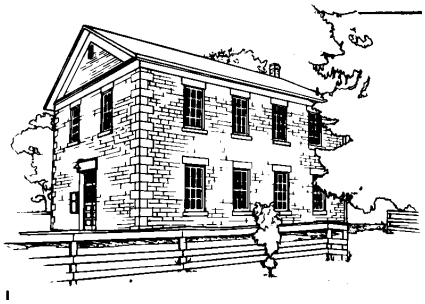


Village of Peninsula

AGENDA

PLANNING COMMISSION MEETING

Monday September 28, 2026; 7:00 p.m.
Village Hall
1582 Main Street
Peninsula, Ohio 44264

CALL TO ORDER; ROLL CALL

CONSIDERATION OF MINUTES
September 1, 2026 Planning Commission Meeting

CITIZENS PARTICIPATION

MAYOR'S REPORT

COUNCIL LIAISON REPORT

BUSINESS
Proposed Amendments to Zoning Code
Mixed-Use Zone Development; New Chapter 1116 (already reviewed and approved on 7/27/26)

Amendments to Chapter 1129; Landscaping, Screening, and Planting (already reviewed and approved on 9/1/26)

Amendments to Land Use Tables, Section 1109.03

Amendments to Standards for Specific Uses, Chapter 1141, Required by Changes to 1109.03

Other Matters
Interactive Zoning Map/Summit County GIS Services Agreement

Accessory Dwelling Units

Additional Potential Zoning Code Matters to be Discussed if Time Permits
Vacant Property Registration Ordinance

Commercial, Mixed-Use, and Public Institution Zone Exterior Lighting Ordinance

ADJOURNMENT

RECORD OF PROCEEDINGS
VILLAGE OF PENINSULA PLANNING COMMISSION

Held: Tuesday September 1, 2026

CALL TO ORDER: Ms. Walters called the meeting to order at 7:00 p.m.

ROLL CALL:

Chairperson Karen Walters	Present	Greg Canda	Absent
Council Rep. Amy Frank-Hensley	Present	Mayor Daniel Schneider, Jr.	Absent
Kevin Royer	Present		

CONSIDERATION OF MINUTES:
July 27, 2026 Planning Commission Meeting

Ms. Frank-Hensley made a motion that was seconded by Ms. Walters to approve the minutes. Roll call vote: Ms. Frank-Hensley, yes; Mr. Royer, yes; Ms. Walters, yes. The minutes were approved.

CITIZENS PARTICIPATION:

Richard Slocum raised concerns about the proposed the terminology and regulations surrounding "farming for personal use". Mr. Bryan and Ms. McMahon explained that typical residential gardens would be considered accessory uses, but Ms. McMahon acknowledged that the existing definition of farming includes tilling soil, raising crops, poultry, and livestock. After discussion about livestock and large domestic animals, the group agreed that the terminology should be clarified. Ms. McMahon proposed using the existing definition of large domestic animals and removing the current farming-for-personal-use definition. The discussion continued to how to distinguish ordinary gardening from commercial agricultural activity. The Commission concluded the principal concern was not growing or selling produce generally, but operating roadside or produce stands on residential property where customer traffic, parking, and safety could become problematic. Ms. McMahon suggested making individual produce stands a conditional use in the R2 District and establishing standards addressing traffic, parking, and access so applications could be evaluated consistently and arbitrary decisions would be avoided.

With respect to artisan/craftsman uses, Ms. Frank-Hensley explained such uses had originally been made conditional because a definition had not yet been developed and certain activities (such as blacksmithing or other noisy crafts near residential properties) possibly required additional controls.

Steve Craig asked about the legal status of meeting recordings compared with the approved minutes and specifically whether recordings or transcripts could be used in a legal dispute. Mr. Bryan explained the approved minutes are the official record of the proceedings. The recordings are also posted publicly for reference. Mr. Bryan stated some communities have designated the video recordings as their official record. He noted that recordings or transcripts could be used as evidence when examining what occurred at meetings and the reasoning behind decisions made by a Council, Planning Commission, or other government body.

MAYOR'S REPORT: The Mayor was not present.

COUNCIL LIAISON REPORT: Ms. Frank-Hensley reported that Council approved placing an advisory ballot question before voters regarding non-owner-occupied short-term rentals. She recommended sending out a notice to residents about the ballot issue. Ms. Frank-Hensley explained the vote will be advisory rather than binding, meaning Council would retain authority

to make the final decision on how to regulate short-term rentals. Mr. Bryan noted the ballot language will be reviewed and needs to be approved by the County Board of Elections and the State Secretary of State's office. He does not anticipate that those entities will modify the ballot language.

Ms. Frank-Hensley reported contacting the County Engineer about presenting information at a future Council Meeting on the benefits of joining the County Surface Water District. Ms. Frank-Hensley stated Village participation could provide another option for addressing runoff and drainage issues.

Discussion then turned to the St. Rt. 303 Project, including options to reline or replace existing stormwater infrastructure. Mr. Bryan reported the Village is pursuing a $2 million plus grant for replacement work. That Project also includes previously awarded ODOT and OPWC funding.

Ms. Walters raised concerns about significant school-related traffic congestion near Riverview Road. Councilperson Riggins described traffic spreading onto Ridgeway and surrounding side streets during pickup and drop-off times.

BUSINESS:

Proposed Amendments to Zoning Code:

Amendments to Land Use Tables, Section 1109.03; Amendments to Standards for Specific Uses, Chapter 1141, Required by Changes to 1109.03; Amendments to Chapter 1129; Landscaping, Screening, and Planting

Ms. McMahon reviewed the proposed zoning amendments, explaining the land-use tables were updated with clarifying notes and references. Artisan/craftsman uses would be moved from the Industrial category and be made conditional uses in the Commercial and Mixed-Use districts. She expanded the artisan/craftsman description to include activities such as glass blowing and clarified that these businesses should focus on customized or unique products made by hand or with limited mechanical/electronic equipment and be produced in small batches rather than through mass production. A proposed square-footage limitation was inserted to maintain their small-scale character. Ms. Frank-Hensley supported the revisions but questioned requiring artisans to be "trained professionals," noting that some are self-taught. Ms. McMahon agreed to adjust that language. The Commission determined that keeping these activities conditional could provide greater control, noting the option of making them permitted uses later is always available.

Ms. McMahon reviewed the changes made to Chapter 1129 based upon the comments from the last meeting. She noted she amended the screening requirements from 75% opacity at full foliage to a minimum of 75% opacity year-round for service areas, trash receptacles, buffers, and similar screening. Ms. Frank-Hensley identified an inconsistency between references to "wireless telecommunication facilities" and "telecommunication towers" in the Zoning Code. Ms. McMahon recommended consistently using "telecommunication towers," explaining the regulations were intended for large towers rather than smaller telecommunications equipment. Existing provisions allow such towers in limited locations subject to restrictions.

Ms. McMahon concluded that based upon this evening's discussions and recommendations, Chapter 1141 and Section 1109.03 would need another round of revisions, including changes concerning individual produce stands and the terminology discussed earlier.

Held: Tuesday September 1, 2026

It was determined that the Chapter 1129 Landscaping Chapter appeared ready to advance to Council because no additional changes were requested. Mr. Royer made a motion that was seconded by Ms. Walters to approve the updated version of Chapter 1129. Roll call vote: Ms. Frank-Hensley, yes; Mr. Royer, yes; Ms. Walters, yes. The motion was approved. Ms. Frank-Hensley noted that once Ms. McMahon returns with the zoning edits discussed for Chapter 1141 and Section 1109.03 and those amendments are approved by the Commission, the package can be sent to Council. That would provide enough time for Council to approve the Zoning Code amendments before the current Mixed-Use Zone development moratorium expires later in the year.

Additional Potential Zoning Code Matters to be Discussed if Time Permits
Vacant Property Registration Ordinance; Accessory Dwelling Units; Interactive Zoning Map; Former Players Barn Property Zoning Classification; Commercial, Mixed-Use, and Public Institution Zone Exterior Lighting Ordinance:

The Commission discussed additional zoning and planning topics, including vacant property registration, GIS mapping, and accessory dwelling units (ADUs). Ms. McMahon explained the Village could potentially use County GIS data to create a more interactive zoning map, showing parcel addresses, zoning districts, ownership, and other information. An agreement with the County for those services could involve significant upfront and ongoing costs. Ms. Frank-Hensley noted that better parcel data could help with historical preservation outreach. Ms. Walters and Mr. Royer asked about cost and privacy considerations. Ms. McMahon stated she would provide information on the standard agreement with the County for those services for the next meeting.

The Commission agreed to continue to discuss the proposed vacant property regulations at future meetings before moving on to the topic of accessory dwelling units. Ms. Walters shared that residents have expressed interest in permitting ADUs as a way for older residents to remain in Peninsula, to provide housing for family members, or to create affordable housing for younger people. Ms. McMahon explained the current Zoning Code does not allow accessory living units on properties. A decision to permit ADUs would require the implementation of regulations relating to size, location, attachment to the main house, utilities, access, ownership, rentals, and whether they could become short-term rentals. Councilperson Riggins emphasized the importance of safety and a proper approval process. Ms. Frank-Hensley suggested starting cautiously with a limited approach tied to goals such as helping residents age in place and increasing the Village's population. Ms. McMahon agreed to provide information from other communities and sources for the Commission to consider.

The Commission next discussed the zoning and possible future use of the former Players Barn property, which consists of parcels currently zoned Public Institution and Conservation/Recreation. Mr. Bryan explained the current zoning limits the ability to market and sell the property if that is what the Village wants to do. He also noted that the soil and location of the property make installing a septic system problematic and expensive. Ms. Walters suggested considering residential possibilities. Councilperson Riggins urged caution because the Village owns relatively little property. She stated the Village should carefully evaluate the property's best long-term use. Ms. Frank-Hensley favored keeping the site for parking during major events. Ms. McMahon noted the larger parcel had previously served as a parking lot and could potentially function in that manner again. The Commission decided to remove this rezoning issue

from the agenda going forward while parking and other future uses of the property can be explored.

ADJOURNMENT: Mr. Royer made a motion that was seconded by Ms. Walters to adjourn the meeting. Roll call vote: Ms. Walters, yes; Mr. Royer, yes; Ms. Frank-Hensley, yes. The meeting was adjourned at 8:34 p.m.

Respectfully submitted:

Karen Walters, Chairperson Date

_____ _____

New Chapter with changes from June as approved

CHAPTER 1116

MIXED USE DEVELOPMENT

1116.01 PURPOSE

It is in the best interests of the Village, its residents and the businesses in downtown Peninsula that the areas zoned MU Mixed Use be enhanced to promote a mix of uses, provide for pedestrian mobility and multiple transportation options, and be developed to complement the character and style of the existing community through quality landscaping and building design. The Mixed-Use district shall be designed to improve and enhance the downtown area, establish a high-quality business and living environment, and attract and sustain future economic development.

1116.02 APPLICABILITY

In addition to the requirements established elsewhere in the Village of Peninsula Zoning Code, developments in the MU Mixed Use District shall comply with the criteria established in this chapter.

1116.03 USES

(a) All uses shall be in conformance with the requirements of Section 1109.03 of the Village of Peninsula Zoning Code.
(b) Developments that include both commercial and residential uses are encouraged but not required.

1116.04 SITE CRITERIA

(a) A minimum of 10% of the development area shall be provided as open space exclusive of pavement and buildings. Setbacks other than the front setback may be counted as open space. Open space is defined as any area of land within a development designed and intended for the common use of the residents or tenants of the development and their guests. The inclusion of the front setback area to meet the open space may be approved by the Planning Commission provided it contains site amenities such as outdoor gathering area, plaza, benches or similar uses.
(b) The front setback shall be a minimum of 5 feet not exceed 20 feet from the edge of right-of-way or the edge of pavement on a private street or drive.

(c) Parking shall be located in the rear or the side of the building. If located on the side of the building, parking it shall be behind the front wall of the building. All parking areas shall be screened as required by Chapter 1125 of the Village of Peninsula Zoning Code.
(d) Pedestrian connectivity and sidewalks shall be provided and integrated into the Village's existing system.
(e) The development shall comply with the landscape requirements established by Chapter 1129 of the Village of Peninsula Zoning Code.
(f) Pedestrian site amenities such as benches, bike racks, etc. shall be provided on site and may be located within the front setback.
(g) The separation between driveway access points from any public or private street to any development shall be a minimum of 40 feet. Combined access points are encouraged.
(h) Private streets shall comply with Section 1159.11 (i) of the Village of Peninsula Subdivision Code.

1116.05 BUILDING DESIGN

(a) Buildings shall have a coordinated and integrated design that contains a variation in the front façade so as not to be flat or on the same plane over the entire structure.
(b) Street facing facades shall be broken into 30-foot-wide segments. Facades may be broken by change in the plane of the building by a minimum of 12 inches, addition of architectural features such as porches, columns, roof overhangs or similar features.
(c) Building design shall take its design cues from the Downtown Master Plan which identified significant design elements within the Village which includes but is not limited to: balanced proportions and orderly symmetrical facades, gabled roofs, traditional double-hung windows, porches and overhangs, the use of stone accents, flat moldings and woodwork and accentuated entryways. Applicants should consider the Secretary of the Interior's Standards for the Treatment of Historic Properties for design inspiration.
(d) Ground floor windows and upper floor windows shall have a rhythmic pattern that complement each other.
(e) Building materials of all buildings in the development shall be complementary to each other but provide differentiation.
(f) Buildings shall have sloped roofs. If a flat roof is proposed it shall have parapets and cornice treatment on all sides of the building.
(g) Entrances shall be clearly identifiable.
(h) No garage access shall be on the front of the building.

1116.06 REVIEW AND APPROVAL PROCESS

(a) Development within the Mixed-Use District shall comply with the requirements of Chapter 1149 as they relate to site plan approval.

(b) If the development is to be implemented in phases, the Planning Commission may require the Developer to enter into a written Development Agreement with the Village, which at a minimum includes, a projected timeframe for the development's completion, an assurance that all aspects of the development will be consistent with the Planning Commission approval and an acknowledgement that any future owner of the property will comply with the conditions of any approval.

