundary Interpretation and Appeals Procedure.
- 1133.08 Variances Within Riparian Setback.
- 1133.09 Inspection of Riparian Setback.

1133.01 PURPOSE.

(a) It is hereby determined that the system of streams within the Village contribute to the health, safety, and general welfare of the residents of the Village. The purpose of these Riparian Setback Development Standards is to protect and preserve the water quality within streams of the Village and to protect residents of the Village from property loss and damage because of flooding and other impacts of the stream. These regulations shall control uses and development within a Riparian Setback that would impair the ability of the riparian area to:

- (1) Reduce flood impacts by absorbing peak flows, slowing the velocity of floodwaters, and regulating base flow.
- (2) Stabilize the banks of streams to reduce bank erosion and the downstream transport of sediments eroded from stream banks.
- (3) Reduce pollutants in streams during periods of high flows by filtering, settling, and transforming pollutants already present in streams.
- (4) Reduce pollutants in streams during periods of high flows by filtering, settling, and transforming pollutants in runoff before they enter streams.
- (5) Provide areas for natural meandering and lateral movement of stream channels.
- (6) Reduce the presence of aquatic nuisance species to maintain diverse and connected riparian vegetation.
- (7) Provide high quality stream habitats with shade and food to a wide array of wildlife by maintaining diverse and connected riparian vegetation.
- (8) Benefit the Village economically by minimizing encroachment on stream channels and reducing the need for costly engineering solutions such as dams and riprap, to protect structures and reduce property damage and threats to the safety of watershed residents, and by contributing to the scenic beauty and to the environment of the Village, the quality of life of the residents of the Village and corresponding property values.
- (9) Protect the health, safety, and welfare of the citizens of the Village.

(b) This Chapter has been adopted to protect these services of riparian areas by providing reasonable controls governing structures and uses in Riparian Setbacks.

1133.02 COMPLIANCE AND VIOLATIONS.

No zoning approvals shall be issued by the Village without full compliance with the terms of these provisions.

1133.03 ESTABLISHMENT OF A RIPARIAN SETBACK.

(a) Riparian Setbacks are established as provided in this Chapter.

(b) Streams addressed by these regulations are those which meet the definition of "stream" in Section 1105.03 Definitions and References and appear are indicated on at least one of the following maps:

- (1) USGS topographical map
- (2) Summit County Riparian Setback map
- (3) Soils maps located in the Soil Survey for Summit County, Ohio, USDA, NRCS.

(c) Widths of setbacks are measured as horizontal map distance outward from the ordinary high-water mark on each side of a stream, and are established.

- (1) A minimum of thirty (30) feet on each side of all streams. draining an area less than 0.05 square mile (thirty-two (32) acres).

(d) The following are exempt from the terms and protection of these regulations: grassy swales, roadside ditches, drainage ditches created at the time of a subdivision to convey storm-water to another system, tile drainage systems, and stream culverts.

(e) The following shall apply to the Riparian Setback:

- (1) Where the 100-year floodplain is wider than the Riparian Setback on either or both sides of the stream, the Riparian Setback shall be extended to the outer edge of the 100-year floodplain. The 100-year floodplain shall be defined by FEMA and approved by the County of Summit Department of Building Standards.

- (2) Because the gradient of the riparian corridor significantly influences impacts on the stream, the following adjustment for steep slopes will be integrated into the Riparian Setback formulae for width determination:

Average Percent Slope	Width of Setback
>25%	Add 30 feet

Average streambank slope is to be calculated using methodology outlined in the "Ohio Supplement to Urban Hydrology for Small Watersheds, Technical Release Number 55 (TR-55)" by USDA, NRCS.

- (3) Wetlands shall be delineated by a qualified professional under guidelines established by the US Army Corps of Engineers and Ohio Environmental Protection Agency and the site delineation approved by the appropriate agencies. All wetland delineations shall also include the latest version of the Ohio Rapid Assessment Method for wetland evaluation approved at the time of application of the regulations.

- (4) The applicant shall be responsible for delineating the Riparian Setback, including any expansions or modifications as required by subsections (b) through (d) of this section, and identifying this setback on all subdivisions, site plans, and/or zoning permit applications. This delineation shall be done at the time of application of the preliminary plans, or all plans that are required, or at the time of submission of any permit applications. This delineation shall be subject to review and approval by the Summit SWCD. As the result of this review, the Summit SWCD may require further studies from the applicant.

(5) Prior to any soil disturbing activity, the Riparian Setback shall be clearly delineated with construction fencing or other suitable material by the applicant on site, and such delineation shall be maintained throughout soil-disturbing activities. The delineated area shall be maintained in an undisturbed state unless otherwise permitted by these regulations. All fencing shall be removed when a development project is completed.

(6) No approvals or permits shall be issued by the Village prior to delineation of the Riparian Setback in conformance with these regulations.

(7) Upon completion of an approved subdivision, the Riparian Setback shall be permanently recorded on the plat records for the County of Summit.

1133.04 USES PERMITTED IN THE RIPARIAN SETBACK.

(a) The following uses are permitted by right within the Riparian Setbacks without prior approval. Open space uses that are passive in character shall be permitted in the Riparian Setback including, but not limited to, those listed in subsection (a)(1) through (4) hereof. No use permitted under these regulations shall be construed as allowing trespass on privately held lands. Alteration of this natural area is strictly limited. Except as otherwise provided in these regulations, the Riparian Setback shall be preserved in its natural state.

(1) Recreational Activity. Passive recreational uses, as permitted by federal, state, and local laws, such as hiking, non-motorized bicycling, fishing, hunting, picnicking and similar uses and associated structures including boardwalks, pathways constructed of pervious material, picnic tables, and wildlife viewing areas.

(2) Removal of Damaged or Diseased Trees. Damaged or diseased trees may be removed. Because of the potential for felled logs and branches to damage downstream properties and/or block ditches or otherwise exacerbate flooding, logs and branches resulting from the removal of damaged or diseased trees that are greater than 6 inches in diameter, shall be anchored to the shore or removed from the 100-year floodplain.

(3) Revegetation and/or Reforestation. The revegetation and/or reforestation of the Riparian Setback shall be allowed without approval of the Summit SWCD. Species of shrubs and vines recommended for stabilizing flood prone areas along streams within the County of Summit as referenced in any listing or schedule of Woody Plants as determined by the County of Summit Codified Ordinances.

(4) The County of Summit Engineer maintains the right of access to all streams within the County of Summit for the purposes outlined in the Ohio Revised Code, Sections 6131.01 to 6131.64, 6133.01 to 6133.15, 6135.01 to 6135.27, and 6137.05.1.

(b) The following uses are permitted by right within the Riparian Setbacks with prior approval of the design.

(1) Stream bank Stabilization/Erosion Control Measures. Best Management Practices (BMP's) for stream bank stabilization or erosion control may be allowed if such practices are within permitted uses by the local, state, and federal government regulations and are ecologically compatible and emphasize the use of natural materials and native plant species where practical and available. Such stream bank stabilization/ erosion control practices shall only be undertaken upon approval of a Storm water Pollution Prevention Plan (SWPPP or SW3P) by the Summit SWCD.

(2) Crossings. In reviewing plans for stream crossings, the Village may confer with the Summit SWCD, the Ohio Department of Natural Resources, Division of Natural Areas; the Ohio

Environmental Protection Agency, Division of Surface Water; the County of Summit Engineer; the Department of Environmental Services of Summit County; the Summit County Health Department; or other technical experts as necessary.

- a. Limited crossings of designated streams through the Riparian Setback by vehicles, storm sewers, sewer and/or water lines, and public utility lines will be per the approval of local, county, and state governing agencies and as a part of the regular subdivision review process.
 - b. One driveway crossing per stream per tax parcel will be allowed for individual landowners.
 - c. Roadway crossings for major and minor subdivisions, open space subdivisions, or any other non-single-family residential use shall be designed and constructed per the County of Summit Engineer's design standards and as approved by the Summit County Planning Commission and the Village of Clinton. If more than two (2) crossings per 1,000 linear feet of stream center is required for these areas, the applicant must apply for a variance.
 - d. All roadway crossings shall be perpendicular to the stream flow and shall minimize disturbance to the Riparian Setback and shall mitigate any necessary disturbances.
- (3) Placement of storm-water retention or detention facilities may be considered within the Riparian Setback if:
- a. Storm-water quality treatment that is consistent with current state standards is incorporated into the basin.
 - b. The storm-water quality treatment basin is located at least fifty (50) feet from the ordinary high-water mark of the stream.

1133.05 USES PROHIBITED IN THE RIPARIAN SETBACK.

The following uses are specifically prohibited within the Riparian Setback:

- (a) Construction. There shall be no structures of any kind, except as permitted under these regulations.
- (b) There shall be no drilling for petroleum or mineral products, mining activity.
- (c) Roads or Driveways. There shall be no roads or driveways, except as permitted under these regulations.
- (d) Motorized Vehicles. There shall be no use of motorized vehicles of any kind, except as permitted under these regulations.
- (e) Parking Lots. There shall be no parking lots or other human made impervious cover, except as permitted under these regulations.

1133.06 NON-CONFORMING STRUCTURES OR USES IN THE RIPARIAN SETBACK.

- (a) Structures and uses within the Riparian Setback, existing on August 5, 2013, that are not permitted under these regulations may be continued but shall not be expanded except as set forth below.
- (b) If damaged or destroyed, these structures or uses may be repaired or restored within two years from the date of damage/destruction, at the property owners' own risk.

(c) A residential structure or use within the Riparian Setback existing on August 5, 2013, may be expanded subject to the provisions of (1) through (3) below:

- (1) The expansion conforms to existing zoning regulations.
- (2) The expansion must not impact the stream channel or the 100-year flood plain.
- (3) The expansion must not exceed an area of fifteen percent (15%) of the footprint of existing structure or use that lies within the Riparian Setback. Expansions exceeding fifteen percent (15%) of the total footprint within the Riparian Setback must be obtained through a variance from the Board of Zoning Appeals.

(d) Non-residential structure or use expansions will be permitted only through a variance from the Board of Zoning Appeals.

1133.07 BOUNDARY INTERPRETATION AND APPEALS PROCEDURE.

(a) When an applicant disputes the boundary of the Riparian Setback or the ordinary high-water mark of a stream, the applicant shall submit evidence to the Summit SWCD, with a copy to the Village Zoning Inspector, that describes the boundary, presents the applicant's proposed boundary and presents all justification for the proposed boundary change.

(b) The Summit SWCD shall evaluate all materials submitted and shall make a written recommendation to the Village Board of Zoning Appeals within a reasonable period of time not to exceed sixty (60) days. A copy of this recommendation shall be submitted to the applicant. If during this evaluation the Summit SWCD requires further information to complete this evaluation, the applicant may be required to provide additional information.

(c) The Board of Zoning Appeals shall decide such boundary disputes. The party contesting the location of the Riparian Setback or the ordinary high-water mark of the streams as determined by these regulations shall have the burden of proof in case of any such appeal.

1133.08 VARIANCES WITHIN RIPARIAN SETBACK.

(a) Applications for variances to the provisions of this Chapter shall be submitted to the Board of Zoning Appeals.

(b) The Board of Zoning Appeals shall consult with representatives from the Summit SWCD; the Ohio Department of Natural Resources, Division of Natural Areas; the Ohio Environmental Protection Agency, Division of Surface Water; the County of Summit Engineer; the Department of Environmental Services of Summit County; the Summit County Health Department; or other technical experts as necessary to consider variance requests.

(c) Expansions of residential structures or uses exceeding fifteen percent (15%) of the footprint area and expansions of all non-residential structures or uses are subject to provisions (1) through (4) below:

- (1) The expansion conforms to the existing zoning regulations.
- (2) The expansion must not impact the stream channel or the 100-year floodplain.
- (3) The expansion of a non-residential structure or use must not affect upstream or downstream hydrologic conditions which could cause damage from flooding or streambank erosion to

landowners in those areas. A hydrologic study must be completed by non-residential applicants only as a process of the variance application.

(4) The expansion of a non-residential structure or use will not exceed twenty-five percent (25%) of the footprint area. The twenty-five percent (25%) expansion limit is per the portion of the structure or use that lies within the Riparian Setback.

(d) Requests for variances for subdivisions will be considered for the following:

(1) An additional stream crossing or crossings for a subdivision or open space development which is necessary for the health, welfare, and safety of the residents of the subdivision.

(2) A reduction of the setback width, not to exceed ten percent (10%) of the prescribed Riparian Setback width.

(e) No variances shall be granted for expansion of the following structures or uses:

(1) Facilities which use, store, distribute, or sell petroleum-based products or any hazardous materials. Such facilities include, but are not limited to: asphalt plants, dry cleaners, gasoline service stations, and road maintenance facilities.

(2) Facilities which use, store, distribute, or sell products which may contribute higher than acceptable concentrations of dissolved or particulate matter to storm water runoff around the facility.

(f) In reviewing whether to grant variances, the Board of Zoning Appeals shall consider the following:

(1) The extent to which the requested variance impairs the functions of the riparian area. This determination shall be based on sufficient technical and scientific evidence as provided by the applicant and the agencies listed in subsections (a) through (e) above.

(2) The soil type and natural vegetation of the parcel as well as the percentage of the parcel that is in the 100-year floodplain.

(3) The degree of hardship these regulations place on the applicant and the availability of alternatives to the proposed activity.

(4) Whether a front, side, or rear yard setback zoning variance or similar variance should be considered to maintain the required Riparian Setback area.

1133.09 INSPECTION OF RIPARIAN SETBACK.

(a) The Riparian Setback shall be inspected by the Summit SWCD:

(1) When a preliminary subdivision plat or other land development plan is submitted to the County of Summit.

(2) When a building or zoning certificate is requested.

(3) Prior to any soil disturbing activity to inspect the delineation of the Riparian Setback as required under these regulations.

(b) The Riparian Setback shall also be inspected annually or as time permits by the Summit SWCD or approved monitoring entity for compliance with any approvals under these regulations or at any time evidence is brought to the attention of the Summit SWCD that uses or structures are occurring that may reasonably be expected to violate the provisions of these regulations.

CHAPTER 1137

Accessory and Temporary Use Regulations.

Section:

1137.01 Accessory Use Regulations.

1137.02 Temporary Uses and Structures.

1137.01 ACCESSORY USE REGULATIONS.

(a) Purpose.

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses permitted in accordance with Chapter 1121: Zoning Districts and Principal Use Regulations or Chapter 1133: Riparian Setback development Standards.

(b) General Provisions.

(1) Accessory structures and uses shall be incidental to and customarily found in connection with a principal building or use permitted in the district in which it is located.

(2) An accessory structure and/or use shall be subordinate to and serves the principal building or use.

(3) An accessory structure and/or use shall be located on the same lot as the principal use for which it serves.

(4) An owner shall be required to apply for and receive a zoning certificate unless exempted or not required by this section.

(5) An accessory use or structure shall not be established unless a principal use has first been established on a site in conformance with the applicable provisions of the zoning ordinance.

(6) Accessory uses and structures are prohibited in any open space area that is preserved by a covenant deed restriction, or other private agreement.

(7) Accessory structures used for agricultural purposes on lots of five (5) or more acres shall be exempt from these regulations. To be exempt, the building should be one which is necessary for, or customarily used in conjunction with, the specific agricultural use that is active on the property. Such structures include, but are not limited to, barns, greenhouses, and other buildings that are specifically designed for agricultural uses. Although such a structure may have some incidental use for other than agricultural activities, the principal use of the structure must be agricultural.

(8) Accessory uses in the Riparian Setback shall be subject to the accessory use regulations for the zoning district.

(9) No accessory building or structure shall be used to operate a business, store equipment, or supplies used for a business, or be a location where employees meet or park, in any residential district.

(10) Accessory buildings and structures with a floor area less than or equal to twenty (20) square feet shall not require a zoning certificate but shall comply with the location and setback requirements of this section.

(11) Size Requirements and Location.

a. Detached accessory structures shall be set back fifteen (15) feet from the principal building.

b. Accessory buildings and structures with a floor area greater than one hundred forty-four (144) square feet shall be set back a minimum of twenty (20) feet from the side and rear lot lines and should be screened with vegetation around the perimeter of the structure.

- c. Accessory buildings and structures with a floor area less than or equal to one hundred forty-four (144) square feet shall be set back a minimum of five (5) feet from the side and rear lot lines.
- d. The total building footprint area of all accessory structures on a lot in the CR, R-1, and R-2 districts shall not exceed 1,500 square feet.
- e. The total building footprint area of all accessory structures on a lot in the R-3 and B-1 districts shall not exceed 1,000 square feet.
- f. The total building footprint area of all accessory structures on a lot in the B-2 and I-1 districts shall not exceed 2,000 square feet.
- g. The maximum height of an accessory building or structure shall not exceed the height of the principal dwelling.
- h. The total area of all accessory structures shall not exceed the main floor area of the principal building's footprint.

(c) Permitted Accessory Uses.

[Table 1137.01-1](#) lists the accessory uses and structures allowed within all zoning districts. The following is an explanation of the abbreviations and columns in [Table 1137.01-1](#).

(1) Permitted Use (P).

A “P” in a cell indicates that an accessory use or structure is permitted by-right in the respective zoning district. Permitted accessory uses and structures are subject to all other applicable regulations of this zoning ordinance, including the additional standards set forth in this section.

(2) Permitted Use with Use-Specific Standards (PS).

a. A “PS” in a cell indicates that an accessory use or structure is allowed by-right in the applicable zoning district if it meets the additional standards set forth in the numerically referenced sections in the last column. Permitted uses and structures with use-specific standards are subject to all other applicable regulations of this section and zoning ordinance.

b. Accessory uses and structures permitted with use-specific standards under this category are approved administratively by the Zoning Inspector pursuant to the zoning certificate review procedure, where required.

(3) Conditional Use (C).

A “C” in a cell indicates that, in the respective zoning district, an accessory use or structure is permitted if reviewed and approved as a conditional use pursuant to [Sec. 1113.06 Conditional Use](#) and [Sec 1113.07 Variance](#). Conditional uses are subject to all other applicable regulations of this zoning ordinance, including the additional standards set forth in this section.

(4) Prohibited Uses (Blank Cells).

(A) A blank cell indicates that the listed accessory use or structure is prohibited in the applicable zoning district.

b. The outdoor storage of junk, building materials, parking of inoperative or unlicensed motor vehicles, or similar items of personal property is prohibited on all lots where the principal use is residential. Outdoor storage on all other lots shall be classified as “outdoor storage and displays” as regulated in this section.

(5) Certificate Required.

The “Certificate Required” column identifies if a zoning, or other certificate is required for the applicable accessory use or structure.

(6) Yards Permitted.

The “Yards Permitted” column identifies in which yards the applicable accessory use or structure is permitted. See also [Sec. 1121.04 \(a\) Measurements, Computations, and Exceptions](#), for more information about specific yard locations for interior, corner, double frontage, flag, cul-de-sac, or curved street lots.

(7) Numerical References (Last Column).

The numbers contained in the “Use-Specific Standards” column are references to additional standards and requirements that apply to the use and structure type listed. Standards referenced in the “Use-Specific Standards” column apply in all zoning districts unless otherwise expressly stated and may apply to a conditionally permitted use and/or a permitted use with use-specific standards.

