

Zoning Ordinances of the Village of Sugar Bush Knolls, Ohio

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100.01 — INTERPRETATION In their interpretation and application, the provisions of this Zoning Ordinance, as most recently amended, shall be held to be the minimum requirements for the promotion of public health, safety, morals and general welfare.

100.02 — PURPOSES For the purpose of promoting public health, safety, morals, comfort or general welfare; to conserve and protect property and property values; provide for public improvements, the locations, heights, bulk, number of stories and size of building and other structures, percentages of lot areas that may be occupied, setback building lines, sizes of yards, courts and other open spaces, the density of population, the use of buildings and other structures and the use of land for residence, recreation or other purposes in the incorporated territory of such Village and for said purposes the incorporated territory of the Village of Sugar Bush Knolls is hereby established in accordance with the Ohio Revised Code and subject to the regulations hereinafter provided, for all lots and lands therein contained.

101.00 — DEFINITIONS

101.00 — DEFINITIONS The provisions of this Chapter of this Zoning Code shall be known as the “Zoning Ordinances of the Village of Sugar Bush Knolls, Ohio.”

101.01 — Certain words in this ordinance are defined for the purpose hereof as follows:

- A. "ACCESSORY USE" or "ACCESSORY BUILDING" is a use or building customarily incident to and located on the same lot with another use or building.
- B. "BOARDER" is an individual not related to a family and permanently living with a family, paying rent for lodging, and eating with the family or not. Permanence of living shall be in accord with intent, not length of time. Tourists or guests are not boarders within this definition. Excluded are exchange students.
- C. "DWELLING" is a complete permanent building, other than an accessory building or a garage, designed, intended, constructed or reconstructed to be occupied by not more than one (1) family.
- D. "ESTABLISHED ROAD GRADE" is the elevation of the center-line of the traveled portion (pavement or otherwise) of a public way at a particular point as established by construction or usage.
- E. "FAMILY" is
 - 1. Any number of individuals related by blood, marriage, or adoption living and cooking together on the premises as a single housekeeping unit, including live-in domestic employees, and foster care children;
 - 2. A number of persons but not exceeding two (2) living together as a single housekeeping unit though not related by blood, adoption or marriage shall be deemed to constitute a family.
- F. "FRONT LOT LINE" or "FRONT PROPERTY LINE" or "PROPERTY FRONTAGE" is the principal road line of a lot.
- G. "FRONT YARD" or "FRONT AREA" is a space, unoccupied by buildings, between the front lot line and the building line nearest thereto on said lot.
- H. "HEIGHT OF A BUILDING" is the vertical distance, measured at the center-line of the principal front of the building from the established road grade or from the natural grade, if higher than the established road grade, to the level of the highest point in the coping of flat roofs or the decline of a mansard roof or to the mean height of a hipped roof. Where no roof beams exist or there are structures wholly or partly above the roof, the height shall be measured to the level of the highest point of the building, exclusive of chimneys.

- I. “LINE OF BUILDING” or “BUILDING LINE” is either the main foundation wall or the line of any covered porch extending outside the main foundation wall, not including steps or walk, whichever is nearer the lot line in question.
- J. “LOT” as used herein is not to be confused with that word used on plats or maps. A “lot” is a parcel of land containing a minimum of 1.25 acres, occupied by, or legally capable of being occupied by, one (1) building, and the accessory building or uses customarily incident to it, including such open spaces as are required by this ordinance and such open spaces as are herein permitted to be arranged and designed to be used in connection with such building.
- K. “NATURAL GRADE” is the undistributed and unaltered elevation and contour of the ground surface.
- L. “NON-CONFORMING USE” is use that does not comply with the regulations established for the district or zone in which it is situated.
- M. “REAR AREA LOT” is a parcel of land occupied by or legally capable of being occupied by one (1) dwelling and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this Ordinance and such open spaces as are herein permitted to be arranged or designed to be used in connection with such dwelling, but differing from a lot in having a front lot line of less than the front lot line of the area in which located but not less than thirty (30) feet, which minimum width of thirty (30) feet shall be the front line of an access strip to a public way. The said access strip shall be of common ownership with said rear area lot provided, however, that the area of said access strip to the property line nearest parallel to the public way shall not be included in computing minimum area for the area in which located.
- N. “REAR LOT LINE” is the property line of a lot opposite the front lot line. If the lot is triangular, there shall be no rear lot line unless the principal building on said lot faces an angle thereof, one (1) side of said angle being the front lot line, in which event the property line opposite said angle shall be the “rear lot line.”
- O. “REAR YARD” or “BACKYARD” or “BACK AREA” is a space, unoccupied by building, between the rear lot line and the building line nearest thereto on said lot.
- P. “ROAD-LINE” is the dividing line between abutting private property and a public way (including streets, alleys, highways, roads and lanes) whether the rights of the public in said way be by fee simple title, easement title, dedication, prescription, reservation or otherwise. “Road-line” shall be synonymous with “Road right-of-way line.”

- Q. “SETBACK LINE” is the distance between the lot line in question and the nearest permissible building line.
- R. “SIDE YARD” or “SIDE AREA” is a space, unoccupied by buildings, between a side lot line and the building line nearest thereto on said lot. Any lot line, not a rear lot line or front lot line, shall be deemed a “side lot line.”
- S. “STRUCTURAL CHANGE” means any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, excepting such as may be required for the safety of the building.
- T. “WORDS USED IN PRESENT TENSE” include the future; the singular number includes the plural and the plural the singular; whenever the circumstances shall so require the context shall permit, the masculine gender shall include the feminine and the neuter and vice versa; the word “lot” includes the word “plot”; the word “structure” includes the word “building”; the word “shall” is mandatory and not directory.

102.00 — GENERAL

102.01 — This ordinance shall not be interpreted as interfering with, abrogating or annulling any ordinances, regulations, or permits previously adopted or issued except where such ordinances, regulations or permits are in conflict with this ordinance or amendments hereto in which event this ordinance or amendments hereto shall prevail.

102.02 — Where this ordinance or amendments hereto impose greater restrictions or higher requirements than are imposed or required by easements, covenants, agreements, or otherwise, the provisions of this ordinance or amendments hereto shall prevail.

102.03 — Each section, subsection, paragraph, provision, requirements, restriction, or regulation of this ordinance or amendments hereto is hereby declared to be independent and the holding of a part to be invalid shall not affect the validity of this ordinance or amendments hereto as a whole or any part thereof except the particular section, subsection, paragraph, provision, requirement, restriction, or regulation so declared to be invalid.

102.04 — All plans and specifications for the construction, reconstruction, alteration, completion, restoration, extension, substitution, enlargement, or remodeling of any buildings, structures, or uses must conform to the State of Ohio and Portage County sanitation and building statutes, codes and/or regulations if any are in effect, and all plans and specifications must have approval of the State and/or County agencies or officers charged with the execution, administration or application of such statutes, codes and/or regulations.

102.05 — Nothing in this ordinance or any amendments hereto shall be interpreted as intended to be in conflict with the exemptions made mandatory by Ohio Revised Code Chapter 713, as well as other general law pertaining to planning, zoning, or similar land use regulations, as the same now exists or hereafter may be amended, revised, repealed, or established by general law or Village legislation.

102.06 — No business, trade or manufacturing of any sort or nature, or excavating further than is necessary for the construction of improvements or the grading on said lot, shall be conducted upon the property. No noxious or offensive activity, business or otherwise, shall be carried on upon said premises, or anything done thereon that may be or become an annoyance or nuisance to the residents of the Village or any of the residents.

102.07 — No nuisance, advertising sign, billboard, or other advertising device, except for the sale or lease of the land upon which said sign is located, shall be permitted, erected, placed, or suffered to remain upon said premises, nor shall the premises be used in any way or for any purpose that may endanger or hinder, or unreasonably disturb the quiet of any holder of adjoining land. The owner will keep and maintain the premises in an appropriate condition consistent with the adjacent property in the neighborhood.

102.08 — Owner shall not divide, subdivide or convey any part less than the whole thereof, of any lot in the Village without the approval of the Planning Commission.

102.09 — The Sugar Bush Knolls Planning Commission shall be the Platting and Zoning Board for the Village of Sugar Bush Knolls. No dwelling house, automobile garage, or other structure including fences and walls shall be erected or suffered to remain upon said premises unless detailed plans and specifications thereof show the nature, name, shape, height, material, color scheme, and location of said dwelling house, automobile garage, or other structure shall have been submitted to and approved in writing by the Sugar Bush Knolls Planning Commission. The Sugar Bush Knolls Planning Commission shall have the right to refuse to approve any such plans or specification that are not compatible with the neighborhood or district, in its opinion; and in so passing upon such plans and specifications Sugar Bush Knolls Planning Commission shall have the right to take into consideration the suitability of the approved buildings, dwelling house, automobile garage or other structure; and of the material of which it is to be built; the proposed site upon which it is to be erected, and harmony thereof with the surroundings, and the effect of the building or other structure as planned on the outlook from the adjacent or neighboring properties. A majority vote of the Planning Commission shall be necessary for a decision.

102.10 — No farm animals, fowls, livestock, or wild animals of any kind or nature except domesticated household pets, shall be kept harbored on the premises unless the written consent of the Sugar Bush Knolls Planning Commission be first obtained. Said consent may be

revoked at any time at the option of the Sugar Bush Knolls Planning Commission, should they decide that keeping said animal results in a nuisance to the neighbors for noise, odor, or aesthetics; or that keeping said animal disturbs the health, safety, comfort, and welfare of the community.

102.11 — No trailer, basement of an incomplete house, tent, shack, or garage or other outbuilding shall at any time be erected or used as a residence temporarily or permanently; nor shall any structure of a temporary character be used as a temporary residence.

102.12 — LOT MAINTENANCE REQUIREMENTS

- A. The owner, occupant, or person having the charge or management of any lot or parcel of land situated within the Village limits, whether the same is improved or unimproved, vacant or occupied, within five (5) days written notice to do so, served upon him by the Clerk of Council, shall cut or destroy or cause to be cut or destroyed any noxious, poisonous, or harmful weeds or vines growing upon any such lot or parcel of land, and prevent the same from blooming, going to seed, or exceeding a height of twelve (12) inches.
- B. Each owner, tenant, occupant or person in control of any premises, private or public, shall at all times keep the premises clean of any paper, trash, garbage, waste, rubbish, refuse, junk or any material dangerous to the public health, deposited on such premises and shall take measures including, but not limited to, cleanup of the premises to prevent such litter from drifting or blowing to adjoining premises.
- C. Each owner, tenant or occupant of premises shall mow weeds and/or shall remove or cause to be removed any paper, trash, garbage, waste, refuse, junk, or any other materials on such premises within forty-eight (48) hours after having been served written notice by the Village Council to remove or cause to be removed such material from the premises.
- D. In the event the owner, tenant, occupant or person having the care of any building or lot of land does not mow, and/or cause to be removed materials in accordance with the provisions of this section, the Village Clerk is authorized and may enforce the provisions of this section and mow and/or cause such materials to be removed from such location, as instructed by Village Council at the cost to the owner with an additional twenty percent (20%) administrative fee.
- E. Whenever mowing is done by the Village and/or materials are removed by the Village in accordance with the provision of this section, notice by regular mail shall be given to the owner of such lot or parcel of land at his last known address to pay the costs of the

removal of such materials and such owner shall be given five (5) days within which to pay the costs of the removal. The notice shall be accompanied by a statement of the amount of the costs incurred by the Village for the removal of such material and in the event the same is not paid within thirty (30) days after mailing of such notice, then such amount shall be certified to the County Auditor and collected in the same manner as other taxes and assessments are collected.

102.14 — BOATS, CAMPERS, ETC. The placement of temporary structures, and the open storage of boats, campers, recreational vehicles (RVs), or trailers of any kind (travel, camping, motor homes, etc.) in excess of six (6) months in a calendar year is prohibited; provided, however that this restriction shall not prohibit trailers and temporary structures used in connection with building of any owner's home. Additionally, at all times such structures, boats, etc. shall be placed in the side or rear yard, behind the front building line.

102.15 — SWIMMING POOLS Above-ground swimming pools are prohibited except children's pools of a portable, seasonal type. Below-ground swimming pools shall be permitted but they are to be properly maintained in a safe, neat, and orderly manner and as approved by the Planning Commission.

102.16 — LANDSCAPING Upon the completion of dwellings, owners will have the lot landscaped within six (6) months after each owner has taken possession of newly constructed homes except homes occupied between May 1 and November 1, in which case the landscaping shall take place within sixty (60) days after occupancy.

102.17 — DRIVEWAYS Upon the completion of construction of a dwelling, the owner will have a driveway of asphalt or concrete.

103.00 — PERMITTED USES

103.00 — PERMITTED USES

- A. Land shall be used exclusively for single family residence purposes, and no structure shall be erected, altered, placed or permitted to remain on any lot other than one (1) single-family not to exceed two and one-half (2 ½) stories in height and a private garage made a part thereof or suitably attached to the dwelling for the exclusive use of the said dwelling with a minimum capacity of two (2) full-size passenger cars, and such accessory buildings as are incidental to a residential use.
- B. Except as permitted herein, all dwellings constructed shall contain no more than one (1) single family living unit. Separate living quarters within the principal dwelling may,

however, be permitted when used as living quarters for a member of such single family, a live-in relative as defined in section 101.01 and/or a domestic worker(s), and/or health aids or similar functionaries. Boarders and boarding houses are not permitted.

103.01 — LEASES The owner of a dwelling may lease such to another provided that such lease is made subject to all of the provisions of these restrictions.

105.00 — LOT AND BUILDING REQUIREMENTS

105.01 — BUILDING SIZE The main living floor area of any dwelling place or erected on any lot shall conform to the following minimum requirements:

Style	Total Square Feet	Other
One Story	2,500 sq. feet	1 st floor ground level
One and one-half Story	2,600 sq. feet	1,800 sq. ft. minimum in main living level
Two Story	2,800 sq. feet	1,800 sq. ft. on 1 st floor
Two and one-half Story	2,800 sq. feet	1,800 sq. ft. on 1 st floor

This excludes any area and all listed instances, basements, porches, breezeways, garages, unfinished area (lacking interior finish, heating and/or electric service areas) and/or any areas with a ceiling height less than seven (7) feet; all areas that have a ceiling height of seven (7) feet or more shall have at least fifty percent (50%) of the perimeter walls above ground.