(c) The Planning Commission may waive or modify any of the criteria of this chapter provided the spirit and intent of these regulations are maintained.

With comments from 7/27/26

CHAPTER 1129
Landscaping, Screening and Planting

1129.01 Purpose
1129.02 Performance standards.
1129.03 Scope.
1129.04 Plan submission requirements.
1129.05 Standards.
1129.06 Screening requirement.
1129.07 Modification of screening and buffer zone requirements.
1129.08 Materials.
1129. 09 Berms.
1129. 10 Location of screening.
1129. 11 Openings in walls, fences and berms; construction standards for walls.
1129.12 Bumper stops, curbing or wheel chocks in parking spaces.
1129.13 Corner clearance visibility.
1129.14 Irrigation of vegetation.
1129.15 Waiver of requirements.
1129.16 Scope of plant material requirements.
1129. 17 Plant materials not permitted.
1129.18 Installation and maintenance.

1129.01 PURPOSE.

These regulations are intended to:

(a) Minimize the transmission from one land use to another of nuisances associated with noise, dust and glare.

(b) Minimize visual pollution that may otherwise occur within an urbanized area. Minimal screening provides an impression of separation of spaces, and more extensive screening can entirely shield the visual effects of an intense land use from a less intense land use.

(c) Establish a greater sense of privacy from visual or physical intrusion of intense land uses, the degree of privacy varying with the intensity of the screening.

(d) Safeguard the public health, safety and general welfare, preserve the aesthetic and environmental qualities, and enhance the community character.

1129.02 PERFORMANCE STANDARDS.

Every development shall provide sufficient screening so that:

(a) Neighboring properties are shielded from adverse external effects of that development, regardless of whether it is separated by a right-of-way.

(b) It provides a transition zone between dissimilar land uses.

1129.03 SCOPE.

(a) Except where more stringent standards or procedures are specified in this Ordinance, the standards and procedures in this chapter shall apply to all required

screening and buffering areas.

(b) For all commercial, industrial, office, institutional and multiple-family uses in Commercial and Mixed Use zoning districts and for non-residential uses in Residential districts and where commercial, industrial, office, institutional and multiple-family uses exist adjacent to an existing residential use there shall be provided and maintained on the sides of the property abutting, adjacent to, or across the street from a residential district or use a screening/buffer zone as specified in this chapter, unless otherwise waived or reduced by the Commission or official approving the site plan.

(c) For utility buildings, stations and/or substations, screening shall be provided consisting of a six-foot high wall, berm or fence, except when all equipment is contained within a building or structure which is comparable in appearance to residential buildings in the surrounding area.

1129.04 PLAN SUBMISSION REQUIREMENTS.

Whenever landscape, screening and/or a buffer zone are required in this chapter, a preliminary landscape/screening plan shall be submitted to the Zoning Officer and a final plan approved by the Commission or other official approving the site plan. The plan shall be prepared by a landscape architect and sealed by an architect, landscape architect or engineer, and shall contain the following:

(a) All applicable information required by this Ordinance for site plan review.

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(b) The location, general size, and type of existing vegetation to be retained.

(c) Existing and proposed grades.

(d) A planting schedule and plan providing the following information:

(1) The botanical and common name of each plant used.

(2) The size of each plant to be used at the time of planting.

(3) The quantity of each plant to be used.

(4) Whether plants to be used are balled and burlapped, container grown or bare root.

(5) The spacing and location of all proposed trees, shrubs, and ground cover. Ground cover is defined as low-growing woody shrubs, deciduous or evergreen plants, perennial plants and/or vines, such as low blueberry (*Vaccinium vacillans*), bearberry (*Arctostaphylos uva-ursi*), Northern bayberry (*Myrica pensylvanica*), cotoneaster (*Cotoneaster horizontalis*), or blue rug juniper (*Juniperus horizantaus* 'Wiltoni'). Grass and shredded bark, wood chips, other similar mulch or landscaping stones are also acceptable as ground cover for greenbelt areas.

(e) The percentage of landscaped area, excluding detention ponds, to be provided on site.

1129.05 STANDARDS.

(a) The standards and explanation contained in this chapter establish the screening requirements which satisfy the general performance standards set forth in Section 1129.02, unless modifications as permitted under Section 1129.07 are applicable.

1129.06 SCREENING REQUIREMENT.

(a) Plant Material Requirements

With comments from 7/27/26

(1) Deciduous or evergreen shrubs used in a landscape screen shall be at least two feet high at initial planting and shall be expected and permitted to grow to a height of at least three feet within two years of planting; such materials shall be expected and permitted to grow to a height of five feet.

(2) At initial planting, deciduous trees shall be a minimum of two and one-half inch caliper, ornamental trees a minimum of two inch caliper and evergreen trees a minimum of five feet in height.

(3) The required height of a landscape screen may be reduced where it is determined by the Village Engineer and/or Zoning Officer that such landscaping would interfere with traffic safety and visibility.

(4) The required height of a landscape screen may be increased where significant changes in elevations between an adjacent property or public right-of-way make it necessary to comply with the intent of this Ordinance.

(5) The selected combination of plant materials shall be a harmonious combination of living deciduous and evergreen trees, shrubs and vines irregularly spaced to provide an effective year-round screen and to present an aesthetically pleasing view, and all quantities shall be based on the on a landscape plan that has been submitted and approved by the Planning Commission.

(b) Screening of Service Areas.

(1) For commercial, industrial, office, institutional and multiple-family uses, all service areas, loading and unloading activities shall be located to the greatest extent possible away from the living area of the adjacent residential use.

~~(1)~~(2) For commercial, industrial, office, institutional and multiple-family uses, all service areas, loading and unloading activities shall be screened on those portions of the lot which abut a residential use. Screening shall consist of walls, landscaped earthen mounds, fences, natural vegetation or an acceptable combination of these elements, provided that screening must be at least six (6) feet in height.

~~(2)~~(3) Natural vegetation screening shall have a minimum opaqueness of seventy-five percent (75%) year round. ~~during full foliage~~. The use of year-round vegetation, such as pines or evergreens, is encouraged. Vegetation shall be planted no closer than three (3) feet to any property line.

(c). Screening of Trash Receptacles.

(1) For commercial, industrial, office, institutional, and multiple-family uses, all trash and garbage container systems shall be screened or enclosed by walls, fences, or natural vegetation to screen them from view. Container systems shall not be located in front yards, and shall conform to the side and rear yard pavement setbacks in the applicable zoning District. The height of such screening shall be at least six (6) feet in height.

(2) Natural vegetation shall have a minimum opaqueness of seventy-five percent (75%) ~~at~~ year round.~~full foliage~~. The use of year-round vegetation, such as pines and evergreens, is encouraged.

(d). Buffering and Screening Requirements.

(1) For commercial, industrial, office and institutional uses which abut an existing residential use, a buffer zone with a minimum width of five (5) feet should be created. Such

screening within the buffer zone shall consist of fencing, natural vegetation or a combination of both. Vegetation shall be planted no closer than three (3) feet to any property line. Natural vegetation shall have a minimum opaqueness of seventy-five percent (75%) year round ~~during full foliage~~ and shall be a variety which will attain at a minimum ten (10) feet in height within five (5) years of planting.

(e). Perimeter Parking Landscaping

(1) Landscaping within the perimeter setbacks of all parking lots shall be in conformance with the standards established by Chapter 1125.

(f) Height of Commercial, Industrial, and Other Non-residential Uses.

All commercial, industrial, office and institutional uses which abut an existing residential use not exceed the height of the adjacent residential use unless the following criteria are met, unless waived by the Planning Commission:

(a) The commercial, industrial, office and institutional building is setback a minimum of 20 feet from the common lot line of the residential use.

(b) The commercial, industrial, office and institutional building will not exceed the height limit of the R-1 or R-2 residential district.

(c) Screening shall be provided as required by this chapter.

1129.07 MODIFICATION OF SCREENING AND BUFFER ZONE REQUIREMENTS.

Because of the wide variety of land uses and the relationships between them and because of many different circumstances, the Commission may reduce or waive the screening and buffer zone requirements of this chapter after a detailed review and evaluation of an alternative screening plan. Whenever the Commission modifies the screening requirement, it shall find that the following standards have been met:

(a) The landscape/screening plan shall protect the character of new and existing residential neighborhoods against negative impacts such as noise, glare, light, air pollution, trash and debris, and hazardous activities.

(b) The Commission shall determine the screening, width and type of buffer zone needed to ensure compatibility based upon the following criteria:

(1) The development is compatible with and sensitive to the immediate environment of the site and neighborhood relative to architectural design, scale, bulk, building height, identified historical character, disposition and orientation of buildings on the lot and visual integrity.

(2) The site has natural existing vegetation and/or topography, natural bodies of water or wetland areas or other existing conditions which offer screening consistent with the standards set forth in this chapter. The Commission shall require the retention of these natural features as a condition of site plan approval.

(3) The arrangement, design and orientation of buildings on this site lends itself so as to maximize the opportunity for privacy and isolation from negative impacts of this project.

1129.08 MATERIALS.

Fences shall be constructed out of any of the following materials: redwood, cedar, or No. 1 pressure treated wood, recycled lumber or vinyl closely resembling wood, wrought iron or aluminum closely resembling wrought iron, stone, brick, concrete with stone or brick veneer, or pre-cast concrete simulated stone or brick. All other materials including but not limited to

chain link, vinyl clad chain link, woven wire or plastic mesh (with or without wooden slats) are prohibited as buffer material unless otherwise and expressly permitted by the Planning Commission.

1129.9 BERMS.

(a) Earthen berms required under this chapter shall consist of raised earth with side slopes of three-to-one or flatter with a four-foot wide flat or slightly rounded crest contoured to the side slopes to facilitate maintenance.

(b) Berms shall be covered with grass or other ground cover to prevent erosion. Berms shall also be landscaped with plant materials. A detailed landscape plan with a plant material list, including quantity, species, minimum size and spacing, shall be submitted with the site plan and approved by the Commission.

1129.10 LOCATION OF SCREENING.

Screening required under this chapter shall be located directly adjacent to the lot line except where underground utilities interfere.

1129.11 OPENINGS IN WALLS, FENCES, AND BERMS; CONSTRUCTION STANDARDS FOR WALLS.

Walls, fences and berms required under this chapter shall have no openings for vehicular traffic or other purposes, except such openings as may be approved by the Commission. All walls required in this chapter shall be constructed of stone, brick or shall have brick veneer on the side facing the residential district. The height of the wall shall be measured from the prevailing grade of the land on the residential side of the wall or berm. Walls shall be erected on a concrete foundation which shall have a minimum depth of 42 inches below a grade approved by the Zoning Officer, and shall not be less than four inches wider than the wall to be erected.

1129.12 BUMPER STOPS, CURBING OR WHEEL CHOCKS IN PARKING SPACES.

Bumper stops, curbing or wheel chocks shall be provided in parking spaces adjacent to a wall, fence or berm required under this chapter to prevent a vehicle from encroaching on or damaging the screening improvement. Bumper stops, curbing or wheel chocks shall be placed four feet from the required screening improvement.

1129. 13 CORNER CLEARANCE VISIBILITY.

The Zoning Officer may require a reduction in the height of a screening improvement where necessary to ensure adequate sight distance and/or corner clearance visibility for drive approaches and public streets in proximity to a screening improvement. In this case height may be reduced only for that portion of the screening improvement necessary to provide adequate sight distance and/or corner clearance necessary for traffic safety. Where it is necessary to reduce the height of a screening improvement, height shall be reduced gradually.

1129.14 IRRIGATION OF VEGETATION.

Whenever a site plan requires landscaped earth berms or planted or natural vegetation screening, such areas shall be provided with an irrigation system or a readily available and acceptable water supply as approved by the Zoning Officer.

1129.15 WAIVER OF REQUIREMENTS.

The Commission or official approving the site plan may waive or reduce the requirements of this chapter upon determining that the following would apply:

(a) The purpose of this chapter cannot be met; and

(b) Compliance with the requirements would impose a practical difficulty on the applicant or would create safety hazards to pedestrians or motorists.

1129.16 SCOPE OF PLANT MATERIAL REQUIREMENTS.

Wherever in this chapter screening, planting and/or material in conjunction with an obscuring fence is required, it shall be planted within six months from the date of issuance of a temporary certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. The location, type and quantity of the proposed landscape materials shall be installed in compliance with the landscape plan approved by the Commission or the official approving the site plan.

1129.17 PLANT MATERIALS NOT PERMITTED.

For the purposes of this chapter, the following plant materials shall not be permitted:

(a) Ailanthus (tree of heaven) (*Ailanthus altissima*).
(b) Ash (*Fraxinus spp*).
(c) Asian bittersweet (*Celastrus orbiculata*).
(d) Box elder (*Acer negundo*).
(e) Buckthorn (*Rhamnus spp*).
(f) Elm (*Ulmus spp*).
(g) Hedge privet (*Ligustrum)*.
(h) Japanese knotweed (*Polygonum cuspidatum*).
(i) Multiflora rose (*Rosa multiflora*).
(j) Norway maple (*Acer phatanoides*).
(k) Honeysuckle (*Lonicera spp*).
(l) Olive - Autumn and Russian (*Elaeagnus spp*).
(m) Poplar (*Populus spp*).
(n) Soft maple (*Acer saccharinum*).
(o) Purple loosestrife (*Lythrum salicaria*).

1129.18 INSTALLATION AND MAINTENANCE.

(a) Whenever a landscape planting screen or other plantings are required under this chapter, such plantings shall be installed according to accepted good planting procedures and in a sound workmanlike manner. All plant material shall meet current standards of the American Association of Nurserymen. Landscaping shall be installed prior to the issuance of a final occupancy permit.

(b) All landscaped areas shall be provided with an irrigation system or a readily available and acceptable water supply, as approved by the Zoning Officer.

(c) Three-inch overall depth of shredded, non-colored hardwood Cedar or Cypress bark or ground cover, as defined in Section 1129.04(d)(5), shredded bark, wood chips, other similar mulch or landscaping stones shall be used in all planting beds. The minimum mulch radius shall be two feet surrounding a shrub and four feet surrounding a deciduous or evergreen tree.