TABLE 1137.01 - 1: PERMITTED ACCESSORY USE TABLE									
PERMITTED USES P = Permitted Use PS = Permitted with Additional Use-Specific Standards C = Conditional Use Blank Cell = Prohibited	ZONING DISTRICTS							YARDS PERMITTED F = FRONT S = SIDE R = REAR	USE-SPECIFIC STANDARDS SEE SECTION:
	CD	R-1	R-2	R-3	B-1	B-2	I-1		
Above Ground Liquid Hydrocarbon Storage Tank								S or R	1137.01 (d)(1)
Accessory Dwelling Units	C	C	C	C	C				1137.01 (d)(2)
Accessory Recreational Structures	PS	PS	PS	PS				R	1137.01 (d)(3)
Automated Teller Machines (ATM) (Outdoors)					C	C	C	S or R	1137.01 (d)(4)
Cisterns or Rain Barrels	PS	PS	PS	PS	PS	PS	PS	S or R	1137.01 (d)(5)
Community Gardens	PS	PS	PS	PS	PS	PS	PS	F, S, or R	1137.01 (d)(6)
Detached Accessory Buildings or Structures	P	P	P	P	P	P	P	S or R	
Drive-Through Facilities					C	PS	PS	S or R	1137.01 (d)(7)
Driveways	PS	PS	PS	PS	PS	PS	PS	F, S, or R	Sec. 1153.04
Drop-Off Boxes					PS	PS	PS	S or R	1137.01 (d)(8)
Farm Market and Roadside Stands	PS	PS	PS	PS	PS	PS	PS	F, S, or R	1137.01 (d)(9)
Home Occupations	PS	PS	PS	PS	PS	PS		Inside principal building	1137.01 (d)(10)
Keeping of Bees	PS	PS	PS				C	S or R	1137.01 (d)(11)
Keeping of Chickens	PS	PS	PS	PS	C	C	PS	S or R	1137.01 (d)(12)
Keeping of Domestic Animals	PS	PS	PS	C	C			S or R	1137.01 (d)(13)
Outdoor Dining					C	C			1137.01 (d)(14)

Playsets and Trampolines	P	P	P	P	P	P	P	S or R	
Porches or Decks	PS	PS	PS	PS	PS	PS	PS	F, S, or R	1137.01 (d)(15)
Satellite Dishes	PS	PS	PS	PS	PS	PS	PS		1137.01 (d)(16)
Short Term Rentals	C	C	C	C	C	C	C		1137.01 (d)(17)
Small Wind Energy Conservation Systems	C	C	C	C	C	C	C	S or R	1137.01 (d)(18)
Solar Panels – Roof Mounted Panels	PS	PS	PS	PS	C	C	C	R	1137.01 (d)(19)
Solar Panels – Freestanding Panels	C	C	C	C	C	C	C		1137.01 (d)(19)
Swimming Pools	PS	PS	PS	PS	PS	PS	PS	S or R	1137.01 (d)(20)
Type-B day care homes (1-6 children)	P	P	P	P	P	P	P	Inside principal building	
Unenclosed Patios	PS	PS	PS	PS	PS	PS	PS	F, S, or R	1137.01 (d)(21)

(d) Use-Specific Standards.

(1) Above Ground Liquid Hydrocarbon Storage Tank.

Above ground liquid hydrocarbon storage tanks may be permitted with standards when compliant with the following regulations and any other applicable sections of this ordinance:

- a. These use-specific standards do not apply to above ground liquid hydrocarbon storage tanks in business districts or to storage tanks for operating gas or oil wells.
- b. Above ground liquid hydrocarbon storage tanks are not permitted in the Riparian Setback as defined in [Sec. 1133.02 Riparian Setback Development Standards](#).
- c. Above ground liquid hydrocarbon storage tanks are not permitted on steep slopes as defined in [Sec. 1141.02 Steep Slope Regulations](#).
- d. If the above ground liquid hydrocarbon storage tank is visible to neighbors or the public street right-of-way, it must be perpetually screened. The screening shall include a continuous planting, hedge, fence, or similar feature that will enclose the above ground liquid hydrocarbon storage tank on all sides visible to neighbors or the public street right-of-way. Screening established with plant materials shall provide seventy-five percent (75%) opacity within two (2) years of planting. All other types of screening shall completely screen the above ground liquid hydrocarbon storage tank. The minimum height of the screening material shall be one foot more than the height of the tank.
- e. No more than one above ground liquid hydrocarbon storage tank shall be permitted and it shall not exceed five hundred (500) gallons except that a tank used to store home heating fuel may exceed five hundred (500) gallons.
- f. The above ground liquid hydrocarbon storage tank shall be set back a minimum of sixty (60) feet from all lot lines.
- g. The above ground liquid hydrocarbon storage tank must be installed, maintained, and operated in accordance with manufacturer's specifications. The installation, operation and maintenance of the tank shall comply with all federal, state, and local laws, rules, and regulations.
- h. The above ground liquid hydrocarbon storage tank shall display a large clearly visible label identifying the liquid contained in the tank.

(2) Accessory Dwelling Units.

Accessory dwelling units may be permitted as a conditional use when compliant with the following regulations and any other applicable sections of this ordinance:

- a. All structures and activity areas shall be set back a minimum of one hundred (100) feet from all lot lines and street rights-of-way.
- b. The use may be constructed within an existing dwelling unit (interior apartment) or as a separate or converted accessory structure (e.g., converted garage, carriage house, or stable).
- c. Only one accessory dwelling unit may be permitted on any single lot.
- d. The floor area for the accessory dwellings shall be limited in size to a maximum of seven hundred fifty (750) square feet or twenty-five percent (25%) of the square footage of the principal dwelling, whichever is greater. In no case shall the accessory dwelling be more than seventy-five percent (75%) of the square footage of the principal dwelling.
- e. Interior apartments may be contained within the existing house or attached onto the exterior. However, they are to be constructed so that the exterior appearance of a single-family home is maintained. A second front door is not permitted. Any additions to the existing living quarters must comply with all the dimensional requirements of the applicable zoning district.

(3) Accessory Recreational Structures.

Accessory recreational structures may be permitted with standards when compliant with the following regulations and any other applicable sections of this ordinance:

- a. The structure shall be set back a minimum of two hundred (200) feet from the front lot line and fifty (50) feet from all other lot lines.
- b. Up to one (1) basketball hoop is permitted on every lot, without a zoning certificate. The placement of two (2) or more basketball hoops on a single lot, regardless if they are temporary or permanent, shall require a zoning certificate.
- c. Any fencing related to accessory recreational structures shall be subject to [Sec. 1141.01 Fencing, Walls, Hedges, and Similar Structures](#).
- d. All lighting used to illuminate such recreational facilities shall not be located in a required yard setback and shall not directly shine on adjacent properties.

(4) Automated Teller Machines (ATM) (Outdoors).

Automated teller machines may be permitted as a conditional use when compliant with the following regulations and any other applicable sections of this ordinance:

- a. All vehicular entrances or exits shall be set back a minimum of two hundred (200) feet from the intersection of any streets under county or state authority.
- b. The ATM shall be subject to the vehicle stacking requirements of [Sec. 1153.06 Vehicle Stacking Requirements](#).
- c. The ATM shall be connected to the principal building either as part of an attached canopy affixed to the principal building or as an integral part of the principal building.

(5) Cisterns and Rain Barrels.

Cisterns and rain barrels may be permitted with standards when compliant with the following regulations and any other applicable sections of this ordinance:

- a. This ordinance shall not apply to cisterns or rain barrels that are underground or not visible from any public right-of-way.

b. For cisterns and rain barrels that are above ground and/or visible from a public right-of-way, such equipment shall be subject to the setback requirements of this ordinance and the applicable zoning district, however, cisterns and rain barrels are exempt from any setback requirements from the principal building as may be established in this section on accessory uses.

(6) Community Gardens.

Community gardens may be permitted with standards when compliant with the following regulations and any other applicable sections of this ordinance:

- a. Community gardens may be allowed as an accessory use when associated with public or institutional principal use (e.g., religious institution or educational facility).
- b. Community gardens may be located in an open space area if the space is maintained by a homeowners' association.
- c. The owner of the property shall have an established set of operating rules addressing the governance structure of the garden; hours of operation; maintenance and security requirements and responsibilities; and distribution of garden plots.
- d. The name and telephone number of the owner and any person designated as the person in-charge of garden coordination along with a copy of the operating rules shall be kept on file with the Office Administrator at Village Hall.
- e. The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent properties.
- f. There shall be no retail sales on site, except for produce grown on the site.
- g. Benches, bike racks, raised/accessible planting beds, picnic tables, seasonal farm stands, garden art, and rain barrel systems may be permitted if the community garden is located on a lot where the principal use of the lot is public, institutional, or commercial.
- h. Fences and walls shall be subject to the provisions of **Sec. 1141.01 Fencing, Walls, Hedges, and Similar Structures.**

(7) Drive-Through Facilities.

Drive-through facilities may be permitted as a conditional use when compliant with the following regulations and any other applicable sections of this ordinance:

- a. The principal building to which the drive-through use is accessory should be located at or near street setback lines. Any building with a drive-through use shall have a prominent pedestrian entrance facing the principal street upon which it has frontage.
- b. Drive-through facilities should be located on a roadway where it is least disruptive to pedestrian and vehicular traffic. If an access drive is located on a local roadway, it should be sited so as to minimize negative impacts on adjacent residential uses.
- c. Drive-through facilities shall be subject to the vehicle stacking requirements of **Sec. 1153.06 Vehicle Stacking Requirements.**
- d. Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall be set back a minimum of three hundred (300) feet from any residential dwelling unit and shall be subject to all applicable noise ordinances. Any proposed loudspeaker system shall be approved as part of the site plan.
- e. No service shall be rendered, deliveries made, or sales conducted within the required front yard; customers served in vehicles shall be parked to the sides and/or rear of the principal structure.

f. All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.

g. A fence or screen between four (4) and six (6) feet in height shall be constructed along any lot line abutting a residential district.

h. **Menu Board Signs**

i) One (1) menu board sign for each stacking lane shall be allowed provided it does not exceed thirty-five (35) square feet in sign area. Any additional attachments such as pictures or photographs of food and other items shall be included within the maximum signage area.

ii) Menu board signage shall not be included in the total calculated allowed signage for a property under **Chapter 1157 Signage Standards**.

iii) No menu board sign shall exceed seven (7) feet in height measured from the grade of the adjacent driving surface to the top of the sign.

iv) All menu board signs shall be externally illuminated.

i. Drive-through uses shall be configured and screened such that glare from the headlights of vehicles waiting in the stacking line is obstructed from shining into a public right-of-way or neighboring residential use.

(8) **Drop-Off Boxes.**

Drop-off boxes may be permitted with standards when compliant with the following regulations and any other applicable sections of this ordinance:

a. The drop-off box shall be screened on a minimum of three (3) sides to a height that fully screens the use unless otherwise required in this zoning ordinance.

b. Screening shall be accomplished by the use of hedges, wall, or decorative fence that provides full opacity screening.

(9) **Farm Markets and Roadside Farm Stands**

Farm markets may be permitted with standards when they are used in conjunction with any lawful agricultural use pursuant and shall be subject to the following standards and any other applicable sections of this ordinance:

a. A farm market shall only be permitted where fifty percent (50%) or more of the gross income received from the farm market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.

b. The farm market shall be located on the same property where the produce is raised.

c. The structure shall not exceed eight hundred (800) square feet.

d. The structure and sign shall be set back a minimum of thirty (30) feet from all side and rear lot lines.

e. The structure, signs, and required off-street parking shall be located and set back in such a manner as to not create a traffic hazard as determined by the Zoning Inspector.

f. Any signage located on the site shall not be illuminated and shall be subject, where applicable, to the standards of **Chapter 1157 Signage Standards**.

(10) **Home Occupations.**

Home occupations may be permitted with standards when compliant with the following regulations and any other applicable sections of this ordinance:

- a. Such use shall be conducted entirely within the dwelling unit and no use of any accessory building or yard space shall be permitted. Accessory buildings shall not be used as space for home occupations.
- b. Home occupations shall not change the character of the residential use and shall not adversely affect the uses permitted in the residential district of which they are a part.
- c. The nature of home occupation as an accessory use relative to its location and conduct of activity is such that the average neighbor, under normal circumstances, would not be aware of its existence.
- d. Such use shall be conducted only by persons residing in the dwelling unit and one additional person who does not reside at the home where the occupation takes place.
- e. There shall be no display or stock in trade or commodities sold except those that are produced on the premises.
- f. The use shall not involve the use of more than one-third (1/3) of the floor area of only one (1) story.
- g. Any signage related to the home occupation shall not exceed one square foot to be mounted at a location approved by Zoning Inspector. At the Zoning Inspectors request, all signage related to home occupation shall be referred to the Planning Commission for approval.
- h. Home occupations which provide a service shall not have more than two (2) customers (including those arriving and waiting for service) at any one time.
- i. The storage of all equipment, machinery, supplies, materials, files, and the like, shall be stored completely within the residence (excluding the garage or accessory buildings).

(11) Keeping of Bees.

The keeping of bees in residential areas is permitted under the following conditions:

- a. **Purpose.** The regulations of this section are established to permit the keeping of bees in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.
- b. In order to have beekeeping privileges within the Village, all beekeepers are required to maintain and register their hives as set forth in Chapter 909 "Apiaries" of the Ohio Revised Code.
- c. All beekeepers are required to register with the Village of Clinton setting forth the location of their hives and number of colonies of bees.
- d. Any lot used for beekeeping must have a minimum size of 10,000 square feet. There shall be no more than two (2) hives established on any lot used for beekeeping, except two (2) additional temporary hives are allowed for hive separation or new swarm establishment purposes. Such temporary hives shall be removed from the property within two (2) weeks.
- e. Hives shall be placed in the rear yard of the property and in no case shall the hives be closer than thirty (30) feet from a public or private street, sidewalk or roadway. In no case shall the hives be closer than twenty-five (25) feet to an abutting property line.
- f. The front or entrance of a beehive shall not directly face residences or adjoining property owners.
- g. A fresh water source shall be maintained within ten (10) feet of each hive a supply of water with a backflow prevention device which shall be equipped with a float valve or similar device which assures an adequate accessible and usable supply of water for the bees.

h. The owner of the hive(s) must be a resident in a dwelling located on the same lot on which the hive(s) are registered. Hives are only permitted on lots with single family residential units located on them.

i. The maintenance of each colony shall meet the following conditions:

- i. Colonies shall be maintained in readily movable frame hives.
- ii. Each hive must conspicuously display the Apiary Identification Number assigned pursuant to Chapter 909 of the Ohio Revised Code on no less than the base and the box. The identification number shall be on a side that is visible without moving or lifting of said hive.
- iii. Adequate space shall be maintained in the hive to prevent overcrowding and swarming.
- iv. Colonies shall be re-queened following any swarming or aggressive behavior or seized and destroyed without remuneration.

j. A certificate or permit providing the privilege to keep bees within the Village of Clinton shall be provided by the Village of Clinton to a beekeeper once it is established that the necessary requirements outlined in this ordinance are satisfied.

k. Beekeeping privileges may be revoked from any property by written notification to the property owner by the Village of Clinton. Revocation must be done with cause, however, the cause need not to be the fault of the beekeeper, nor be a factor that is under the control of the beekeeper. The Village may revoke beekeeping privileges for any condition or combination of circumstances that jeopardizes, endangers or otherwise constitutes an actual, potential or perceived menace to public health or safety. Once beekeeping privileges have been revoked on a particular property, such privilege may be reestablished only upon written request. Additionally, a permit or certificate may be revoked by the Village due to a failure to satisfy any of the requirements of this ordinance.

A perceived menace to public health may also include, but is not limited to:

- i. Written documentation over a medical doctor's signature certifying that the medical condition caused by beestings to a resident of an abutting property would constitute a higher than normal health hazard will constitute sufficient cause to withdraw beekeeping privileges from any specific property.
- ii. Abnormally aggressive behavior by bees defending their hive beyond the property lines may constitute sufficient cause to withdraw beekeeping privileges from any specific property.

l. The Village may revoke a beekeeper's privilege to maintain hives within the Village by revoking the beekeeper's permit or certificate if in violation of this section. If such revocation occurs, the permit holder shall have the right to appeal such decision to the BZA to determine whether cause exists for revoking the beekeeping privileges, which appeal shall be filed within thirty (30) days of such revocation.

m. Variances. The Board of Zoning Appeals may vary the regulations of this section as they apply to a particular property if it determines that such variance will be consistent with the stated purpose of this Section.

(12) Keeping of Chickens.

The keeping of chickens may be permitted with standards when compliant with the following regulations and any other applicable sections of this ordinance:

a. The number of chickens per household shall be limited to the following:

- Under 1/4 acre – 0 chickens
- 1/4 acre to 1 acre – 3 chicken

- 1 acre to 3 acre – 20 chickens
 - 3 acre or more – up to a reasonable amount of chickens given the totality of the circumstances.
- b. The keeping of roosters is prohibited in all lots less than five (5) acres
- c. The keeping of chickens shall only be for the personal use of the property owner or lessee thereof and their respective family, without the payment of any fee.
- d. The chicken coop shall be considered an accessory structure and the chicken coop and all associated structures (i.e. enclosure, hutch, pen, and run) shall be located in the rear yard. All coops and associated structures related with the keeping of chickens on lots shall be setback a minimum of fifty (50) feet from side and rear property lines. No coop and associated structures shall exceed the height of the principle building.
- e. All coops and associated structures shall be screened from neighboring properties and the road rights of way by either landscaping or fencing that conforms to [Section 1141.01 Fencing, Walls, Hedges, and Similar Structures](#).
- f. The chickens shall be properly housed in structures that are maintained in safe and sanitary conditions.
- g. The chicken run shall be graveled or shall be moved to different locations on the property periodically not less than once per month.
- h. Chicken manure and other refuse shall be removed from the coop and associated structures and shall be properly and lawfully disposed or composted no less than once per week.
- i. A nuisance shall be defined as loud and frequent or habitual sounds or noxious odors from livestock that causes serious annoyance or disturbance to other persons.
- j. All coops and associated structures shall be maintained in an orderly fashion. In no instance shall the keeping of chickens be allowed to become a nuisance or present a health concern.
- k. If the keeping of chickens and the associated structures or activities are deemed to be a nuisance the responsible party shall be subject to [Chapter 1165 Enforcement and Penalties](#) of the Zoning Ordinance.

(13) Keeping of Domestic Animals (excluding chickens).

The keeping of domestic animals, with the exception of goats, may be permitted with standards when compliant with the following regulations and any other applicable sections of this ordinance:

- a. Domestic animals shall not be harbored on any lands in the R-3 and B-1 Districts.
- b. Domestic animals shall not be kept on any lot with an area less than two (2) acre.
- c. There shall be a maximum of two (2) domestic animals permitted on any lot with two (2) acres of lot area. One (1) additional domestic animal may be permitted for each additional one-half (1/2) acre of land over two (2) acres.
- d. There shall be a maximum of two goats permitted on any lot with one (1) acre of lot area. One (1) additional goat may be permitted for each additional one-half (1/2) acre of land over the one (1) acre.
- e. The keeping of domestic animals shall only be for the personal use and enjoyment of the property owner or lessee thereof and their respective family, without the payment of any fee.

- f. Riding academies and the keeping, training, and otherwise harboring of domestic animals for a fee, shall be permitted in business zoning districts only.
- g. The animals shall be properly housed in structures that are maintained in sanitary conditions.
- h. The keeping of exotic animals is prohibited.
- i. At a minimum, all permitted animals shall be confined within the building setback lines of the premises. Fences and other similar structures shall conform to [Sec. 1141.01 Fencing, Walls, Hedges, and Similar Structures](#).
- j. Keeping of pigs, hogs, or mink, whether harbored for agricultural or any other purpose, is prohibited except when the building, yards, and all other confinements for said animals are set back a minimum of three hundred (300) feet from any building used for human habitation or occupancy, other than the residence of the owner, manager, or caretaker of these animals, and at least one hundred (100) feet from all lot lines, reservoirs, public ways, streets, or roads. Keeping of horses, fowl, and other animals, except pigs, hogs, and mink, whether harbored for agricultural or any other purpose, is permitted only when the building, yards, and all other confinements for said animals are set back a minimum of one hundred (100) feet from any building used for human habitation or occupancy, other than the residence of the owner, manager, or caretaker of these animals.
- k. A nuisance shall be defined as loud and frequent or habitual sounds from livestock that cause a serious annoyance or disturbance to other persons.
- l. In no instance shall the keeping of any animal be allowed to become a nuisance or present a health concern.
- m. All buildings and structures, except fencing, associated with an agricultural use on lots larger than one (1) acre in area but smaller than five (5) acres shall be set back a minimum of one hundred (100) feet from any residential dwelling unit and fifty (50) feet from all lot lines. No building shall exceed the height of the principal building.

(14) Outdoor Dining.

Outdoor cafes and food service areas may be permitted as a conditional use when compliant with the following regulations and any other applicable sections of this ordinance:

- a. Outdoor dining areas shall be located along a sidewalk adjacent to the principal building or between the principal building and parking areas. Outdoor cafes and food service areas shall not be located in such a manner as to require customers and employees to cross driveways or parking areas to go between the café/food service areas and the principal building.
- b. Umbrellas and awnings that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions. No signage shall be permitted on the umbrellas.
- c. Enclosing outdoor dining areas either by a permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district and shall require the issuance of a new zoning certificate.
- d. Any roof designed to cover patrons, including roofs over areas for waiting, smoking, etc., shall be structurally attached to the principal building and permanent in nature.