105.02 — SETBACK PROVISIONS

- A. Front Yards Minimum front yard setback line shall be seventy (70) feet from the edge of the road upon which the lot fronts.
- B. Corner Lots In the case of a lot located at the intersection of two (2) public ways, the minimum side road setback line shall be forty (40) feet from the side yard road line, or sixty (60) feet from the center line of side road, whichever is the greater.
- C. Side Yard Minimum side yard setback line shall be fifteen (15) feet.
- D. Rear Yard Minimum rear yard setback line shall be forty (40) feet. Minimum distance between nearest side and rear yard lot lines of detached buildings shall be fifteen (15) feet.

105.03 — FRONT YARD RESTRICTIONS The area between any dwelling and the street on which it fronts shall be used for no other purpose than as a lawn, including the planting of trees and ornamental shrubbery, and for such walks and driveway as may be necessary to service said dwelling; provided, however, that this restriction shall not be deemed to prohibit the erection in said front area of a light pole, an ornamental fence not over forty-eight (48) inches in height and a patio not over 200 square feet in area. No boundary fence shall be constructed or suffered to remain on said front area of nearer the street than the front of the dwelling erected thereon; and on the remainder of the premises no boundary fence higher than five (5) feet shall be constructed or suffered to remain. In the case of a corner lot with a side yard on the street side that butts against a lot the front yard of which faces such street, the foregoing front yard restrictions shall apply to the said side yard.

105.04 — PERMITTED AND PROHIBITED STYLES OF HOUSE

- A. Dwellings shall be one of the following design types: one (1) story, one and one-half (1 ½) story, two (2) story, two and one-half (2 ½) story. The following designs are expressly prohibited: bi-levels, domes, berms or other underground structures, and A-frames. Dwellings may be built with or without basements.
- B. Each lot may be permitted one (1) outbuilding or accessory building if it meets the following criteria:
 - 1. It must be built in size not to exceed 500 square feet, and shall not exceed twenty percent (20%) of the square footage of the house, whichever is smaller.
 - 2. It shall use materials and be built in a style that conforms to the materials and style of the house on said lot.
 - 3. It shall be placed on the rear yard or side yard and must be set behind the front building line of the house and it must be set where it is least obtrusive to the neighbors, as determined by the Sugar Bush Knolls Planning Commission.
 - 4. It shall be landscaped in keeping with the dwelling.

106.00 — PLANNING COMMISSION

106.01 — PLANNING COMMISSION There is hereby created and established a Planning Commission pursuant to Ohio Revised Code Chapter 713 of five (5) members, consisting of the Mayor, one (1) member of the legislative authority (council) to be elected for the remainder of his term as such member of the legislative authority, and three (3) citizens of the Village to be

appointed by the Mayor for terms of six (6) years each, except the term of one (1) of the members of the first commission shall be for four (4) years and one (1) for two (2) years. All such members shall serve without compensation.

106.02 — AUTHORITY The Village Planning Commission hereby established shall have all the power and authority conferred, granted and given unto it by the Ohio Revised Code, and it is further empowered and authorized to do any and all acts granted and set forth under and by the resolutions and ordinances of the Village to be done by the Village Planning Commission.

106.03 — ADOPTION OF RULES The Village Planning Commission shall adopt such rules and requirements for plats in the laying out of allotments as is deemed necessary and advisable, subject to the approval of the Council. Such rules and requirements shall be placed on file in printed or typewritten form in the office of the Clerk of the Village Council.

106.04 — CHAIRMAN The Mayor by virtue of his office shall be the Chairman of such Commission and the Commission shall provide for a Vice Chairman to act in the Mayor's absence on said Commission and a secretary to take minutes at all meetings of said Planning Commission.

106.05 — CONFLICT Whenever a conflict exists between State law and Village resolution and ordinance, State law shall prevail and whenever State law is amended, revised or repealed pertaining to Village Planning Commissions, the same shall be deemed automatically adopted by this Council.

106.06 — AMENDMENTS, SUPPLEMENTS, REVISIONS Amendments, supplements and revisions of this ordinance shall be through the Planning Commission, and on such recommendations as may be submitted to the council by the Sugar Bush Knolls Planning Commission in accordance with and pursuant to law.

106.07 — APPEALS Any appeals by residents or property owners of the Village of Sugar Bush Knolls to rulings of the Sugar Bush Knolls Planning Commission shall be directed to the Village of Sugar Bush Knolls' Council, and filed with the Village Clerk, upon which Council shall set public hearing not sooner than thirty (30) days, nor later than sixty (60) days after receipt of said appeal.

106.08 — NOTICE AND PLAN REVIEW APPROVAL No person, firm, corporation, or any other entity shall build or remodel exteriors such that it changes the footprint of the house, or do any kind of construction for any type of building or structure whether above ground, flush with ground or below ground, without first giving notice to and obtaining plan review approval from the Village Planning Commission, signed by the Chairman or Vice Chairman and the Secretary or Acting Secretary after approval of not less than a majority of the Planning Commission, after the

applicant submits seven (7) sets of complete plans, specifications, profiles and any other blueprints or documents for the same. It shall be unlawful to locate, erect, construct, or reconstruct, enlarge or structurally alter the exterior of any building or structure without obtaining written approval of the Sugar Bush Knolls Planning Commission.

106.09 — FEE FOR NOTICE AND PLAN REVIEW: PERMIT FEES

- A. Fees for any notice and plan review for new house construction in the Village shall be \$300 for each set of plans reviewed, payable before issuance of plan approval, which fee shall be deposited and credited to the General Fund. Any village resident who seeks approval from the Planning Commission to alter existing structures or to add outbuildings, pools, fences or decks shall be required to pay a \$25 zoning and building fee with all applications to be deposited and credited to the General Fund.
- B. Construction If any construction for which Planning Commission approval has been given is not started within one (1) year from the date of such approval, then such plans must be resubmitted and approved by the Planning Commission, and a new Portage County, Ohio, Building Department permit as hereinafter required, if one has been issued, must be applied for and issued before construction may proceed with the additional payment of respective Planning Commission and Portage County, Ohio, Building Department fees to be paid as if for original Planning Commission approval and issuance of Portage County, Ohio, Building Department permits. Construction must be completed within one (1) year of commencement of said construction.
- C. Inspections and Permits
 - 1. Inspections shall include setback for buildings and foundations, building, heating and electrical inspections by the Portage County, Ohio, Building Department. Said building permits shall be obtained and fees shall be paid to and collected by said Portage County, Ohio, Building Department as may be then in effect for such inspections, together with any additional fees for inspection and approval of setback distances.
 - 2. All plumbing and sewage permits and inspections therefore shall be obtained through and performed by or through the proper Portage County, Ohio, department.
- D. County Permits After the applicant has secured his plan review approval from the Village Planning Commission, he shall contact the Portage County, Ohio, Building Department and Sanitary Engineers Department so that the necessary permits can be issued and inspections can be made as required in this Ordinance.

- E. Provide Village Ordinances to County The Clerk of Council is hereby authorized and directed to furnish the Portage County, Ohio, Building Department and Sanitary Engineers Department a copy of this Ordinance and a copy of the Village's zoning ordinance with all amendments thereto and amendments as may be made thereto after the effective date of this Ordinance.
- F. Implementation The Mayor and Clerk of Council are hereby authorized and directed to enter into any appropriate agreements, contracts or any other documents necessary to affect and implement this Ordinance.

106.10 — PLANS In addition to any and all other building plans and specifications for construction required by the Planning Commission, the Planning Commission shall require seven (7) copies of building plans and specifications and seven (7) copies of a topographical contour map (Topographic Survey Improvement Plan) be furnished to the Planning Commission that shall include but not be limited to location of structures thereon, grade and contour thereof, above and below ground water drainage facilities with downspout locations and all utility lines with connections thereto above and below ground.

106.11 — HOME OCCUPATIONS

- A. Occupations may be conducted in a dwelling unit if a resident receives a permit from the Planning Commission to do so. In order to obtain said permit, the applicant must pay a \$25 fee and prove to the Planning Commission that:
 - 1. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
 - 2. There shall be no change in the outside appearance of the building or premises, or other visible signs of the conduct of such home occupation;
 - 3. No home occupation shall be conducted in any accessory building;
 - 4. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall not be located in a required front yard; and
 - 5. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence, or

outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used that creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

107.00 — VARIANCES AND EXCEPTIONS

107.01 — VARIANCES AND EXCEPTIONS The Planning Commission is hereby authorized and directed to permit exceptions to and variations from the Zoning Code and regulations pursuant to Ohio Revised Code Section 713.11 with all amendments thereto deemed automatically adopted by this Council, which exceptions and variations shall be permitted as follows:

- A. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of provisions of this Zoning Code, the Planning Commission shall have power in a specific case to interpret any such provision as long as the decision is in harmony with its general welfare of the Village, and substantial justice is done.
- B. The Planning Commission may, in specific cases, after public notice and hearing and subject to section-appropriate conditions and safeguards, determine and vary the application of the use district regulations established by the Zoning Code in harmony with their general purposes and intent as follows:
 - 1. Permit the extension of a building or use into a more restricted district.
 - 2. Permit the extension of a non-conforming use of building upon the lot occupied by such use or building at the time of the passage of the Zoning Ordinance.
 - 3. Permit in a use district any use in general keeping with the uses authorized in such district.

107.02 — APPLICATION OF PROPERTY OWNER Any property owner who wants a variance or exception to the provisions of the Zoning Ordinances shall apply in writing for said variance or exception to the Planning Commission through the Village Clerk. Said request shall include:

- A. A fee of \$25 plus the costs of any notices required.
- B. Form completed by applicant that specifies the variance being requested, the specific section(s) on which the variance is being requested, the details of the variance and the grounds on which it is claimed that the variance should be granted.

- C. A plan, drawn to reasonable scale showing the entire property under consideration, the location and names of all abutting streets, the location and dimensions of all existing and proposed structures as well as the acreage and dimensions of the property under consideration.
- D. A list showing the names and addresses of property owners within 200 feet of the property lines of the property being considered. The names and addresses shall be those that appear on the County Auditor's current tax list or the County Treasurer's mailing list.
- E. A certified copy of each and every tax map page used to obtain the list of names of the property owners being submitted by the applicant.

107.03 — NOTICE OF PUBLIC HEARING The Planning Commission shall hold a public hearing on each application after at least one (1) publication in a newspaper of general circulation in the Village at least fifteen (15) days prior to the date of the hearing. Such notice shall indicate the place, time and subject of the hearing. Written notice of the hearing shall be mailed by the Clerk by certified mail at least fifteen (15) days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from any part of the property or 200 feet. The notice shall include an indication to such owners the request being made, the place and time of the hearing, and the right to be present at the public hearing or to be represented by an attorney.

107.04 — REVIEW At the time of the public hearing the Planning Commission shall hear all written or oral testimony pertaining to the request being made in each and every case. Oral testimony offered at the hearing shall be heard under oath, with any false testimony being subject to penalty under perjury. The Planning Commission may recess such hearings from time to time, and if the time and place of the continued hearing is publicly announced at the time of adjournment, then no further notice shall be required.

107.05 — DECISIONS

- A. The Planning Commission shall decide all appeals and rule on all requests for variance or interpretations within thirty (30) days after the date of the initial hearing, except that such time may be extended by mutual consent.
- B. In the event that a meeting of the Planning Commission is commenced with only three (3) members of the Commission present, an applicant shall have the right to have the hearing of his application postponed until the first subsequent hearing at which four (4) or more members are present.

- C. Every decision of the Planning Commission shall be by resolution or order, each of which shall contain a record of the findings of the Commission by case number, together with all documents pertaining thereto.
- D. A copy of the Planning Commission's written resolution or order, signed by the Chairman of the Commission or his designee, shall be sent to the applicant not more than fifteen (15) days after the decision was made. Copies shall also be sent to the Village Clerk and Council. Such decisions shall be binding upon Village employees, officers, boards and commissions and shall be incorporated in any permit or certificate, subsequently issued to the application pursuant to such decision.

107.06 — CRITERIA FOR DECISIONS OR VARIANCE AND EXCEPTION REQUESTS In carrying into effect its powers to grant variances, the Commission shall be guided by the following criteria:

- A. In general, the power to authorize a variance from the terms of this Zoning Ordinance shall be sparingly exercised and granted only under peculiar and exceptional circumstances.
- B. Any variance granted shall be the minimum needed to alleviate the difficulty or hardship involved.
- C. A limitation upon the financial gain from the land in use shall not in and of itself constitute a hardship.
- D. Any difficulty or hardship constituting the basis for a variance shall not be self-created.
- E. Mere evidence that a variance was previously granted under similar circumstances shall not be considered sufficient grounds for granting a variance.

110.00—PENALTY

110.01 — In addition to any other remedies available to the Village under the laws of the State of Ohio, whoever violates any provision of this ordinance shall be fined not more than \$50 after notice is duly given in writing to any alleged violator by the Clerk of the Village of Sugar Bush Knolls or authorized representative. After such notice is given, each day's violation shall constitute a separate offense.

110.02 — That if any section, clause, or phrase of the foregoing ordinance shall be found illegal or unconstitutional by any proper court of law or equity, any such finding shall in no way affect any other section, clause, or phrase of this ordinance and the same shall remain in full force and effect.

200.00 – SUBDIVISION DEFINITIONS

200.01 – INTENT

200.02 – GENERAL TERMS

200.03 – SPECIFIC TERMS

CROSS REFERENCES

Plat and subdivision defined—See Ohio Revised Code 711.001

200.01 – INTENT Throughout these Subdivision Regulations, the following terms shall have the meaning given herein.

200.02 – GENERAL TERMS

- A. Words used in singular include the plural.
- B. Words used in present tense include the future tense.
- C. The word “shall” is mandatory and the word “may” is permissive.

200.03 – SPECIFIC TERMS

- A. “BUILDING SETBACK LINE” means a line establishing the limits of a yard that abuts a street and in which yard no building may be located.
- B. “CORNER LOT” means a lot at the point of intersection of an abutting on two intersecting streets.
- C. “CUL-DE-SAC” means a local street having one (1) end open to vehicular traffic and the other end permanently terminated by a vehicular turnaround.
- D. “DEAD-END STREET” means a street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- E. “DOUBLE FRONTAGE LOT” means a lot, other than a corner lot, that abuts more than one (1) street.