Deviations from this must be approved by the Zoning Officer before installation.

(d) All required landscape screening and planting shall be continuously maintained. Maintenance of plantings shall be done to ensure a healthy and neat appearance, free of disease and insect infestations as well as clear of weeds and debris. Unhealthy or dead plant material is to be replaced within one year from completion and inspection of plantings.

with changes from September 1st meeting

1109.03 LAND USE TABLES.

	SYMBOL	KEY						
	P	Permitted Uses	RURAL RESIDENTIAL	SMALL TOWN RESIDENTIAL	COMMERCIAL	MIXED USE	PUBLIC INSTITUTIONAL	CONSERVATION/RECREATION	
	C	Conditional Uses							
	A	Accessory Uses							
USES		Prohibited Use	**R-1**	**R-2**	**C**	**MU (1)**	**PI**	**CR**	STANDARDS FOR LAND USES
ANIMAL AND AGRICULTURAL USES									
Garden Centers and Feed Stores						P		P	
Individual Produce Stands and Farm Markets			C	C				P	Sec. 1141.01
Farming			C	C				P	Sec. 1141.39
Greenhouses and Nurseries (Primary Use)			C					C	Sec 1141.09
Veterinary Clinics						C		C	Sec. 1141.02
Farmers' Markets			C			C		C	Sec. 1141.03
RESIDENTIAL USES									
Single Family Dwellings, Detached			P	P	P	~~P~~	~~P~~		
Residential Care Facility With 1 to 5 Persons (5119.34)			P	P	P	~~P~~	~~P~~		
Foster Homes (ORC Sec. 5103.02)			P	P	P	~~P~~	~~P~~		
Family Day-Care Homes, Type B (ORC Sec. 5104.01)			P	P	P	~~P~~	~~P~~		
Family Day-Care Homes Type A (ORC Sec. 5104.01)			C	C					Sec. 1141.04
Accessory Apartment					A	A			Sec. 1141.41
Keeping of Large Domestic Animals~~Farming for Personal Use~~			P	C~~P~~	C~~P~~	C~~P~~	C~~P~~	P	Sec. 1141.39
Bed and Breakfast Inns			C	C	P	P			Sec. 1141.05
Residential Care Facility 6 to 16 persons						C			Sec 1141.13
Two-Family Dwelling				C		C			Sec. 1141.06
Three Family Dwelling						C			Sec 1141.06
Multiple-Family Developments						C			Sec. 1141.07
OFFICE AND SERVICE USES									
Catering Facilities					A	P			Sec. 1141.10
Banks and Financial Institutions					P	P			
Barber Shops, Beauty Salons and Nail Care					P	P			
Doctor, Dental and other health practitioners' offices and clinics.					P	P			
Massage Therapists					P	P			Sec. 1141.11

Notes:

(1) Uses in the Mixed Use District must also comply with the requirements of Chapter 1116.

with changes from September 1st meeting

Offices for Professional, Executive, or Administrative Uses, such as Attorneys, Accountants, Realtors, Architects, Artists, Insurance and Similar Occupations					P	P			
	SYMBOL	**KEY**							
	P	Permitted Uses	RURAL RESIDENTIAL	SMALL TOWN RESIDENTIAL	COMMERCIAL	MIXED USE	PUBLIC INSTITUTIONAL	CONSERVATION/RECREATION	
	C	Conditional Uses							
	A	Accessory Uses							
USES		Prohibited Use	**R-1**	**R-2**	**C**	**MU (1)**	**PI**	**CR**	STANDARDS FOR LAND USES
Workshops, Showrooms, Studios or Offices of Skilled Trades, such as Photographers, Decorators, Upholsterers, Tailors, Taxidermists, and Similar Businesses, or for Repair and Service of small appliances and equipment such as Bicycles, Electronics, Furniture, Shoes or Similar Items					P	P			
Funeral Parlors or Mortuaries						C			1141,12
Nursing and Convalescent Homes, Assisted Living Facilities, and Senior Housing						C			1141.13
COMMUNITY USES									
Auditoriums and Performing Arts Theaters					P	P	P		Sec. 1141.14
Churches, Temples and Other Places of Worship					P	P	P		Sec. 1141.14
Child Care or Day Care Centers and Child Caring Institutions					P	P	P		
Health Club or Fitness Center					P	P	P		
Cemeteries							P		
Educational Institutions, Public or Private, such as Elementary and Secondary schools and Colleges, Universities and Other Institutions of Higher Education							P		
Government Offices, such as Police and Fire Stations, Post Offices, Public Works or Road Maintenance Yards							P		
Halls for Civic Clubs and Membership Organizations							P		
Libraries, Museums and Fine Art Centers					P	P	P		
Recreation Facilities, Indoor (Community/Non-commercial) - (such as tennis/racquet courts, swimming pools, roller/in-line and ice-skating rinks and fitness tracks)							P		Sec. 1141.15

Notes:

(1) Uses in the Mixed Use District must also comply with the requirements of Chapter 1116.

with changes from September 1st meeting

Recreation Facilities, Outdoor Passive (Community/non-commercial) - (such as parks, trails, conservation areas, licensed camp grounds and similar facilities)						P	P	Sec. 1141.15
Recreation Facilities, Outdoor Active (Community/non-commercial) - (such as playgrounds, athletic fields or courts, swimming pools, skating rinks fitness tracks, and similar facilities)						P	C	Secs. 1141.15, 1141.16
	SYMBOL							
	P	Permitted Uses						
	C	Conditional Uses						
	A	Accessory Uses						
USES		Prohibited Use	**R-1** RURAL RESIDENTIAL	**R-2** SMALL TOWN RESIDENTIAL	**C** COMMERCIAL	**MU (1)** MIXED USE	**PI** PUBLIC INSTITUTIONAL	**CR** CONSERVATION/RECREATION	STANDARDS FOR LAND USES
Public Utility and Essential Service Structures and Uses Other than Wireless Telecommunications Facilities			C	C	C	C	C	C	Sec. 1141.17
COMMERCIAL USES									
Specialty Retail Establishments such as Antique Shops, Art Galleries, Florists, Gift Shops, Bakeries					P	P			
Auto Parts Stores (without repair services)					P	~~P~~			
Hardware and Home Improvement Stores and Building Supply Yards (indoor)					P	P			
Laundromat and Dry-Cleaning Customer Pick-up/Drop-Off Only					P	~~P~~			
Printing or Copy Centers					P	C~~P~~			
Eating and drinking places without the sale of alcohol, such as Restaurants, Coffeehouses, Doughnut Shops or Delicatessens					P	P			
Eating and drinking places with the sale of alcohol such as Tavern, Pub, Brewpub, Cocktail Lounge, Night Club or Billiard and Pool Hall					P	P			Sec. 1141.18
Tobacconist or Cigar/Cigarette Shop					C~~P~~	~~P~~			Sec. 1141.19
~~Video Rental Establishments~~					~~P~~	~~P~~			~~Sec. 1141.20~~
Retail Stores and Commercial Uses with up to 7,500 ~~10,000~~ square feet of total gross floor area					P	P			
Commercial Recreation Uses open to everyone paying a fee includes such uses as Arcades and Indoor or Outdoor Amusement Centers, such as Miniature Golf, Golf Driving Ranges, Bowling Alleys, Batting Cages or Similar Facilities					C	C			Sec. 1141.15 Sec. 1141.16
~~Automobile, Truck and other Motor Vehicle Service facilities including gas stations, minor and major repair~~					~~C~~	~~C~~			~~Sec. 1141.21~~

Notes:

(1) Uses in the Mixed Use District must also comply with the requirements of Chapter 1116.

with changes from September 1st meeting

Outdoor Eating Areas and Sidewalk Cafes				C	C			Sec. 1141.22
Recording Studios				C	C			Sec. 1141.23
Gunsmiths and Licensed Firearms Dealers					C			Sec. 1141.24
Hotels					C			Sec. 1141.25
Showroom, Sales Offices and Outdoor Sales or Display Area for Sales or Rentals of Goods, Products, ~~Equipment, Machinery, Automobiles, Recreational Vehicles, Boats, Building Supplies, Hardware or Other Items~~ and items such as bikes, kayaks, non-motorized camping equipment.					C			Sec. 1141.26
Artisan craftsman in fields such as Blacksmithing, Furniture or Cabinet Repair or Making, Welding Shops, Stone Finishing and Carving, Printing, Bookbinding, or Publishing, Woodworking Shops, Glassblowing and Similar Uses				C	C			1141.20

	SYMBOL	KEY						
	P	Permitted Uses	RURAL RESIDENTIAL	SMALL TOWN RESIDENTIAL	COMMERCIAL	MIXED USE	PUBLIC INSTITUTIONAL	CONSERVATION/RECREATION
	C	Conditional Uses						
	A	Accessory Uses						
USES		Prohibited Use	**R-1**	**R-2**	**C**	**MU (1)**	**PI**	**CR**	STANDARDS FOR LAND USES
Retail Stores and Commercial Uses with greater than 7,500 ~~10,000~~ to 20,000 ~~40,000~~ square feet of total gross floor area						C			Sec. 1141.27
Walk-up Windows and Curbside Pick- up					**C**	**C**			Sec. 1141.40
INDUSTRIAL, RESEARCH AND LABORATORY USES									
Brewery, Distillery or Winery					C	C			Sec. 1141.28
Carpet and Rug Cleaning and Similar Cleaning Businesses						C			Sec. 1141.28
~~Metal Casting, Fabricating, Buffing, Stamping, Shearing or Punching~~,						~~C~~			~~Sec. 1141.28~~
Light Industrial Activities such as:									
~~Warehousing and Bulk Indoor Storage Facilities~~						~~C~~			~~Sec. 1141.28~~
Assembly of Pre-manufactured Parts for Goods, Products, Equipment, Machinery, Hardware or Similar Items						C			Sec. 1141.28

Notes:

(1) Uses in the Mixed Use District must also comply with the requirements of Chapter 1116.

with changes from September 1st meeting

~~Blacksmithing, Furniture or Cabinet Repair or Manufacture, Machine Shops and Welding Shops, Stone Finishing and Carving, Printing, Bookbinding, or Publishing, Woodworking Shops and Similar Uses~~				~~C~~			~~Sec. 1141.28~~
~~Manufacture of Products from Aluminum, Brass, or Other Metals,~~				~~C~~			~~Sec. 1141.28~~
Manufacture and assembly of small products such as Artificial Flowers, Ornaments, Awnings, Tents, Bags, Cleaning or Polishing Preparations, Brooms and Brushes, Buttons and Novelties, Canvas Products, Clothing for Wholesale Trade, Basket Material, Bicycles, Shoes, Caskets, Brick, Clay, Glass, Shale, Tile Terra Cotta Products or Similar Items				C			Sec. 1141.28
Research and Development Facilities, Technical Centers and Laboratories				C			Sec. 1141.28
Outdoor Storage of Goods, Products, Equipment, Machinery, Lumber, Landscaping and Building Supplies or Similar Items when accessory to a permitted use.				A~~C~~			Sec. 1141.29
~~Self-Storage Warehouses~~				~~C~~			~~Sec. 1141.31~~

	SYMBOL	KEY
	P	Permitted Uses
	C	Conditional Uses
	A	Accessory Uses
USES		Prohibited Use

USES	**R-1** RURAL RESIDENTIAL	**R-2** SMALL TOWN RESIDENTIAL	**C** COMMERCIAL	**MU (1)** MIXED USE	**PI** PUBLIC INSTITUTIONAL	**CR** CONSERVATION/RECREATION	STANDARDS FOR LAND USES
OTHER USES							
Accessory Off-Street Parking Lot for Private Passenger Automobiles	A	A	A	A	A	A	
Accessory Structures and Uses Customarily Incidental to any Permitted Use	A	A	A	A	A	A	
Garage Sales, Estate Sales and Private Auctions	A~~P~~	A~~P~~	A~~P~~	A~~P~~	A~~P~~		Sec. 1141.32
Garage for Commercial Vehicles			P	P	C	C	Sec. 1141.33
Temporary Structures and uses, including Construction Buildings	C	C	C	C	C	C	Sec. 1141.34
Circuses, Fairs, Revivals, Carnivals and Similar Uses			C	C	C	C	Sec. 1141.35
Home Occupation	A	A	A	A	A	A	Sec. 1141.36
Swimming Pools	A	A	A	A	A	A	Sec. 1141.37

Notes:

(1) Uses in the Mixed Use District must also comply with the requirements of Chapter 1116.

with changes from September 1st meeting

~~Wireless~~ Telecommunications Towers~~Facilities~~				C			Sec. 1141.38
Sexually Oriented Businesses				P			Chapter 1151
Drive-Thru and Drive-up Facilities							Sec. 1141.40

Notes:

(1) Uses in the Mixed Use District must also comply with the requirements of Chapter 1116.

CHAPTER 1141
Standards for Specific Land Uses

1141.01 Individual produce stands and farm markets.
1141.02 Veterinary clinics.
1141.03 Farmers' markets.
1141.04 Family day-care homes, Type A.
1141.05 Bed and breakfast inns.
1141.06 Two-family and three-family dwellings.
1141.07 Multiple-family developments.
1141.08 Townhouses and stacked flats.
1141.09 Greenhouses and Nurseries (primary use)
1141.10 Catering facilities.
1141.11 Massage therapists.
1141.12 Funeral parlors or mortuaries.
1141.13 Nursing and convalescent homes, assisted living facilities, senior housing residential care facility.
1141.14 Auditoriums and performing arts theaters, churches, temples and other places of worship.
1141.15 Recreation, indoor and outdoor (excluding public parks).
1141.16 Golf driving ranges.
1141.17 Public utility and essential service structures and uses other than wireless telecommunications facilities.
1141.18 Eating and drinking places with the sale of alcohol, tavern, pub, brewpub, cocktail lounge, night club or billiard and pool hall.
1141.19 Tobacconists and cigar/cigarette shops.
1141.20 Artisan Craftsman
1141.21 (Deliberately left blank)
~~**1141.20 Video rental establishments.**~~
~~**1141.21 Automobile, truck and other motor vehicle service centers (minor repair), repair stations (major repair) and fueling (gas) stations.**~~
1141.22 Outdoor eating areas and sidewalk cafes.
1141.23 Recording studios.
1141.24 Gunsmiths and licensed firearms dealers.
1141.25 Hotels.
1141.26 Outdoor sales or display area for sales or rentals of goods, products, equipment, machinery, automobiles and other motor vehicles, recreational vehicles, boats, building supplies, hardware or other items.
1141.27 Retail stores and commercial uses with 10,000 to 40,000 square feet of gross floor area.
1141.28 Industrial uses.
1141.29 Outdoor storage of goods, products, equipment, machinery, lumber, landscaping and building supplies or similar items.