(15) Porches or Decks.

Porches and decks may be permitted with standards when compliant with the following regulations and any other applicable sections of this ordinance:

- a. Porches or decks that are enclosed (with screening or other materials), have a roof, that are physically attached to the principal structure, or that extend more than three (3) feet above the

average grade shall meet the setback requirements for principal buildings in the applicable zoning district. [See Sec. 1121.04 \(b\) Site Development Standards.](#)

b. All other porches may extend into required setbacks in accordance with [Sec. 1121.04 \(a\)\(3\)a. Setback Measurement and Permitted Projections.](#)

(16) Satellite Dishes.

Satellite dishes may be permitted with standards when compliant with the following regulations and any other applicable sections of this ordinance:

a. Satellite dishes of one (1) meter in diameter or less shall be exempt from the provisions of this section and shall not require a zoning certificate. To the maximum extent possible, the dish should be located in the side or rear yard.

b. Portable satellite dishes are prohibited in the village.

c. Any satellite dish that is larger than one (1) meter in diameter shall be subject to the following standards:

i) The dish shall only be permitted in the rear yard and shall be set back fifteen (15) feet from the principal dwelling and ten (10) feet from all lot lines.

ii) The maximum diameter of any dish shall be ten (10) feet in a residential zoning district and twelve (12) feet in all other zoning districts.

iii) The dish shall not exceed fifteen (15) feet in height as measured from the natural grade level.

iv) Fencing or landscaping shall be installed around the dish or the subject property so as to fully screen the dish from view from adjacent properties or street rights-of-way.

(17) Short-Term Rentals

The following shall apply to Short-Term Rentals:

(1) The principal building shall have been originally designed as a single-family dwelling.

(2) One (1) off-street parking space shall be provided for each (2) bedroom/sleeping area used for guest lodging.

(3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the short-term rental that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling unit.

a. A short term rental shall be subject to the same general sign standards as all other signs in residential districts as established in [Chapter 1157 Signage Standards.](#)

(4) Guests shall be permitted to reside at the facility for not longer than two continuous weeks.

(5) The owner of any property used as a short-term rental shall comply with all other provisions of the Clinton Codified Ordinances as they relate to short-term rentals.

(18) Small Wind Energy Conservation Systems.

Small wind energy conservation systems may be permitted as a conditional use when compliant with the following regulations and any other applicable sections of this ordinance:

a. Systems that are five (5) megawatts or larger in capacity are regulated by the Ohio Public Utilities Commission.

b. Horizontal Axis Wind Turbines (HAWT), Vertical Axis Wind Turbines (VAWT), and Blade Tip Power System Turbines (BTPS) are permitted as part of these regulations.



Figure 1137.01-A: Illustrative examples of the types of wind turbines, from left to right, (A) Horizontal Axis (HAWT), (B) Vertical Axis (VAWT), and (C) Blade Tip Power System (BTPS).

- c. Small wind energy conversion systems shall not exceed fifty-five (55) dbA, measured five (5) feet above ground level at the closest lot line. The sound level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms with sustained winds of fifty-eight (58) miles per hour or fifty (50) knots.
- d. All small wind energy conversion systems shall be equipped with manual (electronic or mechanical) and automatic over-speed controls to limit the blade rotation speed to within the design limits of the small wind energy conversion system.
- e. No small wind energy conversion system shall be installed until evidence has been given that the electrical utility company has been informed of, and approved the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- f. Tower colors shall be white, off-white, gray, or neutral subdued tones, such as earth tones of green or brown. Towers shall not be finished in bright or vivid colors, nor shall the tower be used for advertising of any kind.
- g. Small wind energy conversion systems shall not be artificially lighted, except as required by the FAA.
- h. Small wind energy conversion systems shall not be climbable up to fifteen (15) feet above the ground surface.
- i. The applicant or owner shall be responsible for acquiring all necessary approvals from other applicable agencies, including but not limited to the FAA.
- j. Any small wind energy conversion system that is not operated on a functional basis for a period of six consecutive months shall be deemed abandoned. The Zoning Inspector may order the repair or removal of said small wind energy conversion system, in accordance with these provisions. The applicant, owner, or other person responsible for the facility shall repair or remove the same within sixty (60) days of receipt of notification by certified mail. If said facility is not either operational or removed after sixty (60) days, the village may remove the system at the owner's expense.
- k. The following standards apply to all HAWT and VAWT systems:
 - i) The installation of a HAWT or VAWT system shall require approval as a conditional use.
 - ii) Only one HAWT or VAWT system shall be permitted on a lot with a minimum area of one hundred (100) acres.
 - iii) The maximum tower height shall be one hundred fifty (150) feet.

- iv) No portion of a turbine, including the rotor blades, shall be located within twenty (20) feet of the ground except that the generator for a VAWT may be located on the ground at the base of the system.
- v) No portion of a turbine may extend over parking areas, driveways, or sidewalks.
- vi) The maximum rotor diameter shall be forty-three (43) feet for HAWTs.
- vii) The maximum rotor blade length for VAWTs shall be twenty (20) feet less than the height of the tower in order to provide for twenty (20) feet of turbine clearance.
- viii) All portions of the small wind energy system shall be set back a minimum of one hundred fifty (150) feet from all lot lines. Guy wire anchors and ground-mounted conversion equipment shall be set back a minimum of fifty (50) feet from all lot lines.
- l. The following standards apply to all BTPS systems:
 - i) The installation of a BTPS system shall require approval as a conditional use.
 - ii) The minimum lot area shall be one acre.
 - iii) Any post or pole that the BTPS system is attached to must be affixed to the principal building.
 - iv) The tip of the rotor blades shall not extend more than ten (10) feet above the highest point of existing roofline.
 - v) No portion of a turbine, including the rotor blades, shall be located within twenty (20) feet of the ground if ground-mounted. There are no clearance requirements for roof-mounted systems.
 - vi) No portion of a turbine may extend over parking areas, driveways, or sidewalks.
 - vii) The maximum rotor diameter shall be six (6) feet.
 - viii) All portions of a ground-mounted BTPS system shall be set back a minimum of fifty (50) feet from all lot lines.

(19) Solar Panels.

Solar panels may be permitted with standards or as a conditional use, depending on the applicable district, when compliant with the following regulations and any other applicable sections of this ordinance:

- a. Freestanding solar panels shall require approval as a conditional use and shall be limited to a maximum height of ten (10) feet. Such freestanding solar panels shall be located in the rear yard where they shall be set back a minimum of fifty (50) feet and shall not exceed fifty (50) square feet in size.
- b. Roof-mounted solar panels on the front side of a roof facing a street shall be flush-mounted to the roof.
- c. Roof-mounted solar panels that do not face a street may be mounted flush or at an angle to the roof but shall not exceed thirty-six (36) inches in height from the roof plane as measured from the roof plane to the furthest point of the solar panel.

(20) Swimming Pools.

Public or private swimming pools may be permitted with standards when compliant with the following regulations and any other applicable sections of this ordinance:

- a. Any public or private in-ground or above ground swimming pool, wading pool, or other pool containing over one and one-half (1.5) feet of water depth shall be considered an accessory structure subject to these regulations.
- b. For private swimming pools in any residential district, the pool shall be set back a minimum of twenty (20) feet from all lot lines and the principal dwelling.

- c. Every pool subject to these provisions shall be completely surrounded by a fence or wall with a minimum height of four (4) feet. Such fence shall be constructed so as to have no openings, holes, or gaps larger than four inches in any dimension, except for doors or gates, which shall be equipped with suitable locking devices to prevent unauthorized intrusion. An accessory building may be used in or as part of the enclosure.
- d. Above-ground pools with vertical surfaces of at least four (4) feet in height shall not be required to have fences and gates except in areas where access may be gained to the pool.
- e. The only pools that are permitted as accessory uses in a business zoning district or shall be those that are accessory to an existing residential dwelling or accessory to a permitted hotel or motel. Any other pools shall be located inside the principal dwelling.
- f. The construction, plumbing, and electrical requirements, inspection, and other safety facilities shall be regulated by the county codes.
- g. For the purpose of these regulations, ponds that are used primarily for agricultural or domestic water supply, decoration, wildlife preservation or fishing shall not be considered as structures or swimming pools.

(21) Unenclosed Patios.

All unenclosed patios shall meet the required setbacks of the applicable district unless otherwise permitted in [Sec. 1121.04 \(a\)\(3\) Setback and Yard Measurements](#).

1137.02 TEMPORARY USES AND STRUCTURES.

(a) Purpose.

This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses and structures do not negatively affect adjacent properties, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure.

(b) Permitted Temporary Uses and Structures.

(1) [Table 1137.02-1](#) summarizes permitted temporary uses and structures and any general or specific standards that apply. Temporary uses or structures not listed in the table are prohibited in the village.

TABLE 1137.02 -1: TEMPORARY USES AND STRUCTURES		
TEMPORARY USES AND STRUCTURES	CERTIFICATE REQUIRED	ADDITIONAL REQUIREMENTS
Construction Trailers	No	1137.02 (d)(1)
Garage and Estate (Third-Party) Sales	No	1137.02 (d)(2)
Outdoor Storage and Display	Yes	1137.02 (d)(3)
Portable Storage Units, Construction Dumpsters, and Portable Toilet Facilities for Construction Purposes	No	1137.02 (d)(4)
Sidewalk Sales	No	1137.02 (d)(5)
Temporary Special Events	Yes	1137.02 (d)(6)
Temporary Structures for Public or Institutional Uses	Yes	1137.02 (d)(7)

(2) Temporary uses and structures that require a certificate shall be required to obtain a zoning certificate.

(c) General Standards Applicable to All Temporary Uses and Structures.

(1) All temporary uses and structures shall be reviewed in accordance with this section and all other applicable sections of this zoning ordinance.

(2) All temporary uses and structures shall:

- a. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- b. Be compatible with the principal uses taking place on the site;
- c. Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
- d. Not include permanent alterations to the site;
- e. Not maintain temporary signs associated with the use or structure after the activity ends;
- f. Not violate the applicable conditions of approval that apply to a site or use on the site;
- g. Not interfere with the normal operations of any permanent use located on the property; and
- h. Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement.

(3) Temporary tents and seasonal covers are prohibited with the exception that a temporary tent may be permitted as part of a special event.

(d) Use-Specific Standards.

(1) Construction Trailers.

- a. Construction trailers shall be located on the same site or in the same development as the related construction.
- b. Construction trailers shall be used in conjunction with development subject to a valid building and zoning certificate.
- c. Construction trailers shall be removed from the site upon issuance of a certificate of occupancy.
- d. Construction trailers shall also be removed from the site if construction is abandoned or halted for six (6) or more consecutive months.

(2) Garage and Estate (Third-Party) Sales.

- a. Garage sales are permitted at any residential dwelling unit in any zoning district.
- b. Even though a garage or an estate (third-party) sale does not require a zoning certificate, or fee, the property owner where the sale shall take place shall be required to provide written notification of the sale at least fourteen (14) days before the sale to the Office Administrator at Village Hall so that the village can review the application for the purposes of protecting the safety of the general public through adequate access and traffic control.
- c. Garage and estate sales are permitted two times per calendar year for up to seven (7) consecutive days each sale.

(3) Outdoor Storage and Display.

- a. A site plan illustrating the location, size, and other pertinent information related to the outdoor storage and display area shall be submitted as part of a site plan review and zoning certificate application.
- b. The site plan shall define the area which will occupy the area to be used for temporary sales and shall be designed to provide adequate passage for pedestrians, the handicapped, bicycles, onlookers, and passersby and there will be no blocking of ingress and egress, passageways, fire lanes, driveways, or parking spaces.
- c. There shall be no bulk storage permitted except in packaged form.

- d. Materials shall not be stacked in piles or stacks in excess of ten (10) feet in height.
- e. The total area shall not be greater than fifteen percent (15%) of the principal building floor area and building setbacks shall be maintained.
- f. The site is to remain free of litter and debris and shall be restored to its original condition upon expiration of the permit.
- g. The temporary permit is limited to a total of one hundred eighty (180) days.
- h. Any violation of the temporary zoning certificate shall be deemed a zoning violation and shall immediately cease and desist, subject to applicable penalties. See [Chapter 1165 Enforcement and Penalties](#).

(4) Portable Storage Units, Construction Dumpsters, and Portable Toilet Facilities for Construction Purposes.

- a. Portable storage units shall only be permitted for the following situations:
 - i) For storage at a nonresidential construction site for a period not to exceed ninety (90) consecutive days;
 - ii) When necessary to facilitate clean up and/or restoration activities resulting from a fire or natural disaster to a building or structure for a period not to exceed one hundred eighty (180) consecutive days;
 - iii) When the occupant of the property is relocating for a period not to exceed thirty (30) consecutive days; or
 - iv) For storage on any lot in a business district for a period not to exceed thirty (30) consecutive days up to two (2) times per calendar year.
- b. Up to one construction dumpster and one portable toilet facility shall be permitted during the construction of any lawful structure in any zoning district, provided the dumpster and portable toilet facility are removed upon completion of the improvements.
- c. In residential districts, any construction dumpster or portable toilet facility shall be set back a minimum of fifty (50) feet from all adjacent lot lines.
- d. Only one portable storage unit shall be permitted on a single lot at any one (1) time.
- e. Any portable storage unit, construction dumpster, or portable toilet facility unit must include a placard not to exceed one square foot in area which is clearly visible and which includes the container identification number (where applicable), the business that owns and is responsible for the unit, dumpster, or facility, and a phone number of such business.
- f. The size of a portable storage unit in a business or residential district shall not exceed 1,024 cubic feet, measured by the exterior length, width, and height multiplied together.
- g. Portable storage units, construction dumpsters, and portable toilet facilities, shall not be placed in the public road right-of-way and shall not block sidewalks, fire lanes, or bike paths.
- h. Storage of hazardous materials as defined under applicable state, local, and federal laws and regulations are prohibited.
- i. Portable storage units, construction dumpsters, and portable toilet facilities must be placed and kept on a hard surface at all times.
- j. No part or former part of a semi-trailer or trailer shall be utilized as a portable storage unit or permanent accessory structure in any zoning district. A trailer or semi-trailer with all wheels and tires and valid license may be utilized as a portable storage unit, but shall conform to all requirements for portable storage units.
- k. Portable storage units, construction dumpsters, and portable toilet facilities shall be located in the side or rear yard to the maximum extent possible.

l. Portable storage units, construction dumpsters, and portable toilet facilities shall not be connected to any utility.

(5) Sidewalk Sales.

a. Sidewalk sales are permitted for seven (7) consecutive days in all business districts.

b. Up to two (2) sidewalk sales are permitted for each business within a single calendar year. Such sales shall not be within two months of another sidewalk sale for the same business or property.

(6) Temporary Special Events.

a. A temporary zoning certificate for temporary special events such as festivals, circuses, concerts, tents, and similar uses shall be valid for no more than ten consecutive days provided the applicant receives other applicable permits from the Summit County Building Department, the Franklin Township Police Department, and the Village of Clinton Fire Department.

b. Temporary tents for outdoor sales may be permitted for a fourteen (14) day period two (2) times in one (1) calendar year. The use of a temporary tent shall require review by the Zoning Inspector and the Village of Clinton Fire Department as part of the zoning certificate review. Temporary tents may also require a building permit from Summit County.

c. Outdoor weddings and similar private events are exempt from this standard but organizers of such events are encouraged to notify the Zoning Inspector to determine if special accommodations should be made to address traffic and circulation. These private events are subject to all applicable noise ordinances.

(7) Temporary Structures for Public or Institutional Uses.

Temporary structures serving educational institutions shall comply with the following standards:

a. Location.

i) The use shall be located to the side or rear of the principal structure(s) and at least five (5) feet from any other structure.

ii) The use shall not be permitted within required off-street parking, required open space areas, or required landscaping areas.

b. Standards.

i) Under skirting or other materials shall be used to prevent unauthorized access underneath the structure.

ii) Parking shall be provided for the temporary structure in conformance with **Chapter 1153: Parking, Loading, and Circulation Standards.**

c. Approval and Duration.

i) This use is permitted if approved by the Zoning Inspector, and may remain on the site for no more than two years. This period may be renewed for two (2) additional uses, for good cause shown, upon approval of a written request, submitted to the Zoning Inspector at least thirty (30) days prior to the expiration of the zoning certificate. In no event, however, shall such extensions allow the temporary structure to remain on the site for more than five (5) years.

CHAPTER 1141

General Development Standards.

Section:

1141.01 Fencing, Walls, Hedges, and Similar Structures.

1141.02 Steep Slope Regulations.

1141.03 Exterior Lighting.

1141.04 Mailboxes and Driveway Entry Structures.

1141.01 FENCING, WALLS, HEDGES, AND SIMILAR STRUCTURES.

(a) Applicability.

Fences, walls, retaining walls, hedges, and other similar structures may be permitted in all zoning districts in accordance with this chapter.

(b) Zoning Certificate Required.

The construction of fences, walls, and similar permanent structures shall require the issuance of a zoning certificate. The planting of hedges shall not require a zoning certificate but shall be done in a manner that will comply with the location and height requirements of this chapter.

(c) Decorative Fencing Exemption.

Small portions of fences, such as decorative fencing used for landscaping, that are not longer than twenty (20) feet in length but which comply with the height, yard, and maintenance requirements set forth in this subsection, shall not require a zoning certificate.

(d) Snow Fences.

A snow fence or fence of similar type may be erected in any yard during the period from the first of November to the first of April for the sole purpose of preventing the drifting of snow on highways, driveways and sidewalks. Such fence shall not otherwise be used at any time as a temporary or permanent fence or enclosure. A zoning certificate shall not be required for a snow fence.

(e) Retaining Walls.

(1) An embankment to be retained on any lot that exceeds forty-eight (48) inches high shall be benched so that no individual retaining wall exceeds a height of six feet except where the Planning Commission determines that topography requires a wall of greater height, and each bench is a minimum width of thirty-six (36) inches. See Figure 1141.01-A.



Figure 1141.01-A: Retaining walls shall be benched, or terraced, so that no individual wall exceeds a height of six (6) feet.

(2) Retaining walls over forty-eight (48) inches, measured from the top of the footing to the top of the wall, are required to be designed and certified by a registered professional engineer licensed in Ohio. A copy of the signed construction drawing should be submitted with a zoning certificate application.

(3) Retaining walls shall be constructed as a decorative landscape element with vegetated plantings that soften edges and create visual interest.

(4) Retaining walls shall not be designed or constructed to obstruct the natural flow of water unless approved by any applicable agency having jurisdiction (e.g., Summit County Soil and Water Conservation District, Village Engineer, etc.).

(5) A retaining wall shall not be constructed to a height that exceeds one (1) foot above the highest finished grade.

(6) In reviewing an application for a retaining wall, the Zoning Inspector may forward the application to the Village Engineer for review and comment.

(f) Location and Height Standards.

(1) Front Yards.

a. Fencing and hedges in the front yard setback area shall not exceed four (4) feet in height.

b. Hedges of any height may be planted in the front yard if they are set back a distance equal to the minimum required front yard setback as established in **Sec. 1121.04(b) Site Development Standards**.

c. Solid masonry walls are permitted in the front yard provided the wall does not exceed a height of two (2) feet above the finished grade and are constructed of materials that are decorative in nature and not cement block.

d. Fencing of woven wire chain link, wire stock fences, or other wire fences are prohibited within twenty (20) feet of the street right-of-way.

e. Barbed wire fencing is prohibited in the front yard.

f. Fences in the front yard shall have uniform openings aggregating at least fifty percent (50%) of their surface area when viewed from a perpendicular direction.

g. All fencing, walls, hedges, and similar structures shall be subject to the sight clearance regulations of **Sec. 1121.04 (b)(5) Visibility at Intersections**.

(2) Side and Rear Yards.

- a. Fences and walls located in the side or rear yards shall not exceed a height of six (6) feet.
- b. Informal plantings, trees, and hedges may be taller than six feet but shall be maintained and trimmed so as not to constitute a nuisance to adjoining property owners.

(g) Measurement.

- (1) The maximum fence or wall height shall be measured from the lowest point of the finished grade within three (3) feet on either side of the fence to the top most portion of the fence. See Figure 1141.01-B.