- F. "EASEMENT" means a grant of the use of land for a specific purpose.
- G. "IMPROVEMENTS" means grading, sanitary and storm sewers, water mains, pavement, curbs and gutters sidewalks, street signs, street lights, street trees, and the appropriate appurtenances required to render land suitable for the use proposed.
- H. "LAND USE AND THOROUGHFARE PLAN" means mapped and/or written proposals for the future development of the area.
- I. "LOT" or "PARCEL" means a division of land separated or proposed to be separated from other divisions of land by a description on a recorded subdivision plat, recorded survey map, or by metes and bounds for the purposes of sale, lease or separate use.
- J. "LOT LINES" means the boundaries of a lot.
- K. "MINOR SUBDIVISION" means a division of a parcel of land along an existing public street or road, not involving the opening, widening, or extension of any street or road, and involving not more than five (5) lots after the original tract has been completely subdivided.
- L. "PEDESTRIAN WALKWAYS" means a dedicated public right-of-way limited to pedestrian use.
- M. "PLANNING COMMISSION" or "COMMISSION" means the Village Planning Commission.
- N. "PLAT" means a final map of all or a portion of a subdivision that, if approved, may be recorded.
- O. "PRELIMINARY PLAN" means a drawing for the purpose of study of a major subdivision and which, if approved, permits proceeding with the preparation of the final plat.
- P. "PRIVATE SURVEY PLAT" means a map of one (1) or more parcels of land, prepared by a registered surveyor, for the purpose of providing information necessary or incident to the transfer of such parcels in cases not requiring the platting of such parcels.
- Q. "PUBLIC UTILITY" means any person, firm, corporation, governmental agency or board having a public utility commission permit to furnish under regulations to the public, electricity, gas, steam, telephone, transportation or water, or any other similar public utility.
- R. "REGIONAL LAND USE PLAN" means a plan showing the proposed location of uses in the region.

- S. “SECRETARY” means the Secretary of the Planning Commission.
- T. “STAFF” means a person so designated by the Commission.
- U. “STREET” means a public or private right-of-way for vehicular and pedestrian use.
- V. “SUBDIVIDER” means any individual, firm, association, corporation, trust, or any legal entity, including agents commencing proceedings under these Ordinances to subdivide land.
- W. “SUBDIVISION” means
 - 1. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites or lots, any one (1) of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership, provided that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
 - 2. The improvement of one (1) or more parcels of land for residential purposes, structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

300.00 – ADMINISTRATION AND ENFORCEMENT OF SUBDIVISIONS

300.01 – ADMINISTRATION

300.02 – RECORDING OF PLAT

300.03 – SALE OF LAND

300.04 – REVISION OF PLAT AFTER APPROVAL

300.05 – FEES

300.06 – VARIANCES

300.07 – APPEALS

300.08 – SEVERABILITY

300.09 – ACCEPTANCE ORDINANCE FOR STREETS, EASEMENTS, AND DEDICATED OPEN SPACES

300.10 – RELEASE OF CASH BOND

300.11 – CHANGES AND AMENDMENTS

300.12 – REPEAL

300.13 – PENALTY

CROSS REFERENCES

Violations of rules and regulations—See Ohio Revised Code 711.102

Plat acknowledgment and recording—See Ohio Revised Code 711.06

300.01 – ADMINISTRATION The Mayor shall administer these Subdivision Regulations except where specific authority is given to other officials as set forth in these Regulations.

300.02 – RECORDING OF PLAT No plat of any subdivision shall be recorded in the office of the Recorder or have any validity until it has been approved in the manner prescribed herein. In the event any such unapproved plat is recorded, it shall be considered invalid; and the Planning Commission shall institute proceedings to have the plat stricken from the County records.

300.03 – SALE OF LAND No owner or agent of the owner of any land located within a subdivision shall transfer or agree to transfer ownership in the future by reference to, exhibition of, or by the use of a plan or plat of a subdivision before such plan or plat has been approved and recorded in the manner prescribed herein. Any sale or transfer contrary to the provision of

this section shall invalidate the plat plan. The description of such subplot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these Regulations.

300.04 — REVISION OF PLAT AFTER APPROVAL No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after approval has been given by the Planning Commission and an endorsement is made in writing on a plat, unless the plat is first resubmitted and the changes approved by the Planning Commission.

300.05 — FEES

- A. Filing Fees Filing fees in the amount fixed as follows shall be paid when the application for a schedule is submitted.
 - 1. Minor Subdivision \$20 plus \$5 per lot.
 - 2. Major Subdivision
 - a. Preliminary plan fees: \$50 plus \$5 per lot.
 - b. Final plat fees: \$50 plus \$5 per lot to cover the cost of filing the approved plat with the County Recorder.
 - c. Preliminary plan time extension fee: \$10
 - d. Preliminary plan resubmittal fee: Where the approved preliminary plan has not been changed before the approval period has expired, the fee shall be one-half (1/2) of the preliminary plan fee for refiling of the preliminary plan.
 - 3. Payment The filing fee shall be paid in legal tender or by check or money order made payable to the Village of Sugar Bush Knolls, Ohio, and deposited with the Village Clerk.
 - 4. Refunds In the event that a plat is withdrawn by the subdivider before any physical inspection of the site has been made, then the Planning Commission may order that the subdivider be refunded an amount not to exceed one-half (1/2) the fee paid.
- B. Plan Checking and Field Inspection Fees At the time such plans, profiles and specifications are submitted for review, the subdivider shall prepare an estimate of cost of all improvements that shall be verified by the Portage County Building Department or the village engineer. The subdivider shall deposit an amount of money equal to seven percent (7%) of the estimated cost at the time the subdivider posts their cash bond. This

shall cover the cost of all plan review, checking, and field inspections made by the Village or on the Village's behalf for the project.

300.06 — VARIANCES The Planning Commission may recommend variances to these Subdivision Ordinances as specified herein where unusual or exceptional factors or conditions require such modification provided that the Planning Commission shall:

- A. Find that unusual topographical or exceptional physical conditions exist.
- B. Find that strict compliance with these Ordinances would create an extraordinary hardship in the face of the exceptional conditions.
- C. Permit any modification to depart from these Ordinances only to the extent necessary to remove the extraordinary hardship.
- D. Find that any modification granted will not be detrimental to the public interest nor in conflict with the intent and purpose of these Ordinances.
- E. Require such other conditions to be met by the proposed plat as the Planning Commission may find necessary to accomplish the purposes of these Ordinances when modified.
- F. Any variance shall accompany the proposed plat with appropriate justification.

300.07 — APPEALS Rights of appeal shall be as set forth in Ohio Revised Code Chapter 711 or other applicable sections of the Ohio Revised Code.

300.08 — SEVERABILITY If any article, section, paragraph, clause, or part of these Ordinances is held invalid by a court, such judgment shall not affect the validity of the remaining provisions of these Ordinances.

300.09 — ACCEPTANCE ORDINANCE FOR STREETS, EASEMENTS, AND DEDICATED OPEN SPACES

- A. A review shall be held by a committee of Council when all requirements have been complied with. The committee shall submit their recommendation to Council as to whether or not the Village shall accept the streets, easements and dedicated open spaces as contained in the subdivision.
- B. When all requirements as contained herein have been complied with to the satisfaction of Council, an ordinance accepting the streets, easements and dedicated open spaces of the subdivision may be enacted.

- C. Upon the passage of the acceptance ordinance properly approved, the Village Mayor and Clerk will sign the plat.
- D. The subdivider must then have the plat recorded at his cost. The plat tracings become a part of the Planning Commission records after being recorded and shall bear a legend to that effect.

300.10 — RELEASE OF CASH BOND The subdivider's cash bond shall not be released until fulfillment of the following conditions:

- A. All required land improvements shall be installed within a period of two (2) years after the recording of the plat. Failure of the subdivider to complete all of the improvements within this two-year period shall result in forfeiture of the cash bond unless an extension of time is requested by the subdivider and granted by the Chairman of the Planning Commission. In the event of failure to complete the improvements in the required period, as stated herein, the Chairman of the Planning Commission may direct that no further building permits be issued for property in such subdivision pending satisfaction of the Chairman of the Planning Commission in regard to the status of the required land improvements.
- B. An affidavit to the effect that all materials, labor and other costs have been paid so as to hold the Village free from an obligation for payments of any costs of the land improvements; that the subdivider accepts responsibility for the maintenance and repair of all land improvements for one (1) year after the date of the acceptance by ordinance of Council of all land improvements.
- C. Final acceptance of all land improvements by ordinance of Council upon the recommendation of the Mayor.

300.11 — CHANGES AND AMENDMENTS

- A. The Planning Commission may from time to time recommend to Council such changes in these Ordinances as they may deem necessary. Such changes shall become effective after their adoption by Council as amendments to these Subdivision Ordinances.
- B. Council, upon the recommendation of the Planning Commission, may approve variations from the requirements of these Subdivision Ordinances in specific cases where such variations do not affect the general plat or spirit of these Subdivision Ordinances.

300.12 — REPEAL All prior Subdivision Ordinances and amendments thereto are hereby repealed.

300.13 — PENALTY Any person, firm or corporation violating any provision of these Subdivision Ordinances or who fails to comply with any order issued pursuant thereto shall be fined not more than \$500 for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Such sum may be recovered in a civil action brought in the Court of Common Pleas in this County by the Village Solicitor in the name of the Village of Sugar Bush Knolls.

400.00 — SUBDIVISION PROCEDURES

400.01 — PURPOSE

400.02 — SUBDIVISION TYPES

400.03 — MINOR SUBDIVISION PROCEDURE

400.04 — MAJOR SUBDIVISION PROCEDURE

CROSS REFERENCES

Plat approval; minimum lot area—See Ohio Revised Code 711.09

Subdividing by an instrument of conveyance—See Ohio Revised Code 711.40

400.01 — PURPOSE The purpose of this chapter is to specify the procedures that shall be followed to subdivide land.

400.02 — SUBDIVISION TYPES There are two basic types of subdivisions:

- A. Minor Subdivision The Portage County Building Department or the village engineer may determine that a proposed subdivision of land is a minor subdivision if the proposed division of a parcel of land is along an existing public street, does not involve the opening, widening or extension of any street or road and does not involve more than five (5) lots after the original tract has been completely subdivided.
- B. Major Subdivision Any subdivision that does not meet the requirements of a minor subdivision.

400.03 — MINOR SUBDIVISION PROCEDURE

- A. Authority of Review and Approval The Portage County Building Department or the village engineer is authorized to represent the Planning Commission in the review and approval of a minor subdivision, and to endorse the conveyance of a parcel or parcels of land in a minor subdivision for transfer without plat.
- B. Submission Requirements Any person proposing to create a minor subdivision shall submit the following to the Village for submission to the Portage County Building Department or the village engineer:

1. A legal description of the parcel or parcels sought to be transferred on a conveyance of the parcel or parcels.
 2. Two (2) copies of a private survey by a registered surveyor of the parcel or parcels sought to be transferred.
 3. Minor subdivision fees of \$100 per lot (See Section 300.05).
- C. Action by the Portage County Building Department or The Village Engineer Within seven (7) working days after submission of a minor subdivision or within a mutually agreed upon extension, the Portage County Building Department shall either approve or disapprove the application for transfer without plat.

If the Portage County Building Department does not approve the transfer without plat, the applicant shall be notified in writing of the reason for disapproval. If the Portage County Building Department approves the transfer without plat, the conveyance shall be stamped "Approved by the Village of Sugar Bush Knolls Planning Commission; no plat required," and the signature of the Portage County Building Department affixed along with the date of such approval. The approval shall expire within sixty (60) days, unless the conveyances are recorded in the office of the County Recorder during such period.

- D. Action by the Health Commissioner The Portage County Building Department shall, within seven (7) days after submission of a minor subdivision, submit the proposed subdivision to the Portage County Health Commissioner who shall approve or disapprove building sites for individual sewer systems. If disapproved, the Village Clerk or the Portage County Health Commissioner shall notify the owner of the reasons for disapproval.

400.04 — MAJOR SUBDIVISION PROCEDURE

- A. General Procedure Major subdivisions shall be approved in four (4) stages: preliminary discussion stage, preliminary plan stage, improvement plan state, and the final plat stage.
1. The preliminary discussion stage requires the subdivider to discuss the proposed subdivision with the appropriate agencies so that he can become familiar with subdivision requirements, existing conditions, and future plans.
 2. The preliminary plan stage requires the subdivider to present all information needed to enable the Commission to determine that the proposed layout is satisfactory and will serve the public interest. This stage also insures that the subdivider will not be

required to expend excessive monies without some assurance that his plat will be finally approved.

3. The improvement plan stage requires the subdivider to present all the information needed to enable the Portage County Building Department or the village engineer to check the drainage areas and to determine that the storm sewers, sanitary sewers, water lines and material proposed for street construction meets the requirements of these Ordinances and the specifications of the Portage County Building Department or the village engineer.
 4. The final plat stage requires the subdivider to present a complete survey plat to enable the Commission to determine that the subdivision fully complies with these Ordinances and conforms to the approved preliminary plan and the improvement plans.
- B. Preliminary Discussion The subdivider shall consult with Planning Commission. He shall submit a preliminary discussion map including all items required by Section 500.02 and shall also obtain a preliminary steps certification form from the Portage County Building Department or the village engineer, who shall be signed by the agencies listed on the certification form.
- C. Preliminary Plan Procedures
1. Submission of Preliminary Plan The subdivider shall make application to the Commission for approval of a preliminary plan. All information required by Section 500.03 shall be submitted to the Portage County Building Department or the village engineer at least two (2) weeks before the meeting of the Planning Commission or the village engineer at which the plat is to be acted upon.
 - a. Two (2) copies of application.
 - b. One (1) copy of the preliminary steps certification form.
 - c. Eight (8) copies of the preliminary plan including vicinity map.
 - d. Any other date that the Portage County Building Department or the village engineer deems necessary.
 2. Transmission of Preliminary Plan The Mayor shall transmit a copy of the preliminary plan to the following officials and agencies for their review and recommendations. Prior to the Planning Commission meeting, a date on which the site will be viewed

shall be established by the Village Clerk. The officials and agencies listed below shall be requested to attend this viewing along with the developer and his engineer.

- a. The Portage County Building Department or the village engineer.
- b. The Planning Commission.
- c. The School Board.
- d. Portage County Board of Health and/or Ohio Department of Health.

The Mayor may transmit additional copies of the preliminary plan documents to utility companies, and others as deemed necessary. The officials and agencies shall be requested to make their review and recommendations to the Portage County Building Department or the village engineer within seven (7) days from the date of transmission.