1141.30 (Deliberately left blank)
1141.31. (Deliberately left blank)
~~**1141.30 Recycling collection facilities and composting centers.**~~
~~**1141.31 Self-storage warehouses.**~~
1141.32 Garage sales, estate sales and private auctions.
1141.33 Garages for commercial vehicles.
1141.34 Temporary structures and uses, including construction buildings.
1141.35 Circuses, fairs, revivals, carnivals and similar uses.
1141.36 Home occupations.
1141.37 Swimming pools.
1141.38 Telecommunications towers.
1141.39 General regulations.
1141.40 Drive Thru and Drive-Up facilities/Walkup Windows and Curbside Pickup
1141.41 Accessory Apartments

Introduction: This chapter provides standards for specific land uses permitted by this Ordinance, whether such uses are permitted by right or are permitted subject to conditional use approval. These standards are intended to apply in addition to all other requirements of this Ordinance.

1141.01 INDIVIDUAL PRODUCE STANDS AND FARM MARKETS.

(a) Each lot shall be limited to a maximum of one seasonal produce stand not larger than 20 feet by 20 feet. The stand shall be located a minimum of 5 feet from the front and side property lines. The stand shall be portable and shall be removed from its roadside location during seasons when it will not be in use.

(b) Signs used in connection with the use shall be temporary, and shall be removed when the stand is not in use. All signs shall comply with the requirements of this Ordinance.

(c) The applicant shall submit a list of products to be sold and a sketch plan for approval by the Commission that illustrates locations of all structures, off street parking areas, driveways, signs and other structures.

(d) Off street parking areas shall be located so as not to create a traffic hazard. On street parking shall only be permitted by the Planning Commission.

(e) Hours of operation shall not be before 8 am or after dusk.

(f) Only produce or similar agricultural products produced on the property may be sold.

1141.02 VETERINARY CLINICS.

(a) Setbacks. Structures shall be set back at least 20 feet from all side and rear property lines, and at least 50 feet from abutting residential districts or uses, churches, schools or restaurants on the same side of the street.

(b) Landscaping and Screening. Outdoor enclosures or runs shall be enclosed by screening in accordance with the screening requirements of this Ordinance.

(c) Operating Requirements. The clinic shall be operated by a licensed or registered veterinarian. All activities shall be conducted within an enclosed building. All boarding shall be

limited to animals brought in for treatment or surgery, unless the site has also been approved for a kennel in accordance with the following requirements:

(1) Commercial kennels shall comply with all permit and operational requirements established by county and state regulatory agencies.

(2) Structures in which animals are kept, animal runs, and exercise areas shall not be located in any required yard setback area, and shall be set back at least 500 feet from any residential district or use.

(3) All animal runs and exercise areas shall be enclosed on all sides by screening in compliance with the screening requirements of this Ordinance and shall have impervious surfaces and an appropriate system for runoff, waste collection and disposal.

(4) Performance standards. The Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances including but not limited to those related to noise or odor.

(d) Performance Standards. Outdoor exercising is allowed when the pet is accompanied by an employee, provided no animals shall be permitted outside of the buildings between 9:00 p.m. and 8:00 a.m.

1141.03 FARMERS' MARKETS.

(a) Permit Time Limitation. Such use permit shall be valid for one year only, with the option of annual renewal if requested by the applicant and agreed to by the Commission. Renewal shall require approval by Commission motion at a regular meeting. The Commission may, but need not, conduct a public hearing as part of consideration of any requested renewal.

(b) Use Time Limitation. Such use shall occur only during the season beginning on May 1 and ending on November 15. Such use shall regularly occur only on the Saturday of each week during such period of duration, and shall be open to the public only between the hours of 9:00 a.m. and 1:00 p.m. If an applicant wishes to operate such use on any additional day or time for a special reason such as a holiday or other event, such request may be considered by the Commission on a case by case basis.

(c) Use Limitation. Such use shall be limited to use and sales by the applicant and such other vendors who comply, have complied, and can demonstrate compliance with all Federal, State and Local licensing and vending requirements, including but not limited to the Ordinances of the Village, as may be amended from time to time.

(d) Area Limitation. Such use shall be limited to the portion of applicant's property which is shown on the map or plan submitted with the application. Such use shall include no permanent structures, but may include suitable non-permanent pop-up market tents. Such tents shall be removed from the property when the use is not in operation, but may remain at an appropriate site proposed by the applicant and agreed to by the Commission during the use's non- working days.

(e) Parking. Such use shall provide sufficient patron off-street parking for all vendors and patrons, which parking, and ingress to and egress from the site shall not create a hazard or nuisance upon the public roads of the Village or to adjacent properties. No on-street parking shall be permitted at any time for such use.

(f) Traffic Control. Such use shall provide for appropriate traffic control as will assure that there is not created an unsafe condition upon the roads, sidewalks, or pathways of the Village. If, in the sole reasonable opinion of the Zoning Officer, the operation of such use is causing an unsafe condition, it shall be within the right of the Zoning Officer to ameliorate that condition either

directly or through discussion with the applicant. The applicant shall reimburse and hold the Village harmless for any cost borne by the Village in this regard.

(g) Capacity. Such use shall be limited to no more than 400 people at any time, including patrons and vendors.

(h) Vendors. Such use shall be valid for no more than 35 qualified farm vendors who are not secondhand vendors, and whose products shall be limited to the items proposed by the applicant and agreed to by the Commission. Such use shall not generally include any artisan vendors. In the event that an applicant wishes to include such vendors for a special reason such as a holiday or other event, such request may be considered by the Commission on a case by case basis.

(i) Local Organizations. Such use shall provide suitable space, at no fee cost, from time to time, to local non-profit organizations including but not limited to the Village, Peninsula Library and Historical Society, Valley Fire District, United Methodist Church, and Mother of Sorrows Church, as well as the Quarry, which shall be permitted for the purpose of allowing such organizations to provide information materials to the public, but not offering items for sale.

(j) Sanitary Facilities. Such use shall provide for appropriate sanitary facilities for all patrons and vendors, which shall include not fewer than two portable sanitary facilities. Such facilities shall be kept clean and operable at all times that the public shall be on the property. Such facilities shall be removed from the property when the use is not in operation, but may remain at an appropriate site proposed by the applicant and agreed to by the Commission during the use's non-working days. Such use and facilities shall further comply with all requirements of all applicable Health Regulations, including but not limited to those promulgated by the Summit County Board of Health and/or the Village of Peninsula.

(k) Insurance. Such use shall hold valid and binding liability insurance in favor of any patron, vendor or other person who may be injured due to the negligence of applicant or any vendor, their employees and agents, in a minimum principal sum not less than one million dollars. A copy of said insurance shall be provided to the Village upon request.

1141.04 FAMILY DAY-CARE HOMES, TYPE A.

(a) Separation Requirements. No such day-care home may be located less than 1,500 feet from any other such residential facility, as measured between the nearest points on the property lines of the lots in question. The Commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood, or in the Village overall.

(b) Access. Areas shall be provided for employee and resident parking, and pick-up and drop-off of children, in a manner that allows maneuvers without affecting traffic flow on the public street.

(c) Play Area. All day care homes shall provide a fenced, contiguous outdoor play area in the rear yard area of the day care home premises, with a minimum area equal to 150 square feet per child at the maximum licensed capacity of the day care home.

(d) Hours of Operation. The day care home shall operate a maximum of 16 hours per day.

1141.05 BED AND BREAKFAST INNS.

(a) Primary Residence. The dwelling shall be the primary and permanent residence of the bed and breakfast inn operator. Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the establishment.

(b) Guests. There shall be a maximum of five rooms for lodging, with a maximum of 15 guests at any given time. Guests may stay no longer than 14 days in succession or a total of 60 days in any 12-month period. Off-street parking areas shall be provided for guests outside of any required front yard. Stacking of more than two vehicles in a driveway for parking purposes is prohibited.

(c) Landscaping. Screening shall be provided between adjacent residences and parking areas or any outdoor eating area, in compliance with the screening requirements of this Ordinance.

1141.06 TWO-FAMILY AND THREE-FAMILY DWELLINGS.

The exterior of a two-family or three-family dwelling shall be designed, constructed and maintained in a manner that provides the appearance of a single-family dwelling. The addition of a separate exterior door(s) on the front facade is prohibited. The primary entrance for the second or third dwelling unit may be located on a side or rear wall, or all units may share a common single door entrance on the front facade.

1141.07 MULTIPLE-FAMILY DEVELOPMENTS.

In addition to the requirements of Chapter 1116 MIXED USE DEVELOPMENT the following shall apply. Where two standards may appear to be in conflict the more restrictive shall apply.

Multiple-family developments shall comply with the following:

(a) Density. The maximum density of a multiple-family development shall be 6 dwelling units per acre of net lot area. Net lot area shall be area exclusive of wetlands or other undevelopable property such as steep slopes or easements.

(b) Architectural Details. The style and design of the buildings shall be complementary of the historic character of the Village and may include townhomes, apartments above commercial uses, stacked flats or similar designs. Buildings shall not contain more than three dwelling units. Walls visible from a street or other residential use shall include windows and architectural features similar to the front facade of the building, including, but not limited to: awnings, cornice work, edge detailing or other decorative finish materials. All buildings shall have pitched roofs, which may include functional dormer windows and varying lines customary with gable or hip style roofing. Buildings in multiple family developments may have separate exterior access on the front of the building.

(c) Street Design and Vehicle Circulation. Street connections shall be provided to adjacent neighborhoods and parcels in residential districts. Ingress and egress from the public streets shall be designed to minimize congestion and interference with normal traffic flow. All interior roads, drives, and parking areas within a multi- family development, shall be improved with asphalt, concrete, brick or permeable pavers, and provided with curbs and gutters except when an alternative surface treatment is authorized by the Planning Commission. Roadway drainage shall be appropriately designed such that storm water from the roadway will not drain onto the adjacent lots. All access drives shall be 24 feet in width.

(d) Pedestrian Circulation. Minimum five-foot-wide concrete, brick or sandstone sidewalks shall be provided from parking areas, public sidewalks and recreation areas to all building entrances. Public sidewalks shall be provided along collector roads and streets with a minimum width established by the Village.

(e) Maximum Lot Coverage. The maximum lot coverage for a development shall not exceed 50% of the net lot area.

(f) Open Space Requirement. A multiple family development shall provide a minimum of 10% of the net lot area as common open space. For purposes of this section common open space shall be land within the development which is intended for the common use or enjoyment of the residents of the development.

(g) Storm Water. Stormwater controls shall be provided:

(1) Stormwater shall be controlled to offset the effect of development; the Ohio Critical Storm method shall be used for all proposed multiple-family developments. The critical storm is based upon the percent increase in runoff volume between the before and after development conditions. Stormwater management shall be provided for all 24-hour storm events having average recurrence intervals ranging from 1 year to 100 years.

(2) Stormwater management facilities, such as dry, extended and permanent pool detention basins shall be designed to eliminate and reduce stormwater runoff impact of adjacent or downstream properties. No stormwater management facility shall be approved if the effect may cause an increase in peak discharge, volume, or velocity of runoff or change the point of entry of drainage onto another property during the runoff event

(h) Other Requirements. Adequate landscaping and screening shall be provided along all property lines which abut a residential district or use, and along all street frontages. Parking or storage of recreational vehicles, boats, utility trailers or similar items shall be prohibited, except in areas designated on an approved final site plan.

1141.09 GREENHOUSES AND NURSERIES (PRIMARY USE).

Greenhouses and nurseries shall be permitted if they do not provide retail sales of their product use, they comply with the following standards and the standards for a conditional use as outline in Section 1149.07.

(a) Greenhouses and Nurseries in the R-1 Rural Residential District shall only be permitted to sell the nursery stock and products grown on the site.

(b) All signs shall comply with the requirements of this Ordinance.

(c) The applicant shall submit a sketch plan for approval by the Commission that illustrates locations of all structures, parking areas, driveways, signs and other structures.

(d) All structures and parking associated with a greenhouse or nursery use shall be buffered and screened from the adjacent property.

1141.10 CATERING FACILITIES.

In the C, Commercial District, catering facilities shall only be permitted as an accessory use located entirely within the space occupied by a permitted restaurant use. In the MU, Mixed Use District, such facilities may be permitted as a principal use.

1141.11 MASSAGE THERAPISTS.

Massage therapy clinics and uses shall be subject to the following conditions:

(a) Hospitals, sanitariums, nursing homes, medical clinics, or the offices of physicians, surgeons, chiropractors, osteopaths, psychologists, clinical social workers or family counselors who are licensed to practice in the State shall be permitted to provide massage therapy services as an accessory use within the principal building.

(b) All massage therapists shall be licensed (where such licenses are available) and shall be certified members of the American Massage and Therapy Association or International Myomas ethics Federation. Proof of such licenses or certifications shall be provided to the Village.

(c) All activities that meet the definition of an adult use or sexually-oriented business shall be prohibited.

1141.12 FUNERAL PARLORS OR MORTUARIES.

(a) Minimum Lot Size. Sites shall have a minimum lot area of one-half acre, and a minimum lot width of 150 feet.

(b) Parking and Circulation. An off-street assembly area shall be provided for funeral processions and activities. This area may be incorporated into the required off-street parking and maneuvering areas. Streets and alleys shall not be used for maneuvering or parking of vehicles.