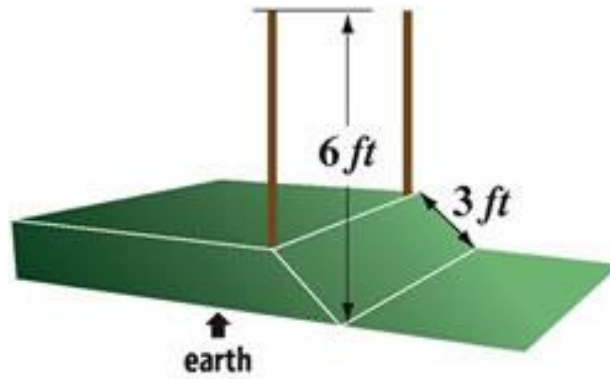


Figure 1141.01-B: Fencing shall be measured from the lowest point within three feet on either side of the fence.

- (2) Fencing or walls should follow the natural contour of the land on which it is located. See Figure 1141.01-C.

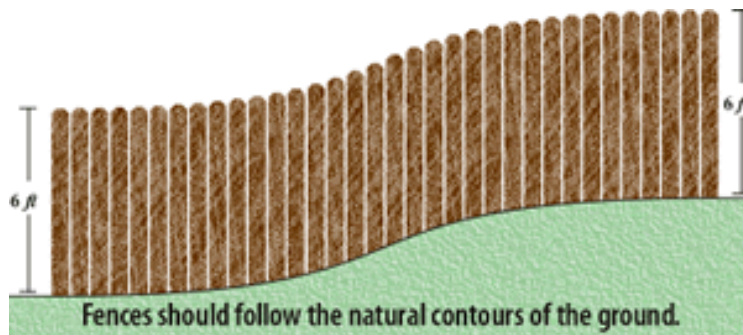


Figure 1141.01-C: This illustrates how fencing is measured along a natural contour.

- (3) A fence may be erected on top of a wall or retaining wall but the combined height of the fence and wall or retaining wall, shall not exceed the heights specified within this section for a fence, wall, or a retaining wall.

(h) Construction, Maintenance and Repair.

- (1) No fence, wall, or hedge shall be constructed and maintained so as to be hazardous to existing or future neighboring uses.
- (2) The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the lot or yard being fenced.
- (3) When erected near a property or lot line, the entire fence and any of its supporting structures or appurtenances shall be contained within the lot or property of the person erecting or having erected said fence.

- (4) All fences, walls and hedges shall be maintained in a neat and orderly manner.

1141.02 STEEP SLOPE REGULATIONS.

(a) Purpose.

The purpose of steep slope regulations is to control disturbances of steep slope soils, to protect natural areas and features, and to locate development areas that do not have severe environmental limitations. This section intends to regulate disturbances on steep slopes in order to protect life and property from hazards due to slope, erodible soils, unstable soils, earth movement, and other geologic and hydrologic hazards. Furthermore, it is the intent of these standards to:

- (1) Protect the steep slopes of the Village of Clinton because development on steep slopes increases runoff, erosion, sedimentation, and the potential for slope destabilization;
- (2) Undertake development in a manner that protects life and property from hazards due to slope, unstable and erodible soils, earth movement, and other geologic and hydrologic hazards;
- (3) Reduce potential for increased erosion, sedimentation, and surface runoff, and the resulting adverse impacts on water quality;
- (4) Preserve the visual quality of steep slope areas, which are valuable natural and economic resources; and
- (5) Encourage innovative and imaginative building techniques to create structures and site plans that are suited to sloped terrain.

(b) Determination of Steep Slopes.

- (1) This determination and the regulations of this section refer to existing (pre-development) site conditions that exist prior to any grading, cutting, filling, or other similar earthwork.
- (2) Slopes shall be determined by dividing the vertical rise in elevation by the horizontal run of the same slope and converting the result into a percentage value.
- (3) For the purposes of this section, steep slopes shall be categorized as follows:
 - a. A “steep slope area” shall be any area where there exists a slope of eighteen percent (18%) or steeper over any fifty (50) feet of horizontal distance.
 - b. A “severe slope area” shall be any area where there exists a slope of thirty percent (30%) or steeper over any fifty (50) feet of horizontal distance.
- (4) The Zoning Inspector shall have the authority to make determinations about the severity of a slope based on data available from Summit County, the United States Geological Survey, or surveys prepared by a registered surveyor.

(c) Standards for Development of Steep Slope Areas.

- (1) There shall be a minimum setback of fifty (50) feet from the edge of any steep slope area.
- (2) There shall be no disturbance of any severe slope areas (thirty percent (30%) or steeper). There shall be a minimum setback of one hundred (100) feet from the edge of any severe slope area for all structures and buildings.

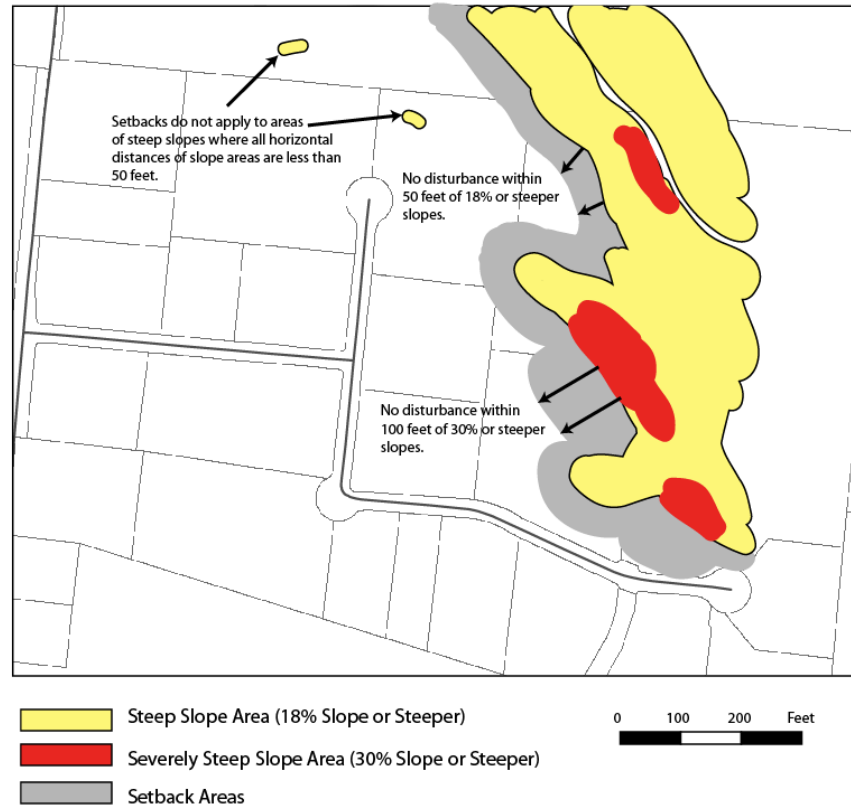


Figure 1141.02-A: Illustrative example of steep slope setbacks

(3) All subdivisions shall demonstrate sensitivity to natural systems and ecological features of the site, including steep slopes. To the greatest extent possible, new roadways shall follow natural contours and care should be taken to include areas of highest environmental significance as part of the non-building areas of each lot and/or subdivision.

(4) Finished grades in disturbed areas shall not exceed a three to one slope and construction of retaining walls shall be avoided. Retaining walls may only be used when the applicant demonstrates that such walls are absolutely necessary. Retaining walls shall be subject to the provisions of [Sec. 1141.01 Fencing, Walls, Hedges, and Similar Structures](#).

(5) Evidence that adequate measures will be taken to prevent erosion and sedimentation during and after construction shall be provided by the applicant.

(d) Review of Development on Steep Slopes.

(1) Existing natural topography may not undergo earthwork or any type of cutting and filling to alter topographical site conditions prior to granting formal zoning approval.

(2) Any application that meets the minimum setbacks established above shall be subject to the applicable zoning certificate, or site plan review procedure.

(3) Where an application proposes to disturb land within the established setbacks or construct buildings or structures on a steep slope area or severe slope area, such application shall be subject to a conditional use review pursuant to [Sec. 1113.06 Conditional Use](#).

(4) The applicant shall submit proposed site plans to the Summit Soil and Water Conservation District for their review. As a condition for disturbing steep slopes, evidence shall be provided

that the site and any construction to be done thereon have been reviewed by the Summit Soil and Water Conservation District.

1141.03 EXTERIOR LIGHTING.

(a) Purpose.

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

(b) Applicability.

(1) All outdoor lighting fixtures shall be subject to review as part of this chapter unless specifically exempted.

(2) Lighting Plan Required.

a. A photometric plan showing the following shall be submitted as part of a zoning certificate or for a conditional use application:

i) The proposed intensity levels of the lighting throughout the site indicating foot-candle measurements;

ii) The lighting levels for the proposed site and an area extending a minimum of thirty (30) feet onto adjacent properties;

iii) The locations of each of the proposed lighting fixtures (wall mounted and pole);

iv) The minimum, maximum, and average intensity/illumination for the site;

v) Details of all proposed outdoor lighting fixtures indicating manufacturer, model, and style of the fixture. A graphic representation of the fixture is required. The fixture lamp type (i.e. low-pressure sodium, metal halide, etc.) shall be indicated on the proposed plans;

vi) The proposed height of the lighting fixtures;

vii) The hours of use of the lighting fixtures; and

viii) Any additional submittal requirements as may be determined by the Zoning Inspector.

b. A lighting plan shall not be required for single-family or two-family dwellings.

(3) Exemptions.

a. All exterior lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps are exempt from the requirements of this section.

b. Holiday lighting shall be exempt from the requirements of this section.

c. All temporary emergency lighting needed by the police, fire department, other emergency service vehicles, and public service vehicles, as well as all vehicular luminaries, shall be exempt from the requirements of this section including flashing or blinking lights.

d. Street lights shall be exempt from the provisions of this section.

(4) Prohibited Lights.

a. Search lights, beacons, laser source lights, or any similar high-intensity or flashing lights are prohibited, except in emergencies by police and/or fire department personnel.

b. No open lights, such as strings of light bulbs, shall be permitted. This prohibition shall not include holiday lighting.

(c) General Provisions Applicable to All Districts and Development.

(1) Exterior lighting shall be installed in a manner to deflect from adjacent residential developments.

(2) All exterior lighting for residential and nonresidential uses shall be located, screened, or shielded so adjacent lots located in residential districts or recorded subdivisions are not directly illuminated. Shielding may also be required for high intensity light fixtures to prevent glare to adjacent uses, public right-of-ways, and drives. Perimeter lighting, when adjoining residential districts or recorded subdivisions, shall be by shielded fixtures to prevent light trespass onto adjacent properties.

(3) No exterior lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers, pedestrians, or adjacent properties. Shields and/or filters are required for light fixtures with high intensity and glare potential.

(d) Lighting for Residential Uses.

(1) Lighting for single-family dwellings shall be exempt from most provisions of this chapter with the exception of the following:

a. The prohibited lights established in [Sec. 1141.03 \(b\)\(4\) Prohibited Lights](#), shall apply to lighting for residential uses.

b. Residential lighting for single-family dwellings shall be subject to the general provisions of [Sec. 1141.03 \(c\) General Provisions Applicable to All Districts and Development](#).

c. For light fixtures that are not attached to the house or to an accessory building, there shall be a maximum height of twelve (12) feet from the finished grade adjacent to the base of the light fixture to the top most point of the fixture. The light bulb shall not produce more than 1,600 lumens.

(2) Lighting for nonresidential uses in the CD, R-1, R-2, or R-3 districts shall be subject to the requirements of this chapter unless expressly exempted.

(e) Exterior Lighting Requirements.

(1) Type of Fixtures.

a. All light fixtures shall be full cut-off type fixtures except for decorative light fixtures. See [Figure 1141.03-A](#).

b. cutoff lighting may only be used for decorative purposes when located adjacent to the building. See [Figure 1141.03-A](#).

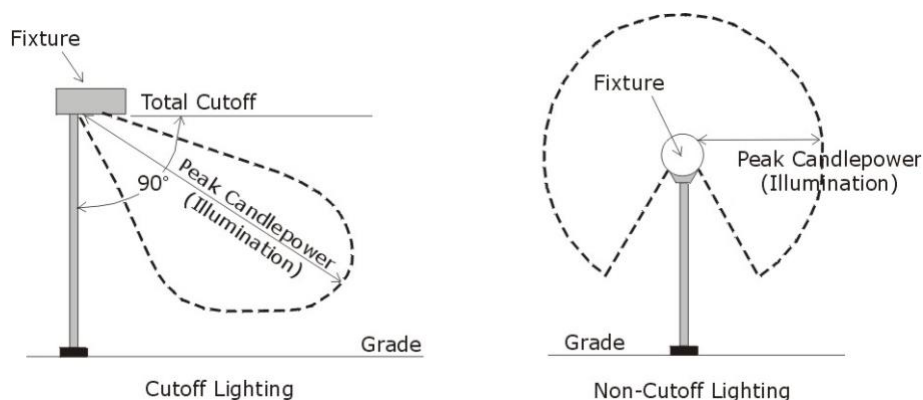


Figure 1141.03-A: Illustration of cutoff lighting versus non-cutoff lighting

(2) Height of Fixtures.

a. In all districts, the maximum height of any non-cutoff light fixture shall be twelve (12) feet.

b. All cut-off exterior lighting shall be designed, located, and mounted at heights pursuant to Table 1141.03-1.

TABLE 1141.03-1: MAXIMUM CUT-OFF LIGHT FIXTURE HEIGHT	
ZONING DISTRICT	MAXIMUM HEIGHT OF LIGHT FIXTURE
R-1, R-2, or R-3 (except for single-family dwellings See Sec 1141.03(d))	15 feet
B-1 or B-2	18 feet
I-1	30 feet

c. In no case shall the height of light fixtures exceed the maximum permitted building height within the applicable zoning district.

d. Lighting located under canopies shall be flush mounted or recessed within the canopy.

e. Height shall be measured from the finished grade adjacent to the base of the light fixture to the top most point of the fixture.

(3) Illumination.

a. Exterior lighting shall be designed and located to have the following maximum illumination levels. The levels shall be measured at the finished grade at the lot line as demonstrated by a lighting plan:

i) The maximum illumination at a lot line that abuts a lot zoned or used for residential purposes shall be 0.3 foot-candles.

ii) The maximum illumination at a lot line that abuts a business zoned lot shall be 3.0 foot-candles (vertical) and 5.0 foot-candles (horizontal).

iv) The maximum illumination at a lot line for properties used for outdoor sports and recreation shall be reviewed for compliance with regard to the intent of these guidelines to minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way.

v) The illumination across any property shall be designed so as to not create excessively dark spots that may create safety issues.

b. All applicants are strongly encouraged to submit lighting plans with components that reduce light pollution including, but not limited to, automatic shut-off of fixtures, auto-dimming to adjust lighting based on ambient lighting, and the use of as little lighting as necessary without creating safety issues.

(4) Modifications.

Should any exterior light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the Zoning Inspector for approval, together with adequate information to assure compliance with this section, which must be received prior to substitution.

1141.04 MAILBOXES AND DRIVEWAY ENTRY STRUCTURES.

Driveway entry structures, including decorative boulders and mailboxes shall be subject to the following standards:

(a) All driveway entry structures, excluding decorative boulders, shall meet the following requirements:

(1) One (1) structure is permitted on each side of a driveway entry adjacent to a road with a minimum width clearance of twelve (12) feet between structures.

- (2) Each structure shall be set back a minimum of five (5) feet from the road right-of-way and side lot lines.
- (3) Each structure shall be limited to a maximum footprint of twelve (12) feet by twelve (12) feet with a maximum height of five (5) feet from the adjacent grade.
- (4) Light fixtures that are incorporated into the driveway entry structure shall not exceed a maximum height of eight (8) feet above grade.
- (5) A lighting fixture may be erected on top of a driveway entry structure but the combined height of the light fixture and driveway entry structure shall not exceed a height of eight (8) feet with the driveway entry structure maintaining a maximum height of five (5) feet as specified above.
- (6) Gates that extend across the driveway shall not exceed six (6) feet in height above grade and shall meet all other requirements of this ordinance.
- (b) Decorative boulders used near a driveway or along a street frontage shall be set back a minimum of five (5) feet from the right-of-way and from all side lot lines. A zoning certificate shall not be required.
- (c) Due to the climate of the Village of Clinton and the need to be able to clear roadways of snow, mailboxes shall not be installed within a masonry or similarly permanent structure; absent written permission from the Village Street Commissioner. Mailboxes should be installed in accordance with regulations established by the U.S. Postal Service.
- (d) A zoning certificate shall be required for any driveway structure that requires the installation of a footer to ensure the safe location for the purposes of snow removal.

CHAPTER 1145

Landscaping Standards.

Section:

- 1145.01 Purpose.
- 1145.02 Applicability.
- 1145.03 General Landscaping Standards.
- 1145.04 Minimum Landscaping Standards.
- 1145.05 Streetscape-Buffer.
- 1145.06 Buffering Between Land Uses.
- 1145.07 Landscaping for Vehicular Use Areas.
- 1145.08 Screening of Service Structures.
- 1145.09 Maintenance and Installation.

1145.01 PURPOSE.

The purpose of this Chapter is to:

- (a) Promote and protect the interest of the public's convenience, comfort, prosperity, or general welfare in accordance with **Sec. 1101.01 Purpose, of this Ordinance**;
- (b) Require buffering between non-compatible land uses to protect, preserve, and promote the character and value of surrounding neighborhoods; and
- (c) Require reasonable landscaping that is beneficial to the residents and businesses of the community.

1145.02 APPLICABILITY.

- (a) The development standards of this chapter shall apply to new property development and any collective substantial expansion of existing structures, except for individual single-family dwellings and two-family dwellings (duplexes), and parking lots of five (5) spaces or smaller. Substantial expansion of existing structures shall be defined as when the expansion of the structure meets or exceeds twenty-five percent (25%) of the square footage of the existing building, exclusive of the alteration or expansion. Exceptions to this expansion include:
 - (1) **Sec. 1145.06 Buffering between Land Uses** shall apply to any size expansion of a structure where such expansion will decrease the setback between the structure and a residential zoning district.
 - (2) Where there is no expansion of a structure but the vehicular use area is expanded, then the standards of **Sec. 1145.07 Landscaping for Vehicular Use Areas** shall apply.
- (b) The standards of this chapter shall not apply to development of residential dwelling units on existing lots of record.
- (c) The standards of **Sec. 1145.07 Landscaping for Vehicular Use Areas** shall apply in all cases where an existing parking area or lot is reconstructed. If only a portion of the existing parking area or lot is reconstructed, the standards shall apply to the portion that is being reconstructed. Reconstruction shall not include general maintenance, resurfacing (with no change in space layout or circulation), or sealing.
- (d) Any landscaping areas used to meet the requirements of this chapter, excluding paved areas, shall count as pervious surface when considering the maximum impervious surface ratio standards of **Sec. 1121.04 (b)(3): Maximum Impervious Surface Coverage**.
- (e) A landscaping plan shall be submitted with any application for a site plan review or open space residential subdivision that demonstrates compliance with this section. Additionally,

landscaping plans may be required for a variance or conditional use application to illustrate any proposed landscaping and/or buffering that demonstrates compliance with the review criteria of the application procedure.

1145.03 GENERAL LANDSCAPING STANDARDS.

(a) General Location Requirement.

Landscaping shall be installed in locations such that when mature, it does not obscure traffic signs or lights nor obstruct access to fire hydrants nor interfere with adequate motorist sight distance or overhead utility lines. Landscaping shall be subject to the sight clearance requirements of **Sec. 1121.04 (b)(5) Visibility at Intersections.**

(b) Existing Landscape Material.

(1) Unless otherwise noted, existing landscape material in healthy condition can be used to satisfy the requirements of this chapter in whole or in part provided that the existing landscape material meets the minimum standards of this section.

(2) The Zoning Inspector shall determine satisfaction of this requirement.

(c) Planting Season.

Weather permitting, all required grading and landscaping shall be completed within thirty (30) days of all other construction. When construction is completed on or after the first of November in a given year, only mulch may be utilized in planting areas and complete landscaping improvements may be installed by the end of May of the following year.

(d) Landscaping Materials.

(1) In general, the proposed landscape materials should complement the form of the existing trees and plantings. The type of shade or sun should be considered in selecting plant materials.