3. Official Filing of Preliminary Plan Upon determination by the Portage County Building Department or the village engineer that the preliminary plan has been properly submitted, the preliminary plan shall be accepted as being officially filed.
4. Planning Commission Action The Planning Commission, within thirty (30) days of the date of official filing shall approve, approve conditionally or disapprove the preliminary plan. The action shall be noted on both the preliminary plan and the preliminary plan application form and a copy of each returned to the subdivider. The action shall also be entered on the official records of the Planning Commission and a copy of the preliminary plan with action noted.
5. Effect of Approval Approval of a preliminary plan by the Planning Commission is not an acceptance of the subdivision for record. It is an approval of a general plan as a guide for the preparation of improvement plans and a subdivision plat for final approval and recording upon fulfillment of all requirements of these Ordinances. Approval of a preliminary plan shall be effective for a period of one (1) year following the date of the approval by the Planning Commission unless an extension of time is granted. Upon expiration of a preliminary plan approval, no approval of a final plat shall be given until the preliminary plan has been resubmitted and approved. Construction of improvements shall not begin until action on the final plat has been taken.

- D. Improvement Plan Procedure The developer's engineer shall prepare improvement plans that include all phases of work to be performed to make the land suitable for development into the use proposed. These plans shall be complete and precise in all

details and be submitted to and approved by the Portage County Building Department or the village engineer before any improvements are constructed.

E. Final Plat Procedure

1. Submission of Final Plat The subdivider shall make application to the Planning Commission for approval of a final plat. The final plat submitted shall conform to the approved preliminary plan. Subdivisions may be submitted for final approval in consecutive sections provided that preliminary plan and improvement plan approval has been given for the entire subdivision. All items as required by section 300.05 shall be submitted to the Portage County Building Department or the village engineer as follows:
 - a. Two (2) copies of the application for final plat approval.
 - b. Original tracing and two (2) copies of final plat and vicinity map.
 - c. Original tracing and four (4) copies of approved improvement plans.
 - d. Final plat fees. (See Section 500.04).
 - e. One (1) copy of financial guarantees approved by the Village Solicitor in an amount stated by the Portage County Building Department or the village engineer.

The Portage County Building Department or the village engineer may request additional copies of any of the above items and any other additional information deemed necessary. Within five (5) working days of the date of submission, the Portage County Building Department or the village engineer shall determine if all the items as required by Section 500.04 have been submitted. If all the required items have not been submitted, the Portage County Building Department or the village engineer shall notify the subdivider of such omissions.

2. Official Filing of Final Plat The Portage County Building Department or the village engineer shall present to the Planning Commission the final plat documents, which meet the requirements of Section 500.04 at the next meeting after all required documents have been submitted. Upon determination by the Planning Commission that the final plat has been properly submitted, the Planning Commission shall accept the final plat as being officially filed and shall certify on the copies the date of acceptance.
3. Planning Commission Action The Planning Commission shall approve or disapprove the plat within thirty (30) days from the date of official filing or within a mutually agreed upon time extension; otherwise the final plat shall be deemed

to have been approved. One of the following actions shall be taken by the Planning Commission:

- a. Final Approval The Planning Commission may give final approval before all required improvements are installed, authorizing its chairman to sign the plat at such time as a construction agreement and a cash bond, acceptable to the Village Solicitor and in the amount stated by the Portage County Building Department or the village engineer, are provided for the purpose of assuring installation of such improvements. The amount of such cash bond shall be sufficient to cover the cost of all improvements, based upon an estimate by the Portage County Building Department or the village engineer. Upon receipt of the Portage County Building Department's or the village engineer's certification and determination that all the requirements of these Ordinances have been met, the Planning Commission may give final approval and shall indicate such approval and date on the tracing of the final plat.
- b. Disapproval Should the Planning Commission determine to disapprove the final plat, written notice of such action, including reference to the Ordinances or regulation violated by the plat, shall be mailed to the subdivider. The action shall also be entered on the official records of the Planning Commission.
- c. Approval Without Board Action In the event the Planning commission fails to approve or disapprove the final plat within sixty (60) days from the date of its official filing, or within a mutually agreed upon time extension, the final plat shall be deemed to have been approved.
4. Effect of Approval After final approval of a plat by the Planning Commission, the plat request will be presented to the Village Council for acceptance.
5. Recording of Final Plat After final approval of a plat by the Planning Commission, the subdivider shall deliver the tracing of such plat to the township trustees of any unincorporated area for his signature if the proposed subdivision is outside the corporate limits of the Village of Sugar Bush Knolls. He shall then return the tracing to the Portage County Building Department or the village engineer, who after rechecking, shall secure approval of the County Engineer. The Portage County Building Department or the village engineer shall then present the plat to the County Auditor for transfer and to the County Recorder for recording. All fees required in connection with the above process as well as costs of reproductions of such plat shall be paid by the subdivider. Upon recording of the final plat, the

tracing of the plat shall be permanently retained by the Planning Commission and filed with the Portage County Building Department.

500.00 – PLAN AND PLAT SPECIFICATIONS

500.01 — PURPOSE

500.02 — PRELIMINARY DISCUSSION MAP

500.03 — PRELIMINARY PLAN

500.04 — IMPROVEMENT PLANS SPECIFICATIONS

500.05 — FINAL PLAT

CROSS REFERENCES

Lot Numbering and Revision—See Ohio Revised Code 711.02, 711.06, 711.28, et. seq.

500.01 — PURPOSE The purpose of the provisions of this chapter is to inform the subdivider of the specific information he must provide to permit adequate review, approval, and recording of plats.

500.02 — PRELIMINARY DISCUSSION MAP A map shall be submitted by the subdivider as a basis for informal discussion. The map shall show the following information:

- A. Location Tract boundaries, township and north point.
- B. Existing highways and proposed streets on and adjacent to the tract. (Several alternates if considered).
- C. Statement of how sewage disposal and water supply will be provided.
- D. Utility transmission lines and easements.
- E. Existing zoning districts.
- F. Topography. (U.S.G.S. or better)

500.03 — PRELIMINARY PLAN The subdivider shall furnish the following:

- A. Application for Preliminary Plan Approval
- B. Preliminary Plan Drawing. The plan shall be prepared in accordance with these Subdivision Regulations by a registered surveyor, city planner, landscape architect, or

professional engineer. The plan shall be accurately and clearly drawn. The drawing shall include the proposed plan or alternate plans of the subdivision, and shall show the following:

1. Identification

- a. Proposed name of subdivision (must not duplicate others in the county), township, tract or original lot or section number.
- b. Names, addresses and telephone numbers of owners, subdivider, and registered surveyor, city planner, landscape architect or professional engineer.
- c. Scale (1"=100'), north arrow, and date.

2. Existing Data

- a. Boundary Line Survey Showing bearings and distances as surveyed by a registered surveyor.
- b. Easements Location, width, and purpose.
- c. Streets On and Adjacent to the Subdivision Names, location, right-of-way, and roadway width. Planned public improvements: highways or other major improvements planned by public authorities for future construction on or near the subdivision, including journalized routes for highways.
- d. Utilities On and Adjacent to the Subdivision Location, size and invert elevations of sanitary and storm sewers; location and size of water mains; location of gas lines, fire hydrants, and utility poles. If water mains, sewers, and/or culverts are not on or adjacent to the tract, indicate the direction and distance to and size of nearest ones, showing invert elevation of sewers and culverts.
- e. Ground Elevations on the Subdivision Show contours with an interval of not more than five (5) feet if ground slope is in excess of four percent (4%), and two (2) feet if ground slope is less than four percent (4%).
- f. Subsurface Conditions on the Subdivision Any conditions that are not typical such as abandoned mines.
- g. Other Conditions on the Subdivision:
 - 1) Watercourses and areas subject to flooding.
 - 2) Marshes.

- 3) Rock outcroppings.
- 4) Wooded areas.
- 5) Isolated preservable trees one (1) foot or more in diameter.
- 6) Any structures or other significant features.

h. Other Conditions on Adjacent Land Within 200 feet:

- 1) Approximate direction and gradient of ground slope including any embankments or retaining walls.
- 2) Location and type of buildings, fences, tree lines, etc.
- 3) Railroad lines.
- 4) Power lines and towers.
- 5) Other nearby nonresidential uses of land.
- 6) Owners of adjacent unplatted land. (For adjacent platted land refer to subdivision plat by name, plat book, and pages.)

i. Zoning Requirements:

- 1) District.
- 2) Lot size and yard requirements.
- 3) Proof of any variances or special exceptions that may have been granted.

j. Planned and Public Improvements Highways or other major improvements planned by public authorities for future construction on or near the subdivision.

3. Proposals

- a. Streets Show proposed streets (indicate each street by a letter except where the street is a continuation of an existing street), right-of-way widths, approximate grades and proposed improvements.
- b. Other Rights-of-Way or Easements Location, width and purpose.
- c. Lots Numbers, dimensions, and area of irregular lots in square feet.
- d. Minimum building setback lines.

- e. Land parcels within the subdivision not to be divided into lots.
 - f. Public Sites Reserved or dedicated for parks, playgrounds or other public uses.
 - g. Sites for Other Uses Multi-family dwellings, shopping facilities, churches, industry, or other nonpublic uses exclusive of single-family dwellings.
 - h. Total Site Data Including acreage, number of residential lots, typical lot size and acres in parks and other public uses.
 - i. When extensive changes of topography are contemplated, a plan showing the proposed topography.
 - j. In cases where lots or parcels have previously been transferred without plat, out of the tract sought to be subdivided, such lots or parcels previously transferred should also be numbered in sequence with all new lots created in the proposed subdivision.
4. Other Information The Portage County Building Department or the village engineer or Planning Commission may require such additional information as deemed necessary.
- C. Vicinity Map The map shall show the relationship of the proposed subdivision to existing community facilities that serve or influence it. The vicinity map may be on the same sheet as the preliminary plan drawing. The vicinity map at a scale of 1"=400' shall show:
- 1. Subdivision name; township, tract and original lot or section number; north arrow; and the Ohio State Plane coordinate grid.
 - 2. Existing and proposed main traffic arteries.
 - 3. Parks and playgrounds.
 - 4. Any other significant community features.

500.04 --- IMPROVEMENT PLANS AND SPECIFICATIONS Drawings showing cross sections, profiles, elevations, construction details, specifications and cost estimates, and all calculations and computations for all required improvements shall be prepared by a professional engineer. The improvement plans shall be prepared as directed by the Portage County Building Department or the village engineer and subject to his approval.

If it becomes necessary to modify the improvements as approved due to unforeseen circumstances, the subdivider shall inform the Portage County Building Department or the

village engineer in writing of the conditions requiring the modifications. Written authorization from the Portage County Building Department or the village engineer to make the required modification must be received before proceeding with the construction of the improvement.

At the completion of the construction and before acceptance, the subdivider shall furnish the Portage County Building Department or the village engineer a set of drawings for permanent record, showing the locations, sizes and elevations of all improvements as constructed. "As built" drawings showing all lateral locations, depth and all utility service connections, shall be provided.

500.05 — FINAL PLAT The subdivider shall furnish the following:

- A. Application for final plat approval.
- B. Final Plat Drawing
 1. The final plat shall be approved by a registered professional engineer submitted in both twenty-four (24) by thirty-six (36) inch printed sheet(s) and electronic format and shall be at a scale of not more than 100 feet to one (1) inch. Where necessary, the plat may be on several sheets accompanied by an index showing the entire subdivision.
 2. The final plat shall show the following:
 - a. Identification
 - 1) Name of subdivision (must not duplicate others in the county), township, tract and original lot or section number.
 - 2) Vicinity map at 1"=1,000' scale with north arrow.
 - b. Control Points All dimensions, angles and bearings are to be referred to control points, nearest established street line, section lines or other established point.
 - c. Lines and Boundaries Center lines and right-of-way lines of streets, easements and other rights-of-way, natural and artificial watercourses, streams, shorelines, corporation lines and property lines of all lots and parcels with distances, radii, arcs, chords, and tangents of all curves (nearest one-hundredth (1/100) of a foot), bearings or deflection angles (nearest second).
 - d. Street Name (must not duplicate another in the postal delivery area) and right-of-way width of each street within proposed subdivision and those adjoining.

- e. Building setback lines accurately shown with dimensions.
- f. Lot and Block Identification Lots shall be numbered in consecutive order and when the subdivision is submitted in sections or phases, lots shall be numbered consecutively as each section or phase is submitted. In cases where lots or parcels have previously been transferred, such lots or parcels previously transferred should also be numbered in sequence with all new lots created in the proposed subdivision.
- g. Total Site Data Including acreage, number of residential lots, typical lot size and acres in parks and other public uses.
- h. Land for Public Use Show boundaries and identify the use of all parcels that are to be dedicated or reserved for public use or easements.
- i. Monuments Locations and description of those found, set, or to be set.
- j. Names of recorded owners of adjoining unplatted land and reference to subdivision plats of adjoining platted land by name, volume, and page of Recorder's maps.
- k. Certification and seal by a registered surveyor to the effect that the plat represents a survey made by him that balances and closes, and that the monuments shown thereon exist or shall be set as shown, and that all dimensional and geodetic details are correct.
- l. Notarized certification by the owner or owners of the subdivision and the offer of the dedication of streets and other public areas and that there are no unpaid taxes or special assessments against the land contained in the plat.
- m. Notation For:
 - 1) Certification of Portage County Building Department or the village engineer that required improvements have been satisfactorily installed or adequate financial guarantees have been provided.
 - 2) Approval of plat by chairman and secretary of the Planning Commission.
 - 3) Acceptance of offers of dedication by Council.
 - 4) Proper notations for transfer and recording by the County Auditor and the County Recorder.

- n. Protective covenants.
- o. Marital status of land owners must be shown, and if married, spouse must also sign plat and release dower or courtesy interest in public places.
- p. Release by the mortgage holder, if any, of all interest in all property dedicated to a public use. This may be a separate document.

600.00 – DESIGN STANDARDS

600.01 – PHYSICAL CONSIDERATIONS

600.02 – STREETS

600.03 – EASEMENTS

600.04 – BLOCKS

600.05 – LOTS

600.06 – PUBLIC SITES AND OPEN SPACE

600.07 – PAVED DRIVEWAYS

600.08 – STORM WATER

600.09 – DOCKS

600.01 – PHYSICAL CONSIDERATIONS

- A. Natural Land Use Subdivisions should be planned to take advantage of the topography of the land to economize in the construction of drainage facilities, to reduce the amount of grading, and to minimize destruction of trees and topsoil.
- B. Flood Hazard If any portion of the land within the subdivision is subject to flooding or other hazards, due consideration shall be given to such problems in the design of the subdivision. Land subject to flooding and land otherwise uninhabitable shall not be platted for residential occupancy or for such other uses that may increase danger to health, life or property, or aggravate the flood hazard.