(c) Screening. The service and loading area shall be screened from adjacent property.

(d) Chemicals. Any proposed use shall provide the Village, as well as the Valley Fire District, with a list of any and all chemicals to be used in conjunction with the use, including any information available pertaining to flammability, where applicable.

1141.13 NURSING AND CONVALESCENT HOMES, ASSISTED LIVING FACILITIES, SENIOR HOUSING, RESIDENTIAL CARE FACILITY 6 TO 16 PERSONS.

(a) Minimum Size. Sites must have a minimum lot area of two acres, and all dwelling units shall have a minimum of 450 square feet per unit.

(b) Separation Requirements. No foster care group home shall be located closer than 1,500 feet to any such residential facility, measured from the nearest wall of each such structure. The Commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood, or in the Village overall.

(c) Access. All access shall be from a major street. Walkways shall be provided from the main building entrances to any sidewalks along the adjacent public streets. A sidewalk shall be placed along the entire road frontage of the facility per Village standards.

(d) Allowable Density Modification. The allowable density of the underlying zoning district may be increased by no more than 50 percent for all nursing care units licensed by the State, or 25 percent for non-licensed nursing care and supportive care units.

(e) Accessory Uses. Accessory retail, restaurant, food service, office and service uses may be permitted within the principal residential building. No exterior signs of any type are permitted for these accessory uses.

(f) Emergency Care. Each such use shall be required to provide for timely and appropriate on-site or otherwise available emergency medical care and transportation.

1141.14 AUDITORIUMS AND PERFORMING ARTS THEATERS, CHURCHES, TEMPLES AND OTHER PLACES OF WORSHIP.

(a) Height. The maximum height of the principal building shall be permitted to exceed the maximum height requirements of the district up to a maximum height of 45 feet. The highest point of chimneys, spires, cupolas, domes and towers may be erected to a height not exceeding twice the height of the building, provided that no such structure shall occupy a total area greater than 20 percent of the roof area of the building.

(b) Screening. Screening shall be provided in accordance with this Ordinance where the site abuts a residential district or use.

(c) Accessory Facilities. Accessory facilities such as rental, fellowship or social halls, gymnasiums or recreation facilities, and other similar and traditional uses shall be permitted, subject to the requirements of this Ordinance.

(d) Impact Assessment. The Commission may require an impact assessment for places of assembly that have a seating capacity of over 500 persons.

1141.15 RECREATION, INDOOR AND OUTDOOR (EXCLUDING PUBLIC PARKS.)
For uses located within the MU Mixed Use District the requirements of Chapter 1116 MIXED USE DEVELOPMENT shall apply in addition to the following. Where two standards may appear to be in conflict, the more restrictive shall apply.

(a) Permitted Uses. Permitted uses may include, but shall not be limited to recreational fields, rinks or courts, including football, softball, soccer, tennis, basketball, ice or in-line skating and similar activities, bowling alleys, swimming pools open to the general public or operated by a private or a non-profit organization, music concert pavilions and band shells. Outdoor passive uses may include but shall not be limited to trails conservation areas, educational facilities, licensed camp grounds and similar facilities operated by a community/non-commercial entity.

(b) Accessory Uses. Permitted accessory uses to the above permitted uses may include, but shall not be limited to refreshment stands, retail shops selling items related to the above uses, maintenance buildings, offices for management functions, spectator seating and service areas, including locker rooms and rest rooms. Accessory retail or commercial facilities shall be designed to serve ~~only~~ the patrons of the recreation facility, unless otherwise listed as a permitted by the Planning Commission. ~~use in the district where the facility is located.~~

(c) Setback Requirements. No structure designed for outdoor activity or spectator seating facility shall be located within 50 feet of a property line, nor within 200 feet of any residential district or use. Pools shall be at least 100 feet from any residential zoning district.

(d) Performance Standards.

(1) The location, layout, design, or operation of recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties.

(2) A plan to control loitering and litter shall be provided.

(3) Recreation uses shall comply with Chapter 1137, Performance Standards, of this Ordinance.

(4) Parking shall be determined by the Planning Commission based on the layout, design and uses proposed by the development.

1141.16 GOLF DRIVING RANGES.

(a) Setbacks. Parking lots shall be set back at least 30 feet from the street right-of-way and 100 feet from any property line abutting a residential district or use. No structure shall be located less than 200 feet from the property line of any abutting residential district or use.

(b) Access. All traffic ingress and egress shall be from a major street.

(c) Screening. Any lot line abutting a residential zoning district shall provide a landscaped buffer strip in accordance with this Ordinance.

(d) Performance Standards. Site size shall be sufficient to retain errant balls within the site. Netting is prohibited unless the Commission determines the netting would be compatible

with surrounding uses. The Commission may restrict lighting and hours of operation for a driving range.

(e) Site Plan Requirements. The site plan shall illustrate expected trajectory or ball dispersion patterns along fairways and for driving ranges where adjacent to residential uses, buildings, parking lots or public streets.

1141.17 PUBLIC UTILITY AND ESSENTIAL SERVICE STRUCTURES AND USES OTHER THAN WIRELSS TELECOMMUNICATIONS FACILITIES.

(a) Need. Applicants must provide evidence of the necessity for the proposed location of all public utility and essential service structures and uses.

(b) Setbacks. Electric or gas regulator equipment and apparatus shall be set back a minimum of 20 feet from all lot lines.

(c) Screening. Screening requirements are subject to Commission approval based on analysis of potential effect on surrounding properties. Any permitted storage yards shall be screened from adjacent residential districts or uses in accordance with this Ordinance.

(d) Use Requirements. Such structures and uses shall be subject to conditions or limitations designed to minimize any adverse impacts from the use on surrounding properties. Structures shall be architecturally compatible with the surrounding neighborhood.

1141.18 EATING AND DRINKING PLACES WITH THE SALE OF ALCOHOL, TAVERN, PUB, BREWPUB, COCKTAIL LOUNGE, NIGHT CLUB OR BILLIARD AND POOL HALL.

Such establishments shall be located at least 1,000 feet from all child care centers, schools, residential care facility, parks, hospitals and adult uses or sexually-oriented businesses. Screening consisting of a six-foot masonry wall and a buffer strip shall be required on all side and rear lot lines abutting a residential district or use.

1141.19 TOBACCONISTS AND CIGAR/CIGARETTE SHOPS.

Such establishments shall be located at least 1,000 feet from any foster home, residential care facility, childcare center, school, park, or hospital and shall include establishments that sell vaping products.~~.~~

1141.20 ARTISAN CRAFTSMAN

Artisan Craftsman shall be professionals in a specialized trade that focuses on customization, unique design, aesthetics and functionality of a piece, the production of high-quality objects usually made by hand or with limited mechanical or electronic equipment. The items are produced in limited quantities or small batches to prioritize quality versus the mass production of a factory.

(a) Such establishments shall:

(1) not occupy more than 5000 square feet;
(2) provide retail space and items produced on-site for retail sale;
(3) have standard hours of operation for the retail space;
(4) shall provide evidence they meet all Building and Fire code requirements for the type of work being conducted.

(5) present a plan that outlines the operation to include but not limited to items such as artisan classes, exhibitions and events; a floor plan outlining retail, workshop, warehouse and distribution spaces and parking;
(6) not generate excessive noise, vibration, fumes or odors.

(b) Parking shall be adequate for both the retail and workshop areas of the site.

(c) If classes are to be held, the Artisan Craftsman shall identify the parking location for all class attendees.

~~**1141.20 VIDEO RENTAL ESTABLISHMENTS.**~~
~~Any video rental establishment meeting the definition of a Sexually Oriented Business as outlined in this Ordinance shall conform to all requirements outlined in Chapter 1151.~~

1141.21 (Deliberately left blank)
~~**1141.21 AUTOMOBILE, TRUCK AND OTHER MOTOR VEHICLE SERVICE CENTERS (MINOR REPAIR), REPAIR STATIONS (MAJOR REPAIR) AND FUELING (GAS) STATIONS.**~~
~~(a) Minimum Lot Size and Setbacks. The minimum lot area shall be 15,000 square feet, with a minimum of 150 feet of frontage on a major street. Pump island canopies shall be set back a minimum of 20 feet from any right-of-way line. Fuel pumps shall be located a minimum of 30 feet from any right-of-way line.~~
~~(b) Access. Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or adjacent pedestrian crossings. The edge of any access drives shall be set back a minimum of 50 feet from the intersections of two street right-of-way lines. No more than one access drive curb opening shall be permitted per street.~~
~~(c) Overhead Doors. Overhead doors shall not face a residential district or use. The Commission can modify this requirement upon a determination that there is no reasonable alternative, subject to additional screening being provided.~~
~~(d) Pump Island Canopy. The proposed clearance of any pump island canopy shall be noted on the site plan. Any signs, logo or identifying paint scheme on the canopy shall be reviewed by the Commission. All lighting fixtures under the canopy shall be fully recessed into the canopy structure. The Commission may permit a maximum intensity of 20 foot-candles for lighting under the canopy, provided that site lighting is otherwise in compliance with this Ordinance.~~
~~(e) Repair and Service Use Limitations. All equipment and service bays shall be entirely within an enclosed building, and all repair work shall be conducted completely within an enclosed building. Repair stations shall not be permitted on sites immediately adjacent to any residential zoning district or use.~~
~~(f) Temporary Vehicle Storage. The storage, sale, rental or display of new or used cars, trucks, trailers and any other vehicles, vehicle components and parts, materials, commodities, supplies or equipment on the premises is prohibited except in conformance with the requirements of this section and Ordinance. Inoperable vehicles shall not be stored or parked outside for a period exceeding 30 days for repair stations and 24 hours for service centers. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.~~

~~(g) Noise and Odors. There shall be no external evidence of service and repair operations, in the form of dust, odors, or noise, beyond the interior of the service building. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of paint odors. Building walls facing any residential districts or uses shall be of masonry construction with sound proofing.~~

~~(h) Screening. Screening shall be provided on those side and rear lot lines abutting a residential district or use in accordance with this Ordinance. All wrecked or damaged vehicles shall be screened from public view, and shall not be parked or stored within any front yard area.~~

~~(i) Pollution Prevention. The applicant shall submit a Pollution Incidence Protection Plan (PIPP) describing measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins and automatic shut off valves.~~

1141.22 OUTDOOR EATING AREAS AND SIDEWALK CAFES.
All outdoor eating areas and sidewalk cafes shall be accessory to a permitted restaurant use and shall be subject to the permit approval procedure and other Village requirements.

1141.23 RECORDING STUDIOS.
No internal noise or sounds shall be audible outside of the building or beyond the walls of the space occupied by the studio. External activities generating noise or sound shall be no greater than the existing background noise level of the surrounding area.

1141.24 GUNSMITHS AND LICENSED FIREARMS DEALERS.
Such establishments shall be located at least 1,000 feet from any foster home, childcare center, residential care facility, school, park or hospital. Such establishments shall further post in a location clearly visible to all customers an informational disclosure regarding any limitations placed by the Village on the discharge of firearms within Village limits.

1141.25 HOTELS.
(a) Access. Secondary building entrances and exterior room entrances shall not face a residential district or use.

(b) Minimum Unit Requirements. There shall not be less than 20 units, each of which shall be a minimum of 250 square feet of area per unit, and each unit available for rental shall contain a bathroom of not less than 35 square feet, at least one bedroom with not less than 150 square feet and a closet of not less than eight square feet.

(c) Additional Requirements. The hotel shall provide customary services, such as maid service, linen service, telephone and/or desk service, and may provide an attached public dining room for the accommodation of not less than 40 guests and a general kitchen, or an unattached restaurant with seating capacity for not less than 50 occupants located directly adjacent to the hotel or motel.

1141.26 OUTDOOR SALES OR DISPLAY AREA FOR SALES OR RENTALS OF GOODS, PRODUCTS, EQUIPMENT, MACHINERY, AUTOMOBILES AND OTHER MOTOR VEHICLES, RECREATIONAL VEHICLES, BOATS, BUILDING SUPPLIES, HARDWARE OR OTHER ITEMS.

(a) Setback Requirements. Outdoor sales or display areas shall be set back a minimum of 10 feet from any parking area, driveway or access drive, and 20 feet from any street right-of- way. No outdoor sales area shall be located within 50 feet of any residential district or use.

(b) Sidewalk Standards. A minimum of five feet of sidewalk width to the entrance of the establishment shall be maintained free for pedestrian circulation.

(c) Performance Standards. Outdoor sales and display areas must be kept clean, litter- free, and outdoor waste receptacles shall be provided. Written procedures for cleaning and waste containment and removal responsibilities shall be included with all applications and approved as part of site plan review. Vending machines and devices for outdoor broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited.

(d) Signs. Additional signs shall not be permitted beyond those permitted for the primary use.

(e) Surface. Sales and display areas shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water. All areas for display of automobiles, trucks, recreational vehicles, boats and similar items shall be paved.

(f) Landscaping and Screening. Such sales or display area shall be separated from the parking area by landscaping, a decorative wall or other architectural feature in accordance with the screening requirements of this Ordinance. A six-foot fence or wall, greenbelt or buffer strip may be required along the rear and sides of the lot, capable of keeping trash, paper, and other devices from blowing off the premises.

1141.27 RETAIL STORES AND COMMERCIAL USES

In addition to the requirements of Chapter 1116 MIXED USE DEVELOPMENT the following shall apply. Where two standards may appear to be in conflict, the more restrictive shall apply.

(a) Access and Circulation. A traffic impact study shall be required. The design shall ensure that vehicular circulation patterns are appropriately designed to eliminate potential conflicts between traffic generated by the site, and traffic on adjacent streets. The number and location of curb cuts shall be the minimum necessary to provide adequate access to the site.

(b) Landscape and Screening. A greenbelt with a width of 5 feet shall be provided along all street frontages and side or rear yards to screen the view of the property from street rights-of-way and adjacent residential districts or uses in accordance with the screening requirements of this Ordinance, along with adequate screening for all loading facilities, trash receptacles, and mechanical equipment.