(2) Existing vegetation shall be preserved as much as possible in accordance with acceptable nursery industry standards.

(3) In addition to any other requirements for walls or fences established in this ordinance, walls and fences may be utilized to meet the requirements of this chapter if they comply with the following requirements:

a. When walls or fences are used to fulfill any buffering or screening requirements, a detailed drawing shall be shown on the proposed plan.

b. Where materials are not otherwise specified, walls and fences shall be constructed of weather-proof materials. This includes pressure treating or painting of lumber if it is not redwood or cedar, and using aluminum or galvanized hardware.

c. Chain link fences with or without wooden or synthetic slat material is prohibited.

(4) Plants used to comply with this chapter shall be subject to the following requirements:

a. Deciduous trees shall have a minimum caliper of at least two and one-half (2.5) inches Diameter at Breast Height (DBH) conforming to acceptable nursery industry procedures at the time of planting. If deciduous trees are to be used for screening purposes, additional materials listed in this chapter shall be used to create a dense buffer.

b. Evergreen trees shall be a minimum of five (5) feet in height at the time of planting. Evergreen plantings shall be planted at a maximum distance of twenty (20) feet on center to provide an effective buffer unless otherwise specified.

- c. Ornamental trees shall have a minimum height of five (5) feet or a minimum caliper of at least two and one-half (2.5) inches DBH conforming to acceptable nursery industry procedures at the time of planting.
- d. Shrubs and hedges shall be at least thirty-six (36) inches in height at the time of planting. All shrubs and hedges used to meet the screening requirement in [Sec. 1145.08 Screening of Service Structures](#), shall be designed to provide an effective screen of at least five (5) feet within a period of four (4) years after planting.
- e. Grass shall be planted in species normally grown in permanent lawns in Summit County, Ohio. In swales or other areas subject to erosion, solid sod shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases.
- f. Once the minimum landscape requirements have been met, any size plant may be installed on a lot to supplement the minimum requirements.

(5) Miscellaneous Provisions.

- a. Artificial plants shall not be used to meet landscaping requirements.
- b. The Zoning Inspector may maintain a list of prohibited trees and plants that shall not be used in any landscaping required as part of this ordinance.
- c. The prohibited trees and plants list only applies to landscaping required to meet the standards of this chapter and any trees or plants located in the right-of-way for all development in all districts.
- d. To prevent extensive destruction of landscaping from invasive pests or disease, the village shall require a diversity in plant species in accordance with the following requirements:
 - i) When fewer than forty (40) trees are required on a site, at least two (2) different species shall be utilized, in roughly equal proportions.
 - ii) When forty (40) or more trees are required on a site, at least three (3) different species shall be utilized, in roughly equal proportions.
 - iii) Required shrubs shall utilize the same species diversity requirements.
 - iv) Nothing in this subsection shall be construed to prevent the utilization of a larger number of different species than specified above.

(e) Meadows and Natural Storm-water Management Areas.

- (1) The creation of meadows and natural storm-water management areas (e.g., rain gardens and bioswales) may be used as a method of complying with the requirements of this chapter.
- (2) Any meadow areas or natural storm-water management areas must be identified on the applicable landscaping plan.
- (3) Such areas shall not include disturbed lands that are reseeded with grass or turf alone. The landscaping plan shall illustrate how any disturbed areas will be vegetated to recreate a natural meadow or establish a natural storm-water management area.
- (4) The landscaping plan shall include a maintenance plan for any meadows or natural storm-water management areas.



Figure 1145.03-A: The above image illustrates the use of natural landscaping within a vehicular use area.

(f) Earth Mounds.

- (1) Slopes on earth mounds shall be no greater than three to one (3:1) with a generally flat crest and shall not interfere with the natural flow of surface water.
- (2) Earth mounds shall not be designed in a straight line but shall be varied in height and horizontal location for a more natural appearance.
- (3) Trees and shrubs may be planted in a random pattern on earth mounds.
- (4) Adequate ground cover shall be used and maintained to prevent erosion of the earth mound.
- (5) No mound wastewater treatment system or other similar on-site wastewater treatment system shall count toward the buffering requirement.

1145.04 MINIMUM LANDSCAPING STANDARDS.

(a) General Site Landscaping.

In addition to any other specific landscaping requirements defined elsewhere in this ordinance and chapter, general landscaped areas shall be provided on a lot where a principal building is constructed or enlarged. This general landscaped area shall contain ornamental trees, shrubs, decorative fences, hedges, earth mounds, or similar features designed as foundation plantings, or similar landscape features designed to complement the building. The size of this general landscaped area(s) shall not be less than one (1) square foot of general landscaped area for each one hundred (100) square feet of gross floor area of new principal building space.

(b) Minimum Tree Coverage.

In addition to any other requirements for tree planting or preservation that may be described elsewhere in this ordinance, a minimum amount of tree coverage must be provided on a lot where a principal building is constructed or enlarged. This minimum amount of tree coverage shall be provided by new tree plantings, preservation of existing trees or a combination thereof, at a ratio of not less than one (1) tree for each 1,000 square feet of gross floor area of new principal building space. Such trees shall meet the minimum caliper standards established in this chapter.

(c) Preservation of Existing Trees and Wooded Areas.

(1) As part of the review of any site plan submitted pursuant to this ordinance, the proposed location of buildings, off-street parking areas, and other disturbed surfaces shall be designed to minimize the removal of individual trees having a trunk diameter of six (6) inches DBH or greater.

(2) Proposed site plans shall also demonstrate consideration toward placing structures and off-street parking areas to avoid the destruction of heavily wooded areas or outstanding tree specimens.

(3) Trees and vegetation within a riparian corridor shall be protected in accordance with **Chapter 1133 Riparian Setback Development Standards.**

1145.05 STREETSCAPE-BUFFER.

(a) A streetscape-buffer shall be required in all business districts and for all nonresidential development in residential districts.

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

(c) The minimum width of the streetscape-buffer shall be thirty (30) feet, measured from the right-of-way in to the property. Corner lots shall have a streetscape-buffer of the required width on both street frontages.

(d) Within this streetscape-buffer, there shall be a minimum of one deciduous or evergreen tree and five (5) shrubs for every fifty (50) feet of street frontage.

(e) Areas not devoted to trees and shrubs shall be planted with grass, ground cover, or other live landscape treatment, excluding paving or gravel, including land in the street right-of-way that is not occupied by street or sidewalk pavement, or mulch.

(f) Landscaping materials used next to sidewalks or paths shall be of a variety that is not prone to dropping fruit or nuts onto the sidewalk or path.

(g) Landscaping materials with briars or thorns should be avoided.

(h) Landscaping materials may be placed in any manner and do not have to be equally spaced. Applicants are strongly encouraged to locate trees and shrubs in a manner that will prevent damage from salt and other materials used to melt snow from the roads.

1145.06 BUFFERING BETWEEN LAND USES.

(a) Applicability.

(1) Any development in a business district that is located on a property adjacent to land in a residential district shall be subject to the provisions of this section.

(2) Any development of a nonresidential use in a residential zoning district shall also be subject to the provisions of this section.

(b) Buffer Location.

(1) Buffer areas shall be located along the full length of a side or rear yard, between the proposed use and the adjacent residentially zoned property.

(2) The buffer areas shall be placed on the property being developed or constructed, regardless of ownership.

(c) Buffer Requirements.

- (1) The minimum width of the buffer area shall be ten (10) feet running the full length of the applicable side or rear yards. For buffering along the side yard, the buffer shall begin, at a minimum, at the front yard building setback line.
- (2) No structure shall be permitted within a required buffer area other than a wall, fence, mound, or earth berm. Driveways may cross perpendicularly across a buffer area, disturbing the least amount of buffer.
- (3) The required buffer area shall consist of maintained living vegetative material such as evergreen trees, shrubs, earth mounding, or fencing made of wood that results in one hundred percent (100%) opacity, all year, to a height of six (6) feet or more within one (1) year of planting. Fences shall not exceed a maximum height of six (6) feet.

1145.07 LANDSCAPING FOR VEHICULAR USE AREAS.

(a) Interior Landscaping.

- (1) Any open parking area (including parking spaces and interior access lanes, but excluding loading, unloading, and storage areas) that contains more than 6,000 square feet of pavement area or twenty (20) or more vehicular parking spaces shall provide interior landscaping in addition to any other required perimeter landscaping (See [Sec. 1145.07 \(b\) Perimeter Landscaping](#)).
- (2) Parking lots with more than six (6) spaces in any zoning district shall provide landscaping within each vehicular use area at a minimum ratio of five percent (5%) of the gross area of the vehicular use area (including all drive and parking aisles).
- (3) Parking lots with twenty (20) or more spaces in a business district shall provide landscaping within each vehicular use area at a minimum ratio of ten percent (10%) of the gross area of the parking lot (including all drive and parking aisles).
- (4) The use of depressed landscaping island, bioswales, and rain gardens are encouraged as a method of complying with these standards.
- (5) Landscape islands shall be located at the end of each parking row with a minimum size of one hundred thirty-five (135) square feet for single loaded parking rows, and a minimum size of two hundred seventy (270) square feet for double loaded rows (See Figure 1145.07-A).
- (6) No more than fifteen (15) spaces shall be located in a continuous row without being interrupted by a landscaped island, unless the island is used for storm water infiltration. Such landscape islands shall be of the minimum size established above (See Figure 1145.07-A).
- (7) Landscape medians with a minimum width of ten (10) feet shall be located as to separate every four (4) parallel rows of cars and shall run the full length of the parking row (See Figure 1145.07-A).

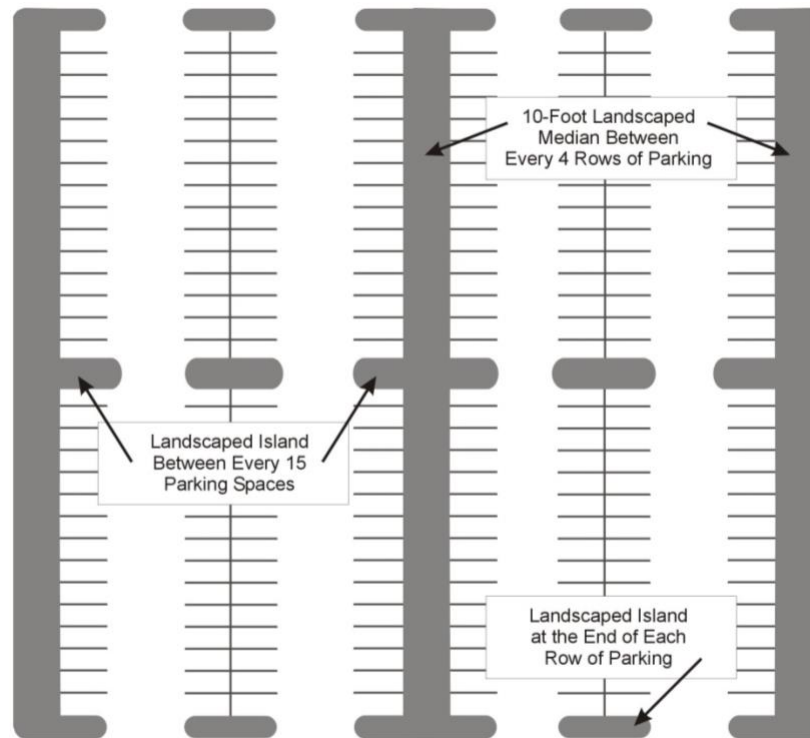


Figure 1145.07-A: Illustration of parking island location.

(8) Landscaped islands or peninsulas shall be vegetated with grass or similar plant material not to exceed two (2) feet in height. For each 3,000 square feet of open parking area, there shall be a minimum of one (1) deciduous tree placed in landscaped islands or peninsulas. Trees shall have a clear trunk of at least five (5) feet above the ground.

(9) The landscaped medians required in paragraph (7) above shall be planted with one (1) deciduous tree every twenty (20) lineal feet.

(10) Landscaped areas that extend into parking areas from the perimeter landscaping may count toward this requirement but only that area that extends into the parking area. See [Figure 1145.07-B](#).

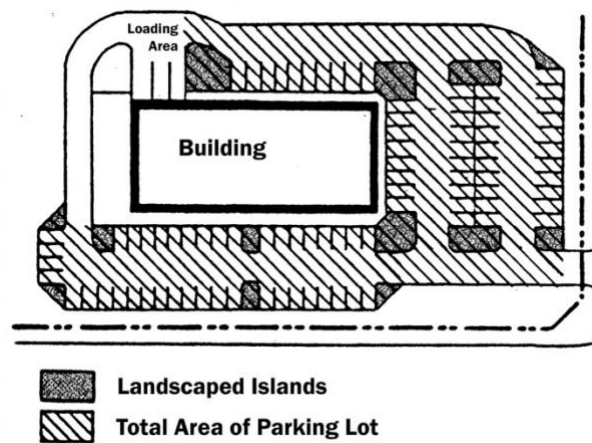


Figure 1145.07-B: Illustration of landscaped island calculations

(b) Perimeter Landscaping.

(1) When a vehicular use area is located within twenty (20) feet of a side or rear lot line, perimeter screening shall effectively conceal parking areas and interior driveways from adjoining property with the use of earth mounds, a planting strip, hedge, or fence material for visual separation from adjoining property.

(2) A planting strip at least five (5) feet in width shall be located along the perimeter of a parking area (along a side or rear lot line).

(3) Landscape materials shall be installed to provide a minimum of fifty percent (50%) winter opacity and seventy percent (70%) summer opacity, to a height of four (4) feet within four (4) years after installation.

1145.08 SCREENING OF SERVICE STRUCTURES.

Service structures shall be screened in all zoning districts. For the purposes of this section, service structures shall include, but not be limited to, loading docks, propane tanks, dumpsters, electrical transformers, and other equipment or elements providing service to a building or a site.

(a) Required screening shall include a continuous planting, hedge, fence, or similar feature that will enclose any service structure on all sides, unless such structure must be frequently moved, in which case screening on all but one (1) side is required.

(b) Screening established with plant materials shall provide seventy-five percent (75%) opacity within two (2) years of planting. All other types of screening shall completely screen service structures. If the screening is accomplished through a structure, such structure shall be composed of materials similar to the principal building.

(c) The minimum height of the screening material shall be one (1) foot taller than the height of the enclosed structure but shall not be required to exceed ten (10) feet in height.

(d) Whenever a service structure is located next to a building wall, perimeter landscaping material, or off-street parking area landscaping material such as walls or screening material may fulfill the screening requirement for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section.

(e) Whenever a dumpster or similar waste collection unit is designed to be removed or emptied mechanically on a regular basis, a curb to contain the placement of the unit is required.

1145.09 MAINTENANCE AND INSTALLATION.

(a) All landscaping materials shall be installed in a sound, workmanship-like manner, and according to accepted, good construction and planting procedures.

(b) The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials and shall keep them in a relatively weed-free condition, clear of undesirable undergrowth, and free from refuse and debris at all times.

(c) All unhealthy or dead plant material shall be replaced within one (1) year or by the next planting period, whichever comes first, while other defective landscape material shall be replaced or repaired within three (3) months. Replacement plants shall conform to the standards that govern original installation.

(d) Pruning, trimming or other suitable methods shall control all plant growth in landscaped areas, so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard.

CHAPTER 1149

Open Space Standards.

Section:

1149.01 Purpose.

1149.02 Applicability and Determination.

1149.03 Use of Open Space.

1149.04 Design Standards for Open Space.

1149.05 Protection and Maintenance.

1149.01 PURPOSE.

This chapter addresses the character and design of those portions of a development that are not occupied and do not have platted lots or streets and that are reserved for parks, trails, landscaping, and other common open space uses. The standards of this chapter apply regardless of whether or not the land involved will be owned or be dedicated to the village, county, homeowners' association, or other agency, and regardless of whether or not such open space will be open to the public or other residents of the development. This chapter also establishes ownership and minimum maintenance standards for homeowner associations, property owner associations, and nonresidential property owners related to open space.

1149.02 APPLICABILITY AND DETERMINATION.

The standards of this chapter shall apply in cases where open space is required to be set aside as part of the development requirement (e.g., open space residential subdivision) or in cases where an applicant voluntarily establishes open space as part of a development.

(a) Required Areas to be placed in Open Space.

(1) In general, required open space shall be designed and located to conserve significant natural features and historical and cultural elements located on the site.

(2) Floodplains and floodways, as established by FEMA and administered by Summit County, shall remain as open space areas.

(3) Retention or naturalized storm-water management areas that are designed to be an amenity, as determined by the Zoning Inspector, can be considered as open space, however, only fifty percent (50%) of the surface area of any water body may be counted toward the open space requirements of this ordinance.

(4) In the case of phased developments, open space shall be provided in proportion with each developed phase.

(5) The following shall be required to be part of the preserved open space when open space is required as part of a development:

a. All steep slope areas as defined in **Sec. 1141.02 (b) Determination of Steep Slopes**. If steep slope areas are not protected as part of the open space, then additional development standards may apply as established in **Sec. 1141.02 Steep Slope Regulations**; and

b. Any natural resources, including riparian setback areas and trees, which are required to be protected by the standards of this ordinance.

(b) Areas Not Considered Required Open Space.

Areas that specifically shall not be considered required open space include:

(1) Private and public roads, and associated rights-of-way;

- (2) Public or private parking areas, access ways, and driveways;
- (3) Required setbacks between buildings, parking areas, and project boundaries;
- (4) Required setbacks between buildings and streets;
- (5) Required minimum spacing between buildings and parking areas;
- (6) Private yards, including front, back, and sides;
- (7) Small, lineal strips of land generally located along lot lines that do not protect natural resources (e.g., slopes, existing vegetation, etc.) and are maintained in a similar fashion as the adjacent yards;
- (8) Land that is subject to preexisting conservation easements or similar limitations on development; and
- (9) Above ground buildings, pipes, apparatus, and other equipment for community or individuals, septic or sewage disposal systems.

1149.03 USE OF OPEN SPACE.

Any area designated for required open space:

- (a) Shall be preserved in its natural state with the exception that trails and walkways may be established within the open space;
- (b) Shall be designed and intended for the use of residents and/or general public of the proposed development;
- (c) May be utilized for farming when authorized in a conservation easement or in a homeowners' association's covenants and restrictions;
- (d) May be used for underground drainage fields for individual or community septic systems or other underground components of on-site septic systems. Other components of on-site sewage disposal septic systems that extend above grade and are visible may not be within required open space. Easements shall be required to enable the maintenance of these facilities;
- (e) May be utilized as wet or dry storm-water management ponds or basins. These ponds or basins may be located partially or entirely within the required open space. Easements shall be required to enable the maintenance of these facilities; and
- (f) May be used as active recreation areas. These active recreation areas shall be located in areas with the least impact on natural amenities and wildlife habitats, of a useable size and shape for the intended purpose, and limited to twenty percent (20%) of the total acreage devoted to required open space.

1149.04 DESIGN STANDARDS FOR OPEN SPACE.

Land set-aside as open space shall comply with the following standards:

- (a) All areas of open space shall be accessible to residents or users of the development by providing at least fifteen (15) feet of frontage on a public road, or in the case of a nonresidential development, fifteen (15) feet of frontage on an internal access drive.

(b) Areas of open space in residential subdivisions (of any type) shall be no less than 10,000 square feet in size.

(c) Where appropriate, open space should be arranged in order to provide connections to existing or future open space areas, trails, or similar features on adjoining parcels.

(d) Wherever feasible, areas of open space should be contiguous, thereby eliminating small, isolated pockets of open space.

1149.05 PROTECTION AND MAINTENANCE.

(a) Reclamation of Disturbed Open Space.

Any required land areas designated for use as open space that are disturbed during construction or otherwise not preserved in its natural state, shall be landscaped with non-invasive vegetation that appeared in those respective areas prior to construction or with other native vegetation. The planting of invasive plant species is prohibited.

(b) Future Subdivision and Development of Open Space.

All required open space shall be restricted from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Village of Clinton and duly recorded in the office of the Summit County Recorder. Subject to permanent restrictions as set forth above, required open space in an open space residential subdivision shall be owned by a homeowners' association, the Village of Clinton (with its consent), a land trust or other conservation organization recognized by the Village of Clinton, or by a similar entity. Required open space may be held by the individual members of a homeowners' association as tenants-in-common or may be held in common ownership by a homeowners' association, community association, or other similar legal entity.