600.02 – STREETS

- A. Arrangement The arrangement, character, extent, width and location of all streets shall conform to the Land Use and Thoroughfare Plan. The design of proposed streets shall provide for both the continuation of existing streets and access to adjacent unplatted lands so that the entire area can be served with a coordinated street system.
- B. Classification Local streets shall provide direct and full access to each lot and shall be laid out so that their use by through traffic will be discouraged.

C. Right-of-way widths and grades:

Classification	Minimum Right-of-Way Width (Feet)		Grades by Percent
	Maximum	Minimum	
Urban Single-Family	60	8	.5

- D. Half Streets Half streets shall be prohibited except where there is an existing half-street adjacent to the subdivision in which case the remaining half of the street shall be platted.
- E. Cul-de-Sacs and Dead-End Streets Streets designed to be permanently dead-ended shall not be longer than 600 feet and shall be provided at the closed end with a turnaround having an outside pavement diameter of at least 100 feet and a street property line diameter of at least 120 feet. If the turning circle beyond the normal street width shall be in the nature of an easement over the premises included in the turning circle, but beyond the boundaries of the street proper. Such easements shall be automatically vacated to abutting property owners, when the dead-end street is legally extended into adjacent land. If such dead-end street extends only one (1) lot depth past a street intersection, no turnaround will be required. The subdivider shall be required to reserve for public use a strip of land five (5) feet in width at the end of all dead-end streets. No person or person shall have access across this property until an adjacent subdivision is developed and streets in such development are dedicated for public use. The cost of paving such five-foot strip shall be borne by the subdivider connecting into such street.
- F. Corner Radii Property lines at street intersections shall be rounded with a radius of not less than fifty (50) feet for major arterial thoroughfares, thirty (30) feet for collector and industrial streets, and twenty-five (25) feet for local streets. Chords or cutoffs may be permitted in places of rounded corners.
- G. Horizontal and Vertical Curves Angles in the alignment of street lines shall be connected by a curve with a radius on the center line of not less than 200 feet for local streets, 300 feet for collector and industrial streets, and 500 feet for major arterial thoroughfares. Between reverse curves there shall be a tangent at least 100 feet long on major arterial thoroughfares. Every change in street grade shall be made with a vertical curve to provide distance suited to the location that in no case shall be less than 300 feet from a height of four and one-half (4 ½) feet.

- H. Intersections Streets shall be laid out to intersect as nearly as possible at right angles and no street shall intersect any other street at an angle of less than sixty (60) degrees. In no event shall an intersection containing streets in excess of four (4) be approved.
- I. Street Jogs Street jogs with center-line offsets of not less than 200 feet shall be prohibited. If deemed necessary by the Planning Commission, the minimum distance between center-line offsets may be increased.

600.03 — EASEMENTS

- A. Utility Easements Electric and telephone lines should be located along rear or side lot lines whenever possible unless buried in conduit. Easements along rear and side lot lines shall be provided for utilities and shall be at least twenty (20) feet wide on the rear line and ten (10) feet wide on the side line.
- B. Drainage Easements Where a subdivision is traversed by a drainage way, a storm water or drainage easement conforming substantially to the lines of such drainage way shall be provided. The easement shall be twenty (20) feet wide or shall generally follow, but not be centered upon rear and side lot lines.

600.04 — BLOCKS The long dimension of a residential block shall not exceed 1,500 feet or be less than 800 feet.

600.05 — LOTS

- A. Zoning Conformance The lot size, width, depth and the minimum building setback lines shall conform to the existing township or village zoning regulations.
- B. Corner Lots Corner lots shall have extra width to permit appropriate building setback from and orientation to both streets.
- C. Access to Public Streets The subdividing of land shall provide each lot with access to an existing public street.
- D. Double-Frontage Lot Lots shall not be laid out so that they have frontage on more than one (1) street except:
 - 1. Where the lots are adjacent to the intersection of two (2) streets;
 - 2. Where it is necessary to separate residential lots from major arterial thoroughfares;
 - 3. Where double-frontage lots are created adjacent to major arterial thoroughfares, a reserve strip along the major arterial thoroughfare shall be deeded to the city. The

plat shall state that there shall be no right of access across such reserve strip. The Planning Commission may require that a six-foot high solid board fence or masonry wall be constructed or that a ten-foot wide planting screen be provided.

- E. Lot Lines Lot lines shall be substantially at right angles or radial to street lines. Lot lines should follow municipal, township, village and county boundary lines rather than cross them insofar as possible.

600.06 — PUBLIC SITES AND OPEN SPACE Due consideration shall be given to preserving outstanding natural features such as scenic spots, water bodies or exceptionally fine groves of trees. Dedication to and acceptance by a public agency is usually the best means of assuring their preservation.

600.07 — PAVED DRIVEWAYS Driveways in the Village shall be paved with asphalt, concrete, or similar substance as approved by the Village Planning Commission.

600.08 — STORM WATER

- A. Storm water systems shall be designed in accordance with accepted engineering practice or acceptable and verifiable engineering and construction design.
- B. Roof drains shall be connected to the storm sewer system or drainage course. Upon receiving a written request, the Mayor may approve a variance to this requirement where one or more of the following conditions exist:
 1. The nearest street storm sewer is located 200 feet or more from the nearest corner of the building;
 2. The ground level at the building foundation is lower than the street or the storm sewer in the street;
 3. A natural waterway in the form of a wetland, stream, ditch or drainage pipe crosses the property and a piped connection to the natural waterway is proposed. Discharge to a natural waterway on an adjacent property may also be considered where an easement is obtained for the discharge;
 4. The existing structure was constructed prior to the existence of storm sewers and that the existing point of discharge is creating no obvious negative impact. Any existing drains and/or drywell system shall be maintained in good working condition and no foundation drains or other pumped water shall be permitted to discharge onto the street;

5. Roadside swales, in neighborhoods so constructed, may be used for roof and foundation drain discharge where storm sewers are not available;
 6. In the event that a proper outlet is not available (as noted above) and outletting the roof drains would result in potential damage or excessive inconvenience to the downstream owner, then the outlet shall be connected into a drywell of sufficient size to contain a five-year design storm.
- C. Wherever possible and in all projects which encumber 40,000 square feet of ground surface area with building and/or hard surfaces (pavements, walks, etc.), the storm water design shall incorporate storm water detention and/or retention designed and constructed in accordance with approved engineering practices or acceptable and verifiable engineering and construction design.

600.09—DOCKS There shall be no docks for any of the lakes in the Village placed upon private property. Public docks may be placed by the Village Council upon Village Common Property.

700.00 – IMPROVEMENTS

700.01 – REQUIRED IMPROVEMENTS

700.02 – OVERSIZE AND/OR OFF-SITE IMPROVEMENTS

700.03 – CONSTRUCTION REQUIREMENTS

700.04 – AGREEMENTS AND GUARANTEES

CROSS REFERENCES

Cornerstones and permanent markers—See Ohio Revised Code 711.03 and 711.04
Fee of designated public land to vest when plat recorded—See Ohio Revised Code 711.07,
711.11

700.01 – REQUIRED IMPROVEMENTS The improvements that are hereby required shall be designed, furnished and installed by the subdivider in accordance with the provisions of these Subdivision Regulations and other regulations of the state and village. They shall be installed before the final plat is approved or in lieu thereof, financial guarantees for such installation shall be approved prior to the approval of the final plat. The subdivider shall provide and install within the proposed subdivision improvements not less than set forth in Table 1.

TABLE 1: Schedule of Required Improvements

	Residential Subdivision by Average Lot Width		
	Less than 80 feet	80 feet to 120 feet	80 feet to over 120 feet
Drainage			
Grading	Streets, blocks, and lots	Streets, blocks, and lots	Streets, blocks, and lots
Storm Systems	Sewer system	Sewer system	Sewer system
Street Improvements for both New and Existing Streets			
Pavement	Required	Required	Required
Curbs & Gutters	Gutters Required	Gutters Required	Gutters Required
Sidewalks	Both sides	Both sides	Both sides
Street Signs	Required	Required	Required
Street Lights	Required	Required	Required
Street Trees	Required	Required	Required
Sewer & Water			
	Central systems	Central systems	Central systems
Public Sites			
	Required	Required	Required
Monuments			
	Required	Required	Required

- A. Drainage A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. To this end, the subdivision shall be graded as required by Table 1, the Schedule of Required Improvements, and the following requirements and methods shall be followed:
1. Drainage Plan Prior to the start of any construction (houses or streets), the subdivider shall furnish a plot plan showing the slab or floor elevation of each house proposed to be constructed. He shall also show by the use of arrows how he proposes to surface drain each lot. The subdivider shall submit topographic maps showing the area to be drained with calculations prepared by a registered professional engineer in determining the proposed storm water collection system.
 2. Drainage Requirements (Grading) No final grading or sidewalk or pavement construction or installation of utilities shall be permitted in any proposed street right of way until the final plat has been approved or conditionally approved. The subdivider shall grade each subdivision as specified in Table 1, the Schedule of Required Improvements, in order to establish street, block and/lot grades in proper relation to each other and to topography, as follows:

- a. Street Grading Plan A grading plan shall be prepared for the streets along with street improvement details. The grading of the roadway shall extend the full width of the right-of-way. Planning strips shall be graded at a gradient of not less than two percent (2%) or more than three percent (3%) upward from the curb to the sidewalk or property line.
 - b. Block and Lot Grading Block grading shall be as follows:
 - 1) A ridge along rear lot lines, draining into the streets.
 - 2) Parts of all lots draining to a sidewalk or ditch along rear lot lines.
 - 3) Lot grading shall be as follows: Lots shall be graded so that water drains away from each building at a minimum grade of two percent (2%). Surface drainage swales shall have a minimum grade of one-half percent (1/2%) and shall be designed so that surface water will drain into a driveway, street gutter, storm sewer, drain inlet or natural drainage way. The minimum grades of driveways shall be four-tenths percent (4/10%) and a maximum of fifteen percent (15%).
 - c. Topsoil If grading results in the stripping of topsoil, the topsoil shall not be removed from the site or used as fill, but shall be saved and uniformly spread over the lots as grading is finished.
 - d. Trees As many trees as can be reasonably utilized in the final development plan shall be retained and the grading adjusted to the existing grade at the trees.
3. Drainage System Requirements The design criteria for the drainage systems shall be based on the State of Ohio Department of Transportation, Manual of Location and Design. Runoff or design discharge for sewer design where the contributing area generally consists of pavements and a narrow strip back of the pavements shall be obtained from the rational formula: $Q=C/A$. The following minimum design frequencies are to be used:
- a. Roadway ditches 2 years
 - b. Storm sewers 10 years
 - c. Culvert under roadways 25 years
 - d. Watercourses 10 years

RUNOFF COEFFICIENTS AND RAINFALL FREQUENCIES BASED ON GENERAL CHARACTER OF TRIBUTARY AREA

Description of Area	Rainfall Frequency (Years)	Range of Runoff Coefficient	Coefficient
Open Space Conservation	5	0.25-0.40	0.30
Low Density Urban Residential	5	0.30-0.50	0.40

B. Road Drainage System The road storm drainage system shall serve as the prime drainage system. It shall be designed to carry roadway, adjacent land and house storm water drainage.

1. Road storm sewers (enclosed). The design discharged used to determine pavement inlet spacing shall be based on the method designated by the village engineer.
2. The inlet spacing shall be based on a ten-year frequency, fifteen (15) minutes duration design storm. The spread of water on the pavement shall be limited to two (2) feet into the traveled lane. In addition, standard manholes or combination manhole inlets for cleaning purposes shall be placed no further than 300 feet apart.
3. Storm sewer laterals shall be provided where appropriate as determined by the village engineer for each lot to accommodate footer drains and downspouts.

C. Off-Road Drainage Systems

1. The design of the off-road drainage system shall include the watershed affecting the allotment and shall be extended to a watercourse or ditch adequate to receive the storm drainage.
 - a. All watercourses or ditches with a design capacity not exceeding the capacity of a thirty-six (36) Cinch concrete pipe shall be enclosed. Existing creeks or ditches constructed by the subdivider that exceed the above limit shall be constructed with a minimum fifteen-foot wide continuous earth roadway to provide access for maintenance equipment to all sections of the ditch. The ditch easement shall be wide enough to contain such ditch slopes and roadway with ample clearance for the operation of maintenance equipment. Open ditches will have a side slope ratio of 2:1 and a minimum two-foot bottom width.

- b. No open ditch shall be constructed within 100 feet of the rear of a house, as measured from the house to the edge of the ditch easement.
 - c. Any storm drainage courses carried alongside lot lines shall be enclosed with approved pipe.
 2. Easements for drainage purposes shall be a minimum of twenty (20) feet in width. Where the watercourse is large, easement widths shall be increased as determined by the village engineer. Where watercourses cross plotted lots diagonally, the subdivider shall straighten such courses where practicable and shall substantially follow subplot lines. Easements shall be shown on the record plat and deeds shall cover all existing or reconstructed watercourses.
- D. Protection of Drainage Systems The subdivider shall adequately protect all ditches (roadways and watercourses) to the satisfaction of the Portage County Building Department or the village engineer as follows:
 1. Any watercourse having a gradient in excess of two and one-half percent (2 ½%) shall be enclosed with pipe with the necessary inlets and shall be piped to a storm sewer, if nearby, or otherwise to a natural watercourse. Where a street is of considerable length and of various gradients, part of which require storm sewers, the lengths between the storm sewers even though less than two and one-half percent (2 ½%) gradient shall also be enclosed in pipe, when required by the Portage County Building Department or the village engineer. Material and construction shall be in accordance with the specifications of the Portage County Building Department or the village engineer. Watercourses or road gutters having a gradient exceeding one and one-half percent (1 ½%) shall be sodded or paved with brick, concrete, half tile or broken concrete slabs. All areas within the right-of-way not paved or sodded shall be fertilized and seeded.
 2. All adjoining land where the vegetation has been injured or destroyed or where the land is in need of protection to prevent erosion, deposits in the drainage facilities and/or unsightly conditions shall be restored and protected as directed by the Portage County Building Department or the village engineer.
 3. In all cases, any drainage facility within the subdivision shall be in a stable condition, free from erosion or sedimentation and/or other debris.
 4. No construction shall begin until the subdivider has complied with all of the provisions of the Village Codified Ordinances, and obtained all permits required by

the Ohio Environmental Protection Agency and the Army Corps of Engineers and Portage County, Ohio.

E. Pipe Policy The following pipe policy and the pipe policy of the State of Ohio Department of Transportation, "Construction and Material Specifications" shall be used in designing storm sewer systems subject to the approval of the Portage County Building Department or the village engineer.

1. All pipe lines (including culverts and storm sewers) that are located beneath the roadway shall meet the requirements set forth for Class A pipe.
2. Longitudinal storm sewer lines, not under the main roadways, shall be Class D or Class E pipe. Where these sewers are shallow or located beneath drives, Class B or Class C pipe shall be specified.
3. Longitudinal roadway drainage lines, for which sealed joints are unnecessary or undesirable, shall be Class H pipes. Portions of these drains that require stronger pipe because of shallow cover or location beneath drives shall be Class C pipe.
4. Open end driveway pipe twenty-four (24) inches or less in diameter may be Class F pipe and larger pipes shall be Class B or Class C pipe.
5. Outlet pipe or open-joint drains (Class H or I), shall be in accordance with the provisions of Class F pipe and will usually be ten (10) feet in length.
6. Pipe under drains shall be Class I pipe.
7. Pipe arches or elliptical pipes shall be Class G pipe.

F. Street Improvements

1. The subdivider shall design and construct pavements of the sizes and types not less than set forth in Table 2 for all streets. The construction and materials shall be as specified by the State of Ohio Department of Transportation "Construction and Material Specifications" or as specified by the Portage County Building Department or the village engineer.

TABLE 2: Pavement Standards¹

Subbase ²	Base ³	Curb and/or Gutters ⁴ /Base	Traveled Width	Width Surface ⁵	Width Total
*Urban Single-family Residential (Less than 80' or 80' to 120' frontage)					
5" 304	5.5" 301 or 302	1.5" 403 24" C/G	27'	22'	26'
7" 304	4" 301 or 302	1.5" 403 24" C/G	27'	22'	26'
7" 411	2" 302	1.5" 403 24" C/G	27'	22'	26'

Notes regarding TABLE 2:

1. All methods of construction, materials and machinery used shall meet the requirements of the current State of Ohio "Construction and Materials Specifications" and the specifications of the Village or Portage County, Ohio, unless otherwise ordered by the Portage County Building Department or the village engineer.
2. Subgrades shall be inspected and approved by the Portage County Building Department or the village engineer before any materials are placed. Each material course shall be accepted by the Portage County Building Department or the village engineer before the succeeding course is constructed. (The requirement for sub base course under pavements may be waived by the Portage County Building Department or the village engineer.)
3. The type and quantities of materials to be used will be determined by the Portage County Building Department or the village engineer. The surface preparation shall be a prime coat (407) or a tack coat (408) as required by the Portage County Building Department or the village engineer.
4. Except where 452 or 451 pavement is used, all curbing shall be twenty-four (24) inches wide combination curb and gutter sections, constructed of Portland cement concrete. Minimum gutter thickness shall be six (6) inches. The specified sub base material shall

extend the full width under the curb and gutter section, to the subgrade line. Underdrains shall be installed and connected to curb inlets.

Residential curb shall be standard curb six (6) inches higher than the gutter. Curbing on collector and industrial streets shall be standard curb six (6) inches higher than the gutter (6" X 18").

Curb openings for ditches, drains, etc., are not permitted.

5. Surface width is the area between the curb and gutter sections. Total width is back-to-back of curbing.

2. Henceforth all curbs installed in the Village, whether they are installed by the Village, governmental agency, private individual or corporation shall be straight curbs and the same shall be six (6) inches by eighteen (18) inches.

3. There is hereby established a standard for the installation or construction of catch basins in the Village by either the Village, governmental agency, private individual or corporation. All catch basins shall have a six-inch thick concrete slab at the bottom of the same and the bottom of the basin shall be considered to be two (2) feet below the bottom of the inlet or outlet pipe.

4. Pavements Higher standards and/or greater widths than indicated herein may be required by the Planning Commission to adequately provide for unusual soil conditions or extraordinary traffic volume or loads. After the underground utilities and house connections are installed and rough grading completed, the roadway subgrade shall be shaped, rolled and compacted. The subdivider may construct a temporary roadway of slag or stone for use during the building construction period and maintained in a safe and passable condition without expense to the Village.

5. Curbs and Gutters Concrete curbs shall be provided where indicated on the required improvement schedule.

6. Sidewalks Sidewalks shall be provided as specified in the required improvement schedule. Sidewalks shall be constructed of concrete four (4) inches thick with the thickness increased to six (6) inches where the sidewalk is crossed by a driveway. The construction and materials shall be as specified in Section 608 of the State of Ohio Department of Transportation "Construction and Material Specifications" or as specified by the Portage County Building Department or the village engineer.

7. Street Name Signs The subdivider shall install a street sign showing the names of all streets at all street intersections. The signs shall conform to the specifications of the Portage County Building Department or the village engineer and be mounted at a height of approximately seven (7) feet above the top of the curb or the crown of the pavement. Signs shall be erected by the time the prospective rights-of-way are open for public use, or the base paving coat is installed, whichever is sooner. The sign shall be located as directed by the Portage County Building Department or the village engineer.
8. Street Lights and Underground Utility Lines In all new allotments or re-allotments, all utility lines including those for street lighting, shall be installed underground and all street light poles shall be of the approved metal type. All owners or petitioners for subdivision of land shall grant easements for such lines and areas as are needed by the utilities for installation, maintenance and replacement of their lines and needed equipment including street lighting. Street lights shall be installed by the utility company when ordered by the Portage County Building Department or the village engineer. However, in all new allotments street lights shall be installed prior to completion of the development and release of the developer's bond. The subdivider shall arrange for the installation of street lights in the subdivision.
9. Street Trees The trees shall be provided only on streets with curbs and gutters as required in the improvement schedule and as follows:
 - a. Species The trees shall be species that are resistant to damage and disease and that do not cause interference with underground utilities or street lighting. The species of trees suggested are Red Maple, Norway Maple, Sugar Maple, Sycamore Maple, Red Oak, Thornless Honey Locust, London Plane Tree, Amur Cork Tree, and Sweet Gum, Buckeye, Ruby Red Horse-Chestnut, European Linden, European Hornbeam, Hornbeam, American Hop Hornbeam, and varieties of each.

Trees that have undesirable characteristics such as fruit, low branches, unpleasant odors, excessively thick foliage, susceptibility to disease or attack by insects, or large root systems such as Poplar, Willow, Cottonwood, American Elm, Ailanthus, Mountain Ash, Silver Maple, Ash Leaved Maple and Oregon Maple and evergreens are prohibited in the planting strip. Poplar, Willow or Cottonwood trees, if planted on private property, shall be located not less than 100 feet from any public sewer. The subdivider shall furnish plans prepared by a landscape architect or a qualified person having knowledge and experience in the landscape industry; plans shall show location, spacing, size, variety and other pertinent data

concerning street trees. The subdivider shall install them in an approved plan. Such plans and installation shall be done with the approval and cooperation of the Planning Commission. It is advised that a tree with an ultimate height of less than four (4) feet be used. Trees to be planted shall be one and three-quarters (1 $\frac{3}{4}$) inches to two (2) inches in diameter measured one (1) foot above ground. Lowest branches should not be less than four (4) feet, or higher than six (6) feet above the ground. Trees shall be balled and burlaped in condition according to American Nurseryman Standards. Trees normally should not be planted closer than forty (40) feet to each other. No tree should be planted closer than twenty-five (25) feet to the squared sidewalk corner of a street intersection; preferably this distance will be closer to thirty-five (35) feet. Present and future approaches to dwellings and garages shall be considered in location of trees. Best results will be obtained if planting is done during the months of April, May, October, or November. Where condition or type of soil is unfavorable to plant growth, a volume of not less than one (1) cubic yard of good topsoil should be placed around the roots. Trees should be mulched and artificially watered to stimulate good root, stem, and leaf growth.

- b. Tree and Tree Planting Specifications Trees shall be one and three-quarters (1 $\frac{3}{4}$) inches to two (2) inches in trunk diameter, measured six (6) inches above the ground level, balled and burlaped, in condition. Height of tree shall be ten (10) to twelve (12) feet with lowest branching between four (4) and six (6) feet, straight trunked and grown as a street tree in the nursery row. Size, balling, branching and quality of tree shall be according to U.S.A. standard for Nursery Stock (USAS Z60.1 1-1969).
- c. Planting Procedure Tree pits should be dug with sides approximately vertical to a depth of twenty-two (22) inches and with a diameter of thirty-six (36) inches. When rock, hard-pan, stumps and roots, and any undesirable material are encountered, the pit shall be dug a minimum nine (9) inches greater than the approximate required depth. All undesirable material shall be removed and replaced with topsoil. Plant the tree at the same level or slightly higher than it had been at the nursery. Back fill used around the tree in the planting process shall be of good quality topsoil free of stones, roots, weeds and other undesirable material. Peat moss may be mixed with topsoil backfill. Under no circumstances shall dry peat moss be used in the mixing process. A saucer shall be left around tree, and the tree watered. Stake trees with two-inch by two-inch by eight-foot hardwood stake or snow fence stake. Use a cross-tie in the form of an "X" to support the tree and tie the stake in such a manner that the wind does not cause

the tree to be de-barked upon the stake. The trunk shall be wrapped to prevent sun-scald. Mulching shall be of well-rotted manure or wood chips within the saucer area. When wood chips are used, a commercial fertilizer shall be used prior to placement of chips.

10. Planting Screens or Fences The Planning Commission may require and permit planting screens or fences where reverse frontage lots abut a major arterial street or between a major arterial thoroughfare and a marginal access street, provided that such planting screens or fences shall not constitute a safety hazard. A plan of proposed planting screens or fences shall be submitted for approval with the final plat.
11. Street Traffic Control Devices and Regulatory Signs The subdivider shall install traffic signs showing the parking restrictions and traffic movement limitations on all proposed streets. Signs shall be erected by the time the prospective rights-of-way are open for public use, or the base paving coat is installed, whichever is sooner. The signs shall conform to the specifications of the Portage County Building Department or the village engineer and be mounted at a height of approximately seven (7) feet above the top of the curb or the crown of the pavement. The signs shall be located as directed by the Portage County Building Department or the village engineer.

G. Sewer and Water Facilities

1. Adequate central sanitary sewer, including manholes, house laterals and other incidentals and water supply systems, shall be provided by the subdivider, either by the installation of new systems or by connection to existing systems that are deemed adequate by the Portage County Building Department or the village engineer to handle the additional demands and volume that will result from the proposed subdivision. The subdivider, prior to the submission of the plat for approval by the Planning Commission, must receive the prior written approval for the extension or installation of the central water system and central sanitary sewer system from the Portage County Building Department or the village engineer, the Ohio Department of Health, and a particular private or public utilities involved. All sanitary sewer pipes shall be coupled with a gasket to conform to the requirements of ASTM (American Society Testing Material) Designation C-700-70-T or the latest revision thereof. Sewer joints shall be designed to minimize infiltration and to prevent the entrance of roots. The leakage outward or the infiltration should not exceed 500 gallons per inch of pipe diameter per mile per day for any section of the system.

2. Every manhole installed in the Village, whether the same shall be of precast concrete or brick, shall have underneath an eight-inch concrete base slab.
3. The base slab shall be SHD Class "C" concrete.
4. Where a precast concrete manhole is used, the base ring shall be blocked up in the excavation with concrete brick and an eight-inch concrete base slab shall be poured into the excavated bottom so that the concrete flows under, in back of and outside of the precast base ring.
5. The provisions hereof shall apply whether the base slab is installed by this Village, other governmental agency, contractor, individual, partnership or corporation.

H. Public Sites

1. The Planning Commission shall require the dedication of land, parks, playgrounds, open space, and/or school sites as necessary.
2. Any land dedicated for a public park or open space (other than buffer areas that separate industrial or business areas from residential areas) shall be graded, fertilized and seeded as listed as the following:
 - a. Fertilizing Commercial fertilizer, 12-12-12 applied at the rate of twenty (20) pounds per 1000 square feet.
 - b. Seeding
 - 40% Kentucky Blue Grass
 - 15% Saturn Perennial Rye
 - 15% Prizm Perennial Rye
 - 15% Manhattan 3 Perennial
 - 15% Affinity Perennial Rye

*Applied at the rate of 5 lb./1,000 sq. ft.

- I. Monuments Monuments shall be one-inch pipe or steel rods set in and running through a concrete block at least six (6) inches in diameter and at least thirty (30) inches long and the bottom of such block shall be set at least thirty (30) inches deep, below finished grade in the plat, and the points at which they may be found shall be designated on the plat. All monuments set in pavements shall be set in standard type monument boxes. Where new streets intersect existing highways, monuments shall be placed on the center

line of the new road at the right-of-way of the existing road. Four (4) monuments shall be set in each plat of ten (10) lots or less, and not less than six (6) shall be set in each plat containing over ten (10) lots. Iron pins shall be set at all lot corners and in all changes in lot line direction. Monuments shall be set on center line and right-of-way and all Point of Curvature, Point of Tangency, and street intersections with additional monuments to be placed at the direction of the Portage County Building Department or the village engineer.

700.02 — OVERSIZE AND/OR OFF-SITE IMPROVEMENTS Oversize and/or off-site extensions of utilities, pavements and other improvements shall be designed and constructed to facilitate the orderly development of nearby land that is an integral part of the neighborhood service or drainage area. Where the Portage County Building Department or the village engineer determines that improvements in excess of the size needed to serve the proposed subdivision are necessary, the subdivider shall install all improvements required to serve his subdivision plus the additional oversize and/or off-site improvements required. The subdivider may contract with adjacent property owners and/or subdivides of adjacent land for reimbursement of the oversize and/or off-site improvements required. Such improvements shall be available for connections by individual property owners and/or subdivides of adjoining land.

700.03 — CONSTRUCTION REQUIREMENTS

- A. Preconstruction Meeting and Work Schedule A preconstruction meeting will be held with the Portage County Building Department or the village engineer prior to the commencement of any project. At this time, the project will be discussed in regard to procedure, plans, materials, inspections, etc.
- B. Construction Inspections
 - 1. Responsible Official The Portage County Building Department or the village engineer shall be responsible for the inspection of all improvements.
 - 2. Authority and Duties of Inspectors Inspectors for the Village shall be authorized to inspect any work done and all materials furnished. Such inspection may extend to all or any part of the work and to the preparation, fabrication or manufacture of the materials to be used. The inspector shall not be authorized to revoke, alter or waive any requirements of the specifications or plans. He shall be authorized to call the attention of the contractor to any failure of the work or materials to conform to the specifications and contract. He shall have the authority to reject materials that do not meet specification requirements or suspend the portion of the work involved until any question at issue can be referred to and decided by the Portage County Building Department or the village engineer. Inspection during the installation of

improvements shall be made by the inspector to insure conformity with the approval plans and specifications as contained in the subdivider's construction agreement. (See Section 300.05 for fees).

3. Final Inspection Upon completion of all the improvements, the subdivider shall request in writing a final inspection by the Portage County Building Department or the village engineer. The Portage County Building Department or the village engineer shall make a final inspection of improvements.

C. Construction Responsibilities

1. Cooperation of Subdivider and/or Contractor The subdivider and/or contractor shall have available on the project at all times, two (2) approved copies of all required plans and specifications. He shall cooperate with the inspector and with other contractors in every way possible. The subdivider and/or contractor shall at all times have a competent superintendent acting as his agent on the project. The superintendent shall be capable of reading and thoroughly understanding the plans and specifications. He shall have full authority to execute the plans and specifications and to promptly supply such materials, tools, plant equipment and labor as may be required. A superintendent shall be furnished irrespective of the amount of work sublet.
2. Work Schedules The subdivider and/or contractor shall submit work schedules to the Portage County Building Department or the village engineer. Work that has not been properly scheduled shall not be accepted by the Portage County Building Department or the village engineer.
3. Grade Stakes Pavement and pipe grade stakes shall be set at twenty-five (25) foot intervals on horizontal and vertical curves and for all grades less than one percent (1%). Tangent pavement grades and pipe grades over one percent (1%) may be set at a maximum interval of fifty (50) feet. The inspector may ask for additional grade stakes if it is deemed necessary.
4. Repair of Damage Any damage done to the improvements by construction traffic, local traffic or by any other means shall be repaired or the damaged materials replaced before the next item of construction is begun.
5. Final Cleaning Up Upon completion of work and before acceptance, the subdivider and/or contractor shall clean all ground occupied or affected by him in connection with the work. The entire area shall be left in a neat and presentable condition satisfactory to the inspector.

6. Maintenance of Improvements of Dedicated Streets The subdivider shall be responsible for the maintenance of the improvements during the construction period and shall be responsible for providing the services necessary to guarantee access to all occupied lots, until final acceptance of the improvements by the Portage County Building Department or the village engineer. The subdivider shall be notified by the Portage County Building Department or the village engineer of the need for such maintenance or service. If the subdivider fails to perform such necessary maintenance or service within a time specified by the Portage County Building Department, the village engineer may perform such maintenance or service and bill the subdivider for such service. Payment shall be guaranteed by the performance bond. In addition, the subdivider shall maintain all improvements for such periods specified in Section 700.04D.

700.04 — AGREEMENTS AND GUARANTEES No subdivision shall be approved until the improvements required have been constructed or a cash bond, as determined by the Village Solicitor, has been deposited with the Village Clerk guaranteeing the faithful performance of the construction of such streets, sidewalks, storm sewers, sanitary sewers, and other required improvements in any new subdivision.

- A. Construction Agreement To assure construction and installation of improvements required by these Subdivision Regulations, the subdivider shall execute a construction agreement with the Portage County Building Department or the village engineer in form and substance as approved by the Village Solicitor. This agreement shall provide that all such improvements shall be constructed and installed at the subdivider's expense in compliance with the standards and specifications for each of the various types of improvements; such improvements shall be available to and for the benefit of the lands within such subdivision; that such improvements will be completed and installed within twenty-four (24) months of the further provisions that the Village Solicitor may deem necessary in the public interest may be added. The construction agreement shall further provide that, in the case where approval of the final plat has been given before construction of improvements and a performance guarantee has been provided and if the improvements are not completed within the specified time, the Village upon proper notice, may complete the improvements and recover full costs and expenses thereof from the subdivider and may appropriate such portion of money or bonds posted for the faithful performance of such work.
- B. Commencement of Improvements No construction of any improvements or clearing, grubbing and grading shall be commenced prior to the approval of the construction agreement by the Portage County Building Department or the village engineer.

C. Performance Guarantee

1. Type The subdivider, in lieu of actual installation or completion of the required improvements when requesting conditional approval of a final plat, shall execute and file a construction agreement and cash bond in accordance with Section 400.04(E)(3)a.
2. Term Guarantees shall be for a period of no longer than two (2) years unless the Director of Public Service shall extend the time period by resolution.
3. Amount The financial guarantee shall be in an amount equal to the subdivider's estimate approved by the Portage County Building Department or the village engineer of the cost of construction of all improvements plus ten percent (10%).

D. Maintenance Guarantees A cash maintenance bond shall be posted with the Village Clerk in the amount of ten percent (10%) of the cost of improvements and shall be arranged for a period of twenty-four (24) months from date of acceptance of improvements by the Portage County Building Department or the village engineer. The subdivider shall be responsible for routine maintenance of all improvements and shall repair all failures due to faulty construction as soon as they become apparent.

E. Liability Insurance The subdivider shall furnish such insurance as is deemed necessary by the village engineer or his designee that shall indemnify and save harmless the Village from any and all liability arising by reason of the conditions that may arise or grow out of the construction or installation of such facilities. The insurance shall be of such duration as determined by the Village Solicitor but shall in no case be allowed to expire earlier than the effective period of any maintenance bond. A copy of the insurance policy shall remain at all times with the Village Solicitor.

F. Title Insurance A title insurance policy in an amount to be determined by the Village Solicitor will be issued insuring the title of the lands to be dedicated, and that all taxes are paid on any streets or other lands dedicated to public use. The title insurance policy shall show the release by the mortgage holder, if any, of all interest in all property dedicated to a public use. These conditions must be complied with before final effective approval of the subdivision.

800.00 — ALTERNATIVE ENERGY

810.00 — SOLAR ENERGY STANDARDS

810.01 — PURPOSE AND INTENT

810.02 — DEFINITIONS

810.03 — APPLICABILITY

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820.00 — GEOTHERMAL ENERGY SYSTEM STANDARDS

820.01 — PURPOSE AND INTENT

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820.05 — SAFETY

820.06 — APPEALS

830.00 — WIND ENERGY SYSTEMS STANDARDS

840.00 — OUTDOOR HYDRONIC FURNACES STANDARDS

810.01 — PURPOSE AND INTENT This section aims to permit the accommodation of solar energy systems in the Village of Sugar Bush Knolls, Ohio.

810.02 — DEFINITIONS

- A. "ACCESSORY STRUCTURE" is a structure as defined in Section 101.01 of these Ordinances.
- B. "ALTERNATIVE ENERGY SYSTEMS" are structures, equipment, devices, or construction techniques used for the production of heat, light, cooling, electricity, or other forms of energy on site and may be attached to or separate from the principal structure.
- C. "BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEMS" is a solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade and that does not alter the relief of the roof.
- D. "FLUSH-MOUNTED SOLAR PANEL" is a system of photovoltaic panels and tiles that are installed flush to the surface of a roof and that cannot be angled or raised.

- E. “FREE-STANDING PORTABLE SOLAR ENERGY SYSTEM” is a portable solar energy system that is not directly installed in the ground and is not attached or affixed to an existing structure or intended to remain in place permanently.
- F. “NET-METERING” is a billing arrangement that allows solar customers to get credit for excess electricity that is generated and delivered back to the grid so that the homeowner only pays for the net electricity usage at the end of the month.
- G. “PERMIT GRANTING AUTHORITY” for a proposed solar system installation is the Village Planning Commission. If approved, the proposed system must be submitted to the Chief Building Official of Portage County, Ohio for deliberation for a permit for installation.
- H. “POTOVOLTAIC (PV) SYSTEMS” produce electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.
- I. “QUALIFIED SOLAR INSTALLER” is an installing contractor who is approved by the Portage County, Ohio Building Department. Such person must have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.
- J. “ROOFTOP OR BUILDING MOUNTED SOLAR SYSTEM” is a solar power system where solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames that can be tilted toward the south at an optimal angle.
- K. “SMALL-SCALE SOLAR” refers to solar photovoltaic systems that produce up to ten (10) kilowatts (kW) per hour of energy or solar-thermal systems that serve the building to which they are attached, and do not provide energy for any other building.
- L. “SOLAR COLLECTOR” is a solar photovoltaic cell panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.
- M. “SOLAR ENERGY EQUIPMENT/SYSTEMS” are solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form or energy, stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic, and concentrated solar.

- N. "SOLAR PANEL" is a device for the direct conversion of solar energy into electricity.
- O. "SOLAR STORAGE BATTERY" is a device that stores energy from the sun and makes it available in an electrical form.
- P. "SOLAR-THERMAL SYSTEMS" directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

810.03 — APPLICABILITY

- A. The requirements of this Ordinance shall apply to all Small-Scale Solar Energy Systems modified or installed after the effective date of this Ordinance.
- B. All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and standards.
- C. Solar energy collectors shall be permitted only to provide power for use by owners, lessees, tenants, residents, or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit the sale of excess power through a "net-billing" or "net-metering" arrangement.

810.04 — PERMITTING

- A. No small scale solar energy system or device shall be installed or operated in the Village of Sugar Bush Knolls except in compliance with this article.
- B. Rooftop and Building-Mounted Solar Collectors are permitted in the Village of Sugar Bush Knolls subject to the following conditions:
 - 1. Building permits shall be required for installation of all rooftop and building-mounted solar collectors.
 - 2. Placement of solar collectors on flat roofs shall be allowed as of right, provided that panels do not extend horizontally past the roofline.
- C. Building-Integrated Photovoltaic (BiPV) Systems are permitted outright.
- D. Freestanding portable solar energy systems are not permitted in the Village of Sugar Bush Knolls.
- E. Ground-Mounted and Free-Standing Solar Collectors are not permitted in the Village of Sugar Bush Knolls.

- F. Solar-thermal systems are permitted subject to the following condition: building permits are required for the installation of all solar-thermal systems.

810.05 — SAFETY

- A. All solar collector installations must be performed by a qualified solar installer.
- B. Any connection to the public utility grid must be inspected by the appropriate public utility.
- C. Solar energy systems shall be maintained in good working order.
- D. If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use and when no longer used shall be disposed of in accordance with the laws and regulations of Portage County and the State of Ohio.
- E. If a solar collector ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the collector, mount, and associated equipment by no later than ninety (90) days after the end of the twelve-month period.

810.06 — APPEALS

- A. If an individual is found to be in violation of the provisions of this Ordinance, appeals should be made in accordance with the established procedures of the Village of Sugar Bush Knolls code.
- B. If a building permit for a solar energy device is denied because of a conflict with other goals of the Village of Sugar Bush Knolls, the applicant may seek relief from the Village of Sugar Bush Knolls Planning Commission, which shall regard solar energy as a factor to be considered, weighed, and balanced along with other factors.

820.00 — GEOTHERMAL ENERGY SYSTEM STANDARDS

820.01 — PURPOSE AND INTENT This section aims to permit the accommodation of geothermal energy systems in the Village of Sugar Bush Knolls, Ohio.

820.02 — DEFINITIONS A geothermal energy system is one that derives its heat energy from the earth.

820.03 — APPLICABILITY

- A. The requirements of this Ordinance shall apply to all geothermal energy systems modified or installed after the effective date of this Ordinance.
- B. All geothermal energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and standards.
- C. Geothermal energy collectors shall be permitted only to provide power for use by owners, lessees, tenants, residents, or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit the sale of excess power through a “net billing or “net-metering” arrangement.

820.04 — PERMITTING

- A. No geothermal energy system shall be installed or operated in the Village of Sugar Bush Knolls except in compliance with this article.
- B. A building permit and zoning permit shall be obtained for any ground source heat pump system prior to installation or usage.
- C. The installation and construction of a geothermal energy system, referred to as a ground source heat pump system, shall be subject to the following development and design standards:
 - 1. Location Ground source heat pump systems in accordance with the standards in this section are allowed as a permitted accessory use.
 - 2. Ground source heat pump systems shall adhere to the accessory use standards set forth in Sections 105.04B. unless modified by this section. A ground source heat pump system shall not count toward the maximum number of permitted accessory uses allowed on a single parcel.
 - 3. System Requirements Only closed loop ground source heat pump systems utilizing heat transfer fluids as defined in this Zoning Code are permitted. Open loop ground source heat pump systems are not permitted.
 - 4. Setbacks
 - a. All components of ground source heat pump systems including pumps, borings, and loops shall be set back at least five (5) feet from interior side lot lines and at least ten (10) feet from rear lot lines.

- b. Above-ground equipment associated with ground source heat pumps shall not be installed in the front yard of any lot or the side yard of a corner lot adjacent to a public right-of-way and shall meet all required setbacks for the applicable zoning district for an accessory use.
- 5. Easements Ground source heat pump systems shall not encroach on public or private drainage, utility, or roadway easements.
- 6. Noise Ground source heat pump systems shall comply with performance standards set forth in these Ordinances.

820.05 — SAFETY

- A. Safety Ground source heat pumps shall be certified by Underwriters Laboratories, Inc. and meet the requirements of the State of Ohio Basic Building Code.
- B. System Abandonment If the ground source heat pump system remains nonfunctional or inoperative for a continuous period of one (1) year, the system shall be deemed to be abandoned and shall constitute a violation of these Ordinances. The owner shall remove the abandoned system at his expense after a demolition permit has been obtained in accordance with the following:
 - 1. The heat pump and any external mechanical equipment shall be removed.
 - 2. Pipes or coils below the land surface shall be filled with grout to displace the heat transfer fluid. The heat transfer fluid shall be captured and disposed of in accordance with applicable regulations. The top of the pipe, coil, or boring shall be uncovered and grouted.
 - 3. Lake ground source heat pump systems shall be completely removed from the bottom of the body of water.

820.06 — APPEALS

- A. If an individual is found to be in violation of the provisions of these Ordinances, appeals should be made in accordance with the established procedures of the Village of Sugar Bush Knolls Ordinances.
- B. If a building permit for a geothermal energy device is denied because of a conflict with other goals of the Village of Sugar Bush Knolls, the applicant may seek relief from the Village of Sugar Bush Knolls Planning Commission that shall regard geothermal energy as a factor to be considered, weighed, and balanced along with other factors.

830.00 — WIND ENERGY SYSTEMS STANDARDS

830.00 — WIND ENERGY SYSTEMS STANDARDS

No wind energy systems of any kind are permitted in the Village of Sugar Bush Knolls.