(c) Loading and Unloading Areas. Outdoor storage, pickup, delivery, loading and unloading of merchandise, equipment or other items, mechanical equipment, and trash disposal or compaction shall not occur within 50 feet of a residential district or use, nor shall such activities take place between the hours of 10:00 p.m. and 7;00 a.m. No delivery vehicle within 50 feet of residential property shall have its engine, refrigeration unit or generator running between the hours of 10:00 p.m. and 7:00 a.m. Trucks or trailers parked at a loading dock may be unloaded onto the loading dock between the hours of 10:00 p.m. and 7:00 a.m. provided that all activity occurs inside the truck or trailer or within the building.

(d) Pedestrian Walkway. A six-foot-wide concrete, brick or sandstone sidewalk shall be provided from the public sidewalk to the main entrance in a manner that effectively separates pedestrians from vehicular traffic. Driveway crossings shall be clearly delineated with pavement striping. Sidewalks shall be placed along the entire road frontage subject to Village standards. Additional pedestrian amenities such as benches, bike racks, etc. shall be provided

1141.28 INDUSTRIAL USES.

(a) Use Statement. The applicant must supply the following documentation with any plan submitted for review:

(1) Description of any discharge of any type of wastewater to a storm sewer, drain, lake, stream, wetland, other surface water body or into the groundwater.

(2) Description of storage of any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling.

(3) Description of any transportation, on-site treatment, storage or disposal of hazardous waste.

(4) Description of any secondary containment measures, including design, construction materials and specifications, and security measures.

(5) Description of any other expected impacts associated with the use and any mitigation measures to be employed.

(b) Setbacks and Screening. Sites shall not be located within 100 feet of any residential district or use. Appropriate screening shall be provided along all side or rear lot lines in accordance with the screening requirements of this Ordinance.

(c) Parking and Loading. All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.

(d) Performance Standards. All such uses shall comply with the provisions of Chapter 1137, Performance Standards of this Ordinance.

1141.29 OUTDOOR STORAGE OF GOODS, PRODUCTS, EQUIPMENT, MACHINERY, LUMBER, LANDSCAPING AND BUILDING SUPPLIES OR SIMILAR ITEMS.

(a) General Requirements. All outdoor storage areas must be accessory to a permitted use and comply with the following requirements:

(1) No junk or junk vehicles shall be stored.

(2) The storage of soil, fertilizer and similar loosely packaged materials shall be contained and covered to prevent them from blowing into adjacent properties.

(3) Any outside storage area shall be paved or surfaced with hard surface material and shall include a storm water drainage system.

(b) Setbacks. Any storage area shall comply with the minimum setback requirements for the district in which the facility is located, and no storage shall be permitted in the front yard.

(c) Landscaping and Screening. Sites shall be visually screened from all adjoining properties and street rights-of-way by a greenbelt or buffer strip and a solid decorative masonry wall or fence at least six feet and no more than eight feet in height, in accordance with the screening requirements of this Ordinance. No materials shall be stored above the height of the required wall or fence. No trailer, manufactured home or truck trailer shall be stored or used for storage.

1141.30 (Deliberately left blank)

~~**1141.30 RECYCLING COLLECTION FACILITIES AND COMPOSTING CENTERS.**~~

~~(a) General Standards. Recycling facilities shall be limited to the collection of recyclable materials for processing at another site. All storage of recycled materials shall be within appropriate containers that have adequate and convenient access, with lockable lids and doors. Access shall be provided solely on major streets.~~

~~(b) Setbacks. Commercial composting operations shall be at least 500 feet from any residential district or use. All composting operations shall be at least 200 feet from the boundary of any lake, stream, drain, wetland, or other surface water body, and the applicant shall describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater.~~

~~(c) Performance Standards. The applicant shall submit an impact assessment describing the expected odors, aesthetics, environmental impacts, vehicular and truck traffic impacts associated with the use, and any mitigation measures to be employed.~~

~~(d) Screening and Landscaping. Screening and landscaping shall be provided in accordance with the screening requirements of this Ordinance as deemed necessary by the Commission.~~

1141.31 (Deliberately left blank)

~~**1141.31 SELF-STORAGE WAREHOUSES.**~~

~~(a) Permitted Uses. The use shall be limited to storage of household and non- hazardous commercial goods. An accessory caretaker's residence shall be permitted for the person or persons responsible for the operation of the facility.~~

~~(b) Minimum Lot Size and Setbacks. The minimum lot area shall be three acres. The minimum building and parking setback shall be 50 feet from any street right-of-way line, residential district or off-site residential use.~~

~~(c) Screening and Landscaping. Screening shall be provided on those side or rear lot lines abutting a residential district or use in accordance with the screening requirements of this Ordinance.~~

~~(d) Parking and Loading. All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.~~

~~(e) Storage. All storage shall be completely within enclosed structures.~~

1141.32 GARAGE SALES, ESTATE SALES AND PRIVATE AUCTIONS.

Garage sales, estate sales, and private auctions shall be permitted as accessory uses in any district. Not more than one such event may occur on any property within any six-month period, and the duration of any such event shall not exceed three days or two consecutive weekends.

1141.33 GARAGES FOR COMMERCIAL VEHICLES.

A structure for the storage of commercial vehicles used by a permitted use in a non- residential district, shall occupy not more than 25 percent of the lot area, and shall be located outside of any required yard areas.

1141.34 TEMPORARY STRUCTURES AND USES, INCLUDING CONSTRUCTION BUILDINGS.

Temporary structures and uses may be permitted, including a temporary dwelling installed on a single-family residential lot while a permanent dwelling is under construction. Such structures and uses shall comply with all applicable Village Codes and Ordinances, and shall be subject to the following:

(a) Site and Use Standards. Temporary structures and uses shall comply with the following:
(1) The provisions of Chapter 1137, Performance Standards.
(2) The dimensional standards and use provisions of this Ordinance for the district and type of structure or use.
(3) Provisions for emergency vehicle access, off-street parking and loading, drainage and soil erosion.
(4) Other conditions necessary to protect the public health, safety and general welfare.

(b) Duration. In no event shall a temporary structure or use, other than temporary construction buildings, be permitted on a site for longer than one year. The Zoning Officer may impose a lesser time limit where deemed necessary.

(c) Temporary Construction Buildings. Temporary buildings associated with construction shall not be erected in any district unless a site plan has been approved for the planned structure, and such buildings shall be removed from the site before a final certificate of completion is issued for the final building.

1141.35 CIRCUSES, FAIRS, REVIVALS, CARNIVALS AND SIMILAR USES.

Such uses may be permitted without regard to whether the institution or organization sponsoring the use is non-profit or for-profit in nature. Such use and occupancy shall not be disturbing to the public peace and tranquility, and shall not create undue traffic hazards and congestion. Limitations on hours of operation may be established by the Village, or any other measures deemed necessary to minimize negative impacts on nearby uses and traffic operations along public streets.

(a) Permits and Approvals. Sketch plan approval shall be obtained from the Commission. When such uses are for more than seven calendar days during a year, approval is also required from the Council. Appropriate permits shall be secured by the applicant from the County, the Administrative Official and other agencies with jurisdiction.

(b) Insurance. The applicant shall provide evidence of adequate public liability insurance and property damage insurance to cover potential liability for death or injury to persons or damage to property, which may result from the conduct of the activity.

(c) Setbacks and Fencing. All buildings, structures and parking shall be at least 300 feet from any dwelling. The Village may require placement of temporary fencing around all or part of the site.

(d) Renewals. Renewals of recurring or previously permitted or otherwise occurring uses or events shall require approval by the Council. The Council may, annually or otherwise, periodically, adopt and amend a resolution which includes a list of any such uses or events which fall into this category, their anticipated future dates of occurrence, and any specific conditions or requirements that it deems appropriate to impose.

1141.36 HOME OCCUPATIONS.

(a) Intensity of Use. Home occupations must be conducted within a principal single family detached dwelling unit and permitted accessory structures, and shall not occupy more than 25 percent of the gross floor area of the structures. The exterior of the dwelling shall not be altered from its residential appearance.

(b) Parking and Loading. Home occupations shall be limited to the parking or storage of one commercial vehicle on the premises not exceeding a one-ton capacity, provided such vehicle is directly related to the home occupation. Delivery vehicles used to deliver goods to a home

occupation are limited to automobiles, passenger vehicles, mail carriers and express package carriers Deliveries shall only be permitted between the hours of 8:00 a.m. and 8:00 p.m.

(c) Performance Standards. The home occupation shall comply with the provisions of Chapter 1137, Performance Standards, of this Ordinance, and the following:

(1) Customer or client visits to a home occupation are limited to between the hours of 8:00 a.m. to 8:00 p.m. A home occupation shall not generate more than 20 customer or client visits per week, and no more than two customer or client vehicles may be present at any given time.

(2) The home occupation shall have no more than two non-resident employees working on the premises at any given time. The number of non-resident employees working exclusively at other locations is not limited.

(d) Permitted Uses. The following uses are permitted home occupations:

(1) Home offices for such professionals as architects, doctors, brokers, engineers, insurance agents, lawyers, realtors, accountants, writers, salespersons and similar occupations.

(2) Personal services, including barber shops, beauty parlors, manicure and pedicure shops, grooming, catering and chauffeuring services.

(3) Home office for massage therapists, subject to the standards of Section 1141.11.

(4) Music, dance, art and craft classes, tutoring, and studios for artists, sculptors, musicians and photographers.

(5) Workshops for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry and wood-working.

(6) Repair services, limited to watches and clocks, small appliances, computers, electronic devices and similar small devices.

(e) Prohibited Uses. The following uses are expressly prohibited as home occupations:

(1) Kennels.

(2) Hospitals, medical and dental clinics and veterinary clinics.

(3) Any eating and/or drinking establishments, except as part of a Bed and Breakfast Use permitted subject to the standards of Section 1141.07.

(4) Automobile, truck, recreation vehicle, boat or small engine repair.

(5) Undertaking and funeral homes.

(6) Adult uses and sexually-oriented businesses.

(f) Conditional Uses. Any home occupation not specifically listed in either of the lists in subsections (d) or (e) above may be permitted as a conditional use, subject to the requirements for conditional uses outlined in this Ordinance.

1141.37 SWIMMING POOLS.

Indoor swimming pools shall be considered part of the principal building and shall be permitted if located entirely within the principal building, subject only to the standards outlined in subsections (e) and (f) below. All outdoor swimming pools, including spas, may be allowed as an accessory use subject to all of the following conditions:

(a) Placement. Outdoor swimming pools shall be placed no closer to the front lot line than the front line of the principal building. On residential lots, the pool shall be placed no closer than 15 feet to the side or rear lot line. On corner residential lots, the pool shall be no closer than 35 feet to the side lot line.

(b) Height. No outdoor swimming pool shall have a height above grade greater than 52 inches (as measured at a distance of six inches from the side of the pool). The height of any pool

appurtenances shall not be greater than three feet above the top of the pool. The combined height above the ground of any swimming pool plus appurtenances shall not exceed six feet at any point.

(c) Enclosure/Fencing.

(1) All outdoor swimming pools shall be completely surrounded by a fence or wall not less than four feet in height (measured from finished grade level), which shall be so constructed as not to have openings, holes, or gaps larger than three inches wide except for doors and gates. A principal or accessory building may be used as part of such enclosure.

(2) All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling or accessory building which forms a part of the enclosure need not be so equipped.

(3) A portable spa may be secured by the use of a rigid safety cover with a locked top, in lieu of a fence or wall. A "portable spa" is defined as a non- permanent structure intended for recreational bathing, for which all controls, water heating and water-circulating equipment are integral parts of the product.

(d) Screening. All outdoor swimming pools shall be screened by material of sufficient density to obscure its view from adjacent dwellings and public streets. Screening shall be placed no closer to the side of the pool than 72 inches.

(e) Illumination. All illumination for the pool or surrounding area must be directed entirely onto the pool area and must not shine onto adjacent properties or streets.

(f) Drainage. Discharge of any water from any swimming pool shall be onto the property where the pool is located or into the nearest storm sewer. The discharge shall not flow onto, through or otherwise affect adjacent properties.

(g) Other Regulations. The construction and operation of swimming pools shall meet all other applicable County and State regulations.

1141.38 TELECOMMUNICATIONS TOWERS.

(a) Purpose. These regulations governing telecommunications towers are established to provide for the construction, execution, extension and removal of such towers in districts permitting residential uses in the Village and are related to certain applications of technology and engineering in the field of telecommunications. The purpose of these regulations is to balance the competing interests created by the federal Telecommunications Act of 1996 (Public Law 104-104) and the interests of the Village in regulating telecommunications towers and related facilities for the following reasons:

(1) To provide for orderly development within the Village;

(2) To protect property values;

(3) To maintain the aesthetic appearance of the Village, including, but not limited to, its residential character, local business areas, and scenic views;

(4) To protect residential properties, parks, open spaces and the commercial and institutional zoning districts from the adverse effects of towers and related facilities;

(5) To promote collocation of telecommunications towers in order to decrease the total number of towers in the Village; and

(6) To provide for and protect the health, safety and general welfare of the residents and visitors of the Village.

(b) Applicability. No person shall locate, erect, construct, reconstruct, change, alter, remove or enlarge a telecommunications tower in the Village without compliance with the provisions of this chapter.

(c) Use Regulations.

(1) A telecommunications tower shall only be permitted as a conditional use in the MU District. A telecommunication tower is not permitted in any other zoning district in the Village.

(2) The installation of a telecommunication antenna(s), and the expansion of an existing equipment shelter to serve such antenna(s), may be permitted as a conditional use on an existing telecommunication tower in any district.

(3) The installation of a telecommunications antenna where the construction or erection of a tower is not proposed by the applicant, shall be permitted as an accessory use on existing towers, buildings or structures. To the extent the remaining standards of this section are applicable to the situation involving the installation of a telecommunications antenna(s) on an existing tower, building or structure, such standards shall govern the installation.

(d) Collocation.