(c) Conservation Easements.

With the permission of the Village of Clinton, the owner(s) of required open space may, in accordance with the applicable provisions of the Ohio Revised Code, grant or transfer a conservation easement to any entity described in the Ohio Revised Code, provided that the entity and the provisions of the conservation easements are acceptable to the Village of Clinton. When a deed restriction is proposed as the method of restricting further subdivision of land designated as open space, the Village of Clinton shall be named as a party to such deed restrictions with approval authority over any changes thereto. The conveyance must contain appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under the Ohio Revised Code, in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.

(d) Homeowners' Associations.

The following shall apply where a homeowners' association will be established to maintain any open space or other common areas as required by this chapter:

(1) A homeowners' association shall be established to permanently maintain all open space, common areas and conservation easements related to the open space.

(2) All homeowners' association agreements shall be submitted for approval as part of a zoning certificate or conditional use application, as applicable. Copies of the proposed covenants,

articles of incorporation, and bylaws of the association shall be submitted with said agreements. No set of proposed covenants, articles of incorporation, or bylaws of a homeowners' association shall permit the abrogation of any duties set forth in this section.

(3) All homeowners' associations shall guarantee maintenance of all open space and common areas within the boundaries of the development. In the event of a failure to maintain such open space or common areas, the village may do any of the following:

a. If the open space or common area is owned by the village, village approved land trust or other qualified organization, county, state or park district, the village may remedy the failure to maintain at its own cost and seek reimbursement from the homeowner's association, or seek to enforce the homeowner's association's duty to maintain through an injunction or any other civil remedy.

b. If the open space or common area exists pursuant to a conservation easement in which the village is a party to such easement, the village may seek to enforce the terms of the conservation easement as provided in [Sec. 1149.05 \(c\) Conservation Easements](#).

c. If the open space or common area is owned jointly or in common by the owners of the building lots, or by any other owner of the property to be maintained, the village may seek to enforce the association's non-performance of its obligations and duties through an injunction or any other civil remedy.

CHAPTER 1153

Parking, Loading, and Circulation Standards.

Section:

1153.01 Purpose.

1153.02 Applicability.

1153.03 Bicycle Parking and Storage.

1153.04 Off-Street Parking Requirements.

1153.05 Off-Street Loading Requirements.

1153.06 Vehicle Stacking Requirements.

1153.07 General Design Standards for All Vehicular Use Areas.

1153.08 Sidewalk Connections to a Right-Of-Way.

1153.01 PURPOSE.

The purpose of these parking, loading, and circulation requirements is:

(a) To relieve congestion on the streets by requiring that parking be provided on property and off streets in relation to the parking demand generated by the land use of each property;

(b) To promote safety and convenience for people by requiring that parking and loading areas, and associated driveways, be located and constructed according to good standards for visibility and accessibility; and

(c) To protect the light, air, visual amenities, and values of residential areas by the visual screening of large parking and loading areas.

1153.02 APPLICABILITY.

Unless otherwise specified, the requirements of this chapter shall apply to the following:

(a) A zoning certificate application for the construction of a new principal building in all zoning districts;

(b) The alteration, expansion, or enlargement of any use that would require a change in parking, loading, or vehicle stacking spaces as required in this chapter; or

(c) The alteration, expansion, or enlargement of any use that has an existing nonconforming parking lot.

1153.03 BICYCLE PARKING AND STORAGE.

Applicants are required to provide bicycle racks and facilities on nonresidential properties including business and public uses.

(a) Bicycle parking shall be provided at the level of one (1) for every ten (10) automobile parking spaces, with a minimum of two (2) spaces and a maximum of twenty (20) spaces. No bicycle parking is required where there is less than ten (10) automobile parking spaces required.

1153.04 OFF-STREET PARKING REQUIREMENTS.

(a) Rules for Computing Parking Spaces.

(1) The following rules shall apply when computing parking spaces:

a. Multiple Uses.

Unless otherwise noted or approved, off-street parking areas serving more than one use shall provide parking in an amount equal to the combined total of the requirements for each use.

b. Fractions.

When a measurement of the number of required spaces results in a fractional number, any fraction of one-half ($\frac{1}{2}$) or less shall be rounded down to the next lower whole number and any fraction of more than one-half ($\frac{1}{2}$) shall be rounded up to the next higher whole number.

c. Area Measurements.

i. Unless otherwise specifically noted, all square footage-based parking standards shall be computed on the basis of gross floor area of all floors in a nonresidential building.

ii. Up to fifteen percent (15%) of the gross floor area may be excluded from the above calculation if the area is used for storage, loading, unloading, or for mechanical equipment.

d. Occupancy or Capacity Based Standards.

i. For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the largest number of persons working on a single shift, the maximum enrollment, or the maximum occupant load capacity as defined by the Ohio Building Code, whichever is applicable, and whichever results in a greater number of parking spaces.

ii. In the case of benches, pews and similar seating accommodations, each eighteen (18) inches thereof shall be counted as one seat for the purpose of determining the parking requirements.

f. Unlisted Uses.

i. Upon receiving an application for a use not specifically listed in the parking schedule below, the Zoning Inspector shall apply the parking standard specified for the listed use that is deemed most similar to the proposed use in regards to use, size and intensity of use.

ii. If the Zoning Inspector determines that there is no listed use similar to the proposed use, intensity, or size, the Zoning Inspector may refer to the estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) in Trip Generation or the American Planning Association's (APA) Parking Manual.

(b) Required Number of Spaces.

(1) **Table 1153.04-1**, defines the number of parking spaces required for each use within the Village of Clinton.

(2) For all uses except single-family and two-family dwellings, the total number of parking spaces required in **Table 1153.04-1** may be reduced by ten percent (10%).

(3) The total number of spaces required in **Table 1153.04-1** may be reduced up to a maximum of 50% by utilizing the alternative parking options in **Sec. 1153.04 (e) Special Parking Provisions**.

(4) The Planning Commission has the authority to be more or less restrictive in the required amount of parking spaces per their review.

TABLE 1153.04-1: NUMBER OF PARKING SPACES REQUIRED

USE	NUMBER OF PARKING SPACES REQUIRED
RESIDENTIAL USES	
All dwelling unit types	2 spaces per unit
Skilled nursing or personal care facilities, adult group homes, small or large residential facilities, and all other residential uses	1 space per each 3 beds or 1 per 5 residents, whichever is greater
PUBLIC AND INSTITUTIONAL USES	
Auditorium, Stadium, and Similar Uses	1 space for each 4 seats based on maximum seating capacity
Churches and places of worship	1 space per each 3 seats in the sanctuary, based on maximum seating occupancy
Community centers	1 space per 250 square feet of floor area
Cultural institutions	1 space per 500 square feet of floor area
Educational institutions	1.5 spaces per classroom, library, lecture hall, and cafeteria plus 1 space per three fixed seats of public assembly areas. High schools shall have an additional 1 space per five students at maximum capacity
Parks	2 spaces per acre unless additional spaces are required based upon the facilities included, if listed separately
COMMERCIAL AND OFFICE USES	
Automotive service (minor)	1 space per 700 square feet of sales floor area plus 1 space for each 3 employees
Banks and financial institutions	1 space per 400 square feet of floor area
Bed and breakfast establishments	1 space per guestroom plus two spaces for the permanent dwelling unit
Commercial entertainment or recreation use (indoors)	1 space per 4 persons at maximum capacity
Day care centers (adult or child)	1 space per 500 square feet of floor area.
Funeral homes	4 spaces per 300 square feet of floor area
Hotels and motels	5 spaces total plus 1 space per sleeping room
Mixed use development	The cumulative parking based on the proposed uses
Offices – general, government, or other types	1 space per 400 square feet of floor area minimum; 1 space per 300 square feet of floor area maximum.
Offices – medical or dental	1 space per 300 square feet of floor area
Personal service establishments	6 spaces per 1,000 square feet, or 2 spaces per station/chair, whichever is greater
Private recreational use (outdoors)	1 space per 5,000 square feet of land area or 1 space per three persons at maximum capacity, whichever is greater
Research and development facilities	1 space per employee (based on the largest number of employees on one shift) plus 1 space per each vehicle used in the business
Restaurants and taverns	1 space for every 2 seats at maximum capacity
Retail and service commercial uses, sales offices, and showrooms	1 space per 350 square feet of floor area up to 20,000 square feet then 1 space per 400 square feet of floor area thereafter
Theaters and assembly halls	1 space per each 3 seats at maximum occupancy
Veterinarian offices (no boarding)	1 space per 350 square feet

(c) Parking Requirements for Physically Disabled.

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

(d) Design Standards for Off-Street Parking.**(1) Location of Parking Spaces**

- a. Parking areas shall be treated to minimize the visual impact of parked cars as viewed from the public right-of-way and adjacent properties through the use of plantings and earth berms.
- b. Parking space in all business district areas should occupy the rear yard of the property.

i. When parking spaces are unable to occupy the rear yard of the property and are located in the front yard, a minimum ten (10) foot from the road right of way landscaped area as established in [Chapter 1145 Landscaping Standards](#).

b. Parking spaces in the residential districts shall not occupy any part of any required front or side yard areas.

(2) Minimum Dimensions of Off-Street Parking Spaces.

Parking spaces and driveway aisles shall have minimum rectangular dimensions of not less than the following:

a. Parking stalls shall conform to the minimum standards set forth in [Table 1153.04-2](#) and Figure [1153.04 A](#).

b. Any parking space adjoining a landscaped area of the parking lot may include a two (2) foot overhang into the landscaped area as part of the required parking stall length, provided curbing or well-maintained wheel stops are used to prevent damage to landscaped areas.

TABLE 1153.04-2: PARKING AREA DIMENSIONS				
ANGLE OF PARKING (DEGREES)	ONE-WAY MANEUVERING AISLE WIDTH (FEET) “A”	TWO-WAY MANEUVERING AISLE WIDTH (FEET) “A”	PARKING STALL WIDTH (FEET) “B”	PARKING STALL LENGTH (FEET) “C”
0 – Parallel	12	20	9	23
30 – 53	14	20	9	18
54 – 75	19	21	9	18
76 – 90	22	24	9	18

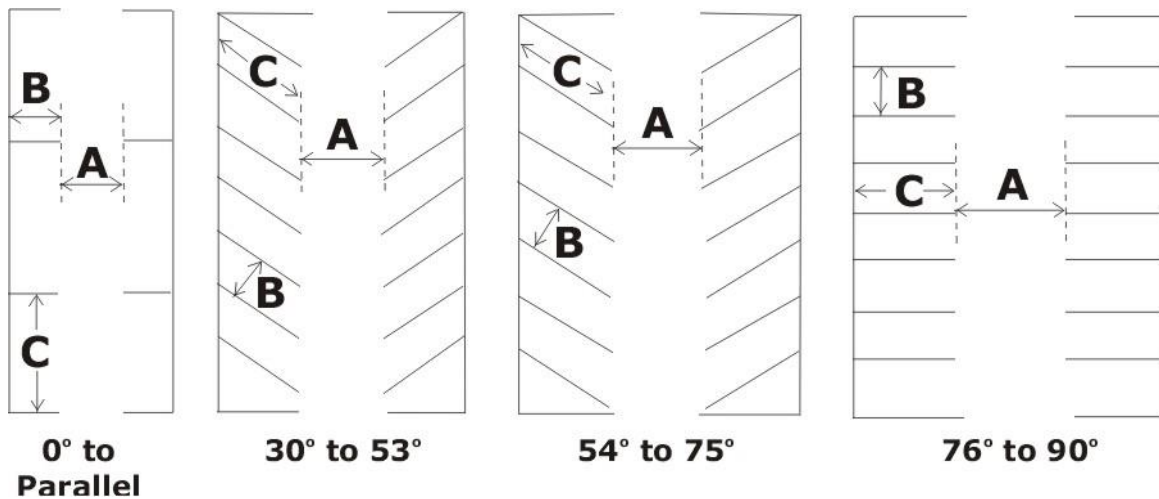


Figure 1153.04-A: Parking area dimensions

(3) Access to Off-Street Parking Spaces.

a. Except in the case of single-family and two-family dwellings, any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion.

b. The entrances and exits of the parking area shall be clearly marked and parking areas having more than one aisle or driveway shall have appropriate arrows and striping on the pavement to indicate traffic direction.

(4) Wheel Stops.

a. Curbs or wheel stops that are at least four (4) inches high and four (4) inches deep shall be provided for parking spaces located adjacent to walkways and sidewalks to protect pedestrians.

b. Continuous curbing is discouraged but if curbing is used, it should be cut curbing or scissor curbing to allow for the passage of storm-water.

c. Where provided, wheel stops or curbs shall be placed to allow for two (2) feet of vehicle overhang area within the dimension of the parking space. In cases where the overhang will be over a landscaped area, the parking stall length may be reduced by two (2) feet.

d. Where provided, wheel stops and curbs should be designed to allow for snow removal and access to snow storage areas, including on landscaped islands and adjacent buffers.

(e) Shared or Off-Site Parking.

A portion of the required parking spaces may be located on an adjacent or nearby property if the parking area complies with the following standards.

(1) Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.

(2) Off-site parking shall not be used to satisfy the off-street parking standards for residential uses.

(3) Required parking spaces reserved for persons with disabilities shall not be located in an off-site parking area.

(4) Shared or off-site parking shall not be permitted on a vacant lot in a residential zoning district unless permitted by the Planning Commission as part of a conditional use review.

(5) Shared or off-site parking areas shall adhere to the regulations of the same or a more intensive zoning classification than that required for the use served.

(6) In the event that a shared or off-site parking area is not under the same ownership as the principal use served, a written parking agreement shall be required and must be approved by the Village Solicitor.

(7) No shared or off-site parking space shall be located more than eight hundred (800) feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.

(8) The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request. Shared or off-site parking may be approved if it complies with the following standards:

a. Evidence shall be submitted by the parties operating the shared parking area, to the satisfaction of the Zoning Inspector, documenting the nature of uses and the times when the individual uses will operate so as to demonstrate the lack of potential conflict between the use of the parking spaces.

b. Any change in use of the activities served by a shared or off-site parking area will be deemed an amendment to the shared or off-site parking area plan and will require Planning Commission review and approval.

c. All shared or off-site parking plans and agreements shall be recorded with the Village Office Administrator prior to any zoning certificate being issued.

1153.05 OFF-STREET LOADING REQUIREMENTS.

Every building used for nonresidential purposes that customarily receives or distributes goods by motor vehicle shall provide space on the premises for loading purposes on the basis of the following regulations:

(a) For buildings, or parts thereof, that exceed 10,000 square feet of gross floor area, there shall be provided and maintained, on the same lot with such building, at least one (1) off-street loading space plus one (1) additional loading space for every additional 20,000 square feet.

(b) General Design Standards.

Every loading space shall be designed, constructed, and maintained in accordance with the standards and requirements set forth in this subsection.

(1) Location of Required Loading Spaces.

a. Loading spaces shall be located on the same lot as the building or structure to which they serve. No loading space shall be located in any required front yard, nor shall it permit any vehicle to extend into any front yard or across any lot lines of a more restrictive district while the vehicle is being loaded or unloaded.

b. Loading spaces shall be set back a minimum of fifty (50) feet from any lot line in a residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted board fence not less than six (6) feet in height.

c. In all other cases, loading spaces shall be set back a minimum of ten (10) feet from all lot lines.

(2) Dimensions.

No required loading space shall be less than twelve (12) feet in width or twenty-five (25) feet in length or have a vertical clearance of less than fourteen (14) feet.

(3) Access.

a. Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with traffic movement and parking lot circulation. The Zoning Inspector shall approve access to and from loading spaces.

b. A site plan review application shall include a turning movement diagram illustrating access to the loading spaces.

c. No part of any truck or van that is being loaded or unloaded may extend into the right-of-way of a public thoroughfare.

d. Loading spaces shall be designed with sufficient apron area to accommodate truck-turning movements and to prevent backing of trucks onto any street right-of-way.

(4) Screening.

a. All operations, materials, and vehicles within any loading space that are visible from a public street or from any residential use shall be screened.

b. The screening material shall be at least six (6) feet in height and one hundred percent (100%) opaque and shall satisfy the buffer requirements of the most restrictive adjacent district.

1153.06 VEHICLE STACKING REQUIREMENTS.

Where drive-through facilities are permitted, vehicle stacking spaces shall be provided according to this section.

(a) Minimum Number of Stacking Spaces.

The number of required stacking spaces shall be provided as established in [Table 1153.06-1](#) and [Figure 1153.06-A](#).

TABLE 1153.06-1: MINIMUM VEHICLE STACKING SPACE REQUIREMENTS		
ACTIVITY	MINIMUM STACKING SPACES (PER LANE)	MEASURED FROM (AND INCLUDING)
Financial Institutions or Automated Teller Machine (ATM)	2 per window or lane	Teller or Window
Restaurant	3	First Pick-Up Window
Fuel of Gasoline Pump Island	2 [1]	Pump Island
Other	As determined by the Zoning Inspector [2]	
NOTE:		
[1] For each pump, the space at the pump shall count as one space. One additional stacking space shall be required for each pump.		
[2] Any other use shall be required to document proof that the provided number and location of stacking spaces are adequate to meet the purpose of this section.		

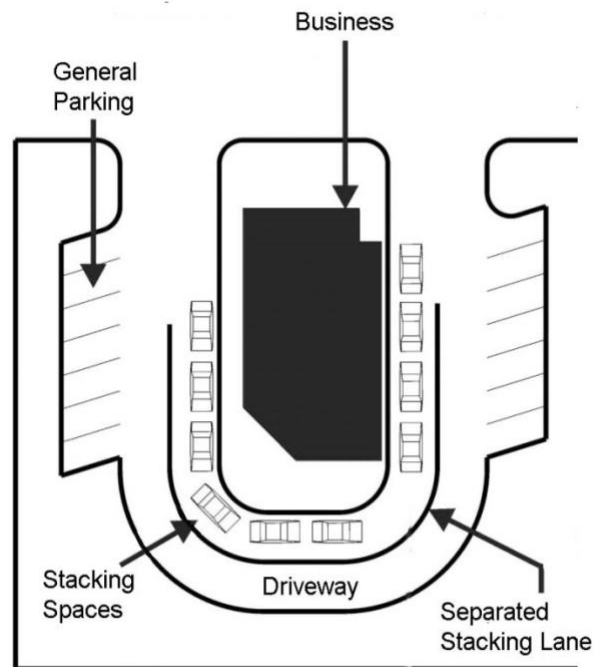


Figure 1153.06-A: Generalized example of vehicle stacking requirements.

(b) Design and Layout.(1) Stacking Lane Location.

a. Stacking lanes shall not be located between the building and a street, and may not be located in a required front yard.

b. Stacking spaces shall be a minimum of ten (10) feet by twenty (20) feet in size.

c. Stacking spaces may not impede on- or off-site traffic movements or movements in or out of off-street parking spaces. See Figure 1153.06-A. Such spaces shall be set back a minimum of fifteen (15) feet from any right-of-way.

d. Stacking spaces shall be separated from other internal driveways by surface markings or raised medians.

(2) All Drive-up/Drive-through facilities shall provide an escape lane, which allows other vehicles to pass those waiting to be served.

(3) Fuel pump spaces can count toward the stacking space requirement.

(4) These stacking space requirements shall be in addition to the off-street parking space requirements.

(5) When adjacent to a residential zoning district, any lot in a recorded residential subdivision, or any lot used for residential purposes, stacking spaces shall be required to be located on sides of the lot opposite the adjacent residential use.

(6) All vehicular entrances or exits and all stacking spaces shall be set back a minimum of two hundred (200) feet from any intersections of a street under county or state authority.

1153.07 GENERAL DESIGN STANDARDS FOR ALL VEHICULAR USE AREAS.

All parking, loading, and vehicle stacking areas shall meet the requirements of this subsection.

(a) Maintenance.

(1) All vehicular use areas shall be maintained free from litter, junk, or rubbish.

(2) All adjacent sidewalks shall be kept free from dirt, ice, sleet, and snow and in a safe condition for use by pedestrians.

(3) All signs, markers or any other methods used to indicate direction of traffic movement and location of parking and/or loading spaces shall be maintained in a neat and legible condition.

(4) The owner shall maintain all paved surfaces in a smooth and dust-free condition and repair any disintegration of the surface by patching or resealing when such disintegration takes place. Such maintenance shall be at the owner's own expense.

(b) Storage.

The storage of a vehicle or utility trailer for more than seven (7) continuous days, for more than four (4) periods per year, in a vehicular use area for a nonresidential use is prohibited.

(c) Landscaping.

Landscaping for vehicular use areas shall be as established in [Chapter 1145 Landscaping Standards](#).

(d) Fire Code.

All vehicular use areas shall conform to all requirements set forth in the fire code as adopted by the Village of Clinton and as approved by the village's fire department.

(e) Drainage.

All vehicular use areas shall be graded, drained, and provided with adequate drainage and storm water management facilities so that the adjacent properties and rights-of-way, including sidewalks, are not subject to flooding by water run-off from the proposed vehicular use areas.

(f) Other Uses within Required Vehicular Use Areas.

No vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or associated with any vehicular use area. Outdoor display, sales, or storage of any merchandise within any required vehicular use area are prohibited unless otherwise specifically permitted by this ordinance.

(g) Surfacing for Areas Serving Nonresidential Uses.

(1) All vehicular use areas shall be graded and paved with an asphalt or concrete surface unless otherwise provided in this chapter.

(2) Vehicular use areas may be surfaced with up to one hundred percent (100%) of porous pavement (excluding gravel) or up to twenty-five percent (25%) of structural lawn. Porous pavement and structural lawns are not considered impervious surfaces for the purpose of calculating the maximum impervious surface ratio standards established in [Sec. 1121.04 \(b\)\(3\) Maximum Impervious Surface Coverage](#).

(h) Lighting.

All lighting within a vehicular use area shall be subject to the standards in [Sec. 1141.03 Exterior Lighting](#).

(i) Striping.

The individual parking spaces and loading spaces shall be striped according to the approved layout of the vehicular use area.

1153.08 SIDEWALK CONNECTIONS TO A RIGHT-OF-WAY.

The following shall apply to all nonresidential developments and expansions:

(a) Where a sidewalk exists in a public right-of-way adjacent to the property subject to the application, or is required to be constructed as part of the development approval, a pedestrian connection shall be constructed from the building to the sidewalk.

(b) The pedestrian connection shall be a concrete path with a minimum width of six (6) feet and shall be constructed and maintained in accordance with the Village Engineer's standards.

(c) The sidewalk may be created as part of a driveway provided that it is delineated with a minimum of a painted line and the portion utilized for vehicular traffic is not reduced from the minimum width requirements.

CHAPTER 1157
Signage Standards.

Section:

- 1157.01 Purpose.
- 1157.02 Applicability.
- 1157.03 Compliance Required.
- 1157.04 Computations.
- 1157.05 General Sign Standards.
- 1157.06 Prohibited Signs.
- 1157.07 Sign or Changes Not Requiring a Sign Permit.
- 1157.08 Permanent Signs Permitted in Residential Districts.
- 1157.09 Permanent Signs Permitted in Business districts.
- 1157.10 Temporary Signs.
- 1157.11 Maintenance.
- 1157.12 Nonconforming Signs.

1157.01 PURPOSE.

The purpose of this chapter is to:

- (a) Permit the effective use of signs as a means of communication for businesses, organizations, and individuals in the Village of Clinton;
- (b) Maintain and enhance the aesthetic environment, including viewsheds, and the village's ability to attract sources of economic development and growth;
- (c) Provide a means of way-finding in the community, thus reducing traffic confusion and congestion;
- (d) Provide for adequate business identification, advertising, and communication;
- (e) Prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well-being of the village;
- (f) Protect the health, safety, and welfare of the public by minimizing the hazards to pedestrian and vehicular traffic;
- (g) Differentiate among those signs that, because of their location, may distract drivers on public streets and those that may provide information to them while they remain in their cars but out of active traffic;
- (h) Minimize the possible adverse effects of signs on nearby public and private property; and
- (i) Prohibit signs with commercial messages in residential zoning districts and when those commercial messages relate to lawful commercial activities conducted on properties within such districts.

1157.02 APPLICABILITY.

(a) Unless otherwise provided, this chapter shall apply to any sign, in any zoning district, that is visible from the public right-of-way or from property other than the property on which the sign is located; signs located entirely within buildings or other structures and/or otherwise not visible from the public right-of-way or from property other than the property on which the sign is located are exempt from this chapter.

(b) Unless otherwise provided by this chapter, all signs and structural changes to existing signs shall require a sign permit and a payment of fees. A sign permit and payment of fees shall also be required for the changing of a sign panel even if there is no structure change, or the changing of copy when a sign is painted or otherwise printed on a structure. No sign permit is required for the general maintenance of a sign or changing the copy of a changeable copy sign.

(c) Unless otherwise provided, all signs, except temporary signs permitted under **Sec. 1157.10 Temporary Signs**, that are to be erected, placed, established, moved, altered, or remodeled, and otherwise permitted anywhere in the village, shall be submitted to the Planning Commission for review and recommendation to the Zoning Inspector as part of the sign permit review process. Minor repairs that do not involve a panel change or structural change shall not be subject to review by the Planning Commission.

1157.03 COMPLIANCE REQUIRED.

(a) It shall hereafter be unlawful for any person to erect, place, establish, move, alter, remodel, or maintain a sign in the village except in accordance with the provisions of this chapter.

(b) All wiring, fittings, and materials used in the construction, connection and operation of electrically illuminated signs shall meet all of the requirements of all applicable building and electrical codes.

(c) No sign of any classification shall be installed, erected, or attached to a structure in any form, shape, or manner that is in violation of any applicable building and fine codes.

1157.04 COMPUTATIONS.

The following principles shall control the computation of sign area and sign height.

(a) Pole Mounted Signs.

(1) The sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the extreme limits of the background panel, cabinet, or surface on which or where the sign copy is distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy. **Figure 1157.04-A.**

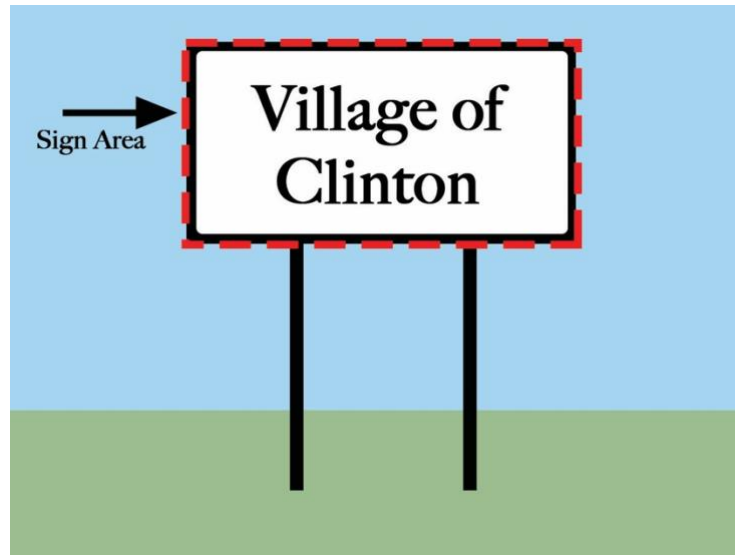


Figure 1157.04-A: Illustration of sign area on a pole mounted sign.

(b) Ground Mounted Signs.

(1) The sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the extreme limits of the background panel, cabinet, or surface on which or where the sign copy is distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy. See Figure 1157.04-B.

(2) The area of the supporting structure or framework shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the extreme limits of the supporting structure or framework outside of the sign area as computed in accordance with Paragraph (1) above. See Figure 1157.04-B.

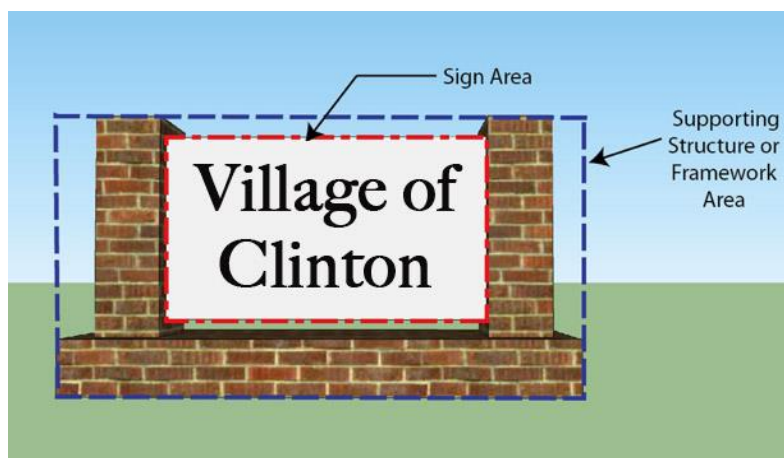


Figure 1157.04-B: Illustration of sign area versus supporting structure area on a ground mounted sign.

(c) All Other Signs.

(1) For sign copy mounted or painted on a background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or

combination thereof that encompasses the extreme limits of the background panel, cabinet, or surface.



1157.04-C: Illustration of computing sign area for wall signs with a background panel or cabinet.

(2) For sign copy where individual letters or elements are mounted or painted on a building façade where there is no background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the combination of the smallest square, circle, rectangle, triangle, or combination thereof that encloses all the letters or elements associated with the sign. See Figure 1157.04-D.



Figure 1157.04-D: Illustration of computing sign area for wall signs with individual letters.

(d) The sign area for a sign with more than one face (multi-faced signs) shall be computed by adding together the area of all sign faces visible from any one (1) point. [See Figure 1157.04-D.](#)

(e) When two identical sign faces are placed back to back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than twenty-four (24) inches apart, the sign area shall be computed by the measurement of one of the faces.

(f) The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.

(g) When calculating street frontage, only the street frontage that lies in the incorporated area of the Village of Clinton shall be used in the calculation.

1157.05 GENERAL SIGN STANDARDS.

(a) No sign shall be erected or maintained at any location where by reason of its position, working, illumination, shape, symbol, color, form or character, may obstruct, impair, obscure, interfere with the view of, or may be confused with any authorized traffic sign, signal or device, or interfere with, mislead, confuse, or disrupt traffic safety or flow.

(b) No portion of a sign shall obscure visibility within the visibility triangle established in [Sec. 1121.04\(b\)\(5\): Visibility at Intersections](#).

(c) Should any sign be or become unsafe or be in danger of falling, the property owner shall be responsible for putting the sign in a safe and secure position or removing the sign.

(d) Signs shall not be attached to trees, utility poles, rocks, fences, or streetlights nor shall signs be placed on any public property except in accordance with this chapter.

(e) No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation within any right-of-way (unless express written authorization is obtained from the agency having jurisdiction over the right-of-way) or on any area where landscaping is required by village regulations.

(f) The light from any illuminated sign or from any light source shall be so shaded, shielded, or directed that the light intensity or brightness shall not adversely affect surrounding or facing residential districts, or adversely affect the safe vision and operation of vehicles moving on public or private roads, highways, or parking areas. Light shall not directly shine or reflect on or into residential structures.

(g) All buildings shall have a sign providing the numeric address for identification purposes to assist in fire and safety protection. Such signs shall not require a sign permit but shall otherwise conform to the standards of this chapter and shall be subject to the standards of [Sec. 1157.07 Signs or Changes Not Requiring a Sign Permit](#).

(h) Signs on Awnings, Canopies, or Marquees.

(1) Awnings, canopies, or marquees shall be designated as permanent parts of the building and shall meet all of the requirements of all applicable building and electrical codes.

(2) The maximum amount of signage permitted on any awnings, canopies, or marquees shall be equal to the maximum wall sign area permitted within the applicable zoning district.

(3) Wall signs shall not be permitted on buildings where signage is established on awnings, canopies, or marquees and vice versa.

(4) Such signs shall only be illuminated from an external lighting source. Internal illumination of awnings, canopies, or marquees is expressly prohibited.

(5) Such signs shall be permitted to extend into the public right-of-way over a sidewalk but shall be required to provide a clearance of eight feet between the sidewalk and the sign. Such sign shall not extend above the roof line.

(i) Location.

(1) Signs shall be erected so as not to obstruct traffic sight lines or traffic control lights at road intersections. No sign shall be constructed on or over any road right-of-way.

(2) No signs provided for in this chapter shall be erected on any private property unless the property owner's permission has been obtained.

(3) Unless otherwise specified in this chapter, all signs shall be set back a minimum of ten (10) feet from any adjacent street right-of-way line and at least twenty (20) feet from any side lot line.

(j) Illumination.

(1) Any illuminated sign or lighting device shall employ only light emitting a constant intensity. Lights or lighting that flashes or otherwise portrays movement is specifically prohibited.

(2) All wiring, fittings and materials used in the sign shall be in accordance with the provisions of the electrical code in effect at the time of installation, modification or repair of the sign.

(3) Unless otherwise permitted or restricted in this ordinance, signs that are illuminated shall use lighting in which the source of light shall not be visible from the road and shall not shine on adjoining properties. No flashing, revolving, or intermittent illumination shall be employed. In addition, the following illumination requirements shall apply:

a. In the Downtown Canal District (B-1): Only external lighting to a level of twenty (20) foot-candles on the surface of the sign.

b. In the Warwick Business District (B-2) and the Industrial District (I-1): Internal or external lighting with a maximum illumination of fifty (50) foot-candles on the surface of the sign.

1157.06 PROHIBITED SIGNS.

The following types of signs are prohibited in all districts:

(a) Signs in any public right-of-way except:

(1) Signs owned by the village, Summit County, State of Ohio, or the federal government and approved by the Ohio Manual of Uniform Traffic Control Devices;

(2) Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message that is necessary to identify the use; and

(3) Signs installed by a transit company with a franchise or other right to operate in Summit County, where such signs are installed along its routes and relate to schedules or other information about the transit route.

(b) Abandoned On-Premises Signs.

(1) Any on-premises sign now or hereafter existing that no longer identifies a bona fide business conducted on the premises or a product sold on the premises for a period of six (6) months shall be deemed abandoned.

(2) Such a sign shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or structure upon which the sign may be found within thirty (30) days after notification to the owner from the Zoning Inspector.

(3) All signs shall be in conformance with [Sec. 1157.11 Maintenance, regarding the maintenance of signs.](#)

(c) Signs that consist of lights that revolve, flash, or show any type of movement are prohibited in all districts with the exception of electronic message centers specifically permitted in the Industrial District (I-D) and the Warwick Business District (B-2).

(d) Signs emitting any noisy mechanical device (whistles, horns, sirens, or any other noisy audible devices);

(e) Signs that contain or consist of banners, strings of lights, posters, pennants, ribbons, streamers, spinners, or other similar moving devices for the purpose of advertising or attracting attention.

(f) Off-premises signs;

(g) Feather signs;

(h) Air activated graphics or balloons bearing a commercial message except where otherwise permitted in this chapter;

(i) Any sign, which rotates, revolves, or otherwise moves unless otherwise expressly permitted under this article;

(j) Signs placed on vehicles or trailers that are parked or located for the primary purpose of displaying such signs. This does not apply to portable signs or lettering on buses, taxis, or vehicles operating during the normal course of business;

(k) Signs imitating or resembling official traffic or governmental signs or signals;

(l) Signs on outdoor vending machines;

(m) Portable signs;

(n) Snipe signs;

(o) Graffiti; or

(p) Signs located above the roofline.

1157.07 SIGNS OR CHANGES NOT REQUIRING A SIGN PERMIT.

(a) The following signs shall comply with the requirements of this chapter, wherever applicable, but shall be exempt from the sign permit and fee requirement of this chapter and [Sec. 1113.04 Sign Permit:](#)

- (1) Commemorative or memorial plaques placed by the village, county, state, or recognized historical agencies; such a sign shall bear no commercial message, shall not be directly illuminated, and shall have a maximum sign area of sixteen (16) square feet;
- (2) One wall sign, not to exceed one square foot in area, for each dwelling unit. Such sign shall not contain any commercial message; such sign shall not be directly illuminated;
- (3) Routine maintenance of any sign, not involving structural changes to the sign;
- (4) Changes of message, either manually or electronically, on an electronic message center or reader board (changeable copy sign), subject to limitations in this article on the frequency of changes of message. Changes of sign panels or other changes to signs may require a sign permit in accordance with [Sec. 1157.02 Applicability](#);
- (5) Signs installed by the state, county, or officials of the Village of Clinton in the course of their official duties; and
- (6) Other signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message.

(b) The following signs shall be exempt from the permit requirements of this chapter and shall not be considered in applying limitations on the number of signs permitted on a wall or a lot, but such signs shall be subject to the lighting, installation, height, setback, maintenance and other standards set forth in this section:

- (1) Detached signs smaller than two (2) square feet in area and less than four (4) feet in height, and containing no commercial message; and
- (2) Wall signs smaller than two (2) square feet in area and containing no commercial message.

1157.08 PERMANENT SIGNS PERMITTED IN RESIDENTIAL DISTRICTS.

The following permanent signs may be permitted in all residential zoning districts and shall require a sign permit and related fee:

(a) A permanent ground-mounted sign or wall signs may be permitted for any platted residential development provided that the signs comply with the following requirements:

(1) General Standards.

- a. The sign may be permitted at each primary development entrance as determined by the Zoning Inspector.
- b. The sign shall be setback ten (10) feet from the public right-of-way and twenty (20) feet from any adjacent side lot lines.
- c. The sign may have a maximum sign area of twenty (20) square feet not including any fence or wall on which the sign is located.
- d. No sign or any portion of the structure shall exceed four (4) feet in height.
- e. The sign may only be illuminated by an external light source.

(2) Ground-Mounted Monument Signs.

- a. One (1) permanent ground-mounted monument sign may be permitted for each entrance.
- b. If an applicant proposes to use a ground-mounted monument sign, no wall signs shall be permitted.

(3) Wall Signs.

- a. A maximum of two (2) wall signs may be permitted for each entrance.
- b. The signs shall be mounted to a decorative wall or fence that generally runs parallel with the street.
- c. Where two (2) signs are used, such signage shall be identical.

d. If an applicant proposes to use wall signs, no ground-mounted monument sign shall be permitted.

(b) One permanent ground-mounted sign may be permitted for any public or institutional use in a residential zoning district provided that the sign meets the following requirements:

- (1) The sign shall be a ground-mounted sign.
- (2) The sign shall be setback ten (10) feet from the public right-of-way and twenty (20) feet from any adjacent side lot lines.
- (3) The maximum sign area shall be twenty (20) square feet.
- (4) No such sign or any portion of the structure shall exceed four (4) feet in height.
- (5) Up to ten (10) square feet of the sign may be a manual changeable copy sign.
- (6) The sign may only be illuminated by an external light source.
- (7) Such sign shall be subject to conditional use review as established in [Sec. 1113.06 Conditional Use](#).

1157.09 PERMANENT SIGNS PERMITTED IN BUSINESS DISTRICTS.

The following signs may be permitted in the specified business districts, provided that no such sign shall bear an off-premise commercial message, and each such sign shall require a sign permit:

(a) Permanent Pole-Mounted Signs

Each platted lot in the Warwick Business District (B-2) and the Industrial District (I-1), as of the effective date of this ordinance, or amendment thereto, shall be permitted to have one pole-mounted sign that complies with the following provisions:

- (1) One pole-mounted sign is permitted on each parcel or lot as follows:
 - a. The maximum sign area shall be twenty (20) square feet.
 - b. The maximum sign height shall be twenty-five (25) feet.
 - c. The sign shall be setback ten (10) feet from the public right-of-way and twenty (20) feet from any adjacent lot lines.
- (2) Where a lot is a corner lot, double frontage lot, or is of another configuration with multiple street frontages, each street frontage may have a pole-mounted sign that meets the above requirement. The sign area for each additional sign shall be calculated based on the street frontage where the sign is to be placed.

(b) Permanent Wall Signs (Projecting)

Any business tenant within a business district shall be permitted one wall sign per building that faces a public street subject to the following:

- (1) The maximum sign area of the wall sign for any single business tenant shall not exceed fifty (50) square feet in area.
- (2) Wall signs shall not be mounted in such a way as to exceed twelve (12) feet in height and in no case shall exceed the height of the structure.
- (3) Wall signs shall not project more than four (4) feet as measured from the face of the building to the front of the sign.

(c) Window Signs

- (1) Each business located in a business district may have window signs provided they do not cover more than twenty percent (20%) of each window surface.

(2) The window signs shall be so located as to allow clear visibility into the building for the purposes of fire and police protection.

(3) Window signs that are permanent in nature shall be subject to the sign permit review established in [Sec. 1113.04 Sign Permit](#).

(d) Permanent Driveway Signs.

Permanent ground-mounted signs (a.k.a. directional signs) shall be permitted in all business districts, near driveway entrances to a street and at intersections of internal drives under the following provisions:

(1) The signs shall be set back five (5) feet from all lot lines but in no case shall the sign be set back more than twenty-five (25) feet from the driveway entrance or intersection of internal drives.

(2) One (1) sign may be permitted per individual driveway or internal intersection.

(3) The sign may not exceed four (4) square feet in area.

(4) The sign height shall not exceed three (3) feet in height.

(5) No more than two (2) square feet of the sign shall include a commercial message.

(e) Flags.

Up to one flag with commercial speech may be flown on a flagpole in any business district in accordance with the following:

(1) The maximum height of any flagpole shall be thirty-five (35) feet.

(2) All flagpoles shall be permanently installed into the ground with any required footings as may be necessary based on the individual pole.

(3) The maximum flag size shall be forty (40) square feet.

(f) Permanent Signs Related to Gasoline Sales.

(1) In addition to other signs permitted by this section, one (1) permanent double-faced sign shall be permitted per fueling station where gasoline or fuel is dispensed.

(2) The permitted pole-mounted sign associated with gasoline sales may incorporate an electronic message center that shall not exceed ten square feet of the permitted sign area.

(3) Any message change shall be a static, instant message change with no scrolling or other motion allowed.

(g) Electronic Message Centers.

(1) Electronic message centers shall be permitted in the Warwick Business District (B-2) and the Industrial District (I-1).

(2) One (1) electronic message center may be permitted on each lot and shall be reviewed as a conditional use ([See Sec. 1113.06 Conditional Use](#)).

(3) The maximum sign area for an electronic message center shall be twenty (20) square feet, or fifty percent (50%) of the total sign area, whichever is less.

(4) Any message change shall be a static, instant message change with no scrolling or other motion allowed.

(5) Messages shall only change once every twenty-four (24) hours or longer.

(6) The maximum brightness levels for an electronic message center shall not exceed twelve (12) foot-candles, measured from the nearest point of any highway or public road. All such signs shall

be equipped with a dimmer control and a photo cell which shall constantly monitor ambient light conditions and adjust brightness accordingly.

1157.10 TEMPORARY SIGNS.

(a) General Definitions Related to Temporary Signs.

(1) Temporary signs shall be as defined in this chapter and may include, but are not limited to political signs, real estate signs, and special event signs.

(2) Temporary signs with a commercial message include, but are not limited to, real estate signs, signs that reference the sale of items or other business-related activities, or that include text classified as a commercial message.

(3) Temporary signs that do not contain a commercial message include, but are not limited to, political signs, free speech signs, and any other sign with text or message that is not classified as a commercial message.

(b) Standards that Apply to All Temporary Signs.

(1) No temporary sign shall be mounted, attached, affixed, installed or otherwise secured by any permanent means to any building, permanent sign, other structure or improvement, or to the ground upon which it is erected.

(2) No temporary sign shall be mounted, attached, affixed, installed or otherwise secured so as to protrude above the roof of a structure.

(3) No temporary sign shall be illuminated by anything other than non-reflected daylight.

(4) Unless otherwise specified, temporary signs, regardless of the message, shall be set back a minimum of ten (10) feet from the edge of street pavement or the edge of a street right-of-way, whichever is greater, and shall have a maximum height of four (4) feet.

(c) Permitted Temporary Signs.

This section addresses permitted temporary signs, with a commercial message, in any zoning district.

(1) Temporary Commercial Signage on Lots.

a. One temporary sign containing a commercial message may be permitted on any lot where the lot or the structure on the lot is for sale or for lease or where there is an auction of the lot, structure, or real property on the lot.

b. If the lot has more than one (1) street frontage, one (1) additional temporary sign shall be allowed. Each temporary sign allowed shall be located on separate street frontages.

c. The maximum sign area for each sign shall be six (6) square feet.

d. The maximum sign for each sign shall be four (4) feet unless attached temporarily to a wall or façade, in which case it shall not be attached or otherwise mounted above the roof line.

e. No sign permit or fee shall be required for these signs.

(2) Temporary Commercial Signage for Development.

As an accessory use to the permitted temporary commercial activity of land development, one (1) temporary sign, with a commercial message is permitted during the development of a subdivision or for the construction of a nonresidential use in accordance with the following:

a. The sign shall not be illuminated and shall have a maximum sign area of twenty (20) square feet and a maximum height of four (4) feet.

b. The sign shall be installed on the property to be developed.

c. The sign shall be set back a minimum of twenty-five (25) feet from all street rights-of-way.

- d. The sign shall require a sign permit and fee pursuant to **Sec. 1113.04 Sign Permit**.
- e. The sign may be maintained for the following periods of time:
 - i) Until a permitted permanent sign identifying the subdivision or development is installed; or
 - ii) Until thirty (30) days following the completion of construction of the development or of the last dwelling unit.
- f. The Zoning Inspector shall have the authority to review and renew the temporary sign permit every six (6) months if a finding is made that the sign and ground upon which it is located are maintained in a neat and orderly manner. If not, the Zoning Inspector may revoke the sign permit and order the sign removed.

(3) Temporary Commercial Signage for Temporary Special Events

As an accessory use to a permitted temporary special event lasting forty-eight (48) hours or less, the owner or occupier of the lot where the event will take place may post one additional temporary sign with a commercial message in addition to the above temporary signs in accordance with the following:

- a. The sign shall have a maximum sign area of sixteen (16) square feet and a maximum height of four (4) feet.
- b. The sign shall be set back a minimum of twenty-five (25) feet from all street rights-of-way.
- c. The sign may be displayed for a maximum period of fourteen (14) consecutive days for up to two (2) separate times per calendar year. Each of the fourteen (14) day display periods must be at least thirty (30) consecutive days from the prior fourteen (14) day period.
- d. The sign shall not require a sign permit but shall require a deposit, in the amount specified in the village fee schedule, paid in advance to the Zoning Inspector. The fee shall be refundable to the applicant upon the removal of all signs and supporting materials. Upon failure to remove signs within the specified time period, without limitation of remedy, the cash deposit shall be forfeited to the village to defray the costs of removing the signs.
- e. The sign shall not be illuminated.
- f. The temporary sign can be an A-frame sign or a sign attached to the ground in a temporary manner.

(4) Temporary Signs for Public or Institutional Uses.

Public or institutional uses shall be permitted to utilize temporary signs pursuant to this section provided the sign meets the following provisions:

- a. The sign shall not exceed sixteen (16) square feet in area for any one side.
- b. The sign shall not exceed four (4) feet in height.
- c. One (1) sign shall be permitted for a period of fourteen (14) consecutive days for up to four (4) separate times per calendar year.

(d) Temporary Political Signs.

Any political sign that does not exceed twelve (12) square feet per side shall be permitted in any district provided that such sign shall not be erected for more than thirty (30) consecutive days before it must be taken down and, at the property owners' option, be replaced with a new sign. The sign shall require a sign permit and fee pursuant to **Sec. 1113.04 Sign Permit**.

1157.11 MAINTENANCE.

- (a) All signs, including flags, shall be constructed, maintained, and illuminated in a safe manner, and shall comply with applicable codes and be kept in good repair.

- (1) Signs shall be free from rust, dust, dirt, and other such debris.
 - (2) Exposed surfaces shall be clean and painted if paint is required.
 - (3) Defective parts shall be replaced.
 - (4) The Zoning Inspector shall have the right to order the repair or removal of any sign that is defective, damaged, or substantially deteriorated. Such sign shall be repaired or removed by the owner, agent, or person having the beneficial use of the sign within thirty (30) days after notification to the owner from the Zoning Inspector.
- (b) Should any sign be or become unsafe or be in danger of falling, the owner, tenant, or lessee shall, upon receipt of written notice from the Zoning Inspector, proceed at once to correct the unsafe condition and/or remove the sign in question.
- (c) Signs shall not be constructed, maintained, and/or illuminated in such a manner as to create or allow the obstruction of vision or drivers, pedestrians, or the general public, or create a fire or safety hazard. Signs shall be subject to the vision clearance regulations of this ordinance.

1157.12 NONCONFORMING SIGNS.

(a) Determination of Legal Nonconformity.

Existing signs that do not conform to the specific provisions of this chapter may be eligible for the designation of a “legal nonconforming sign” provided that the nonconforming sign:

- (1) Is properly maintained and does not in any way endanger the public or constitute a nuisance; and
- (2) The sign was erected pursuant to a valid permit or variance and complies with all other applicable laws on the effective date of this ordinance.

(b) Loss of Legal Nonconforming Status.

A legal nonconforming sign loses the legal nonconforming designation if:

- (1) The sign is relocated;
- (2) The sign structure is replaced;
- (3) The establishment where the sign is located ceases to operate for a period of two (2) years. This does not refer to general maintenance, changeable marquees, or to face and copy changes; or
- (4) The sign is removed or abandoned for a period of two (2) years. This does not refer to general maintenance, changeable marquees, or face and copy changes.

(c) Maintenance and Repair of Nonconforming Signs.

The legal nonconforming sign is subject to all requirements of this article regarding safety, maintenance, and repair. However, if the sign suffers damage to an extent greater than sixty percent (60%) of the estimated replacement value, unless such damage was caused by vandalism, an act of God, or other causes outside the influence of the owner or user, such sign shall be reconstructed in compliance with this chapter.

CHAPTER 1161

Nonconformities

Section:

1161.01 Purpose.

1161.02 General Provisions.

1161.03 Nonconformities and Changes in Use or Variances.

1161.04 Nonconforming Uses.

1161.05 Nonconforming Structures.

1161.06 Nonconforming Lots of Record in Residential Districts.

1161.07 Nonconforming Signs.

1161.08 Repair and Maintenance.

1161.09 Burden of Proof.

1161.01 PURPOSE.

Within the districts established by this ordinance, some lots, uses of lands or structures, or combinations thereof may exist which were lawful prior to the effective date or amendment of this ordinance, but that are prohibited, regulated, or restricted under the terms of this ordinance. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for the continuance of such uses, subject to regulations limiting their completion, restoration, reconstruction, extension, and/or substitution. While it is the intent of this ordinance that such nonconformities be allowed to continue until removed, they should not be encouraged to survive, unless otherwise allowed in this chapter or specifically addressed in this ordinance.

1161.02 GENERAL PROVISIONS.

(a) Any nonconforming building, structure, lot, or use existing at the time of the effective date of this ordinance may be continued, even though such building, structure, lot, or use does not conform to the provisions of this ordinance. Such nonconforming building, structure, lot, or use, shall be subject to the provisions of this chapter.

(b) The lot on which there is located a nonconforming use shall not be reduced in area or width to a lot area or lot width smaller than that required within the applicable zoning district, nor shall any existing yard be reduced so as to be smaller than the minimum yard requirements thereof.

(c) Passage of this ordinance in no way legalizes any illegal uses or structures existing at the time of the adoption of this ordinance.

(d) If the legally nonconforming use of any dwelling, building, structure, or of any land or premises is voluntarily discontinued for two years or more, any future use thereof shall be in conformity with the provisions of this ordinance.

1161.03 NONCONFORMITIES AND CHANGES IN USE OR VARIANCES.

(a) Whenever a nonconforming use has been changed to a conforming use, such use shall no longer be defined as a nonconforming use and the previously existing nonconforming use shall not be re-established unless otherwise authorized by this ordinance.

(b) The granting of a variance for a use or structure that otherwise complies with this ordinance shall not create a nonconforming use or structure when the variance is granted.

(c) When a property owner or authorized agent is granted a variance for a nonconforming use or structure that addresses the nonconformity, the use or structure shall no longer be considered nonconforming.

(d) If a property owner or authorized agent is granted a variance for a nonconforming use or structure that addresses some nonconformities but additional nonconformities continue, the use or structure shall still be considered legally nonconforming.

1161.04 NONCONFORMING USES.

If at the time of adoption of this ordinance, lawful uses of land or structures exist that would not be permitted by the regulations of this ordinance, the uses may be continued so long as they remain otherwise lawful and provided:

(a) No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this zoning ordinance unless it complies with the provision of [Sec. 1161.04 \(f\) Expansion of a Nonconforming Use](#).

(b) No structure containing a nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this zoning ordinance.

(c) If any such nonconforming use is discontinued, abandoned, or vacated for more than two (2) years, any subsequent use of such land or structure shall conform to the regulations specified by this zoning ordinance for the applicable zoning district.

(d) No additional structures related to a nonconforming use shall be constructed unless such new structure complies with the requirements of this ordinance and the applicable zoning district.

(e) Change of Nonconforming Use.

A nonconforming use may be changed to another nonconforming use provided that the proposed nonconforming use is in less conflict with the character and use of the district than the existing nonconforming use, as determined by the BZA at a public hearing.

(f) Expansion of a Nonconforming Use.

The expansion of a nonconforming use is prohibited.

(g) Termination of Nonconforming Uses.

(1) Termination of Use through Discontinuance.

When any nonconforming use is discontinued or abandoned for more than two (2) years, any new use shall not be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

(2) Termination of Use by Damage or Destruction.

- a. If a nonconforming residential use is damaged or destroyed to any extent, such structure and use may be reestablished on the same lot within the same footprint of the original building. Such reestablishment of the use shall require the issuance of a zoning certificate.
- b. If any other type of nonconforming use is damaged or destroyed, the reestablishment of the nonconforming use may only be permitted if reviewed and approved by the BZA after a public hearing. The BZA shall take the following under consideration when making a determination about permitting the reestablishment of the nonconforming use:
 - i) The extent of damage and whether the damage is so significant as to be considered a complete structure loss (i.e., full rebuild);
 - ii) Whether the restoration or construction could potentially create new nonconformities and/or whether such restoration or construction can reasonably eliminate some nonconformities;
 - iii) Whether the damage or destruction was done by act of the owner or tenant, by a natural force, or some other event that was out of owner's control;
 - iv) That such restoration or construction is commenced within one (1) year of the date that such notice is given; and
 - v) That the owner of the property in question has filed a notice of intention with the Zoning Inspector to continue the nonconforming use within six (6) months of such destruction or damage with the Zoning Inspector.
- c. In the event that such notice is not filed, then the nonconforming use in question shall be deemed to be abandoned and subject to the two (2) year rule.

1161.05 NONCONFORMING STRUCTURES.

- (a) Any nonconforming structure may be enlarged, maintained, repaired or altered provided that no such enlargement, maintenance, repair or alteration shall create either an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure.
- (b) No nonconforming structure shall be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the applicable zoning district.
- (c) Governmental acquisition of a portion of a lot for a public purpose that results in reduction in a required yard or building setback below that required in the applicable zoning district shall not render a structure nonconforming.

1161.06 NONCONFORMING LOTS OF RECORD IN RESIDENTIAL DISTRICTS.

- (a) If an existing lot of record in a residential district is occupied by a dwelling, such dwelling shall be maintained and may be repaired, modernized or altered, provided that:
 - (1) The building shall not be enlarged in floor area unless the enlarged section(s) complies with all regulations of this ordinance, with the exception of the lot area and the lot width regulations.
 - (2) The number of dwelling units shall not be increased unless in conformance with this ordinance.
 - (3) Dwelling units may be expanded without requiring any additional garage space or parking space, provided the addition does not occupy space that could be used for parking or a garage in compliance with these regulations.

(4) The Zoning Inspector may authorize detached garages to be located not less than five (5) feet from side and rear lot lines when the Zoning Inspector determines that compliance with the applicable setback requirements is not possible.

(b) Any construction proposed on an existing lot of record that is a flag lot which results in a proposed dwelling unit being constructed behind an existing dwelling shall be reviewed by the Planning Commission. The Planning Commission shall review the placement of the building on the lot and may require screening to protect the privacy of the existing dwelling unit.

1161.07 NONCONFORMING SIGNS.

See [Sec. 1157.12 Nonconforming Signs](#).

1161.08 REPAIR AND MAINTENANCE.

(a) On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the footprint and height of the structure as it existed, when it became nonconforming, shall not be increased.

(b) Nothing in this section shall be deemed to prevent the strengthening or restoring to safe condition of any building, or part thereof, declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.

1161.09 BURDEN OF PROOF.

An applicant for any review procedure that deals with a nonconformity shall bear the burden of proof in demonstrating that the nonconformity was legal on the date the use, structure, or lot, became nonconforming.

CHAPTER 1165

Enforcement and Penalties

Section:

1165.01 Enforcing Officer.

1165.02 Violations.

1165.03 Inspection.

1165.04 Remedies.

1165.05 Penalties.

1165.06 Affected Parties.

1165.07 Other Actions.

1165.01 ENFORCING OFFICER.

The Zoning Inspector, or their designee, shall be the enforcing officer of this ordinance. The enforcing officer is hereby authorized to enforce, issue orders to prevent and stop violations, and administer the provisions of this ordinance. The Zoning Inspector may be assisted by other personnel as the Village Council deems necessary.

1165.02 VIOLATIONS.

(a) Any of the following shall be a violation of this ordinance and shall be subject to the enforcement remedies and penalties provided by this chapter and by the ORC:

- (1) To engage in any construction, use of land or building, expansion, change of occupancy, or other activity of any nature upon the land and improvements thereon subject to the jurisdiction of the Village of Clinton without all of the required certificates or reviews, or other forms of authorization as may be set forth in this ordinance;
- (2) To engage in any construction, use of land or building, expansion, change of occupancy, or other activity of any nature in any way inconsistent with any approved certificate or approval granted by the village in accordance with this ordinance;
- (3) To violate, by act or omission, any term, condition or qualification placed by the village upon a required certificate or approval granted by the village;
- (4) To violate any other term, condition, standard, or requirement of this ordinance; or
- (5) To continue any of the above-stated violations.

(b) Each day a violation continues shall be considered a separate offense.

(c) In all cases, the Village Council, the Village Solicitor, the Zoning Inspector, or any adjacent or neighboring property owners who would be especially damaged by such violations, in addition to other remedies provided by law, may, at their own expense, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate or remove such violation.

1165.03 INSPECTION.

The Village Zoning Inspector shall inspect each alleged violation and shall, in writing, order correction of all conditions which are found to be in violation of this Ordinance. The Zoning Inspector will prepare a written report and case file on any matter that might warrant suit or prosecution for a violation of this ordinance.

1165.04 REMEDIES.

If any building or land is used, altered, constructed, enlarged or any other action proposed in violation of the provisions of this ordinance or any amendment or supplement thereto, the Village Council, the Village Solicitor, the Zoning Inspector, or any person or any property owner damaged by or subject to damage by such violation, in addition to remedies provided by law, is hereby empowered or authorized to institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, enlargement, change maintenance or use.

1165.05 PENALTIES.

(a) Any person, firm or corporation violating any regulation, provision, amendment or supplement to this ordinance, or failing to obey any lawful order of the Zoning Inspector issued pursuant thereto, shall be fined an administrative/civil fine as listed in the Village Fee Schedule pursuant Sec. 105.01. The first offense shall be deemed a Level One violation, a second offense shall be deemed a Level Two violation, and each offense thereafter shall be deemed a Level Three violation. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues shall be deemed a separate offense.

(b) If payment is not received by the Village within thirty (30) days from the date of the mailing such notice, Council shall then make a written return to the County Fiscal Officer of its action, showing the total charges together with all applicable attorney and/or collection agency fees up to one-third (1/3) of the total amount owed. Such amounts shall be entered upon the tax duplicate, shall be a lien upon the lot from the date of entry, and shall be collected as other taxes are collected and returned to the Village by the County Fiscal Officer.

(c) The Mayor or the Mayor's designee has the discretion to waive up to fifty percent (50%) of the total assessed fine or lien and execute any related paperwork in changing a lien release. Village Council must approve any fine waiver or lien release beyond fifty percent (50%) of the total fine or lien levied.

1165.06 AFFECTED PARTIES.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, engineer, surveyor, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may be penalized pursuant to **Sec. 1165.05 Penalties.**

1165.07 OTHER ACTIONS.

Nothing herein contained shall prevent the village from taking such other lawful action as is necessary to prevent or remedy any violation including issuing a misdemeanor citation for a continuing zoning ordinance violation.