As technologies advance for capturing energy from wind sources, residents are encouraged to bring new developments to the Village Council for discussion and possible adoption as a permitted energy source, providing the new technology meets aesthetic guidelines and noise restrictions.

840.00 — OUTDOOR HYDRONIC FURNACES STANDARDS

840.00 — OUTDOOR HYDRONIC FURNACES STANDARDS

No outdoor hydronic furnaces of any kind are permitted in the Village of Sugar Bush Knolls.

If technologies improve for outdoor hydronic furnaces, residents are encouraged to bring new developments to the Village Council for discussion and possible adoption as a permitted energy source, providing the new technology meets aesthetic and environmental guidelines and noise restrictions.

900.00 — EXTERIOR PROPERTY MAINTENANCE

900.01 — TITLE AND SCOPE

900.02 — PURPOSE

900.03 — APPLICATION

900.04 — CONFLICT OF LAWS

900.05 — MAINTENANCE RESPONSIBILITY

900.06 — GENERAL EXTERIOR MAINTENANCE REQUIREMENTS

900.07 — EXTERIOR SURFACES

900.08 — DURATION OF REPAIRS

900.09 — YARD MAINTENANCE

900.10 — SWIMMING POOLS / SPAS / HOT TUBS

900.11 — ABANDONED STRUCTURES AND UNOCCUPIED LOTS

900.12 — NON-COMPLIANCE WITH FINAL ORDERS

900.13 — ENFORCEMENT

900.14 — PENALTIES

PREAMBLE

The Exterior Property Maintenance Code of the Village of Sugar Bush Knolls is dedicated to maintaining the exterior appearance of properties in order to provide for the preservation of health, safety, welfare, reasonable comfort, and property values for residents of the Village.

900.01 — TITLE AND SCOPE This chapter shall be known as the Exterior Property Maintenance Code of the Village of Sugar Bush Knolls, Ohio.

This chapter is strictly limited to the establishment of standards for the maintenance of exterior surfaces and exterior functioning units of all residential structures and buildings within the Village, including yard areas immediately contiguous thereto. No provisions of this chapter shall, in any way, directly or indirectly, be interpreted to interfere with, or to limit the right of, any owner or resident to inhabit real property owned or leased by them in such a manner and form as they may determine appropriate, consistent with other applicable provisions of law. This chapter is directed to visual problems and deteriorated property values which may on occasion cause blighting conditions with the Village. All matters of the interior use, occupancy or

habitation of any structure or building within the Village are specifically excluded from the provisions of this chapter.

900.02— PURPOSES This chapter is declared to be remedial and essential for the public interest; it is intended that this chapter be construed and interpreted to implement the purposes as stated herein. The purpose of this chapter is

- A. to protect the public health, safety, and welfare of the residents and property owners of the village by establishing standards governing the maintenance, appearance, and exterior condition of all premises throughout the Village of Sugar Bush Knolls;
- B. to fix certain responsibilities and duties upon owners, residents, and managers of the same as to both separate and correlative responsibilities and duties;
- C. to authorize and establish procedures for the exterior inspection of such premises;
- D. to fix penalties for the violations of this chapter; and
- E. to provide for the repair, demolition or vacation of premises unfit for human habitation, occupancy or use.

900.03 — APPLICATION Every residential or non-residential building or structure, and the land on which it is situated, used or intended to be used for dwelling or accessory use, shall comply with the provisions of this chapter, whether or not such building shall have been constructed, altered or repaired before or after enactment of this code, and without regard to any permits or licenses that shall have been issued for the use or occupancy of the building or premises for the construction or repair of the building, or for the installation or repair of equipment or facilities prior to the effective date of this chapter. This chapter establishes standards for the initial and continued occupancy and use of all such structures and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the building.

900.04 — CONFLICT OF LAWS In any case where a provision of this chapter imposes a higher standard than that set forth in any other chapter of the Village Ordinances or law of the County or of the State, then the standard set forth herein shall prevail, but if a provision of this chapter imposes a lower standard than that imposed by any other Village Ordinance or law of the County or of the State, then the higher standard contained in any such other ordinance or law shall prevail.

900.05 — MAINTENANCE RESPONSIBILITY

- A. The owner of every building or structure within the Village shall be responsible for maintaining the exterior surfaces of the same in conformance with the provisions of this chapter.
- B. The owner of every building or structure within the Village shall be responsible for maintaining the yard area immediately contiguous thereto in conformance to the provisions of this resolution.
- C. Unless expressly provided to the contrary in this resolution, the respective obligations and responsibilities imposed herein upon the owner, as differentiated from those of the residents, shall not be altered or affected by an agreement or contract by and between any of the foresaid, or between them and other parties.

900.06 — GENERAL EXTERIOR MAINTENANCE REQUIREMENTS

- A. The exterior surfaces of all structures within the Village shall be maintained and in good repair. Any exterior part or feature thereof having functional use shall be capable of performing the use for which such part or feature was designed.
- B. The entire yard and area contiguous to all structures within the Village, and extending up to and including the lot-line in all directions shall be maintained in a safe, clean, and sanitary condition.

900.07 — EXTERIOR SURFACES All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition.

- A. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.
- B. An exterior wall segment, facing, or other distinguishable surface that has more than twenty-five percent (25%) of its total area bare, peeling, flaking, pitted or otherwise deteriorated shall be surface coated.
- C. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight.
- D. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust or corrosion.

- E. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- F. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such a condition so as to prevent the entry of rodents, nuisance animals, and other pests.
- G. All exterior walls shall be free from holes, breaks, and loose or rotting materials and maintained weatherproof and properly surface coated where required to prevent deterioration.
- H. The roof and flashing shall be sound and not have defects that admit rain. Roof drainage shall be adequate to prevent deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair. Roof water shall not be discharged in a manner that creates a public nuisance.
- I. Every exterior stairway, deck, porch, or balcony shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- J. All chimneys, venting devices, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface coating.
- K. Graffiti/Defacement of property: No one shall willfully or wantonly damage, mutilate, or deface any exterior surface of any structure or building on private or public property by placing thereon any marking, carving, or graffiti. The owner of the property shall be responsible to restore said surface to an approved state of maintenance and repair.

900.08 — DURATION OF REPAIRS Repairs to correct a violation shall be completed within thirty (30) days of the date of the notice.

900.09 — YARD MAINTENANCE

A. Refuse

- 1. No refuse including but not limited to mattresses, household furnishings, rugs, appliances, abandoned railroad ties, tires, wheels, abandoned vehicle parts, dilapidated automobiles or automobile parts shall be placed or stored in any yard area contiguous to any structures within the Village over a period in excess of twenty-four (24) hours.

2. Property areas of all premises shall be kept free of organic and inorganic debris, objects, materials or conditions that create a health, accident or fire hazard, or are a public nuisance, or constitute a blighting or deteriorating influence on the neighborhood. Broken glass, filth, garbage, trash, and debris shall not be permitted on any property. This section does not apply to legitimate building materials stored on lots with permitted projects in progress.
 3. All structures shall be kept free from insect, rodent, and nuisance animal infestation. Yards shall be kept free from harbored insects, rodents, and nuisance animals. If found, insects, rodents and nuisance animals shall be removed or exterminated by approved processes that will not be injurious to humans or pets. Following elimination, precautions shall be taken to prevent re-infestation. The owner of the structure or property shall be responsible for pest elimination.
- B. Grass Yard grass and weeds in excess of twelve (12) inches in height shall constitute a nuisance.
- C. Accessory Structures
1. All structures located in the yard area contiguous to all zoning categories within the Village, such as sheds, barns, garages, bins, and the like, shall be maintained in good repair in conformance with other provisions of this resolution regarding foundations, roofs and exterior surfaces.
 2. Any broken, deteriorated or decayed fence, yard enclosure, or other device or structure located in the yard area contiguous to all property within the Village shall be repaired or removed.
- D. Driveways A driveway is that area giving access and egress to motor vehicles from the street to the garage or a parking area, having a surface of asphalt or concrete, and shall be maintained in good repair.
- E. Ground-Surface Hazards Holes, cracks, excavations, breaks, projections, and obstructions at any place on the premises that are a hazard to persons using the premises shall not be permitted.
- F. Sidewalks and Walkways shall be maintained in good repair.
- G. Grading and Drainage All premises shall be graded and maintained so as to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereupon. **Exception:** Approved retention areas or reservoirs.

900.10 — SWIMMING POOLS, SPAS, AND HOT TUBS

- A. Swimming pools, spas, and hot tubs shall be maintained in a clean and sanitary condition and in good repair.
- B. Required enclosures shall be maintained in good repair. Enclosure replacement shall be done in accordance with current Village Zoning Requirements.

900.11 — ABANDONED STRUCTURES AND UNOCCUPIED LOTS

- A. For the purpose of this section, "abandon" shall mean to give up occupancy in the structure with the intent of never again claiming occupancy in the structure. If any structure shall become abandoned such structure may be presumed to be a nuisance affecting or endangering surrounding property values and to be detrimental to the public health, safety, convenience, comfort, property, or general welfare of the community and shall be abated.
- B. Whenever Village Council shall find that any structure has been abandoned, notice shall be given in the same manner as a service of summons in a civil case or by certified mail addressed to the owner of record of the premises at his or her last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods, to abate such abandoned condition within thirty (30) days either using the structure for another use permitted in the zoning district, or by razing the structure, removing all debris, signs, goods, supplies, and equipment, and filling depressions to the grade level of the lot, provided, however, that if the structure is used after the notice is given and remains in operation for ninety (90) consecutive days, the provisions of this section shall not apply.
- C. Upon the failure, neglect, or refusal of any owner to comply with the notice to abate such abandonment, the Zoning Inspector shall advise the Village Council and the Village's legal advisor of the facts. The Village's legal advisor shall proceed to exercise on behalf of the Village any remedy that shall then be available to it to secure an abatement of such abandonment, including any that pertains to the abatement of a public nuisance, and to recover any damages or to enforce any penalties that may be recovered or imposed at the instance of the Village, including all damages reasonable under Ohio Law. The Village would bear the cost of emergency repair for blighted home and cause a lien to be placed thereon for such cost.
- D. Unoccupied, empty, or inoperative structures, whether or not abandoned, together with the lot upon which any such structure is located and with any other unoccupied or empty lot, shall be maintained in accordance with the provisions of this chapter. Any such lot

shall be provided with grass or other appropriate ground cover or landscaping material so as to assure absorption of rainfall and prevent erosion and rapid runoff of surface water. The owner shall cut and maintain all grass or other ground cover and remove all rubbish and weeds from the premises. The parking of motor vehicles upon said premises shall be prohibited except for licensed; operating vehicles in properly approved and constructed driveways.

900.12 — NONCOMPLIANCE WITH FINAL ORDERS Whenever the person charged herein with the maintenance of a structure or premises fails to comply with any final order as provided in this chapter, the Village Council shall institute an appropriate action at law.

900.13 — ENFORCEMENT The enforcement of the provisions of the code shall be the responsibility of the Village Council directing the Zoning Inspector, together with such additional enforcement officers as may be required, to carry out and implement all the provisions herein.

- A. Inspection Upon public complaint, all buildings and premises within the Village may be subject to exterior inspections by the Zoning Inspector, upon direction by Village Council, using those public access venues (roads, sidewalks) as may be available. When access by the Zoning Inspector onto private property is deemed necessary in the furtherance of his duties, such inspection shall be preceded by written notice of the inspection given to the property owner at least forty-eight (48) hours before the inspection, except in case of emergency.
- B. Citizen complaints may trigger an inspection. The property owner will then be notified of the complaint in writing by the Clerk of Council and an appointment for a closer inspection by the Zoning Inspector will be scheduled.
- C. Whenever the Village Council determines that there is a violation of any provisions of this code, a warning shall be issued and shall serve as notice of a violation. Such notice shall:
 - 1. Be in writing,
 - 2. Identify the violation,
 - 3. Include a statement of the reason or reasons why it is being issued and refer to the sections of the code that are being violated; and
 - 4. State that the violation shall be corrected in a timely manner as specified by Council. The party in violation has up to thirty (30) days to correct the violation, unless an extension of time is agreed upon by Council and the party in violation.

D. Corrective Action Delay In the event that the property owner can demonstrate that corrective action to abate the violation within the time frame outlined in Section 900.13E would impose serious financial hardship or ruin, the Village Council is empowered to delay the initiation of any corrective action upon receiving a commitment in writing from the property owner that:

1. The property owner voluntarily and freely accepts the determination that his property is in violation of this code section and must be improved to eliminate such violation(s); and
2. The property owner makes a specific "time commitment" representation as to when the violation elimination activity will be initiated, and when all such action will be completed, eliminating any and/or all such violation(s). Such time period may be unique to each commitment, but shall not exceed one (1) year. Any property owner receiving a corrective action delay shall periodically report at regular intervals to the Zoning Inspector on the progress made toward beginning the remediation activity, completing such activity and eliminating any/all violations.

E. Appeal Within thirty (30) days of the date of service of notice, any person affected by the notice may request a hearing thereon before the Board of Zoning Appeals by filing a written request with the Chairperson of the Board. The Chairperson of the Board, upon receipt of the request, shall, within thirty (30) days from that date, and upon five (5) days' notice to the party and the Zoning Inspector, set the matter down for hearing. The Board may sustain, modify or dismiss, in whole or in part, any action required to correct or abate the violation set forth in the notice and shall issue an order incorporating its determinations. Any order of modification or dismissal shall be effective for one (1) year following the date of issuance of such order, and thereafter the subject matter of such order of modification or dismissal may be amenable to further inspection, notice and appeal as set forth herein. The Board of Zoning Appeals shall consider only the following in determining appropriate action to be taken:

1. That any modification of the original order of the Zoning Inspector shall not, in any material way, alter the standards of this code and shall not detrimentally affect the health or safety of occupants or the health, safety, or welfare of the occupants or owners of adjacent premises or of the immediate neighborhood;
2. That strict enforcement would constitute an undue and unnecessary hardship on the owner, manager, or resident, by reason or compelling an expenditure for repair of the premises that would be substantially disproportionate to any benefit

to the health, safety, or welfare of the community that might be derived therefrom.

- F. No license or permit or other certification of compliance with this section shall constitute a defense against any violation of any other local ordinance applicable to any structure or premises, nor shall any provision herein relieve any owner, manager, or resident from complying with any other provision, nor any official of the Village from enforcing any such other provision.

900.14 — PENALTIES Whoever violates any provision of this chapter, or fails to comply with the Village's final order as provided herein shall be fined not more than \$100. A separate offense shall be deemed committed each day on which a violation or noncompliance occurs or continues.