(1) All applicants for construction or erection of telecommunications towers shall be required to construct on a base tower structure and structure foundation that is designed to be buildable, up to, but not including, 200 feet above grade. Such structure shall be designed to have sufficient structural loading capacity to accommodate at least four antenna platforms or antenna arrays of equal loading capacity for four separate providers of service to be located on the structure when constructed to the maximum allowable height. The telecommunications facility shall also be designed to show that the applicant has enough space on its site plan for an equipment shelter large enough to accommodate at least four separate users of the facility. If an equipment shelter is initially constructed to accommodate only one user, space shall be reserved on site for equipment shelter expansions to accommodate up to at least four separate users.

Agreement to the provisions of this subsection must be included in the applicant's lease with the landowner, if different from the owner/user of the tower. Written documentation must be presented to the Commission evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of this subsection. As an additional condition of issuing a conditional use permit, the owner/user shall respond in writing to any inquiries regarding collocation of another user of the facility within 30 days after receipt of a written inquiry. Copies of all written requests to collocate and all written responses shall be sent to the Commission.

(2) The applicant requesting permission to install a new tower shall provide evidence that there is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available on an existing tower, building or structure within the geographic area to be served. With its application, the applicant shall identify the location of every tower, building or structure that could support the proposed antenna(s) or area where it would be technically suitable to locate so as to allow it to serve its intended function. As part of its application, the applicant shall provide a scaled map of all of its existing, proposed or planned antenna locations within a five-mile radius of the site which is the subject of the application.

The applicant must demonstrate that a technically suitable location is not reasonably available on an existing tower, building or structure. If an existing tower, building or structure is technically suitable, the applicant must demonstrate that it has made written request to collocate on the existing tower, building or structure and the request was rejected by the owner of the tower, building or structure. In all circumstances, owners of existing towers shall promptly respond in writing to requests for collocation, but in no event shall they respond more than 30 days from the date of

receipt of a written request for collocation. If another telecommunications tower is technically suitable, the applicant must further show that it has offered to allow the owner of that other tower to collocate an antenna(s) on another tower within the Village which is owned or controlled by the applicant, if available, on commercially reasonable terms and the offer was not accepted.

(e) Spacing. There shall be a separation of a minimum of one-half mile between telecommunications towers.

(f) Height. Notwithstanding the height requirements of the underlying zoning district, the maximum height of a free-standing telecommunication tower, including its antenna and all appurtenances, shall be less than 200 feet above grade. The height of any equipment shelter shall not exceed 18 feet from grade.

(g) Setbacks. The tower and related facilities shall comply with the required setbacks in the zoning district in which they are located. In no event shall a telecommunications tower or facility be located in front of the principal building on the lot, if any.

(h) Design.

(1) All telecommunications towers should be monopole design, and shall be painted light gray in color unless otherwise required by state or federal law.

(2) Where conditionally permitted, all telecommunications facilities shall be subject to review by the Commission for the purpose of enhancing the compatibility of the facilities with their surroundings.

(3) The telecommunications antennas shall be of a panel design and mounted flush to the tower, building, or structure which elevates the antennas, unless the applicant can demonstrate that it is not feasible from an engineering standpoint to use such antennas or to mount them in such a fashion.

(i) Landscaping. A landscaped buffer area of not less than 15 feet in depth shall be placed between the telecommunications facilities and the public rights-of-way and any adjacent properties from which a direct view can be had of the facilities, other than the tower itself. The 15-foot landscaped buffer shall have a tight screen fence of hardy evergreen shrubbery not less than six feet in height at the time of planting. The landscaping shall be continuously maintained and promptly restored, if necessary.

(j) Engineering Report. A report shall be prepared and submitted by a qualified and licensed professional engineer and shall provide proof of compliance with all applicable federal, State, County and Village regulations. The report shall include a detailed description of the telecommunications tower, antenna(s), equipment shelter, and appurtenances, and shall certify that radio frequency (electromagnetic) emissions are in compliance with the regulations of the Federal Communications Commission (FCC).

(k) Maintenance.

(1) Upon the provision of a notice, the applicant shall submit a plan documenting how the telecommunications facility will be maintained on the site in an ongoing manner that meets industry standards.

(2) On each biennial anniversary of the issuance of the zoning permit for a telecommunications facility, or not more than 90 days prior thereto, the owner/user shall submit to the Zoning Officer a report prepared by a licensed professional engineer(s) which shall verify continued compliance of the facility with all governmental requirements including, but not limited to, the structural integrity and stability of any towers or antennas, electrical safety standards, and auxiliary power source safety standards.

(l) Lighting. Except as required by law, an antenna or a tower shall not be illuminated and lighting fixtures or signs shall not be attached to the antenna or tower. If lighting is required by Federal Aviation Administration (FAA) regulations, the most visually unobtrusive "start-of-the-art" lighting available shall be used, unless otherwise required by the FAA.

(m) Security.

(1) A security fence, not less than eight feet in height, shall fully enclose those portions of the telecommunications facility which come in contact with the ground. Gates shall be locked at all times.

(2) A permanent warning sign with a minimum size of two square feet and a maximum size of six square feet shall be posted on the site. In addition, the sign shall specify an emergency telephone number of the owner/user of each set of antennas on the site. The owner/user shall also provide the Zoning Officer and the Fire Chief with information on whom to contact, an address, and a telephone number in the event of an emergency.

(n) Advertising Prohibited. No advertising sign(s) or devices shall be permitted anywhere on a telecommunications tower site.

(o) Outdoor Storage. There shall be no outdoor storage of equipment or other items on the telecommunications facility site except during the facility construction period and to supply emergency power to the facility only during a power outage.

(p) Access to Facility. The access driveway to the telecommunications facility shall, whenever feasible, use circulation driveways of the existing use on the lot, if any. Where use of an existing driveway is not feasible, the driveway to the facility shall be a minimum of 18 feet in width with a minimum overhead clearance of 11 feet and shall be set back a minimum of 20 feet from the nearest side or rear lot line. This driveway shall meet the load limitations for fire equipment. If the access road to the facility is more than 1,500 feet from the public right-of-way, a turnaround shall be provided for emergency vehicles at the site and a by-pass, adequate for emergency vehicles, with an approachable access shall be provided for each additional 1,500 feet of the driveway. There shall be a maximum of one off-street parking space on the facility site.

(q) Accessory Equipment Shelter. The maximum cumulative total size of all equipment shelters accessory to a telecommunications tower or antenna on a lot shall be 1,000 square feet, and their maximum height shall not exceed 18 feet above grade. Only one equipment shelter, or the configuration of more than one shelter appearing as one shelter, shall be permitted on a lot. Where it is technically feasible and reasonably practical, an existing building or structure on a lot shall be used to shelter the equipment associated with a telecommunications facility.

(r) Underground Utilities. All utility lines from the utility source to the telecommunications facility shall be underground.

(s) Time Limit for Commencement and Completion. After issuance of a zoning permit to construct a telecommunications facility, the applicant shall commence construction within six months and shall complete construction within one year or the zoning permit shall expire.

(t) Abandonment and Removal of Facilities.

(1) If at any time the use of the telecommunications facility is discontinued for 180 consecutive days, said facility shall be deemed abandoned. The Zoning Officer shall notify the owner/user in writing and advise that the facility must be reactivated within 90 days or it must be dismantled and removed from the site within that same ninety 90-day period at the cost of the owner/user. The owner/user of the telecommunications facility shall, on no less than an annual basis from the date of issuance of the zoning permit, file a declaration with the Zoning Officer as to the continuing operation of each of its facilities within the Village.

(2) The applicant for the telecommunications facility shall be required as a condition of issuance of a zoning permit to post a cash or surety bond acceptable to the Village Solicitor of not less than $100.00 per vertical foot from grade of the telecommunications facility, which bond shall insure that an abandoned, obsolete or destroyed telecommunications antenna or tower shall be removed within 90 days of cessation of use or abandonment. Any successor-in-interest or assignee of the applicant shall be required to additionally execute such bond, as principal, to ensure that the bond will be in place during the period of time that the successor-in-interest or assignee occupies the facility.

(u) Exemption of Certain Village Property. Regardless of the provisions of this chapter, a telecommunications facility may be permitted on any property owned or controlled by the Village and used for public services and shall be constructed, erected, maintained, extended and removed under such conditions, standards and regulations as required by the Council.

1141.39 GENERAL REGULATIONS.

(a) Health Department Regulations. The owner is to comply with the current regulation set forth by the Summit County Public Health including, but not limited to Manure Storage Chapter 1220.05; and Location, Operation and Maintenance of Private Water Systems OAC 3701-28-10.

(b) Minimum Lot Size. The minimum property required for a lot or lots under the same ownership is two acres in size for not more than four large domestic animals, plus ½ acre for each additional animal, not to exceed eight animals.

(c) Housing. Structure for the housing of animals is to be at a minimum thirty-five feet from all property lines, while maintaining compliance with the regulations of the Summit County Health Department.

(d) Maximum Number of Animals. A conditional use permit is required to exceed eight large domestic animals.

(e) Fencing Required. Adequate fencing must be maintained to prevent the animals from being a nuisance to neighboring properties.

(f) Prohibitions. Exotic, dangerous and non-domesticated animals shall not be permitted.

1141.40 DRIVE THRU AND DRIVE-UP FACILITIES/WALKUP WINDOWS AND CURBSIDE PICKUP

Drive thru and drive-up facilities. Drive thru and drive-up facilities of any sort are prohibited in all zoning districts in the Village.

Walk-up windows. Walk up windows may be permitted with a conditional use permit provided the Planning Commission determines that there is adequate pedestrian waiting area and there is minimal conflict between pedestrian and vehicular traffic.

Curbside Pick-up. Curbside pick-up may be permitted with a conditional use permit subject to the following conditions:

(a) Pick-up spaces are designated spaces as approved by the Village.
(b) Pick-up spaces may not be counted toward the total number of required parking spaces unless approved by the Planning Commission.

(c) Pick-up spaces shall not exceed 5% of the total number of spaces unless approved by the Planning Commission.
(d) In vehicle dining shall not be permitted.

1141.41 ACCESSORY APARTMENT IN COMMERCIAL USES

The following standards shall apply to accessory apartment units:

(a) The accessory apartment unit or units may be permitted where a main permitted nonresidential use is located on the property.
(b) Each accessory apartment unit shall meet the minimum parking requirements of Chapter 1125 in addition to the minimum number of spaces required for the main permitted use.
(c) The accessory apartment units shall occupy the same building as the main use.
(d) The accessory apartment units may exceed the commercial use in total floor area provided the residential use does not occupy the ground floor of the building.
(e) The minimum floor area requirement per accessory apartment unit shall be as required for multi-family units in the M-U District in section 1113.01 (~~j).~~

INTERGOVERNMENTAL AGREEMENT
between
THE COUNTY OF SUMMIT, OHIO
and
----
concerning
Geographical Informational Services
and addressing provided by the County

THIS INTERGOVERNMENTAL AGREEMENT is made as of the date of the signature of the County Executive between the County of Summit, Ohio (the "County"), an Ohio county with its principal place of business located at 175 S. Main Street, Akron, Ohio 44308, by its Executive, and ---------- ("Political Subdivision"), an Ohio Political Subdivision, with its principal place of business located at ----------

WITNESSETH:

WHEREAS, the County maintains and operates a Department of Community and Economic Development, which, among other duties, provides addressing and Geographic Information Services ("GIS") through a Planning/GIS Division; and

WHEREAS Political Subdivision wishes to utilize said GIS Services, provided that it shall pay for any such services rendered as set forth herein; and

WHEREAS, it is necessary for the parties to execute this Intergovernmental Agreement to set forth the rights and duties of the parties concerning the provision of GIS Services by the County to Political Subdivision;

WHEREAS, the fees herein have been authorized by the adoption by **County Council Ordinance No. 2026-019**, attached hereto as **EXHIBIT A**; and

NOW, THEREFORE, in consideration of the covenants and promises set forth below, the parties agree as follows:

1. Services and Deliverables.

    a. County Responsibilities. The County shall, through its Department of Community and Economic Development – Planning/GIS Division ("County"), provide the services and deliverables identified in **EXHIBIT B**.

    b. Political Subdivision Responsibilities: The Political Subdivision agrees to procure and pay for the services identified in **EXHIBIT B** and the County agrees to provide

the same. Said services shall be selected from those listed in Section 3: Service and Fee Structure.

2. Payment.

a. Compensation. Political Subdivision agrees to compensate the County for services identified in **EXHIBIT B** at the rates established under this agreement, as authorized by County Council Ordinance No. 2026-019.

b. Invoicing. County will invoice Political Subdivision on a yearly basis for subscription costs. County will invoice Political Subdivision upon completion of other services. Invoices must be accompanied by documentation supporting all claimed expenses.

c. Payment. Political Subdivision agrees to pay proper, documented invoices within 60 days of receipt. County reserves the right to suspend services due to past due invoices.

3. Service and Fee Structure. The following Services and Deliverables are available for purchase by Political Subdivision from County, as authorized by County Council Ordinance No. 2026-019.

Service	Fee	Details
Custom Mapping		
Custom Map Design	$60 per hour.	Requests will be filled as workload permits. Minimum turnaround time for order is five working days.
Print 8½" x 11	Black and White: $0.25 Color: $1.00	
Print 11" x 17"	Black and White: $0.50 Color: $1.50	
Print 18" x 24"	Black and White: $5.00 Color: $7.00	
Print 2' x 3'	Black and White: $10.00 Color: $15.00	
Print 3' x 4'	Black and White: $20.00 Color: $25.00	
Storage Devices	At cost.	
Postage	At cost.	

Summit County GIS Data Portal: ESRI Subscription License		
For access to the Summit County GIS Data Portal, Political Subdivision must obtain from the County a Subscription license for ESRI. Political Subdivision may choose between a viewer license, an editor license, or a creator license. Rates are subject to any price change made by ESRI. Summit County will notify Political Subdivision of any price change and the parties will determine whether an addendum shall be executed.		
ESRI Viewer License	Total License Fee: $325.00/yr. - License Fee: $125.00/yr. - Admin Fee: $200.00/yr.	Securely view maps, app, and content. Monitor dashboards
ESRI Contributor License ·	Total License Fee: $450.00/yr. - License Fee: $250.00/yr. - Admin Fee: $200.00/yr.	Review and apply simple edits in ArcGIS. Explore data and collaborate with others. Leverage Microsoft and Autodesk integrations. 250 ESRI Storage Credits.
ESRI Creator License	Total License Fee: $900.00/yr. - License Fee: $700.00/yr. - Admin Fee: $200.00/yr.	Collect and update data. Securely receive work assignments. Navigate routes online and offline. Includes a named user access to ArcGIS Online. 500 ESRI Storage Credits.
Additional ESRI Storage Credits	$120/one thousand ESRI Storage Credits.	Block of 1000 credits. Data Storage: 2.4 credits per 10 MB stored per month.
Technical Assistance	Included with all ESRI licenses.	The County will provide limited Technical Assistance to Political Subdivision to assist with the training and use of the Software.

Additional Services		
Drone Flight	$125.00 per hour of flight time. Minimum one hour.	Image processing or other analysis at other Service rates. Storage devices can be provided as requested at actual cost.
Application Development and Support Assistance	$60 per hour.	The County will develop a custom application based on communication and direction from Political Subdivision. Applications developed under this section will be web-based and contain both Political Subdivision and County data and the tools within the application can be customized as needed.

4. Term and Termination. The term of this Intergovernmental Agreement shall be effective as of the date of signature of the County Executive and continue for **one-year**, with five options to renew for additional one-year terms. Either party may terminate this Intergovernmental Agreement upon 30 days written notice. Upon termination of this Intergovernmental Agreement, the County shall complete any previously requested Services and Deliverables and invoice the Political Subdivision for such Services and Deliverables. Political Subdivision shall pay the County for all completed Services and Deliverables.

5. Data and Public Records.

    a. ESRI Storage Credits. This provision is subject to changes made by ESRI. Summit County will notify Political Subdivision of any change. Storage in Summit County GIS Data Portal is managed by ESRI Storage Credits. Data is stored at a rate of 2.4 ESRI Storage Credits per 10 MB per month. As shown in Section 3, credits are provided for certain ESRI license levels and additional ESRI Storage Credits may be purchased.

    b. Ownership. All data stored on the Summit County GIS Data Portal is property of the County of Summit.

    c. Use of Data. Data provided to the Political Subdivision under this Agreement may be used or redistributed by Political Subdivision without consent of County. Data provided by the Political Subdivision may be used by County for County GIS purposes. County will not share or redistribute non-public data provided by Political Subdivision without the written consent of the Political Subdivision.

    d. Public Records. All data and records associated with this Agreement are subject to the Ohio Public Records Act and any related public records laws. The County is responsible for fulfilling public records requests for all data owned and maintained by the County. County will notify Political Subdivision of a public records request that includes non-public data provided by Political Subdivision.

    e. Confidential Information. For purposes of this Agreement, "Confidential Information" means information that is exempt from disclosure under applicable public records law. Each party agrees to use Confidential Information solely for the purpose of performing its obligations under this Agreement and to protect such Confidential Information from unauthorized disclosure. Nothing in this Section shall be construed to prohibit either party from complying with its obligations under Ohio public records law.

6. Reports and Records. Each party shall maintain and provide to the other upon demand the following records and reports:

a. Accounting and fiscal records adequate to enable either party or the State of Ohio or any duly-appointed law enforcement Political Subdivision to audit either party pertaining to this Intergovernmental Agreement.
b. Other records and reports as required by either party comply with local, State of Ohio, and federal statutes and regulations pertaining to this Intergovernmental Agreement.
c. All records pertaining to this Intergovernmental Agreement shall be retained and made available for a minimum of six (6) years after the termination of this Intergovernmental Agreement.
d. County has a right to audit any records related to this Agreement maintained by Political Subdivision.

7. Relationship of Parties. The parties agree that the County is serving as an independent contractor as to the provision of Services and Deliverables to Political Subdivision. The parties further agree that at no time shall the relationship between the parties under this Intergovernmental Agreement be construed, held out or considered a joint venture or principal-agent.

8. Limitation of Liability. The County will not be liable to Political Subdivision for any error or omission made by the County in the performance by the County of its obligations under this Agreement and Political Subdivision releases the County from any claims, causes of action (including, but not limited to, negligence), or expenses of any kind or nature which are asserted against Political Subdivision due to the services and deliverables provided by the County to the Political Subdivisions. Political Subdivision acknowledges and understands that the County's insurance carrier only provides insurance coverage for the County and its employees acting within the scope of their employment.

    a. Insurance Coverage. Political Subdivision is not provided insurance coverage under the County's insurance policy. Political Subdivision will procure and maintain during the term of this Agreement adequate insurance coverage to cover the usage of applicable software and applications under this Agreement.
    b. Cyber Security Protections. Political Subdivision agrees to follow security protocols and procedures as set forth by Summit County's Office of Information Technology, including but not limited to multifactor authentication as a security measure to secure data and systems collected and utilized by the County and Political Subdivision and applicable training requirements.

9. Compliance. Each party agrees to comply with all applicable federal, state and local laws, orders, rules, and regulations.

    a. Federal and State of Ohio Equal Opportunity/Non-Discrimination. Political Subdivision expressly represents that its employees, agents, representatives, and

any other party working on its behalf shall comply with all applicable federal and State of Ohio non-discrimination, intimidation, and equal employment opportunity laws, statutes, rules, regulations, and executive orders, as amended. Political Subdivision certifies it does not maintain, and it will not permit its employees or Participants from performing services at any segregated facilities.

b. Ethics. Each party agrees to comply with Ohio Ethics Laws as listed in the Chapters 102 and 2921 of the Ohio Revised Code and the Chapter 5101 of the Ohio Administrative Code. By signing this Intergovernmental Agreement, each party certifies that it is in compliance with these provisions.

10. Miscellaneous.

a. Notices. Notices required to be sent under the terms of this agreement shall be sent to all the below addresses or e-mails. All mailed notices are effective upon receipt. E-mail notices are effective upon a response acknowledging receipt. A party may change its address by giving written notice to the other party in accordance with this Section.

County: Director of Law & Risk Management County of Summit 175 S. Main Street, 8th Floor Akron, Ohio 44308 bharnak@summitoh.net	Political Subdivision: TITLE COMMUNITY ADDRESS EMAIL

b. Integration. This Intergovernmental Agreement represents the entire and integrated agreement between the parties. This Intergovernmental Agreement supersedes all prior and contemporaneous communications, representations, understandings, agreements or contracts, whether oral or written, relating to the subject matter of this Intergovernmental Agreement.

c. Amendment and Waiver. This Intergovernmental Agreement may not be amended, supplemented, or waived except by a writing signed by the parties. The waiver of any particular right or claim does not constitute a waiver of any other right or claim. This Intergovernmental Agreement may be amended to achieve additional goals of the County and Political Subdivision with the written consent of the parties.

d. Assignment. Neither party shall assign its rights or delegate its duties under this Intergovernmental Agreement without the prior written consent of the other party. Subject to such consent, Intergovernmental Agreement shall be binding upon and for the benefit of the parties hereto, their successors and assigns.

e. Capacity to Execute. Each party hereby certifies that all actions necessary to execute this Intergovernmental Agreement were taken and that the person

executing this Intergovernmental Agreement is authorized to do so and has the power to bind their respective party to the terms and conditions contained herein.

f. Review by Legal Counsel. Each party has had the opportunity to review this Intergovernmental Agreement with the assistance of legal counsel. Accordingly, the County and Political Subdivision agree that the rule of construction that any ambiguity in this Intergovernmental Agreement is to be construed against the drafting party is not applicable.

g. No Authority to Bind. Neither party has the power or authority to bind the other party to contracts or other obligations.

h. Severability. If any provision of this Intergovernmental Agreement is found invalid or unenforceable by an arbitration panel or a court of competent jurisdiction, the remainder of this Intergovernmental Agreement must continue in full force and effect.

i. Force Majeure. No party must be considered in default in the performance of any obligation hereunder, except the obligation to make payment, to the extent that the performance of such obligation is prevented or delayed by fire, flood, explosion, strike, war, insurrection, embargo, government requirement, civil or military authority, act of God, or any other event, occurrence or condition which is not caused, in whole or in part, by that party, and which is beyond the reasonable control of that party. The parties must take all reasonable action to minimize the effects of any such event, occurrence or condition.

j. Reservation of Rights. A delay or failure in enforcing any right or remedy afforded hereunder or by law must not prejudice or operate to waive that right or remedy or any other right or remedy, including any remedy for a future breach of this Intergovernmental Agreement, whether of a like or different character.

k. Governing Law. This Intergovernmental Agreement shall be governed by and construed in accordance with the laws of the State of Ohio, without giving effect to the principles thereof relating to conflicts of choice of laws.

l. Forum. Any litigation arising under this Intergovernmental Agreement must be litigated in the Akron Municipal Court or the County of Summit Court of Common Pleas, and each party submits itself to the jurisdiction and venue of those courts.

m. Survival. The following provisions, including subsections, shall survive the termination or expiration of this Agreement: Payment, Data and Public Records, Reports and Records, Limitation of Liability, Governing Law, and Forum.

n. Conflict. In the event of a conflict between this Agreement and any Exhibits attached hereto, the terms of this Agreement shall apply.

o. Counterparts; Electronic Signatures. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and all such counterparts shall be deemed one and the same document. Electronic signature methods shall be deemed valid and binding for all purposes.

Intending to be legally bound, the parties have signed this Intergovernmental Agreement effective as of the date of the last signature.

ORGANIZATION

_____

By:
Title:

Date: _____

COUNTY OF SUMMIT, OHIO

_____

Ilene Shapiro
Executive
County of Summit, Ohio

Date: _____

APPROVED AS TO FORM AND CORRECTNESS:

_____

By:
Title:

Date: _____

_____

Brian Harnak
Director, Department of Law and Risk Management

Date: _____

EXHIBIT A

1 of 3

ORDINANCE NO. 2026-019

SPONSOR Executive Shapiro

DATE January 26, 2026 COMMITTEE Rules

An Ordinance amending Section 113.12 of the Codified Ordinances of the County of Summit, entitled "Engineer and Planning and GIS Division Map Fees," to make certain updates and revisions to the fee schedule, for the Executive's Departments of Law and Risk Management and Community and Economic Development – GIS Division, and declaring an emergency.

WHEREAS, Section 113.12 of the Codified Ordinances of the County of Summit, entitled "Engineer and Planning and GIS Division Map Fees," defines the fees that the County may charge for certain GIS services; and

WHEREAS, Section 113.12 was last updated in 2012 and since then the costs of GIS services, including software needed to perform the services, has increased; and

WHEREAS, the Executive wishes to amend Section 113.12 to update the pricing structure for services that the County may charge for GIS services to reflect current actual costs; and

WHEREAS, the Executive and Executive's Departments of Law and Risk Management and Community and Economic Development – GIS Division recommend the changes outlined in Exhibit A, a copy of which is attached to this Ordinance and incorporated herein as if fully restated, in order to update the Chapter; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the County of Summit to amend Section 113.12 of the Codified Ordinances of the County of Summit for the aforementioned reasons;

NOW, THEREFORE, BE IT ORDAINED by the Council of the County of Summit, State of Ohio, that:

SECTION 1

Section 113.12 of the Codified Ordinances of the County of Summit, entitled "Engineer and Planning and GIS Division Map Fees," is hereby amended as set forth in Exhibit A, a copy of which is attached to this Ordinance and incorporated herein as if fully restated.

ORDINANCE NO. 2026-019
PAGE TWO

SECTION 2

This Ordinance is hereby declared to be an emergency in the interest of the health, safety and welfare of the residents of the County of Summit and for the further reason that it is necessary to immediately amend Section 113.12 to update the services and fees for GIS services.

SECTION 3

Provided this Ordinance receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

SECTION 4

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

INTRODUCED January 26, 2026

ADOPTED February 9, 2026

Signed by: Monique Willis
CLERK OF COUNCIL

Signed by: Erin Dickinson
PRESIDENT OF COUNCIL

APPROVED February 9, 2026

Signed by: Lisa Shapiro
EXECUTIVE

Voice Vote – YES: 11 – 0: Darrow, Dickinson, Donofrio, Ford, Higham, Kacyon, Licate, McKenney, Schmidt, Walters, Wilhite

ENACTED EFFECTIVE February 10, 2026

113.12 ENGINEER AND PLANNING AND GIS DIVISION MAP FEES.

Fees in the following amounts shall be charged by the Engineer and the Department of Community and Economic Development, Division of Planning and Geographic Information System, for the services set forth below and shall be made payable to the County of Summit when the service is performed:

Service	Fee
8½" x 11"	Black and White: ~~$0.10~~ **$0.25** Color: ~~$0.50~~ **$1.00**
11" x 17"	Black and White: $0.50 Color: ~~$1.00~~ **$1.50**
18" x 24"	Black and White: ~~$3.00~~ **$5.00** Color: ~~$4.00~~ **$7.00**
2' x 3'	Black and White: ~~$5.00~~ **$10.00** Color: ~~$6.00~~ **$15.00**
3' x 4'	Black and White: ~~$8.00~~ **$20.00** Color: ~~$10.00~~ **$25.00**
~~Digital (CD)~~	~~$2.00~~
Custom Map Design	~~$45.00~~ **$95** per hour. **Government agencies will be charged the rate specified in executed GIS Services Intergovernmental Agreements.** Requests will be filled as workload permits. Minimum turnaround time for order is five working days.
Postage	At cost
Drone Flight	**$125.00 per hour of flight time. Minimum of one hour. Image processing or other analysis at other Service rates. Storage devices can be provided as requested at actual cost.**
Additional Services	**Additional services may be procured when agreed to in writing or as detailed in an executed GIS Service Agreement.**

(Ord. 2009-130. Adopted 5-11-09; Ord. 2012-398. Adopted 10-22-12.)

EXHIBIT B

Political Subdivision agrees to procure and pay for the following services, and the County agrees to provide the same: