



City OF Stow
Tradition Centered. Future Focused.

Zoning Code
Effective February 09, 2026

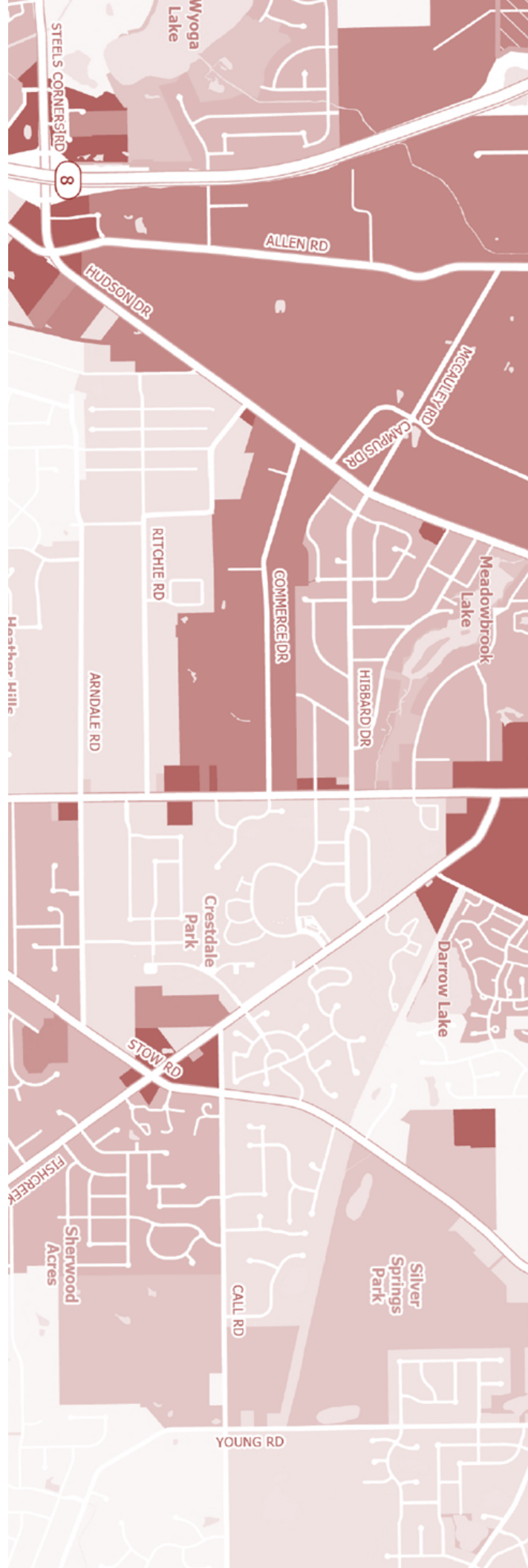




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1101.01 Title

This Code, effective as of February 09, 2026, shall be known and may be cited as the Zoning Code of the City of Stow. This title may also be referred to as “the Code” or “this Code”.

1101.02 Zoning Map

The respective boundaries of each zoning district are established on the map titled “Zoning District Map of the City of Stow, Ohio”. This map, including all notations and relevant details, is hereby incorporated by reference into this Code and shall have the same force and effect as if the boundaries were fully described in writing.



1101.03 Purpose and Applicability

A. Purpose.

1. This Code is enacted to promote public health, safety, convenience, prosperity, and general welfare while guiding the improvement and development of the City. It establishes regulations for:
 - a. The use of buildings, structures, lots, and lands;
 - b. The location, orientation, type, height, bulk, number of stories, design, and size of buildings and structures;
 - c. The percentage of land area occupied;
 - d. Setback requirements, yard depths, and other open space regulations; and
 - e. The creation of zoning districts to achieve these objectives.
2. Additionally, the Code serves to:
 - a. Protect the character of residential, business, industrial and recreational areas, ensuring their orderly and beneficial development;
 - b. Provide adequate open spaces for light and air, prevent overcrowding, and avoid both excessive population concentration and wasteful land use;
 - c. Manage street congestion and enhance public safety by ensuring buildings and land uses are positioned to minimize traffic conflicts and potential damage;
 - d. Facilitate adequate public utilities and facilities, including recreation, schools, sewerage, water, transportation, and other public requirements; and
 - e. Encourage the most appropriate land uses and guide future development in alignment with the Comprehensive Plan.

B. **Applicability.** This Code applies to all land, buildings, structures, site improvements, and uses within the corporate limits of the City of Stow. No person shall fail to comply with any provisions of this Code.

1101.04 Consistency with Adopted Plans and Policies

The City's Comprehensive Plan, as amended, is adopted as the primary planning guideline to regulate land use and guide the location of major public improvements within the corporate limits of the City of Stow.



1101.05 Conflicting Provisions

This Code does not repeal, abrogate, annul or interfere with any existing law or ordinance, or any rules or regulations related to the use of land or buildings. However, the provisions of this Code shall control in situations where this Code imposes more stringent requirements.

1101.06 Severability

- A. The sections and subsections of this Code, as well as its parts or provisions, are hereby declared to be independent.
- B. If any section, subsection, part, or provision is found to be unconstitutional, void, or ineffective for any reason, it shall not affect or invalidate the remaining sections, subsections, parts, or provisions of this Code.

1101.07 Improvement Plans

- A. Prior to the development or improvement of unoccupied land, the applicant shall submit detailed plans of all proposed utilities, pavements, sewers, stormwater facilities, and other site improvements to the City Engineer for review.
- B. The City Engineer or the Director of Public Service shall verify the projected construction costs for all improvements proposed within the public right-of-way or for any lands or improvements to be dedicated to the City.
- C. The City Engineer shall review all drawings and specifications to ensure compliance with this Code, the Subdivision Regulations, the current Ohio Department of Transportation Construction and Material Specifications, and all other applicable legislative standards.
- D. No construction activity shall commence until such plans have been approved by the City Engineer. All construction shall conform to the approved plans and specifications.

1101.08 Engineering Permit

- A. No grading, paving, or stormwater management improvements associated with a zoning certificate or conditional zoning certificate shall commence until an engineering permit has been issued by the City.
- B. The City Engineer shall review and approve all improvement plans prior to issuance. Permit fees shall be based on verified construction costs and assessed in accordance with Schedule 965.01.
- C. The engineering permit shall satisfy the grade permit requirement under Section 1309.06 of the City's Codified Ordinances. This provision shall not apply to one-, two-, or three-family dwellings.



1101.09 Permits and Bonds

Prior to commencement of construction, the applicant shall:

- A. Secure an engineering permit from the City Engineer, authorizing grading, water service, storm sewer installation, stormwater management systems, and paving work, with fees assessed in accordance with Section 965.01 of the City's Codified Ordinances.
- B. Obtain necessary permits and approvals from Summit County Environmental Services for sanitary sewer connections; and
- C. Post a performance bond with the Director of Finance in accordance with the requirements of Section 965.01 the City's Codified Ordinances.
- D. No construction or installation of improvements shall proceed until all permits and performance guarantees required under this Section have been secured.

1101.10 Landscaping Compliance

As a condition of zoning approval, applicants shall comply with the landscaping standards set forth in Sections 171.04 and 171.05 of the City's Codified Ordinances, and any related requirements of the Urban Forestry Commission, when such compliance is determined necessary by City Council.

1101.11 Right-of-Way Improvements

- A. Any improvement proposed within the street right-of-way shall require approval of plans and issuance of permits under Chapters 901 et seq. of the Streets, Utilities, and Public Services Code.
- B. A performance bond shall be posted to secure required improvements within the public right-of-way, with release contingent upon posting of a satisfactory maintenance bond, as determined by the Director of Public Service and approved by the Board of Control.
- C. The Board of Control shall retain authority to accept, release, or enforce performance and maintenance guarantees following consultation with the Law Director and City Engineer.

1101.12 Zoning and Building Permit Coordination

No development or construction activity shall commence until the applicant has obtained all necessary zoning certificates and building permits pursuant to Chapter 12 of the Zoning Code and Chapter 1309 of the City's Codified Ordinances.



Chapter 1102. Base District Standards

1102.01. General Provisions

1102.02. Interpretation of District Boundaries

1102.03. Establishment of Base Districts

1102.04. Residential District Bulk and Dimensional Standards

1102.05. Mixed-Use and Commercial District Bulk and Dimensional Standards

1102.06. Industrial District Bulk and Dimensional Standards

1102.07. Miscellaneous District Bulk and Dimensional Standards

1102.08. Bulk and Dimensional Standard Encroachments, Exceptions, and Adjustments

1102.01. General Provisions

- A. **Purpose.** The purpose of this Chapter is to establish the zoning districts of the City, including their purpose, dimensional standards, and allowed encroachments, to:
1. Implement the intent of this Code and the Comprehensive Plan,
 2. Allow for orderly development,
 3. Protect natural resources.
- B. **Applicability.** The zoning districts established in this Chapter shall apply to all parcels within the City of Stow as detailed on the City of Stow Zoning Map.

1102.02. Interpretation of District Boundaries

The following rules shall be used to determine the precise location of any zoning district boundary when there is a discrepancy or uncertainty as to the precise location of the boundary:

- A. Where district boundaries are indicated to approximately follow the lot lines, such lot lines shall be considered the boundaries of the district;
- B. Where district boundaries are indicated to be approximately parallel to the center lines or right-of-way lines of streets or highways, such boundaries shall be construed as being parallel thereto and at the dimension indicated on the Zoning Map. In the absence of a specified dimension, the dimensions shall be determined using the scale shown on the Zoning Map;
- C. In the event that a street, alley, or other public right-of-way is vacated by official action of the City Council, the zoning district adjoining each side of such street, alley, or right-of-way shall



automatically extend to the center of the vacated area, and all portions of the vacated area shall thereafter be subject to the regulations of the respective extended district;

- D. All questions or disputes concerning the exact location of zoning district boundaries shall be resolved by the Planning Commission. The Comprehensive Plan shall serve as a guide in resolving such matters.

1102.03. Establishment of Base Districts

Each base zoning district prescribes a set of uniform development regulations for a defined geographic area. The following base districts are established by this Code.

A. Residential Districts.

1. **R-1 – Low-Density Single-Family.** The R-1 Low-Density Single-Family Residential District is intended to provide areas for single-family detached dwellings on larger lots, situated predominately on the outer edge of the City. The district promotes a low-density residential environment that integrates community facilities and essential infrastructure to enhance the quality of life for residents.
2. **R-2 – Mid-Density Single-Family.** The R-2 Mid-Density Single-Family Residential District is designed to accommodate single-family detached homes at a moderate density as well as duplex, triplex, and quadplex dwellings along specified major roads and bus routes. This district encourages residential development that fosters a balanced community while maintaining compatibility with neighboring areas and ensuring adequate access to services.
3. **R-3 – High-Density Single-Family.** The R-3 High-Density Single-Family Residential District is intended to provide areas for single-family homes at a higher density as well as duplex, triplex, and quadplex dwellings along specified roads and bus routes. This district is designed to accommodate more compact residential development while preserving the character of single-family living, with easy access to community services and infrastructure that support a connected and vibrant neighborhood.

B. Mixed-Use and Commercial Districts.

1. **C-1– Neighborhood Commercial.** The purpose of the C-1 Neighborhood Commercial District is to provide small-scale commercial uses along arterial streets in residential areas, encourage adaptive reuse of existing residential structures, support mixed-use development with ground-floor businesses and upper-story residences, ensure that new construction complements the neighborhood, and include pedestrian-friendly features and landscaping to enhance visual appeal.
2. **C-2 – Community Commercial.** The C-2 Community Commercial District is intended to provide areas for a wide range of commercial and service-oriented uses that cater to the daily needs of the surrounding community. This district supports businesses such as retail stores, restaurants, and professional offices, promoting convenience and accessibility for



local residents. Development in this district should foster a pedestrian-friendly environment while ensuring compatibility with nearby residential and commercial areas. The scale and intensity of development shall be appropriate for its location, with design features that encourage vibrant, walkable spaces and support the overall character of the community.

3. **C-3 – Regional Commercial.** The C-3 Regional Commercial District is intended to accommodate a variety of commercial and service uses that serve both local and regional markets. The district allows for larger-scale commercial establishments such as retail centers, auto-oriented businesses, and professional offices, which are compatible with high-traffic locations.

C. Industrial District.

1. **I – Industrial.** The I Industrial District is established to provide suitable locations for limited manufacturing, heavy manufacturing, assembly, warehousing, distribution, research, and related activities conducted primarily indoors and having minimal external impacts including but not limited to noise, vibration, glare, heat, dust, air pollution, or odors.

D. Miscellaneous Districts.

1. **O – Conservation.** The purpose of the O Conservation District is to preserve and protect areas with significant geologic, topographic, botanic, historic, or scenic areas; protect the ecological balance of an area; conserve natural resources such as river valleys and tracts of forest land; reduce the problems created by intensive development of areas which have excessively high-water tables, which are subject to flooding, or which are topographically or otherwise unsuited for urban uses; and provide for appropriate public and recreational uses that are consistent with the district's conservation objectives, ensuring minimal environmental impact.
2. **PI – Public and Institutional.** The PI Public and Institutional District is intended to provide land for the development of public and institutional uses, including schools, government buildings, places of worship, private educational institutions, and other similar facilities. Properties within the PI District shall be located in areas that are accessible and appropriately suited for public and community-oriented uses.
3. **PD – Major Planned Development.** The PD Major Planned Development District is intended to provide opportunities for large-scale, multi-phase developments that promote creative and innovative design. This district allows for the development of site-specific zoning regulations in exchange for providing measurable benefits to the community, such as affordable housing, accessible design, and environmentally sustainable development. The Major PD district is designed to support the City's long-term goals by allowing the creation of unique zoning regulations tailored to the specific needs of each development.



1102.04. Residential District Bulk and Dimensional Standards

Table 1102.04 establishes the bulk and dimensional standards for all residential districts.

Table 1102.04: Residential Districts Bulk and Dimensional Standards			
Standard	R-1	R-2	R-3
<i>Lot Standards (Minimum)</i>			
Lot Area (sq ft)	20,000	16,000	12,000
Lot Width (ft)	45	40	35
<i>Yard Setbacks (Minimum)</i>			
Front (ft)	50	40	35
Street Side (ft)	25	20	20
Interior Side (ft)	15	10	8
Rear (ft)	45	30	25
<i>Building Standards (Maximum)</i>			
Building Height (ft) [1]	35	35	35
<i>Notes</i>			
[1] Building height may be increased up to a maximum of 40 feet if an additional setback beyond the required setback is provided. For every five feet of additional setback, the building height may increase by 1 foot.			

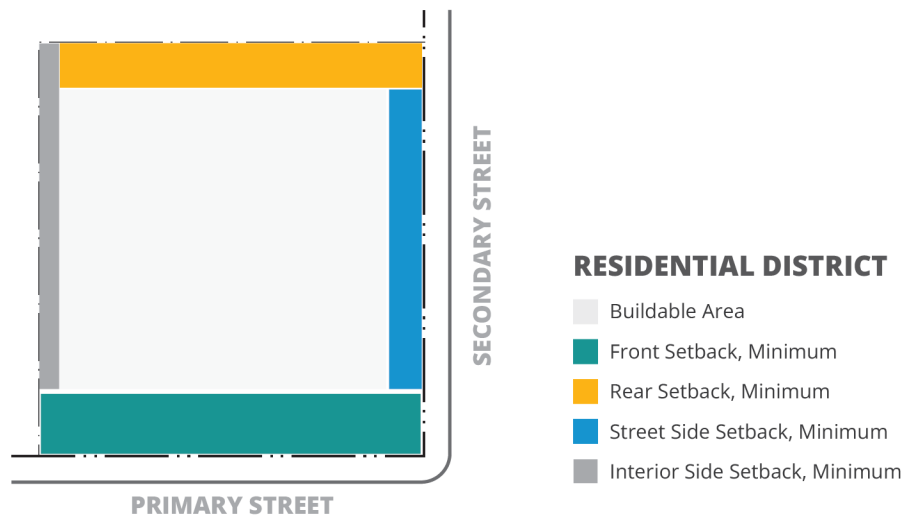


Figure 1 Residential Districts



1102.05. Mixed-Use and Commercial District Bulk and Dimensional Standards

Table 1102.05 establishes the bulk and dimensional standards for all mixed-use and commercial districts.

Table 1102.05: Mixed-Use and Commercial Districts Bulk and Dimensional Standards			
Standard	C-1	C-2	C-3
<i>Lot Standards (Minimum)</i>			
Lot Area (sq ft)	n/a	n/a	n/a
Lot Width (ft) [1]	50	50	50
<i>Yard Setbacks (Minimum)</i>			
Front (ft) [2]	30	30	60
Street Side [2]	20	20	40
Interior Side (ft) [3]	10	10	20
Rear (ft) [3]	40	10	20
<i>Building Standards (Maximum)</i>			
Building Height (ft) [4]	35	45	55
Building Coverage (%)	60	70	80
<i>Notes</i>			
[1] Lot width may be measured from an internal access drive when the property does not have street frontage.			
[2] Minimum setback shall be 20 feet if property fronts a private roadway, and 30 feet if property fronts State Route 8 right-of-way. Properties fronting on State Route 8 shall be considered either a side or rear yard, as determined by the Planning Director.			
[3] Minimum setback shall be a minimum of 40 feet if adjacent to a residential district.			
[4] Height Transition Standards shall apply when adjacent to a residential district, as per Section 1102.08(D).			

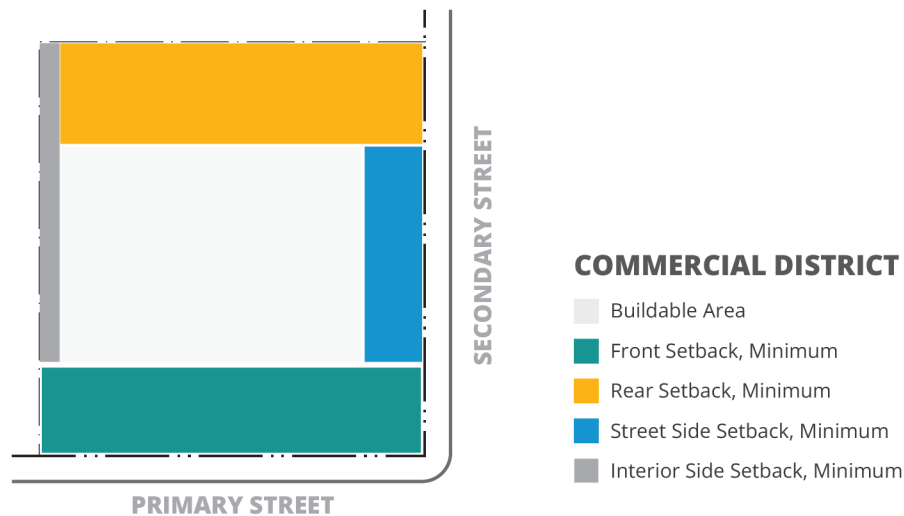


Figure 2 Commercial Districts



1102.06. Industrial District Bulk and Dimensional Standards

Table 1102.06 establishes the bulk and dimensional standards for the Industrial district.

Table 1102.06: Industrial District Bulk and Dimensional Standards	
Standard	I
<i>Lot Standards (Minimum)</i>	
Lot Area (sq ft)	n/a
Lot Width (ft) [2]	50
<i>Yard Setbacks (Minimum)</i>	
Front (ft)	40 [3]
Street Side (ft)	25 [3]
Interior Side (ft) [1]	20
Rear (ft) [1]	20
<i>Building Standards (Maximum)</i>	
Building Height (ft)	60
Building Coverage (%)	70
<i>Notes</i>	
[1] Minimum setback shall be 40 feet when adjacent to a residential district.	
[2] The lot shall directly abut and have access to a public street.	
[3] Minimum setback shall be 20 feet if property fronts a private roadway, and 30 feet if property fronts State Route 8 right-of-way. Properties fronting on State Route 8 shall be considered either a side or rear yard, as determined by the Planning Director.	

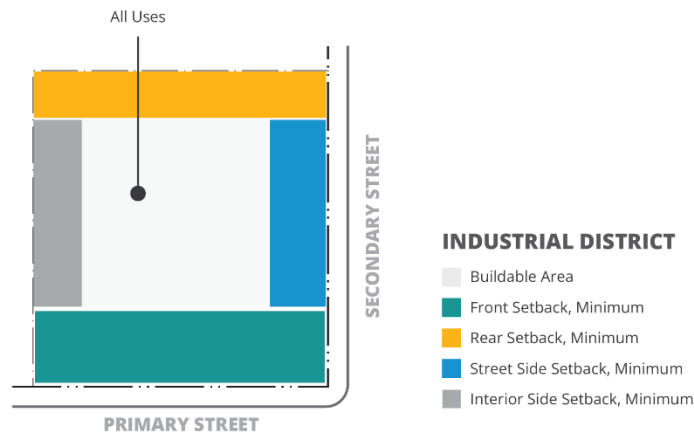


Figure 3 Industrial District



1102.07. Miscellaneous District Bulk and Dimensional Standards

Table 1102.07 establishes the bulk and dimensional standards for all miscellaneous districts. The bulk and dimensional standards of a Major PD shall be established per the approval process for each individual Major PD.

Table 1102.07: Miscellaneous Districts Bulk and Dimensional Standards		
Standard	O	PI
<i>Lot Standards (Minimum)</i>		
Lot Area (acres)	3	2
Lot Width (ft)	100	100
<i>Yard Setbacks (Minimum)</i>		
Front (ft)	80	60
Street Side (ft)	80	60
Interior Side (ft)	25	20
Rear (ft)	50	30
<i>Building Standards (Maximum)</i>		
Building Height (ft)	35	50
Building Coverage (%)	10	60

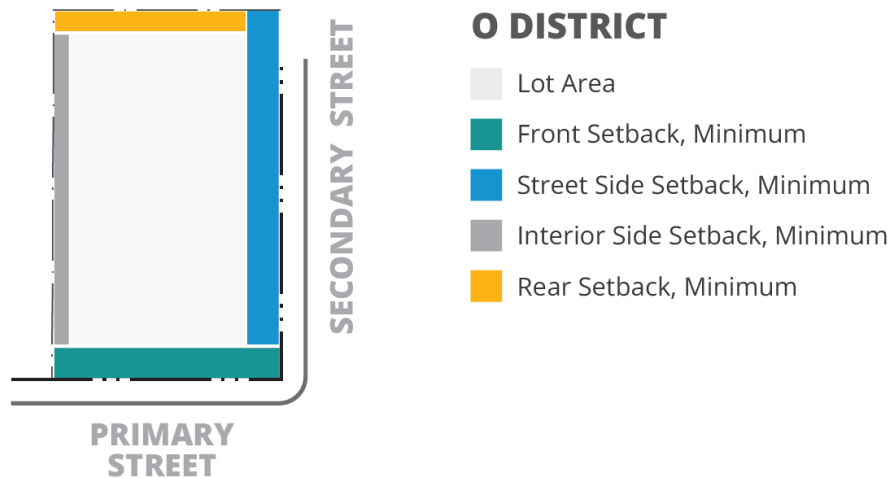


Figure 4 O District

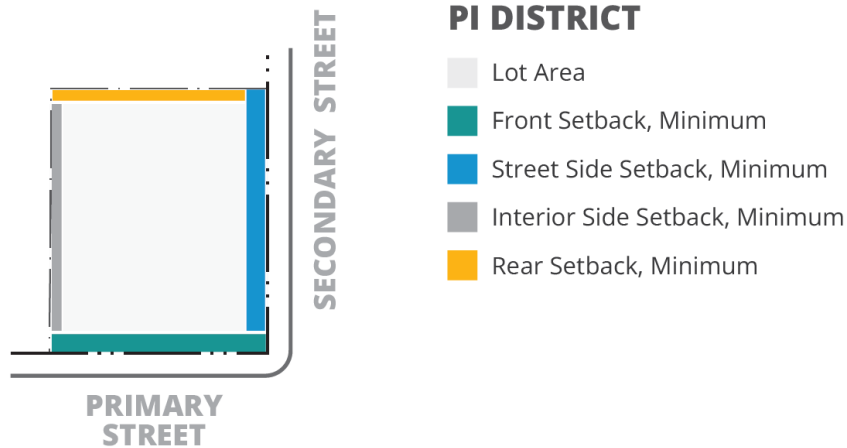


Figure 5 PI District

1102.08. Bulk and Dimensional Standard Encroachments, Exceptions, and Adjustments

A. Allowed Encroachments into Required Yards.

Table 1102.08: Allowed Encroachments into Required Yards		
Encroachment Type	Allowed Location	Limitations of Encroachment
Accessory Buildings / Structures.	As detailed in Chapter 4 Section 1104.06	
Architectural Features	any required setback	May extend up to one foot into a required yard, provided they do not obstruct natural light and ventilation from the principal building or adjoining property.
Awnings and Canopies		
Chimneys		
Eaves, Gutters, and Downspouts		
Accessibility Ramps and Fire Escapes	any required setback	May encroach up to four feet from the property line unless otherwise approved by the Planning Director as a reasonable accommodation per Section 1112.08.
Bay Windows and Balconies	front and street side yard setbacks	May encroach up to five feet from the applicable wall of the building or no greater than five feet from the property line, whichever is more restrictive.
	interior side and rear yard setbacks	May encroach up to three feet
	public right-of-way (air rights)	May encroach up to three feet from the curb if on an upper story and if approved by the City or OHDOT



Table 1102.08: Allowed Encroachments into Required Yards		
Encroachment Type	Allowed Location	Limitations of Encroachment
		(whichever has authority over the right-of-way).
Building Entryway Design Features (Section 1107.02(D))	front and street side yard setbacks	Shall comply with the standards of Table 1107.02(D).
Cornices, Overhangs, and Similar Architectural Projections	any required setback	May encroach up to two feet from the applicable elevation wall of the building or as approved by the Planning Director or City Engineer per Section 1107.02(E).
Driveways	any required setback	Shall comply with the standards of Section 1109.04.
		May encroach up to two feet from the interior side property line.
Fences, Walls, and Berms	any required setback	Shall comply with the standards of Section 1106.02.
Outdoor Lighting	front and street side yard setbacks	Shall comply with the standards of Chapters 6
Landscape	any required setback	Shall comply with the standards of Chapters 8
Signs	any required setback	Shall comply with the standards of Chapter 10.

B. Allowed Yard Adjustments. Allowed yard setback adjustments shall apply to base district standards only.

1. **Front and/or Street Side Yard Setback Adjustments.** Deviations to the minimum required front and/or street side yard setback may be approved as an Administrative Adjustment as detailed in Section 1112.04 based on the average front and/or street side yard setback of adjacent lots, as detailed below.

a. **Front and/or Street Side Yard for Lots on Block Fronts with Three or Fewer Front Facing Parcels.** The minimum front and/or street side yard setback of the subject lot shall be calculated as the average of the existing front and/or street side yard setbacks:

- i. Along the opposite side of the street and on the same block, or
- ii. Along the same side of the street and on the adjacent block, whichever is lesser.

b. **Front and/or Street Side Yard for Lots on Block Fronts with Four or More Front Facing Parcels.** The required front and/or street side yard setback shall be calculated as the average of the existing front and/or street side yard setbacks along the same side of the street and on the same block as the subject lot.

c. If the shortest and longest setbacks differ from the other setbacks by more than 20 percent they shall be eliminated in the making of the computation.



- d. Existing setbacks shall be measured from the front and/or street side lot line to the principal building, excluding permitted encroachments as detailed in Table 1102.08.

2. Interior Side and Rear Setback Adjustments.

- a. Adjustments that result in a 10 percent or lesser deviation in the interior side or rear setback standards may be approved as an Administrative Adjustment as detailed in Section 1112.04.
- b. Adjustments that result in a deviation in the interior side or rear setback standards by more than 10 percent may be approved as variance as detailed in Section 1112.04.

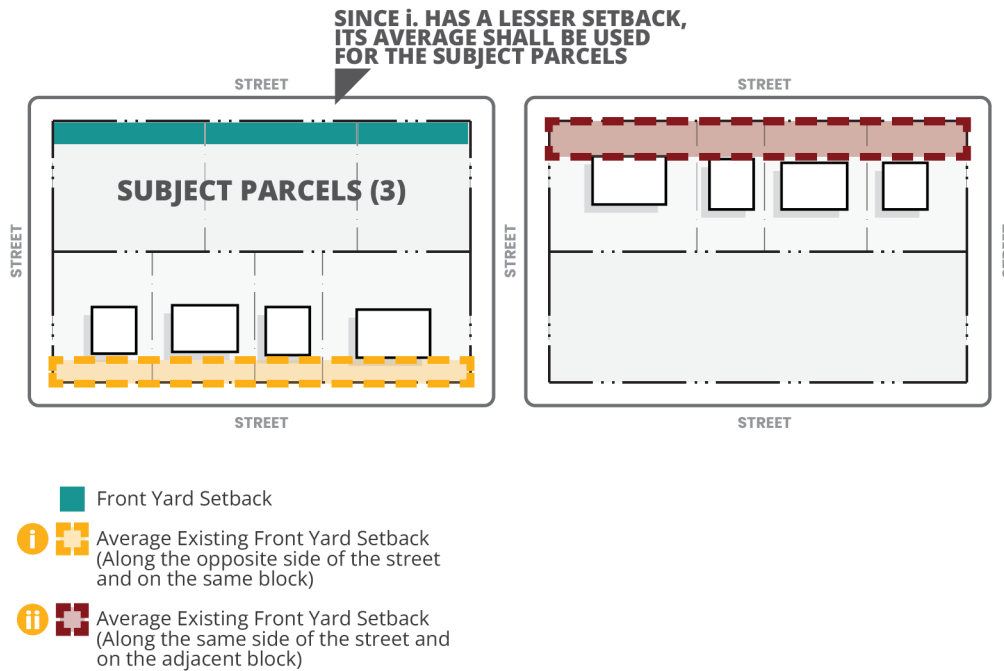


Figure 6 Three or Fewer Front Facing Parcels

C. Height Exceptions. No structure shall exceed the height limit established for the district, except as follows:

1. **Roof Structures.** Structures such as elevators, stairways, tanks, ventilation fans, fire walls, skylights, chimneys, smokestacks, and water tanks may exceed the height limit by up to 20 feet, provided that the total area of these structures does not exceed 20 percent of the roof area. These structures shall not be used for residential purposes.
2. **Antennas, Masts, and Flagpoles.** These may exceed the height limit by up to 10 feet above the district's maximum building height. Any proposed exceedance beyond this shall require an Administrative Adjustment (see Section 1112.04).
3. **Height and Setback Adjustment.** A structure may exceed the height limit if the building is set back further than required. For every additional foot of height above the limit, the building shall be set back an additional five feet.



D. **Height Transitions.** Any building that exceeds the height of an adjacent residential dwelling on a property in a residential zoning district by more than one story shall provide at least one of the height transitions detailed below:

1. Provide a step down in height along the shared property line to meet the height of the building on an applicable property for a minimum of 50 percent of the façade.
2. Increase the setback by five feet for each story exceeding the height of the adjacent building on an applicable property. The increased setback shall be applied to the building façade adjacent to the applicable property.
3. Utilize dormers and sloping roofs to accommodate stories above the height of the adjacent building on an applicable property.
4. Provide a Type C Buffer as detailed in Section 1108.06(G) to the subject property line adjacent to the applicable property.

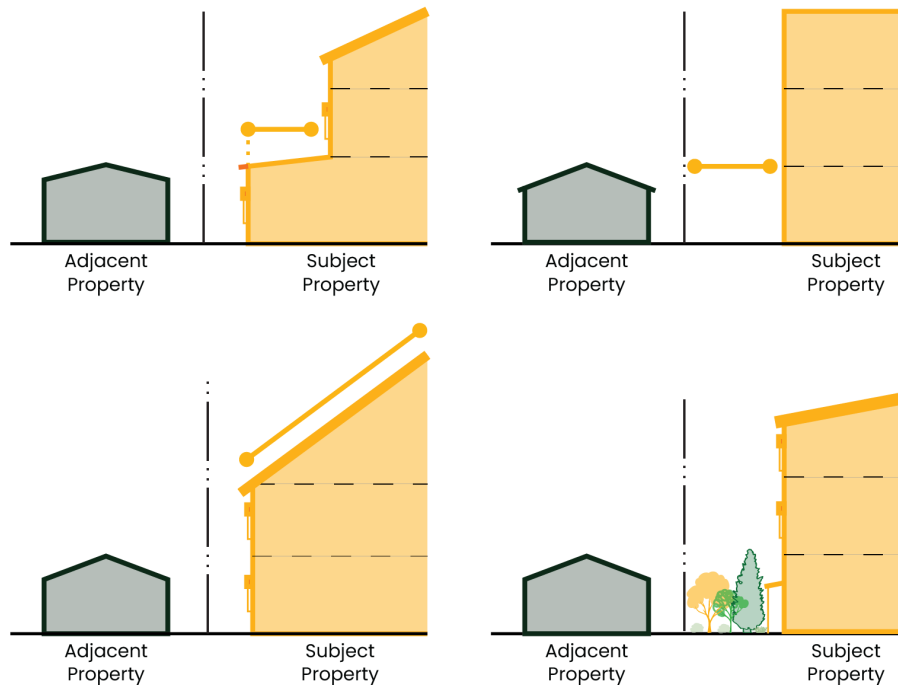


Figure 7 Height Transitions



E. Additional Yard and Lot Standards.

1. **Yard Setback Depth.** The depth of a yard setback shall be measured as the horizontal distance from the center point of the applicable lot line into the lot for the minimum distance established in the Tables included in Sections 1102.04, 1102.05, 1102.06, and 1102.07.
2. **Yard Setback Span.** The span of a yard setback shall be measured:
 - a. **Front Yard.** From the interior side lot line to the other interior side lot line or street side lot line as applicable,
 - b. **Street Side Yard.** From the front yard setback line to the rear lot line,
 - c. **Interior Side Yard.** From the front yard setback line to the rear yard setback line,
 - d. **Rear Yard.**
 - i. From the interior side lot line to the other interior side lot line, or
 - ii. From the interior side lot line to the street side yard setback line.

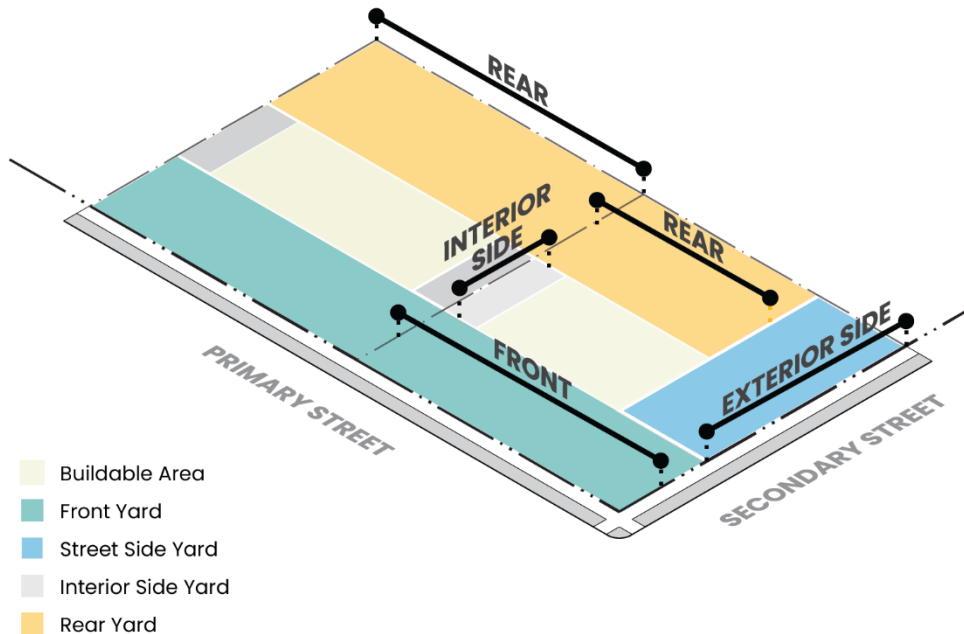


Figure 8 Yard and Lot Standards



3. Lot Width.

- a. **Regularly Shaped Lots.** The lot width of a regularly shaped lot shall be measured as the horizontal distance between the side lot lines of a lot, at right angles at the front lot line.

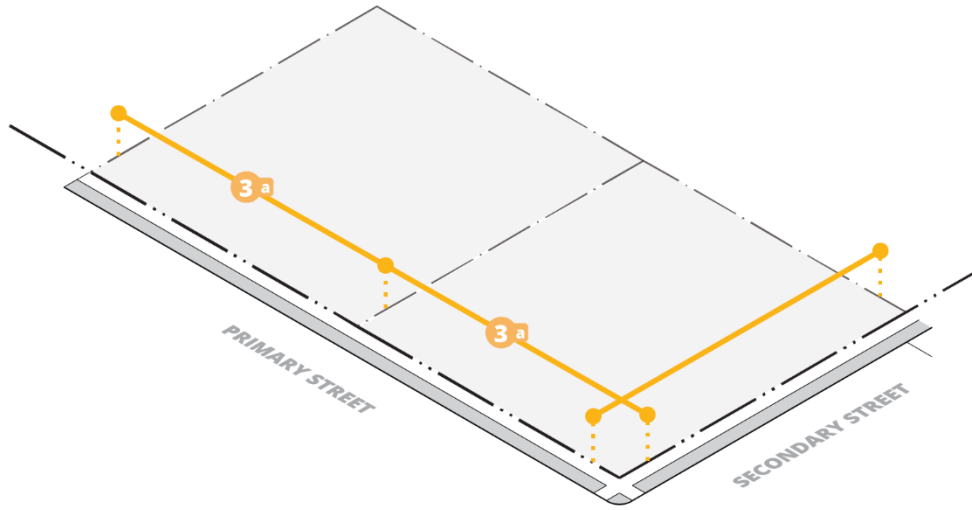


Figure 9 Regular Shaped Lot

- b. **Irregularly Shaped Lots.** The lot width of an irregularly shaped lot shall be measured as the horizontal distance between the side lot lines of a lot, at right angles to its depth along a straight line parallel to the front lot line at the minimum required setback line. The Planning Director shall determine the applicable setbacks and lot width for irregularly shaped lots.

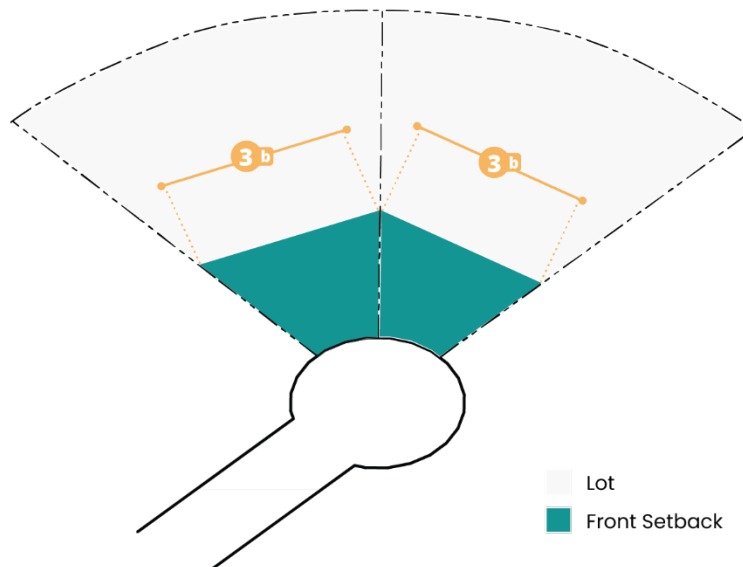


Figure 10 Irregularly Shaped Lot



4. **Building Height.** Building height shall be measured as the vertical distance from the mean elevation of the finished lot grade to the mean elevation of the roof.

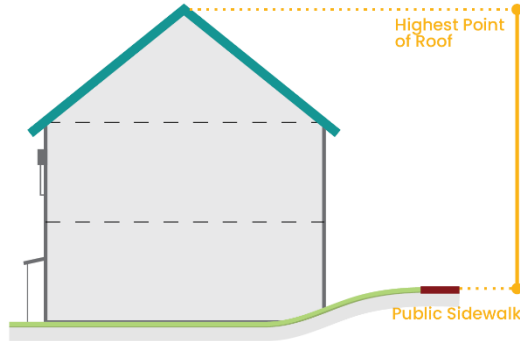


Figure 11 Building Height

5. **Building coverage.** Building coverage shall be measured as the portion of a lot that is covered by the principal and accessory buildings.

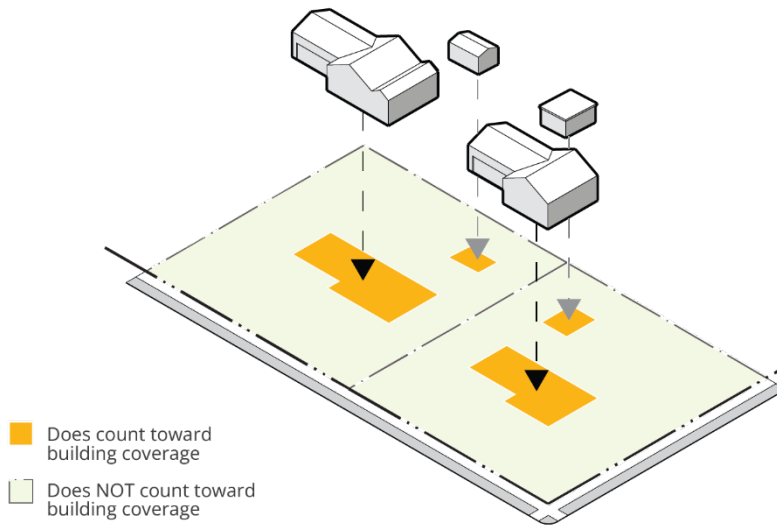


Figure 12 Building Coverage



Chapter 1103. Overlay District Standards

1103.01. General Provisions

1103.02. Establishment of Overlay Districts

1103.03. Mixed-Use Overlay District Standards

1103.04. Minor Planned Development Overlay District Standards

1103.05. Seasons Road Overlay District Standards

1103.06. Mud Brook Watershed Stream and Wetland Setbacks Overlay District Standards

1103.01. General Provisions

- A. **Purpose.** The purpose of this Chapter is to establish the overlay districts of the City including their district specific standards and relation to underlying base districts.
- B. **Applicability.** The overlay districts established in this Chapter shall apply to parcels within the City of Stow as detailed on the City of Stow Zoning Map.

1103.02. Establishment of Overlay Districts

Overlay districts prescribe a set of development regulations for a defined geographic area that apply in addition to or instead of the underlying base district regulations. Where the Overlay District regulations are different from the underlying district regulations, the Overlay District regulations control. The following overlay districts are established by this Code.

- A. **MU-O Mixed-Use.** The MU-O Mixed-Use Overlay District is intended to accommodate pedestrian oriented, mixed-use development along Darrow Road north of Kent Road and south of Graham Road and as indicated in the Zoning Map. Redevelopment is intended to foster a walkable and vibrant environment and should include residential and commercial uses in vertically mixed-use and standalone buildings. Buildings should be located near the property line to create a desirable sense of enclosure and consistent street wall.
- B. **PD-O Minor Planned Development.** The PD-O Minor Planned Development district is established to achieve high quality, creative, and innovative land planning and site design that furthers the objectives of the City, but which cannot be achieved through the strict application of the development and design standards of this Code. The PD-O district provides a process by which modifications to base district development and design standards may be approved that meet the needs and character of the site-specific features and context of the district.



- C. **SR-O Seasons Road.** The SR-O Seasons Road Overlay District is established to provide areas for limited retail uses near S.R. 8. The goal of developments in this district is to achieve the following objectives:
1. Allow limited retail uses and services that would support the development of high-quality office and light industrial adjacent to the Seasons Road/S.R. 8 interchange.
 2. To promote economical and efficient use of land through unified development.
- D. **Mud Brook Watershed Stream and Wetland Setbacks.** The Mud Brook Watershed Stream and Wetland Setbacks Overlay District regulations are established to protect and preserve the water quality within streams and wetlands in the City and to protect the health, safety and public welfare of the residents of the City. This area was identified as the Interchange Service Area in the Mud Brook Watershed Management Plan as adopted by Council on April 24, 2003.



1103.03. Mixed-Use Overlay District Standards

- A. **Applicability.** The MU-O Overlay applies to properties along Darrow Road, between Kent Road and Graham Road, and as indicated on the Zoning Map, where the overlay zoning designation is superimposed over the existing zoning designation(s).
- B. **Bulk and Dimensional Standards.** The bulk and dimensional standards of all development in the MU-O District, regardless of underlying base district, shall meet the standards of Table 1103.03(B).

Table 1103.03(B): MU-O District Bulk and Dimensional Standards	
Standard	
<i>Lot Standards (Minimum)</i>	
Lot Area (sq ft)	n/a
Lot Width (ft)	n/a
<i>Yard Setbacks (Minimum unless otherwise stated)</i>	
Front (ft)	5
Front Maximum (ft)	20
Street Side (ft)	5
Street Side Maximum (ft)	20
Interior Side (ft)	10
Rear (ft)	60
<i>Building Standards (Maximum)</i>	
Building Height (ft) [1]	45
Frontage Build Out (%)	60
Building Coverage (%)	70
[1] The height transition standards of Section 1102.08(D) shall apply.	

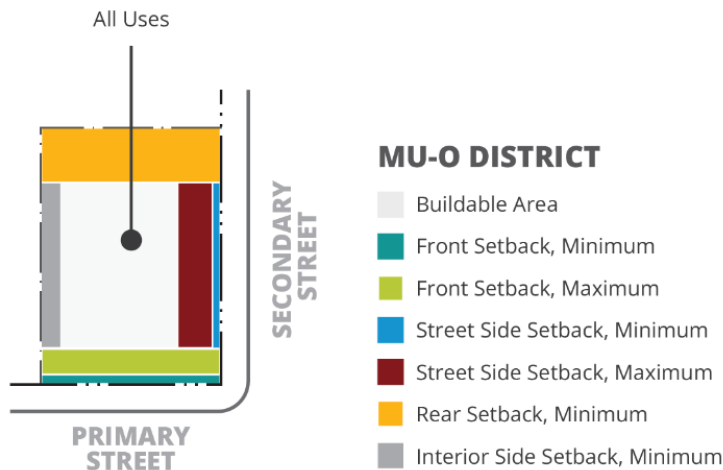


Figure 1 MU-O District



C. **Principal Use Standards.** Allowed principal uses in the MU-O District, regardless of underlying base district, shall be as established in Table 1103.03(C).

1. **Permitted Uses (P).** Uses which are marked as “P” in the table shall be allowed principal uses subject to all applicable regulations of this Code.
2. **Conditional Uses (C).** Uses which are marked as “C” in the table shall require approval as a Conditional Use as detailed in Section 1112.17 prior to establishment.
3. **Supplemental Standards.** If the supplemental standards established in Chapter 4 apply to an allowed use in the MU-O District, it is referenced in the Supplemental Standards column.

Table 1103.03(C): Principal Uses in MU-O District		
Principal Uses	Supplemental Standards	MU-O
Residential Uses		
Assisted Living		
Boarding/Lodging House		
Community Based Residential Social Services Facility		
Congregate Living Facility		
Dwelling, Duplex		
Dwelling, Multi-Family 13+ Units		
Dwelling, Multi-Family 5-12 Units		
Dwelling, Multi-Family Complex		
Dwelling-Multi-Family, above Ground Floor Only		P
Dwelling, Quadplex		
Dwelling, Single-Family		
Dwelling, Single Family Constructed Prior to 2026		P
Dwelling, Townhome		
Dwelling, Triplex		
Nursing Home		
Public and Institutional Uses		
Ambulance and Emergency Medical Service		
Assembly Hall, Meeting Place		P
Cemetery		
Community Theater		P
Family Care Service		
Funeral Homes		
Golf Course / Mini-Golf Course		
Halfway House / Community Residential Treatment Center		
Health and Wellness Center	1104.04(B)(18)	P



Table 1103.03(C): Principal Uses in MU-O District		
Principal Uses	Supplemental Standards	MU-O
Hospitals		
Indoor Public or Non-profit Recreation Facility		
Indoor Sports Training Facility		
Library	1104.04(B)(21)	P
Membership/Sports Fitness Club		P
Museums, Art Gallery and Artist Studio		P
Park, Playground or Outdoor Public Recreation		
Places of Worship	1104.04(B)(24)	P
Public Administrative Office		
Public Office / Facility		
Public Utility Substations		
School, Public		
School, Private		
Urgent Care/Clinics		P
Wildlife Preserve		
Commercial Uses		
Administrative, Business, Professional, and Medical Offices		P
Adult Use Cannabis Dispensary		
Bar, Tavern, Night Club		
Bed and Breakfast		P
Co-working Spaces		P
Employee and Workers Instructional Training Facility		
Financial Establishment		P
Garden Center		
Hotel		
Indoor Commercial Recreation/Entertainment	1104.04(B)(19)	P
Kennels		
Micro-brewery/ Micro-Winery/ Micro-Distillery	1104.04(C)(15)	P
Motel		
Outdoor Commercial Recreation		
Parking Facility		
Personal Services		P
Restaurant		P
Retail Establishment		P
Sexually Oriented Business		
Studios for Instruction such as Dance, Exercise and Karate		P
Tobacco Retailer		
Tree, Landscaping and Lawn Service		



Table 1103.03(C): Principal Uses in MU-O District		
Principal Uses	Supplemental Standards	MU-O
Veterinarian Clinic/Hospital		
Automotive/ Industrial Uses		
Adult Use Cannabis Cultivator		
Adult Use Cannabis Processing		
Adult Use Cannabis Testing Laboratory		
Airport and Airfields		
Artisan Manufacturing	1104.04(D)(15)	P
Auto Rental Offices		
Auto Sales/Rental		
Brewery/ Winery/ Distillery		
Car Wash		
Construction Trades and Contractors Storage Yard		
Crematorium		
Equipment Repair Service		
Fabrication and Assembly Operation		
Fuel Distribution Facility		
Gasoline Station		
Laboratory/Research Facility		
Laundry and Cleaning Plants		
Lumber Mills, Yards and Building Materials		
Machine Shops		
Major Manufacturing		
Minor Manufacturing		
Oil and Gas Wells		
Printing and Publishing Plant		
Self-Service Storage Facility		
Truck Sales/Rental		
Truck Terminal		
Vehicle Service Station, Major		
Vehicular Service Station, Minor		
Wholesale, Warehousing and Distribution Facility		
Wireless Communication Facility		
Agricultural Use		
Agriculture		



D. **Accessory Use Standards.** Allowed accessory uses in the MU-O District, regardless of underlying base district, shall be as established in Table 1103.03(D).

1. **Permitted Uses (P).** Uses which are marked as “P” in the table shall be allowed accessory uses subject to all applicable regulations of this Code.
2. **Prohibited Uses.** A blank space in the table indicates that a use is prohibited.
3. **Supplemental Standards.** If the supplemental standards established in Chapter 4 apply to an allowed use in the MU-O District, it is referenced in the Supplemental Standards column.
4. **Uses Not Listed.** A use not specifically listed is prohibited unless, through the Interpretation process established in Section 1112.06, it is determined that the use is a part of a general use type as described in Section 1104.02.

Table 1103.03(D): Accessory Uses in MU-O District		
Permitted Uses	Supplemental Standards	MU-O
Accessory Agriculture		
Accessory Building / Structure	1104.06(A)	P
Accessory Business / Retail Use	1104.06(B)	P
Accessory Family Care Service		
Accessory Dwelling Unit		
Automatic Teller Machine		
Beekeeping	1104.06(F)	
Coop	1104.06(G)	
Commercial Vehicle Parking		
Construction Equipment Storage		
Drive-Thru and Drive-In Facility		
Electric Vehicle Charging Facility	1104.06(K)	P
Event Venue		
Greenhouse, Commercial		
Home Occupation	1104.06(M)	P
Outdoor Dining	1104.06(N)	P
Outdoor Display / Sale of Merchandise	1104.06(O)	P
Outdoor Storage		
Pharmacy		
Public Art, Mural	1104.06(R)	P
Public Art, Sculpture		P
Recycling Collection Station		
Solar Energy Collection System, Canopy	1104.06(S)	P
Solar Energy Collection System, Ground Mounted	1104.06(T)	P
Solar Energy Collection System, Roof Mounted	1104.06(U)	P



Table 1103.03(D): Accessory Uses in MU-O District

Permitted Uses	Supplemental Standards	MU-O
Swimming Pool	1104.06(V)	P
Wind Energy Collection System	1104.06(W)	P

E. **Temporary Use Standards.** Allowed temporary uses in the MU-O District, regardless of underlying base district, shall be as established in Table 1103.03(E).

1. **Permitted Uses (P).** Uses which are marked as “P” in the table shall be allowed temporary uses subject to all applicable regulations of this Code.
2. **Prohibited Uses.** A blank space in the table indicates that a use is prohibited.
3. **Supplemental Standards.** If the supplemental standards established in Chapter 4 apply to an allowed use in the MU-O District, it is referenced in the Supplemental Standards column.
4. **Uses Not Listed.** A use not specifically listed is prohibited unless, through the Interpretation process established in Section 1112.06, it is determined that the use is a part of a general use type as described in Section 1104.02.

Table 1103.03(E) Temporary Uses in MU-O District

Permitted Uses	Supplemental Standards	MU-O
Construction Related	1104.07(A)	P
Farmers Market		P
Farm Stand	1104.07(C)	P
Flea Markets		P
Food Cart / Truck		P
Garage / Estate Sale	1104.07(E)	P
Mobile Classroom		
Mobile Retail / Service	1104.07(G)	P
Model Home		
Recreational Vehicle Parking	1104.07(I)	P
Roll-off Dumpster		
Seasonal Sale	1104.07(K)	P
Special Event	1104.07(L)	P
Storage Unit	1104.07(M)	P



1103.04. Minor Planned Development Overlay District Standards

A. Relation to Base District Standards.

1. A minor planned development, if approved, shall be applied as an overlay district, and all base district designations shall be maintained.
2. A minor planned development, if approved, may allow for modifications to the standards of the base district. All such modifications shall be referred to as site development allowances.
3. Notwithstanding any limitations on variances (Section 1112.23), site development allowances may be approved provided the applicant specifically identifies each site development allowance in the minor planned development application and demonstrates how each site development allowance would be compatible with surrounding development; and is necessary for proper development of the site.
4. All approved site development allowances shall be delineated in the ordinance approving the minor planned development and shall be considered the standards of the minor planned development overlay district as it applies to the subject property.

1103.05. Seasons Road Overlay District Standards

- A. **Purpose.** The Seasons Road Overlay District is established to permit limited retail uses in proximity to S.R. 8. The purpose of this district is to:
1. Permit retail and service uses that support high-quality office and light industrial development adjacent to the Seasons Road/S.R. 8 interchange; and
 2. Promote the efficient use of land through coordinated and unified development.
- B. **Applicability.** All standards and regulations of the underlying base zoning district shall apply within the SR-O District for permitted and conditionally permitted uses enumerated in the underlying district except where specifically modified or supplemented by this Section. The appropriate overlay zoning designation shall be superimposed over the existing zoning designation(s) on the Zoning Map.
- C. **Approval of Proposed Development.** Any proposed development in the SR-O District shall only be approved by the Planning Commission and Council according to the procedures for site plan review of permitted and conditional uses and as set forth in Section 1112.10, and, if applicable, the general review criteria for conditional uses set forth in Section 1112.17.
- D. **Principal Use Standards.** Allowed principal uses in the SR-O District, regardless of underlying base district, shall be as established in Table 1103.05(D).
- E. **Permitted Uses (P).** Uses which are marked as “P” in the table shall be allowed principal uses subject to all applicable regulations of this Code.



F. **Conditional Uses (C).** Uses which are marked as “C” in the table shall require approval as a Conditional Use as detailed in Section 1112.17 prior to establishment.

Table 1103.05(D): Principal Uses in SR-O District		
Principal Uses	Supplemental Standards	SR-O
Residential Uses		
Assisted Living		
Boarding/Lodging House		
Community Based Residential Social Services Facility		
Congregate Living Facility		
Dwelling, Duplex		
Dwelling, Multi-Family 13+ Units		
Dwelling, Multi-Family 5-12 Units		
Dwelling, Multi-Family Complex		
Dwelling-Multi-Family, above Ground Floor Only		
Dwelling, Quadplex		
Dwelling, Single-Family		
Dwelling, Single Family Constructed Prior to 2026		
Dwelling, Townhome		
Dwelling, Triplex		
Nursing Home		
Public and Institutional Uses		
Ambulance and Emergency Medical Service		
Assembly Hall, Meeting Place		
Cemetery		
Community Theater		
Family Care Service		
Funeral Homes		
Golf Course / Mini-Golf Course		
Halfway House / Community Residential Treatment Center		
Health and Wellness Center		
Hospitals		
Indoor Public or Non-profit Recreation Facility		
Indoor Sports Training Facility		
Library		
Membership/Sports Fitness Club		P
Museums, Art Gallery and Artist Studio		
Park, Playground or Outdoor Public Recreation		
Places of Worship		
Public Administrative Office		
Public Office / Facility		



Table 1103.05(D): Principal Uses in SR-O District		
Principal Uses	Supplemental Standards	SR-O
Public Utility Substations		
School, Public		
School, Private		
Urgent Care/Clinics		
Wildlife Preserve		
Commercial Uses		
Adult Use Cannabis Dispensary		
Bar, Tavern, Night Club		C
Bed and Breakfast		
Co-working Spaces		
Employee and Workers Instructional Training Facility		
Financial Establishment		P
Garden Center		
Hotel	1104.04(C)(13)	P
Indoor Commercial Recreation/Entertainment		P
Kennels		
Microbrewery/ Winery/ Distillery		
Motel	1104.04(C)(13)	C
Outdoor Commercial Recreation		
Personal Services		P
Restaurant		P
Retail Establishment		P
Sexually Oriented Business		
Studios for Instruction such as Dance, Exercise and Karate		
Tobacco Retailer		
Tree, Landscaping and Lawn Service		
Veterinarian Clinic/Hospital	1104.04(C)(18)	C
Automotive/ Industrial Uses		
Adult Use Cannabis Cultivator		
Adult Use Cannabis Processing		
Adult Use Cannabis Testing Laboratory		
Airport and Airfields		
Artisan Manufacturing		
Auto Sales/Rental	1104.04(D)(16)	P
Brewery/ Winery/ Distillery		
Car Wash	1104.04(D)(17)	C
Construction Trades and Contractors Storage Yard		



Table 1103.05(D): Principal Uses in SR-O District		
Principal Uses	Supplemental Standards	SR-O
Crematorium		
Equipment Repair Service		
Fabrication and Assembly Operation		
Fuel Distribution Facility		
Gasoline Station	1104.04(D)(20)	P
Laboratory/Research Facility		
Laundry and Cleaning Plants		
Lumber Mills, Yards and Building Materials		
Machine Shops		
Major Manufacturing		
Minor Manufacturing		
Oil and Gas Wells		
Printing and Publishing Plant		
Self-Service Storage Facility		
Truck Sales/Rental		
Truck Terminal		
Vehicle Service Station, Major	1104.04(D)(23)	C
Vehicular Service Station, Minor	1104.04(D)(24)	C
Wholesale, Warehousing and Distribution Facility		
Wireless Communication Facility		
Agricultural Use		
Agriculture		

F. **Accessory Use Standards.** Allowed accessory uses in the SR-O District, regardless of underlying base district, shall be as established in Table 1103.05(F).

1. **Permitted Uses (P).** Uses which are marked as “P” in the table shall be allowed accessory uses subject to all applicable regulations of this Code.
2. **Conditional Uses (C).** Uses which are marked as “C” in the table shall require approval as a Conditional Use as detailed in Section 112.17 prior to establishment.

Table 1103.05(F): Accessory Uses in SR-O District		
Permitted Uses	Supplemental Standards	SR-O
Accessory Agriculture		
Accessory Building / Structure		
Accessory Business / Retail Use		
Accessory Family Care Service		



Table 1103.05(F): Accessory Uses in SR-O District		
Permitted Uses	Supplemental Standards	SR-O
Accessory Dwelling Unit		
Automatic Teller Machine	1104.06(E)	P
Beekeeping		
Coop		
Commercial Vehicle Parking		
Construction Equipment Storage		
Drive-Thru and Drive-In Facility	1104.06(J)	P
Electric Vehicle Charging Facility	1104.06(K)	P
Event Venue		
Garden		
Greenhouse, Commercial		
Home Occupation		
Outdoor Dining		
Outdoor Display / Sale of Merchandise	1104.06(O)	C
Outdoor Storage	1104.06(P)	C
Pharmacy		
Public Art, Mural	1104.06(R)	P
Public Art, Sculpture		P
Recycling Collection Station		
Solar Energy Collection System, Canopy		
Solar Energy Collection System, Ground Mounted		
Solar Energy Collection System, Roof Mounted		
Swimming Pool		
Wind Energy Collection System		

G. **Development Standards.** The bulk and dimensional standards of all development in the SR-O District, regardless of underlying base district shall meet the standards of Table 1103.05(G).

Table 1103.05(G): SR-O Districts Bulk and Dimensional Standards	
<i>Lot Standards (Minimum)</i>	
Minimum Land Area (sq ft)	40,000
<i>Building Setbacks (Minimum)</i>	
Front (ft)	40
Street Side (ft)	40
Interior Side (ft)	20
Rear (ft)	20
<i>Building Standards (Maximum)</i>	
Building Height (ft)	50
Maximum area of any floor in a Building (sq ft)	20,000



Table 1103.05(G): SR-O Districts Bulk and Dimensional Standards	
Maximum Building Coverage (%)	23
Minimum Open Space (%)	25
<i>Additional Distances Requirements (Minimum)</i>	
Minimum Distance of Principal Buildings From Right-of-way (ft)	40
Minimum Distance of Parking Lots From Right-of-way (ft)	20
Minimum Distance of Parking Lots From Property Line (Adjacent to multi-family or non-residential uses) (ft)	10
Minimum Distance of Parking Lots From Property Line (Adjacent to residential uses) (ft)	25

H. **Supplemental Requirements.** All developments in the SR-O District shall comply with the following supplemental requirements:

1. **Landscaping and Maintenance of Yards.** Required yards and all other portions of the lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition. Each lot in a commercial district shall have no less than 25% of the area of the lot landscaped.
2. **Screening of Accessory Uses.** Outdoor storage of goods, supplies or equipment used in the operation of the establishment, where permitted, dumpsters and loading areas shall be screened by a solid masonry wall made of the same material, color and detailing of the principal building a minimum of six feet in height placed adjacent to the dumpster, storage or loading area so as to effect screening from any adjacent streets and any adjoining properties.
3. **Screening and Landscaping of Parking Lots.** Perimeter and interior landscaping of parking lots shall be provided in accordance with the regulations set forth in Section 1108.06.
4. **Screening When Lot Abuts a Residential District.** When a lot in the SR-O District abuts a Residential District, screening and buffering along the entire length of the common boundary shall be provided in accordance with Section 1108.06(G) and the following regulations, and shall be approved as part of the site plan required by Sections 1112.10 or 1112.21.
 - a. Screening shall consist of one or a combination of the following:
 - i. A dense vegetative planting incorporating trees and/or shrubs of a variety which shall be equally effective in winter and summer.
 - ii. A nonliving opaque structure such as a solid masonry wall, solidly constructed decorated fence, or louvered fence.
 - iii. A landscaped mound or berm.



5. **Required Parking.** Parking spaces shall be provided in accordance with the requirements and design standards set forth in Chapter 9.
6. **Building Design Standards.** The development shall comply with the design review standards set forth in Chapter 7.
7. **Signs.** Signs shall be erected in compliance with the regulations specified in Chapter 10.

1103.06. Mud Brook Watershed Stream and Wetland Setbacks Overlay District Standards

- A. **Purpose.** The Mud Brook Watershed Stream & Wetland Setback Overlay District is established to:
1. Protect and preserve water quality within streams and wetlands located in the District; and
 2. Protect the health, safety, and welfare of the residents of the City of Stow.
- B. **Applicability.** These regulations shall apply to all proposed uses within the District excluding any developed residential property and any residential property located in an already approved subdivision as of October 12, 2003. The properties subject to these regulations are more clearly depicted on Stow's Zoning Map and labeled Mud Brook Watershed Stream and Wetland Setback Overlay District. No zoning or building permit shall be issued for a property within the District unless the applicant is in full compliance with the regulations contained in this Section.
1. Properties subject to these regulations are identified on the City of Stow Zoning Map and are designated as the Mud Brook Watershed Stream and Wetland Setback Overlay District.
 2. No zoning or building permit shall be issued for any property within this Overlay District unless the applicant demonstrates full compliance with all provisions of this Section.
 3. Wetland setback regulations as detailed in this Chapter shall also apply to all proposed uses located within the Commercial and Industrial Zoning Districts of the City including properties located outside of the overlay.
- C. **Abrogation and Greater Restrictions.** This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- D. **Stream Setback Standards.**
1. Streams addressed by this Section are those which meet the definition of "stream" in Section 1114.22(U) of this Code and are indicated on at least two of the following maps:
 - a. US Geological Survey Maps;
 - b. Federal Emergency Management Agency Floodplain Maps; or



- c. US Department of Agriculture Soil Survey Maps
2. **Widths of Setbacks.** The width of the setbacks are measured as horizontal map distance outward from the ordinary high-water mark on each side of a stream, and are established as follows:
 - a. A minimum of 300 feet on each side of all streams draining an area greater than 300 square miles.
 - b. A minimum of 100 feet on each side of all streams draining an area greater than 20 square miles and up to 300 square miles.
 - c. A minimum of 75 feet on each side of all streams draining an area greater than 0.5 square mile (320 acres) and up to 20 square miles.
 - d. A minimum of 50 feet on each side of all streams draining an area greater than 0.05 square mile (32 acres) and up to 0.5 square mile (320 acres).
 - e. A minimum of 30 feet on each side of all streams draining an area less than 0.05 square mile (32 acres).
3. **Exemptions from the Setback.** The following are exempt from the terms and protection of this Section: grassy swales, roadside ditches, drainage ditches created at the time of a subdivision or development to convey stormwater to another system, tile drainage systems, and stream culverts.
4. **Stream Delineation.**
 - a. The applicant shall be responsible for delineating the Stream Setback, including any expansions or modifications, and identifying this setback on all subdivisions, land development plans, and/or building permit applications. This delineation shall be done at the time of application of the preliminary plans, or all plans that are required, or at the time of submission of any permit applications. This delineation shall be subject to review and approval by the City of Stow. As a result of this review, the City of Stow may require further studies from the applicant.
 - b. Prior to any soil disturbing activity, the Stream Setback shall be clearly delineated with construction fencing or other suitable material by the applicant on site, and such delineation shall be maintained throughout soil-disturbing activities. The delineated area shall be maintained in an undisturbed state unless otherwise permitted by these regulations. All fencing shall be removed when a development project is completed.
 - c. No approvals or permits shall be issued by the City of Stow or prior to delineation of the Stream Setback in conformance with these regulations.
 - d. Upon completion of an approved subdivision, the Stream Setback shall be permanently recorded on the plat records for the City of Stow.



E. **Wetland Setback Standards.** All wetlands within the City shall adhere to the following setback requirements.

1. **Wetland Setbacks by Type.**

- a. All buildings, accessory structures, and parking areas or lots shall be setback at least fifty (50) feet horizontally from the delineated edge of a Category 2 wetland.
- b. All buildings, accessory structures, and parking areas or lots shall be setback at least one hundred (100) feet horizontally from the delineated edge of a Category 3 wetland.
- c. In order to accommodate exceptional site conditions, the Planning Commission may permit limited grading, on a case-by-case basis, to within a distance of 50 feet from the delineated edge of any wetlands. All disturbed areas shall be restored with native plantings and landscaping. This exception may be allowed as part of the Site Plan Review procedures as set forth in Section 1112.21.

2. **Wetland Delineation.** Wetlands shall be delineated by a qualified professional under guidelines established by the US Army Corps of Engineers and Ohio Environmental Protection Agency and the delineation approved by the appropriate agencies. All wetland delineations shall also include the latest version of the Ohio Rapid Assessment Method for wetland evaluation approved at the time of application of the regulations.

F. **Uses Permitted in the Stream and Wetland Areas.**

1. The following uses are permitted by right within the Stream and Wetland Setbacks without prior approval.
 - a. Open space uses that are passive in character shall be permitted in the Stream Setback including, but not limited to, those listed in 1 through 3 of this Subsection. No use permitted under these regulations shall be construed as allowing trespass on privately held lands.
 - b. **Alteration of this natural area is strictly limited.** Except as otherwise provided in these regulations, the Stream Setback shall be preserved in its natural state.
 - c. **Recreational Activity.** Passive recreational uses, as permitted by federal, state, and local laws, such as hiking, non-motorized bicycling, fishing, hunting, picnicking and similar uses and associated structures including boardwalks, pathways constructed of pervious material, picnic tables, and wildlife viewing areas.
 - d. **Removal of Damaged or Diseased Trees.** Damaged or diseased trees may be removed. Because of the potential for felled logs and branches to damage downstream properties and/or block ditches or otherwise exacerbate flooding, logs and branches resulting from the removal of damaged or diseased trees that are greater than six inches in diameter, shall be anchored to the shore or removed from the 100-year floodplain.



- e. **Revegetation and/or Reforestation.** The revegetation and/or reforestation of the Stream Setback shall be allowed without approval of the City of Stow. Species of shrubs and vines recommended for stabilizing flood prone areas along streams within the City of Stow are available from the City Arborist.
2. The following uses are permitted by right within the Stream Setbacks with prior approval of the agency with jurisdiction.
 - a. **Stream bank Stabilization/Erosion Control Measures.** Best Management Practices (BMPs) for stream bank stabilization or erosion control may be allowed if such practices are within permitted uses by the local, state, and federal government regulations and are ecologically compatible and emphasize the use of natural materials and native plant species where practical and available. Such stream bank stabilization/erosion control practices shall only be undertaken upon approval of a Stormwater Pollution Prevention Plan (SWPPP or SW3P) by the City of Stow.
 - b. **Crossings.** In reviewing plans for stream crossings, the applicant may confer with the City of Stow, the Ohio Department of Natural Resources, Division of Natural Areas; the Ohio Environmental Protection Agency, Division of Surface Water; the County of Summit Engineer; the Department of Environmental Services of Summit County; the Summit County Health Department; or other technical experts as necessary.
 - i. Limited crossings of designated streams through the Stream Setback by vehicles, storm sewers, sewer and/or water lines, and public utility lines will be per the approval of local, county, and state governing agencies and as a part of the regular subdivision review process.
 - ii. Roadway crossings for major and minor subdivisions, open space subdivisions, or any other non-single family residential use shall be designed and constructed per the City of Stow Engineer's design standards. If more than two crossings per 1,000 linear feet of stream center is required for these areas, the applicant must apply for a variance.
 - iii. All roadway crossings shall be perpendicular to the stream flow and shall minimize disturbance to the Stream Setback and shall mitigate any necessary disturbances.
 3. Placement of stormwater retention or detention facilities may be considered within the Stream Setback if:
 - a. Stormwater quality treatment that is consistent with current state standards is incorporated into the basin.
 - b. The stormwater quality treatment basin is located at least 50 feet from the ordinary high-water mark of the stream.
- G. Boundary Interpretation and Appeals Procedure.** When an applicant disputes the boundary of the Stream Setback or the ordinary high-water mark of a stream, the applicant shall submit



evidence to the City of Stow that describes the boundary, presents the applicant's proposed boundary, and presents all justification for the proposed boundary change.

H. Variance within Stream Wetland Setback.

1. Any variance from the wetland or stream setbacks shall require the recommendation of Planning Commission and approval by City Council as set forth in the C.O.S. Section 1112.21 Site Plan Review.
2. The extent to which the requested variance impairs the functions of the riparian area. This determination shall be based on sufficient technical and scientific evidence as provided by the applicant.
3. The soil type and natural vegetation of the parcel as well as the percentage of the parcel that is in the 100-year floodplain.
4. The degree of hardship these regulations place on applicant and the availability of alternatives to the proposed activity.



Chapter 1104. Use Standards

- 1104.01. General Provisions
- 1104.02. Classification of Uses
- 1104.03. Principal Use Table
- 1104.04. Principal Use Supplemental Standards
- 1104.05. Accessory Use Table
- 1104.06. Accessory Use Supplemental Standards
- 1104.07. Temporary Use Table
- 1104.08. Temporary Use Supplemental Standards

1104.01. General Provisions

- A. **Purpose.** The purpose of this Chapter is to establish the allowed principal, accessory, and temporary uses in each zoning district, including how they are regulated (permitted, conditional, etc.) and required supplemental standards.
- B. **Applicability.** The use regulations established in this Chapter shall apply to all land identified in Chapter 2.

1104.02. Classification of Uses

- A. **General Use Types.** In order to regulate the use of land, general use types have been established. General use types provide a systematic basis for assigning land uses to appropriate categories with other similar uses. General use types classify land uses and activities based on common functional, product or physical characteristics.
 - 1. Characteristics include the type and amount of activity, the hours of operation, the type of customers, how goods or services are sold or delivered, likely impact on surrounding properties and site conditions.
 - 2. Where a general use definition contains a list of example uses, the list is to be considered non-inclusive. Uses shall be categorized through the Interpretation process established in Section 1112.06.
 - 3. The use types are defined in Chapter 14.
- B. **Qualified Uses.**
 - 1. **Floor Dependent.**
 - a. If a use includes “above ground floor only” in the title, it shall be allowed on the second story or higher of a building only.
 - b. If a use does not include “above ground floor only” in the title, it shall be allowed on all building stories.



2. **Public or Private Designation.**

- a. Use of the word “public” in the name or description of a general use indicates that it is owned and operated by a non-profit organization or governmental entity.
- b. Use of the word “private” in the name or description of a general use indicates that it is owned and operated by a for-profit organization or business or carries out a function and operations typical of a for-profit organization.

3. **Indoor or Outdoor Designation.**

- a. If a use includes “indoor” in the title, the use shall be operated within a fully enclosed building only.
- b. If a use includes “outdoor” in the title, the use may be operated within a fully enclosed building or an outdoor area meeting applicable supplemental use standards.

4. **Use Categories.** Each use type is grouped under a use category.

- a. **Residential.** Premises for long-term human habitation, excluding short-term leasing or rental of less than one month.
- b. **Public & Institutional.** Premises for organizations dedicated to worship, government, arts and culture, recreation and sports, and other similar areas of public assembly in addition to uses and premises dedicated to education, social service, and health care.
- c. **Commercial.** Premises for the commercial sale of merchandise, prepared foods, and food and drink consumption; the transaction of general business and the provision of services; and short-term human habitation, including daily and weekly rental.
- d. **Industrial and Automotive.** Premises for the creation, assemblage, storage, and repair of items including their wholesale or retail sale in addition to uses and premises dedicated to the sale, maintenance, servicing or storage of automobiles or similar vehicles.
- e. **Agriculture.** Premises for growing crops, raising animals, harvesting timber, and harvesting fish and other animals from a farm, ranch or their natural habitat and all related functions in addition to animal care facilities located in commercial settings.



1104.03. Principal Use Table

A. Principal Use Table.

1. Allowance.

- a. Principal uses are allowed by district as established in Table 1104.03.
- b. A parcel may contain one or more principal uses.
- c. A development with multiple principal uses shall include only those principal uses designated in Table 1104.03 as allowed in the applicable zoning district, and each principal use shall be subject to all applicable supplemental standards.

2. Table Key. The following shall be used in the interpretation of Table 1104.03.

- a. **Permitted Uses (P).** Uses which are marked as “P” in the table shall be allowed principal uses subject to all applicable regulations of this Code.
- b. **Conditional Uses (C).** Uses which are marked as “C” in the table shall require approval as a Conditional Use as detailed in Section 1112.17 prior to establishment.
- c. **Limited Uses (L).** Uses which are marked as “L” in the table shall be allowed in limited locations within the identified district as detailed in the applicable supplemental standards.
- d. **Prohibited Uses.** A blank space in the table indicates that a use is prohibited.
- e. **Supplemental Standards.** If a use has supplemental standards they are referenced in the Supplemental Standards column. Supplemental standards shall apply to all permitted and conditional uses.
- f. **Uses Not Listed.** A use not specifically listed is prohibited unless, through the Interpretation process established in Section 1112.06, it is determined that the use is a part of a general use type as described in Section 1104.02.

Table 1104.03: Principal Uses in All Districts										
Principal Uses	Supplemental Standards	R1	R2	R3	C-1	C-2	C-3	I	O	PI
Residential Uses										
Assisted Living	1104.04(A)(1)			C		C	C	C		
Boarding/Lodging House	1104.04(A)(2)			C						
Community Based Residential Social Services Facility	1104.04(A)(3)	C	C	C	C					
Congregate Living Facility	1104.04(A)(4)			C						
Dwelling, Duplex	1104.04(A)(5)		C	C						
Dwelling, Multi-Family 13+ Units	1104.04(A)(6)		C	C			C			



Table 1104.03: Principal Uses in All Districts

Principal Uses	Supplemental Standards	R1	R2	R3	C-1	C-2	C-3	I	O	PI
Dwelling, Multi-Family 5-12 Units	1104.04(A)(6)		C	C			C			
Dwelling, Multi-Family Complex	1104.04(A)(6)		C	C			C			
Dwelling-Multi-Family, above Ground Floor Only					C	C	C			
Dwelling, Quadplex	1104.04(A)(5)		C	C						
Dwelling, Single-Family	1104.04(A)(8)	P	P	P	P				P	
Dwelling, Townhome	1104.04(A)(9)		C	C						
Dwelling, Triplex	1104.04(A)(10)		C	C						
Nursing Home	1104.04(A)(11)	C	C	C		C	C			
Public and Institutional Uses										
Ambulance and Emergency Medical Service	1104.04(B)(1)					C	C	C		P
Assembly Hall, Meeting Place							C			P
Cemetery	1104.04(B)(2)	C	C	C					C	
Community Theater							C			
Family Care Service	1104.04(B)(3)	C	C	C	C	C	C	C	C	
Funeral Home					C	C	C			
Golf Course / Mini Golf Course	1104.04(B)(4)	C	C	C					C	
Halfway House / Community Residential Treatment Center	1104.04(B)(5)		C	C			C			
Health and Wellness Center	1104.04(B)(6)				P	P	P	P		
Hospital							C	P		
Indoor Public or Non-Profit Recreation Facility	1104.04(B)(7)	C	C	C	C	C	P	C	C	P
Indoor Sports Training Facility	1104.04(B)(8)							C		
Library	1104.04(B)(9)	C	C	C	C	C	C		C	P
Membership/Sports Fitness Club					C	P	P			
Museum, Art Gallery and Artist Studio					P	P	P			P



Table 1104.03: Principal Uses in All Districts

Principal Uses	Supplemental Standards	R1	R2	R3	C-1	C-2	C-3	I	O	PI
Park, Playground or Outdoor Public Recreation	1104.04(B)(11)	P	P	P	P	P	P	P	P	P
Places of Worship	1104.04(B)(12)	C	C	C	C	C	C			P
Public Administrative Office		C	C	C	C	P	P	P	C	P
Public Service /Safety Facility	1104.04(B)(13)	C	C	C	C	C	C	C	C	C
Public Utility Substation	1104.04(B)(14)	C	C	C	C	C	C	C	C	P
School, Public		C	C	C	C	C	C		C	P
School, Private		C	C	C	C	C	C		C	P
Urgent Care/Clinic						C	C			
Wildlife Preserve									P	
Commercial Uses										
Administrative, Business, Professional and Medical Office					P	P	P	P		
Adult Use Cannabis Dispensary	1104.04(D)(1)						C	C		
Bar, Tavern, Night Club						C	C			
Bed and Breakfast			C	C	P					
Co-working Space					P	P	P			
Employee and Workers Instructional Training Facility								P		
Financial Establishment						P	P			
Garden Center							C	C		
Hotel	1104.04(C)(1)						C			
Indoor Commercial Recreation/Entertainment						C	P	P		
Kennel	1104.04(C)(2)							C		
Micro-brewery/ Micro-Winery/ Micro-Distillery	1104.04(C)(3)				C	P	P			
Motel	1104.04(C)(1)						C			
Outdoor Commercial Recreation						C	C			
Parking Facility					C	C	C	P		
Personal Service					P	P	P			



Table 1104.03: Principal Uses in All Districts

Principal Uses	Supplemental Standards	R1	R2	R3	C-1	C-2	C-3	I	O	PI
Restaurant					C	P	P			
Retail Establishment					P	P	P			
Sexually Oriented Business	1104.04(C)(4)							C		
Studio for Instruction such as Dance, Exercise and Karate					C	P	P			
Tobacco Retailer	1104.04(C)(5)						C			
Tree, Landscaping and Lawn Service								P		
Veterinarian Clinic/Hospital	1104.04(C)(6)					C	C	C		
Automotive/ Industrial Uses										
Adult Use Cannabis Cultivator	1104.04(D)(1)							C		
Adult Use Cannabis Processing	1104.04(D)(1)							C		
Adult Use Cannabis Testing Laboratory	1104.04(D)(1)							C		
Airport and Airfield	1104.04(D)(2)							C	C	C
Artisan Manufacturing	1104.04(D)(3)				P	P	P			
Auto Sales/Rental	1104.04(D)(4)					C	C			
Brewery/ Winery/ Distillery								P		
Car Wash	1104.04(D)(5)						C			
Construction Trade and Contractors Storage Yard								C		
Crematorium								C		
Equipment Repair Service	1104.04(D)(7)							P		
Fabrication and Assembly Operation								P		
Fuel Distribution Facility								C		
Gasoline Station	1104.04(D)(8)					C	P			
Laboratory /Research Facility							P	P		
Laundry and Cleaning Plant								P		
Lumber Mill, Yard and Building Material								C		
Machine Shop								P		



Table 1104.03: Principal Uses in All Districts

Principal Uses	Supplemental Standards	R1	R2	R3	C-1	C-2	C-3	I	O	PI
Major Manufacturing								C		
Minor Manufacturing								P		
Oil and Gas Well	1104.04(D)(9)	C	C	C	C	C	C	C	C	C
Printing and Publishing Plant								P		
Self-Service Storage Facility	1104.04(D)(10)							C		
Truck Sales/Rental							C			
Truck Terminal								C		
Vehicle Service Station, Major	1104.04(D)(11)						C	P		
Vehicular Service Station, Minor	1104.04(D)(12)					C	C	P		
Wholesale, Warehousing and Distribution Facility								P		
Wireless Telecommunication Facility	1104.04(D)(13)	C	C	C	C	C	C	C	C	C
Agricultural Uses										
Agriculture									P	

1104.04. Principal Use Supplemental Standards

A. Residential Uses.

1. Assisted Living.

- a. The density shall not exceed 25 beds per acre.
- b. The use shall be located on a collector or arterial street or at an intersection with a collector or arterial street.
- c. When located in a residential district, access drives shall be located no less than 100 feet from an intersection.

2. Boarding/Lodging House.

- a. The facility shall accommodate no more than 12 beds per acre.
- b. All applicable provisions of the fire code shall be met. The Planning Commission and Council may impose additional safety requirements if necessary to address specific needs of the residents.
- c. In reviewing the conditional use certificate, Planning Commission and Council shall consider the proximity and location of other group living facilities within the neighborhood to ensure the use



does not alter the character of the area, create congestion in public ways, or adversely impact the neighborhood. No such facility shall be closer than 500 feet from another similar facility.

3. Community Based Residential Social Services Facility.

- a. Community based residential social service facilities shall be classified into the following categories:
 - i. **Category A Facility.** A private residence servicing one to four persons who are cared for solely by the private individual or individuals having a fee simple title to the parcel of land on which the residence is located.
 - ii. **Category B Facility.** A residential facility operated by any person firm, corporation or public or private agency servicing one to five persons, except a facility which qualifies as a Category A Facility, as herein defined.
 - iii. **Category C Facility.** A residential facility operated by any person, firm, corporation, or public or private agency servicing six to ten persons.
 - iv. **Category D Facility.** A residential facility operated by any person, firm, corporation, or public or private agency servicing eleven or more persons.
- b. Community-based residential social service facilities may be permitted if the following criteria are met:
 - i. Evidence shall be provided demonstrating that the facility complies with the licensing, certification, or approval requirements set by the relevant state agency as specified in 1104.04(3)(a) above.
 - ii. Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
 - iii. Applicants must show that the proposed facility will require no special off-street parking facilities and will generate no traffic unreasonably greater in volume or different in nature than what otherwise normally occur in the neighborhood in which it is located.
 - iv. The exterior of all such facilities shall be compatible with other residential dwellings in the immediate neighborhood and shall maintain the same degree of compatibility. An improvement required by the Code or applicable licensing requirement shall not be deemed incompatible because surrounding buildings lack such facilities.
 - v. No signs shall be erected by such facility for purposes of identification of that facility except street address identification.
 - vi. Such facilities in single-family residential structures shall utilize no more than 35% of the net floor area of the living quarters for sleeping area. Such facilities in multi-family residential structures shall utilize no more than 45 percent of the net floor area of the living quarters for a sleeping area. The sleeping area in single-family and multi-family residential structures shall exclude halls, corridors, stairways, closets, bathrooms, and all other areas not used for sleeping. The net floor area of the living quarters includes the entire gross floor area of the principle structure on the lot, except for halls, corridors, stairways, closets, and all other areas used primarily for heating, plumbing, or air conditioning equipment, and storage of property, (including vehicles).
 - vii. The operator or agency applying for a conditional use permit to operate such a facility shall provide the Planning Commission and City Council with a plan which documents the need



for the home in relation to the specific clientele served, describes the program objectives and nature of the facility, identifies the location and type of other community-based residential social service facilities operated by such operator or agency, and lists the standards of the State of Ohio and the desired facility.

- viii. The operator of the facility shall file a plan showing how the facility will maintain a planned, continuing contact with the adjacent residents and the neighborhood which shall include a structured procedure whereby grievances may be filed and methods whereby such grievances shall be resolved.
- ix. Such facilities shall be reasonably accessible, by reason of location or transportation provided by the applicant, to necessary medical, psychiatric, recreational, or other services required by the residents.
- x. There shall be no more than a total of two from Category B, C, or D community based residential social service facilities located within any single census tract.
- xi. No Category B, C, or D community based residential social service facility shall be located within 1,000 feet of any other Category B, C, or D facility. Distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the parcel or real estate upon which such facility is proposed to be located to the nearest property line of the premises on which such a facility is currently located.

4. Congregate Living Facility.

- a. The facility shall accommodate no more than 12 beds per acre.
- b. All applicable provisions of the fire code shall be met, and certification of compliance by the appropriate official shall accompany the application. The Planning Commission and Council may impose additional safety requirements if necessary to address specific needs of the residents and/or the site.
- c. In reviewing the conditional use certificate, Planning Commission and Council shall consider the proximity and location of other group living facilities within the neighborhood to ensure the use does not alter the character of the area, create congestion in public ways, or adversely impact the neighborhood. No such facility shall be closer than 500 feet from another similar facility.

5. Dwelling; Duplex.

- a. Dwelling; Duplex may be permitted, subject to approval of a Conditional Use Permit, in compliance with one of the following:
 - i. In locations along Kent Road, Darrow Road, Fishcreek Road, Graham Road, Stow Road, Hudson Drive, Norton Road and designated bus routes identified on the METRO RTA Bus System Map.
 - ii. On a site located within 300 feet of either two or more existing duplex dwellings on the same street, or a non-residential district or a dwelling with more than one unit, such as a two-family dwelling, multi-family dwelling, triplex, quadplex, or townhome, located on the same street as the proposed site.
- b. A dwelling; duplex shall be a minimum of 900 square feet per dwelling unit.

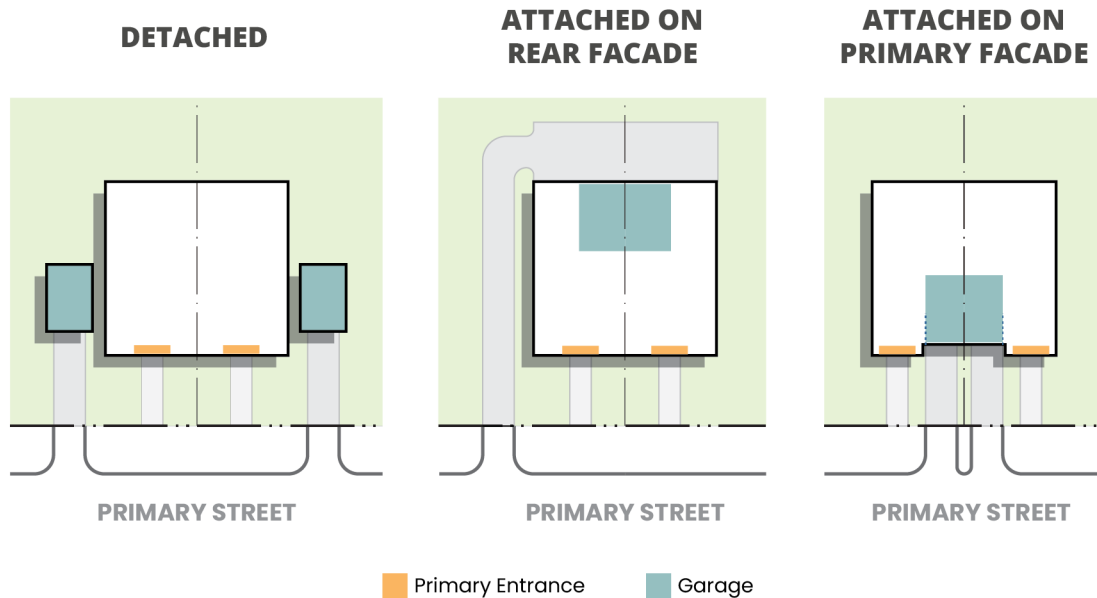


Figure 1 Dwelling; Duplex

6. Dwelling, Multi-Family, including 5–12 units, 13+ units, and multi-family complexes.

- a. A Multi-Family dwelling shall be a minimum of 500 square feet per dwelling unit, plus 150 square feet for each bedroom in excess of one.
- b. The density of a multi-family development shall not exceed six dwelling units per acre. The total number of units permitted shall be calculated by multiplying the total land area, exclusive of public streets existing at the time the site plan is submitted, by the maximum density permitted per acre.

7. Dwelling; Quadplex.

- a. Dwelling; Quadplex may be permitted, subject to approval of a Conditional Use Permit, in compliance with one of the following:
 - i. Quadplex dwellings shall be allowed on lots with frontage on Kent Road, Darrow Road, Fishcreek Road, Graham Road, Stow Road, Hudson Drive, Norton Road and designated bus routes identified on the METRO RTA Bus System Map.
 - ii. On a site located within 300 feet of either two or more existing quadplex dwellings on the same street, or a non-residential district or a dwelling with more than one unit, such as a two-family dwelling, multi-family dwelling, triplex, quadplex, or townhome, located on the same street as the proposed site.



- b. Refer to Section 1107.04 for the additional residential design standards.

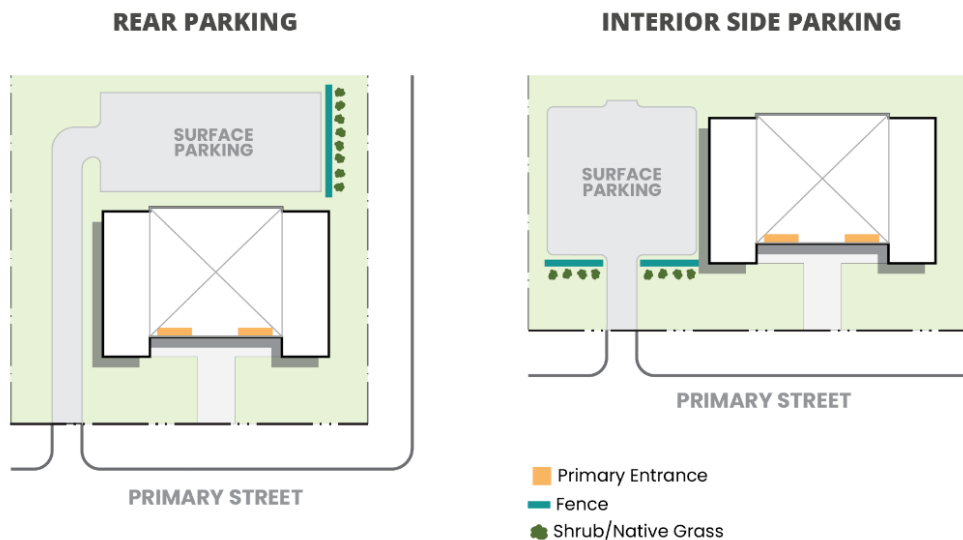


Figure 2 Dwelling; Quadplex

8. Dwelling, Single-Family.

- a. For the purpose of determining minimum foundation size and floor area, the following areas shall not be included porches, steps, breezeways, attached or built-in garages, or other attached structures not intended for human occupancy.
- b. **Minimum Foundation Size.**
 - i. **One-story dwelling.** 900 square feet minimum; and
 - ii. **Multi-level dwelling.** 700 square feet minimum.
- c. **Minimum Floor Area.**
 - i. Each single-family dwelling shall provide a minimum of 900 square feet of floor area.

9. Dwelling; Townhomes.

- a. Dwelling; Townhomes may be permitted, subject to approval of a Conditional Use Permit, in compliance with one of the following:
 - i. In locations along Kent Road, Darrow Road, Fishcreek Road, Graham Road, Stow Road, Hudson Drive, Norton Road and designated bus routes identified on the METRO RTA Bus System Map.
 - ii. On a site located within 300 feet of either two or more existing townhome dwellings on the same street, or a non-residential district or a dwelling with more than one unit, such as a two-family dwelling, multi-family dwelling, triplex, quadplex, or townhome, located on the same street as the proposed site.
- b. A dwelling; townhome shall be a minimum of 900 square feet per dwelling unit.
- c. Refer to Section 1107.03 for the additional residential design standards.



- d. A maximum of eight (8) townhome units shall be allowed per townhome cluster.

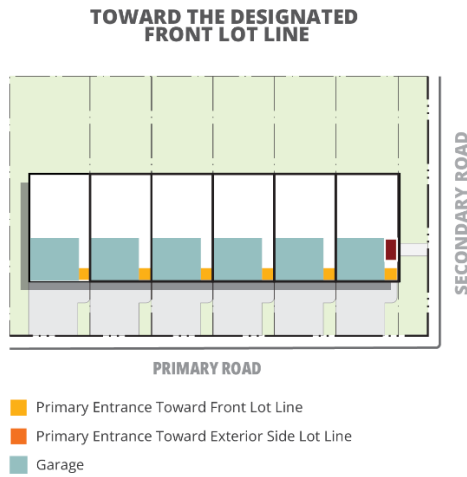


Figure 3 Dwelling; Townhomes- Front Lot

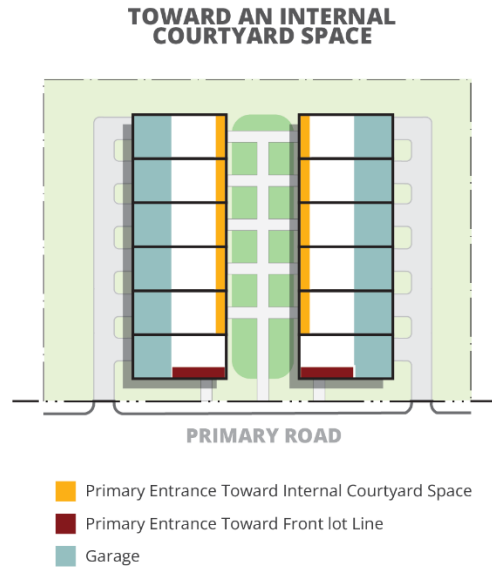


Figure 4 Dwelling; Townhome, Courtyard

10. Dwelling; Triplex.

- a. Dwelling; Triplex may be permitted, subject to approval of a Conditional Use Permit, in compliance with one of the following:
 - i. Triplex dwellings shall be allowed on lots with frontage on Kent Road, Darrow Road, Fishcreek Road, Graham Road, Stow Road, Hudson Drive, Norton Road and designated bus routes identified on the METRO RTA Bus System Map.

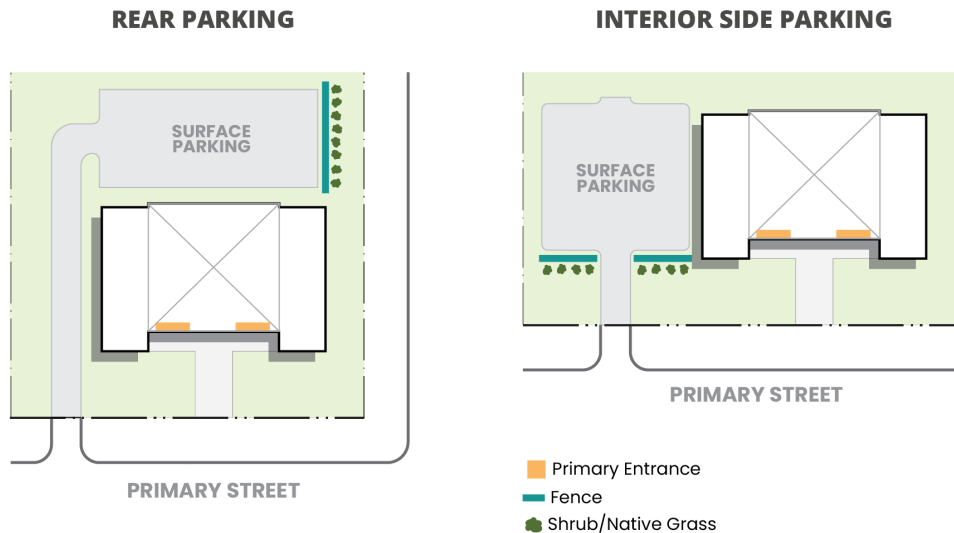


Figure 5 Dwelling; Quadplex



- ii. On a site located within 300 feet of either two or more existing triplex dwellings on the same street, or a non-residential district or a dwelling with more than one unit, such as a two-family dwelling, multi-family dwelling, triplex, quadplex, or townhome, located on the same street as the proposed site.

- b. Refer to Section 1107.04 for the additional residential design standards.

11. Nursing Home.

- a. The density shall not exceed 25 beds per acre.
- b. The use shall be located on a collector or arterial street or at an intersection with a collector or arterial street.
- c. When located in a residential district, access drives shall be located no less than 100 feet from an intersection.

B. Public and Institutional Uses.

1. Ambulance and Emergency Medical Service.

- a. In a C-2 and C-3 District, ambulances and other vehicles used in the operation of the principal use shall be stored within an enclosed building.
- b. In the I District, outdoor storage of ambulances and other vehicles used in the operation of the principal use may be permitted, provided such storage areas are located in the rear yard within off-street parking areas. These parking areas shall meet the minimum parking setback established in Section 1109.05(B) and shall be screened in accordance with Section 1106.03.

2. Cemetery.

- a. Access drives shall be at least 100 feet from an intersection.
- b. Vehicular access to such uses shall be located on a collector or arterial street.

3. Family Care Service.

- a. The maximum number of people shall not exceed 100, plus 25 additional people for every 1/4 acre of lot area greater than two acres.
- b. When located in a residential district, the proposed family care center shall be located on a major or collector street, preferably at an intersection with a traffic light, or shall adjoin a multi-family or non-residential development.
- c. The character of the location and development must be designed to provide a residential environment for the protection of the people from traffic, noise, and other hazards of the area and/or the arterial street location.
- d. When located in a residential district, the building and site shall be designed and constructed to minimize any negative impacts on the surrounding residential area.
- e. When located in a residential district, access drives shall be located no less than 100 feet from an intersection.



4. **Golf Course / Mini Golf Course.**

- a. Access drives shall be at least 100 feet from an intersection.
- b. Vehicular access to such uses shall be located on a collector or arterial street.

5. **Halfway House / Community Residential Treatment Center.**

The halfway house or community residential treatment center shall:

- a. Be occupied by no more than 30 residents, exclusive of staff, limited by the size of the existing or proposed building and its allocation of space for sleeping quarters;
- b. Be located no closer than 1,000 feet, measured in a straight-line radius, from another halfway house, community residential treatment center, or any similar institution housing more than 30 residents, as well as from schools, nursing homes, assisted living facilities, congregate living facilities, and family care services.
- c. Be located in an eligible census tract. A census tract shall be eligible for such location if it contains no halfway house or community residential treatment center;
- d. Prior to occupancy and continuously thereafter the applicant halfway house or community residential treatment center shall:
 - i. Be licensed or certified by a federal, state or local agency which require screening potential residents;
 - ii. Comply with all applicable City codes;
- e. The applicant shall submit a copy of the license or certificate to the department initially prior to occupancy and thereafter subsequent to each renewal.

6. **Health and Wellness Center.** No less than 35 percent of the net floor area of a health and wellness center shall be devoted to medical related services.

7. **Indoor Public or Non-Profit Recreation Facility.**

- a. All loudspeaker systems shall meet all noise standards of Section 509.08 of the Municipal Code.
- b. Athletic fields, courts, or other outdoor activity areas shall not be located within any required yard.
- c. The Planning Commission and Council may require any outdoor activity area to be fenced to minimize traffic hazards.

8. **Indoor Sports Training Facility.**

- a. A minimum separation of 500 feet shall be required between an indoor sports training facility and any property zoned or used for heavy industrial purposes.

9. **Library.**

- a. Libraries shall be located on a collector or arterial street or have direct access without passing through a residential neighborhood to minimize the impact on the residential area.
- b. When located in a residential district, the access drives shall be located no less than 100 feet from an intersection.



- c. When located in a residential district, the building and site shall be designed and constructed to minimize any negative impacts on the surrounding residential area.
- d. In any district, the Planning Commission and Council may require all outdoor children's activity areas to be fully fenced in to minimize traffic hazards.

10. Motel.

- a. Lighting shall not shine on adjacent property or pose a hazard to traffic movement.
- b. Motels shall be located on a major street.

11. Park, Playground or Outdoor Public Recreation.

- a. All loudspeaker systems shall meet all noise standards of Section 509.08 of the City Ordinance.
- b. Athletic fields, courts, or other outdoor activity areas shall not be located within any required yard or parking setback.

12. Place of Worship.

- a. Places of worship shall be located on a collector or arterial street or have direct access without passing through a residential neighborhood to minimize the impact on the residential area.
- b. When located in a residential district, the access drives shall be located no less than 100 feet from an intersection.
- c. When located in a residential district, the building and site shall be designed and constructed to minimize any negative impacts on the surrounding residential area.
- d. All outdoor children's activity areas shall be fully fenced in to minimize traffic hazards.

13. Public Service/Safety Facility.

- a. All buildings, storage areas and substations shall be located at least 100 feet from any residential use or shall be buffered with a Type A buffer as detailed in Section 1108.06(G)

14. Public Utility Substation. Public utility substations may be permitted in any district, subject to the following requirements:

- a. In residential districts, substations shall be permitted only when essential for providing service to the immediate neighborhood or when topographical features restrict the location of such facilities.
- b. The site location shall offer natural or manmade barriers to minimize intrusion into residential areas.
- c. The storage of materials shall occur only within a completely enclosed building.
- d. Substations shall be located at least 100 feet from any dwelling or residential district or shall be adequately screened.
- e. Such facilities shall be located in an area that is least disruptive to pedestrian and vehicular traffic.



C. **Commercial Uses.**

1. **Hotels and Motels.** Hotels and motels shall be located on a collector or arterial streets only.
2. **Kennel.**
 - a. Outdoor areas shall meet the following standards:
 - i. Drainage from outdoor areas shall be directed to gravel, grassed, or other planted areas in a manner that prevents direct discharge to storm drain inlets and surface waters.
 - ii. Outdoor areas shall be set back as far as possible from all residential properties, with a minimum setback of 150 feet. However, an Administrative Adjustment for smaller setbacks may be approved in areas with high levels of noise, such as those impacted by railroad tracks or highways provided that the operator can demonstrate how they will mitigate noise impacts in the outdoor area.
 - iii. Solid waste will be removed from the outdoor area after each use of the area.
 - iv. All outdoor areas shall be screened by an opaque fence or wall at least six feet in height. Slatted chain link fences are not allowed.
 - v. Use of outdoor areas shall be allowed between the hours of 7am and 9pm only.
 - b. The boarding area must be air-conditioned and heated so that windows, doors, or other openings can be closed at any time.
 - c. Kennels shall not be permitted adjacent to any Residential District.
 - d. All litter and waste shall be contained and controlled on site by having appropriate flushing drains and other physical elements to properly dispose of cleaning waste from the boarding area.
3. **Micro-Brewery/Micro-Winery/Micro-Distillery.**
 - a. A micro-brewery/micro-winery/micro-distillery shall include one or more accessory or principal uses such as a tasting room, tap room, restaurant, retail, demonstration area, education and training facility or other uses incidental to the brewery, distillery, or winery and open and accessible to the public.
 - b. Storage of materials used in the manufacturing, processing, and for distribution shall be located entirely within an enclosed building.
4. **Sexually Oriented Business.** Sexually oriented businesses may be permitted in an I District in compliance with the following:
 - a. **Distance Requirements.**
 - i. The use shall be located at least 1,000 feet from any residential district or use, church, place of worship, school, daycare, preschool, or similar facility, public park, recreational area, residentially used lot, or another sexually oriented business, and at least 750 feet from the center of the intersection of Hampshire and Allen Roads to minimize impacts on children traveling through the area.
 - ii. The use is prohibited on the west side of Allen Road due to the proximity of the public bike trail on the east side of State Route 8 and the rear access to properties along Allen Road.



iii. **Distance Measurement Requirements.**

- a) Distances shall be measured in a straight line from the property line of the building to the property line of a church, school, daycare, park, residential area, or another similar use, without considering intervening structures.
- b) The distance between two sexually oriented businesses shall be measured in a straight line from the closest exterior wall of each building.
- b. A lawfully operating business shall not be considered nonconforming due to the subsequent establishment of a church, school, daycare, park, or residential area nearby.
- c. The Planning Commission and Council may impose restrictions on the hours such establishment is open for business.

5. **Tobacco Retailer.**

- a. No tobacco retailer shall be located within one (1) mile of another existing or proposed tobacco retailer.
- b. No tobacco retailer shall be located within 500 feet of a school, place of worship, public library, public playground, public park, or opioid treatment facility.
- c. Tobacco retailers are prohibited from having drive-through services or outdoor storage facilities.
- d. A business shall be classified as a tobacco retailer if tobacco product sales exceed 25% of its total sales.

6. **Veterinary Clinic/ Hospital.**

- a. Veterinary clinic/hospital shall not be permitted adjacent to any Residential District.
- b. Sanitation practices shall ensure that odors do not extend beyond the lot.
- c. No dead animals shall be buried on the premises, and incineration shall not create odors or smoke that extends beyond the premises.
- d. **Commercial District Standards.**
 - i. No outdoor pens shall be permitted.
 - ii. Adequate soundproofing shall be provided to reduce the noise level.
 - iii. The boarding of animals shall be restricted to allow overnight lodging only as necessary for animals receiving medical attention.
- e. **Industrial District Standards.**
 - i. Outdoor pens and exercise runs shall be kept in a sanitary condition and screened from adjacent properties and streets.
 - ii. The proper management of animals shall be provided to control noise in outdoor exercise runs.



D. Automotive/ Industrial Uses.

1. Adult Use Cannabis Dispensary, Cultivator, Processing, Testing Laboratory, Dispensary.

- a. Only one adult-use cannabis dispensary shall be permitted in the City of Stow.
- b. Adult Use Cannabis was legalized in the state of Ohio, effective December 7, 2023. Adult Use cannabis dispensaries, cultivators, processors, and testing labs may be conditionally permitted upon the review and recommendation of the Planning Commission and upon approval by Council, subject to the criteria and conditions set forth in this Section (1104.04(D)(1)). These regulations are established in order to ensure that the operation of adult use cannabis dispensaries, cultivators, processors, and testing laboratories compatible with commercial operations in the City’s commercial and industrial zoning districts.
- c. All adult use cannabis cultivators, processors, and testing laboratories shall not be located within one (1) mile of another current or proposed adult use cannabis cultivators, processors, and testing laboratories.
- d. Adult-use cannabis facilities including dispensary, cultivators, processors, and testing laboratories are prohibited from incorporating drive-through services or outdoor storage facility.
- e. No adult use cannabis facility including, dispensary, cultivators, processors, and testing laboratories shall be located within a 1,000-foot buffer from the boundary of the parcel where the adult use cannabis facility is located to the boundary of a parcel where a school, place of worship, public library, public playground, public park, or opioid treatment facility exists or is proposed, at the time of application.

2. Airport and Airfield.

- a. Airport and airfield shall be located on a collector or arterial street.
- b. A six-foot-high fence shall enclose the operation where a safety hazard exists.

3. Artisan Manufacturing.

- a. Outdoor storage shall be prohibited.
- b. Outdoor operations or activities may be approved with a temporary use permit.
- c. Retail sales of goods manufactured on-site shall be required and shall comprise a minimum of 25 percent of the total area of the building. Retail sales areas shall be located on the ground floor and shall be directly adjacent to storefront windows.
- d. Manufacturing areas are encouraged to be visible from retail areas.

4. Auto Sales/Rental.

- a. Vehicle display areas shall:
 - i. Be exempt from interior parking lot landscape requirements.
 - ii. Be allowed to cluster required perimeter parking lot landscape requirements to preserve views to displayed vehicles.
 - iii. Be located on hard-surfaced areas as approved by the City Engineer.



- b. All displayed vehicles shall be operable and suitable for driving. Vehicles which are not operable or suitable for driving shall be stored indoors or in parking areas for a period not to exceed 24 hours.
- c. All work on vehicles, including but not limited to cleaning, servicing and repair, shall be done only inside a suitable service building.
- d. Auto sales/rental may be combined with other automotive uses if the total lot area equals the sum of the areas required for each use.
- e. Auto sales/rental shall include a building for sales/office activities.
- f. Outside loudspeakers are prohibited.

5. Car Wash.

- a. A car wash may be combined with a gasoline station provided all standards for gasoline stations are met.
- b. All car wash facilities where vehicles are moved through the facility by a chain conveyor, rollover or other similar method shall be equipped with and maintain in operation:
 - i. Blow dryers to prevent excess water from pooling within the right-of-way, and
 - ii. A water recycling system that shall recycle a minimum of 50 percent of the water being used by the facility.
- c. Hours of operation shall be restricted to between 7am and 9pm only, when adjacent to residential districts.
- d. All mechanical equipment, excluding self-service vacuum units, shall be enclosed within a building.
- e. All facilities shall be designed and configured such that any outdoor spraying preparation or drying activities are directed away from any abutting residential properties.
- f. All car wash facilities and accessory equipment such as vacuums, dryers, accessory buildings, etc. shall be set back a minimum of 100 feet from any residential use or property in a residential district.
- g. If self-service vacuum facilities are provided they shall be setback a minimum of 20 feet from all property lines, unless otherwise specified.
- h. Car wash facilities shall be located at an intersection of two arterial streets, an arterial street and a highway, or an arterial street and a collector street only.
- i. A proposed carwash shall not be located within one mile of an existing carwash.

6. Crematorium.

- a. The structure shall be located at least 250 feet from a Residential District or dwelling.
- b. Crematory shall be operated in conformance with all applicable local, State and Federal laws and regulations.



7. Equipment Repair Services.

- a. All work shall be performed entirely within a building. While work is being performed on equipment, the equipment shall remain entirely within the building.
- b. The facility shall be located at least 100 feet from any dwelling or Residential District.

8. Gasoline Station.

- a. Gasoline stations shall be located at an intersection of two arterial streets, an arterial street and a highway, or an arterial street and a collector street only.
- b. Gasoline stations shall have no less than 120 feet of frontage on each of the two intersecting streets.
- c. Gasoline station canopy shall comply with the standards set forth in Section 1110.05(A), Awning/Canopy Signs, of the Sign Standards.
- d. Access drives shall be located at least 100 feet from an intersection and the location, number and width of shall comply with the regulations specified in Section 1109.03.
- e. Fuel pumps may be erected in a front yard but not less than 40 feet from the street right-of-way; pavement in association with a gasoline pump shall be located no less than 20 feet from the street right-of-way. The resulting open space shall be landscaped and maintained in accordance with Section 1108.06 and, except for entrance and exit drives and permitted signs, shall not be used for any other purpose.
- f. A fuel pump canopy may be constructed over the pump island provided the canopy shall be no closer than 20 feet to the right-of-way.
- g. Fuel pump canopy support columns shall be fully clad in a Tier 1 material as detailed in Section 1107.02(B) consistent with the material utilized on the principal building.
- h. Fuel pump canopy roofs shall be steel construction. Plastic and similar materials are prohibited.
- i. Fuel pump canopy height shall not exceed the height of the principal building or 19 feet, whichever is greater.
- j. Fuel pump canopy lighting shall be fully recessed.
- k. The only services permitted to be performed on a vehicle shall be the dispensing of fuel, oil, air and windshield wiper fluid, etc.



- l. Rollover car wash facilities shall be permitted as an accessory use if all applicable supplemental standards for car washes are met.

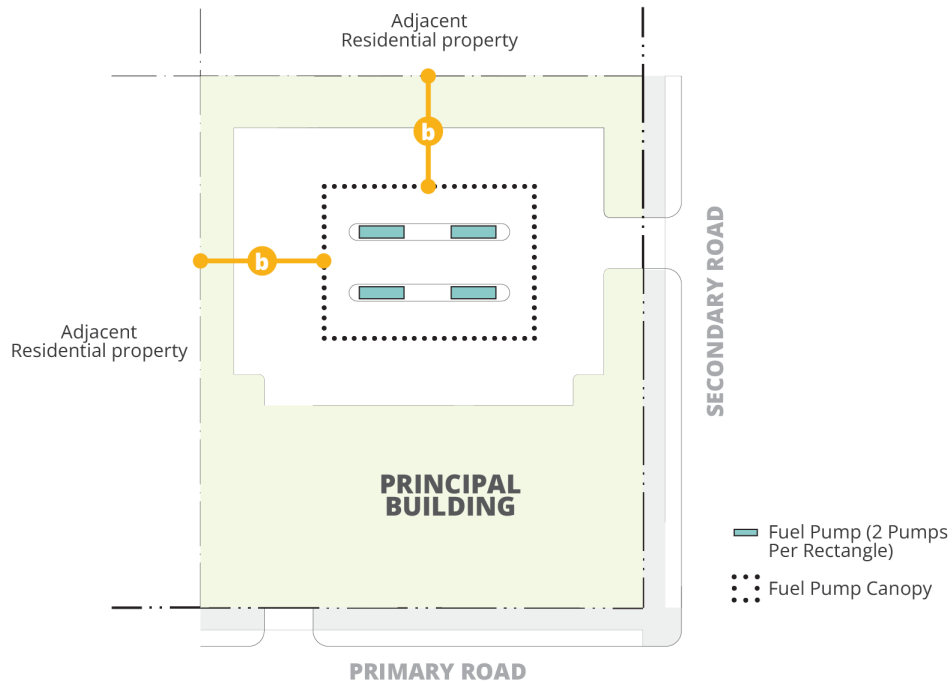


Figure 6 Gasoline Station

9. Oil and Gas Well.

a. Purpose.

- i. Gas and oil wells shall be permitted only under the following conditions and such other conditions as determined by the City to safeguard the health, safety, and welfare of the community.
- ii. These regulations are established to conditionally permit drilling of gas and oil wells in industrial, and certain commercial and residential, zones of the City. They also set minimum standards, in accordance with Ohio R.C. Ch. 1509, to ensure that drilling, fracturing, production, termination, and removal of wells are safe and compatible with surrounding land uses.
- iii. The Planning Commission has full authority to make recommendations as necessary, and Council has final authority to impose conditions to enforce the purpose and requirements of these regulations. Each application will be considered on its own merit, and compliance with these regulations applies to property owners, heirs, assignees, and drilling or production companies and their successors.

b. Permit Required.

- i. No person shall drill a well for gas, oil, or other hydrocarbons within the City limits until compliance with this chapter, other applicable Code provisions, and City regulations is achieved, and a conditional use certificate has been approved by Council and a permit issued by the Building Department.



- ii. Conditional use certificates are valid for one year and expire unless drilling commences within that period.
 - iii. No person may drill more than two wells at one time. No property owner or drilling company may hold more than two conditional use certificates at the same time. Additional certificates may be applied for only after the completion of previous wells, and compliance with prior regulations will factor into review of new applications.
- c. **Permit Application And Fees.**
- i. Any property owner, person, company, or corporation wishing to drill a well shall apply for a conditional use certificate from the Planning Commission.
 - ii. Applications shall include a completed form, required information, and the fee established by ordinance for each well. Fees are non-refundable, regardless of certificate denial, dry holes, or failure to drill.
- d. **Easements Within City Property; Fees.** No certificate holder may place gas lines or equipment on public property without Council approval. If approved, a fee will be set by ordinance. Permission requires:
- i. Posting a restoration bond,
 - ii. Landscaping of equipment areas,
 - iii. Minimum line depth of 30 inches, and
 - iv. Insurance covering property damage and personal injury for the life of the pipeline.
 - v. Any conflicts with public utilities shall be resolved at the owner's expense.
- e. **Locational Objectives And Criteria.**
- i. Preference is given to sites in industrial zones.
 - ii. Sites should not hinder future development on the parcel or neighboring parcels.
 - iii. Gas wells shall be at least 100 feet from power lines.
 - iv. Future residential buildings shall be at least 200 feet from wells or equipment.
 - v. No wells or equipment may be within 500 feet of schools, churches, hospitals, theaters, or assembly halls.
 - vi. Non-industrial sites may be considered if:
 - a) Existing natural or man-made features screen wells,
 - b) Sites are 500 feet from major residential subdivisions,
 - c) Sites are 500 feet from clusters, PUDs, or multi-family developments of 20+ dwellings,
 - d) Sites avoid minor residential streets for equipment access, and
 - e) Sites avoid areas of significant natural or recreational value.
 - vii. Sour gas processing sites shall be at least 1,000 feet from residences.



- viii. Council may modify requirements if strict compliance is an undue burden and no hazard is created.
 - ix. Planning Commission and Council may consider additional special conditions to prevent undue hazard.
- f. Procedure And General Requirements.**
- i. Public Hearing and Notice: Applicants shall schedule a public hearing and notify all residents within 1,200 feet at least three weeks prior. A final notice shall be sent one week before drilling.
 - ii. Certificate Issuance and Liability Insurance: Council approval required. Insurance covering \$500,000 property damage and \$1,000,000 personal injury shall be maintained for the well's life. Costs of insurance increases or damages shall be paid by the applicant.
 - iii. Inspections and Certificate Revocation: Planning Director or City Engineer may inspect at any time. Noncompliance may result in revocation, stopping drilling or production, and potential misdemeanor charges.
- g. Specific Requirements.**
- i. Limits on Unitizing Properties: Owners cannot unitize identical property under multiple agreements.
 - ii. Drilling Equipment and Crew Training.
 - a) Rotary and cable tools shall meet safety standards and have blowout preventers or master valves.
 - b) Crews shall be trained; sanitary facilities required.
 - iii. Protection of Fresh Water Wells: Certificate holders shall prevent contamination and provide potable water within 1,000 feet if necessary.
 - iv. Waste Management: No waste may enter sewers, watercourses, or soil outside containment.
 - v. Storage Tanks and Production Equipment: Height limits, consolidation of equipment, road setbacks, and access drives required.
 - vi. Diking of Storage Tanks: Dikes shall contain all tank contents and prevent environmental damage.
 - vii. Access to Well Site: Culverts and gravel drives are required to prevent mud on public streets.
 - viii. Maintenance of Site and Streets: Certificate holders shall keep streets clean; failure may lead to revocation and bond forfeiture.
 - ix. Noise Control: Engine noise limited to 70 decibels at 300 feet.
 - x. Site Restoration: Sites shall be restored within one year with grading and vegetation.
 - xi. Equipment, Operation, and Maintenance: Pipelines, pumps, and production equipment shall follow safety standards, underground power lines, automatic shut-off valves, and air emission control.
 - xii. Fencing and Landscaping.
 - a) Eight-foot fence required around wellhead and equipment.
 - b) Vision-obscuring fences in residential areas.
 - c) Landscaping required in non-industrial zones within 300 feet of non-industrial areas.



- xiii. Maintenance Guarantee. \$500 cash bond for ongoing maintenance.
- xiv. Conversion, Reopening, and Deepening of Wells. Requires prior Council approval.
- xv. Abandoning Wells. Shall notify inspector; wells shall be pulled/plugged, equipment removed, and site restored.
- xvi. Exceptions shall be Requested in writing; Council discretion.
- xvii. City may use consultants at applicant's expense for evaluation and monitoring.
- xviii. Well and Equipment Identification: Permanent signs with well info, owner, and emergency contact shall be posted.

10. Self-Service Storage Facility.

a. In All Districts.

- i. **Permitted Activities.** The only activities permitted in individual storage units shall be the rental of the unit and the deposit or pick-up of goods and/or property.
- ii. **Hours of Operation.** Self-Service Storage facilities shall not operate or allow tenant access between the hours of 9 p.m. and 8 a.m. if the site abuts residentially developed parcel or residentially zoned parcel.
- iii. Loading and unloading shall be oriented towards the side and rear lot lines.
- iv. Self-service storage facilities shall not be located within 500 feet of State Route 8 unless another use, permitted in an I District, is located between State Route 8 and the self-service storage facility.
- v. A free-standing self-service storage facility shall be permitted provided it contains a minimum of ten units per building.

b. Industrial Districts.

- i. **Principal Building.** A conforming principal building is required and shall have a minimum frontage build out of 60 percent.
- ii. **Unit Location.** Self-Service Storage units accessed from the outside shall be located to the rear of a principal building.
- iii. **Outdoor Storage.** Vehicles, recreational vehicles, boats, and other similar items may be stored outdoors if located behind a principal building and if meeting all accessory outdoor storage standards.

c. Commercial Districts.

- i. **Unit Location.** Self-Service Storage units shall be located within a building and accessed internally. Outdoor entrances to Self-Service Storage are prohibited.
- ii. **Business Office.** The building with the Self-Service Storage units shall include a business office with a front entrance facing the street to allow pedestrian access.
- iii. **Screening.** If Self-Service Storage units are visible from the exterior, glazing shall be tinted to screen the units and reduce glare of interior lighting.



11. Vehicular Service Station, Major.

- a. All work shall be performed entirely within a building. During the time work is performed on a vehicle, the vehicle shall be entirely within the building.
- b. The facility shall be located at least 100 feet from a dwelling or residence district.

12. Vehicular Service Station, Minor.

- a. All repairs shall take place entirely within a suitable service building. During the time work is performed on a vehicle, the vehicle shall be entirely within the building.
- b. A vehicular service station that also sells gasoline shall comply with all supplemental standards applicable to gasoline stations.
- c. Permanent outdoor storage in the C-3 district is prohibited.
- d. Limited temporary display/sales adjacent to the principal structure must be shown on an approved site plan in the C-3 district.
- e. Overnight storage of products or equipment within an approved temporary display/sales area is not permitted within the C-3 district.

13. Wireless Telecommunication Facility.

- a. **Purpose and Intent.** This subsection creates the framework for the siting of wireless telecommunication facilities in a manner which protects the public health, safety, and general welfare of the community, provides comprehensive service to the community, and implements the City's Policies for said facilities, as detailed below. The provisions of this subsection are in addition to, and do not replace, any obligations an applicant may have under any franchises, licenses, encroachments, or other permits issued by the City.
 - i. Facilitate the comprehensive provision of wireless telecommunication services to the residents and businesses of the City of Stow.
 - ii. Maximize the use of existing and approved telecommunication towers, buildings, and structures to accommodate new wireless telecommunication antennas in order to minimize the number of telecommunication towers needed to comprehensively serve the community.
 - iii. Minimize the number, height, obtrusiveness, and the visual impacts of telecommunications towers, associated equipment, and buildings.
 - iv. Direct and allow wireless telecommunication facilities to areas which are least disruptive to residential, park, open space, and greenway uses and to be as unobtrusive and invisible as reasonably possible.
 - v. Ensure that the height of telecommunications towers has the least visual impact and is no greater than required to achieve service area requirements and potential co-location.
 - vi. Site telecommunications towers to minimize locations which are visually solitary or prominent when viewed from residential areas or any public right-of-way.
 - vii. Site telecommunications towers at locations which are obscured by vegetation, tree cover, topographic features, buildings or other structures to the maximum extent feasible.



- viii. Protect views of and vistas from architecturally or historically significant structures and historically significant landscapes so that these architectural or historical resources are not impaired or diminished by the placement of telecommunications towers.
 - ix. Avoid potential damage to adjacent properties from telecommunication towers failure through structural design standards and setback requirements.
- b. **General Applicability.** The provisions of this subsection shall apply to the following:
- i. Wireless telecommunication facilities (towers and associated equipment) that are or will be operated by a licensed wireless telecommunication service provider which consists of the equipment and structures involved in the receiving or transmitting of electromagnetic waves associated with wireless telecommunication services.
 - ii. Small wireless telecommunication towers that meet the following characteristics:
 - a) Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet;
 - b) All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services; and
 - c) An antenna array feature that is attached to a telecommunications tower or building to transmit or receive radio waves. For this subsection, this does not include antenna dishes or other antenna features on individual homes or businesses that are intended to receive radio or television broadcasts, or internet communication for said use.
- c. **Amateur Radio Exemption.** These provisions neither apply to nor shall be construed to apply to Amateur Radio Operators who are licensed to operate a radio or transmitter by the Federal Communications Commission under Part 97 of the Federal Communications Commission's Rules.
- d. **Interference with Public Safety Telecommunications.** No new or existing telecommunications service shall interfere with public safety telecommunications. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the City at least 10 calendar days in advance of such changes and allow the City to monitor interference levels during the testing process.
- e. **Compliance with Other Laws.** A telecommunications tower shall be erected and operated in compliance with the most current Federal Communication Commission and Federal Aviation Administration rules and regulations and other applicable federal and state standards. All telecommunications towers shall comply with all ordinances of the City which are not in conflict with this subsection.
- f. **Wireless Telecommunication Facilities Establishment and Siting Alternatives Analysis.**
- i. **Co-location Preference.** The City shall promote the co-location of wireless telecommunications equipment on existing towers, buildings, or utilities elements. New



standalone wireless telecommunication facilities (towers) may only be allowed where co-location of said facilities on existing towers, buildings, or public infrastructure elements are deemed infeasible through a siting alternatives analysis.

- ii. **Siting Alternatives Analysis.** For all new, standalone wireless telecommunication towers, the applicant shall provide a siting alternatives analysis to determine whether co-location on existing structures is feasible within the applicant's search ring, including information pertaining to the fair market value of similar contracts – this shall be provided as part of the permitting process and submittal requirements pursuant to Chapter 12. The siting alternatives analysis shall determine the feasibility of co-locating the new telecommunication facilities/equipment in the following situations. (i) Co-location on existing towers; (ii) Placement on City-owned Structure or Building; (iii) Placement on Existing Structure or Building; and (iv) Construction of New Tower Structure or Substantial Modification of Existing Structure. The following describes the various co-location situations.
 - a) **Co-location Standards.** The colocation or placement of new telecommunications antennas upon existing telecommunications towers, light poles, and/or buildings.
 - b) **City-owned Structure or Building.** The utilization of existing City-owned structures and buildings for placement of antenna and associated equipment or buildings, including surface-mounted and roof-mounted applications of telecommunication antennas on existing buildings and structure-mounted applications of telecommunication antennas on water towers, electric line transmission towers, or other existing structures.
 - c) **Existing Structure or Building Utilization.** The utilization of all other existing structures and buildings for placement of antenna and associated equipment or buildings, including surface mounted and roof-mounted applications of telecommunication antennas on existing buildings and structure-mounted applications of telecommunication antennas on existing structures.
- iii. **Consulting Option.** As part of the review procedures, the Planning Director shall determine the sufficiency of the information. The City may choose to hire an outside consultant to conduct a third-party review of the siting alternatives analysis in the following situations: (i) where there are disputes of the findings between the applicant and the Planning Director and/or (ii) where expert consultation is deemed necessary to reach conclusions of the analysis. Where the City utilizes a consultant in its application review, the fee for such services shall be paid by the applicant.
- g. **Telecommunication Tower and Antenna Array Design Standards.** The following design standards apply to new telecommunication towers and associated antenna array facilities. These standards do not apply to co-location activities on existing towers, buildings, or public infrastructure elements.
 - i. **Height.** The maximum height of a telecommunications tower, including antenna array, shall be less than 200 feet above grade, whereas, Small Wireless Telecommunications towers shall be limited to 50 feet above grade.
 - ii. **Location.** Telecommunication towers and antenna arrays shall not be located within 300 feet of an existing or future thoroughfare.



- iii. **Setbacks Required.** Telecommunication towers, including antenna array shall be setback at least one-hundred twenty-five (125) percent the height of the tower from any lot line or a distance equal to their engineered fall zone at a minimum, whichever is greater.
- iv. **Guys and Guy Anchors.** All guys and guy anchors shall be located within the buildable area of the lot and shall not be located within any required setback, required landscape area, wetland feature, or watercourse riparian buffer.
- v. **Security Fencing.** Security fencing shall surround the telecommunications tower base, all guy anchors, and equipment. The compound area and all guy anchors shall be secured with a fence of not less than 6 feet in height nor more than 10 feet in height. A security wire (barbed, razor, etc.) may be located on the telecommunications tower-side of the fence but shall not extend above the top of the fence. The type of fence selected shall, in the determination of the Planning Director, be compatible with development in the surrounding area. A chain link fence, if used, shall be black vinyl coated.
- vi. **Structural Design.** A telecommunications tower shall be designed and built so as to:
 - a) Be capable of use by at least two wireless communications providers for a telecommunications tower less than 80 feet in height;
 - b) Be capable of use by three or more wireless communications providers for a telecommunications tower of 80 feet in height or greater;
 - c) Accommodate antenna arrays consisting of 9 to 12 antennas for each array, provided, however, this regulation shall not apply to slick antenna applications;
 - d) Locate such antenna arrays within 15 vertical feet of each other;
 - e) Have no more than 3 degrees of twist and sway at the top elevation; and,
 - f) Provide internal cable routing for all tapering monopole telecommunication towers.
 - g) Meet or exceed associated State and Federal structural standards relating to telecommunication standards (e.g., EIA-222)
- vii. **Signs Prohibition.** No lettering, symbols, images, trademarks, signs, or advertising shall be placed on or affixed to any part of a telecommunications tower, antenna array or antenna, other than as required by Federal Communications Commission regulations regarding tower registration or other applicable law.
- viii. **Lights.** No signals, lights or other illumination shall be permitted on telecommunications towers unless required by the Federal Communications Commission, the Federal Aviation Administration, or the City.
- ix. **Engineering Compliance for Modifications.** If any additions, changes or modifications are to be made to a telecommunications tower, the Planning Director may require proof, through the submission of engineering and structural data, that the addition, change or modification conforms to structural wind load and all other requirements of the City's Building Code.



h. **Separation and Location.**

- i. **New Wireless Telecommunication Towers.** New telecommunication towers are subject to the following minimum separation radius from another telecommunications tower - in determining the required separation between telecommunication towers of different heights, the required separation for the taller tower shall apply.
 - a) Quarter mile radius for proposed telecommunications towers less than 80 feet in height;
 - b) Half mile radius for proposed telecommunications towers of 80 feet in height or greater but less than 120 feet in height; or
 - c) One-mile radius for proposed telecommunications towers 120 feet in height or greater.
 - ii. **Small Wireless Telecommunication Towers.** New small wireless telecommunication towers are subject to the following minimum separation radius from another telecommunications tower, measured from the bases.
 - a) **For the same wireless telecommunication provider.** Each new small wireless telecommunication facility shall not be located such that the anticipated coverage ring of the small wireless telecommunication facility substantially overlaps the coverage ring of any other wireless telecommunication facility. Substantial overlap shall be defined as the more than 10 percent overlap between the anticipated coverage ring of a new small wireless telecommunication facility and the coverage ring of other existing facilities of the same provider.
 - (i) Coverage ring shall be defined as the approximate area of coverage that each small wireless telecommunication facility is able to provide; or in the case of new small wireless telecommunication facilities, the approximate area the small wireless telecommunication facility is anticipated to provide.
 - (ii) Coverage is defined as the area in which a person or entity can establish an electronic connection with the small wireless telecommunication facility.
 - b) **For different wireless telecommunication providers.** Each new small wireless telecommunication facility of different providers shall not be located within three hundred 300 feet of another small wireless telecommunication facility unless the applicant can show that locating the small wireless telecommunication facility within the prescribed distance is necessary.
 - iii. **Deviations.** As part of a Conditional Use Permit review, the City may authorize deviations from these separation standards due to special circumstances relating to natural features, scarcity of available land, and telecommunications operating standards.
- i. **Wireless Telecommunications Antennas Mounted on Existing Buildings or Structures.** The following design standards apply to antennas associated with wireless communication operations and mounted on existing buildings and structures.
 - i. **Roof-Mount Elements.** Roof-mounted wireless telecommunications antennas are permitted on buildings and structures in all districts. Said elements shall be subject to the following standards.



- a) Whip telecommunication/antenna features (an antenna which transmits signals in 360 degrees) shall not exceed the height of the building by more than 15 feet and shall be no closer than 15 feet to the perimeter of the building.
 - b) Non-whip telecommunication/ antenna features shall not exceed the height of the building by more than 10 feet and shall be no closer than 10 feet to the perimeter of the building.
 - c) The telecommunications antenna and associated equipment located on buildings shall be screened in elevation view with enclosures or façades having an appearance that blends with the building on which they are located; and be located so they are not overtly visible from an adjacent public right of way.
- ii. **Surface-Mount Elements.** Surface mounted telecommunications antennas (an antenna attached to a building exterior wall) are permitted on buildings or structures in all districts and subject to the following standards.
- a) Telecommunications/antenna features shall be mounted flush with the exterior of the building or structure so that it projects no more than 30 inches from the surface to which it is attached.
 - b) The telecommunications/ antenna appearance shall blend with the surrounding surface of the building or structure in terms of color and materials.
 - c) Surface-mount elements are subject to applicable design standards in National Register listed properties and historic districts, Local historic districts, and locally designated historic landmarks.
- iii. **Elements Attached to Other Existing Structures.** Telecommunications antennas are permitted on existing utility, lighting, telecommunications towers, and other structures in all districts and subject to the following standards.
- a) Existing utility, lighting, telecommunications towers, and other structures used to affix telecommunication/ antenna features shall not exceed 50 feet in height above grade.
 - b) The telecommunications antenna shall not exceed the height of the existing structure by more than 10 feet for a non-whip antenna or 15 feet for a whip antenna.
 - c) Existing structures may be rebuilt/ modified to support the load of the new telecommunications antenna and subject to the City's building permitting standards.
- iv. Existing structure mounted elements are subject to applicable design standards in National Register listed properties and historic districts, Local historic districts, and locally designated historic landmarks.
- v. **Separation Standards.** Telecommunications antennas and associated features located on existing buildings or structures are not subject to the separation requirements stated above.
- vi. **Photo Simulation Requirements.** As part of the application process, applicants shall provide photo simulations showing the site of the existing structure with a photo realistic representation of the proposed telecommunications antenna and the existing structure or any proposed reconstruction of the structure as it would appear viewed from the closest R-1, R-2, R-3, or C1 District and from adjacent public right of way. The applicant shall also



submit photographs of the same views as in the photo simulations showing the current appearance of the site without the proposed telecommunications antenna.

- j. **Abandonment and Removal of Telecommunications Towers, Antenna Arrays, and Associated Equipment.** The following standards apply to all telecommunication features and their associated elements – these standards ensure inoperable features are removed, whereas habitable buildings are exempt from these requirements.
- i. **Abandonment.** Telecommunications towers, antenna arrays, and associated equipment which have not been used for a period of one (1) year shall be deemed abandoned and shall be removed from the site.
 - ii. **Notice Required.** The owner of the telecommunications tower and the last service provider to use a telecommunications tower shall notify the Planning Director within 30 days that use of a telecommunications tower has been discontinued.
 - iii. **Security Reduction.** Any reduction in the security fund provided, because of deductions of fines, penalties, or removal costs, shall be replenished to the total of the required amount within 30 days after notice from the City of the amount deducted and the deficiency created hereby.
 - iv. **Refund.** Within a reasonable period of time, not to exceed three months after the telecommunications tower and/ or antenna array is removed, any remaining funds on deposit with the City pursuant to this subsection, after application and above all expenses provided for herein, shall be refunded to the appropriate owner or provider who created the security fund.
- k. **Special Requirements for Small Wireless Telecommunication Facilities Located within the Public Right-of-Way.** To protect the unique aesthetics of the City, to minimize new visual, aesthetic, and public safety impacts, and to reduce the need for additional antenna-supporting structures, the City prefers that small wireless telecommunication facilities be located outside the public right-of-way; co-located on existing utility poles or wireless support structures; concealed; and have their accessory equipment mounted on the utility pole or wireless support structure. The following requirements are intended to be reasonable for small wireless telecommunication facilities located within the public right-of-way while avoiding the intangible public harm of unsightly or out-of-character deployments and are implemented as requirements for an application for small wireless telecommunication facilities. Unless otherwise defined by this Code, all definitions are the same as defined in § 4349.0314 of the Ohio Statutes as amended.
- i. **Siting Hierarchy of Small Wireless Telecommunication Facilities Located within the Public Right-of-way.** Any applicant for a new small wireless telecommunication facility shall evaluate the reasonable feasibility of co-locating new antennas and equipment on existing utility poles, light pole fixtures, or wireless support structures within the applicant's search ring. Co-location on existing utility poles, light pole fixtures, or wireless support structures is not reasonably feasible if colocation is technically or commercially impractical or the owner of the existing utility poles, light pole fixtures, or wireless support structures has refused in writing to the requesting party, after having been offered the fair market fee for co-location, to enter into a contract for such use at fair market value. Minor alterations or adjustments to the location or technical specifications of the small wireless telecommunication facility as a result of co-locating on an existing utility pole, light pole



fixture, or wireless support structure shall not constitute a technical or commercial impracticality. The applicant shall provide to the City all information necessary to determine whether co-location on existing utility poles, light pole fixtures, or wireless support structures is reasonably feasible, including information pertaining to the fair market value of similar contracts. The City shall determine the sufficiency of the information and may employ such experts as outside consultants to evaluate the information. In the event that the City determines outside consultants are necessary, the fee for such consultant shall be paid by the applicant. Development of small wireless telecommunication facilities shall be in accordance with the following siting alternatives hierarchy. The order of ranking, from highest to lowest, shall be from sub-Section (i), to sub-Section (ii), outlined below. Where a lower ranked alternative is proposed, the applicant must demonstrate by substantial evidence that higher ranked options are not technically feasible or available.

- a) **Co-location.** The co-location of small wireless telecommunication facility on existing utility poles, light pole fixtures, or wireless support structures and associated equipment or buildings shall comply with the following regulations:
- (i) **Height.** Each new small wireless telecommunication facility shall not extend more than 10 feet above the existing utility pole, light pole fixture, or wireless support structure on which it is co-located. No new small wireless telecommunication facility shall be co-located on any utility pole, light pole fixture, or wireless support structure that is less than 15 feet above grade.
 - (ii) **Separation.** Colocation of small wireless telecommunication facilities on existing utility poles, light pole fixtures, or wireless support structures are not subject to a separation requirement.
 - (iii) **Objective Design Standards.** Small wireless telecommunication facilities to be co-located on an existing utility pole, light pole fixture, or wireless support structure shall be designed to match the style and color of the existing utility pole, light pole fixture, or support structure and designed such that all cabling is inside the existing utility pole, light pole fixture, or wireless support structure, provided, however if cabling cannot be located inside the existing utility pole, light pole fixture, or support structure that cabling is located within a solid enclosure that is designed to match the style and color of the existing utility pole, light pole fixture, or support structure.
 - 1. All small wireless telecommunication facilities shall be stealth antenna facilities. Stealth antenna and accessory equipment must be shrouded or otherwise concealed.
 - 2. To mitigate the visual impacts of unsightly or out-of-character small wireless telecommunication facilities, ground equipment shall be screened, to the extent possible as approved by the government body with jurisdiction of the right-of-way in which the small wireless telecommunication facility is to be located.
 - (iv) **Engineer's Certification.** Prior to installation of a small wireless telecommunication facility or equipment, the City shall be provided with an engineer's certification that existing utility pole, light pole fixture, or wireless



support structure will support the proposed small wireless telecommunication facility or equipment.

- b) **New Small Wireless Telecommunication Facilities.** Construction of new small wireless telecommunication facilities on new utility poles or wireless support structures and associated equipment or buildings shall comply with the following regulations:
- (i) **Height.** The maximum height of new utility poles or wireless support structures shall be 50 feet above grade. Each new small wireless telecommunication facility shall not extend more than 10 feet above the utility pole or wireless support structure on which it is located. Notwithstanding the above, in no instance in an area zoned for detached residential dwellings where the existing utilities are installed underground shall a utility pole or wireless support structure exceed 40 feet above grade. No new small wireless telecommunication facility shall be located on any utility pole or wireless support structure that is less than 15 feet above grade.
 - (ii) **Location.** No portion of a new utility pole or wireless support structure associated with a small wireless telecommunication facility may be placed in the public right-of-way in a manner that does any of the following: obstructs pedestrians or vehicular or bicycle access, obstructs sight lines or visibility for traffic, traffic signage, or signals; public art or focal points, or interferes with access by persons with disabilities. An applicant may be required to place equipment in vaults located underground to avoid obstructions or interference. To the greatest extent possible, a new utility pole or wireless support structure associated with a small wireless telecommunication facility shall align with existing utility poles, light pole fixtures, or wireless support structures installed in the right-of-way.
 - (iii) **Separation.** New small wireless telecommunication facilities shall have the following minimum separation radius from another small wireless telecommunication facility: For the same wireless telecommunication provider: Each new small wireless telecommunication facility shall not be located such that the anticipated coverage ring of the small wireless telecommunication facility substantially overlaps the coverage ring of any other wireless telecommunication facility. Substantial overlap shall be defined as more than 10 percent overlap between the anticipated coverage ring of a new small wireless telecommunication facility and the coverage ring of any other existing wireless telecommunication facility of the same provider; this definition shall also apply between the anticipated coverage rings of two or more new small wireless telecommunication facilities. Coverage Ring shall be defined as the approximate area of coverage that each small wireless telecommunication facility is able to provide; or in the case of new small wireless telecommunication facilities, the approximate area the small wireless telecommunication facility is anticipated to provide. Coverage is defined as the area in which a person or entity is able to establish an electronic connection with the small wireless telecommunication facility.
 - (iv) **Review.** If an applicant desires that a new small wireless telecommunication facility be located within the prescribed distance and is necessary, such small wireless telecommunication facility shall be reviewed by the Planning Director and approved on a case-by-case basis.



- (v) **Separation from different provider.** For different wireless telecommunication providers, each new small wireless telecommunication facility of different providers shall not be located within 300 feet of another small wireless telecommunication facility unless the applicant can show that locating the small wireless telecommunication facility within the prescribed distance is necessary. Such small wireless telecommunication facility shall be reviewed by the Planning Director and approved on a case-by-case basis.
 - (vi) **Objective Design Standards.** Small wireless telecommunication facilities and utility poles and wireless support structures shall be compatible with the surrounding area. Where existing street light fixtures are present, the utility pole or wireless support structure color shall match that of the street light fixture pole and shall be located in such a manner as to visually appear to be part of a common scheme of street light fixture pole placement.
 - 1. Utility poles and wireless support structures shall be made of galvanized steel or comparable material except when otherwise required by applicable federal or state regulations. Wood utility poles and wireless support structures are prohibited.
 - 2. Small wireless telecommunication facilities shall be located, designed, and/or screened to blend in with the existing natural or built surroundings to reduce the visual impacts as much as possible, and to be compatible with neighboring land uses and the character of the community.
 - 3. All small wireless telecommunication facilities shall be stealth antenna facilities. Stealth antenna and accessory equipment must be shrouded or otherwise concealed.
 - 4. To mitigate the visual impacts of unsightly or out-of-character small wireless telecommunication facilities, ground equipment shall be screened, to the extent possible as approved by the government body with jurisdiction of the right-of-way in which the small wireless telecommunication facility is to be located.
- ii. **Maintenance.**
- a) All small wireless telecommunication facilities and related equipment, including but not limited to fences, cabinets, poles, and landscaping, shall be maintained in good working condition over the life of the use. This shall include keeping the structures maintained to the visual standards established at the time of approval. The small wireless telecommunication facilities shall remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than 30 calendar days from the date of notification by the City. In public rights-of-way, damaged or deteriorated components must be corrected within five business days of notification.
 - b) No lettering, symbols, images, trademarks, signs, or advertising shall be placed on or affixed to any part of a small wireless telecommunication facility, other than as required by Federal Communications Commission regulations regarding small wireless telecommunication facilities registration or other applicable law.



- iii. **Filing Requirements.** All applications for a small wireless telecommunications facility shall be required to meet the filing requirements specified in Section 1104.04(D)(13)(k)(i)(b).

1104.05. Accessory Use Table

- A. **Accessory Use Table.** The following shall be used in the interpretation of Table 1104.05.
1. **Permitted Uses (P).** Uses which are marked as “P” in the table shall be allowed accessory uses subject to all applicable regulations of this Code.
 2. **Conditional Uses (C).** Uses which are marked as “C” in the table shall require approval as a Conditional Use as detailed in Section 1112.17 prior to establishment.
 3. **Supplemental Standards.** If a use has supplemental standards they are referenced in the Supplemental Standards column. Supplemental standards shall apply to all permitted and conditional uses.
 4. **Uses Not Listed.** A use not specifically listed is prohibited unless, through the Interpretation process established in Section 1112.06, it is determined that the use is a part of a general use type as described in Section 1104.02.

Table 1104.05: Accessory Uses in All Districts										
Permitted Uses	Supplemental Standards	R1	R2	R3	C-1	C-2	C-3	I	O	PI
Accessory Agricultural Use		P	P	P					P	
Accessory Building / Structure	1104.06(A)	P	P	P	P	P	P	P	P	P
Accessory Business / Retail Use	1104.06(B)				P			P		P
Accessory Family Care Service	1104.06(C)	C	C	C	C	C	C	C		C
Accessory Dwelling Unit	1104.06(D)	P	P	P	P					
Automatic Teller Machine	1104.06(E)					P	P			
Beekeeping	1104.06(F)	P	P	P						
Coop	1104.06(G)	P	P	P						
Commercial Vehicle Parking	1104.06(H)	P	P	P						
Drive-Through and Drive-In Facility	1104.06(I)					C	C			
Electric Vehicle Charging Facility	1104.06(J)	P	P	P	P	P	P	P	P	P
Event Venue	1104.06(K)	C	C	C	P	P	P			P
Greenhouse, commercial								C	C	
Home Occupation	1104.06(L)	P	P	P	P					
Outdoor Dining	1104.06(M)				P	P	P			
Outdoor Display / Sale of Merchandise	1104.06(N)					P	P	P		



Permitted Uses	Supplemental Standards	R1	R2	R3	C-1	C-2	C-3	I	O	PI
Outdoor Storage	1104.06(O)						C	P		
Pharmacy	1104.06(P)					P	P	P		
Public Art, Mural	1104.06(Q)	P	P	P	P	P	P	P	P	P
Public Art, Sculpture		P	P	P	P	P	P	P	P	P
Public Recycling Collection Station						P	P			P
Solar Energy Collection System, Canopy	1104.06(R)	P	P	P	P	P	P	P	P	P
Solar Energy Collection System, Ground Mounted	1104.06(S)	P	P	P	P	P	P	P	P	P
Solar Energy Collection System, Roof Mounted	1104.06(T)	P	P	P	P	P	P	P	P	P
Swimming Pool	1104.06(U)	P	P	P	P	P	P		P	P
Wind Energy Collection System	1104.06(V)	C	C	C	C	C	C	C	C	C

1104.06. Accessory Use Supplemental Standards

A. Accessory Buildings / Structures.

1. Accessory Buildings in Residential Districts or Residential Lots.

a. Setback Requirements.

- i. **For Structures Less Than 500 Sq. Ft.** The minimum distance from the rear and interior side lot lines shall be six (6) feet.
- ii. **For Structures Between 500 and 800 Sq. Ft.** The minimum distance from the rear and interior side lot lines shall be ten (10) feet.
- iii. **For Structures Between 801 and 1,200 Sq. Ft.** The minimum distance from the rear and interior side lot lines shall be fifteen (15) feet
- iv. **For Structures Greater Than 1,200Sq. Ft.**
 - a) The minimum distance from the rear and interior side lot lines shall be twenty (20) feet.
 - b) The minimum distance from the street right-of-way line shall be one hundred fifty (150) feet, unless otherwise approved as an Administrative Adjustment (Section 1112.04) due to site constraints.
- v. **From Principal Building.**
 - a) A detached accessory building shall be located to the rear or interior side of the principal building only.
 - b) A detached accessory building 200 square feet or larger shall be located at least ten (10) feet from the principal building.



- vi. Accessory structures not attached to the principal building shall comply with the setback requirements for accessory buildings and structures.

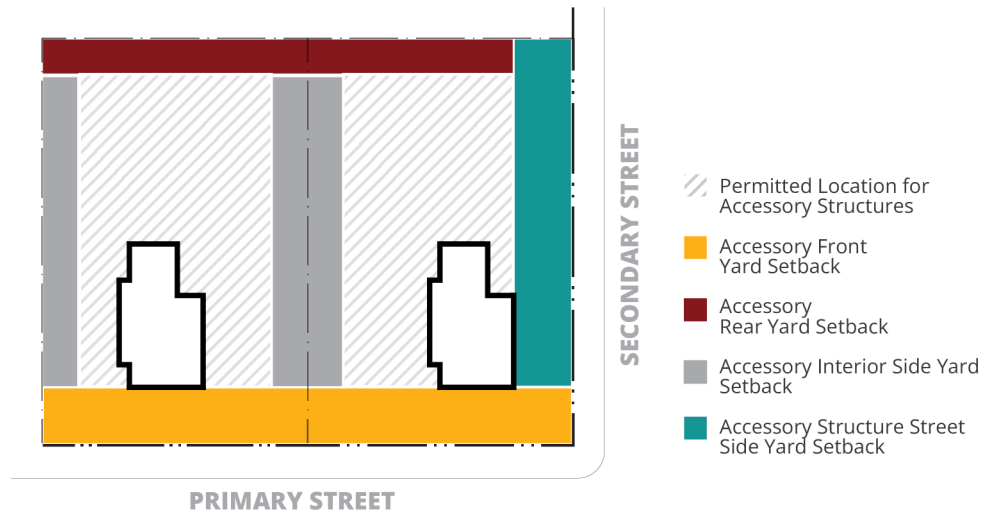


Figure 7 Accessory Buildings / Structures

2. **Accessory Buildings in Commercial and Industrial Districts.**
 - a. **Location.** Detached accessory buildings shall comply with minimum building setbacks required for the district specified in Section 1102.05.
3. **Accessory Buildings in Public and Institutional (PI) and Conservation (O) Districts.**
 - a. **Location.** Accessory buildings shall be prohibited in front of the principal building except when necessary to serve playgrounds, athletic fields, or other outdoor recreational facilities.
 - b. **Setback Requirements.** Accessory buildings shall comply with the minimum principal building setbacks specified in Section 1102.07.
4. **Through-Lots Abutting Non-Intersecting Streets or Similar Configurations.** On any through-lot or similar configuration, the Planning Director may authorize:
 - a. Placement of an accessory building within the front yard at no less than one-half ($\frac{1}{2}$) of the required building setback, subject to Section 1102.08.
5. **Maximum Area and Yard Coverage of Accessory Buildings by Lot Area.**
 - a. The maximum square footage for the combined area of all accessory buildings on a single residential lot shall be determined by multiplying the gross acreage of the lot by 800 and adding 400. This formula is expressed as an equation below:
 - a) $(\text{Gross acreage of lot}) \times 800 + 400 = \text{Maximum permitted building square footage}$
 - b) Example: $(0.65 \text{ acre}) \times 800 + 400 = 920 \text{ square feet maximum square footage}$
 - c) Regardless of lot area, no single accessory building shall exceed 4,000 sq. ft. in area.
 - b. Accessory buildings with a total floor area of less than 80 square feet shall be exempt from permit requirements.



6. **Accessory Structures Along State Highway 8 Right-of-Way.** Accessory structures may be located within the front and street side setbacks of any property abutting the State Highway 8 right-of-way only with a minimum setback of 10 feet from the right-of-way.
7. **Additional Height Standards for Accessory Buildings in Non-Residential Districts.**
 - a. The height of accessory buildings shall not exceed 20 feet in Commercial Districts, unless otherwise specified in this Code.
 - b. The height of accessory buildings in the Industrial, Conservation, and Public and Institutional District shall comply with the height regulations specified in the base district per Table 1102.06.
8. **Additional Standards for Accessory Structures in Residential Districts.**
 - a. **Setback.** Accessory structures such as decks, patios, porches, steps, and similar features shall comply with the setback requirements for the principal building as outlined in Section 1102.04.
 - b. **Maximum Height.**
 - i. On lots less than one acre, the height of a permitted accessory structure shall not exceed 15 feet, measured from the average grade to the highest point of the structure
 - ii. On lots between one acre and two acres, the maximum height shall not exceed 20 feet, measured from the average grade to the highest point of the structure.
 - iii. On lots greater than two acres, the maximum height shall not exceed 25 feet or the height of the principal building, whichever is greater, measured from the average grade to the highest point of the structure.

B. Accessory Business / Retail Uses.

1. **C-1 District.** In compliance with the goals and purposes of the C-1 Neighborhood Commercial District, limited development of small office and business uses shall be permitted as an accessory use to a dwelling in compliance with the following:
 - a. **Zoning Certificate Required.** All business / retail uses accessory to a dwelling in the C-1 district shall receive a Zoning Certificate (Section 1112.13) prior to establishment.
 - b. **Criteria and Limitations.** Business / retail uses accessory to a dwelling in the C-1 district are subject to the following criteria and limitations:
 - i. The residential use of the property shall remain the principal use on the lot, and any business use shall be accessory to it.
 - ii. Permitted uses shall be limited to the following:
 - a) Administrative, Business, Professional and Medical offices;
 - b) Retail Establishments;
 - c) Restaurants;
 - d) Personal services;
 - e) Bed and Breakfasts;
 - f) Artisan Workshops, meeting the standards of Section 1102.05;



- g) Museum, Art Gallery and Artist Studios;
 - h) Studios for Instruction such as Dance, Exercise and Karate; and
 - i) Co-working Spaces.
- iii. The accessory business use shall occupy no more than 100 percent of the ground floor area of the dwelling or 50 percent of the total floor area of the dwelling, whichever is greater. The calculation of floor area shall exclude basements, unfinished attics or attached garages.
 - iv. The resident of the dwelling shall be the owner or the primary operator or manager of the accessory business use.
 - v. On-site parking for the proposed use shall be located behind the building line.
 - vi. The business shall not create a fire hazard or endanger the site or adjoining properties. There shall be no storage of combustible or flammable matter, accumulation of rubbish or wastepaper, and storage of cartons and/or boxes situated in a manner that would endanger life or property in case of an actual fire. Proposed accessory business uses are subject to building inspections by the City Engineer, City Planning Director and Fire Inspector (or their representatives) to ensure that the established standards and limitations set forth for accessory business uses are complied with.
 - vii. All accessory business uses shall comply with applicable building and fire code requirements.
2. **All Other Allowed Districts.**
- a. The retail sales must clearly be subordinate to the use on the site, any space dedicated to retail sales may not exceed five percent of the total business floor area and all display and sales areas must be located in the principal building.
 - b. Product showrooms where orders are placed for future delivery or installation are not considered retail sales.
- C. **Accessory Family Care Service.** A family care service facility may be operated as an accessory use to a place of worship, school, or other public or semi-public organization, provided it occupies no more than 45 percent of the total area of the primary use.
- D. **Accessory Dwelling Unit.**
- 1. Attached and detached ADUs are considered separate from the primary building and shall meet their own specific requirements.
 - 2. Detached ADUs are included in the total allowable area for accessory buildings.
3. **Location and Setback Requirements.**
- a. Detached ADUs shall be located in the interior side or rear yard, with a minimum setback of 10 feet from rear and side lot lines.
4. **Size and Dimensions.**
- a. Attached ADUs:
 - i. The minimum size of an ADU shall be 220 square feet.



- ii. The maximum size of an attached ADU shall be 25% of the floor area of the principal dwelling.
 - b. Detached ADUs:
 - i. Detached ADUs shall not exceed 1,000 square feet in footprint,
 - ii. The maximum height of a detached ADU shall be 17 feet or the height of the principal dwelling, whichever is lower.
 - c. The size limits for Attached and Detached ADUs shall not apply to the maximum size of any other accessory buildings on the property.
- 5. ADUs shall incorporate architectural features and exterior materials that are consistent with the principal dwelling. Incompatible designs shall be subject to review by the Planning Commission.
- 6. Either the principal dwelling or the ADU shall be the primary residence of the property owner.
- 7. Detached ADUs shall be buffered with a Type A buffer as detailed in Section 1108.06(G)
- E. **Automatic Teller Machine (ATM).** An ATM shall be:
 - 1. Architecturally integrated into the building façade.
 - 2. Located within an approved drive-through facility, or
Located and accessed fully within the building.
- F. **Beekeeping.**
 - 1. Beekeeping is prohibited inside all dwellings except single-family dwellings.
 - 2. Maximum permitted hives by district are as follows:
 - a. R-1 District. up to eight hives;
 - b. R-2 District. up to six hives; and
 - c. R-3 District. up to four hives.
 - 3. All hives shall be located within the rear yard.
 - 4. All hives shall be located on the property as follows:
 - a. The back of the beehive may be no less than six feet from any adjoining residential property or to any public road or public right-of-way.
 - b. The side of the beehive may be no less than fifteen feet from any adjoining residential property or to any public road or public right-of-way.
 - c. The front of the beehive may be no less than twenty-five feet from any residential property or to any public road or public right-of-way.
 - d. The front or entrance of a beehive shall not directly face residences of adjoining property owners
 - 5. No person shall place or keep an apiary, or cause or allow an apiary to remain on land not owned or possessed by such person, without first obtaining the written permission to do so of the owner or person lawfully in possession of such land.



6. A supply of fresh water shall be maintained on-site in a location accessible to all colonies throughout the day, and the water source shall be located closer than any other water source not owned by the property owner.
7. Africanized bees are prohibited.
8. All beekeeping activities shall comply with applicable State of Ohio rules and regulations.
9. Property owners shall post a copy of their Ohio Department of Agriculture registration certificate on or near the hives.

G. Coop.

1. Location and Size.

- a. Coops and runs shall comply with a minimum 25-foot setback from all property lines.
- b. The square footage of a run shall count toward the maximum allowable square footage of accessory buildings on the lot.
- c. Coops and runs shall be located to the rear or interior side of the principal building only.

2. Density.

- a. A minimum of four sq. ft. per animal shall be provided within the enclosed structure.
- b. A minimum of 10 sq. ft. per animal shall be provided within the run.
- c. The more restrictive standard shall apply.

3. Design and Construction.

- a. Coops shall be of uniform and sturdy design, constructed and maintained in good condition to ensure animal safety and neighborhood aesthetics.
- b. Enclosures shall provide adequate lighting and ventilation.
- c. Fencing of the runs shall be securely fastened to posts of reasonable strength firmly set into the ground. If chicken wire or woven wire is used, it shall be stretched tightly between support posts.
- d. On lots less than ½ acre, coops and runs shall be screened from all adjacent property.

4. Maintenance.

- a. Coops shall be kept in good repair, maintained in a clean and sanitary condition, and free of vermin, obnoxious smells, and substances.
- b. Coops shall not create a nuisance or disturbance to neighboring properties due to noise, odor, damage, or threats to public health.
- c. Storage of manure is prohibited within 20 feet of any property line.

5. Operations.

- a. Animals shall be kept within the enclosed structure from dusk to dawn.
- b. Slaughtering on the property is prohibited.



- H. **Commercial Vehicle Parking.** Parking of commercial vehicles on Residential Lots shall be permitted only in accordance with the following conditions:
1. A maximum of one commercial vehicle shall be permitted on a residential lot.
 2. Only a commercial vehicle regularly used by a resident for the resident's occupation shall be permitted on the resident's lot.
 3. The commercial vehicle shall not exceed a gross vehicle weight of 18,000 pounds or an overall length of 24 feet.
 4. All commercial vehicles shall be parked on an improved driveway, a minimum of 20 feet from the street right-of-way. On-street parking shall be prohibited.
 5. No maintenance, servicing, or extended idling of commercial vehicles shall occur on a residential lot.
- I. **Drive-Through and Drive-In Facility.**
1. **Location and Traffic Impact.** Drive-through facilities shall be located on a collector or arterial-street in an area that is least disruptive to pedestrian and vehicular traffic.
 2. **Loudspeaker Systems.** Loudspeaker systems shall be approved as part of the site plan and must not create a nuisance for adjacent properties.
 3. **Access Drives.**
 - a. Access drives shall be located at least 100 feet from an intersection.
 - b. Only one access drive per street frontage shall be permitted.
 - c. Interconnecting circulation aisles between parcels shall be provided.
 4. **Operational Hours.** The Planning Commission and Council may impose restrictions on the hours of operation of the drive-through facility.
 5. **Drive-Through Design Standards.**
 - a. **Location of Drive-Through Components.** Drive-through facilities, including but not limited to order boxes, menu boards, stacking spaces, and lanes, shall be located to the interior side or rear of the building to which the drive-through facility is accessory.
 - b. **Stacking.**
 - i. **Stacking Lanes.** Stacking lanes shall have a minimum depth of 20 feet per stacking space and the following minimum lane widths:
 - a) One lane: 12 feet,
 - b) Two or more lanes: 10 feet per lane.
 - ii. In addition to stacking lane requirements, establishments that generate vehicle queues, including drive-thru restaurants, banks, car washes, and gasoline stations, shall provide off-street waiting spaces on-site as follows:
 - a) Drive-thru restaurants and banks shall provide a minimum of five waiting spaces per service window or stall.



- b) Automatic car washes shall provide no fewer than 25 waiting spaces.
 - c) Self-serve car washes shall provide at least four waiting spaces per stall.
 - d) Gasoline stations shall provide a minimum of two waiting spaces per accessible side of each pump island.
- iii. Vehicles waiting for service shall not queue within the public right-of-way.

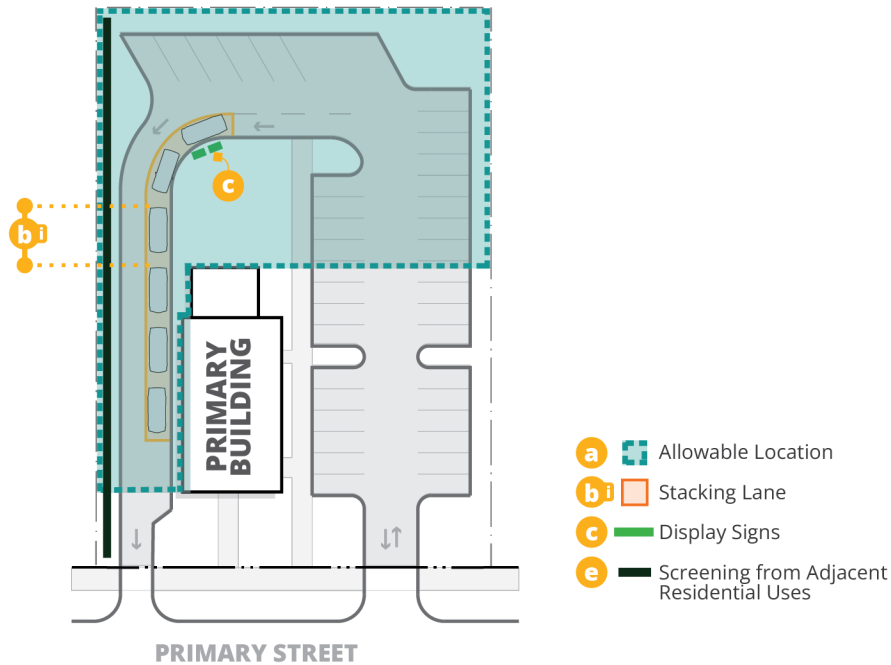


Figure 8 Drive-Through and Drive-In Facility

- c. **Drive-Through Display Signs.** Refer to the standards specified in the Signs Chapter, Section 1110.05(B).
- d. **Overhead Canopy.** Should an overhead canopy be utilized, it shall meet the standards of Section 1110.05(A), Awning/Canopy Signs, of the Sign Standards.
- e. **Screening.** If located adjacent to a property with a residential use or in a residential district, a Type A buffer as detailed in Section 1108.06(G) shall be utilized to minimize the impact of menu boards, headlights, and other off-site impacts of drive-through facilities.
- f. **Bypass Lane and Parking Circulation.** All drive-through facilities shall provide a minimum 10-foot bypass lane whereby vehicles may exit the lot at any point without proceeding through the drive-through lane. Parking circulation area may contribute toward meeting this requirement, provided it is located adjacent to the drive-through lane.

J. **Electric Vehicle Charging Facility.**

1. **Equipment.**

- a. Electric Vehicle Charging stations that are accessory to all mixed-use, multi-family, and non-residential uses shall be a minimum of a level 2 charging capacity.



- b. Electric vehicle charging station equipment shall be protected by a wheel stop, curb, or bollards.
- c. All connections of the charging station to electrical utility equipment shall be underground.
- d. All electric vehicle charging station equipment shall comply with the Ohio Fire Code and any other applicable codes as determined by the Fire Marshall.
- e. All equipment shall be low-maintenance, durable materials and shall be vandal-proof to the extent possible.
- f. All equipment shall provide a cord management system that minimizes tripping hazards for pedestrians. Charging cords may not cross sidewalks, walkways, or driveways.

2. Design Considerations.

- a. Electric vehicle charging station equipment shall be located in a manner that will not obstruct pedestrian walkways. A minimum of three feet of clear area shall be maintained.
- b. Electric vehicle charging stations shall provide a safe and clearly delineated area for maneuvering around the vehicle for connecting to the equipment.
- c. A sign indicating that the electric vehicle parking is for use while charging only shall be provided.
- d. All charging stations shall be illuminated. Lighting shall comply with the limitations in Section 1106.05.

3. Maintenance. All electric vehicle charging station equipment shall be maintained to working condition. Equipment that is no longer functional must be decommissioned within 60 days.

K. Event Venue.

- 1. In residential districts, event venues shall only be permitted on lots one acre or larger in area.
- 2. Buffering and screening from adjacent properties, which shall be a Type A buffer, are required in Residential districts as specified in Section 1108.06(G).
- 3. Event venues in residential districts may be subject to additional restrictions, such as limited event frequency and specific operating hours.
- 4. The maximum occupancy for any event held at the venue shall not exceed the limit established by the Ohio Fire Code.
- 5. Event venues shall comply with Section 509.08, Unlawful Noise or Disturbances, and all other applicable noise regulations within Part 5; General Offenses Code.
- 6. All parking spaces shall be located on-site; on-street parking is prohibited. The required parking shall adhere to the standards specified in Section 1109.05.
- 7. Outdoor amplified noise and outdoor activity shall be permitted no earlier than 8 a.m. and no later than 10 p.m.

L. Home Occupation.

- 1. **Purpose.** The purpose of the home occupation section of the Stow Zoning Code is to set forth regulations which control the establishment and operation of home occupations. The intent of these regulations is to control the nonresidential uses of any residential dwelling unit so that they remain



limited in scope to an accessory use, and do not in any manner whatsoever disrupt or alter the residential character of the neighborhood in which they are located. Compliance with these regulations should result in all home occupations being located and conducted in such a manner that their existence is not detectable in any manner from the outside of the dwelling unit. Those uses which satisfy the criteria and limitations listed below, and for which a zoning certificate has been issued, are directly permissible through and subject to periodic review and actions by the Building, Planning and Fire Departments.

2. **Zoning Certificate Required.** All home occupations shall receive a Zoning Certificate (Section 1112.13) prior to establishment with the exception of home occupations that do not receive on-site customers or that do not employ persons who do not reside in the home.
3. Home Occupation Criteria:
 - a. The home occupation shall be secondary in importance to the use of the dwelling for dwelling purposes.
 - b. Any on-site business related in any manner to the home occupation shall be conducted by the occupant with no more than one employee, associate, or contractor working on or reporting to work on the premises who does not reside in the residence.
 - c. Storage of equipment and supplies may be carried on in a garage provided that the garage shall be capable of accommodating the number of vehicles for which the garage was designed at all times.
 - d. The home occupation shall occupy no more than a total aggregate area of 20 percent of the floor area of the dwelling unit; said aggregate area shall not include the area of basements, unfinished attics or attached garages.
 - e. Any activity, material, goods, or equipment indicative of the proposed use, except employee and customer vehicles, shall be carried on, utilized or stored within the dwelling unit, an accessory building/structure meeting all standards of Section 1104.06(A), or garage and shall not be visible from any public way or adjacent property.
 - f. The proposed use shall not generate any noise, odor, dust, smoke or electromagnetic interference outside the dwelling.
 - g. There shall not be any change in the outside appearance of the building or premises, or other visible exterior change related to the home occupation except for one sign identifying the permitted home occupation in compliance with the Sign Regulations set forth in Chapter 10.
 - h. On-site customer/client contact for any type of home occupation is limited to one appointment at any time. No appointments shall be scheduled between the hours of 10:00 p.m. and 8:00 a.m.
 - i. The proposed use shall not constitute a fire hazard endangering the site of the home occupation and adjoining property sites. There shall be no storage of combustible or flammable matter, accumulation of rubbish or wastepaper, and storage of cartons and/or boxes situated in a manner that would endanger life or property in case of an actual fire. Home occupations are subject to building inspections by the City Engineer, City Planning Director and Fire Marshall (or their representatives) to ensure that the established standards and limitations set forth for home occupations are complied with.
 - j. The proposed use shall not cause an increase in the use of any one or more public utilities (water, sewer, electric, sanitation, etc.) so that the combined use of the residence and home occupation does not exceed the average use for residences in the neighborhood of the proposed use.



- k. No on-street parking shall be permitted in conjunction with the home occupation. Customer and employee parking shall be limited to the driveway area only or shall be accommodated behind the building line.
 - l. No more than two client/customer vehicles or vehicles belonging to employees shall be permitted on the premises at any one time. This includes any employee engaged in the home occupation who does not reside on the premises but reports to work at and parks his or her vehicle at said premises.
4. **Home Occupations Not Requiring a Zoning Certificate** A zoning certificate shall not be required for home occupations that comply with all of the criteria and limitations set forth in section 1104.06(M)(3) and the following limitations.
- a. No on-site customers; and
 - b. No on-site employees who do not reside in the home.
5. **Specific Standards for Family Care Centers Operated as a Home Occupation.**
- a. Outside play/activity areas shall be fenced in compliance with Section 1106.02 for protection.
 - b. All family care centers shall provide evidence of comprehensive liability insurance covering damage to property or physical injury, in combined single limit form, in an amount of \$25,000 per person authorized to be cared for. The insurance policy shall be reviewed by the law director for sufficiency and legality. If the State of Ohio regulates liability and property insurance requirements for family care centers, compliance with the State law shall be deemed compliance with, and in lieu of, this insurance requirement.
 - c. A drop-off/pick-up location shall be provided that does not impede traffic on or off the site and ensures safety.
 - d. The family care center use shall comply with all standards applicable to home occupations with the exception of subsection 9.
- M. **Outdoor Dining.** Outdoor Dining is only allowed as an accessory use to any Restaurant, Bar/Tavern/Nightclub, or other uses where food or beverages are served for consumption as an accessory use, subject to the following standards:
1. No sound production or reproduction machine or device (including, but not limited to musical instruments, loud-speakers, and sound amplifiers) shall be used, operated, or played in the Outdoor Dining area at a volume that is any louder than necessary for the convenient hearing of persons within the Outdoor Dining area, or that would disturb the peace, quiet, or comfort of adjoining properties or businesses.
 2. Food preparation shall occur only within the enclosed principal building, unless otherwise permitted by this Code.
 3. The Outdoor Dining area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.
 4. Tables, chairs, umbrellas, and other furnishings associated with the Outdoor Dining area shall be of sufficient quality design, materials, and workmanship to ensure the safety and convenience of area occupants and compatibility with adjacent uses.



5. No tables, chairs, umbrellas, or other furnishings or equipment associated with the Outdoor Dining area shall be attached, chained, or otherwise affixed to any curb, sidewalk, tree, post, sign, or other fixture within the Outdoor Dining area.

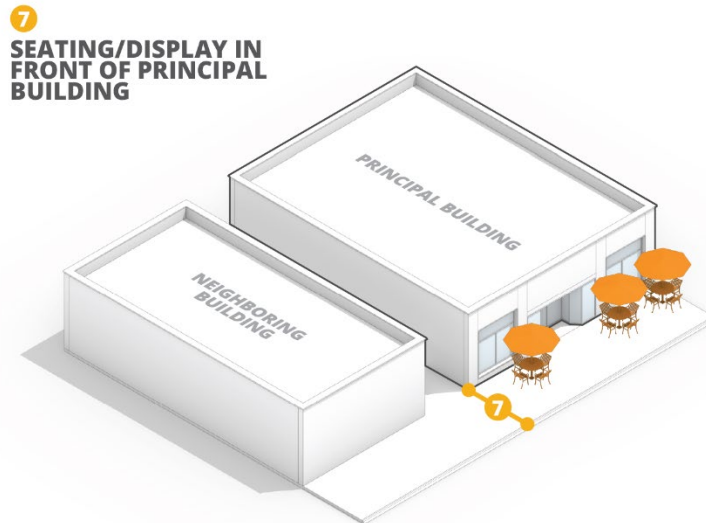


Figure 9 Outdoor Dining Location, Front Yard

6. The Outdoor Dining area may be located in off-street parking located on the same lot as the principal use if:
 - a. A fence, landscape hedge, or other barrier approved by the Administrator, with a minimum height of three feet and a maximum height of four feet is utilized to define the outdoor Dining area from parking areas;
 - b. Located outside of landscape areas; and
 - c. The use of off-street parking for Outdoor Dining shall not reduce the minimum required parking for the principal use, unless provided in this Code. When parking requirements are met, up to 15 percent of parking spaces may be used for Outdoor Dining without affecting the minimum parking requirement.
7. The Outdoor Dining area may be located in a front yard or cantilevered upper story if all points of building ingress and egress are maintained.



6
**SEATING/DISPLAY IN AN
ADJACENT PARKING LOT**

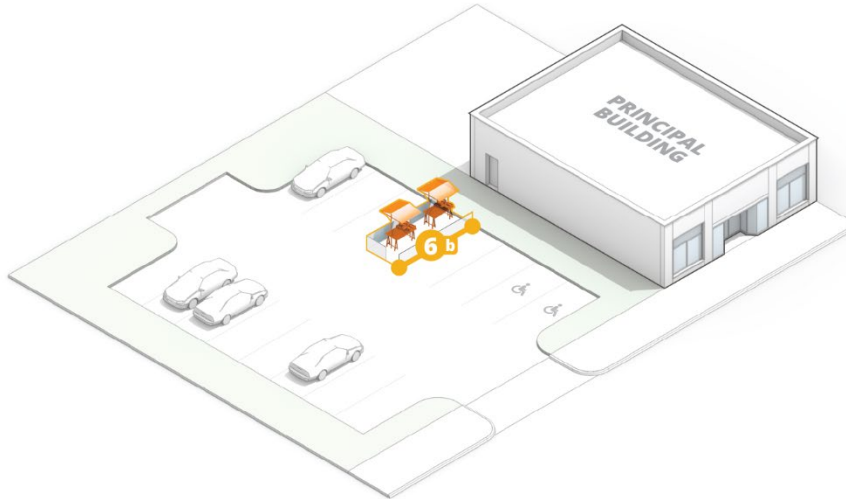


Figure 10 Outdoor Dining Location, Off-Street Parking Lot

- N. Outdoor Display/Sales of Merchandise.** The outdoor display of goods for sale shall:
- a. Comply with principal building setbacks established in Section 1102.05;
 - b. Not be located in areas intended for traffic circulation according to the site plan;
 - c. All stored goods and merchandise must be secured against theft, vandalism, or loss;
 - d. All outdoor display/sales facilities and areas shall be identified on and limited to those shown on the approved site plan (Section 1112.21) and shall be screened from the views from adjacent properties and shall be maintained in a neat and orderly condition.
- O. Outdoor Storage.** The outdoor storage of goods, supplies and equipment used in the operation of the principal use shall:
- a. Be located only in the rear yard;
 - b. Comply with the principal building setbacks established in Sections 1102.05 and 1102.06;
 - c. Be screened in compliance with Section 1106.03, and the height of the stored materials shall not exceed the height of the screening.
 - d. All stored goods, merchandise, vehicles or implements must be secured against theft, vandalism or loss.
 - e. **Outdoor Storage of Fleet Vehicles Used in the Operation of the Principal Use.** Outdoor storage of fleet vehicles used in the operation of the principal use, when permitted, shall be located in the interior side or rear yard on off-street parking areas which comply with the minimum parking setback requirements established in Section 1109.05(B).



P. Pharmacy.

1. The sum of the areas of such retail uses shall occupy no more than 50 percent of the first-floor area of the building.
2. No display shall be in an exterior show window.
3. No outdoor storage of goods or materials shall be permitted.

Q. Public Art, Mural.

1. This section applies to permanent public art installed on public or private property that is visible to the public, as well as public art projects or installations lasting more than 60 days.
2. **Allowed Principal Uses.** Murals are allowed on multifamily, mixed use, and non-residential structures and buildings only.
3. **Area and Allowed Elevations.**
 - a. **Front Elevation.** Mural may cover up to 50 percent of a front elevation of a building.
 - b. **Other Elevations.** Murals may cover up to 100 percent of all other facades of a building.
4. **Content.**
 - a. Prohibited content per Section 1110.08 is prohibited on murals.
 - b. Electrical or mechanical components or a changing image art display are prohibited.
5. **Installation and Maintenance.**
 - a. Murals shall be maintained in good repair, free from peeling paint or damage due to age, weather, vandalism, or the like.
 - b. Anti-graffiti coating (non-sacrificial) is required.
 - c. UV ray resistant paint is required.
 - d. All surfaces shall be power washed and primed (two coats) prior to Mural installation.
 - e. If for any reason the Mural is removed, altered, or destroyed, the property owner is responsible for restoring the surface the Mural is painted or mounted on to the original condition.
 - f. If a Mural is constructed off-site on moveable panels to be installed on a façade, the attachment of said panel shall comply with the Stow Building Code, subject to required permits and inspections, panels, must not cover window or door openings or otherwise impede building egress or pedestrian traffic or block/cover any intake or exhaust openings (maintaining proper clearance), the attached devices shall not compromise the structure integrity of the surface to which the panels are attached, and said panels must be securely attached to prevent failure due to high wind conditions, vandalism or age.
 - i. All installation hardware must be rust resistant
 - ii. Wooden panels must be sanded, sealed and waterproofed (with proper primer and topcoat) on the front, sides and back.



R. **Solar Energy Collection System, Canopy.**

1. Canopy solar energy collection systems are permitted over any principal or accessory parking lot.
2. The height of canopy solar energy collection systems shall not exceed the height of the principal building that the parking area serves or 30 feet, whichever is greater.
3. The minimum height of solar energy collection systems shall allow clearance for emergency and service vehicles.
4. For multi-family dwellings, solar energy collection systems may be installed on carports or similar structures.

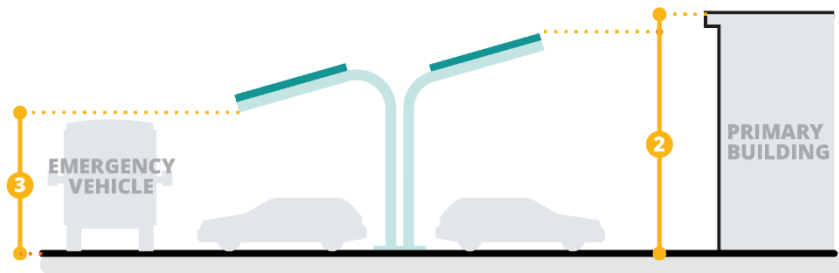


Figure 11 Solar Energy Collection System, Canopy

S. **Solar Energy Collection System, Ground Mounted.**

1. Ground-mounted solar energy collection systems shall be permitted in accordance with the principal structure setbacks on the front, street sides, and any applicable accessory structure setbacks.
2. The maximum height of ground-mounted solar energy collection systems shall be five feet, measured from the grade at the base of the pole to the highest edge of the system.
3. The minimum clearance between the lowest point of the system and the surface on which the system is mounted shall be 12 inches.
4. Ground-mounted solar energy collection systems shall be exempt from the building coverage limits if the ground directly under the solar panel is planted with native plantings and groundcover other than turf grass.
5. All parts of the freestanding system shall be set back five feet from the side and rear lot lines and shall not be located in an easement.
6. **Sites 1-5 Acres in Area.** In addition to meeting the standards in 1-5 above, ground mounted solar energy collection systems occupying 1-5 acres in area shall also meet the following requirements:
 - a. **Decommissioning Required.** Any solar energy use that is not actively in use for 12 consecutive months shall be decommissioned by the operator within six months, including all panels, structures, accessories, and appurtenances, shall be entirely removed from the lot.
 - b. **Decommissioning Plan.** Prior to receiving approval, the applicant for any solar energy use shall submit a decommissioning plan to ensure that the project is properly decommissioned, which shall include:



- i. Procedures for the removal of structures, debris, and cabling, including those below the soil surface,
- ii. Provisions for the restoration of the natural soil and vegetation,
- iii. A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of their successors, assigns, or heirs.

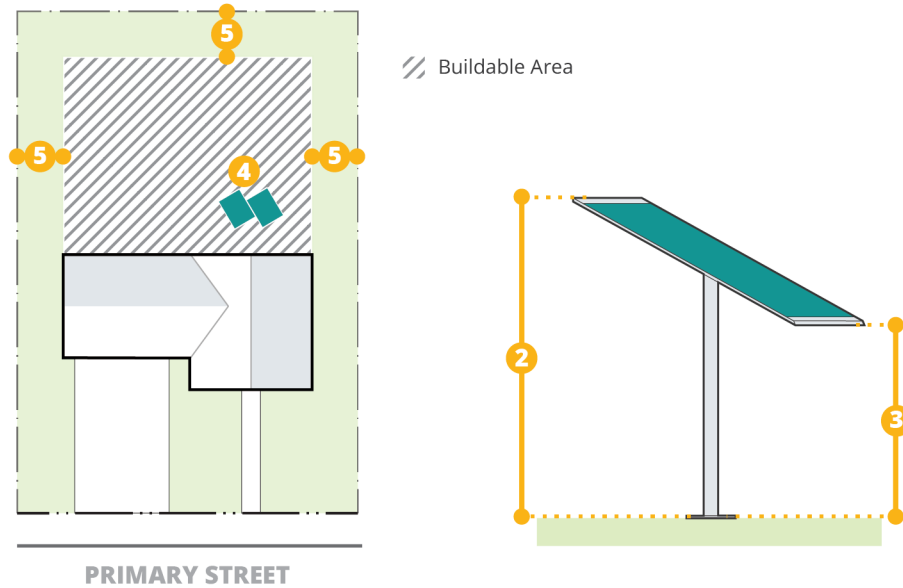


Figure 12 Solar Energy Collection System, Ground Mounted



T. Solar Energy Collection System, Roof Mounted.

1. Roof-mounted solar energy collection systems may be located on any roof face of principal or accessory buildings. Systems should be flush mounted when possible.
2. All materials used for racking, mounts, mounting clamps, and flashings shall be of a color consistent with the color of the roof surface to minimize visibility.

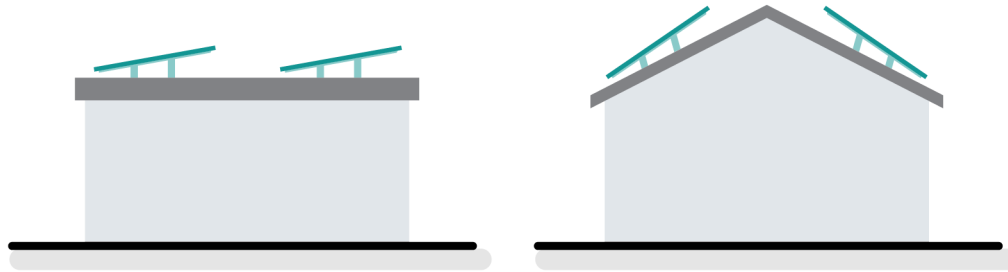


Figure 13 Solar Energy Collection System, Roof Mounted

U. Swimming Pool.

1. Public and Semi-Public.

- a. Public pools shall be pools and water bodies intended for public, semi- public, and private uses other than those specified as private pools for individual residences.
- b. An in-ground or above-ground swimming, wading, or other pool having a capacity for water depth exceeding 18 inches shall be required to obtain a Zoning Certificate (Section 1112.13).
- c. All pools shall be located within an enclosed structure or completely surrounded by a fence or wall not less than four feet.
- d. All fences and other pool enclosures shall be constructed so as to have no openings, holes, or gaps larger than three inches in width, except for doors, gates and windows which shall be equipped with suitable locking devices to prevent unauthorized access. Access secured accessory buildings and walls of principal buildings may be used in or as part of the enclosures.
- e. Above-ground pools having vertical surfaces of at least four feet above the finished grade shall be required to have fences, enclosures and secured gates only where access may be had to the pool.
- f. Every pool shall be drained into a municipal storm sewer or other adequate drain opening, approved by the City Engineer. All drain water must be conducted to its proper discharge point by means of tightly sealed tile, pipe or hose. No person shall be permitted to drain a swimming pool onto any adjoining property.
- g. Ponds, lakes and streams to be utilized for public swimming purposes shall be fenced or secured at those locations presenting hazards to potential users and adjacent major residential developments or concentration areas for children. Hazardous locations include banks approaching, entering, and extending into the water at slopes exceeding a ratio of one foot vertical to three feet horizontal.
- h. All soil excavated for swimming pools shall be removed from the property.



- i. Public swimming pools shall be located to the rear of the principal building only.

2. Private.

- a. Private swimming pools shall be located to the rear of the principal building only.
- b. Private swimming pools shall be setback a minimum of 10 feet from rear and interior side lot lines, as measured at the edge of the concrete or structure immediately surrounding the pool.
- c. Prior to beginning construction of any pool, a zoning certificate shall be obtained.
- d. Private pools shall be designed and intended for the use of the residents of a single household and their relatives and friends without payment of any fee and not necessitate the provision of parking spaces, dressing and rest room facilities, or other services and facilities not normally available in the dwelling.
- e. All pools shall be located within an enclosed structure or completely surrounded by a fence or wall not less than four feet in height above the finished grade prior to putting water in the pool. The pool enclosures shall comply with the following requirements:
 - i. All fences and other pool enclosures shall comply with all appropriate requirements for fences or walls as contained herein.
 - ii. All fences and other pool enclosures shall be constructed so as to have no openings, holes, or gaps larger than 4 inches in width, except for doors, gates, and windows which shall be equipped with suitable locking devices to prevent unauthorized access. Access secured accessory buildings and walls of primary buildings may be used in or as part of the enclosures.
- f. Pools above-ground having vertical surfaces of at least 4 feet above the finished grade shall be required to have fences, enclosures and secured gates only where access may be had to the pool.
- g. Every pool shall be drained into a municipal storm sewer or other adequate drain opening, approved by the City Engineer. All drain water must be conducted to its proper discharge point by means of tightly sealed tile, pipe or hose. No person shall be permitted to drain a swimming pool onto any adjoining property.

V. Wind Energy Collection System.

- a. The height of the wind energy conversion system, including the rotor, shall not exceed the height limits for the district in which it is located, nor shall the height exceed the distance of the base of such system to any lot line for the property.
- b. The location of the system shall comply with all principal building setbacks for the district in which it is located and shall not adversely impact adjacent land uses.
- c. Appropriate maintenance and abandonment agreements shall be provided.
- d. The relationship of the system to public utility structures shall be considered and adequate provisions for interconnection with, and parallel generation in connection with, the public electric utility shall be required where applicable.



- e. Noise and electromagnetic interference created by the system shall not adversely impact surrounding uses.
- f. The safety of the system, including, but not limited to, its structural integrity, sufficient overspeed control limiting the speed of blade rotation to below the design limits of the system, limitation on unauthorized access to the structure, height of rotor sweep from ground level, and appropriate protection from electrical hazard shall be ensured. One or more signs may be required to be installed at the base of the system warning of high voltage and including an emergency phone number and emergency shutdown procedure.
- g. Compliance with all applicable city, state or federal safety, construction and electrical codes and other laws, rules and regulation containing requirements for wind energy conversion.
- h. Liability insurance to be obtained and maintained in force covering the installation and operation of the wind energy conversion system, having a single limit coverage in the amount of at least \$300,000.

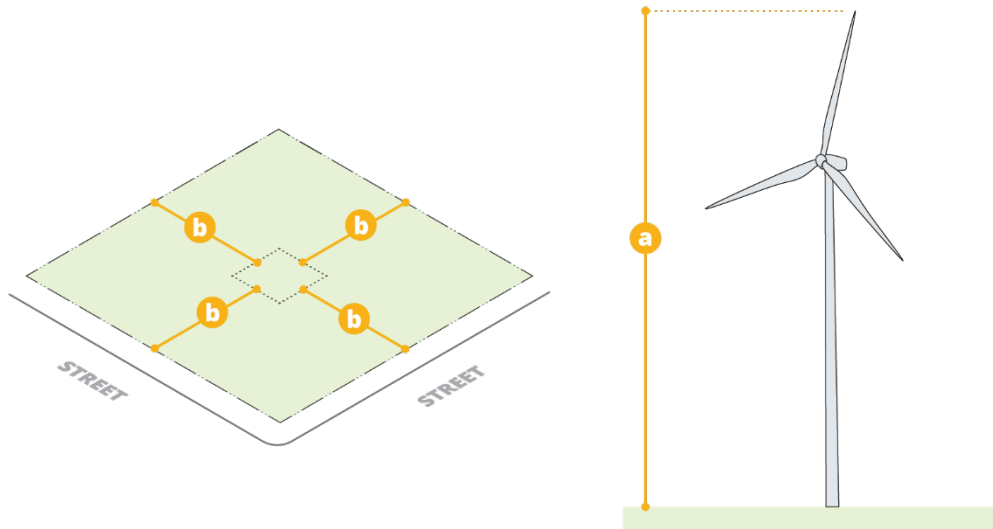


Figure 14 wind Energy Collection System



1104.07. Temporary Use Table

- A. **Temporary Uses Table.** The following shall be used in the interpretation of Table 1104.07.
1. **Permitted Uses (P).** Uses which are marked as “P” in the table shall be allowed temporary uses subject to all applicable regulations of this Code.
 2. **Temporary Uses (T).** Uses which are marked as “T” in the table shall be allowed subject to the issuance of a Temporary Use Permit as detailed in Section 1112.12 and subject to all other applicable regulations of this Code.
 3. **Supplemental Standards.** If a use has supplemental standards they are referenced in the Supplemental Standards column. Supplemental standards shall apply to all permitted and conditional uses.
 4. **Uses Not Listed.** A use not specifically listed is prohibited unless, through the Interpretation process established in Section 1112.06, it is determined that the use is a part of a general use type as described in Section 1104.02.

Table 1104.07: Temporary Uses in All Districts										
Permitted Uses	Supplemental Standards	R1	R2	R3	C-1	C-2	C-3	I	O	PI
Construction Related	1104.07(A)	P	P	P	P	P	P	P	P	P
Farmers Market	1104.07(B)	T	T	T	T	T	T		T	T
Farm Stand	1104.07(C)	P	P	P	P	P	P		P	P
Flea Market	1104.07(D)					T	T		T	T
Food Truck		P	P	P	P	P	P	P	P	P
Garage / Estate Sale	1104.07(E)	P	P	P	P					
Mobile Classroom	1104.07(F)									T
Mobile Retail / Service	1104.07(G)				T	T	T	T	T	T
Model Home	1104.07(H)	T	T	T	T					
Recreational Vehicle Parking	1104.07(I)	P	P	P	P					
Roll-off Dumpster	1104.07(J)	T	T	T	T					
Seasonal Sale	1104.07(K)				T	T	T	T	T	T
Special Event	1104.07(L)				T	T	T	T	T	T
Storage Unit	1104.07(M)	T	T	T	T					



1104.08. Temporary Use Supplemental Standards

- A. **Construction Related.** Temporary buildings or uses for purposes incidental to construction work shall be allowed provided they comply with the following regulations:
1. Temporary buildings or uses shall be permitted only during the construction period.
 2. Temporary buildings or uses may be placed on commercial and industrial lots for up to 180 days in a calendar year without a permit. If placed for more than 180 days in a calendar year, a temporary use permit shall be required.
 3. Temporary buildings or uses shall:
 - a. Comply with all applicable setbacks for principal buildings,
 - b. Not be located in any required open space, landscaped area, or right-of-way,
 - c. Not block or interfere with vehicular or pedestrian circulation,
 - d. Comply with all applicable building and fire code regulations.
 4. The parking or storage of construction equipment shall only be allowed on a lot when the equipment is actively in use for construction on that lot. Construction equipment shall include, but not be limited to:
 - a. Rollers, trench rollers, and compactors;
 - b. Mortar mixers and concrete mixers with a capacity greater than nine cubic feet;
 - c. Road graders, front-end loaders, cranes, and pile drivers;
 - d. Tractor trailers, low boys, tankers, and dual axle dump trucks;
 - e. Backhoes, trenching machines, forklifts, and skid-steer loaders.
- B. **Farmers Market.**
1. The market shall be located and arranged to avoid blocking vehicular or pedestrian circulation, required parking, or emergency access.
 2. Vendor booths, tents, and structures shall comply with all applicable building, fire, and safety Codes.
 3. Signs associated with the farmer market shall comply with Chapter 10 of this Code and shall not be placed in any street right-of-way or obstruct pedestrian or vehicular access.
- C. **Farm Stand.**
1. All signs shall be non-obstructive and located to ensure clear visibility without impairing traffic or pedestrian safety. Signs shall meet all standards of Chapter 10.
 2. The farm stand and associated structures shall be kept in a clean, safe, and good condition.
 3. The farm stand shall operate within designated hours, not exceeding 8 a.m. to 7 p.m.
 4. The farm stand shall be located near the front of the lot, away from the main traffic lanes and pedestrian pathways to provide clear access for both vehicles and pedestrians.



D. Flea Market.

1. Flea markets shall comply with all applicable building, fire, and safety Codes of the City.
2. Flea markets shall be located and arranged to avoid blocking vehicular or pedestrian circulation.
3. Parking, sign, and hours of operation shall comply with this Code.

E. Garage/ Estate Sales. Any family may conduct two such sales within a twelve-month period upon the property at which they reside for a period not to exceed three consecutive days without obtaining a zoning certificate, provided the provisions of this Zoning Code pertaining to signs and parking are observed.

F. Mobile Classroom.

1. Mobile classrooms shall comply with all applicable building, fire, and safety Codes of the City.
2. Mobile classrooms shall be located on a hard-surfaced area and shall not block vehicular or pedestrian circulation, required parking, or emergency access.

G. Mobile Retail/Service. A Mobile Retail/Services use whether motorized or non-motorized may be set up on a semi-regular, or one-time basis subject to the following criteria:

1. The owner or operator of the Mobile Retail/Services use shall obtain and maintain all required licenses at all times.
2. The permit shall be displayed to the public in a visible location on the Mobile Retail/Services structure.
3. Operations shall not be located in a driveway or drive aisle.
4. The owner or operator shall ensure that all trash generated by Mobile Retail/Services use is disposed of in designated receptacles and shall arrange for regular trash collection services to handle waste generated by the Mobile Structure. Operations shall not obstruct parking lot circulation or block access to a public street, alley, sidewalk, or fire lane.
5. The operation of the Mobile Retail/Services use shall not block a pedestrian walkway or public sidewalk in a manner which reduces the width of that walkway or sidewalk to less than five feet or causes damage to any improvements within the public right-of-way.
6. The owner or operator shall place safety cones around the Mobile Retail/Services structure to alert pedestrians and vehicles to its presence for safety.
7. No Mobile Retail/Services use shall be set up on any privately owned lot or parcel without written permission of the owner.
8. Signs, except for freestanding sidewalk signs shall be permanently affixed to or painted on the Mobile Retail/Services structure. Each Mobile Retail/Services use may have one sandwich board/a-frame sign which may not be located in any right-of-way or impede pedestrian or vehicular traffic and shall be within 25 feet of the mobile retail/services use.
9. One Mobile Retail/Services use may locate and operate on a lot or parcel at a time.
10. When not in operation, a Mobile Retail/Services structure shall not be stored in the public right-of-way.



11. Any location in the City’s right-of-way, including sidewalks, may be subject to temporary suspension or revocation without cause, but for reasons that may include construction, repairs, maintenance or emergencies as determined by the City.
12. A permit shall not be required for Mobile Retail/Services uses that are:
 - a. Part of a City-permitted event, or
 - b. For a private, catered event occurring on private property (private parties, reunions, weddings and the like) in any district.
13. A street closure permit may be required in order to locate a Mobile Retail/Services use on any City street or right-of-way where the provisions contained in this Section cannot be met. Mobile Retail/Services uses may not cater for private events from either the sidewalk or road right-of-way without an approved street closure permit.
14. The provisions of this Section shall not apply to any minor-operated business.

H. Model Home.

1. The dwelling unit shall be used only for new home and/or lot sales or promotional purposes and shall not be used as a residence or other business purpose, including uses as a contractor's construction office, warehouse, or storage facility for construction materials and equipment to be used in the building of other sites and structures, and shall require a temporary use permit.
2. At least two on-site parking spaces shall be provided and paved. These spaces shall be approved by the City Engineer before construction begins and shall be removed when the model home use ends, unless the City Engineer approves them as suitable for residential use and compatible with the surrounding homes and lots.
3. No lighting, noise, or other model home use or activity shall negatively impact adjacent homes and lots.
4. Additional conditions, criteria, or requirements shall be determined through the temporary use permit process to ensure that the proposed model home is compatible or appropriate to the proposed development, neighborhood, and/or location.
5. **Model Homes in Major Residential Subdivisions.** The following requirements shall apply to model homes proposed as part of a major residential subdivision.
 - a. The unit shall be located on a standard lot contained within the subdivision and shall not necessitate zoning or building variances for the construction of the model dwelling;
 - b. The unit shall not be operated as a sales or promotional facility during the night-time hours of 9:00 p.m. to 7:00 a.m. every day, shall reduce all unnecessary lighting during this same time period, and shall not provide or permit overnight vehicle parking on the site or on adjacent streets(s);
 - c. The unit shall be approved for model home use for a one-year probationary period and subsequently reappraised through a Temporary Use Permit for up to three-year period extensions, based on the satisfactory performance, maintenance, and complaint experience during the preceding time period;
 - d. A model home located within a major residential subdivision shall be operated as a model home only during the time period in which there exists two or more vacant lots owned by the subdivision developer or by the home builder approved for the model home or two or more



vacant dwellings owned by the building or owner approved for the model home and said dwellings never having been sold, rented, or otherwise occupied;

6. **All Other Types of Single-Family Model Homes.** The following requirements shall apply to model homes proposed for a site which is not part of a major subdivision or which is located on an arterial street.
 - a. The unit shall be located on a residentially zoned lot which fronts on an arterial street and which meets or exceeds the minimum lot requirements of the residential zoning for said lot;
 - b. The site on which the unit is located shall have the area, location, or other characteristics necessary to provide a reasonable residential environment and residential use after the model home function is terminated;
 - c. The unit shall be sited so that the front yard setback shall be at least 50 feet from the arterial street right-of-way;
 - d. There shall be a maximum of one model home arterial site in the community at any one time for the same developer or home builder.
 - e. The unit shall not be operated as a sales or promotional facility during the night-time hours of 11 p.m. to 7 a.m.;
 - f. A model home shall be potentially available and shall be operated as a model home only during the time period in which a subdivision developer or home builder owns at least 10 residential building sites in the City;
 - g. The unit shall be located on a site which will accommodate all the parking needed for the model home use; no parking shall be permitted on the arterial street right-of-way;
 - h. The unit shall be approved for model home use for an initial one-year period and subsequently reapproved through a Temporary Use Permit for up to three-year time period extensions based on the satisfactory performance, maintenance, and complaint experience during the preceding time period.
7. **Models for Non-Single-Family Developments.** The following requirements shall apply to model suites proposed as part of a multi-family, senior citizen or other non-single family residential development.
 - a. The unit shall be located in a suite representative of the majority of suites available in the project;
 - b. The unit shall not be operated as a sales or promotional facility during the night-time hours of 9 p.m. to 7 a.m. every day and shall reduce all unnecessary lighting during this same time period;
 - c. The unit shall be approved for model suite use for an initial one-year probationary period and subsequently reapproved through a Temporary Use Permit for up to three-year time period extensions based on the satisfactory performance, maintenance, and complaint experience during the preceding time period;
 - d. In addition to model suite purposes, said suite may also be used for building management purposes.



I. Recreational Vehicle Parking.

1. Recreational vehicles and equipment, including boats, motor homes, campers, trailers, and motorcycles, parked or stored in the front yard of a residence shall be on a hard-surfaced driveway and at least 40 feet from the street right-of-way.
2. One recreational vehicle may be parked on a driveway within 40 feet of the street right-of-way once per calendar year for a period not to exceed 14 consecutive days.

J. Roll-off Dumpster.

1. Roll-off dumpsters shall be placed on a surface that is maintained in a durable and dustless condition consisting of oiled crushed stone, asphalt, bituminous, concrete, or equivalent surfacing.
2. A temporary use permit shall be required for any roll-off dumpster placed on the property for a period exceeding 30 days.
3. Roll-off dumpsters shall not be located in any required open space, landscaped area, right-of-way, or in any location that blocks or interferes with any vehicular and/or pedestrian circulation and shall be located in accordance with all applicable building and fire code regulations.

K. Seasonal sales.

1. Sales events exceeding five days shall require a temporary use permit and shall not be permitted for more than three months at one site in any twelve month period.
2. If the event occurs on property not owned by the applicant, a written property owner consent shall be submitted.
3. Seasonal sales areas may use a maximum of twenty (20) percent of the parking spaces required for the operation of the principal use or two thousand (2,000) square feet, whichever is greater. Sales areas shall not be located in any location that blocks or interferes with any vehicular and/or pedestrian circulation and shall be located in accordance with all applicable building and fire code regulations.
4. Seasonal sales areas shall not block pedestrian walkways in a manner which reduces the width of that walkway to less than five feet.

L. Special Event.

1. Special events shall comply with all applicable building, fire, and safety Codes.
2. The event location shall provide adequate parking and maintain unobstructed access for emergency vehicles.
3. Temporary signs shall comply with the standards and requirements set forth in Chapter 10 of this Code.
4. The event shall be conducted in a manner that does not obstruct pedestrian or vehicular circulation.

M. Storage Unit. In residential districts, temporary storage units may be permitted provided they comply with the following requirements:

1. Temporary storage units shall be placed on a surface that is durable and dustless, such as oiled crushed stone, asphalt, bituminous, concrete, or equivalent surfacing. The storage units shall not exceed eight feet in height, eight feet in width and 16 feet in length.



2. No more than one (1) temporary storage unit shall be permitted on a property at any one time.
3. Temporary storage units shall not be located in any required open space, landscaped area, right-of-way. They shall not block or interfere with vehicular or pedestrian circulation and shall comply with all applicable building and fire code regulations.
4. Temporary storage units may be placed on residential lots for up to 15 days in a calendar year without a permit. Temporary storage units placed on residential property for more than 15 days in a calendar year shall require a temporary permit.



Chapter 1105. Subdivision Standards

- 1105.01. General Provisions
- 1105.02. Street Segments and Lots
- 1105.03. Street Design
- 1105.04. Easements
- 1105.05. Site Improvements Standards
- 1105.06. Conservation Design

1105.01. General Provisions

- A. **Purpose.** The purpose of this Section is to:
1. Promote the public health, safety, and general welfare of the community;
 2. Ensure the orderly planning and development of land;
 3. Facilitate the further re-subdivision of larger tracts into smaller parcels of land;
 4. Ensure that urban development occurs with the City standard sewer, water and other urban services;
 5. Protect environmental resources, including groundwater, from pollution;
 6. Ensure accurate surveying and proper recording of plats;
 7. Establish uniform standards and procedures for handling subdivisions and plats; and
 8. Establish the subdivision regulations as the minimum standards to be met.
- B. **Applicability.** The standards of this Chapter shall apply to all land located within the corporate limits of the City.



1105.02. Street Segments and Lots

A. Street Segments.

1. **Residential Street Segments.** The length of a residential street segment shall not exceed 1,000 feet and shall be no less than 350 feet.
2. **Non-residential Street Segments.** The length of a non-residential street segment shall not exceed 1,800 feet and shall be no less than 600 feet.

B. Access to Public Streets. Each lot shall have a frontage that meets the minimum requirement established in Section 1102.04 of this Code. Lots with frontage on a private easement or street may be approved as part of a Major or Minor Planned Unit Development pursuant to Sections 1112.19 and 1112.20 of this Code.

C. Flag Lots. The creation of flag lots is permitted within the R-1, R-2, and R-3 districts, in accordance with the provisions outlined in Table 1105.02.

Table 1105.02: Setback Requirements	
Zoning Districts	Minimum Front Yard Setback [1]
R-1	90 feet
R-2	80 feet
R-3	70 feet

Note
[1] For flag lots, the required front yard setback shall be measured from the property line at the point of access to the flag lot.

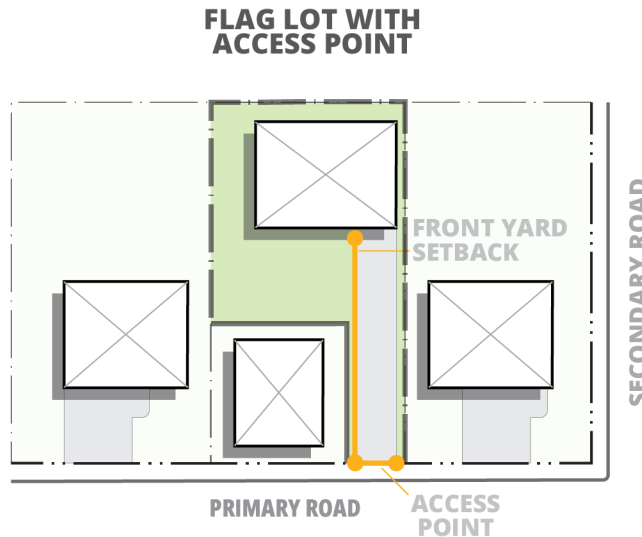


Figure 1 Flag lot with Access Point



D. Double-frontage Lot.

1. Lots shall not have frontage on more than one street, except in the following cases:
 - a. Extreme elevation changes prevent access from one of the streets;
 - b. Separation of residential lots from a major arterial thoroughfare is necessary; or
 - c. On a corner lot.
2. **Requirements for Exceptions.**
 - a. Where double-frontage lots are created adjacent to a major arterial thoroughfare, a reserve strip along the arterial shall be deeded to the City.
 - b. The plat shall state that no right of access is permitted across the reserve strip.
 - c. The City may require one of the following along the arterial frontage:
 - i. A decorative 6-foot-high solid board fence or masonry wall; or
 - ii. A 10-foot-wide planting screen.

1105.03. Street Design

A. Classification Standards.

1. **Major Arterial.** Major arterial thoroughfares shall be planned for continuous movement of traffic between points of higher traffic volume generation and within and through the community to another. These thoroughfares shall contain as few intersections with local streets as possible.
2. **Collector Streets.** Collector streets shall provide a traffic route from local streets to major arterial thoroughfares. These streets shall be spaced at least one-quarter mile apart.
3. **Local Streets.** Local streets shall provide direct and full access to each lot and shall be laid out to discourage their use by through traffic. The street system shall be so designed that all proposed streets shall be in conformity with modern practices of land subdivision and with a plan for the most advantageous development of the entire neighborhood.
4. **Parallel Streets.** Parallel streets may be required along an existing or proposed major arterial thoroughfare to provide access to lots along those thoroughfares.
5. **Industrial Streets.** Industrial streets shall provide adequate access to industrial land for industrial, automobile, and truck traffic.

- B. Right-of-way Widths and Grades.** The right-of-way of streets in Stow shall be as detailed in Table 1105.03(B) and as determined by the City Engineer. New development, major redevelopment, and intermediate redevelopment (in accordance with Table 1105.03(B)) shall



dedicate right-of-way as necessary if existing right-of-way width is less than the minimum standard.

Table 1105.03(B): Right-of-Way Width and Grade Requirements			
Type of Street	Min. Right-of-Way Width	Grade (%)	
		Max	Min
Major Arterial	80	7	0.5
Collector	60	7	0.5
Parallel	40	7	0.5
Local			
Single-Family	50	7	0.5
Multi-Family	50	7	0.5
Industrial	50	7	0.5

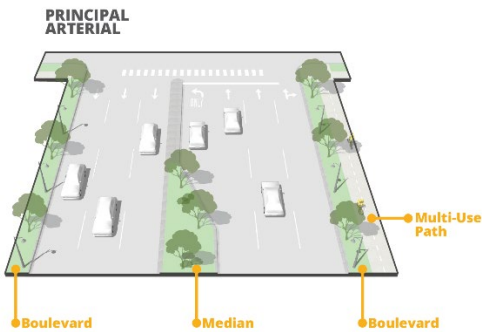


Figure 2 Major Arterial

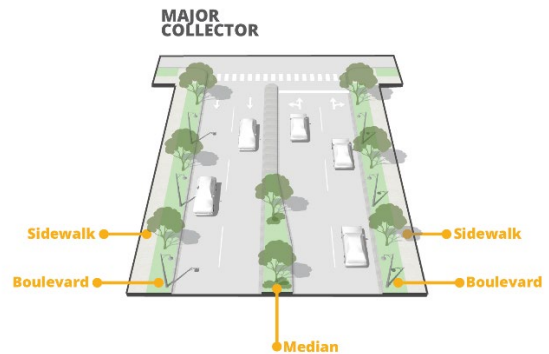


Figure 3 Collector

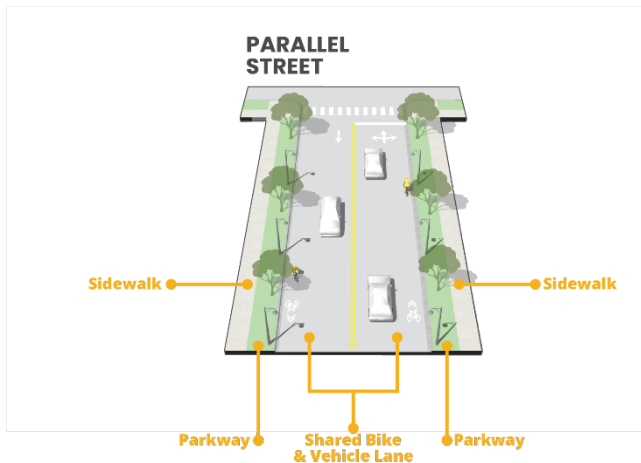


Figure 4 Parallel Street

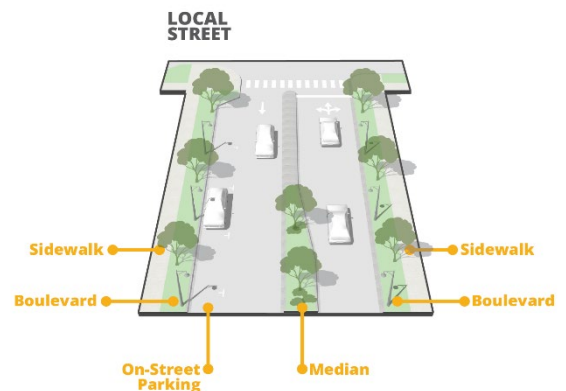


Figure 5 Local Street



C. **Street Cross-Section Elements.** The developer shall design and construct pavements, curbs, gutters, and sidewalks. The construction and materials shall be as specified by the current edition of the State of Ohio Department of Transportation Construction and Material Specifications and the City of Stow Standard Drawings

1. **Drive Aisle Pavement.**

- a. The pavement width shall be no less than 26 feet from curb face to curb face.
- b. The pavement shall consist of:
 - i. Minimum eight inches of monolithic Portland cement concrete; or
 - ii. Minimum six inches of Asphalt Concrete base, two inches asphalt concrete intermediate course, and one and a half inches of asphalt concrete surface course. Greater pavement widths may be required by the Planning Commission and City Council to accommodate anticipated traffic volumes.
- c. The City Engineer may require higher standards for pavements to address unusual soil or drainage conditions.
- d. Prior to the installation of underground utilities and house connections, completion of rough grading shall be shaped, rolled and compacted to within six (6) inches of final grade.
- e. A temporary roadway of stone may be constructed by the developer for use during the building construction period.
- f. The developer shall maintain the pavements in a safe and passable condition at their own expense until the road is dedicated to the City.

2. **Curbs and Gutters.**

- a. **Concrete Streets.** Integral concrete curbs and gutters shall be provided.
- b. **Asphalt Streets.** Six-inch by eighteen-inch vertical curb, in accordance with ODOT Type 6 Standard Drawing, shall be provided.

3. **Street and Traffic Signs.**

- a. Street name signs, stop signs, fire lane signs, no parking signs, and other directional or warning signs shall be installed by the City at the developer's expense.
- b. Signs shall be installed at the locations specified by the Director of Public Safety or the City Engineer, in compliance with their specifications.



4. **Medians.**

- a. Medians shall be provided where required by Table 1105.03(C) and shall meet the minimum width standards as follows:
 - i. Seven feet on principal arterial, minor arterial, and major collector roadways.
 - ii. Five feet on minor collector and local roadways.
- b. Medians shall be located between the back of curb and sidewalk or pedestrian walkway.
- c. Street trees shall be planted as detailed in Chapter 8.
- d. Streetlights shall be installed in the median per Section 1106.05 of this Code.

5. **Bicycle Facilities.**

- a. Bicycle lanes shall be a minimum five feet in width and shall be delineated in accordance with NACTO (National Association of City Transportation Officials) standards.
- b. Shared bicycle and vehicle lanes shall be delineated in accordance with NACTO standards.

6. **Sidewalks.**

- a. Sidewalks shall be constructed of Portland cement concrete four inches thick with the thickness increased to six inches where the sidewalk is crossed by a driveway as per the City of Stow standard drawings.
- b. Sidewalks shall have a minimum width of five feet, or as determined by the City Engineer.
- c. **Administrative Adjustment.** The City Engineer may approve an Administrative Adjustment per Section 1112.04.
- d. Adjacent sidewalks shall be kept free from dirt, ice, sleet, and snow and in a safe condition for use by pedestrians.

7. **Landscape Strip.**

- a. A landscape strip shall be located between the sidewalk and the back of curb.
- b. A landscape strip shall have a minimum width of five and one-half feet.
- c. **Administrative Adjustment.** The City Engineer may approve an Administrative Adjustment per Section 1112.04.

8. **Street Trees.**

- a. One canopy tree shall be provided for every 40 feet of landscape strip length.



- b. The developer shall furnish a plan showing the location of new trees in the street right-of-way to the City Arborist.
- c. Trees shall be of the variety and spacing specified by the City Arborist and shall be planted at the developer's expense.
- d. **Administrative Adjustment.** The City Engineer may approve an Administrative Adjustment per Section 1112.04.

9. **Required Street Cross-Section Elements by Street Classification.** The elements identified in Table 1105.03(C) shall be required per street classification type. Should an existing street be deficient in any street cross-section element, the developer shall be responsible for the improvement or contributing a proportional fee in lieu for the improvement as a part of any new development or major redevelopment. Table 1105.03(C) shall be interpreted using the following key:

- a. ♦ = A cross-section element required and if applicable is required on both sides of a street.
- b. X = A cross-section element required if identified in an adopted plan or policy document of the City of Stow.
- c. ⊗ = An optional cross section element.

Cross Section Element	Arterial	Collector	Parallel	Local – Single Family	Local – Multi-family	Local - Industrial
<i>Drive Aisle Pavement</i>	♦	♦	♦	♦	♦	♦
<i>Curbs and Gutters</i>	♦	♦	♦	♦	♦	♦
<i>Street and Traffic Signs</i>	♦	♦	♦	♦	♦	♦
<i>Medians</i>	♦	⊗	⊗	⊗	⊗	⊗
<i>Bicycle Facilities</i>	X	X	X	X	X	X
<i>Sidewalks</i>	♦	♦	♦	♦	♦	♦
<i>Landscape Strip</i>	♦	♦	♦	♦	♦	♦
<i>Street Trees</i>	♦	♦	♦	♦	♦	♦

D. Street Arrangement.

- 1. The arrangement, character, extent, width, and location of all streets shall conform to the comprehensive plan.



2. Proposed street designs shall ensure the continuation of existing streets and provide public access to adjacent undeveloped lands so that the entire area can be served with a coordinated public street system.
3. For additional street design standards, refer to Section 1109.01 of the Access and Mobility Chapter of this Code.

E. Cul-de-sac and Roadway Stubs.



Figure 6 Cul-de-sac Streets

1. Cul-de-sac Streets.

- a. Any residential street designed to be a cul-de-sac in a residential development shall be no longer than 800 feet.
- b. The closed end of all cul-de-sacs shall be provided with a turnaround meeting the standards of the Ohio Fire Code.

2. Roadway Stubs.

a. Roadway Stub Location.

- i. All development shall connect to any existing roadway stub from an adjacent property.
- ii. If an existing roadway stub is located on non-adjacent property, new roadway stubs shall be required to connect to the existing roadway stub.
- iii. All development shall stub to all adjacent undeveloped property.

b. Roadway Stub Arrangement.

- i. Local roadway stubs to adjacent parcels shall be arranged and designed to allow future constructable connections.



- ii. Local roadways shall not be arranged or located in a manner to stub to the following:
 - a) Railroad or controlled access highway;
 - b) Previously established open space, park space, or social gathering space;
 - c) Significant physical barriers where steep slopes or wetlands prevent the construction of a roadway at the maximum slope requirements per the City’s Standards and Specifications; or
 - d) Adjacent development containing one or more of the following land uses: lot less than two acres in area with a Single-Family Dwelling; Duplex Dwelling; Public School; Private School; Cemetery; Public Safety Facility; Public Service and Maintenance Facility; or Place of Worship.
- c. **Roadway Stub Design.** Roadway stubs shall be designed and constructed to the property line or as close to the property line as practicable, and shall include:
 - i. A temporary turnaround if the stub is 150 feet or more in length.
 - a) A temporary turnaround shall be placed in an easement until such time that the roadway is extended. The easement shall be designed to allow for the necessary construction space for future conversion.
 - b) Roadway stub and turnaround designs shall comply with the requirements of the Ohio Fire Code.
 - ii. A clearly visible roadway sign shall be erected at the end of the stub roadway stating that the roadway is planned to connect to a future roadway.

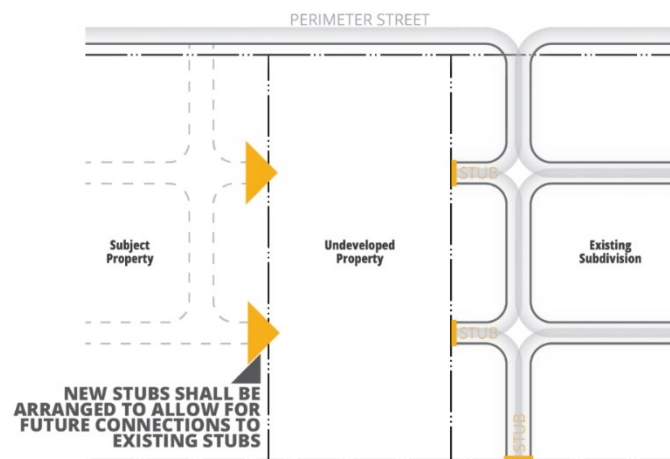


Figure 7 Roadway Stub Arrangement



- d. **Administrative Adjustment.** The City Engineer may waive the requirement for roadway stubs after all viable locations for a roadway stub to an adjacent property have been exhausted.
- F. **Corner Radii.** Property lines at street intersections shall be rounded with a radius of no less than 40 feet for major arterial, collector streets, and industrial streets, and not less than 20 feet for local streets.
- 1. **Horizontal and Vertical Curves.**
 - a. **Horizontal Curves.** Angles in the alignment of street lines shall be connected by a curve with a minimum radius on the centerline of:
 - i. 300 feet for local streets;
 - ii. 400 feet for collector streets and industrial streets; and
 - iii. 500 feet for major arterials.
 - b. **Vertical Curves.**
 - i. Every change in street grade shall be made with a vertical curve to provide sight distance suited to the location.
 - ii. The sight distance shall not be less than 300 feet from a height of four and one-half feet.
 - iii. Horizontal and vertical curves shall also comply with the City Engineer's specifications.
- G. **Intersections.**
- 1. Streets shall be laid out to intersect as nearly as possible at right angles.
 - 2. No street shall intersect any other street at an angle of less than 60 Degrees.
 - 3. Intersections containing more than four streets are prohibited.
 - 4. Street intersections with centerline offsets of less than 100 feet are prohibited. If necessary, the minimum distance between centerline offsets may be increased based on traffic volume and location, as determined by a traffic study and approved by the City Engineer.



1105.04. Easements

A. Utility Easements.

1. All utility lines shall be located underground.
2. Easements for electric, telephone, cable, and fiber lines and sanitary, storm, water, gas and other utilities shall be a minimum of 10 feet wide along front and street side lot lines, and five feet wide along interior side and rear lot lines, unless wider easements are required by the City Engineer.

B. Drainage Easements.

1. Where a subdivision is traversed by a drainageway, storm sewer, or drainage system, an easement shall be provided along the drainage path.
2. The easement shall be at least 20 feet wide, or wider as the City Engineer may require, and shall generally follow, but not be centered upon, rear and side lot lines.
3. The developer shall delineate the drainage easement on the ground prior to the acceptance of the plat.
4. If the watercourse is not presently channeled or visible, the developer shall define the watercourse by excavation or grading.
5. Storm drainage facilities constructed by the subdivider shall be provided with an easement which provides access not less than 20 feet in width for maintenance equipment to all sections.

1105.05. Site Improvements Standards

A. **Required Improvements.** The required improvements shall be designed and stamped by a licensed Civil Engineer and installed by the developer in accordance with the provisions of this Chapter. Improvements shown on improvement plans approved by the City Engineer shall be installed before the final plat is recorded, or, in lieu thereof, the subdivider may provide a financial guarantee, as outlined in Section 1112.22, prior to recording the final plat.

B. Drainage Improvement Requirements.

1. **Drainage System Design.** A subdivider shall design and construct a drainage system to manage surface water within the subdivision and surrounding drainage area. The subdivision shall be graded according to the approved improvement plan.
2. **Drainage Plan.** As part of the required improvement plans, the subdivider shall submit a plot plan that shows how surface drainage will be managed for each lot. This plan shall be submitted to and approved by the City Engineer.
3. **Grading Requirements.** Grading, sidewalk, pavement construction, or utility installation in any proposed street shall not begin until the improvement plans are approved by the City



Engineer. The subdivider shall grade the subdivision to ensure that street, street segment, and lot grades are properly aligned with each other and the natural topography as follows:

a. **Street Grading Plan.**

- i. A grading plan shall be prepared for the streets, along with street improvement details.
- ii. The roadway grading shall extend across the full width of the right-of-way.
- iii. The area between the pavement and the right-of-way shall have a grade of at least three percent and no more than four percent, sloping upwards from the curb to the sidewalk or property line, and shall follow the City's standard drawing Requirements.

b. **Lot Grading.**

- i. Lots shall be graded so that water drains away from each building at a minimum grade of five percent for at least 10 feet.
- ii. Surface drainage swales shall have a minimum grade of two percent and shall be designed to direct surface water under a driveway or into a street gutter, storm sewer, drain inlet, or natural drainageway.

c. **Topsoil.**

- i. If grading or re-grading removes topsoil, it shall:
 - a) Not be removed from the subdivision site or used as backfill.
 - b) Be conserved, stockpiled, and used as loam or top dressing for lawns, private property, or areas within the public right-of-way, e.g., landscape areas within the subdivision as approved by the City Engineer.
- ii. The procedures outlined in subsection (i) may be performed after the substantial completion of the required public improvements on private lots but shall be completed prior to the initial occupancy of any dwelling.

4. **Drainage System Requirements.** The design criteria for drainage systems shall be based on the Engineering standards.

a. **Road Drainage System.** The road storm drainage system shall serve as the local drainage system, designed to carry drainage from roadways, adjacent lands, and homes. Storm sewers shall discharge into natural waterways.

b. **Off-Road Drainage System.**

- i. The design of the off-road drainage system shall provide for the watershed affecting the allotment and shall be extended to a watercourse or storm sewer adequate to receive the storm drainage.



- ii. Where watercourses cross platted lots diagonally, the subdivider may propose adjustments to the course where practicable, provided that any modification receives prior approval from the City Engineer and complies with all applicable FEMA, State, and federal regulations, including any required permits from the Army Corps of Engineers.
- iii. All constructed storm drainage courses shall be enclosed with a pipe, approved by the City Engineer.

5. Protection of Drainage Systems.

- a. The subdivider shall protect all roadways and watercourses to the satisfaction of the City Engineer and all applicable FEMA, State, and federal regulations.
- b. All drainage facilities within the subdivision shall be in a stable condition, free from erosion, sedimentation, and debris.

6. Pipe System.

- a. All storm pipe design shall conform to the Summit County Drainage Manual.
- b. Pipe materials shall comply with the State of Ohio Department of Transportation Construction and Material Specifications.
- c. Storm pipe design and materials shall be approved by the City Engineer.

C. Improvement Requirements for Public Utilities.

1. All public utilities shall be located underground.
2. The subdivider shall enter into agreements with all affected utility companies to ensure the underground installation of these facilities.
3. The subdivider shall grant the utility companies all easements necessary for the installation, operation, and maintenance of these facilities.

D. Improvement Requirements for Monuments.

1. Monuments shall be at least 30 inches long and consist of 5/8-inch rebar, capped with the licensed surveyor's name and Ohio license number.
2. All monuments set in pavement shall be placed in ODOT standard type monument boxes.
3. Monuments shall be placed as directed by the City Engineer.

E. Oversize and Off-Site Improvements.

1. Oversize and off-site extensions of public utilities, pavements, storm sewers, and other improvements shall be designed and constructed to support the orderly development of nearby land and contribute to the neighborhood service or drainage area.



2. If the City Engineer determines that improvements beyond what is needed for the subdivision are required, the subdivider shall install both the improvements needed for the subdivision and the additional oversized and off-site improvements.
3. The subdivider may contract with adjacent property owners and subdividers of adjacent land for reimbursement for the oversized and off-site improvements required.
4. The improvements shall be available for connections by individual property owners and subdividers of adjacent land.

F. Construction Requirements.

1. Construction Inspections.

a. Responsibilities of City Engineer.

- i. The City Engineer shall be responsible for the inspection of all streets, water systems, and drainage improvements.
- ii. The County Department of Sanitary Sewer Services (DSSS) shall also certify the County's inspection of all sanitary sewers.

b. Authority and Duties of Inspectors.

- i. Inspectors employed by the City, the City Engineer, or the County DSSS Director shall be authorized to inspect any work done and all materials.
- ii. The inspection may cover:
 - a) Any part of the work; and
 - b) The preparation, fabrication, or manufacture of materials.
- iii. Inspectors shall have the authority to:
 - a) Notify the contractor of any non-compliance with the specifications or plans;
 - b) Reject non-compliant materials; and
 - c) Suspend work until issues are resolved by the developer/contractor and approved by the City Engineer and County DSSS.

c. Inspectors shall not have the authority to:

- i. Alter, revoke, or waive any requirements of the approved specifications or plans.

d. Final Inspections.

- i. The subdivider shall request in writing a final inspection by the City Engineer upon completion of all improvements.



- ii. The City Engineer shall conduct a final inspection of streets, water, sanitary sewer, and drainage improvements.
- iii. The County DSSS Director shall conduct the final inspection and certify all sanitary sewer improvements.

2. Construction Responsibilities.

a. Cooperation of Subdividers and Contractors.

- i. The subdivider or the contractor shall have an approved copy of all required plans and specifications available on-site all time.
- ii. The subdivider or the contractor shall cooperate fully with the inspector and other contractors on the project.
- iii. The superintendent shall be present on the project at all times, acting as the subdivider's or contractor's agent.
 - a) A superintendent shall be provided, regardless of the amount of work sublet.
 - b) The superintendent shall be capable of reading and understanding the plans and specifications.
 - c) The superintendent shall have full authority to execute the plans and specifications and promptly supply the materials, tools, equipment, and labor needed for the project.

b. Work Schedules.

- i. No work or improvement shall begin until the City of Stow, Summit County DSSS, and the Soil and Water Conservation Commission (SSWCD) holds a preconstruction meeting. The subdivider or the contractor shall be required to submit the required work schedules to the City Engineer for approval.
- ii. The subdivider or contractor shall submit the required work schedule to the City Engineer for approval prior to work beginning.
- iii. The City Engineer shall be notified at least 24 hours in advance of any schedule changes.
- iv. All work shall be inspected and approved by the City of Stow as detailed in Subsection a above. Any work not inspected may require removal and reinstallation.
- v. The normal workweek is assumed to be an eight-hour day, Monday through Friday. If overtime is required, it shall be indicated on the schedule.
- vi. Inspector overtime shall be paid for by the developer at the City rate plus any applicable incidental costs.



- c. **Grade Stakes.** Grade stakes shall be installed as directed by the City Engineer.
- d. **Repair of Damage.** Any damage caused by construction traffic, local traffic, or other means shall be repaired or the damaged materials replaced before proceeding with the next phase of construction.
 - i. Video of surrounding streets shall be supplied to the City Engineer prior to the pre-construction meeting.
- e. **Final Cleanup.**
 - i. Upon completion of the work and before acceptance, the subdivider or the contractor shall clean all areas affected by the construction to the satisfaction of the inspector as detailed in Subsection d above.
 - ii. All disturbed areas shall be graded and stabilized.
- f. Project must provide signage per Ohio Manual of Uniform Traffic Control Devices (OMUTCD) and construction shall comply with all City and OSHA Safety Standards.
- g. **Maintenance of Improvements on Dedicated Streets.**
 - i. The subdivider shall be responsible for the maintenance of the improvements during the construction period and shall be responsible for providing the services necessary to guarantee access to all occupied lots until final acceptance of the improvements by the City Engineer.
 - ii. The City shall notify the subdivider if maintenance or services are needed.
 - iii. If the subdivider fails to perform the necessary maintenance or service within the specified timeframe, the City may perform the maintenance or service and bill the subdivider.
 - iv. Payment for the service shall be guaranteed by the performance bond.
 - v. The subdivider shall maintain all improvements for the period specified by the maintenance guarantee.
 - vi. The asphalt surface course shall not be placed until 60 percent of the subdivision is built.

G. Agreements, Bonds, and Guarantees.

1. Performance Agreement and Bonds.

- a. **Performance Agreement.** To assure the construction and installation of the improvements required as outlined in Section 1105.05(F) and the approved preliminary plan, the subdivider shall execute a performance agreement with the City. The agreement shall be in a form approved by the Law Director and shall include:

1105 Subdivision Standards

Site Improvements Standards



- i. Assurance that all improvements will be constructed and installed at the subdivider's expense;
 - ii. Compliance with the standards and specifications for each type of improvement;
 - iii. Improvements will benefit lands within the subdivision and the adjacent roadway;
 - iv. Completion and installation of all improvements within 24 months after the final plat approval;
 - v. A two-year maintenance bond guarantee for work and materials after acceptance by the City; and
 - vi. Any additional provisions deemed necessary by the Service Director in the public interest.
- b. **Performance and Maintenance.** Concurrent with the execution of the performance agreement, the subdivider shall furnish a performance bond to the City.
- i. The bond shall be approved by the Law Director, equal to 110% of the City Engineer's estimate to cover the cost of construction and installation of improvements required as determined by all governing agencies.
- c. **Maintenance Bond.** Upon completion and installation of the improvements, the performance bond shall not be released until a satisfactory maintenance bond is furnished to the City.
- i. The maintenance bond shall:
 - a) Be in the sole control of the City; and
 - b) Be in the amount of 10% of the performance bond and shall be in form and terms approved by the Board of Control.
 - ii. The Board of Control shall be the final authority on the acceptance and release of performance and maintenance bonds.
 - iii. No such action shall be taken until the advice of the Law Director and the City Engineer is included in the board's minutes.
- d. **Title Guarantee.** A title guarantee shall be furnished to the City when the plat is submitted for approval.
- i. This guarantee shall confirm that the title of the lands to be dedicated is as indicated on the final plat.
 - ii. A certification that current taxes have been paid shall also be submitted.



1105.06. Conservation Design

A. **Purpose.** The purpose of conservation design is to:

1. Provide flexibility of design in order to preserve protected areas (Section 1105.06(D)) in perpetuity;
2. Permit clustering of houses and structures outside of protected areas to reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development;
3. Reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential developments;
4. Promote interconnected greenways and corridors and contiguous green space within Stow and with adjacent jurisdictions; and
5. Encourage interaction in the community by clustering houses and orienting them closer to the street, providing gathering places and encouraging the use of parks and community facilities as focal points in the neighborhood.

B. **Applicability.**

1. Conservation design is allowed in any residential subdivision in the R-1, R-2, and R-3 Districts.
2. The gross area of a tract of land proposed to be developed in a conservation development shall be no less than three acres.

C. **Relation to Public Use Space Dedication and Open Space Requirements.** Conservation design subdivisions shall be exempt from the requirements of Section 1108.02.

D. **Conservation Requirements.**

1. **Required Conservation Area.**

- a. A minimum of 30 percent of the total gross area of the development site shall be identified as a conservation area where no development activity may occur. Routine maintenance and other measures to ensure public safety are permitted within the conservation area.
- b. Conservation areas shall include sensitive natural areas including, but not limited to, ravines, wooded areas, wetlands, and riparian corridors.

2. **Ownership and Maintenance.**

- a. The conservation area shall be protected by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
 - i. A conservation easement in favor of either:



- a) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements (the organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions). If the entity accepting the easement is not the City or the County, then a third party right of enforcement favoring the City or the County shall be included in the easement; or
- b) A governmental entity with an interest in pursuing goals compatible with the purposes of this Section acceptable to the City or County, as appropriate.
- ii. A restrictive covenant for conservation purposes in favor of a governmental entity.
- iii. Dedication of the land to an established homeowner’s association (with legal standing in the property) that accepts permanent maintenance responsibility.
- iv. An equivalent legal tool that provides permanent protection, if approved by the City or County, as appropriate.
- b. A metes and bounds description of the space to be preserved shall be recorded on the plat, in homeowner/property owner covenants, and on individual deeds when conservation areas are not held entirely in common.
- c. Required conservation areas shall perpetually run with the development site and shall not be developed or separated from the development site at a later date unless no development of any portion of the project which is benefited by or required to provide such conservation area has occurred and the entire area of the project is presented for a new construction drawing approval, final plat approval, or rezoning, the effect of which will be to nullify the prior approval.

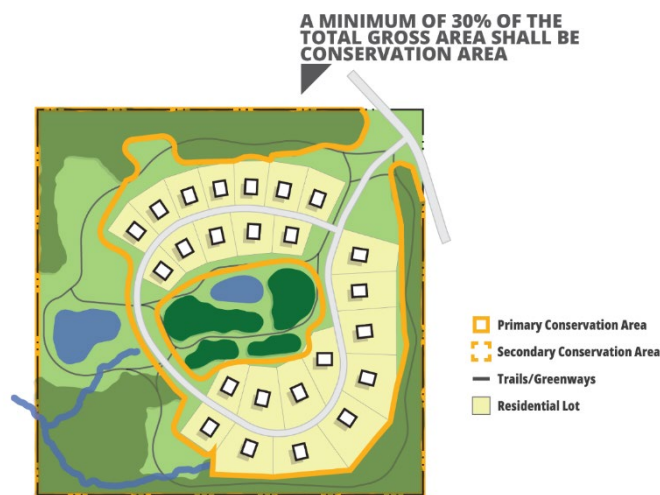


Figure 8 Conservation Design



E. **Allowed Uses.** Allowed uses in a conservation design subdivision shall be as established in the governing base district, except for the following uses, which shall be allowed as permitted uses in the R-1, R-2, and R-3 Districts:

1. Duplexes;
2. Triplexes;
3. Quadplexes;
4. Townhomes; and
5. Dwelling, Multi-Family 5-12 Units.

F. **Maximum Density.** The maximum density of residential dwelling units per gross acre of conservation design development site area shall be as detailed in Table

Table 1105.06(F): Conservation Design Maximum Density	
District	Maximum Density
R-1	4 dwelling units per acre
R-2	6 dwelling units per acre
R-3	10 dwelling units per acre

G. **Dimensional Standards.** Regardless of base district designation, the lot and yard setback standards applicable to conservation design shall be as detailed in Table 1105.06(G).

Table 1105.06(G): Conservation Design Lot and Yard Setback Standards	
<i>Lot Standards</i>	
Lot Area	No minimum
Lot Width	
<i>Yard Setbacks (Minimum)</i>	
Front (ft)	8
Street Side (ft)	8
Interior Side (ft) [1]	5
Rear (ft)	15
<i>Notes</i>	
[1] No setback shall be required for townhomes or duplexes.	

H. **Roadway Design.** The City Engineer may approve an Administrative Adjustment (Section 1112.04) for a reduction in right-of-way width to a minimum of 25 feet and to exempt other required street cross-section elements (Section 1105.03(C)) in order to minimize disturbance of all conservation areas.



Chapter 1106. General Development Standards

- 1106.01. General Provisions
- 1106.02. Fences and Walls
- 1106.03. Screening
- 1106.04. Vision Triangle
- 1106.05. Outdoor Lighting
- 1106.06. Underground Utilities
- 1106.07. Stormwater Management
- 1106.08. Erosion and Sedimentation Control
- 1106.09. Multibuilding Development Standards
- 1106.10. Development Maintenance Requirements

1106.01. General Provisions

- A. **Purpose.** The purpose of this Chapter is to establish clear and consistent standards for development across zoning districts to achieve the following goals:
1. Promote efficient and streamlined development throughout the City;
 2. Ensure consistency in land use and design within districts of similar corridors;
 3. Support orderly, sustainable growth in line with the City’s planning vision; and
 4. Encourage the creation of cohesive, well-integrated neighborhoods.
- B. **Applicability.** The standards of this Chapter shall apply as summarized in Table 1106.01. The following key shall be used in the interpretation of Table 1106.01.
1. **E** = Standard shall apply to the **entire** development site.
 2. **I** = Standard shall apply to the portion of the development site **impacted** by the redevelopment activity.
 3. Blank = Standard does not apply.
 4. * = Additional applicability provisions may apply. Refer to the applicable Chapter/Section applicability subsection.



Table 1106.01: Chapter Standards Applicability Overview

Standard	New Development	Major Redevelopment	Intermediate Redevelopment	Minor Redevelopment	Change of Use
1106.02; Fences and Walls	E	E	I	I	
1106.03; Screening*	E	E	E	E	E
1106.04; Vision Triangle*	E	E	E	E	
1106.05; Outdoor Lighting	E	E	E	E	E
1106.06; Underground Utilities	E	E			
1106.07; Stormwater Management	E	E	I		
1106.08; Erosion and Sedimentation Control	E	E	I		
1106.09; Multibuilding Development Standards	E	E	I		
1106.10; Development Maintenance Requirements	E	E	E	E	

1106.02. Fences and Walls

A. **Location.** Unless otherwise required, all fences permitted in this Section shall be located:

1. Up to but not on property lines;
2. A minimum of one foot from any public sidewalk;
3. A minimum of 10 feet from the street edge or curb;
4. In a manner that complies with vision triangle standards (Section 1106.04);
5. A minimum of eighteen (18) inches from an underground utility access structure; drainage structure; telephone, electric, cable television or gas pedestal; or in any manner that would interfere with the maintenance for these utilities;
6. In a manner which does not block access to above ground utility access structures or fire hydrants;
7. A minimum of two inches above finished grade if located in a drainage swale or a drainage easement; and
8. In a manner which does not inhibit the function of storm drainage structures.



B. Height.

1. The maximum height of fences or walls shall be as detailed per district in Table 1106.02(A).
2. Fences, hedges, or walls required to surround and enclose public utility and recreational facilities are exempt from height limitations.
3. Measurement of height is outlined in Table 1106.02(A).



Figure 1 Lot Fence and Wall Configuration

Table 1106.02(A): Maximum Fence and Wall Height				
Property Line	Districts			
	R-1, R-2, R-3	C-1, C-2, C-3	I	O, PI
Front [6]	4 feet [1]	18 inches [3] [4]	4 feet [3]	6 feet [1]
Street Side [2] [5]	4 feet [6]	18 inches [3] [4]	4 feet [3] [6]	6 feet [6]
Interior Side	6 feet	6 feet	8 feet	6 feet
Rear	6 feet	6 feet	8 feet	6 feet
Notes				
[1] No vision-impairing fence or wall greater than 18 inches shall be located within 20 feet of a street right-of-way line.				
[2] No fence shall be located within the triangular area formed by the intersection of the street property lines, extending 25 feet from the intersection point.				
[3] Fences and walls shall not be located within 20 feet of a public right-of-way.				
[4] Refer to Section 1104.06(M) for regulations addressing fences for outdoor dining areas in front yards.				



Table 1106.02(A): Maximum Fence and Wall Height				
Property Line	Districts			
	R-1, R-2, R-3	C-1, C-2, C-3	I	O, PI
[5] An administrative adjustment (Section 1112.04) may be approved for a 6-foot fence, provided the fence is set back at least 20 feet from the street right-of-way.				
[6] An administrative adjustment (Section 1112.04) may be approved for a 6-foot fence in through lots, provided the fence is setback at least 10 feet from the street right-of-way.				

C. **Materials.** Allowed fence or wall materials shall be as detailed per district in Table 1106.02(C).

Table 1106.02(C): Allowed Fence and Wall Materials				
Key: ● = Allowed; ○ = Allowed with Administrator Approval Only; Blank = Not Allowed				
Allowed Material	R-1, R-2, R-3	C-1, C-2, C-3	I	O, PI
Masonry	●	●	●	●
Stone	●	●	●	●
Decorative Metal	●	●	●	●
Architectural Block	●	●	●	●
Stucco on Masonry	●	●	●	●
Stained or Painted Wood	●	●	●	●
Wood Composite	●	●	●	●
Vinyl/PVC	●	●	●	●
Coated Chain Link without Slats or Inserts [1]	●	●	●	●
Coated Chain Link with Slats or Inserts [2]			○	
Barbed/Concertina Wire			○	
Curved/Spear Tip			●	
Above Ground Electrified [3]			●	
Waste Materials				
Corrugated Metal			○	
Other as Approved by the Planning Director	○	○	○	○
Notes				
[1] Prohibited in the front and street side yards of R-1, R-2, R-3, and O districts.				
[2] Only allowed along interior side and rear yards when facing other industrial uses.				
[3] Permitted only with approval of the Planning Director.				



D. Opacity.

1. The maximum opacity of fences or walls shall be as detailed per district and yard in Table 1106.02(D).
2. Fences, hedges, or walls required to enclose public utility or recreational facilities are exempt from opacity requirements.

Table 1106.02(D): Maximum Fence and Wall Opacity				
Property Line	District			
	R-1, R-2, R-3	C-1, C-2, C-3	I	O, PI
Front [3]	50%	100% [1]	100% [1]	N/A
Street Side [2] [3]	50%	100% [1]	100% [1]	N/A
Interior Side	100%	100%	100%	100%
Rear	100%	100%	100%	100%
Notes				
[1] Fence and wall up to 4 feet in height shall be allowed, provided it is at least 20 percent opaque.				
[2] If facing the front yard of a residential lot(s) across the street, front yard standards shall apply.				
[3] 100% opacity may be approved as an Administrative Adjustment (Section 1112.04) in instances where the fence is a minimum 20 feet from the right-of-way.				

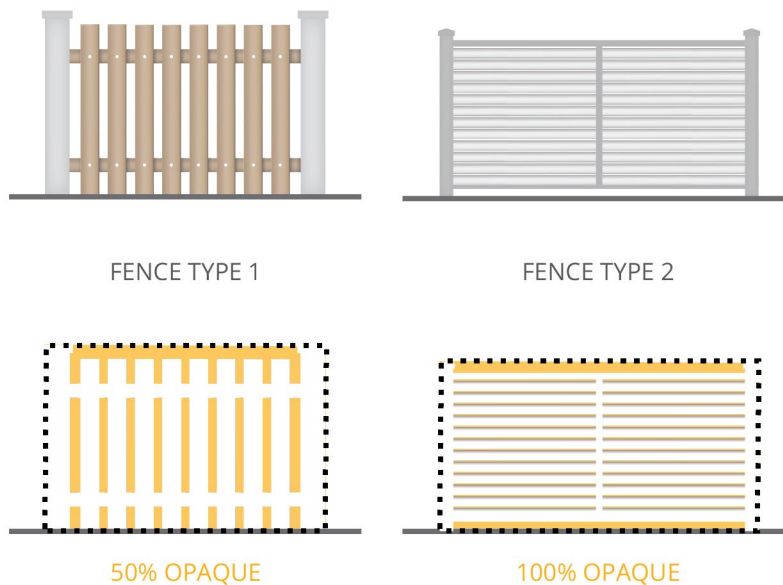


Figure 2 Fence Opacity



- E. **Garden Fences.** Garden fences shall comply with the following standards:
1. **Height.** Garden fences shall not exceed a height of six feet in front and street side yards, and eight feet in interior side and rear yards.
 2. **Setback and Location.**
 - a. Garden Fences in front and street side yards shall be set back a minimum of 20 feet from the right-of-way line in residential lots.
 - b. Fences eight feet in height in interior side and rear yards shall comply with the principal building setbacks.
 3. **Opacity.**
 - a. Fences in front and street side yards shall not exceed 20 percent opacity.
 - b. Fences in interior side and rear yards may be 100 percent opaque.
 4. **Materials.** Garden fences may be constructed from wire mesh, welded wire, or other comparable materials.
 5. **Maintenance and Duration.** Garden fences may be temporary or semi-permanent, provided they are maintained in good repair and condition.
- F. **Fence Post Orientation.** All fences shall be constructed with the fence posts facing the fence installer's property, except in the following cases:
1. If an existing fence on adjacent property is in place with the posts facing outward, the fence installer may construct the new fence with the posts facing outward toward the adjacent fence.
 2. If an existing fence occupies only a portion of a property line, the new fence shall be constructed with the posts facing outward along the entire length of the property line where the fence is permitted.
- G. **Neighboring Fence Tie In.** Fences may be constructed in conjunction with an adjacent neighbor's fence, provided that both property owners enter into a written agreement allowing for the connection of the fences. The written agreement shall be submitted to Planning Director for approval prior to construction.
- H. **Exceptions for temporary or "snow" fences.** Temporary Fences, including "snow" fences, may be erected for limited periods as described below.
1. **Material.** Temporary fences may be constructed of wire, mesh, or similar materials if they are installed in a professional manner, do not present a safety hazard, and are maintained in good repair and condition.
 2. **Length of Tenure.** Temporary fences in place longer than the periods specified below shall be considered permanent fences and shall meet all requirements of permanent fences.



3. “Snow” Fences.
 - a. Snow fences may be present for no longer than five months of the year. Snow fences shall be removed during the months of April, May, June, July, August, September, and October.
 - b. Snow fences do not require a permit as long as they meet all other relevant requirements of this code.
4. Other temporary fences.
 - a. Other temporary fences may be present without a permit for purposes including construction, safety, screening of utilities, etc. for up to three months if they meet all other requirements of this code.

1106.03. Screening

- A. **Purpose.** The purpose of the screening regulations is to minimize views of waste receptacles, mechanical equipment, loading docks, and truck parking areas in order to improve the compatibility between uses and to enhance the appearance of the community.
- B. **Applicability.**
 1. The standards in this section shall apply per Table 1106.01 and when equipment, receptacles, or loading areas are installed.
 2. The standards in this section shall not apply to:
 - a. Solar panels;
 - b. Tanks and/or silos accessory to a brewery, winery, and/or distillery;
 - c. Tanks and/or silos located within the I District; or
 - d. Single Family and Duplex dwellings.
- C. **Waste Receptacles.**
 1. **General Requirement.** Waste receptacles shall be screened on all four sides with solid, opaque materials.
 2. **Location.**
 - a. Waste receptacle enclosures shall not occupy areas designated for required parking spaces or loading areas.
 - b. Waste receptacle enclosures shall not be located between the principal building and any street right-of-way.

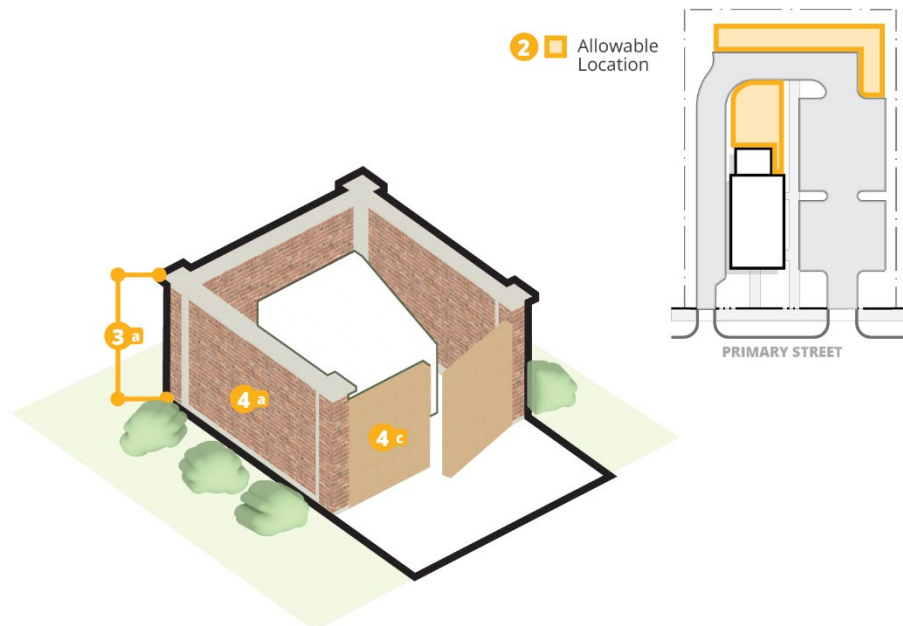


Figure 3 Waste Receptacles

3. Dimensions.

- a. Enclosure walls shall be of sufficient height to completely screen waste receptacles from view from the public right-of-way, abutting property, on-site pedestrian walkways, and common areas.
- b. Enclosures shall be of an adequate size to accommodate all on-site waste receptacles.

4. Materials.

- a. The exterior of the enclosure shall consist of a Tier I or Tier II material as detailed in Section 1107.02 and shall complement the exterior building cladding materials and colors of the primary building.
- b. Materials and elevations for enclosures that are attached to buildings shall use materials and quality of finish consistent with those of the primary building.
- c. The gate shall be constructed of metal, stained or painted wood, or composite wood and shall incorporate colors that are visually consistent with those of the screening walls. All gates shall be provided with wheels, drop pins or rods, or other support mechanisms such as industrial strength hinges, for securing gates when open and closed.
- d. Enclosure structures shall be designed to protect the walls from damage by containers. Such protection may be provided on the interior of the enclosure by the use of barrier curbing, reinforced masonry walls, bollards, bumpers, or other similar means.



5. **Operations and Maintenance.** Enclosure openings shall be kept closed at all times except for when the receptacle is being accessed.
 - a. The property owner shall be responsible for ensuring that:
 - i. Waste receptacles are always placed in the waste receptacle enclosure other than when they are being accessed; and
 - ii. Service truck access to the enclosure is maintained year-round.
 - b. Enclosure structures shall be designed to protect the walls from damage by containers. Such protection may be provided on the interior of the enclosure by the use of barrier curbing, reinforced masonry walls, bollards, bumpers, or other similar means.
 - c. Waste shall be stored in closed containers and regularly emptied. The enclosure shall be maintained in a clean condition to avoid vermin and foul odors from impacting surrounding areas.

D. Ground- or Wall-Mounted Building/Mechanical Equipment.

1. General Requirements.

- a. Screening shall be provided for all ground- or wall-mounted building/mechanical equipment, including but not limited to: gas meters, electrical meters, generators, air-conditioning condensers, heat pumps, ventilation units, transformers, backflow preventers, and/or above ground water meters, that is visible from any public right-of-way, internal access drive (Section 1109.03), or adjacent property.
- b. Ground-mounted building/mechanical equipment is prohibited within the front yard regardless of whether screening is provided.
- c. Placement of wall-mounted building/mechanical equipment is prohibited on the front or street side yard facing façade of a building.
- d. Equipment that is located in an interior side or rear yard and is otherwise screened by landscaping, a fence or wall, a building, or distance so that it is not visible from the street right-of-way, internal access drive (Section 1109.03), or adjacent property shall not require additional screening.

2. Screening Materials.

- a. Materials used for screening ground- or wall-mounted building/mechanical equipment shall be of an adequate height to prevent views of the ground- or wall-mounted building/mechanical equipment from the public right-of-way, internal access drive (Section 1109.03), or adjacent property.

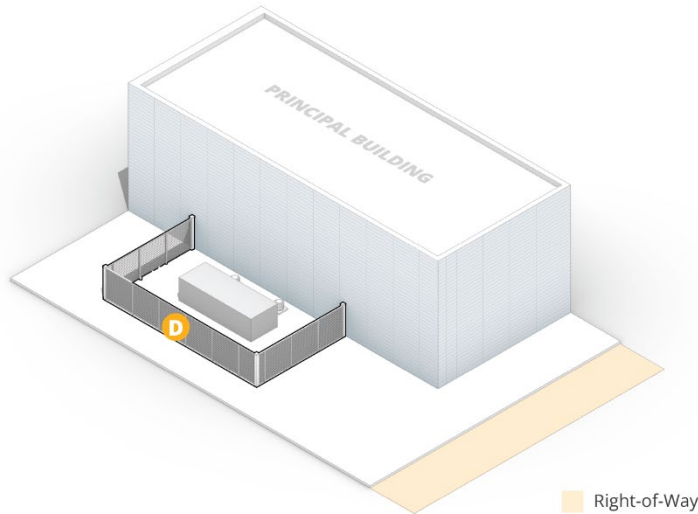


Figure 4 Ground or Wall Mounted Building - Mechanical Equipment

- b. Materials used for screening shall include allowed materials for fences and walls as established in Table 1106.02(C) and shall complement the exterior building cladding materials of the principal building.
 - c. Materials used for screening ground- or wall-mounted building/mechanical equipment shall be a minimum of 80 percent opaque.
 - d. Evergreen shrubs installed to meet the opacity requirements outlined above and with a minimum height to screen the equipment may be utilized.
3. **Alternatives.** If, due to site constraints or utility provider restrictions, it is not possible to screen ground- or wall-mounted building/mechanical equipment in accordance with the requirements above, the Planning Director may approve, as an Administrative Adjustment (Section 1112.04) an alternative screening method such as, but not limited to: painting equipment to match or complement the building façade.



E. Roof-Mounted Building Equipment.

1. **New Development/Major Redevelopment.** Roof-mounted building equipment installed as a part of new construction or major redevelopment shall be screened from adjacent properties, internal access drives (Section 1109.03), and public rights-of-way with a parapet wall meeting the standards of Section 1106.02.
2. **Intermediate and Minor Redevelopment/Change of Use/Installation of New Equipment.** Roof-mounted building equipment screening installed as a part of intermediate redevelopment, minor redevelopment, change of use, or the installation of new roof-mounted equipment on a building without an adequate parapet wall or mechanical well shall screen rooftop mechanical equipment with a central corral. The central corral shall be of a material or color that minimizes visibility and contrasts with other roof materials.

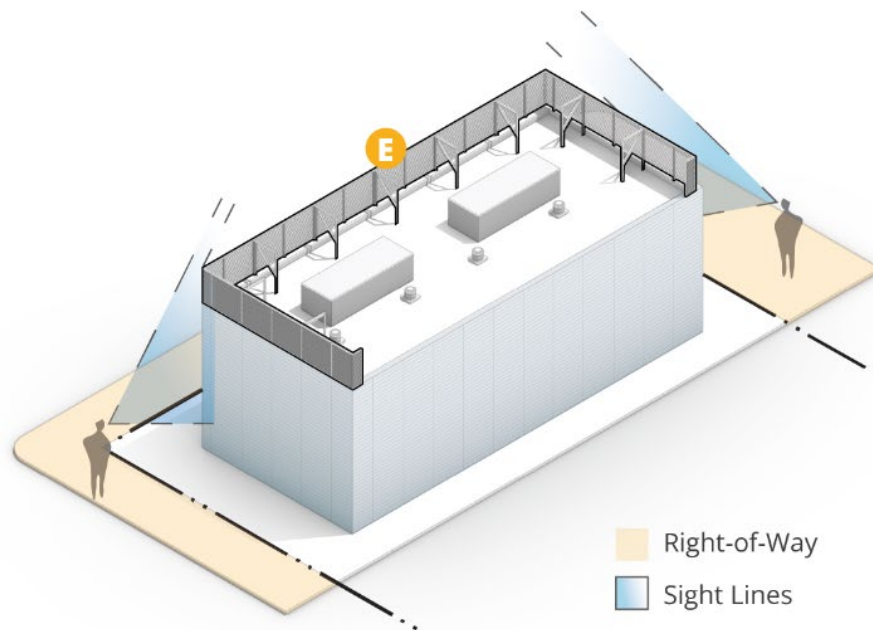


Figure 5 Roof Mounted Building Equipment

- F. **Loading Docks and Truck Parking Areas.** Loading docks and truck parking areas adjacent to a residential use or visible from internal access drives (Section 1109.03) or a public street right-of-way shall be screened with a Type B, C, or D Transition Zone as detailed in Section 1108.06(G) unless otherwise approved by the Planning Director.



1106.04. Vision Triangle

A. Purpose and Applicability.

1. **Purpose.** The purpose of the vision triangle regulations is to protect public safety by limiting development activity at intersections to minimize vision obstructions.
2. **Applicability.** The vision triangle regulations shall apply to all property in the City of Stow with the exception of buildings with a zero-foot front or street side yard setback at the following intersections:
 - a. Driveway and Roadway;
 - b. Alley and Roadway; and
 - c. Two or more roadways/internal access drives.

B. Requirement. No building, structure, landscape, or other obstruction greater than three feet in height shall be located in a vision triangle.

C. Location. A vision triangle shall be located at the intersection of any driveway and right-of-way/internal access drive and at the intersection of two or more rights-of-way/internal access drives.

D. Minimum Size.

1. A vision triangle shall be measured perpendicular to and starting at the back of curb of each intersecting right-of-way/internal access drive or driveway for the minimum depth established in Table 1106.04.

Table 1106.04: Minimum Vision Triangle Depth	
Intersecting Element	Minimum Required Depth
<i>Driveway</i>	10 feet
<i>Alley and Local Street Right-of-Way</i>	20 feet
<i>Collector and Arterial Street Right-of-Way</i>	40 feet
<i>State and Federal Highway Right-of-Way</i>	Per State or Federal standard
<i>Interior Access Drive</i>	10 feet

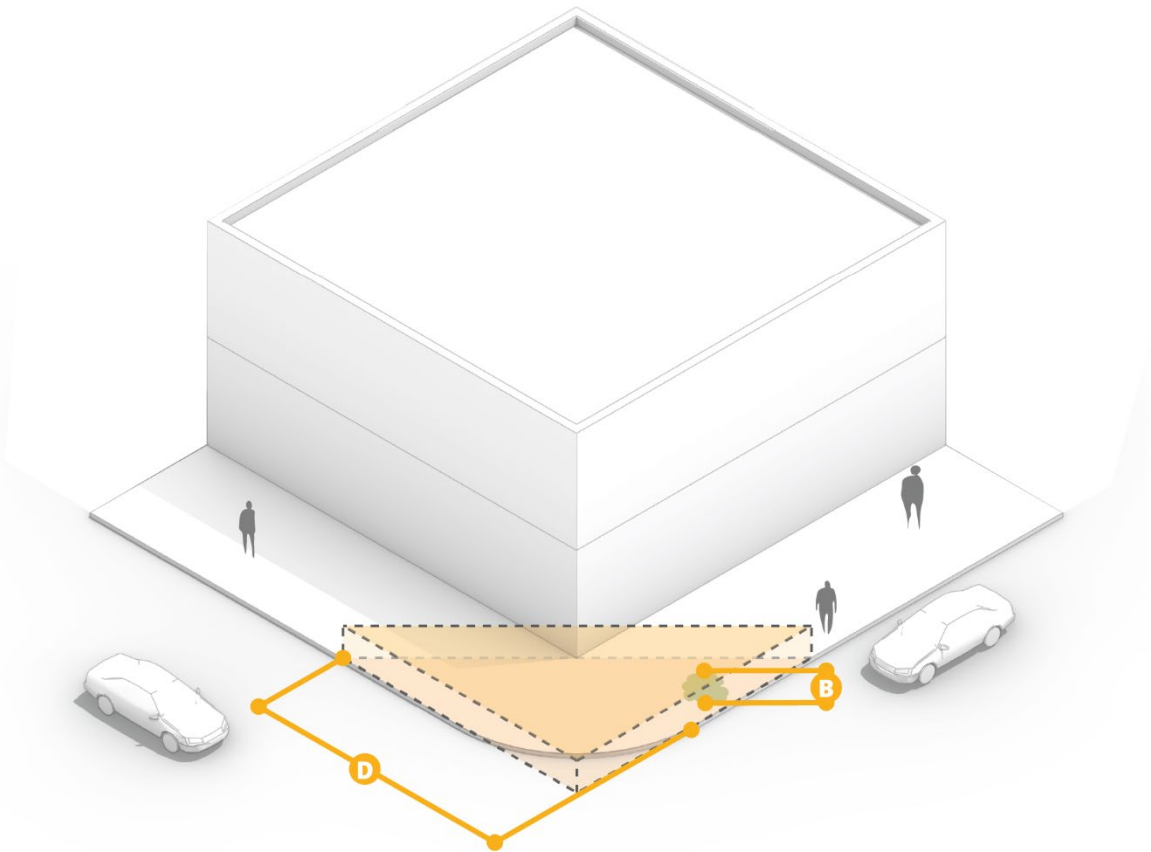


Figure 6 Vision Triangle

1106.05. Outdoor Lighting

- A. **Purpose.** The standards of this Section are designed to regulate the physical effects of lighting and minimize the negative impact that lighting may have on surrounding properties. It is the intent of this section to:
1. Minimize light pollution, such as glare and light trespass;
 2. Conserve energy and resources;
 3. Maintain night-time safety and utility; and
 4. Improve the night-time visual environment.
- B. **Applicability.** These regulations shall apply to all uses proposed in the C-1, C-2, C-3, I, O, and PI Districts, as well as to any use classified as commercial or industrial under this Code. These standards will be applied as part of the site plan review process as set forth in Sections 1112.21 and 1112.10.



C. **Prohibitions.** The following lighting types shall be prohibited within the City:

1. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment;
2. The operation of searchlights for advertising purposes;
3. Site lighting that may be confused with warning, emergency, or traffic signals;
4. Lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation; and
5. Colored light-emitting diode (LED) rope lighting that outlines windows, doors, or other architectural features.

D. **Exemptions.** The following exemptions shall be granted from the requirements of this Chapter:

1. Streetlights and other fixtures installed or temporarily used for public roadway illumination may be installed at a maximum height of 37 feet and may be positioned at that height up to the edge of any bordering property;
2. All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this Code;
3. All hazard warning luminaires required by Federal regulatory agencies are exempt from the requirements of this Chapter, except that all luminaires used must be red and must be shown to be as close as possible to the federally required minimum lumen output for the specific task;
4. Individual residential lighting that is not part of a site plan or subdivision plan for street or other common or public area outdoor lighting;
5. Lighting associated with holiday, festival, or other temporary uses permitted in Chapter 4
6. Lighting of fountains or public art that has been permitted or otherwise approved by the City;
7. Other Municipal or State lighting installed for the benefit of public health, safety, and welfare; and
8. Lighting of US and Ohio State Flags provided the flag standard does not exceed the maximum permitted building height for that district.

E. **Design Standards.**

1. **LED Fixtures.** All outdoor lighting utilizing an LED fixture shall meet the following standards:



- a. **Color Rendering.** Outdoor LED fixtures shall be rated at a minimum Color Rendering Index (CRI) value of 70 or higher.
- b. **Color Temperature.**
 - i. Outdoor LED fixtures shall have a maximum correlated color temperature of 4,000 Kelvin.
 - ii. Decorative and pedestrian-scale lighting may be less than 4,000 degrees Kelvin.
 - iii. Outdoor recreational lighting is exempt from these requirements.
- 2. **BUG Rating.** Backlight Uplight Glare (BUG) ratings are a published luminaire classification system to comprehensively address light pollution from all directions. Streetlights and lighting fixtures in parking areas shall not exceed the BUG rating established per District in Table 1106.05(E)(2).

Table 1106.05(E)(2): BUG Rating per District			
District	Backlight (B) Rating	Uplight (U) Rating	Glare (G) Rating
O, PI, R-1, R-2, R-3	B2	U1	G1
C-1, C-2	B2	U2	G2
C-3, I	B3	U2	G2

- 3. **Lighting Standards in Footcandles (Fc).**
 - a. Lighting levels shall adhere to the standards in Table 1106.05(E)(3), unless otherwise approved as an Administrative Adjustment (Section 1112.04) in circumstances where there is a shared access drive or similar type and intensity of use.
 - b. Lighting shall be directed away from residential structures and public spaces, and the intensity of illumination should not exceed 0.5 footcandles at the property line.

Table 1106.05(E)(3): Lighting Standards in Footcandles (Fc)	
Area/ Activity	Maximum Footcandle
Property Line [1] [2]	0.5
Parking Area	10.0
Under Gas Canopy	30.0
Notes:	
[1] When the property line is adjacent to a residential district, the maximum footcandle measurement at the property line shall be 0.5 Fc to minimize light spillover onto residential areas.	
[2] For properties within the C-1 District adjacent to residential areas, the lighting standards in Section 1106.05(E)(4) shall apply.	



4. **Additional Regulations for Uses in C-1 Districts Adjacent to Residential Properties.** Lighting levels for uses adjacent to a residential district shall, in addition to other regulations in this Section, comply with the following:

- a. A light with no protective shield shall be no higher than six feet and shall have a maximum illumination, measured at the lot line at ground level, of 0.2 footcandles.
- b. A light with a protective shield, which ensures that the light will not shine directly above a line parallel to the ground extended from the point of the light source nearest the ground, shall be no higher than 15 feet with a maximum illumination, measured at the lot line at ground level, of 0.3 footcandles.

F. **Luminaire Design.**

1. **Fixture Classification.**

- a. All outdoor lighting fixtures shall be an LED luminaire or another equally or more energy efficient fixture approved by the Planning Director.
- b. All outdoor lighting fixtures shall either have a fixture cutoff classification of “Full Cutoff” or be fully shielded, unless otherwise expressly permitted in this Code.
- c. Any fixture that is not fully cut off shall be a directional fixture (such as flood lights) and may be used provided they shall be aimed, are fully shielded to prevent light spillage, and meet the maximum foot candles at the property line as established per area/ activity in Table 1106.05(E)(3).

2. **Pole and Fixture Finish.** Light poles and fixtures shall be of a matte or low-gloss finish, unless an Administrative Adjustment is granted by the Planning Director for a special color scheme or theme.

3. **Mounting Height.**

- a. The maximum mounting height of all outdoor lighting with a 90-degree or less cut-off fixture shall be 30 feet.
- b. The maximum mounting height of all outdoor lighting without a full 90-degree or less cut-off fixture shall be 16 feet.

1106.06. Underground Utilities

A. **Requirement.** All utilities on-site shall be located underground.

B. **Administrative Adjustment.** The City Engineer may waive these requirements as an Administrative Adjustment (Section 1112.04) for existing isolated single-family residential lots when the street in general does not have these improvements.



1106.07. Stormwater Management

- A. Stormwater draining from all sites shall not exceed that occurring under natural land cover conditions.
- B. Existing natural drainage courses, wetlands, and water bodies shall be preserved unless otherwise approved by the City Engineer as an Administrative Adjustment (Section 1112.04) due to site constraints.
- C. Stormwater management facilities and other open space and natural vegetative areas shall be utilized as part of the water management system.
- D. Water absorptive paving and water detention design shall be utilized in areas and facilities where practical, as determined by the City Engineer.
- E. The overall storm water management system shall be designed to accommodate the “100-year frequency storm.”
 - 1. **Mudbrook Watershed.** The City has modeled the Mudbrook Watershed. As a result, all development within this watershed shall limit the 100-year developed storm discharge to the 2-year undeveloped storm rate. Proposed development must be incorporated into the watershed model, demonstrating no adverse impacts downstream. The site shall also comply with Chapter 933, “Erosion and Sediment Control and Post-Construction Stormwater Quality.” The methodology for design must be approved by the City Engineer.
 - 2. **Areas Outside the Mudbrook Watershed.** Stormwater management systems shall be designed to limit discharge to the two-year predevelopment runoff rate for storms up to the 25-year developed event. The 50-year and 100-year developed storm discharges may be allowed at the corresponding predevelopment rates. Sites shall comply with Chapter 933, “Erosion and Sediment Control and Post-Construction Stormwater Quality.” The City Engineer must approve the design methodology, which shall include a review of downstream impacts. If the off-site drainage system cannot safely convey proposed outflows, discharges must be reduced or off-site improvements required
- F. For redevelopment projects disturbing one acre or more of land, a Stormwater Pollution Prevention Plan (SWPPP) shall be submitted and approved by the Summit Soil and Water Conservation District (SSWCD).



1106.08. Erosion and Sedimentation Control

- A. The smallest practical area of land shall be exposed at any one-time during development.
- B. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
- C. Temporary vegetation, such as rye grass seeding, and/or mulching shall be used to protect areas with high erosion potential or other critical areas exposed during development.
- D. Sediment basins (e.g., debris basins, desilting basins, or silt traps) shall be installed and maintained on construction sites to capture and remove sediment from runoff during development.
- E. Provisions shall be made to effectively accommodate the increased run-off resulting from changed soil and surface conditions during and after development.
- F. The permanent vegetation cover and storm water management structures shall be installed as soon as practical in the development.
- G. The development plan shall be adopted to the topography and soils to create the least potential for erosion.
- H. Wherever feasible, natural vegetation shall be retained and protected.

1106.09. Multibuilding Development Standards

- A. **Applicability.** Multibuilding development standards shall apply to developments with multiple principal buildings and internal access drives (Section 1109.03).
- B. **Relation to Other Requirements.** Design standards established for all buildings in Chapter 7 of this Code include varying standards based on which yard the façade faces. In multibuilding developments, rather than applying the requirements based on which yard the façade faces, the application of the requirements shall be as detailed below.
 - 1. **Front / Street Side.** Requirements applicable to front and street side yard facing facades shall be applied to a façade with a building entrance or adjacent to a:
 - a. Perimeter public right-of-way;
 - b. Primary internal street; or
 - c. Park or other community and open space/social gathering space.
 - 2. **Interior Side.** Requirements applicable to interior side yard facing facades shall be applied to a façade without a building entrance if it faces an off-street parking area.

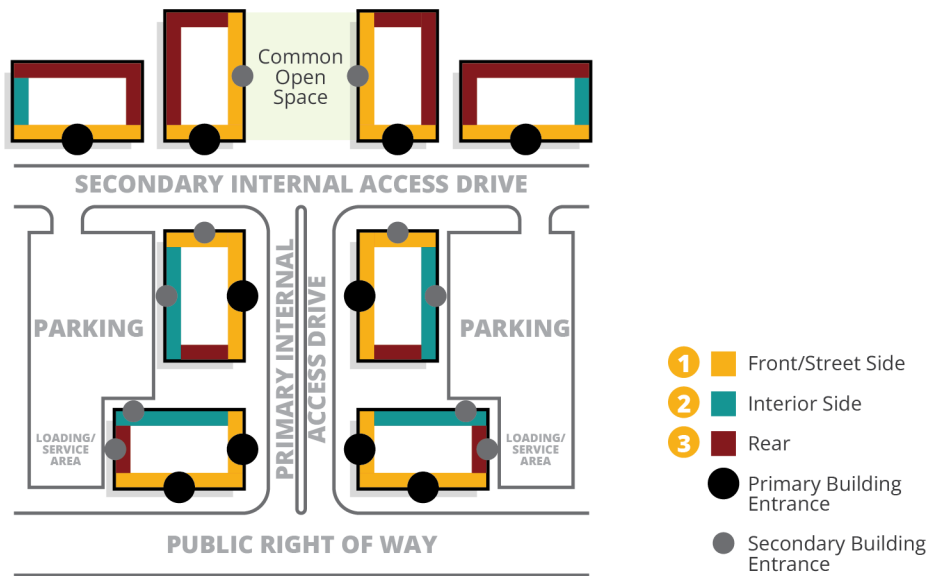


Figure 7 Multibuilding Development

3. **Rear.** Requirements applicable to rear yard facing facades shall be applicable to a façade without a building entrance if it faces:
 - a. The rear or side of adjacent buildings; or
 - b. Loading/service areas.

C. Multi-family Complex Standards.

1. Balconies and Patios.

- a. A minimum of 25 percent of upper-story dwelling units adjacent to an existing or proposed street or internal access drive (Section 1109.03) shall incorporate a balcony or screened porch accessible from inside the dwelling unit with a minimum area of at least 15 square feet.
- b. Balconies and patios shall either project or recess a minimum of three feet from the façade wall, as measured from the edge of the railing to the façade wall.

2. Upper Story Pedestrian Access. Stairwells to upperstory accessways serving two or more individual multi-family units shall be designed per Table 1109.03(C).

3. Internal Access Drives. Multi-family complexes shall meet the internal access drive standards established in Chapter 9.



1106.10. Development Maintenance Requirements

- A. **Applicability.** Development maintenance requirements apply to all properties within all zoning districts.
- B. **Exterior Property Areas.**
1. **Sanitation.** All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The property owner shall ensure that all exterior property and premises are maintained in a clean, safe, and sanitary condition.
 2. **Grading and Drainage.** All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Approved retention areas and reservoirs are exempt from this requirement.
 3. **Rodent Harborage.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.
 4. **Exhaust Vents.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate waste directly upon abutting or adjacent public or private property or that of another tenant.
 5. **Accessory Structures.** All accessory structures, including detached garages, fences, and walls, shall be maintained structurally sound and in good repair.
 6. **Defacement of Property.** No person shall willfully or wantonly damage, mutilate, or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.
 7. **Vehicle Parking.** No parking of a motor vehicle shall be permitted nor shall any person park a motor vehicle in a landscaped front, side or rear yard area and no motor vehicle shall be parked within 20 feet of a public right-of-way unless otherwise permitted by this Code.
- C. **Exterior Structure.**
1. **General.** The exterior of a structure shall be maintained in good repair, structurally sound, and sanitary so as not to pose a threat to the public health, safety, or welfare.
 2. **Protective Treatment.** All exterior surfaces, including, but not limited to doors, door and window frames, cornices, porches, and trim, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, and chipped paint shall be eliminated, and surfaces repainted. When the exterior structure



is peeling, flaking, or chipping, or otherwise in disrepair, a violation will be deemed to have occurred. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight.

3. **Street Numbers.** Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in Arabic numerals at least three inches (76mm) high and one-half inch (13mm) stroke.
4. **Foundation Walls.** All foundation walls shall be maintained free from open cracks and breaks and shall be kept in such conditions so as to prevent the entry of rodents.
5. **Exterior Walls.** All exterior walls shall be free from holes, breaks, loose or rotting materials, and maintained weatherproof and properly surface coated where required to prevent deterioration.
6. **Roofs and Drainage.** The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged an adjacent property or in a manner that creates a public nuisance.
7. **Decorative Features.** All cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
8. **Overhang Extensions.** All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts, and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
9. **Stairway, Decks, Porches and Balconies.** Every exterior stairway, deck, porch, and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage, and capable of supporting the imposed loads.
10. **Chimneys and Towers.** All chimneys, cool towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
11. **Handrails and Guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.



12. **Window, Skylight and Door Frames.** Every window, skylight, door, and frame shall be kept in sound condition, good repair, and weather tight.

13. **Doors.** All exterior doors, door assemblies, and hardware shall be maintained in good condition.

14. **Basement Hatchways.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain, and surface drainage water.

D. Rubbish and Garbage.

1. **Accumulation of Rubbish or Garbage.** All exterior property and premises shall be free from any accumulation of rubbish or garbage.

2. **Disposal of Rubbish.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner.

E. **Lighting.** All exterior lighting shall be maintained in a manner that does not interfere with the public use and enjoyment of neighboring properties or create hazards to public safety.

F. Property Maintenance Responsibilities.

1. **Owner's Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements.

2. **Occupant's Responsibility.** Occupants of a dwelling unit are responsible for keeping in a clean, sanitary, and safe condition that part of the dwelling unit or premises which they occupy and control.

3. **Vacant Structures and Land.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.



Chapter 1107. Building Design Standards

1107.01. General Provisions

1107.02. Multi-Family Residential, Mixed-Use, and Non-Residential Design Standards

1107.03. Townhome Standards

1107.04. Duplex, Triplex, and Quadplex Design Standards

1107.01. General Provisions

A. **Purpose.** The purpose of the building design standards is to:

1. Ensure that the physical characteristics of proposed development are compatible with the context of surrounding areas,
2. Preserve the unique visual character and streetscapes of Stow,
3. Create unique and inspiring places that support the pedestrian experience and promote economic vitality, and
4. Encourage creativity and innovation while avoiding obtrusive, incongruous structures.

B. **Applicability.** The standards of this Chapter shall apply as summarized in Table 1107.01 below. The following key shall be used in the interpretation of Table 1107.01.

1. **E** = Standard shall apply to the **entire** development site.
2. **I** = Standard shall apply to the portion of the development site **impacted** by the redevelopment activity.
3. Blank = Standard does not apply.
4. * = Additional applicability provisions may apply. Refer to the applicable Chapter/Section applicability subsection.
5. Uses located in the Industrial Zoning District are exempt from these requirements.



Table 1107.01: Chapter Standards Applicability Overview

Standard	New Development	Major Redevelopment	Intermediate Redevelopment	Minor Redevelopment	Change of Use
1107.02 (A)-(E); Multi-Family Residential, Mixed-Use, and Non-Residential Design Standards	E	E	I		
1107.03; Townhomes Standards	E	E			
1107.04; Duplex, Triplex, and Quadplex Design Standards	E	E			

1107.02. Multi-Family Residential, Mixed-Use, and Non-Residential Design Standards

- A. **Applicability.** The standards of this Section shall apply to all uses in the multi-family residential, public and institutional, commercial, and industrial and automotive land use categories, including buildings with a mix of uses, as detailed in Table 1107.01.
- B. **Exterior Building Cladding Materials.** Table 1107.02(B) below details the requirements for exterior building cladding materials. Glazing and doors shall not be included in the material calculations.

Table 1107.02(B): Required Exterior Building Cladding Materials		
Building Façade Elevation	Tier I	Tier II
<i>Front and Street Side</i>	Minimum 25%	N/A
<i>Interior Side and Rear</i>	N/A	N/A

1. **Tier I Materials.** Tier I materials are characterized by their high quality and long-lasting durability. These materials may commonly reflect traditional building methods and serve as a unifying element throughout buildings in the City. Tier I materials shall include:
 - a. Brick;
 - b. Natural and manufactured stone; and
 - c. Architectural concrete masonry units.
2. **Tier II Materials.** Tier II materials are characterized by their medium-to-high quality with lasting durability, but more frequent maintenance required than Tier I materials. Tier II materials are generally lower cost than Tier I. These materials provide variety and design expressions on the building and have scale, texture and pattern creating visual interest. Tier II materials shall include:



- a. Fiber cement, LP Smart Side, Everlast composite, natural wood, and wood composite siding;
 - b. Architectural metal panels with a maximum joint pattern of two feet by four feet;
 - c. Natural and synthetic stucco, including EIFS;
 - d. Precast concrete;
 - e. Corrugated metal siding; and
 - f. Architectural metal panels with a maximum joint pattern of four feet by eight feet.
3. **Prohibited Materials.** The following materials are prohibited on all façades of the building:
- a. Vinyl siding; and
 - b. Unfinished concrete block.

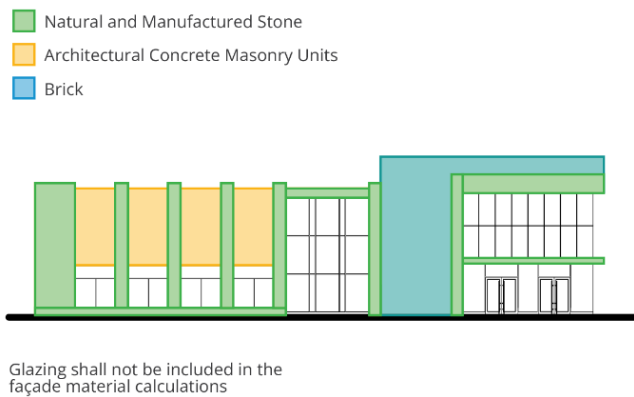


Figure 1 Exterior Building Cladding Materials

C. Glazing.

- 1. **Applicability.** Glazing requirements shall apply to primary building facades.
- 2. **Ground Floor Requirements.** Table 1107.02(C) below details the minimum required percentage of glazing provided within a zoning district measured from two and a half feet above grade to the top of the ground floor doors.

Table 1107.02(C): Minimum Required Ground Floor Glazing		
Zoning District	Front Elevation	Street Side Elevation
<i>MU-O</i>	60%	40%
<i>C-1, C-2, C-3</i>	40%	20%

- 3. **Upper Floor Requirements.** For each story above the ground floor, a minimum 20 percent glazing shall be provided on the front elevation.

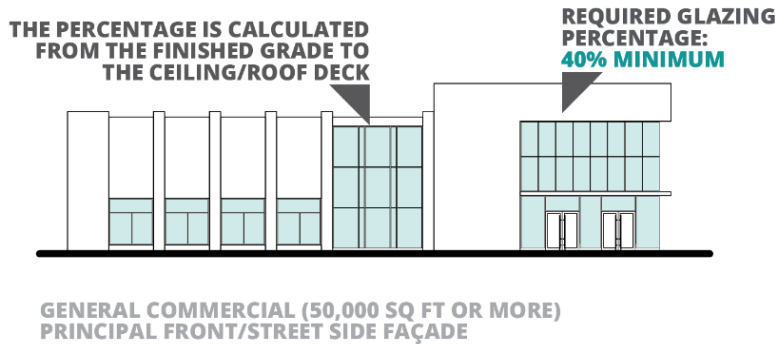


Figure 2 Glazing

4. **Materials.** Required glazing shall not be mirrored or tinted in a manner that renders the glass opaque.
 5. **Maintenance.** Required glazing shall not be obstructed by interior walls, window displays, or other permanent installations during hours of operation, unless otherwise permitted by this Code.
- D. **Building Entryway Design.** Building entryway design standards shall apply to each building entrance on a front or street side facing elevation, including entrances at a chamfered corner, and shall include one or more of the features included in Table 1107.02(D).

Table 1107.02(D): Building Entryway Design	
Standards	Diagram
1. Canopy / Roof Overhang	
<p>a. Shall be located above all ground floor windows and doors.</p> <p>b. Shall project a minimum of three and a maximum of six feet from the façade of the building.</p>	<p>Figure 3 Canopy-Roof Overhang</p>
2. Portico	
<p>a. Shall project a minimum of eight feet from the façade of the building.</p> <p>b. Shall extend a minimum of five feet from either side of the building entry.</p>	



Table 1107.02(D): Building Entryway Design	
Standards	Diagram
<p>c. Portico columns shall be wrapped with one of the Tier I exterior building cladding materials utilized on the building.</p>	<p style="text-align: center;">Figure 4 Portico</p>
3. Plaza	
<p>a. Shall be located within a recessed portion of the building that is enclosed on two or three sides.</p>	<p style="text-align: center;">Figure 5 Plaza</p>
<p>b. Shall be a minimum of 100 square feet.</p>	
<p>c. Shall have a minimum width of 20 feet.</p>	
<p>d. Shall be improved as a community space in accordance with Section 1108.03.</p>	
4. Pedestrian Arcade	
<p>a. Shall run the full length of the building façade.</p>	<p style="text-align: center;">Figure 6 Pedestrian Arcade</p>
<p>b. Shall project over the full width of the on-site pedestrian walkway.</p>	
<p>c. Shall have a minimum depth of six feet.</p>	
<p>d. Pedestrian arcade columns shall be wrapped with one of the Tier I exterior building cladding materials utilized on the building.</p>	
5. Landscape Forecourt	



Table 1107.02(D): Building Entryway Design	
Standards	Diagram
<p>a. Shall include permanent planters comprised of the Tier I building material utilized on the primary building.</p> <p>b. Shall be located in a manner that frames the building entry.</p> <p>c. Shall have a minimum depth of 10 feet.</p> <p>d. Shall be planted and perpetually maintained with landscape including understory trees, and shrubs/native grasses.</p>	<p style="text-align: center;"><i>Figure 7 Landscape Forecourt</i></p>
6. Courtyard	
<p>a. The portion of the building façade with the entry, with a minimum width of 10 feet, shall be recessed from the primary façade a minimum of eight feet.</p> <p>b. A fence or wall, comprised of the allowed materials detailed in Section 1106.02(C), or a landscape hedge shall extend from the primary façade of the building to create a sense of enclosure in the courtyard.</p> <p>c. The fence, wall, or landscape hedge shall have a minimum height of three feet and a maximum height of four feet if more than 20 percent opaque.</p> <p>d. The fence, wall, or landscape hedge shall have a minimum height of three feet and a maximum height of six feet if 20 percent or less opaque.</p>	<p style="text-align: center;"><i>Figure 8 Courtyard</i></p>
7. Recessed Entrance	
<p>a. Shall apply to buildings with zero-foot front yard setback only.</p> <p>b. The recessed area shall be proportionally wider than it is deep.</p>	



Table 1107.02(D): Building Entryway Design	
Standards	Diagram
<p>c. The recessed area shall be decorative through the incorporation of design elements including but not limited to a mosaic tile floor, angled storefront windows, use of accent building materials, or other as approved by the Planning Director.</p>	<p><i>Figure 9 Recessed Entrance</i></p>
8. Mosaic Surround	
<p>a. Mosaic shall be permanently applied to sides and top of building entry.</p> <p>b. Mosaic shall have a minimum width of one foot.</p>	<p><i>Figure 10 Mosaic Surround</i></p>

E. Façade Articulation.

1. Front and Street Side Elevation Requirements.

a. Single Tenant and Common Entrance Building.

- i. **Bay / Section Façade Articulation Requirements.** The front and street side elevations of a single tenant or common entrance building shall be divided into architecturally distinct sections or bays with each section taller than it is wide. In no instance shall the width of a bay / section exceed the height of the façade.
- ii. **Dividing Elements.**
 - a) Sections or bays shall be visually established by dividing elements such as columns, ribs, pilasters or piers, changes in plane, or an equivalent element, as approved by the Planning Director, that visually subdivides the wall with a roof or cap feature that provides a rational terminus and integrates with the overall design of the façade.
 - b) Required dividing elements shall extend at least the full height of the ground floor of the building.



- c) The width of required dividing elements shall be a minimum of 12 inches.
- d) The required projection or recess of dividing elements shall be based on the width of the dividing element in accordance with Table 1107.02(F):

Table 1107.02(F): Minimum Projection of Façade Dividing Elements	
<i>Width of Façade Dividing Element</i>	<i>Minimum Projection of Façade Dividing Element</i>
12-23.99 inches	4 inches
24-35.99 inches	8 inches
36 or more inches	12 inches

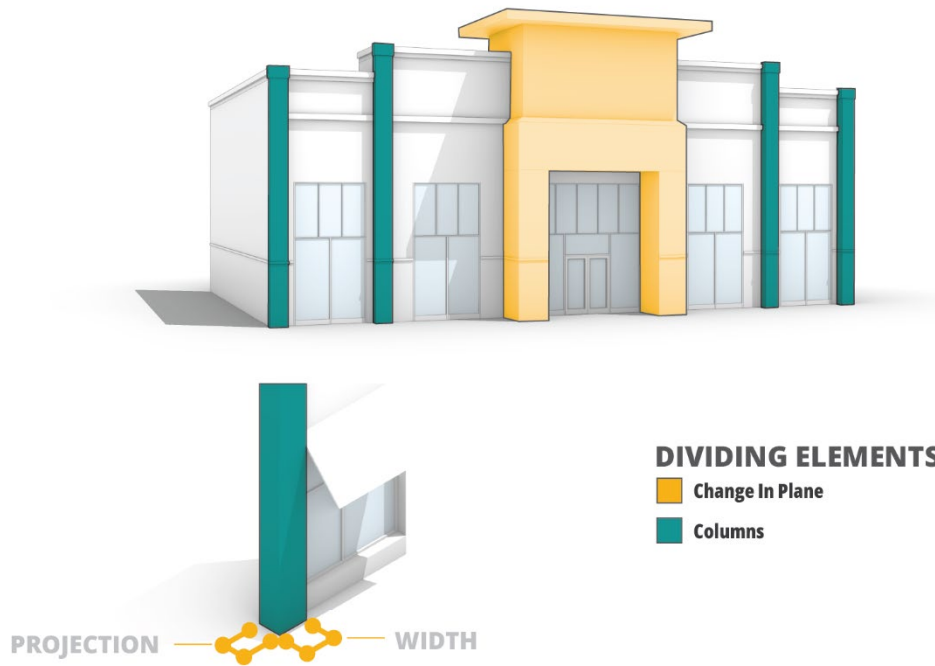


Figure 11 Front and Street Side Façade Articulation

b. Multi-Tenant Building.

- i. On the front and street side elevations of a multi-tenant building, ground floor tenant spaces shall be visually distinguished from one another through the use of dividing elements that meet the standards of subsection (a)(ii) above or through the use of different building entryway designs per Section 1107.02(D).
- ii. The design element utilized on a subject tenant space shall not be utilized on adjacent tenant space(s).



- iii. On the front and street side elevation of a multi-tenant building, upper floors shall meet the façade articulation requirements of subsection (b)(i) above.

c. All Building facades.

- i. At least one horizontal or vertical change in wall plane is required with a minimum depth of two feet for every 60 linear feet of wall length. No single wall plane may extend more than 80 percent of the length of the façade. This standard shall apply to all elevations.
- ii. Any building wall greater than 250 linear feet shall provide a recess in the wall plane with a minimum depth of five feet.

2. Façade Requirements. If visible from a parking area, adjacent lot, or public right-of-way, expanses of blank facades may not exceed 20 feet in length unless at least one of the following is provided:

- a. Transparent windows or doors;
- b. Public art;
- c. Community space as detailed in Section 1108.03;
- d. Vertical trellises/landscaping;
- e. Canopies over ground floor windows and doors;
- f. Decorative use of Tier I or Tier II exterior building cladding materials such as soldier course, rowlock, quoins, or protruding brickwork; or
- g. Architectural accent lighting.

F. Roof Design.

1. Roofline Articulation.

- a. Roofline articulation shall be provided every 60 feet of roof length. The Planning Director may approve alternate distribution of roofline change features as an Administrative Adjustment per Section 1112.04.
- b. Requirements for roofline articulation may be met by:
 - i. Distinctions in roof pitch, such as through the use gables, dormers, shed dormers, flat roofs, or towers, that are visually apparent as seen from the ground;
 - ii. Variation in roof materials, such as on roof accent elements; and
 - iii. Variation of at least two feet in building section height.

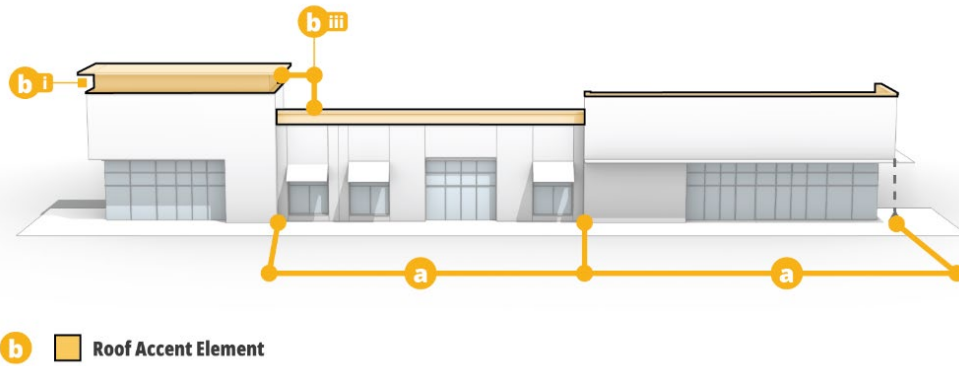


Figure 12 Roofline Articulation, Commercial

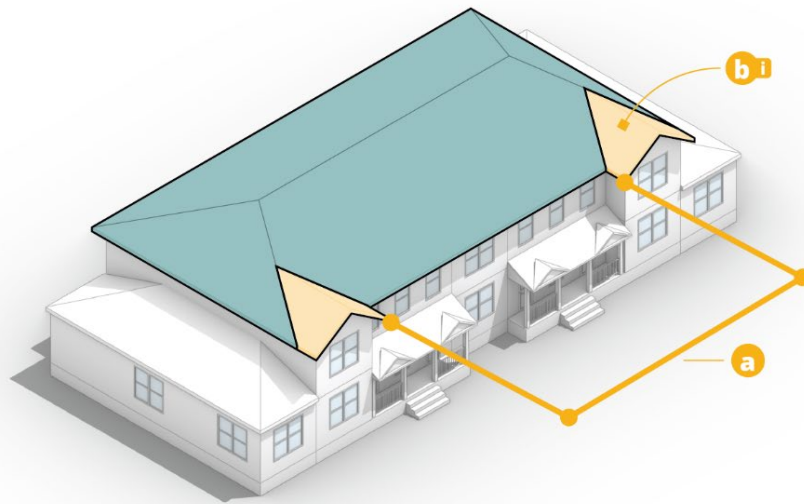


Figure 13 Roofline Articulation, Residential

2. Parapet Walls.

- a. All flat roofs shall include parapet walls.
- b. Parapet walls shall be designed in a manner that prevents views of the rear of the parapet wall or to any portion of the roof from any adjacent property or right-of-way.



1107.03. Townhome Standards

- A. **Applicability.** The standards of this Section shall apply to dwelling-townhouse units and clusters.
- B. **Establishment of Exterior Building Cladding Material Tiers.**
 - 1. **Tier I Materials.** Tier I materials are characterized by their high quality and long-lasting durability. These materials may commonly reflect traditional building methods and serve as a unifying element throughout buildings in the City. Tier I materials shall include:
 - a. Brick;
 - b. Natural and manufactured stone; and
 - c. Fiber cement, LP Smart Side, Everlast composite, natural wood, and wood composite siding.
 - 2. **Tier II Materials.** Tier II materials are characterized by their medium-to-high quality with lasting durability, but more frequent maintenance required than Tier I materials. Tier II materials are generally lower cost than Tier I. These materials provide variety and design expressions on the building and have scale, texture, and pattern creating visual interest. Tier II materials shall include:
 - a. Natural and synthetic stucco, including EIFS;
 - b. Architectural metal panels with a maximum joint pattern of two feet by four feet;
 - c. Precast concrete;
 - d. Corrugated metal siding; and
 - e. Architectural metal panels with a maximum joint pattern of four feet by eight feet.
 - 3. **Prohibited Materials.** The following materials are prohibited on all façades of the building:
 - a. Vinyl siding;
 - b. Unfinished concrete block; and
 - c. Architectural concrete masonry units.
- B. **Exterior Building Cladding Materials.** Table 1107.03(B) below details the requirements for exterior building cladding materials. Glazing and doors shall not be included in the material calculations.

Table 1107.03(B): Exterior Building Cladding Material Tier Requirements		
Building Façade Elevation	Tier I	Tier II
<i>Front and Street Side</i>	Minimum 50%	Maximum 50%
<i>Interior Side and Rear</i>	N/A	N/A



C. **Orientation.** Townhomes shall be oriented with their primary entrances either:

1. Toward the designated front lot line (the primary entrance of end unit townhomes on corner lots may be oriented toward the designated front or street side lot line); or
2. Toward an internal courtyard space (the primary entrance of end unit rowhomes closest to the designated front lot line shall be oriented toward the designated front lot line).

D. **Townhome Clusters.**

1. A maximum of eight townhouse units shall be allowed in a townhouse cluster.
2. Individual townhouse units in a cluster shall be articulated via:
 - a. Dividing elements that meet the standards of Section 1107.02 (E)(a)(ii).
 - b. Different unit entryway designs including:
 - i. Porches;
 - ii. Canopies;
 - iii. Covered stoops; or
 - iv. Recessed vestibules.
 - c. Variation in exterior building cladding materials including:
 - i. Brick;
 - ii. Architectural concrete masonry units; or
 - iii. Fiber cement, LP Smart Side, Everlast composite, natural wood, and wood composite siding.
 - d. Variation in exterior building cladding material colors;
 - e. Distinctions in roof pitch, such as through the use gables, dormers, shed dormers, flat roofs, or towers, that are visually apparent as seen from the ground;
 - f. Variation in roof materials, such as on roof accent elements; or
 - g. Variation of at least two feet in unit height.
3. The siting of townhome units in a cluster shall be staggered in order to define street edges, entry points, and public gathering spaces.



1107.04. Duplex, Triplex, and Quadplex Design Standards

- A. **Applicability.** The standards of this Section shall apply to duplex, triplex, and quadplex-dwelling units.
- B. **Establishment of Exterior Building Cladding Material Tiers.**
1. **Tier I Materials.** Tier I materials are characterized by their high quality and long-lasting durability. These materials may commonly reflect traditional building methods and serve as a unifying element throughout buildings in the City. Tier I materials shall include:
 - a. Brick;
 - b. Natural and manufactured stone; and
 - c. Fiber cement, LP Smart Side, Everlast composite, natural wood, and wood composite siding.
 2. **Tier II Materials.** Tier II materials are characterized by their medium-to-high quality with lasting durability, but more frequent maintenance required than Tier I materials. Tier II materials are generally lower cost than Tier I. These materials provide variety and design expressions on the building and have scale, texture and pattern creating visual interest. Tier II materials shall include:
 - a. Natural and synthetic stucco, including EIFS; and
 - b. Architectural metal panels.
 3. **Prohibited Materials.** The following materials are prohibited on all façades of the building:
 - a. Corrugated metal siding;
 - b. Vinyl siding;
 - c. Unfinished concrete block;
 - d. Precast concrete; and
 - e. Architectural concrete masonry units.
- C. **Exterior Building Cladding Materials.** Table 1107.04(C) below details the requirements for exterior building cladding materials. Glazing and doors shall not be included in the material calculations.

Building Façade Elevation	Tier I	Tier II
<i>Front and Street Side</i>	Minimum 50%	Maximum 50%
<i>Interior Side and Rear</i>	N/A	N/A



- D. **Orientation.** A minimum of one and maximum of two dwelling entrances shall be oriented toward the front lot line.
- E. **Roof Type.** A pitched roof shall be required.
- F. **Attached Front Yard Facing Façade Garages.**
 - 1. **Duplex, Triplex, and Quadplex.** An attached garage shall be allowed on the front yard facing façade of a duplex, triplex, or quadplex if one of the following standards is met:
 - a. The second story of the building extends above the attached garage. In this case, up to a two-car garage is allowed.
 - b. The garage is recessed a minimum of five feet from the front elevation or front porch of the building. In this case up to a two-car garage is allowed.
 - c. The garage is in line with the front elevation or front porch of the building. In this case up to a one-car garage is allowed.



Chapter 1108. Social Gathering and Open Space, Tree Preservation, and Landscape Standards

1108.01. General Provisions

1108.02. Open Space Standards

1108.03. Social Gathering Space Standards

1108.04. Residential Park Space Standards

1108.05. Tree Preservation Standards

1108.06. Landscape and Buffer Standards

1108.01. General Provisions

- A. **Purpose.** The purpose of the social gathering and open space, tree preservation, and landscape standards is to:
1. Preserve and enhance Stow's character,
 2. Ensure the provision of social gathering spaces, residential park spaces, and open spaces,
 3. Improve air quality, conserve water, manage stormwater, cool urban heat islands, and mitigate climate change, and
 4. Minimize negative off-site impacts including but not limited to noise, glare, and views to parking, service and loading areas.
- B. **Applicability.** The standards of this Chapter shall apply to all multi-family, mixed-use, and nonresidential development, and any subdivision or development including 15 or more residential dwellings, as summarized in Table 1108.01 below. The following key shall be used in the interpretation of Table 1108.01, unless otherwise specified in sections of this Chapter.
1. **E** = Standard shall apply to the **entire** development site.
 2. **I** = Standard shall apply to the portion of the development site **impacted** by the redevelopment activity.
 3. Blank = Standard does not apply.



4. * = Additional applicability provisions may apply. Refer to the applicable Chapter/Section applicability subsection.

Table 1108.01: Chapter Standards Applicability Overview					
Standard	Development New	Redevelopment Major	Intermediate Redevelopment	Minor Redevelopment	Change of Use
1108.02; Open Space Standards	E	E			
1108.03; Social Gathering Space Standards	E	E			
1108.04; Residential Park Space Standards	E				
1108.05; Tree Preservation Standards	E	E	I		
1108.06 (F)(1): Building Foundation Landscape Area Design	E	E			
1108.06 (F)(2): Parking Lot Perimeter Landscape Area Design	E	E	I	I	
1108.06 (F)(3): Parking Lot Interior Landscape Area Design	E	E	I	I	
1108.06 (F)(4): Transition Landscape Area	E	E	I	I	E
1108.06 (K): Installation and Maintenance of Landscape Areas [1]	E	E	E	E	E
<i>Note</i>					
[1] Standards shall apply when new parking lots are constructed or existing parking lots are expanded only.					

1108.02. Open Space Standards

- A. **Applicability.** The open space standards established in this Section shall apply as detailed in Table 1108.02(B).
- B. **Required Open Space Amount.** Development shall set aside a minimum percentage of the gross area of the development site as open space, as required per District in Table 1108.02 below. Open space shall be required in addition to social gathering space and residential park space in accordance with Section 1108.04.

Table 1108.02(B): Required Open Space Amount Per District	
District	Minimum Required Open Space Percent of Development Site
R-1, R-2	20%
R-3, C-1, C-2	15%
C-3, I, O, PI	0%
MU-O	5%



C. Open Space Areas.

1. **Allowed Open Space Areas.** Development site area set aside as required open space shall include land that falls into at least one of the following categories:
 - a. Land within the Mudbrook Watershed used for flood control or stormwater management, including areas designed for the 100-year storm per City requirements.
 - b. Special Flood Hazard Areas and Future Conditions Flood Hazard Areas,
 - c. Riparian buffers along all perennial and intermittent streams,
 - d. Wetlands protected by the Army Corps of Engineers or the Ohio Environmental Protection Agency and any provided or required buffers,
 - e. Lakes, ponds, and other water bodies, excluding created stormwater management facilities,
 - f. Areas adjacent to land on the state study list or National Register of Historic Places,
 - g. Cemeteries,
 - h. Areas adjacent to riparian buffers (Section 1108.02(C)(1)(c)),
 - i. Areas at least 5,000 contiguous square feet in size with any natural slopes greater than 25 percent,
 - j. Greenways and other open spaces identified in adopted plans,
 - k. Sites at least five contiguous acres in size identified by the City, County, State, or federal government as active or inactive farmland or farmland meeting the requirements of "Prime Farmland" as defined by the United States Department of Agriculture,
 - l. Land left natural and revegetated with native plants, or
 - m. Other open space proposed by the developer and approved by the Planning Director.
2. **Prohibited Open Space Areas.** Development site area set aside as open space shall not include land that falls into any of the following categories:
 - a. Utility easement area that does not include land that falls into at least one of the allowed open space area categories per Section 1108.02(C),
 - b. Stormwater control measures unless designed with green infrastructure,
 - c. Required building foundation landscape (Section 1108.06) or parking area landscape (Section 1108.06), or
 - d. Other remnant land not covered in subsection C above that is covered in turf grass or an impermeable surface.



1108.03. Social Gathering Space Standards

- A. **Applicability.** Social gathering space standards apply as outlined below and as specified in Table 1108.01:
1. **MU-O District.** Standards apply to all new development, regardless of site size.
 2. **All other applicable districts.** Standards apply to development on sites 20,000 square feet or larger.
 3. **I District.** Exempt from social gathering space requirements.
- B. **Social Gathering Space Location Standards.** Required social gathering space shall be located:
1. In a manner that creates a development focal point,
 2. To be highly visible and accessible to residents and/or visitors of the development,
 3. Outside of:
 - a. Special Flood Hazard Areas and Future Conditions Flood Hazard Areas,
 - b. Riparian buffers along all perennial and intermittent streams,
 - c. Wetlands protected by the Army Corps of Engineers or the Ohio Department of Environmental Quality and any provided or required buffers,
 - d. Tree canopy retention areas (Section 1108.06),
 - e. Lakes, ponds, and other water bodies,
 - f. Stormwater management facilities, and
 - g. Areas with average natural slopes greater than 25 percent.



C. Required Social Gathering Space Amount. Applicable development shall set aside a minimum percentage of the gross development site as social gathering space, as required per District in Table 1108.03(C) below.

Table 1108.03(C): Required Social Gathering Space Amount	
<i>District</i>	<i>Minimum Required Social Gathering Space Percent of Development Site</i>
<i>R-1, R-2, R-3, C-1, C-2, C-3, PI</i>	5%
<i>I</i>	0%
<i>MU-O</i>	7%

D. Social Gathering Space Improvements.

1. **Social Gathering Space Improvement Point System.** A point system is utilized to ensure social gathering spaces are appropriately activated amenities and to provide flexibility to the applicant to allow improvements to be tailored to each development. Table 1108.03(D)(1) establishes the number of points required per District and required social gathering space square footage.

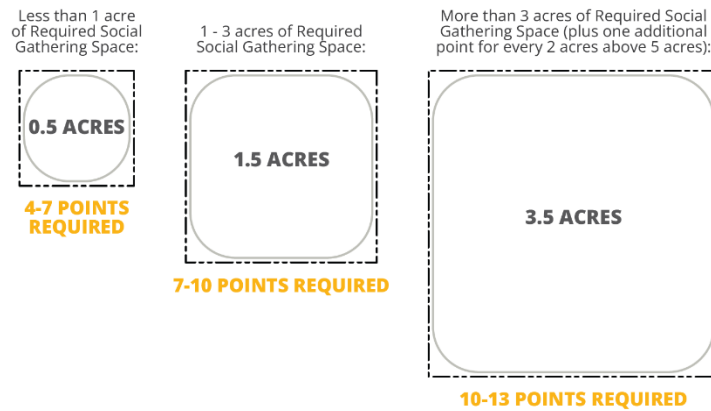


Figure 1 Social Gathering Space Improvement Point System

Table 1108.03(D)(1): Required Social Gathering Space Improvement Points			
District	Minimum Points		
	<i>Less than 1 acre of Required Social Gathering Space</i>	<i>1 - 3 acres of Required Social Gathering Space</i>	<i>More than 3 acres of Required Social Gathering Space</i>
<i>R-1, R-2, R-3,</i>	7	10	13 [1]
<i>C-1, C-2, C-3, MU-O</i>	4	7	10 [1]
<i>I</i>	n/a	n/a	n/a
<i>PI</i>	4	7	10 [1]
Notes			
[1] Plus one additional point for every 2 acres above 3 acres.			



2. **Social Gathering Space Improvement Types.** Table 1108.03(D)(2) establishes the types of social gathering space improvements and their corresponding points that may be used to meet the required number of social gathering space improvement points detailed in Table 1108.03(D)(2).

Table 1108.03(D)(2): Social Gathering Space Improvement Types		
<i>Improvement Type</i>	<i>Points</i>	<i>Maximum Point Allowance per Development Site</i>
Amphitheater	2 points per 250 square feet	4 points
Athletic court	4 points per court sized per industry standard	10 points
Bicycle repair station	2 point per station	3 points
Community garden	2 points per 250 square feet	4 points
Covered gazebo or pavilion [1]	2 points per 250 square feet of covered area	4 points
Co-working/indoor meeting or gathering space	2 points per 500 square feet	4 points
Dog park	2 points per 2,500 square feet	4 points
Fire pit with seating [1]	2 points per fire pit with seating	4 points
Fountain / water feature	4 points per fountain/water feature	4 points
Hammock [1]	2 points per 3 hammocks	3 points
Indoor fitness center	2 points per 500 square feet	4 points
Landscape planter	1 point per 2 cubic feet of soil volume plus 1 point per rain garden; 0.5 points per canopy tree and 0.25 points per shrub or ornamental grass	5 points
Outdoor fitness equipment	3 points per system with person capacity less than 25	7 points
	4 points per system with person capacity 25-35	
	5 points per system with person capacity greater than 35	
Outdoor food preparation area / kitchen [1]	3 points per outdoor food preparation area / kitchen	5 points
Outdoor seating [1]	2 points per 200 square feet	6 points
Pedestrian scaled lighting	2 points per 2 light fixtures	5 points



Table 1108.03(D)(2): Social Gathering Space Improvement Types

<i>Improvement Type</i>	<i>Points</i>	<i>Maximum Point Allowance per Development Site</i>
Pedestrian walkway with pedestrian scale lighting [2]	2 points per 400 linear feet	7 points
Permanent yard games [1]	2 points per 2 games	3 points
Pet waste station	1 point per station	2 points
Playground	2 points per play system with child capacity less than 25	7 points
	4 points per play system with child capacity 25-35	
	5 points per play system with child capacity greater than 35	
Pool	8 points per pool	8 points
Public Art or Art Installation [3]	10 points per public art	10 points
Splash pad	3 points per 500 square feet	7 points
Trash and recycling receptacle	1 points per trash and recycling receptacle	1 points per 1,000 square feet
Other	As determined by the Planning Director	
<i>Notes</i>		
[1] Improvement shall qualify for one additional point if located on a rooftop patio.		
[2] Pedestrian scale lighting shall meet the standards of Section 1106.05.		
[3] Public art shall be eligible for improvement points only upon review and approval by the Arts Commission with consideration given to the type, scale, permanence, and public accessibility of the artwork.		

- Maintenance.** Required social gathering space shall perpetually run with the development site and shall not be developed or separated from the development site at a later date, unless no development or any portion of the project which is benefited by or required to provide such social gathering space has occurred and the entire area of the project is presented for a new development approval or rezoning, the effect of which will be to nullify the prior approval.



1108.04. Residential Park Space Standards

- A. **Purpose.** The purpose of the residential park space standards is to:
1. Ensure that new development contributes to or provides park space,
 2. Enhance community character and sense of place,
 3. Provide areas for people to gather and connect,
 4. Expand equity in park space quality and quantity throughout Stow.
- B. **Applicability.** The residential park space standards established in this section shall apply to subdivisions or developments resulting in 15 or more residential dwelling units or lots as detailed in Table 1108.01.
- C. **Residential Park Space Requirement Scenarios.**
1. **Existing Park Service Area.** If a development is located within a one-half mile buffer of an existing City park, a recreation impact fee shall be required. The impact fee amount shall be as detailed in the City's fee schedule.
 2. **Planned Park Service Area.** If an applicable development is located outside of a one-half mile buffer of an existing City park, the City shall:
 - i. Require parkland be dedicated to the City at one-tenth acre of gross acre of the proposed development for public sites, public parks and/or playgrounds, or public open space, or
 - ii. Require a payment in lieu of parkland dedication to the City in accordance with the City fee schedule.
 3. **Other Areas.** If an applicable development is not located within one-half mile of an existing/planned public park, the social gathering space standards of Section 1108.03 shall be met.

1108.05. Tree Preservation Standards

- A. **Applicability.** The tree preservation standards established in this Section shall apply as detailed in Table 1108.01.
- B. **Measurement Standard.** Diameter is measured at four and a half feet from the ground.
- C. **Requirements.** The tree preservation and removal plan shall include an inventory of all trees with a diameter of 12 inches or more that are included in the State Listed Plant Species for Summit County, as identified by the Ohio Division of Natural Areas and Preserves.
1. The plan shall indicate the location, size, species, and health of all trees for preservation as determined by a certified arborist or landscape architect.



2. The plan shall be prepared by a certified arborist or landscape architect and approved by the Planning Director.
3. Every reasonable effort shall be made to incorporate trees for preservation into the landscape required for the proposed development.
4. Prior to granting approval to remove a tree for preservation, the City Engineer or City Arborist shall determine that one of the following criteria apply:
 - a. The tree is dead, dying, diseased, or a threat to public health or safety.
 - b. The tree interferes with the provision of public services or is a hazard to traffic.
 - c. The location of the tree prevents development or redevelopment that cannot be designed to protect the tree.
5. All trees for preservation approved for removal shall be replaced in accordance with the following standards:
 - a. The trees to be removed shall be replaced within one year of the date of approval and guaranteed.
 - b. All replacement trees shall have a minimum diameter of two inches at the time of installation.
 - c. The trees to be removed shall be replaced at the rate specified in Table 1108.05. Replacement trees may be used to satisfy the landscape requirements of this Chapter.

Table 1108.05: Tree Replacement Rate	
Diameter of Tree to be Removed	Number of Replacement of Trees Required
12-24 Inches	3
Greater than 24 Inches	4

- D. **Fee-In-Lieu Option.** An applicant may provide a fee-in-lieu as established in the City of Stow fee schedule instead of the tree replacement requirements of this Section, if approved by the Planning Director due to site constraints.
- E. **Trees Damaged During Construction.** In the event that a tree designated for preservation is destroyed, damaged, or removed during the construction process, the property owner shall be assessed a fine for the tree based on a landscape value equation, determined by the Planning Director.



1108.06. Landscape and Buffer Standards

- A. **Applicability.** The landscape and Buffer standards established in this Section shall apply as detailed in Table 1108.01.
- B. **Specification and Planting Standards.**
1. Unless otherwise stated in this Section, all size specifications for plant materials shall be based upon the time of planting. Landscape plans shall show plants at two-thirds mature growth.
 2. When caliper is specified for tree planting, the caliper of the tree trunk shall be measured at four and a half feet from the ground.
 3. When measuring the diameter of existing trees, the measurement shall be taken four- and one-half feet from the ground.
 4. No plants identified as an invasive species by the Ohio Department of Natural Resources Invasive Species List as published shall be allowed.
 5. Unless otherwise stated per landscape area requirements, a minimum of 75 percent of each planting bed shall be covered in plant material with ground cover or organic mulch three inches deep to cover all remaining area.
- C. **Plant Species Diversity Requirements.** All developments shall comply with the following plant species diversity requirements, unless otherwise approved by the Planning Director in conjunction with approval of vegetated stormwater management areas.
1. For parcels less than one-half acre, a minimum of 50 percent of the plant material shall be drought tolerant native species.
 2. For parcels greater than one-half acre and less than five acres, a minimum of 60 percent of the plant material on a parcel shall be drought tolerant native species. Total plant material, excluding turf and other groundcover, shall not be comprised of more than 30 percent of any single species or 50 percent of any genus.
 3. For parcels greater than five acres, a minimum of 75 percent of the plant material on a parcel shall be drought tolerant native species. Total landscape elements, excluding turf and other groundcover, shall not be comprised of more than 20 percent of any single species or 25 percent of any genus.
- D. **Planting Type, Size, and Dimensional Requirements.**
1. **Planting Types and Sizes.** Landscape elements required per landscape area shall include those established Table 1108.06(D)(1) and shall meet all minimum planting size requirements.



Table 1108.06(D)(1): Planting Type and Size Requirements		
Planting Type	Description	Planting Size
<i>Canopy Trees</i>	Deciduous trees with single central axis which typically reach a minimum 40 foot mature height and a minimum 15 foot mature spread	1.5 inch caliper
<i>Understory Trees</i>	Deciduous trees with multiple stems which typically reach a minimum 15 foot mature height	1 inch caliper
<i>Evergreen Trees</i>	Trees having foliage that persist and remain green throughout the year which typically reach a minimum 20 foot mature height	6 feet in height
<i>Shrubs</i>	Deciduous or evergreen plants of low to medium height characterized by multiple stems continuous from its base	1 gallon pot
<i>Native Grasses</i>	Grasses that are native or adapted to the State of Ohio, not including noxious weeds	1 gallon pot
<i>Groundcover</i>	Herbaceous plants or prostrate shrubs which typically reach a maximum height of 18 inches at maturity, not including turf grass	n/a

- Planting Dimensions.** All trees shall be planted in a location or structure providing the minimum soil volume and planting area dimensions per tree as established in Table 1108.06(D)(2). Multiple trees may be planted in a contiguous landscaped area with a minimum of 150 square feet of surface area per canopy tree, 100 square feet of surface area per understory or evergreen tree, and with a total soil volume meeting the standards of Table 1108.06(D)(2).

Table 1108.06(D)(2): Minimum Tree Planting Soil Volume				
Expected Tree Height at Maturity	Minimum Planting Soil Volume		Planting Area Dimensions at 3 ft depth	
	Cubic Feet	Cubic Yards	Length (ft)	Width (ft)
<i>Less than 25 ft</i>	400	14.8	11.5	11.5
<i>25 ft to 40 ft</i>	800	29.6	16.3	16.3
<i>Greater than 40 ft</i>	1,200	44.4	20	20

- Administrative Adjustment.** An Administrative Adjustment may be approved in the event a specific type of tree is determined by the City Arborist to be inappropriate for a site; or in the event the applicant demonstrates conclusively to the satisfaction of the City Arborist that sufficient soil volume cannot be feasibly provided on the site, for required trees to be replaced with a minimum substitution of two large deciduous or evergreen shrubs for every one tree not provided.



E. Establishment of Landscape Areas.

1. Building Foundation Landscape Area.

- a. **Purpose.** The purpose of the building foundation landscape area is to provide a softening effect and improve the appearance of multi-family, mixed-use, and non-residential buildings, with the exception of those in the I District, as viewed from the public right-of-way.
- b. **Location.** Building foundation landscape shall be located at the base of front and street side yard facing building facades.

2. Parking Lot Perimeter Landscape Area.

- a. **Purpose.** The purpose of the parking lot perimeter landscape area is to screen vehicle bumpers and headlights from the public right-of-way, while maintaining views from the public right-of-way into parking areas for safety purposes.
- b. **Location.** Parking lot perimeter landscape shall be located between parking areas and public rights-of-way.

3. Parking Lot Interior Landscape Area.

- a. **Purpose.** The purpose of the parking lot interior landscape area is to improve on-site stormwater management, combat urban heat island effects, and provide shade within parking areas.
- b. **Location.** Parking lot interior landscape shall be located within surface vehicle parking areas.

4. Transition Landscape Area.

- a. **Purpose.** The purpose of the transition landscape area is to protect residential areas from incompatible uses to ensure privacy and the peaceful enjoyment of Stow neighborhoods.
- b. **Location.** Transition landscape shall be located on the subject property along the interior side and/or rear property line adjacent to a residential use or property zoned in the R-1, R-2, or R-3 Districts.

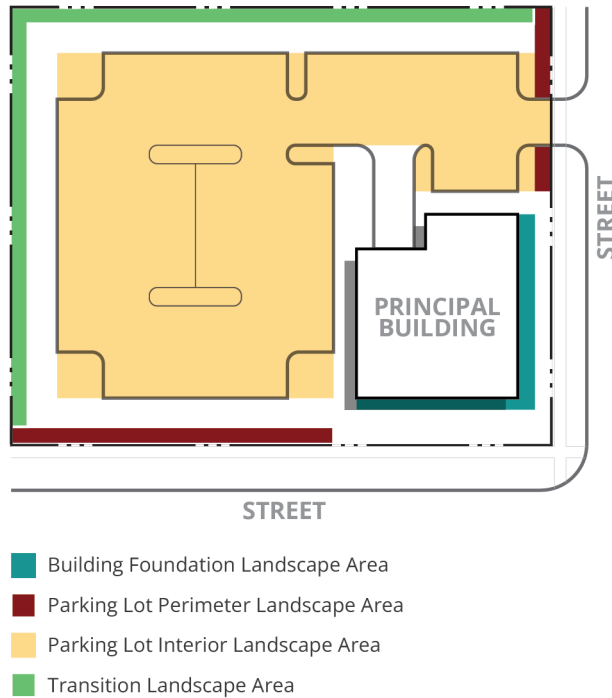


Figure 2 Landscape Areas

F. Building Foundation Landscape Area Design.

1. **Width.** A building foundation landscape area shall have a minimum width of four feet.
2. **Design.**
 - a. Foundation plantings shall be installed along the base of applicable building façades, as required per District in Table 1108.06(F) below.

Table 1108.06(F): Required Foundation Planting Coverage	
Districts	Minimum Required Foundation Planting (% of Façade Length)
O, R-1, R-2, R-3, PI [1]	80%
C-1, C-2, C-3 [1]	60%
Note:	
[1] Properties with a 0–5-foot setback are exempt from this requirement.	

- b. Foundation plantings shall be designed to enhance architectural features and visually soften long expanses of walls.
- c. Foundation plantings may include trees, shrubs, native grasses, and groundcover. Trees and shrubs may shade or screen but shall not obstruct windows.



3. **Administrative Adjustments.** Where the area between the building and parking lot or street curb is entirely paved for pedestrian use, provide canopy trees in lieu of foundation landscaping at a quantity of one tree per 50 linear feet of building façade. The canopy trees shall be planted in tree pits with grates, providing a minimum structural soil 600 cubic feet of structural soil per tree pit.

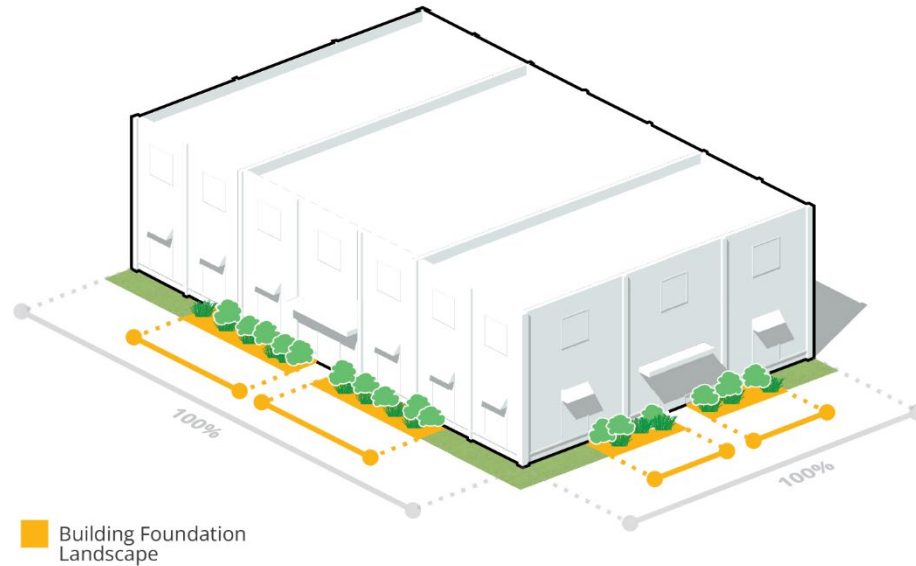


Figure 3 Building Foundation Landscape Area

G. Transition Landscape Area Requirements.

1. **Transition Area Type Requirement.** Transition Area shall be required only when the subject property is adjacent to a residential land use or District. The required transition Area type shall be determined based on the land use of the subject property as detailed in Table 1108.06(G)(1). The Planning Director may waive requirements, as an Administrative Adjustment, where adjacent uses are of a similar nature, scale, and intensity.

Table 1108.06(G)(1): Application of Transition Area Types	
Subject Lot Land Use Category	Required Transition Area Type
Multifamily ((3 or More Dwelling Units)	A
Public and Institutional	A
Commercial	B
Automotive and Industrial	C
Agricultural	B



2. **Transition Area Type Standards.** Three transition area types are established in recognition of the different contexts that may exist, as shown in Table 1108.06(G)(2). An Administrative Adjustment (Section 1112.04) to credit preserved trees for canopy trees and/or understory/evergreen trees required by Table 1108.06(G)(2) may be approved if the intent of the Transition area type is met.

Table 1108.06(G)(2): Transition Area Types				
Specification		Type A	Type B	Type C
(a)	Minimum Area Width [1]	10 feet	20 feet	40 feet
(b)	Minimum Fence/Wall Height [2]	optional	6 feet	6 feet
Minimum Number of Landscape Elements per 100 Linear Feet				
(c)	Canopy Tree	3	6	12
(d)	Understory/Evergreen Tree	3	6	12
(e)	Shrubs/Native Grasses	15	30	60
Notes				
[1] Required building setbacks may be utilized for buffer requirements.				
[2] Fences/walls shall meet the standards of Section 1106.02.				

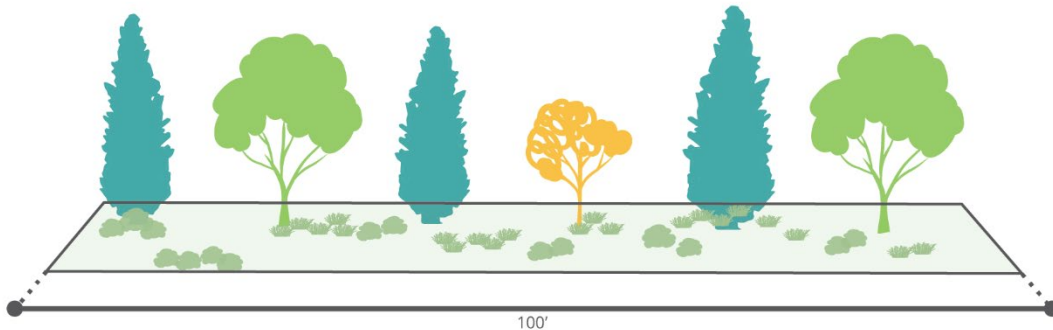


Figure 4 Buffer Type A, Option 1

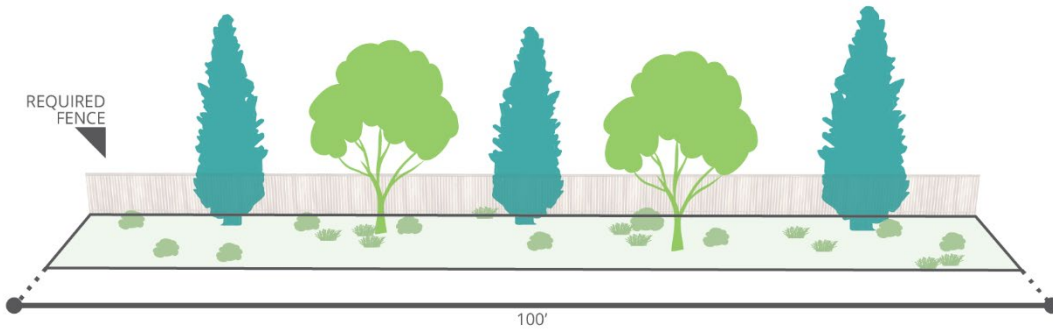


Figure 5 Buffer Type A, Option 2

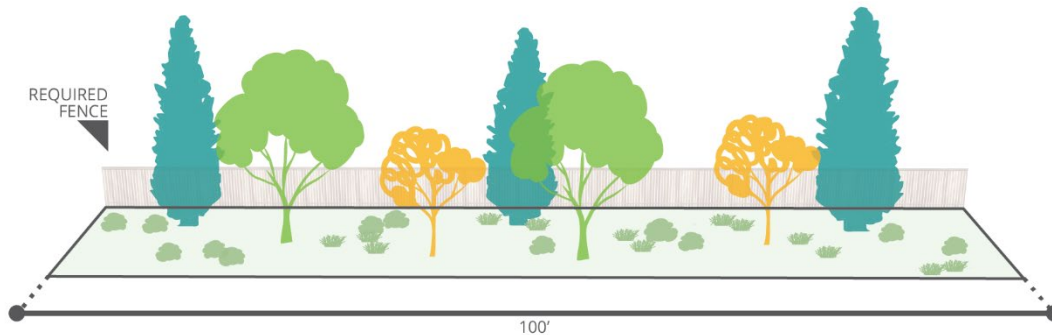


Figure 6 Buffer Type B

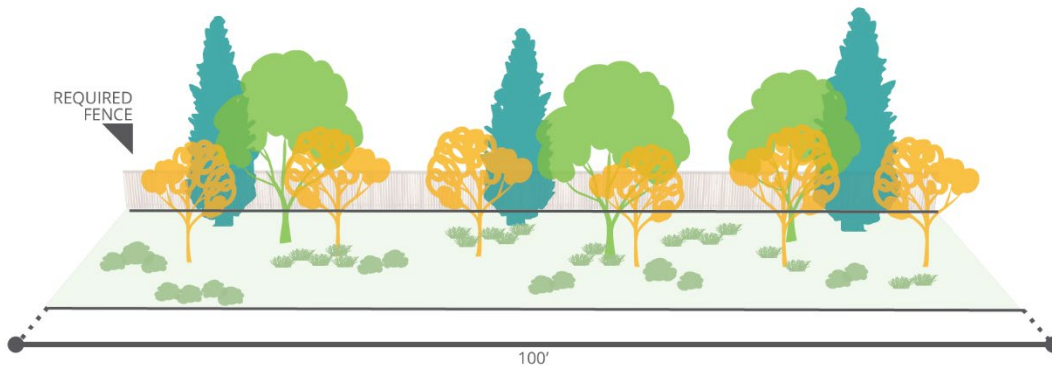


Figure 7 Buffer Type C

a. Administrative Adjustment.

- i. Fence or wall requirements specified in Table 1106.02(A) may be satisfied by a solid evergreen or arborvitae hedge with a minimum six feet in height, as approved by the Planning Director.
- ii. An Administrative Adjustment (Section 1112.04) may be approved to replace the fence/wall requirement in Table 1106.02(A) if a berm, with a minimum height of six feet as measured from the toe of the berm and a maximum slope of 3:1, is provided.

H. Parking Lot Perimeter Landscape Area. The purpose of parking lot perimeter landscaping is to provide screening between off-street parking areas and rights-of-way, and to facilitate the integration of stormwater management with required landscaping.

1. **Location.** All off-street parking lot which abut a public or private right-of-way, excluding alleys, shall include landscape and trees as required by this section located between the back of curb of the off-street parking area and the right-of-way.



2. **Applicability.** The parking lot perimeter landscape regulations of this section apply to the following:
 - a. The construction or installation of any new off-street parking area; and
 - b. The expansion of any existing off-street parking area, in which case the requirements of this section apply only to the expanded area.
3. **Traditional Design Option.** Parking area perimeter landscape areas shall be established along the edge of the off-street parking area and have a minimum width of seven feet as measured from the back of curb of the off-street parking area, to accommodate vehicle bumper overhang and ensure planting areas that are adequate in size.
 - a. One shrub or native grasses, the height of which shall not be less than three feet nor greater than five feet, shall be planted for every three feet of landscape area length.
 - b. Landscaped areas outside of shrubs/native grasses and tree masses shall be planted in live groundcover.
 - c. A low masonry wall or fence the height of which provides effective screening to a maximum height of three feet may be used in conjunction with required landscaping as detailed above. Plant materials shall be installed between the sidewalk and the fence or wall to provide a softening effect.

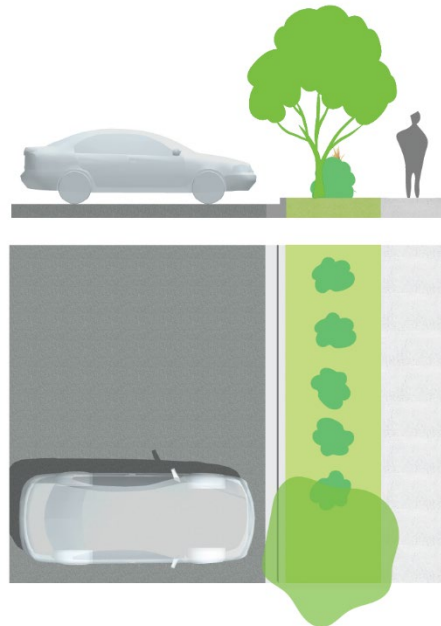


Figure 8 Parking area perimeter, Option 1

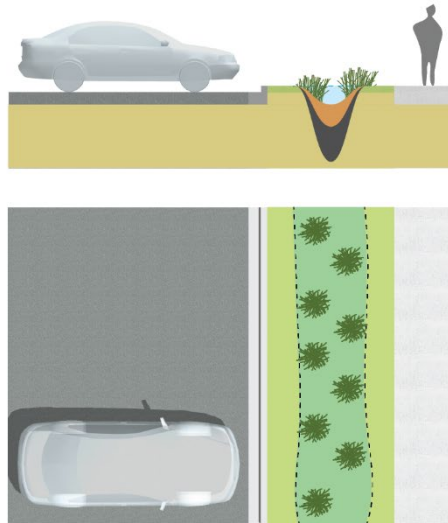


Figure 9 Parking area perimeter, Option 2- Rain Garden

4. **Rain Garden Design Option.** If a rain garden is utilized, it may be credited towards required stormwater management.
 - a. A curb shall be utilized to separate the parking area perimeter landscape from the parking area one curb cut or inlet structure shall be located in the curb line every 40 feet of parking area perimeter landscape length.
 - b. A vegetated ponding area with a minimum width of six feet and a minimum depth of 18 inches below the surface of the parking area shall be provided and shall meet the following standards:
 - i. **Top Layer.** The top layer of the vegetated ponding area shall be planted with native flowers, grasses, and shrubs and have a four-inch-thick layer of hardwood mulch.
 - ii. **Middle Layer.** The middle layer of the vegetated ponding area shall consist of a 24-inch layer of highly permeable mixture of engineered soil including sand and compost.
 - iii. **Bottom Layer.** The bottom layer of the vegetated ponding area shall consist of 36 inches of gravel.
 - iv. **Underdrain.** An underdrain, consisting of a perforated pipe running along the bottom of the vegetated ponding area at the top of the bottom layer and connecting to an adjacent sewer inlet shall be provided at the discretion of the City Engineer.
 - c. A perimeter with a minimum width of two feet shall be provided on either side of the vegetated ponding area which shall be planted in native, living groundcover, not including turf grass.



I. Parking Lot Interior Landscape Area Design.

1. **Applicability.** The parking lot interior landscape area design established in this Section shall apply as detailed in Table 1108.01.
 - a. All new off-street parking lots containing 20 or more parking spaces shall provide interior landscaping equal to at least five percent of the total parking area.
 - b. When expanding any existing off-street parking area where the expansion would result in 20 or more parking spaces all parking area interior landscaping shall be provided for the expanded area at a minimum, equal to at least five percent of the expanded area.
 - c. New or expanded off-street parking lot consisting of fewer than 20 contiguous spaces that are located in front, street side, or interior side yards shall provide a parking area end cap, unless otherwise approved by the Planning Director.
 - d. Off-street parking lot consisting of fewer than 20 contiguous spaces that are located in rear yards shall be exempt from parking area interior landscape zone requirements.
2. **Requirements by Parking Area Location.** The amount of required parking area interior landscape shall be determined by the location of the off-street parking area as detailed below. These requirements shall apply to parking lots subject to subsection (1) above, except where an exemption applies under subsection (1)(d).
 - a. **Off-Street Parking Lots in Front or Side Yards.**
 - i. **Parking Stall Bay End Caps.** A parking stall bay end cap shall be located at the end of any bay of parking bordered by a drive aisle, public or private street, pedestrian circulation system, or internal vehicular circulation system in Section 1109.05.
 - ii. **Parking Area Medians.** Parking area medians shall be placed between every third parking stall bay.
 - iii. **Parking Area Islands.** Parking area islands shall be located on parking stall bays which are not required to have parking lot medians. Parking area islands shall be spaced not more than 20 continuous spaces apart.



b. Off-Street Parking Lots in Rear Yards.

- i. **Parking Stall Bay End Caps.** A parking stall bay end cap shall be located at the end of any bay of parking bordered by a drive aisle, public or private street, pedestrian circulation system, or internal access drive in Section 1109.03.
- ii. **Parking Area Medians or Parking Area Islands.** The developer may choose to install either parking area medians or parking area islands, in compliance with the location and spacing requirements in subsection (2)(a) above.

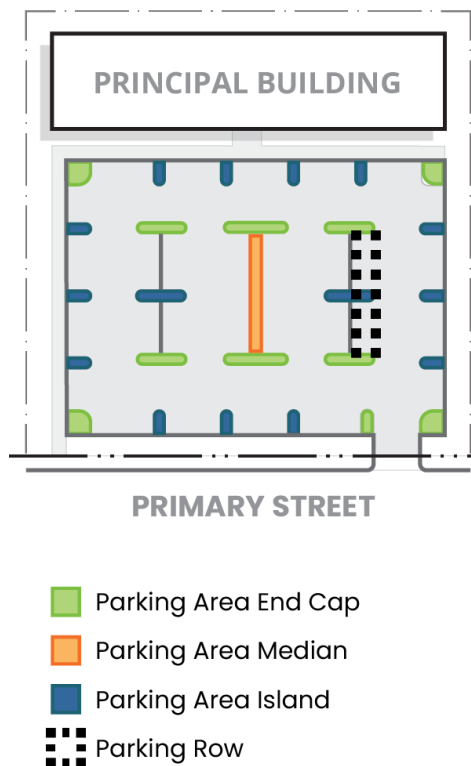


Figure 11 Off-Street Parking Lots in Rear Yards

3. Parking Area End Cap Design Standards.

- a. **Size.** Parking area end caps shall be a minimum nine feet wide by 18 feet long. Double rows of parking shall provide parking stall bay end caps opposite one another to form continuous single end cap.



- b. **Planting.** A minimum of one canopy tree and three shrubs or native grasses shall be provided for every parking stall bay end cap. If the end cap extends the width of a double bay, then two canopy trees shall be provided.

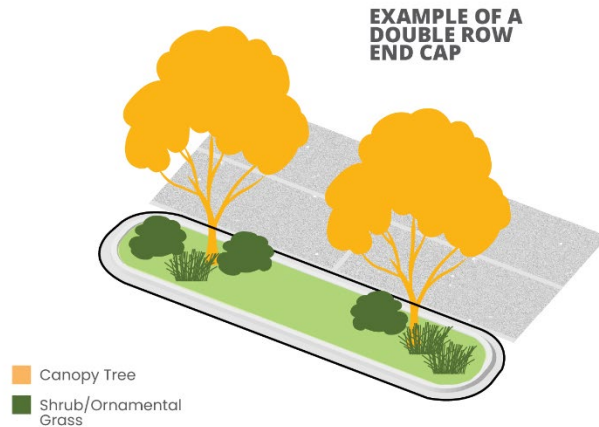


Figure 12 Parking Area End Cap Design

4. Parking Area Median Design Standards.

a. Traditional Option.

i. Area Required.

- a) **Width.** Traditional parking area medians shall have a minimum width of 10 feet.
- b) **Length.** Traditional parking medians shall extend the full length of a parking stall bay, excluding end caps.

- ii. **Plant Materials Required.** A minimum of one canopy tree and 20 shrubs or native grasses shall be planted for every 50 linear feet of parking area median.

iii. Design.

- a) Traditional parking area medians shall have minimum soil depth of 48 inches.
- b) A minimum of two cubic feet of soil volume per one square foot of projected tree canopy at maturity shall be provided per canopy tree.

- b. **Rain Garden Option.** If a rain garden is utilized, it may be credited towards required stormwater management in accordance with Section 1106.07.

- i. A curb shall be utilized to separate the parking area median from the parking area one curb cut or inlet structure shall be located in the curb line every 40 feet of parking area perimeter landscape length.



- ii. A vegetated ponding area with a minimum width of six feet and a minimum depth of 18 inches below the surface of the parking area shall be provided and shall meet the following standards:
 - a) **Top Layer.** The top layer of the vegetated ponding area shall be planted with native flowers, grasses, and shrubs and have a four-inch-thick layer of hardwood mulch.
 - b) **Middle Layer.** The middle layer of the vegetated ponding area shall consist of a 24-inch layer of highly permeable mixture of engineered soil including sand and compost.
 - c) **Bottom Layer.** The bottom layer of the vegetated ponding area shall consist of 36 inches of gravel.
 - d) **Underdrain.** An underdrain, consisting of a perforated pipe running along the bottom of the vegetated ponding area at the top of the bottom layer and connecting to an adjacent sewer inlet shall be provided at the discretion of the City Engineer.

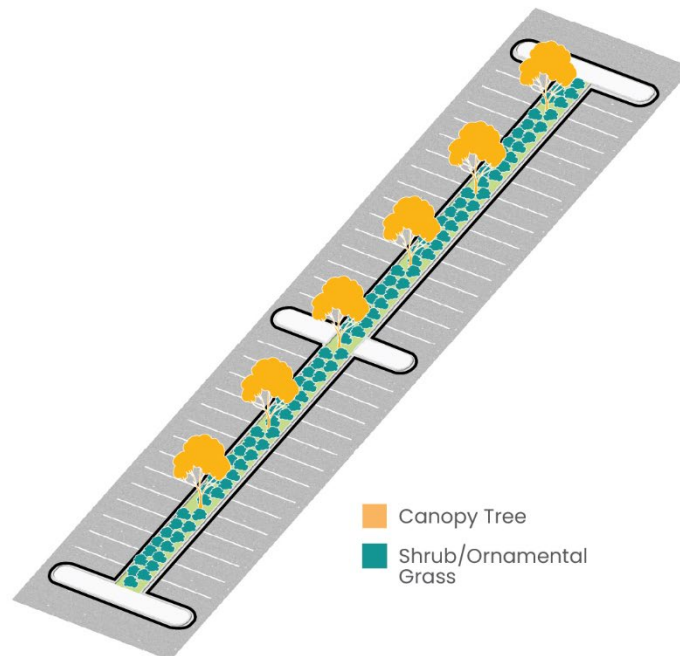


Figure 13 Parking Area Median Design

5. Parking Area Island Standards.

- a. **Size.** Parking area islands shall be a minimum nine feet wide by 18 feet long. Double rows of parking shall provide parking area islands opposite one another to form continuous single islands.



- b. **Planting.** A minimum of one canopy tree and two shrubs or native grasses shall be provided for every parking area island. If the island extends the width of a double bay, then two canopy trees and four shrubs or native grasses shall be provided.

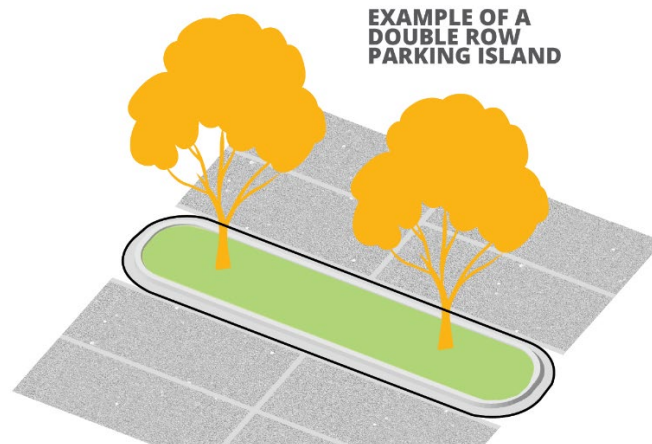


Figure 14 Parking Area Island

6. General Design Standards.

- a. Unless otherwise specified, all parking area interior landscape elements shall have a minimum soil depth of 36 inches.
- b. All parking area interior landscape area elements shall be protected with concrete curbing or other suitable barriers approved by the Planning Director and shall be properly drained or irrigated as appropriate to the site conditions to ensure survivability of plant materials or proper stormwater management function.
- c. Canopy trees shall be the primary plant materials used in parking area islands, and canopy trees and shrubs or native grasses shall be the primary plant materials used in parking area medians.
- d. Understory trees, evergreen trees, shrubs, native grasses, groundcover, and other plant materials may be used to supplement the required plantings but shall not create visibility concerns for automobiles and pedestrians.
- e. If medians or islands are designed as stormwater management areas, administrative adjustment (Section 1112.04) from required plantings may be approved by the City Engineer.

J. Natural Landscape Areas.

1. **Applicability.** The natural landscape area standards of this Section shall also apply to landscape areas located on residential lots, outside of required landscape areas as



detailed in Section 1108.06(D). The Installation and Maintenance of Landscape Areas in Section 1108.06(K) applies to this section.

2. **Standards.** Natural landscape areas shall be allowed if the following standards are met.
 - a. **Maximum Area.** Areas shall occupy no more than 50 percent of the pervious surface area of the parcel excluding natural wooded areas, wetlands, and water bodies.
 - b. **Setbacks.** Natural landscape areas shall be setback a minimum of:
 - i. 15-foot setback from property lines unless the defined landscape area abuts another similar private or public landscape area, wetland, pond, lake, or stream, in which case the setback does not apply,
 - ii. 5 feet from any buildings or structures, and
 - iii. 15 feet from the right-of-way or private street.
 - c. **Design.**
 - i. All prior vegetation, including lawn grasses, shall be removed and eliminated, and native vegetation shall be planted through transplanting or seed.
 - ii. Natural landscape areas shall be clearly defined by a fence meeting the garden fence standards of Section 1106.02(E) or as another type of border as approved by the Planning Director
3. **Exemptions.** Public parks, including, but not limited to those owned and operated by the City of Stow and Summit County Metroparks, are exempt from the requirements of this section and may maintain native landscaping without a permit.

K. Installation and Maintenance of Landscape Areas.

1. All installed landscape shall conform to the most recently approved American Standard for Nursery Stock (ANSI Z60.2), published by the American National Standards Institute.
2. Dead plant materials shall be replaced within 60 days, unless a longer timeframe is approved through an Administrative Adjustment. Replacement plantings shall maintain at least the same quantity and quality of landscape elements as initially approved. For projects constructed in multiple phases, the 60-day timeframe shall apply to each individual phase.
3. All plantings required under this ordinance, including landscaping installed pursuant to an approved landscape plan, shall be maintained perpetually and replaced if they die or are substantially weakened or damaged. If plantings succumb due to disease or environmental conditions, they shall be replaced with more suitable or appropriate species of the same type (e.g. tree, shrub, groundcover).



4. Soil erosion shall be controlled while the ground is bare of plant growth that is sufficient to inhibit erosion and is the sole responsibility of the property owner or occupant.
5. The burning of all landscape areas is prohibited.
6. All landscape shall be maintained in a healthy, neat, trimmed, clean, and weed-free condition. With the exception of surface areas in vegetated stormwater management areas where mulch is not specified, the ground surface of landscape areas shall be covered with either turf and/or other types of pervious groundcover located beneath and surrounding trees and shrubs.
7. For stormwater management areas where irrigation is not specified, all installed plantings shall be guaranteed for a period of 18 months following municipal approval of installation. During this guarantee period the landowner shall supply water as necessary to promote successful establishment and growth.



Chapter 1109. Access and Mobility Standards

- 1109.01 General Provisions
- 1109.02 Right-of-Way Improvements
- 1109.03 Internal Access Drive Standards
- 1109.04 Driveways
- 1109.05 Vehicle Parking
- 1109.06 Loading
- 1109.07 Bicycle Parking
- 1109.08 Trails and Pedestrian Walkways

1109.01 General Provisions

- A. **Purpose.** The purpose of this Chapter is to regulate vehicular, pedestrian, and bicyclist access and mobility in a manner that:
1. Ensures the safety of all transportation system users through design that prioritizes pedestrian and bicyclist movements over automobile movements where appropriate, maintains a safe separation of movements in other cases, and avoids unnecessary or unsafe conflicts,
 2. Supports the efficient movement of people and goods through a multi-modal, interconnected transportation network to improve public health and quality of life, support the local economy, and facilitate rapid emergency response,
 3. Minimizes negative impacts on the environment through a reduction in carbon emissions associated with automobile use,
 4. Prioritizes a human-scaled built environment that accommodates pedestrians to improve physical, mental, and emotional health,
 5. Relieves traffic congestion on streets by limiting curb cuts and promoting alternative modes of transportation, and
 6. Provides adequate, but not excessive, off-street parking.



B. **Applicability.** The standards of this Code shall apply as summarized in Table 1109.01. The following key shall be used in the interpretation of Table 1109.01.

1. **E** = Standard shall apply to the **entire** development site.
2. **I** = Standard shall apply to the portion of the development site **impacted** by the redevelopment activity.
3. **V** = Standard shall apply to portion of the development site **visible** from the public right-of-way or residential uses.
4. Blank = Standard does not apply.
5. * = Additional applicability provisions may apply. Refer to the applicable Chapter/Section applicability subsection.

Table 1109.01: Standards Applicability Overview					
Standard	New Development	Major Redevelopment	Intermediate Redevelopment	Minor Redevelopment	Change of Use
1109.02 Right-of-Way Improvements	E	I	I		
1109.03; Driveways	E	E	E		
1109.04; Internal Access Drive Standards	E	E	I		
1109.08; Trails and Pedestrian Walkways	E	E	I		
1109.05(A); Permitted Parking Area Locations	E	E	I		
1109.05 (B); Minimum Parking Setback Requirements	E	E	I		
1109.05 (C); Minimum Parking Space Standards	E	E	E		
1109.07; Bicycle Parking	E	E	E	E	E
1109.06; Loading	E	E	I		



1109.02 Right-of-Way Improvements

- A. **Sidewalks.** Sidewalks shall be constructed along the entire public street frontage for the property that is being built upon, at the developer’s expense. Sidewalks shall have a minimum width of five feet or match the width of adjoining sidewalks, whichever is greater.
- B. **Curbs and Gutters.** Curbs, gutters, and stormwater management shall be provided at the developer’s expense. The length of this improvement shall be determined by the City Engineer.
- C. **Street and Traffic Signs.** Street name signs, stop signs, fire lane signs, no parking signs, and other directional or warning signs shall be installed at the developer's expense, at the locations and in compliance with the specifications of the Director of Public Safety or the City Engineer.
- D. **Street Trees.** The developer shall show the location of new street trees in the landscape strip or an adjacent area as determined by the City Arborist. The new street trees shall be of a variety and spacing as determined by the City Arborist.
- E. **Administrative Adjustment.** The City Engineer may waive these requirements, as an administrative adjustment (Section 1112.04) for existing isolated single family residential lots when the street in general does not have these improvements.

1109.03 Internal Access Drive Standards

- A. **Applicability.** Internal access drives shall be required for all multi-family, mixed-use, and commercial developments, as specified in Table 1109.01. This requirement shall not apply to the Industrial District. It shall apply to all other developments that meet one or more of the following criteria:
 - 1. **Gross Development Site Area.** The development site is five acres or more in gross area.
 - 2. **Parking Area Size.** The development site includes 200 or more parking spaces.
- B. **General Provisions.**
 - 1. Site access and circulation shall be provided via internal access drives and not drive aisles in parking areas.
- C. **Primary Internal Access Drive Standards.** Primary internal access drives shall connect a site to the public right-of-way, provide access to secondary internal drives, and meet the standards established in Table 1109.03(C).

Primary Internal Drive Component	Required	Minimum Width
<i>Two Travel Lanes</i>	Yes	20 feet per lane
<i>Planted Median [1]</i>	Yes	9 feet
<i>Bike Lane</i>	No	5 feet, within 18-foot travel lane
<i>Parallel Parking</i>	No	10 feet
<i>Angled Parking [2]</i>	No	20 feet



Table 1109.03(C): Primary Internal Drive Standards		
Primary Internal Drive Component	Required	Minimum Width
<i>Curb and Gutter</i>	Yes	Per Section 1105.03(C)(2) of Chapter 5.
<i>Landscape Strip [3]</i>	Yes	6 feet
<i>Pedestrian Walkway – both sides of drive [4]</i>	Yes	6 feet
<i>Bump Outs [5]</i>	Yes [4]	
Notes		
[1] Planted medians shall be improved with a mountable curb with a minimum height of nine inches and a gutter with a minimum width of nine inches. Medians shall taper to a minimum of two feet in width at intersections. Medians may have breaks to accommodate turning movements. Medians shall be planted with a minimum of one canopy tree, two understory trees, and 10 shrubs or native grasses every 50 feet.		
[2] If 45- or 60-degree angled parking is utilized, the minimum width of the adjacent pedestrian walkway shall be 10 feet in order to accommodate bicycle traffic.		
[3] Landscape strip shall be planted with one canopy tree every 40 linear feet.		
[4] Pedestrian walkways shall connect the primary internal drive to the building.		
[5] Bump outs shall be required at intersections/pedestrian crosswalks when parking is included.		

D. **Secondary Internal Access Drive Standards.** Secondary internal access drives shall connect primary internal access drives to buildings and parking areas on a site and meet the standards established in Table 1109.03(D).

Table 1109.03(D): Secondary Internal Drive Standards		
Secondary Internal Drive Component	Required	Minimum Width
<i>Two Travel Lanes</i>	Yes	10 feet per lane
<i>Bike Lane</i>	No	5 feet
<i>Parallel Parking</i>	No	10 feet
<i>Angled Parking (45, 60, or 90 degree) [1]</i>	No	20 feet
<i>Curb and Gutter</i>	Per Section 1105.03(C)(2) of Chapter 5.	
<i>Landscape Strip [2]</i>	No	6 feet
<i>Pedestrian Walkway – one side of drive [3]</i>	Yes	6 feet
Notes		
[1] If 45- or 60-degree angled parking is utilized, the minimum width of the adjacent sidewalk shall be 10 feet in order to accommodate bicycle traffic.		
[2] Landscape strip shall be planted with one canopy tree every 40 linear feet.		
[3] Pedestrian walkways shall connect the secondary internal access drives primary internal access drives or to the building.		

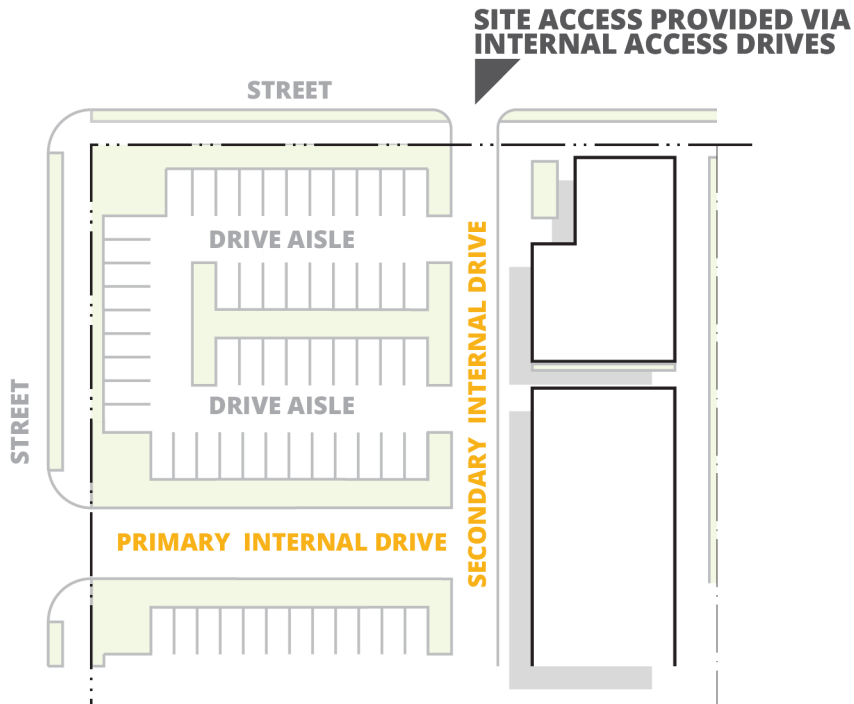


Figure 1 Internal Access Drive Standards

1109.04 Driveways

A. Number of Allowed Driveways.

1. Multi-Family, Mixed-Use, and Nonresidential.

- a. A maximum of one driveway is permitted every 100 linear feet of lot frontage for multi-family, mixed-use, and/or non-residential development.
- b. Corner lots are permitted one driveway per frontage so long as each driveway meets the driveway separation standards of Table 1109.04.

2. All Other Residential.

- a. A maximum of one driveway shall be permitted per residential dwelling. No driveways shall be permitted on any vacant lot.

B. Location of Driveway Access Points.

1. **Alley.** Development site access shall be taken from an alley if an alley exists.
2. **Access by Roadway Classification.** Development site access shall be taken from the lower-classified fronting roadway in scenarios where a through lot or corner lot fronts on



roadways of different classifications. The Planning Director may modify this requirement through an Administrative Adjustment, per Section 1112.04, if:

- a. The frontage along the lower-classified roadway is less than 50 feet in width;
- b. The shape of the parcel and/or placement of existing buildings would require the driveway to be 50 or more feet longer than if the access was taken from the higher-classified street;
- c. The lower-classified roadway primarily serves residential uses, and the use of the subject lot is nonresidential; or
- d. If necessary to protect public safety.

3. **Driveway Setback.**

- a. Driveways serving multi-family, mixed-use, and/or nonresidential development shall be constructed at least five feet from any property line, unless an access easement agreement is provided that permits a reduced setback.
- b. Driveways serving all other residential development shall be constructed at least one foot from a side property line.

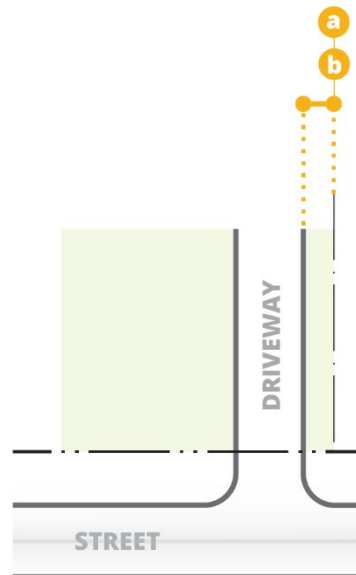


Figure 2 Driveway Setback

- 4. **Driveway Separation.** The minimum distance between driveways located on adjacent properties, as measured from back of curb to back of curb (or back of pavement to back of pavement if no curb is present), on the same side of the street shall be in accordance with Table 1109.04. The required separation shall be based on the roadway classification of the higher-classified roadway within the intersection.



Roadway Type	Signalized Intersection	Unsignalized Intersection	Other On-Site / Off-Site Driveways
<i>Alley</i>	100 ft	25 ft	n/a
<i>Local</i>	100 ft	25 ft	n/a
<i>Minor Collector</i>	200 ft	50 ft	n/a
<i>Major Collector</i>	200 ft	75 ft	75 ft / 50 ft
<i>Minor Arterial</i>	200 ft	100 ft	100 ft / 50 ft
<i>Principal Arterial</i>	250 ft	150 ft	100 ft

C. Driveway Width.

1. All driveways shall have a maximum width of 30 feet or 30 percent of lot width, whichever is less.
2. An Administrative Adjustment (Section 1112.04) may be approved by the City Engineer to increase the maximum driveway width if:
 - i. A wider driveway is needed for the turning movements of large trucks,
 - ii. A wider driveway is warranted by the volume of entering or exiting traffic, or
 - iii. For other reasons directly related to traffic control and safety.

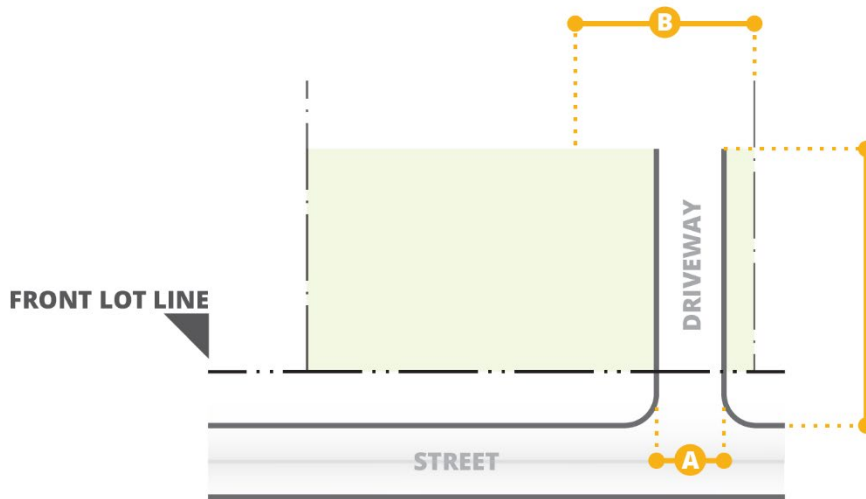


Figure 3 Driveway Width



1109.05 Vehicle Parking

A. Allowed Parking Area Locations.

1. The allowed location of accessory surface parking areas, not including residential driveways, shall be in accordance with Table 1109.05(A) per the table key below.
 - a. ● = Allowed
 - b. Blank = Not Allowed

Table 1109.05(A): Permitted Parking Area Location			
<i>District</i>	<i>Between Building(s) and any Street Right-of-Way</i>	<i>Between Building(s) and Side Lot Line</i>	<i>Between Building(s) and Rear Lot Line</i>
O, R-1, R-2, R-3	●	●	●
C-1, [1]		●	●
C-2, C-3, PI	●[2]	●	●
I	●	●	●
Notes			
[1] If a parcel fronts a public right-of-way on two or more sides, the Planning Director may approve, as an Administrative Adjustment (Section 1112.04), alternative parking location allowances so long as the parking area is screened from the public right-of-way by either a masonry wall with a minimum height of three feet and a maximum height of four feet, or a screening method provided under parking area perimeter landscape (Section 1108.06(E)(2)).			
[2] If a parking area is located between building(s) and any street right-of-way, the parking area shall be separated from the building(s) by a primary internal access drive meeting the standards of Section 1109.03.			

- B. **Minimum Parking Setbacks.** Surface parking areas shall be setback from lot lines a sufficient distance to accommodate required parking area perimeter landscape and transition area landscape (Section 1108.06).

C. Minimum Parking Space Standards.

1. **Multi-Use Development Sites.**
 - a. Development sites containing more than one use shall determine the total number of required parking spaces by adding together the required number of spaces for each of the proposed uses as if they were separate.
 - b. If the ultimate use(s) of a proposed building(s) is not determined at the time of development approval, the Planning Director shall determine which use to utilize in the calculation of minimum required parking based on the district in which the development is located and the purpose of this Chapter.



2. **Minimum Parking Requirement.** The number of required off-street parking spaces shall be calculated according to the formulas established in Table 1109.05(C).
 - a. **Per Square Footage.** “sq ft” shall mean the sum of the gross leasable horizontal area of all floors of a nonresidential building or nonresidential portion of a mixed-use building, not including storage or mechanical space.
 - b. **Per Other.** Other variables are measured according to their common meanings.

Table 1109.05(C): Minimum Parking Required per Use	
Use	Minimum Parking Spaces Required
<i>Residential Principal Uses</i>	
Assisted Living	1 / unit
Boarding/Lodging House	
Community Based Residential Social Services Facility	
Congregate Living Facility	
Dwelling, Duplex	2/ unit [1]
Dwelling, Multi-Family 13+ Units	1.5 / unit
Dwelling, Multi-Family 5-12 Units	
Dwelling, Multi-Family Complex	
Dwelling-Multi-Family, above Ground Floor Only	
Dwelling, Quadplex	2/ unit
Dwelling, Single-Family	2 / unit [1]
Dwelling, Townhome	
Dwelling, Triplex	2/ unit
Nursing Home	1 / 4 Beds
<i>Public and Institutional Principal Uses</i>	
Ambulance and Emergency Medical Service	1 / 500 sq ft
Assembly Hall, Meeting Place	1 / 500 sq ft
Cemetery	n/a
Community Theater	1 / 250 sq ft
Family Care Service	1 / 4 beds
Funeral Home	1 / 150 sq ft
Golf Course / Mini-Golf Course	1.5 spaces / hole
Halfway House / Community Residential Treatment Center	1 / 4 beds
Health and Wellness Center	1 / 500 sq ft
Hospital	1 / 2 Beds
Indoor Public or Non-Profit Recreation Facility	1 / 500 sq ft
Indoor Sports Training Facility	
Library	



Table 1109.05(C): Minimum Parking Required per Use

Use	Minimum Parking Spaces Required
Membership/Sports Fitness Club	
Museum, Art Gallery and Artist Studio	
Park, Playground or Outdoor Public Recreation	1 / 1,000 active recreation sq ft
Places of Worship	1 / 200 sq ft
Public Office / Facility	1 / 500 sq ft
Public Utility Substation	n/a
School, Public	2 / classroom
School, Private	
Urgent Care/Clinic	1/ 300 sq ft
Wildlife Preserve	1 / 500 sq ft of indoor area
<i>Commercial Principal Uses</i>	
Administrative, Business, Professional and Medical Office	1 / 500 sq ft
Adult Use Cannabis Dispensary	1 / 250 sq ft
Bar, Tavern, Night Club	
Bed and Breakfast	1 / sleeping room
Co-working Space	1 / 500 sq ft
Employee and Workers Instructional Training Facility	
Financial Establishment	
Garden Center	1 / 1,000 sq ft
Hotel	1 / per sleeping room
Indoor Commercial Recreation/Entertainment	1 / 500 sq ft
Kennel	
Micro-brewery/ Winery/ Distillery	1 / 250 sq ft
Motel	1 / per sleeping room
Outdoor Commercial Recreation	1 / 500 sq ft
Personal Service	1 / 250sq ft
Parking Facility	
Restaurant	1/150 sf ft
Retail Establishment	1 / 250sq ft
Sexually Oriented Business	
Studio for Instruction such as Dance, Exercise and Karate	



Table 1109.05(C): Minimum Parking Required per Use	
Use	Minimum Parking Spaces Required
Tobacco Retailer	
Tree, Landscaping and Lawn Service	1 / 500 sq ft
Veterinarian Clinic/Hospital	
<i>Automotive/ Industrial Principal Uses</i>	
Adult Use Cannabis Cultivator	1 / 1,000 sq ft
Adult Use Cannabis Processing	
Adult Use Cannabis Testing Laboratory	
Airport and Airfield	1 / 500 sq ft of indoor area
Artisan Manufacturing	1 / 500 sq ft
Auto Sales/Rental	1 / 400 sq ft of sales room, plus 1 / auto service stall
Brewery/ Winery/ Distillery	1 / 1,000 sq ft
Car Wash	2 / car wash lane
Construction Trade and Contractors Storage Yard	1 / 1,000 sq ft
Crematorium	
Equipment Repair Service	
Fabrication and Assembly Operation	
Fuel Distribution Facility	
Gasoline Station	
Laboratory /Research Facility	1 / 1,000 sq ft
Laundry and Cleaning Plant	
Lumber Mill, Yard and Building Material	
Machine Shop	
Major Manufacturing	
Minor Manufacturing	n/a
Oil and Gas Well	
Printing and Publishing Plant	1 / 1,000 sq ft
Self-Service Storage Facility	1 / 20 storage units
Truck Sales/Rental	1 / 400 sq ft of sales room, plus 1 / auto service stall
Truck Terminal	1 / 250 sq ft
Vehicle Service Station, Major	1 / 400 sq ft of sales room, plus 1 / auto service stall
Vehicular Service Station, Minor	
Wholesale, Warehousing and Distribution Facility	1 / 1,000 sq ft
Wireless Telecommunication Facility	n/a



Table 1109.05(C): Minimum Parking Required per Use		
Use	Minimum Parking Spaces Required	
<i>Agricultural Principal Uses</i>		
Agriculture	n/a	
<i>Accessory Uses</i>		
Accessory Agricultural Use	n/a	
Accessory Building / Structure	n/a	
Accessory Business / Retail Use	1 / 250 sq ft	
Accessory Family Care Service		
Accessory Dwelling Unit	1 / unit	
Automatic Teller Machine	n/a	
Beekeeping		
Coop		
Commercial Vehicle Parking		
Construction Equipment Storage		
Drive-Through and Drive-In Facility		1 / drive through lane
Electric Vehicle Charging Facility		n/a
Event Venue	1 / 200 sq ft	
Greenhouse, Commercial	n/a	
Home Occupation		
Outdoor Dining	1 / 250 sq ft	
Outdoor Display / Sale of Merchandise		
Outdoor Storage	n/a	
Pharmacy	1 / 500 sq ft	
Public Art, Mural	n/a	
Public Art, Sculpture		
Public Recycling Collection Station		
Solar Energy Collection System, Canopy	n/a	
Solar Energy Collection System, Ground Mounted		
Solar Energy Collection System, Roof Mounted		
Swimming Pool		
Wind Energy Collection System		
<i>Temporary Uses</i>		
Construction Related	n/a	
Farmers Market	0.5 / stall or stand	
Farm Stand	n/a	
Flea Market	0.5 / stall or stand	
Food Truck	n/a	
Garage / Estate Sale		
Mobile Classroom	2 / mobile classroom	



Table 1109.05(C): Minimum Parking Required per Use

Use	Minimum Parking Spaces Required
Mobile Retail / Service	n/a
Model Home	
Roll-off Dumpster	
Seasonal Sale	
Special Event	
Storage Unit	
Notes	
[1] One required space shall be enclosed.	

D. Administrative Adjustments.

- Adjustments to Minimum Parking Requirements.** Deviations from the minimum parking required per use (Table 1109.05(C)) may be approved as an Administrative Adjustment (Section 1112.04) per Table 1109.05(D). A maximum of 50 percent of required parking may be adjusted unless otherwise noted in Table 1109.05(D).

Table 1109.05(D): Adjustments to Minimum Parking Requirements [1]

Type	Criteria	Adjustment
Tree Preservation	Reduction is necessary to preserve a high-value tree from being damaged or removed.	Parking space equivalent to the square footage of tree or tree canopy at maturity
Transit	Use is located within 1,000 feet of a public transit stop or station and is connected to the stop or station via a continuous sidewalk and/or pedestrian walkway system.	20 percent maximum reduction in required parking
Shared Use Parking	The parking lot is under a Shared Parking Agreement.	A maximum of 60% of the required parking spaces may be shared.
On-Street Parking (meeting the standards of Chapter 351 of the Stow Code of Ordinances)	Single-Family dwelling or Duplex dwelling is located along one or more public street frontages where public parking is permitted, and which have bump outs.	A maximum of one required parking space may be credited for one legal on-street parking space immediately abutting the subject property. Where a partial space straddles an extension of a side property line, the space may be counted by the abutting property owner in front of whose property 50 percent or more of the space is located.
	Multi-family use is incorporated into and visually integrated with	One required parking space may be substituted if one legal on-



Table 1109.05(D): Adjustments to Minimum Parking Requirements [1]

<i>Type</i>	<i>Criteria</i>	<i>Adjustment</i>
	the street design of one or more public street frontages where public parking is permitted and which have bump outs and chokers, in accordance with the Standards and Specifications, or a parking permit system is in place.	street parking space immediately abuts the subject property. Where a partial space straddles an extension of a side property line, the space may be counted by the abutting property owner in front of whose property 50 percent or more of the space is located. A maximum of 10 percent of required parking may be adjusted.
Efficiency Units	The dwellings of a triplex/quadplex or multi-family building meet the definition of an efficiency unit.	1 parking space shall be required per efficiency unit.
Affordable Units	A multi-family residential dwelling is deed restricted to be affordable to households making 60 percent or less of the Summit County median income.	Maximum reduction of 0.5 parking spaces per deed restricted affordable unit.
Parking Study	If a professionally prepared parking study is submitted showing lesser parking than the minimum is required.	Parking may be adjusted as identified in the parking study.

Note

[1] Adjustments to minimum parking requirements shall not apply to single-family or duplex dwellings.

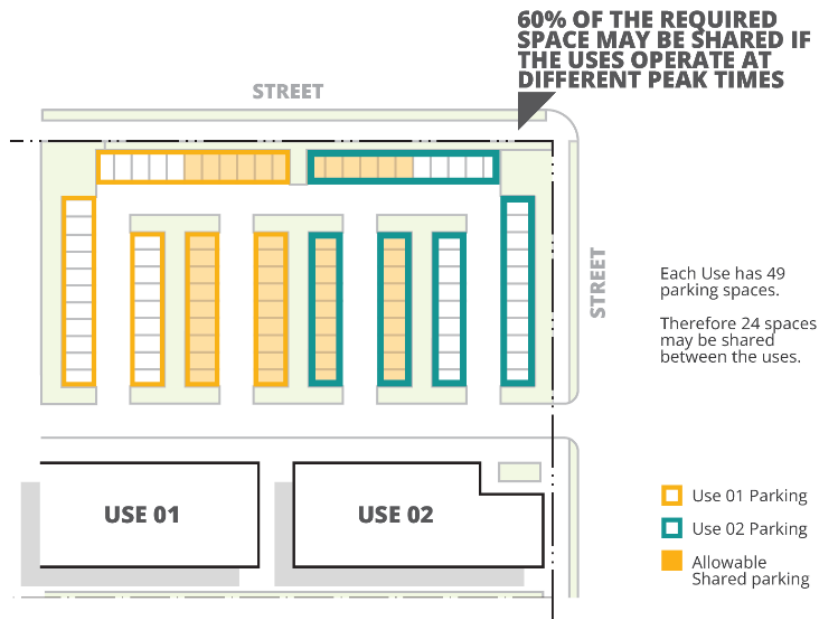


Figure 4 Shared Parking

- E. **Parking Study.** A parking study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the Planning Director, and should include other reliable data collected from uses or combinations of uses that are the same as, or comparable with, the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study must document the source of data used to develop the recommendations.



F. **Parking Space and Drive Aisle Dimensional Requirements.** All parking spaces and drive aisles shall meet the minimum dimensional requirements detailed in Table 1109.05(F).

Table 1109.05(F): Minimum Parking Space and Drive Aisle Dimensional Standards				
Parking Layout	Parking Space Width (A)	Parking Space Length (B)	One-Way Drive Aisle Width (C)	Two-Way Drive Aisle Width (D)
90 Degree	9 ft	18 ft	12 ft	24 ft
60 Degree	9 ft	20 ft	14 ft	n/a
45 Degree	9 ft	19 ft	12 ft	n/a
30 Degree	10 ft [1]	17 ft	12 ft	n/a
<i>Note</i>				
[1] In industrial district, a parking space width of nine feet shall be permitted.				

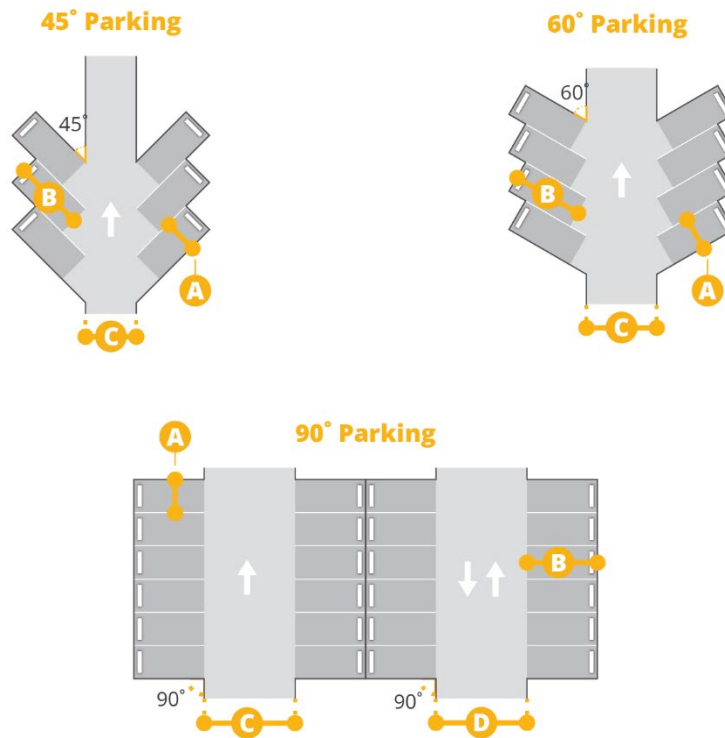


Figure 5 Parking Space and Drive Aisle Dimensions

G. **Parking Area Improvement and Maintenance Standards.**

1. **Paving.** Off-street parking areas and driveways shall be improved, surfaced, and maintained with a durable and dustless surface consisting of No. 57 Limestone, asphalt-concrete, or equivalent surfacing.



2. **Drainage.**

- a. All required parking spaces, driveways, internal access drives (Section 1109.03), and other circulation aisles shall have adequate provision for underdrainage and for the disposal of storm water.
- b. Water flow shall be managed to prevent runoff onto adjoining properties, pedestrian walkways, or the public street right-of-way. Drainage and storm water management shall include all drainage facilities, catch basins, conduits, and other facilities as the City Engineer requires.

3. **Curbs.** A curb at least six inches high shall be installed and maintained along the perimeter of a parking or loading area in accordance with the following:

- a. When abutting a landscaped area, unless otherwise allowed in Section 1108.06(H)(4) (Rain Gardens);
- b. When located between the principal building and the street right-of-way;
- c. When located in or adjacent to a Residential District.
- d. **Exceptions to Curb Requirement.** A curb shall not be required when:
 - i. A raised sidewalk with a minimum width of six feet is adjacent to a parking lot; or
 - ii. The parking lot is equipped with wheel stops.

4. **Accessible Parking.** All development shall provide accessible parking in accordance with the Americans with Disabilities Act, as amended, regardless of whether vehicle parking is required by the City.

5. **Marking.**

- a. Surface parking areas shall have clearly marked:
 - i. The location of each parking space;
 - ii. Accessible Parking Spaces; and
 - iii. Direction of movement along access driveways.
- b. Marking methods include:
 - i. Surface painting;
 - ii. Raised directional signs; or
 - iii. Markers or other similar measures, as approved by the City Engineer, placed in the surfacing.



6. **Wheel/Bumper Guards.** Wheel guards or bumper guards shall be provided in any surface parking area without curbs.
7. **Maintenance.** A surface parking area or garage shall be maintained to:
 - a. Keep surfaces free from dust, paper, and other debris, and
 - b. Promptly remove snow and ice.
 - c. All signs, markers, and other traffic control devices shall be maintained in a neat and legible condition.
 - d. Surface parking area or garage surfacing shall be maintained free of potholes and broken surfaces.

1109.06 Loading

A. Required Spaces.

1. Any use which requires the receipt or distribution of materials or merchandise by trucks or other similar vehicles shall provide at least one loading space.
2. Any loading operation shall not create traffic congestion or traffic hazards on public streets. Area allocated for an off-street loading space shall not be used to satisfy requirements for vehicle parking spaces, driveways, internal access drives, or pedestrian walkways.
3. The dimensions of off-street loading spaces shall be sufficient in width, length, and vertical clearance for the type and size of truck or delivery vehicle anticipated.

B. **Materials.** All open off-street loading spaces shall be surfaced with a durable, hard-surfaced pavement in good condition, as specified in the current edition of the Ohio Department of Transportation Design Manual or alternate approved by the City Engineer.

C. **Access.** Every loading bay shall be:

1. Designed to provide access to a street or easement by the largest vehicle likely to serve the lot in a manner which will least interfere with traffic movements and without having to make any backing movement onto a public right of way, and
2. Provided with sufficient maneuvering space to accommodate the largest vehicle likely to serve the lot.



D. Location.

1. Loading spaces may be located in any interior side or rear yard or within the confines of a building.
2. All required loading spaces shall be located on the same lot as the use to be served, and no portion of any vehicle occupying a loading space shall extend over an internal access drive, parking aisle, parking space, or fire lane.
3. In the I district, loading spaces for vehicles of more than two-ton capacity shall be located a minimum 100 feet from any residence district.
 - a. The distance shall be measured from the edge of the loading space, as illustrated in Figure 6 above.
4. Uses which require off-street loading facilities but are located in buildings or structures of less floor area than is specified for such use, shall be provided with receiving facilities, accessible by motor vehicles, off any adjacent alley, service drive, or open space on the same zoning lot.

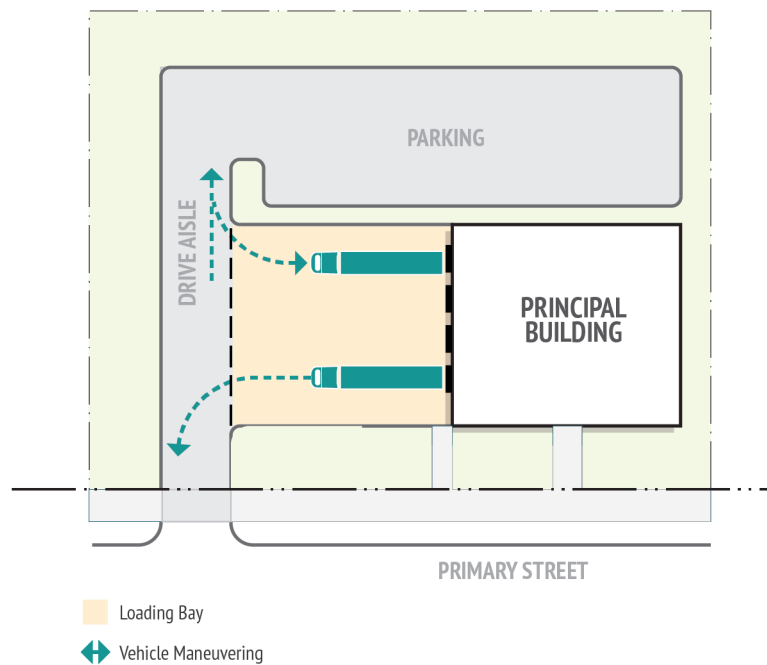


Figure 6 Loading Location and Access Requirements



1109.07 Bicycle Parking

- A. **Applicability.** Bicycle parking shall be required in all multi-family, mixed-use, and non-residential development as indicated in Table 1109.01 above.
- B. **Minimum Short-Term/Long-Term Bicycle Parking Requirements.** A minimum of one bicycle parking space shall be provided for every 20 required off-street parking spaces, or portion thereof, with not less than two bicycle parking spaces provided.
- C. **Bicycle Facility Standards.**
1. **General Bicycle Facility Standards.**
 - a. **Surfacing.** Bicycle parking, except for long-term indoor bicycle parking facilities, shall be provided on a hard-surface, all-weather pavement of asphalt or concrete.
 - b. **Placement.**
 - i. Proposed bike parking facilities shall comply with the following spacing standards:
 - a) **Side-by-Side Rack.** Four-foot separation.
 - b) **End-to-End Rack.** Five-foot separation.
 - c) **Other Rack Type.** As approved by the City Engineer.
 - ii. Bicycle parking facilities shall be located three feet away from walls, fences, and the edge of landscaping at the time of maturity, as measured from the edge of the rack closet to the wall, fence, or landscape area.
 - iii. Bicycle parking facilities adjacent to a pedestrian walkway shall be sited to ensure that a minimum five-foot walkway clearance is maintained.
 - iv. If provided outdoors, bicycle parking facilities shall be sited within 50 feet of a primary entrance of a building.
 - v. If provided indoors, bicycle parking facilities shall be located within an easily accessible common area designated for secure bicycle storage.

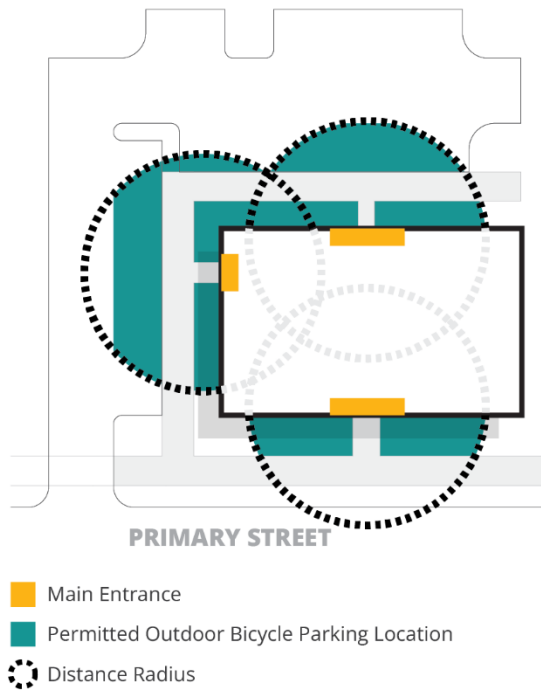


Figure 7 Bicycle Parking Placement

2. Location.

- a. Required bicycle parking shall be provided on the same lot as the use for which it is intended to serve.
- b. Bicycle parking spaces shall be adequately lit and located such that they are highly visible from the street and/or building entrance(s) from where bicyclists approach.
- c. The location of bicycle parking shall not conflict with pedestrian and/or vehicle circulation.
- d. Bicycle parking shall be sited within fifty feet of a building’s main entrance. If provided indoors, bicycle parking shall be located within a common area designated for secure bicycle storage.
- e. Bicycle parking adjacent to a pedestrian walkway shall be sited to ensure that a minimum five-foot walkway clearance is maintained.

3. Design Criteria.

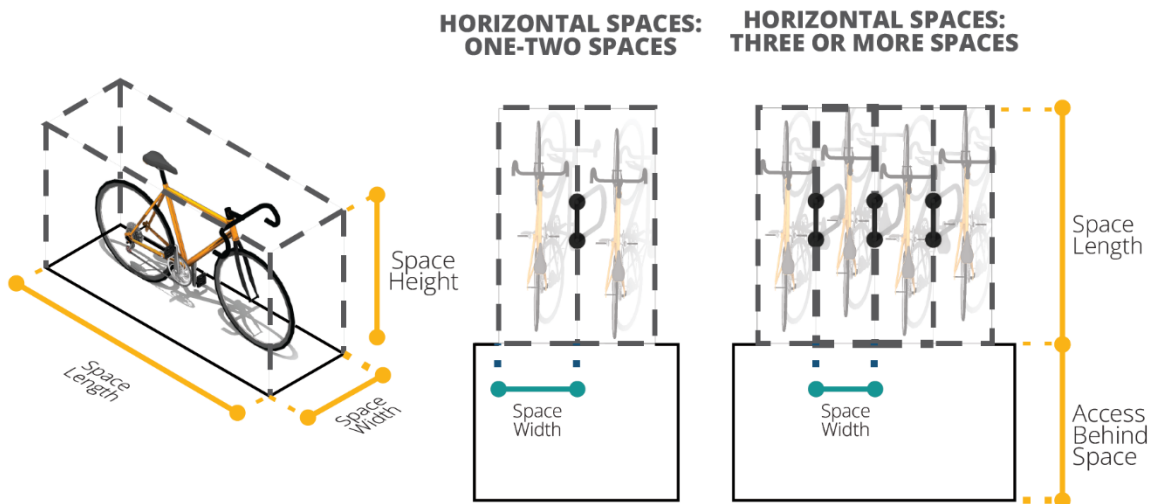
- a. Bicycle racks shall be securely anchored to the ground.
- b. Bicycle racks shall support the bicycle in at least two places, preventing it from tipping over, and shall provide multiple points of locking to secure both the frame and one or both wheels.



- c. Bicycle racks shall accommodate a variety of bicycle types and sizes.

4. **Dimensional Standards.**

- a. All bicycle parking facilities shall be designed in accordance with standards established by the National Association of City Transportation Officials or the Association of Pedestrian and Bicycle Professionals, or an alternative design approved by the Planning Director.
- b. Each bicycle parking space shall be a minimum of six feet in length.
- c. Bicycle racks shall be located at least three feet in all directions from any obstruction, including but not limited to other bicycle racks, walls, doors, posts, columns, or landscaping.
- d. A minimum vertical clearance of seven feet shall be maintained above all bicycle



parking facilities.

Figure 8 Bicycle Parking Placement

1109.08 Trails and Pedestrian Walkways

A. **On-Site Pedestrian Walkways.**

- 1. **Required Connections.** On-site, pedestrian walkways shall connect:
 - a. All buildings on a development site to one another;
 - b. Parking areas to building entrances and internal access drives;
 - c. Each building on a development site to social gathering space located within the development site;
 - d. Building entrances to transit stops on a development site; and



e. Each building entrance to an internal access drive or public sidewalk.

2. **On-Site Pedestrian Walkway Design.**

a. On-site pedestrian walkways shall comply with the Americans with Disabilities Act.

b. Where driveways, parking, and loading entrance and exits cross pedestrian walkways, the pedestrian walkway shall be designed with minimal disruptions to safe, continuous pedestrian connectivity.

3. **Administrative Adjustments to Pedestrian Walkway Standards.** The Planning Director may, as an Administrative Adjustment (Section 1112.04), grant exceptions to the requirements of this section when either the site's topography or the presence of natural resources prohibits the provision of pedestrian walkways that meet the standards of this Section.

B. **Trails.** Where existing or planned trails, as identified in the City's Connectivity Plan are adjacent to or traverse a development site, the developer shall:

1. Provide a minimum 30-foot-wide public trail easement and construct the trails in accordance with the standards established in the City's Trail Plan. The City Engineer may approve alternative widths [and/or construction standards] when factors such as topography, environmental, safety, or available space warrants adjustment.

2. Provide a payment in lieu of the trail construction to the City in accordance with the City's fee schedule and provide a 50-foot easement, or as determined by the City Engineer.



Chapter 1110. Sign Standards

1110.01 General Provisions

1110.02 Sign Measurements

1110.03 Permitted and Allowed Signs by Land Uses

1110.04 General Sign Standards

1110.05 Standards for Permanent Signs

1110.06 Standards for Temporary Signs

1110.07 Prohibited Signs and Content

1110.08 Safety, Maintenance, Removal, and Abandonment

1110.09 Master Sign Plan

1110.01 General Provisions

- A. **Purpose.** The purpose of this Chapter is to preserve and protect the public health, safety, and welfare by regulating signs of all types. It is intended to:
1. Enhance the physical appearance of the City;
 2. Create an attractive economic and business climate;
 3. Reduce sign distractions which may increase traffic accidents;
 4. Eliminate hazards caused by unsafe signs;
 5. Relieve pedestrian and traffic congestion; and
 6. Avoid the "canceling out" effect of adjacent signs.
- B. **Applicability.** The standards of this Chapter shall apply to all signs, except that face replacement signs shall be permitted when the existing sign face is replaced on a like-for-like basis, maintaining the same size, dimensions, and structural configuration as the original sign.



1110.02 Sign Measurements

- A. **Sign Height.** Sign height shall be measured by the total distance between the highest point on the sign to the average elevation of the ground upon which the sign supports are placed, except when:
1. The sign supports rest upon a berm or other area elevated above the surrounding ground; or
 2. The sign supports rest upon a ditch or other area lower than the surrounding ground.
- B. In the cases detailed in Section 1110.02(A) above, the elevation of the centerline of the adjacent roadway shall be considered as the ground level.
- C. **Sign Area.**
1. Unless otherwise defined, sign area is determined by the total area enclosed by a continuous perimeter along the edges of a sign, including any frame or border.
 2. The area of a sign composed of individually affixed letters is determined by the total area of the smallest geometric shape enclosing the copy.
 3. A maximum of two geometric shapes may be utilized in sign area calculation.
 4. The calculation for a double-faced sign shall be the area of one face only.

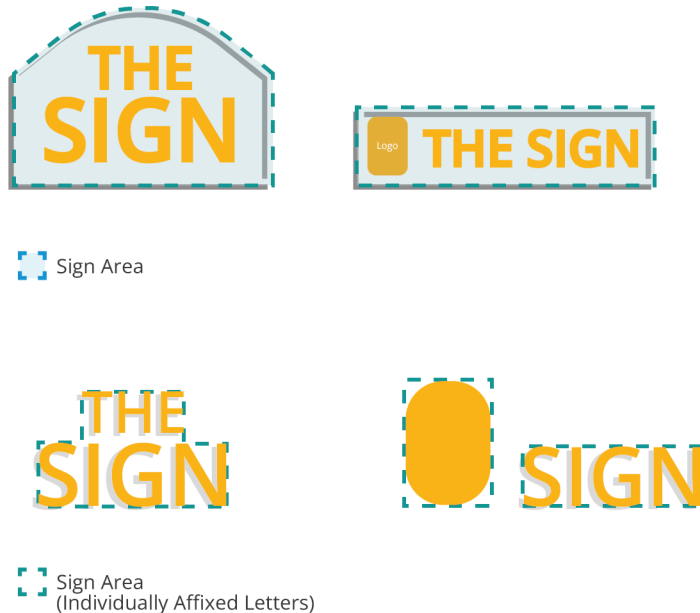


Figure 1 Sign Area



1110.03 Permitted and Allowed Signs by Land Uses

- A. The following key is to be used in the interpretation of Table 1110.03 Permitted and Allowed Sign Types by Land Uses.
1. **Sign Types Requiring a Permit.** Sign types marked as “●” in the table shall be permitted subject to all applicable regulations of this Code and only after the issuance of a Sign Permit as detailed in Section 1112.09.
 2. **Sign Types not Requiring a Permit.** Sign types marked as “○” in the table shall be allowed subject to all applicable regulations of this Code without the issuance of a Sign Permit.
 3. **Prohibited Sign Types.** A blank space in the table indicates that a sign type is prohibited in the respective land uses.
 4. **Interpretation of Similar Sign Type.** If a proposed sign is not listed in the table, the Planning Director shall determine, via the Interpretations process (Section 1112.06), if the sign is substantially similar to a sign listed in the table. If it is, the standards applied to the proposed sign shall be the standards applicable to the similar sign. If not, the sign shall be regarded as prohibited.

Table 1110.03: Permitted and Allowed Sign Types by Land Uses					
Sign Type [1]	Land Uses				
	Residential	Commercial	Industrial and Automotive	Public & Institutional	All allowed uses in MU-O
Awning / Canopy Sign	●	●	●	●	●
Drive-through Sign		●			
Projecting Sign		●	●	●	●
Wall Sign [1]		●	●	●	●
Window Sign, Permanent		●	●	●	●
Single Tenant Monument Sign	● [2]	●	●	●	●
Multi-Tenant Monument Sign		●	●	●	
Post Sign, Permanent	●			●	●
On-Site Traffic Directional Sign	○	○	○	○	○
Mounted Banner Sign		●	●	●	●
Light Pole Banner Sign		○	○	○	
Window Sign, Temporary	○	○	○	○	○
Ground Mounted Banner Sign	●	●	●	●	
Post and Panel Sign	●	●	●	●	
A-Frame/Sandwich Board Sign		○	○	○	○
Post Sign, Temporary	○	●	●	●	●
Yard Sign [3]	○	○	○	○	○
Instructional sign	○	○	○	○	○



Notes:

[1] Non-illuminated permanent signs with an area less than ten (10) square feet shall be exempt from sign permit requirements. Such signs shall contribute towards the maximum permitted sign area per Section 1110.05(D)

[2] Shall be allowed at the entryway / gateway of residential subdivisions or neighborhoods only.

[3] Yard signs are permitted for residential uses, excluding multifamily developments.

1110.04 General Sign Standards

A. Location of Free-Standing Signs. Free standing signs shall include single-tenant monument signs, multi-tenant monument signs, post signs (permanent and temporary), on-site traffic directional signs, ground mounted banner signs, post and panel signs, A-frame/sandwich board signs, and yard signs. The following standards shall apply to all freestanding signs, whether temporary or permanent:

1. Be located a minimum of five feet from all property lines and rights-of-way
2. Not block points of ingress or egress;
3. Not be placed in any sidewalk or pedestrian circulation system, and
4. Not be located in a clear vision triangle as detailed in Section 1106.04.
5. All permanent signs shall be constructed of rigid material.

B. Illumination.

1. **Location and Design of Light Source.** Whenever an external artificial light source is used for a sign, such source shall be located, shielded, and directed so as not to be directly visible from any public right-of-way, internal circulation system (Section 1109.03(B)(1)), or residential property. No receptacle or device housing a permitted light source for a sign shall protrude more than twelve inches from the face of the sign or building to which it is attached except if such light source is ground mounted, locked in place, and cannot be redirected.
2. **Level of Illumination.** In no event shall the illumination of any sign, resulting from any internal or external artificial light source, exceed the outdoor lighting standards established in Section 1106.05. All artificial illumination shall be so designed, located, shielded, and directed as to prevent the casting of glare or direct light upon adjacent property or streets.

C. Electronic Message Boards. Single-tenant and multi-tenant monument signs, except those located in residential uses, may incorporate electronic message boards in accordance with the following:

1. 25 percent of the sign area must be permanent sign copy.



2. The area of the sign devoted to an electronic message board shall be part of, not in addition to, the maximum sign area allowed.
3. The electronic message format shall conform to the following requirements:
 - a. The message will contain a static message or image only and not have movement, or the appearance of movement, during the static display period.
 - b. The transition to change from one message or image to another shall be instant and not dissolve, fade, scroll, travel, or have similar transitions.
 - c. The message shall not change more frequently than once every 6 seconds.
4. Electronic message boards must be equipped with a default mechanism that will stop the messaging or freeze the image in one position when a malfunction in electronic programming occurs.
5. Electronic message boards shall be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to light conditions.
6. The illumination of electronic message signs shall be maintained at a level that does not create excessive brightness relative to surrounding lighting conditions.
7. Sign placement does not interfere with traffic control devices within 300 feet of the sign or traffic circulation upon roadways. If deemed necessary by the Planning Director, a report from a traffic engineer certifying that the proposed sign does not interfere with the design characteristics of the traffic circulation and traffic control devices may be required.



1110.05 Standards for Permanent Signs

A. Awning/Canopy Signs.

1. Sign Area.

- a. The maximum sign area of awning/canopy signs shall be 50 percent of the face of the awning/canopy upon which the sign shall be printed or affixed.
- b. The area of the awning/canopy sign shall count towards the maximum amount of sign area permitted for wall signs as detailed in Section 1110.05(D).

2. Illumination. Awning / canopy signs may be externally illuminated only. Pump station canopies accessory to gas stations may be internally illuminated.

3. Other Provisions. Awning/canopy signs shall only be permitted on awnings/canopies extending above ground floor building entryways or windows or on pump station canopies.

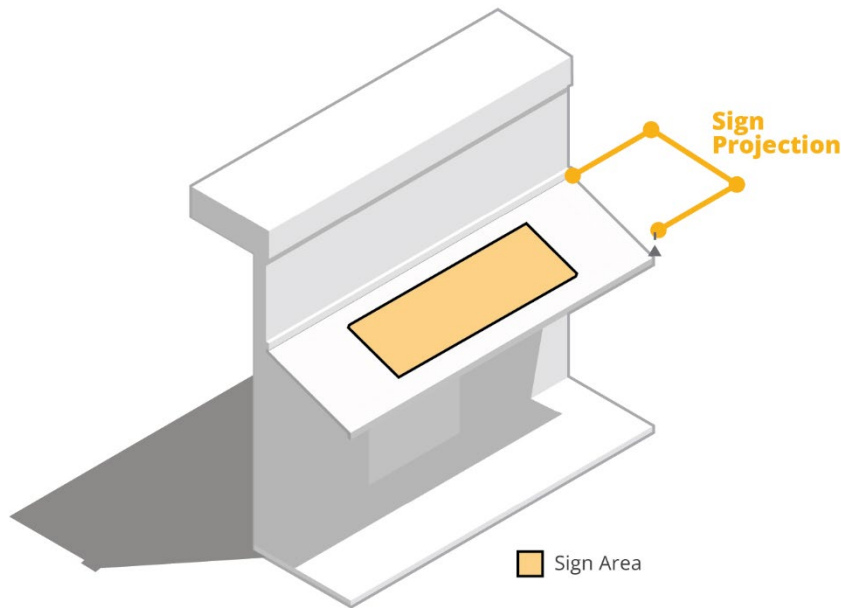


Figure 2 Awning/Canopy Signs



B. Drive-through Sign.

1. **Sign Area.** Drive-through signs shall have a total maximum area of 80 square feet.
2. **Maximum Area Per Sign.** Drive-through signs shall have a maximum area per sign of 40 square feet.
3. **Maximum Number of Signs per Drive-Through Lane.** A maximum of two drive-through signs per drive-through lane shall be permitted.
4. **Maximum Number of Sign Faces per Sign.** A maximum of one sign face per drive-through sign shall be permitted.
5. **Sign Copy.** A drive-through sign may be comprised 100 percent of an electronic message board, meeting all requirements of Section 1110.04(C)(2)-(7).
6. **Illumination.** Drive-through signs shall be internally illuminated only.
7. **Location.**
 - a. Drive-through signs shall be located within five feet of the drive-through lane(s).
 - b. Drive-through signs shall be set back a minimum of five feet from all property lines.

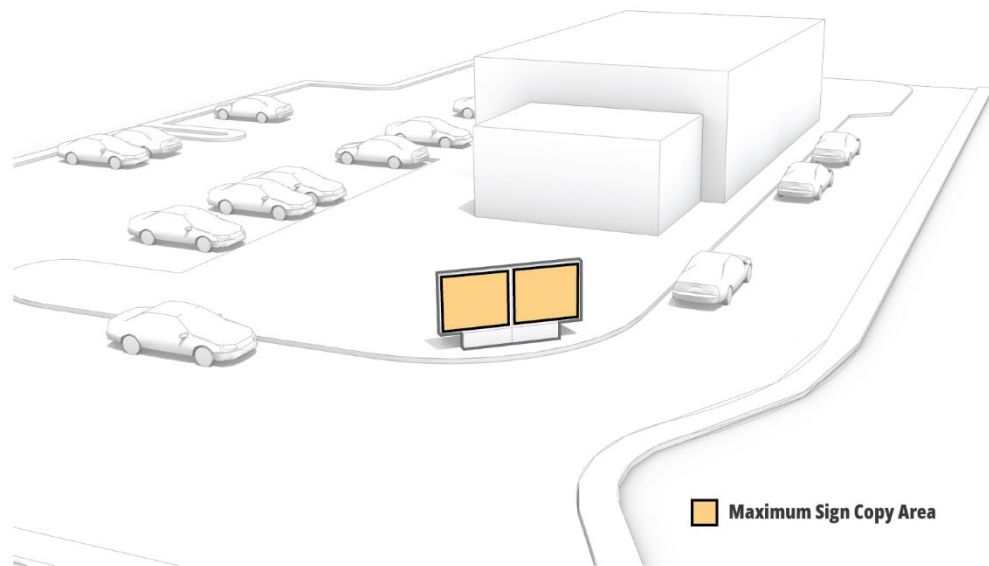


Figure 3 Drive-through Sign



C. Projecting Signs.

1. **Sign Area.** The maximum permitted sign area of projecting signs shall be four square feet.
2. **Sign Height.**
 - a. A projecting sign shall not extend above the roofline of the building to which it is attached, or a maximum of 12 feet, whichever is less.
 - b. A projecting sign shall maintain a minimum vertical clearance of 10 feet.
3. **Number of Signs.**
 - a. A maximum of one projecting sign shall be permitted per ground building entryway.
 - b. A projecting sign shall not be displayed on the same building frontage as an awning/canopy sign.
4. **Projection.** Projecting signs shall horizontally project a maximum of four feet from the building to which it is attached.
5. **Illumination.** Projecting signs may be externally illuminated only.
6. **Other Provisions.**
 - a. Projecting signs may encroach upon, extend, or project over a public right-of-way or easement. The property owner may be required to provide a release or hold harmless to the City prior to issuing permits for any such signs.

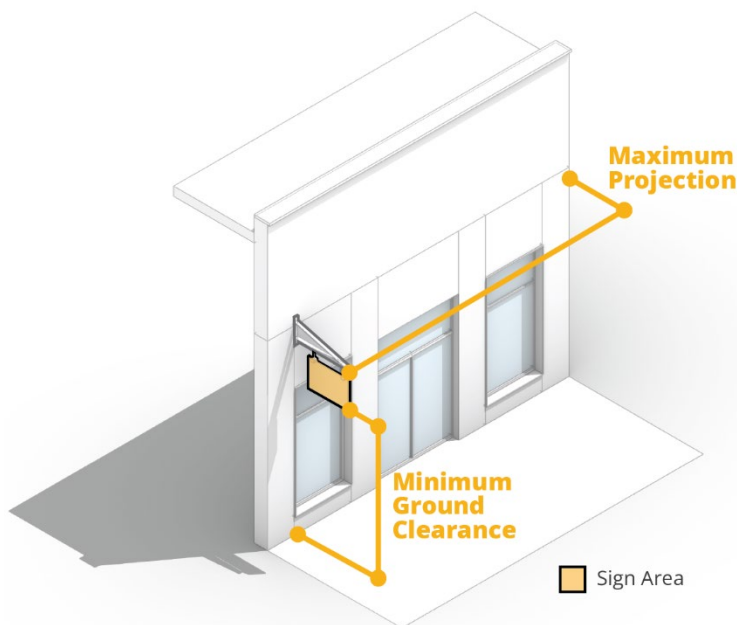


Figure 4 Projecting Sign



D. Wall Signs.

1. **Sign Area.** The maximum area of wall signs shall be seven and a half percent of the total area of the wall face to which the sign is affixed.
2. **Sign Height.** No wall sign shall protrude above the highest roofline or the top of a parapet wall or mansard roof.
3. **Projection.**
 - a. A wall sign shall not extend more than six inches from the wall of the building or structure to which it is attached.
 - b. A wall sign shall maintain a minimum vertical clearance of 10 feet from grade.
4. **Number of Signs.**
 - a. **Primary Wall Signs.**
 - i. Single tenant buildings shall be permitted one primary wall sign on each of the facades detailed below:
 - a) Front Façade;
 - b) Street Side Façade; and
 - c) Parking Area Facing Façade.
 - ii. **Multi-tenant Buildings.**
 - a) Multi-tenant buildings shall be permitted one primary wall sign per tenant space building entryway.
 - b) End-cap tenants shall be permitted one additional side wall sign on a facade facing either the parking area or the exterior of the building
 - b. **Secondary Wall Signs.** A maximum of two secondary wall signs may be authorized for buildings with an elevation along one frontage in excess of 75 feet by the Planning Director provided such additional signage is:
 - i. In keeping with the overall design and architecture of the building,
 - ii. A minimum of 20 feet from the primary wall sign and other secondary wall signs,
 - iii. A maximum of 50 percent of the size of the primary wall sign,
 - iv. Less visually prominent on the site than the building's primary wall sign, and
 - v. The total area of all primary and secondary wall signs does not exceed the maximum wall sign area as established in Section 1110.05(D).



5. **Sign Copy.**

- a. If the sign copy is individually affixed letters, the Planning Director may approve an increase in sign area up to an additional five percent of the total area of the face of the wall to which the sign is to be affixed.
- b. Box/cabinet wall signs are prohibited.

6. **Illumination.** Wall signs may be internally or externally illuminated.

7. **Other Provisions.**

- a. No wall sign shall be affixed to roof mounted building/mechanical equipment or the screening thereof, or other structures protruding from the roof of the principal building, excluding architectural features that are an integral part of the principal building.

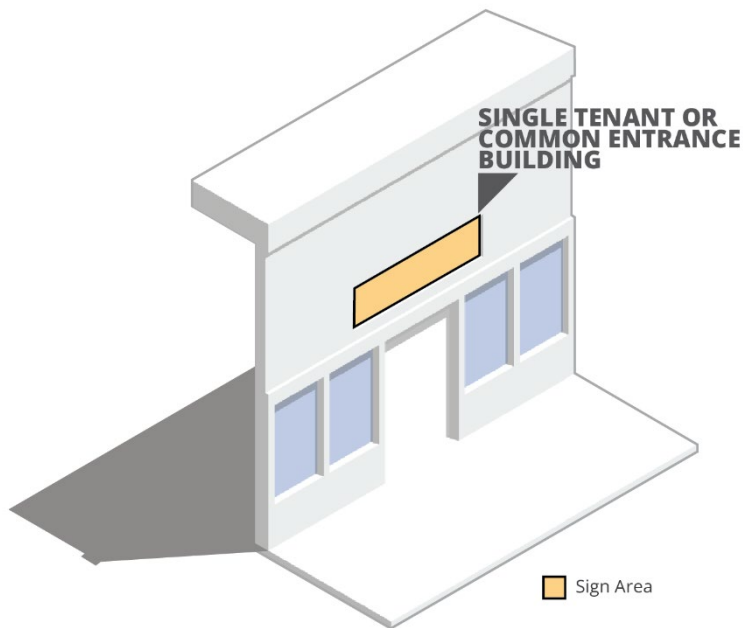


Figure 5 Wall Sign



F. Window Signs.

1. Sign Area.

- a. The maximum permitted sign area of a permanent window sign shall be 25 percent of the square footage of the individual window on which the sign shall be located.
- b. The area of the permanent window sign shall count towards the maximum amount of sign area permitted for wall signs as detailed in Section 1110.05(D).

2. Illumination. Permanent window signs shall not be illuminated.

3. Materials. The permanent window sign shall be from applied vinyl.

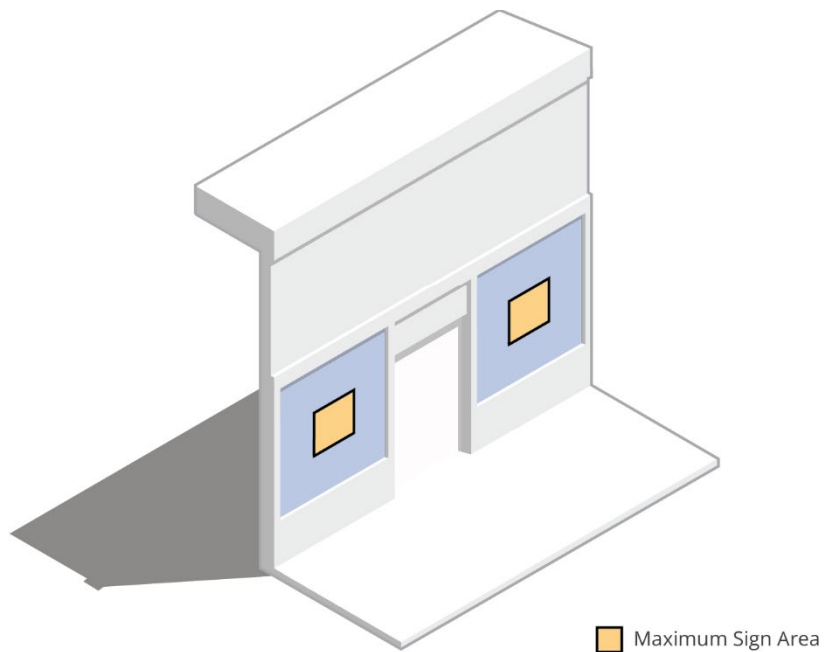


Figure 6 Window Sign



G. Single-Tenant Monument Signs.

1. **Sign Area.** The maximum sign area of a single-tenant monument sign shall be:
 - a. **Residential Uses.** 32 square feet.
 - b. **Public and Institutional and Commercial uses.** 50 square feet.
 - c. **Industrial and Automotive Uses.** 75 square feet.
 - d. **All allowed uses in MU-O.** 25 square feet.
2. **Sign Height.** The maximum height for a single-tenant monument sign shall be eight feet, regardless of the type or classification of use.
3. **Number of Signs.** A maximum of one single-tenant monument sign shall be permitted per 300 feet of lot frontage.
4. **Number of Sign Faces.** Single-tenant monument signs shall have a maximum of two sign faces.
5. **Sign Base.**
 - a. The base of a single-tenant monument sign, including all structural components, shall extend horizontally from the sign face a minimum of 10 percent and a maximum of 25 percent of the width of the sign face.
 - b. The base of single-tenant monument signs shall be constructed from a Tier I material allowed per the development type (Chapter 7: 1107.02(B)(1)) and consistent with the Tier I materials used in the development.
6. **Illumination.** Single-tenant monument signs may be internally or externally illuminated.
7. **Landscape Requirement.**
 - a. All single-tenant monument signs shall be required to plant and maintain a landscape area at the base of the sign.
 - b. The minimum area of the landscape area shall be equal to half of the square footage of the sign area of the associated sign.
 - c. Landscape areas shall be planted with one shrub or native grass per every three square feet of required landscape area.

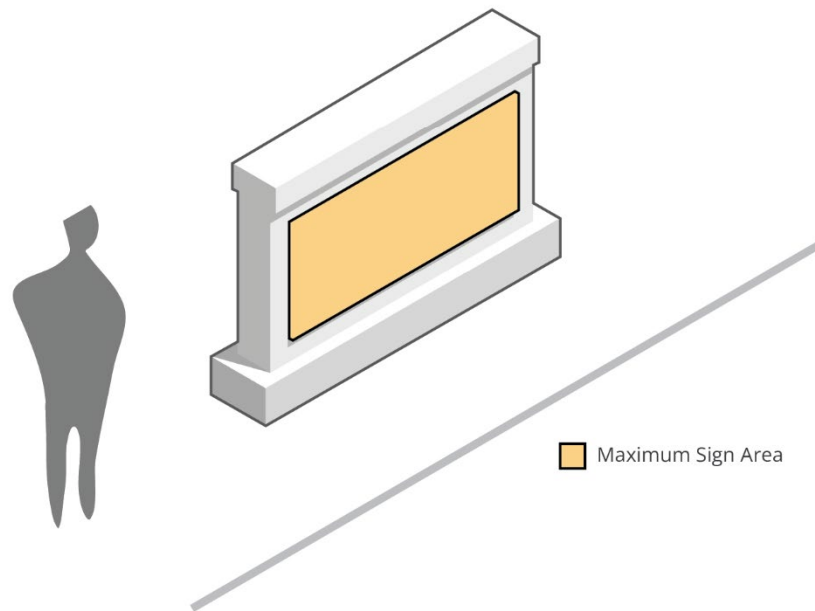


Figure 7 Single-Tenant Monument Sign

H. Multi-Tenant Monument Signs.

1. **Sign Area.** The maximum area of a multi-tenant ground sign shall be 75 square feet, regardless of the type or classification of the use.
2. **Sign Height.** The maximum sign height of a multi-tenant monument signs shall be eight feet, regardless of the type or classification of the use, except where the sign is located with a minimum setback of ten feet from all property lines, in which case the maximum permitted height may be increased by one foot for each additional two feet of setback, up to a maximum height of 12 feet.
3. **Number of Signs.** A maximum of one multi-tenant monument sign shall be permitted per lot frontage.
4. **Number of Sign Faces.** Multi-tenant monument signs shall have a maximum of two sign faces.
5. **Sign Base.**
 - a. The base of a multi-tenant monument sign, including all structural components, shall extend horizontally from the sign face a minimum of 15 percent and a maximum of 35 percent of the width of the sign face.
 - b. The base of multi-tenant monument signs shall be constructed from masonry materials and consistent with the principal building materials used in the development.



6. **Illumination.** Multi-tenant monument signs may be internally or externally illuminated.
7. **Tenant Panel Limitations.**
 - a. No more than six tenant panels shall be utilized, and each tenant panel shall identify no more than one tenant.
8. **Landscape Requirement.**
 - a. All multi-tenant monument signs shall be required to plant and maintain a landscape area at the base of the sign.
 - b. The minimum area of the landscape area shall be equal to half of the square footage of the sign area of the associated sign.
 - c. Landscape areas shall be planted with one shrub or native grass per every three square feet of required landscape area.

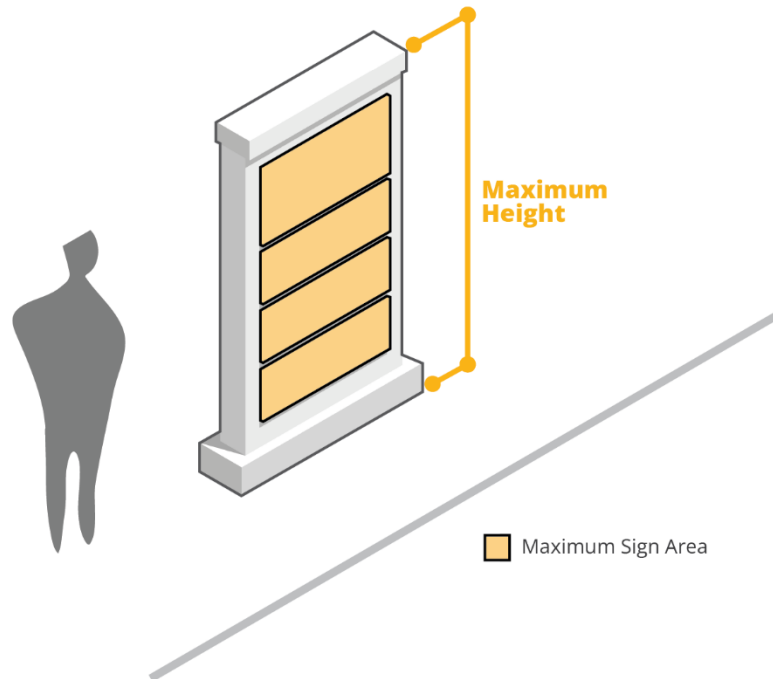


Figure 8 Multi-Tenant Monument Sign



I. Post Sign.

1. **Sign Area.** Permanent post signs shall have a maximum area of six square feet.
2. **Sign Height.** Permanent post signs shall have a maximum height of four feet.
3. **Number of Signs.** A maximum of one permanent post sign shall be permitted.
4. **Number of Sign Faces.** Permanent post signs shall have a maximum of two sign faces.
5. **Materials.**
 - a. The sign face of a permanent post sign shall be made of durable vinyl, plastic, or comparable material.
 - b. The frames of a permanent post sign shall be made of metal, PVC, wood, or a similarly durable material purpose made for outdoor display.
6. **Illumination.** Permanent post signs shall not be illuminated.

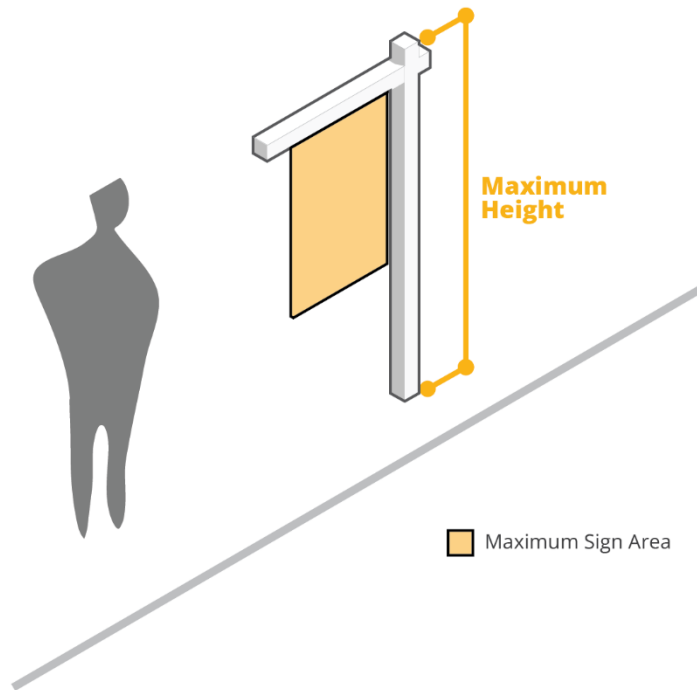


Figure 9 Post Sign



J. **On-Site Traffic Directional Signs.**

1. **Sign Area.** The maximum sign area of an on-site traffic directional sign shall be four square feet, except for industrial uses, where the maximum sign area may be increased to 12 square feet.
2. **Sign Height.** The maximum height of an on-site traffic directional sign shall be four feet, except for industrial uses, where the maximum height may be increased to 8 feet.
3. **Number of Signs.** The permitted number of on-site traffic directional signs shall be determined by the Planning Director as necessary to assist in the safe movement of vehicular, bicycle, and pedestrian traffic on a property and between properties with vehicular cross access.

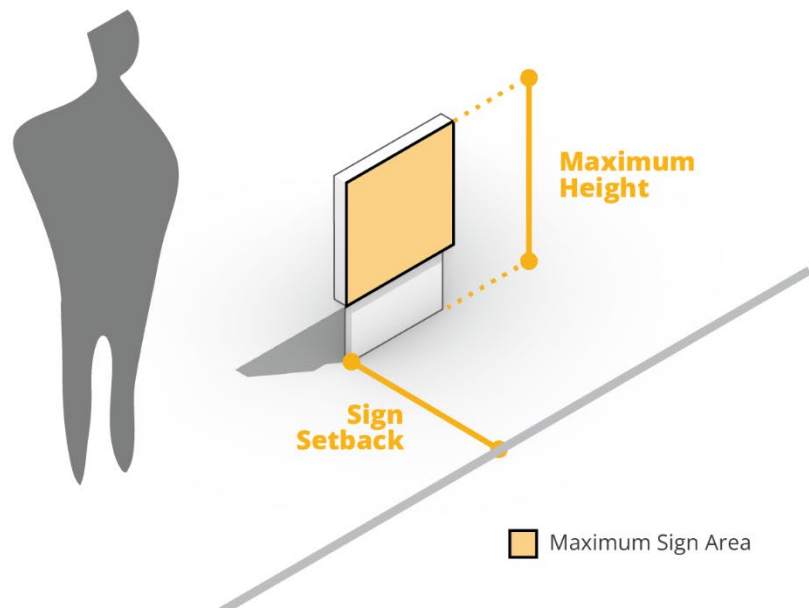


Figure 10 On-Site Traffic Directional Sign



1110.06 Standards for Temporary Signs

A. General Standards Temporary Signs.

1. Temporary Signs Requiring a Permit.

a. Concurrent Display.

- i. **Single-Tenant Building.** A maximum of two permitted temporary signs, as permitted per land use in Table 1110.03, may be displayed concurrently on a lot with a single-tenant building.
- ii. **Multi-Tenant Building.**
 - a) A maximum of one permitted temporary sign, as permitted per land use in Table 1110.03, may be displayed concurrently per tenant space on a lot with a multi-tenant building.
 - b) In no instance shall more than three freestanding temporary signs be displayed concurrently.

2. Display Period.

- a. The permitted display period of a permitted temporary sign shall be a maximum of 30 days, or the length of time a property is actively marketed for sale or lease, or for the duration of active construction for construction signs, whichever is greater.
- b. A total of three nonconcurrent display periods shall be permitted per single-tenant building or tenant space of a multi-tenant building per calendar year.
- c. Display periods shall be separated by a minimum of 30 days.

3. Temporary Freestanding Signs.

Temporary freestanding signs shall include ground mounted banner signs, post and panel signs, A-frame/sandwich board signs, post signs, and yard signs.

- a. Temporary freestanding signs shall be securely anchored into the ground or secured in a portable base designed for such function.
- b. Temporary freestanding signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.
- c. Temporary freestanding signs shall be located no less than 5 feet from the right-of-way and no less than 10 feet from a side lot line.



B. Mounted Banner Signs.

1. **Sign Area.** The maximum area of a mounted banner sign shall be five percent of the total area of the face of the wall or structure to which the sign is to be affixed.
2. **Sign Height.** No mounted banner sign shall protrude above the highest roofline or the top of a parapet wall, mansard roof, or fence.
3. **Projection.** Wall mounted banner signs shall be affixed flat against the building or structure to which they are affixed.
4. **Illumination.** Mounted banner signs shall not be illuminated.

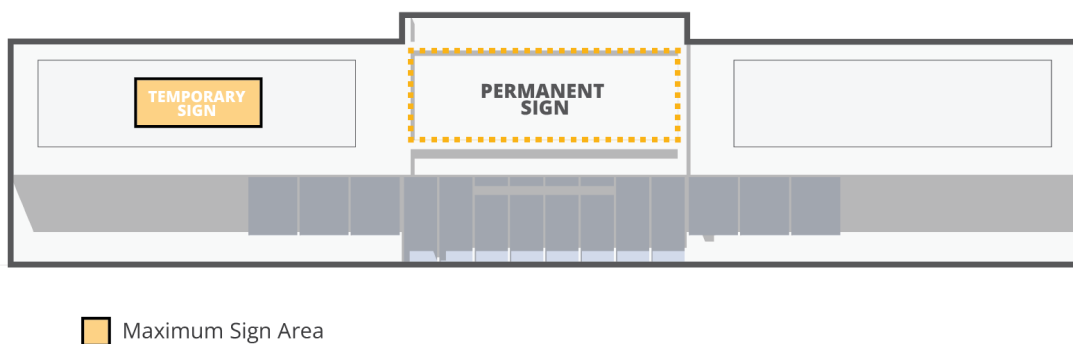


Figure 11 Mounted Banner Sign

C. Light Pole Banner Signs.

1. **Sign Height.** Light pole banner signs shall have a maximum height of 12 feet.
2. **Sign Width.** Light pole banner signs shall have a maximum width of two and one-half feet.
3. **Sign Clearance.** A light pole banner sign shall have a minimum clearance of eight feet.
4. **Number of Signs.** A maximum of two light pole banner signs shall be permitted per light pole.
5. **Number of Sign Faces.** Light pole banner signs shall have a maximum of two sign faces.
6. **Illumination.** Light pole banner signs shall not be illuminated.
7. **Location.**
 - a. Light pole banner signs shall be attached to privately owned and operated, functioning light poles only.
 - b. Light pole banner signs shall not be attached to wooden poles.



8. Other Provisions.

- a. Light pole banner signs shall have wind flaps or utilize wind deflecting mounting brackets.
- b. Brackets shall be painted to match the color of the light pole and shall be removed when the light pole banner is removed.

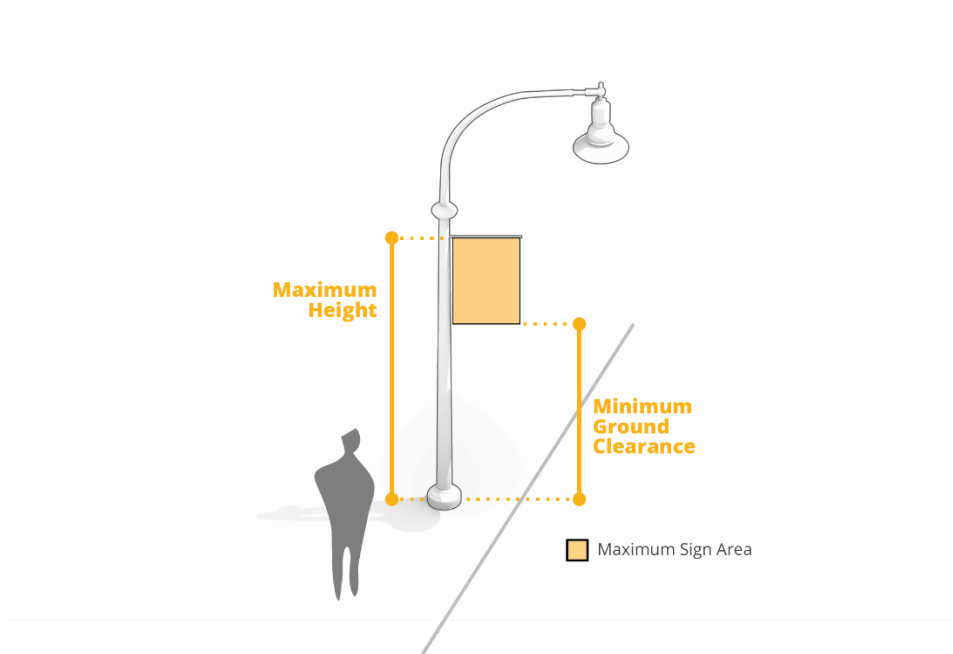


Figure 12 Light Pole Banner Sign

D. Window Signs.

- 1. **Sign Area.** The maximum sign area of a temporary window sign shall be 25 percent of the individual window on the sign shall be affixed.
- 2. **Illumination.** Temporary window signs may be internally illuminated.

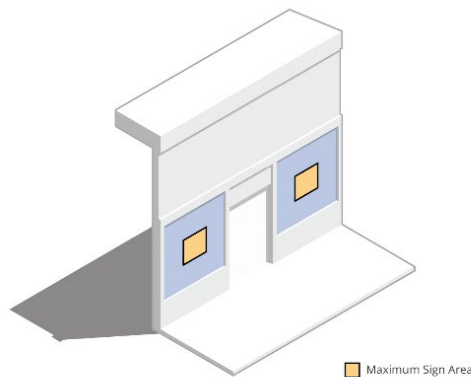


Figure 13 Window Sign



E. **Ground Mounted Banner Signs.**

1. **Sign Area.** The maximum area of a ground mounted banner sign shall be 32 square feet.
2. **Sign Height.** The maximum height of a ground mounted banner sign shall be six feet.
3. **Number of Signs.** A maximum of one ground mounted banner signs shall be permitted per lot frontage.
4. **Number of Sign Faces.** Ground mounted banner signs shall have a maximum of two sign faces.

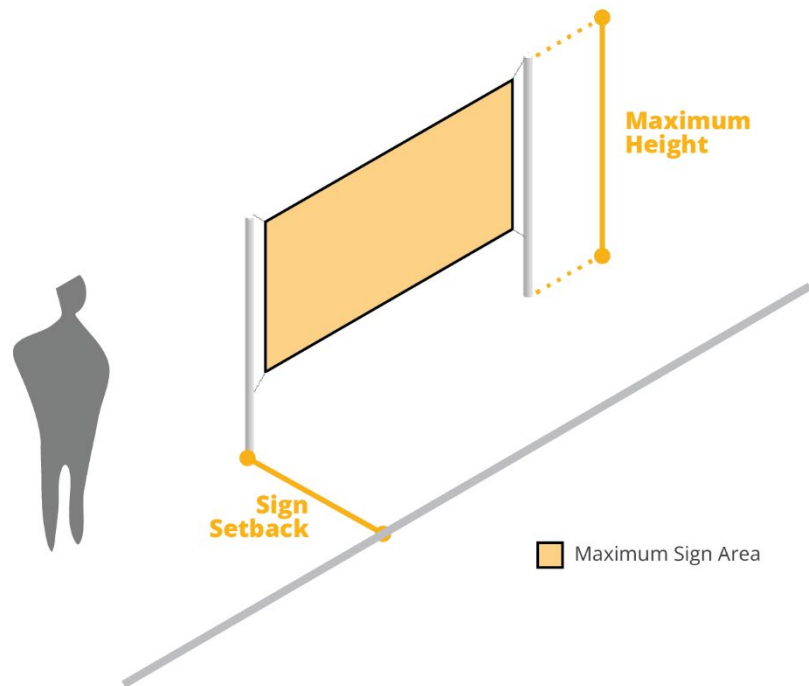


Figure 14 Ground Mounted Banner Sign

5. **Sign Materials.**
 - a. Ground mounted banner sign banners shall be made of cloth, canvas, vinyl, or other similarly durable material purpose made for outdoor display.
 - b. Ground mounted banner sign bases and frames shall be made of vinyl, steel, or other similarly durable material purpose made for outdoor display with a minimum width of three inches.
6. **Illumination.** Ground mounted banner signs shall not be illuminated.



F. Post and Panel Signs.

1. **Sign Area.** The maximum area of a post and panel sign shall be 12 square feet.
2. **Sign Height.** The maximum height of a post and panel sign shall be six feet.
3. **Number of Signs.** A maximum of one post and panel sign shall be allowed per lot frontage.
4. **Maximum Number of Sign Faces.** Post and panel signs shall have a maximum of two sign faces.
5. **Sign Materials.**
 - a. Post and panel sign faces shall be made of durable vinyl, plastic, other similarly durable material purpose made for outdoor display.
 - b. Post and panel sign frames shall be made of metal, PVC, wood, or a similarly durable material purpose made for outdoor display.
6. **Illumination.** Post and panel signs shall not be illuminated.

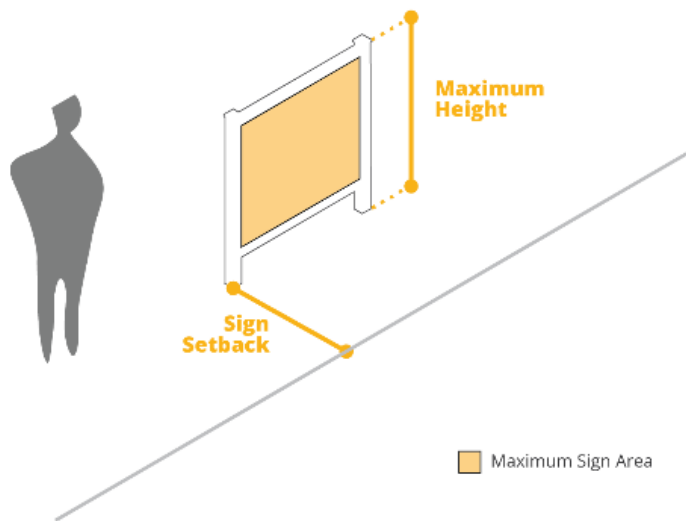


Figure 15 Post and Panel Sign



G. A-Frame/Sandwich Board Signs.

1. **Sign Area.** The maximum area of an a-frame/sandwich board sign shall be six square feet.
2. **Sign Height.** The maximum height of an a-frame/sandwich board sign shall be four feet.
3. **Number of Signs.** One a-frame/sandwich board sign shall be permitted per single-tenant building or tenant space of a multi-tenant building.
4. **Sign Separation.** Each a-frame/sandwich board sign shall be separated from another a-frame/sandwich board sign by at least 25 feet.
5. **Location.**
 - a. A-frame/sandwich board signs shall be placed in a manner to preserve a continuous sidewalk width of a minimum of five feet.
 - b. No part of any a-frame/sandwich board sign shall block points of ingress or egress.
 - c. A-frame/sandwich board signs shall be placed no more than one foot from the wall of the building or unit of a building to which the sign is associated.
 - d. A-frame/sandwich board signs shall be placed no less than three feet and no more than six feet from the building entrance of the building or unit of a building to which the sign is associated.
6. **Illumination.** A-frame/sandwich board signs shall not be illuminated.
7. **Other Provisions.** The display of a-frame/sandwich board signs shall only be permitted during the operating hours of the use to which the sign is associated.

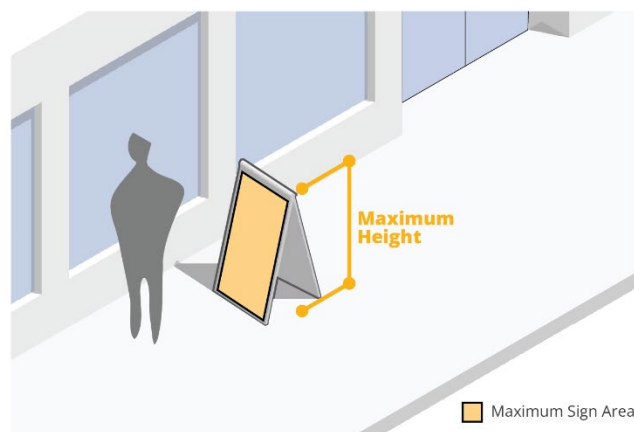


Figure 16 A-Frame/Sandwich Board Sign



H. Post Signs.

1. **Sign Area.** The maximum area of a temporary post sign shall be six square feet.
2. **Sign Height.** The maximum height of a temporary post sign shall be six feet.
3. **Number of Signs.** A maximum of one temporary post sign shall be allowed per lot frontage.
4. **Number of Sign Faces.** Temporary post signs shall have a maximum of two sign faces.
5. **Materials.**
 - a. Temporary post sign faces shall be made of durable vinyl, plastic, or comparable material.
 - b. Temporary post sign frames shall be made of metal, PVC, wood, or a similarly durable material purpose made for outdoor display.
6. **Illumination.** Temporary post signs shall not be illuminated.

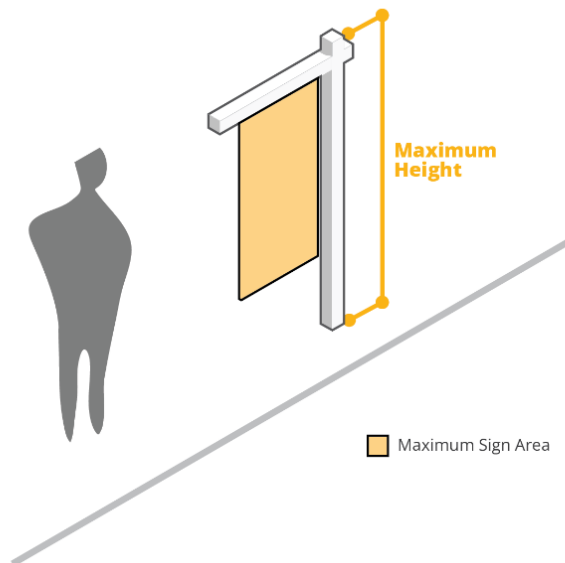


Figure 17 Post Signs



I. **Yard Signs.**

1. **Sign Area.** The maximum area of a yard sign shall be four square feet.
2. **Sign Height.** The maximum height of a yard sign shall be three feet.
3. **Number of Signs.** A maximum of two-yard signs may be displayed concurrently with the exception of 60 days before and 15 days after a local, state, or federal election in which case a maximum of six-yard signs may be displayed.
4. **Illumination.** Yard signs shall not be illuminated.
5. **Other Provisions.** Yard signs in residential uses displayed for a period of 48 hours or less shall be exempt from the requirements of this Section.

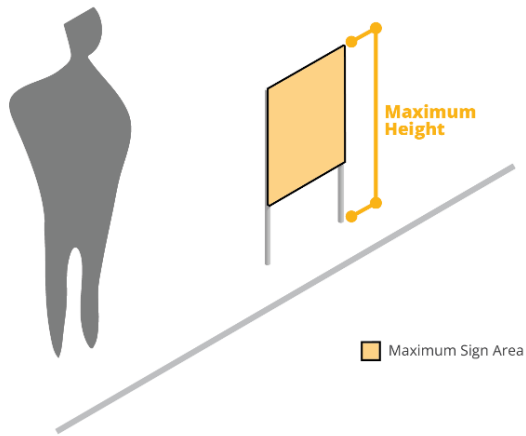


Figure 18 Yard Sign



J. **Instructional signs.**

1. **Maximum Area.** Six square feet.
2. **Maximum Height.** Four feet.
3. **Illumination.** Prohibited
4. **Location.** Meeting all location standards established in Section 1110.04(A).
5. Instructional signs which are clearly intended for instructional purposes and, as determined by the Planning Director, are not larger than necessary to serve the intended instructional purpose nor are in locations or possess design characteristics which constitute or serve the purposes of any other type of sign as detailed in Table 1110.03 shall be exempt from these regulations.

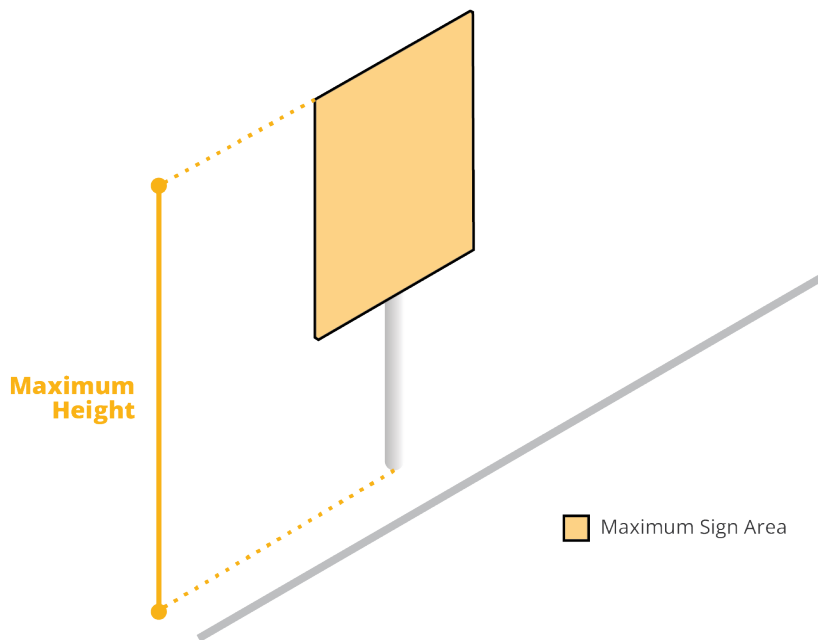


Figure 19 Instructional sign



1110.07 Prohibited Signs and Content

A. Prohibited Signs. The following signs are specifically prohibited:

1. Off-Premises Signs;
2. Roof Signs;
3. Any sign on a tree or utility pole, whether on public or private property.
4. Any sign painted directly on a wall, roof, or fence.
5. Animated Signs;
6. Flasher Signs;
7. Blinker Signs;
8. Racer Type Signs;
9. Moving or revolving Signs;
10. Inflatable Signs;
11. Tethered Balloons;
12. Streamer Signs;
13. Wind-Blown Signs;
14. Exposed Light Bulbs;
15. Strings of Lights permanently mounted to a rigid background;
16. Signs on temporarily placed vehicles; and
17. Merchandise, equipment, products, vehicles, or items not themselves for sale and placed for attention getting, identification, or advertising purposes.

B. Prohibited Content.

1. The following content is prohibited without reference to the viewpoint of the individual speaker:
 - a. text or graphics that advertise unlawful activity;
 - b. text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats; or
 - c. text or graphics that present a clear and present danger due to their potential confusion with traffic control signs or signs that provide public safety information (for example, signs that use the words "Stop," "Yield," "Caution," or "Danger," or comparable words,



phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).

2. The narrow classifications of content that are prohibited by this subsection are either not protected by the United States or Ohio Constitutions, or are offered limited protection that is outweighed by the substantial governmental interests in protecting the public safety and welfare. It is the intent of the City Council that each paragraph of this Subsection be individually severable in the event that a court of competent jurisdiction were to hold one or more of them to be inconsistent with the United States or Ohio Constitutions.

1110.08 Safety, Maintenance, Removal, and Abandonment

- A. For regulations on nonconforming signs, refer to Chapter 13 of this Code.
- B. Every sign and all parts thereof, including base, copy, framework, supports, anchors, and wiring systems shall:
 1. Be constructed and maintained in compliance with the applicable codes of the City.
 2. Be kept in proper repair.
 3. Be painted, as necessary to prevent corrosion, rust, peeling, and excessive fading, if not galvanized or made from approved corrosion-resistant, noncombustible materials.
- C. Failure of owners to keep signs maintained in good mechanical and visual repair shall be deemed a violation of this Code.
- D. It shall be the duty and responsibility of the owner of every sign to maintain the immediate premises occupied by the sign in a clean condition, free of rubbish. Any landscaping surrounding the sign shall be kept trimmed and in good repair. If the landscaping installed at the time of sign approval dies, said landscaping shall be replaced immediately or as soon as weather permits.
- E. Every existing sign shall be subject to an inspection whenever the Planning Director deems it necessary. In the event an inspection demonstrates that repairs, and/or maintenance is necessary, the sign owner shall be notified and required to complete said repairs and/or maintenance within 15 days of notification.
- F. If the Planning Director finds that any sign is unsafe or unsecure, or is a threat to the public safety, or was, after the adoption of this Code constructed, erected, or maintained in violation of the provisions of this Code, they shall give written notice to the sign owner. Such notice shall specify the manner in which the sign is unsafe or in violation of this Code.
- G. Sign copy shall be removed and in the case of a wall sign, the building façade shall be repaired, by the sign owner when the use which the sign is associated is no longer conducted on the premises.



- H. Sign copy shall be removed within 30 days of when the use ceases to operate. If the owner fails to remove the sign copy, the Planning Director shall give the owner 15 days written notice to remove it. Failure to comply with the notice shall be deemed a violation of this Code.
- I. In the case of a sign that poses an immediate danger to the public health or safety, such sign shall be removed immediately upon notification of such pending danger or the sign in question shall be removed by the City.
- J. Any violation involving temporary signs shall be corrected within five days after the written order is issued or the sign in question shall be removed by the City. If the permit holder, sign owner, property owner or sign provider fails to remove or alter the temporary sign within five days after such notice, such sign or other advertising structure may be removed or altered by the City to comply with these regulations at the expense of the permit holder, the owner of the property upon which it is located, the sign owner or the sign provider.
- K. The Planning Director may cause any sign or advertising structure which is in immediate peril to persons or property to be removed summarily and without notice.
- L. Notwithstanding any other provision of this chapter, any sign placed in the right-of-way may be immediately removed by the City. Any sign removed under this subsection by the City shall be stored at a designated location by the City for a period not to exceed 10 days. If the owner of the sign does not remove the sign from storage within 10 days, the sign will be deemed abandoned and disposed of by the City.
- M. The property owner, owner of the sign, tenant, and agent are required to maintain the sign in a condition fit for the intended use and in good repair, and such person or persons have a continuing obligation to comply with all building code requirements.
- N. A sign in good repair shall be free of peeling or faded paint, shall not be stained, show uneven soiling or rust streaks; shall not have chipped, cracked, broken or bent letters, panels or framing; shall not otherwise show deterioration; and shall comply with all other applicable maintenance standards of the City.
- O. Written notification from the Planning Director concerning the removal of a sign shall be complied with within 15 days. Failure to comply with the abatement order shall result in the Planning Director having authorization to cause removal of such sign and supporting material. Any expense incidental to this removal shall be paid by the owner of the property upon which said sign is located. Failure to pay the cost for such removal shall result in a lien upon the premises, which lien shall be filed with the County Recorder's office, to remain a lien or record, until paid. The lien shall accrue interest at the maximum rate permitted by Ohio law prior to payment.
- P. Zoning enforcement and penalties related to signs in this Chapter shall be governed by Section 1112.25.



1110.09 Master Sign Plan

- A. **Intent.** The intent of the master sign plan is to set forth a theme as to the placement, lettering style, color, materials, mounting method, and other related design considerations of signs.
- B. **Applicability.** Any building or development on any lot, including multi-tenant or multi-building developments may elect to submit a master sign plan to receive additional aggregate sign area beyond the maximum established in Section 1110.02. After the approval of a master sign plan, no permanent sign shall be erected, placed, or maintained except in conformance with the Master Sign Plan.
- C. **Conditions.** The Planning Commission may attach conditions, requirements, or standards necessary to assure that the signs covered by the master sign plan will not be materially detrimental to persons or property in the vicinity. In making its determination, the Planning Commission shall not base any condition on the content of a sign.
- D. **Evaluation Criteria.**
1. **Placement.** All signs shall be placed where they are visible and legible. Factors to be considered include the location of a sign relative to traffic movement and access points, site features, other structures, and orientation relative to viewing distances and viewing angles. Wall signs may be approved on building walls other than the wall of a unit of a multi-tenant building in which some units have little or no visibility from the street.
 2. **Quantity.** The number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and wayfinding for safety of the occupants of vehicles and pedestrians. Factors to be considered shall be those that impact safety considerations such as the size of the development and the number of development areas.
 3. **Size.** All signs shall be no larger than necessary for visibility and legibility. Factors to be considered in determining appropriate size include topography, volume, and speed of traffic, viewing distances and angles, proximity to adjacent uses, and placement of display.
- E. **Review and Action.** The Planning Commission shall review the master sign plan application and approve, approve with conditions, or deny the application based on the evaluation criteria. A written decision including the findings on the evaluation criteria shall be rendered to the applicant.



Chapter 1111. Floodplain Development Standards

- 1111.01. General Provisions
- 1111.02. Flood Hazard Determination
- 1111.03. Flood Risk Reduction Measures
- 1111.04. Use and Development Regulations
- 1111.05. Flood Carrying Capacity
- 1111.06. Exemption from Filing a Development Permit

1111.01. General Provisions

- A. **Purpose.** It is the purpose of these regulations to promote the public health, safety and general welfare, and to:
1. Protect human life and health;
 2. Minimize expenditure of public money for costly flood control projects;
 3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 4. Minimize prolonged business interruptions;
 5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
 6. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
 7. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
 8. Minimize the impact of development on adjacent properties within and near flood prone areas;



9. Ensure that the flood storage and conveyance functions of the floodplain are maintained;
 10. Minimize the impact of development on the natural, beneficial values of the floodplain;
 11. Prevent floodplain uses that are either hazardous or environmentally incompatible; and
 12. Meet community participation requirements of the National Flood Insurance Program.
- B. **Applicability.** These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Stow as identified in Section 1111.02(A) below, including any additional areas of special flood hazard annexed by the City of Stow.
- C. **Abrogation and Greater Restrictions.** These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations shall not impair any deed restriction, covenant or easement, but the land subject to such interests shall also be governed by the regulations.
- D. **Interpretation.** In the interpretation and application of these regulations, all provisions shall be:
1. Considered as minimum requirements;
 2. Liberally construed in favor of the governing body; and
 3. Deemed neither to limit nor repeal any other powers granted under state statutes.
 4. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.
- E. **Warning and Disclaimer of Liability.** The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Stow, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.
- F. **Severability.** Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.



1111.02. Flood Hazard Determination

- A. **Basis for Establishing the Areas of Special Flood Hazard.** For the purposes of these regulations, the following studies and/or maps are adopted:
1. Flood Insurance Study Summit County, Ohio and Incorporated Areas and Flood Insurance Rate Map Summit County, Ohio and Incorporated Areas both effective July 20, 2009.
 2. Other studies and/or maps which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard include:
 3. Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City Engineer of Stow as required by Section 1111.04.
 4. Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the City of Stow, 3760 Darrow Road, Stow, Ohio 44224.
- B. **Map Maintenance Activities.** To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the City of Stow's flood maps, studies and other data identified in Section 1111.02(I) accurately represent flooding condition, so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:
- C. **Requirements to Submit New Technical Data.** For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 4. Subdivision or large-scale development proposals requiring the establishment of base flood elevations in accordance with Section 1111.04(C).
- D. It is the responsibility of the applicant to have technical data, required in accordance with Section 1111.02(C), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.



- E. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - 1. Proposed floodway encroachments that increase the base flood elevation; and
 - 2. Proposed development which increases the base flood elevation by more than one-half (0.5) foot in areas where FEMA has provided base flood elevations but no floodway.
- F. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1111.02(D).
- G. **Right to Submit New Technical Data.** The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the City of Stow and may be submitted at any time.
- H. **Annexation/Detachment.** Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Stow have been modified by annexation; the community has assumed authority over an area; or the community no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Stow's Flood Insurance Rate Map accurately represents the City of Stow's boundaries, include within such notification a copy of a map of the City of Stow suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Stow has assumed or relinquished floodplain management regulatory authority.
- I. **Data Use and Flood Map Interpretation.** The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:
 - 1. In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
 - 2. Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevation. Other sources of data showing increased base flood elevations and/or larger floodway areas that are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
 - 3. When Preliminary Flood Insurance Rate Maps and/or Flood Insurance Study have been provided by FEMA:



- a. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided by FEMA for the purposes of administering these regulations.
 - b. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist of where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided the FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.
4. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided at Sections 1111.01(D)(1) to 1111.01(D)(4).
 5. Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevation or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.

J. Substantial Damage Determination.

1. Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such damage event, the Floodplain Administrator shall:
 - a. Determine whether damaged structures are located in special flood hazard areas;
 - b. Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
 - c. Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.
2. Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.



1111.03. Flood Risk Reduction Measures

- A. **Methods of Reducing Flood Loss.** In order to accomplish its purposes, these regulations include methods and provisions for:
1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
 2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
 4. Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
 5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards in other areas.
- B. **Use and Development Standards for Flood Hazard Reductions.** The following use and development standards as contained in Section 1111.04 apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1111.02

1111.04. Use and Development Regulations

- A. **Use Regulations.**
1. **Permitted Uses.** All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the City of Stow are allowed provided they meet the provisions of these regulations.
 2. **Prohibited Uses.**
 - a. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3701 of the Ohio Revised Code.
 - b. Infectious waste treatment facilities in all special flood hazard areas, permitted under Section 3734 of the Ohio Revised Code.
- B. **Water and Wastewater Systems.**
1. The following standards apply to all water supply, sanitary sewage and waste disposal systems not otherwise regulated by the Ohio Revised Code:
 2. All new replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;



3. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
4. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

C. Subdivision and Large Developments.

1. All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;
4. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less; and
5. The applicant shall meet the requirements to submit technical data to FEMA in Section 1111.02(C), when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1111.05(A)

D. Residential Structures.

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (Section 1111.04(D)(6)) and construction materials resistant to flood damage (Section 1111.04(D)(2)) are satisfied.
2. New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
3. New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation.



5. New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - a. Be used only for the parking of vehicles, building access, or storage; and
 - b. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - c. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
6. Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
7. Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of this chapter.

E. Nonresidential Structures.

1. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1111.04(E)(2)(a) through (c).
2. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
 - a. Be dry floodproofed so that the structure is watertight with wall substantially impermeable to the passage of water to the level of the flood protection elevation;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,



- c. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 1111.04(E)(2)(a) and (b).

F. Accessory Structures.

1. Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:
2. They shall not be used for human habitation;
3. They shall be constructed of flood resistant materials;
4. They shall be constructed and placed on the lot to offer the minimum resistance to the flow of flood waters;
5. They shall be firmly anchored to prevent flotation;
6. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
7. They shall meet the opening requirements of Section 1111.04(D).

G. Recreational Vehicles. Recreational vehicles shall meet at least one of the following standards:

1. They shall not be located on sites in special flood hazard areas for more than 180 days, or
2. They must be fully licensed and ready for highway use, or
3. They shall meet all standards of Section 1104.08(I)

H. Above Ground Gas or Liquid Storage Tanks. All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.



1111.05. Flood Carrying Capacity

Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to ensure that the reduction of the flood carrying capacity of watercourses is minimized:

A. Development in Floodways.

1. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
2. Development in floodway areas causing increased in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - a. Meet the requirements to submit technical data in Section 1111.02(C);
 - b. An evaluation of alternatives which would not result in increased base flood elevation and an explanation why these alternatives are not feasible;
 - c. Certification that no structures are located in areas which would be impacted by the increased base flood elevation;
 - d. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
 - e. Concurrence of the Mayor of the City of Stow and the Chief Executive Officer of any other communities impacted by the proposed actions.

B. Development in Riverine Areas with Base Flood Elevations but No Floodways.

1. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than one-half (0.5) at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
2. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one-half (0.5) foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:



- a. An evaluation of alternatives which would result in an increase of one-half (0.5) foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
 - b. Section 1106.05(A)(2) items a. and c through e.
- C. **Alterations of a Watercourse.** For the purpose of these regulations, a watercourse is altered when any change occurs within its bank. The extent of the banks shall be established by a field determination of the “bankfull stage.” The field determination of “bankfull stage” shall be based on methods presented in Chapter 7 of the USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:
1. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
 2. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
 3. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter in to an agreement with City of Stow specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
 4. The applicant shall meet the requirements to submit technical data in Section 1111.02(C). when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.



1111.06. Exemption from Filing a Development Permit

- A. An application for a floodplain development permit shall not be required for:
1. Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000.
 2. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.
 3. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
 4. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
 5. Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 - Floodplain Management.
- B. Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.



Chapter 1112. Review, Decision Making, and Enforcement Procedures

- 1112.01 General Provisions
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- 1112.19 Planned Development, Major
- 1112.20 Planned Development, Minor
- 1112.21 Site Plan, Major
- 1112.22 Subdivision, Major
- 1112.23 Dimensional Variance
- 1112.24 Use Variance
- 1112.25 Enforcement and Penalties



1112.01 General Provisions

- A. **Purpose.** In order to accomplish the purposes for which this Code is adopted, it is essential that its regulations be soundly and consistently applied, and that this Code be vigorously administered. This chapter sets forth:
1. The powers and duties of the Planning Director, the City Engineer, the Floodplain Administrator, the Planning Commission, the Board of Zoning and Building Appeals, and the City Council with respect to the administration of the provisions of this Zoning Code.
 2. Administrative provisions to carry out the purposes and other substantive provisions of this Code, and in particular:
 - a. To establish procedures for considering and acting upon applications for:
 - i. Administrative Adjustments,
 - ii. Floodplain Development Permit,
 - iii. Interpretations,
 - iv. Limited Use Permit,
 - v. Reasonable Accommodation,
 - vi. Sign Permit,
 - vii. Site Plans, Minor,
 - viii. Subdivision, Minor,
 - ix. Temporary Use Permit,
 - x. Zoning Certificate,
 - xi. Amendments, Zoning Code Text,
 - xii. Amendments, Zoning Map,
 - xiii. Appeals of Administrative Decisions,
 - xiv. Appeals of Appointed Boards Decisions,
 - xv. Conditional Use Permits,
 - xvi. Master Sign Plan Permit,
 - xvii. Planned Developments, Major,
 - xviii. Planned Developments, Minor,
 - xix. Site Plans, Major,



- xx. Subdivisions, Major,
 - xxi. Dimensional Variance, and
 - xxii. Use Variance.
- b. To establish procedures for the enforcement of this Code.
- B. **Applicability.** The provisions of this Chapter shall be applicable to all development activity within the City’s jurisdiction, including amendments to previously approved development activity. Where there are ambiguities in the associated review procedures and decision-making criteria for particular applications, the Planning Director shall interpret the procedures and identify the review process for such application or development activity.
- C. **No Construction to Commence Without Permit.** No land shall be used or occupied, and no buildings or structures shall be erected, moved, extended, or enlarged, nor shall any timbering, clearing and grubbing, or filling of any lot for the construction of any building, infrastructure, or site improvement be initiated until the appropriate permit or approval has been issued.

1112.02 Review and Decision-Making Bodies

A. Planning Director.

1. **Code Administration.** The Planning Director, or their designee, shall administer this Code.
2. **Powers and Duties.** For the purpose of this Code, the Planning Director, or their designee, shall have the following powers and duties:
 - a. Review and make decisions regarding Administrative Procedures as detailed in Table 1112.03(A) Review and Decision-Making Procedures Overview.
 - b. Keep a record of all decisions of Administrative Procedures with a notation of any special conditions involved.
 - c. Review for completeness and accept all applications upon which the Planning Director is authorized to review as detailed in the provisions of this Code and in accordance with Section 1112.03.
 - d. Facilitate pre-application meetings in accordance with Section 1112.03.
 - e. Maintain permanent and current records required by this Code, including but not limited to zoning approval, inspection documents, and records of all variances, amendments, conditional uses, and similar use determinations.
 - f. Make such records available for the use of Council, the Planning Commission, the Board of Zoning and Building Appeals, the City Engineer, and the public.

- B. **City Engineer.** For the purpose of this Code, the City Engineer or their designee, shall have the following powers and duties:



1. Review and make decisions regarding Administrative Procedures as detailed in Table 1112.03(A) Review and Decision-Making Procedures Overview.
2. Review for completeness and accept all applications upon which the City Engineer is authorized to review as detailed in the provisions of this Code and in accordance with Section 1112.03.

C. Planning Commission.

1. **Composition and Organization.** The composition, terms of members, organization and meetings of the Planning Commission shall be in compliance with and as provided in Article X of the City Charter.
2. **Proceedings of Planning Commission.** Subject to the provisions of Article X of the City Charter, all meetings of the Planning Commission shall be open to the public. The presence of three or more members shall constitute a quorum for the transaction of all business, and action by the Planning Commission on any matter shall be effected by the concurring votes of at least three members.
3. **Powers and Duties of the Planning Commission.** For the purpose of this Code, the Planning Commission is given the following powers and duties that are in addition to those conferred upon it by the laws of Ohio.
 - a. To adopt and recommend to Council a Comprehensive Plan for the physical development of the City, or the redevelopment of any area or district therein which shall include the location of streets and other public ways, parks, playgrounds, recreation areas and other public places.
 - b. Review and recommend or review and make decisions regarding Elected/Appointed Boards Procedures as detailed in Table 1112.03(A) Review and Decision-Making Procedures Overview.
 - c. To investigate and to propose on its own initiative such amendments to the Code and/or Zoning Map as it may deem consistent with the purposes of this Code, the intent of the City of Stow Comprehensive Plan, and which further the public health, safety and general welfare of Stow.
 - d. To adopt rules and bylaws for the holding of regular and special meetings, for the transaction and disposition of its business and the exercise of its powers.

D. Floodplain Administrator.

1. **Designation of the Floodplain Administrator.** The City of Stow Engineer is hereby appointed to administer and implement the floodplain regulations of this Code and is referred to herein as the Floodplain Administrator.
2. **Duties and Responsibilities of the Floodplain Administrator.** The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:



- a. Evaluate applications for permits to develop in special flood hazard areas.
- b. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- c. Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- d. Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- e. Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.
- f. Enforce the provisions of these regulations.
- g. Provide information, testimony, or other evidence as needed during variance hearings.
- h. Coordinate map maintenance activities and FEMA follow-up.
- i. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

E. Board of Zoning and Building Appeals.

1. **Composition and Organization.** The composition, terms of members, organization and meetings of the Board of Zoning and Building Appeals shall be in compliance with and as provided in Article XI of the City Charter.
2. **Proceedings of the Board.** Subject to the provisions of Article XI of the City Charter, all meetings of the Board of Zoning and Building Appeals shall be open to the public . The presence of three or more members shall constitute a quorum for the transaction of all business and action by the Board shall be effected by the concurring votes of at least three members.
3. **Powers and Duties of the Board.** For the purpose of this Zoning Code, the Board of Zoning and Building Appeals is given the following powers and duties:
 - a. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by an administrative official in the administration or enforcement of this Zoning Code, unless otherwise provided in this Code.



- b. To authorize such variances from the terms of this Zoning Code pertaining as detailed in Table 1112.03(A) Review and Decision-Making Procedures Overview.
 - c. except as otherwise specified in this Code, as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of this Code will result in practical difficulty or unnecessary hardship, and so that the spirit of this Code shall be observed and substantial justice done.
 - d. To provide a finding in writing that the reasons set forth in an application for a variance justify the granting of the variance.
 - e. To adopt rules or bylaws for the holding of regular and special meetings, for the transaction and disposition of its business and the exercise of its powers.
- F. **City Council.** For the purpose of this Zoning Code, the City Council shall have the following powers and duties:
- 1. Approve the appointments of members to the Planning Commission.
 - 2. Approve the appointments of members to the Board of Zoning and Building Appeals.
 - 3. Review and make decisions regarding Elected/Appointed Boards Procedures as detailed in Table 1112.03(A) Review and Decision-Making Procedures Overview. Act upon a site plan upon a recommendation of the Planning Commission.
 - 4. Act upon a request for a conditional use certificate, upon a recommendation of the Planning Commission.
 - 5. Initiate proposed amendments to the Zoning Code text or Zoning Map as it may deem consistent with the purposes of this Code, the intent of the City of Stow Comprehensive Plan, and which further the public health, safety and general welfare of Stow. Final action upon a proposed zoning amendment shall be taken at or after a public hearing.
 - 6. Override a recommendation of the Planning Commission provided that such legislative action is passed according to the procedure set forth in Section 10.06 of the City Charter.



1112.03 General Procedures

A. **Procedures Overview.** Table 1112.03(A) provides an overview of how the various review and decision-making bodies are involved in the review and decision making procedures of this Code.

Table 1112.03(A): Review and Decision-Making Procedures Overview							
Key: R = Recommending Body D = Decision-Making Body [1] = Public Notice and Hearing Required [2] = Public Notice and Meeting Required	Reference	Administrative Agency					
		Planning Director	City Engineer	Floodplain Administrator	Planning Commission	City Council	Board of Zoning and Building Appeals
Administrative Procedures							
Administrative Adjustment	1112.04	D	D				
Floodplain Development Permit	1112.05			D			
Interpretations	1112.06	D					
Limited Use Permit	1112.07	D					
Reasonable Accommodation	1112.08	D					
Sign Permit	1112.09	D					
Site Plan, Minor	1112.10	D					
Subdivision, Minor	1112.11		D				
Temporary Use Permit	1112.12	D					
Zoning Certificate	1112.13	D					
Elected/Appointed Boards Procedures							
Amendments	1112.14				R [2]	D [1]	
Appeals of Administrative Decisions	1112.15						D [2]
Appeals of Appointed Boards Decisions	1112.16					D [2]	
Conditional Use Permit	1112.17				R [2]	D [2]	
Master Sign Plan Permit	1112.18				D [2]		
Planned Development, Major	1112.19				R [2]	D [1]	
Planned Development, Minor	1112.20				R [2]	D [1]	
Site Plan, Major	1112.21				R [2]	D [2]	
Subdivision, Major – Preliminary Plan	1112.22				D [2]		
Subdivision, Major – Final Plat	1112.22				R [2]	D [2]	
Dimensional Variance	1112.23						D [2]
Use Variance	1112.24				R [2]	D [2]	



B. Application Requirements.

1. Authority to File.

- a. Applications for review and decision-making procedures may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner.
- b. An easement holder may also apply for review and decision-making procedures for such development as is authorized by the terms of the easement.
- c. The Planning Director may require an applicant to present evidence of authority to submit the application as well as a letter from the current landowner.

2. Pre-Application Meeting.

- a. The purpose of a pre-application meeting is to provide an opportunity for the applicant and City staff to review applicable submittal requirements, procedures, and schedules and discuss development requirements.
- b. A pre-application meeting is required for all major subdivisions and major Planned Developments per Table 1112.03(A). The Planning Director may require a pre-application meeting for all other applications.
- c. A pre-application is encouraged for all Administrative Procedures per Table 1112.03(A).
- d. If a pre-application meeting is required or requested, the applicant shall provide the materials detailed in the Stow Zoning Code Applications Manual.
- e. The pre-application meeting is intended to facilitate the review process. Discussion and review are not binding.

3. Submittal Provisions.

- a. **Application Information.** Applications for all procedures of this Code shall include the information detailed per application type in the Stow Zoning Code Applications Manual.
- b. **Concurrent Applications.** An applicant may elect to submit applications for concurrent review and consideration as determined by the Planning Director.
- c. **Fees.**
 - i. Council shall by Ordinance establish a schedule of fees for recreation impact fees, building permits, amendments, appeals, variances, conditional use permits, and other procedures and services pertaining to the administration and enforcement of this Code after considering the recommendations of the Planning Director with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be available at City Hall, and may be altered or amended only by Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.



- ii. Fees, as set forth in the adopted fee schedule (Chapter 965 of the City's Codified Ordinances) shall be assessed after the initial review of the application. If modifications to the project occur during the review process, the applicable fee may be revised accordingly. The final fee shall be paid prior to the issuance of the permit or approval.
- iii. As needed, the City may require outside consultant assistance for applications that exceed standard review capacity. The applicant shall be responsible for all such costs, which shall be paid prior to the issuance of the decision.

d. **Completeness Review.**

- i. **Sufficiency to be Determined by Planning Director and/or City Engineer.** All applications shall be sufficient for processing before the Planning Director and/or City Engineer are required to review the application. An application shall be sufficient for processing when it contains all the information necessary, in accordance with the appropriate section of the Stow Zoning Code Applications Manual. Applicable legislative timelines shall not begin until an application is determined to be complete.
- ii. **Application Incomplete.** On determining an application is incomplete, the Planning Director or City Engineer shall provide the applicant with written notice of the submittal deficiencies.
- iii. **Application Complete.** On determining an application is complete, the Planning Director or City Engineer shall provide written notice to the applicant that the application has been accepted for review.

C. **Resubmittal of Denied Applications.** If an application is denied, the applicant must wait one year before resubmitting, unless substantial changes are made to the proposal. Substantial changes may include, but are not limited to:

1. A change of more than 10 percent in the number of units,
2. A change of more than 10 percent in building square footage or height,
3. Significant changes to the placement of buildings, parking lots, or open space,
4. Alterations to architectural design to enhance compatibility with surrounding properties, and
5. Modifications to align with Code requirements or address concerns cited in the denial.

D. **Public Notice Requirements.**

1. **Public Notice Content.** Public notices, regardless of type, shall, at a minimum, include the information required by the State of Ohio.



2. Public Notice Timeline.

- a. **Public Hearing.** Refer to Section 10.05 of the City's Codified Ordinances for public hearing requirements.
- b. **Public Meeting.**
 - i. **Notice by Publication.** Notice shall be published a minimum of 10 days prior to the public meeting unless otherwise determined by the adopted Rules and Bylaws of the hearing body.
 - ii. **Notice by Mail.** Notice of a public meeting held by the Planning Commission or Board of Zoning and Building Appeals shall be sent a minimum of 10 days prior to the public meeting unless otherwise determined by the adopted Rules and Bylaws of the hearing body.
 - iii. **Notice by Sign.** Notice of a public meeting shall be posted on the subject property 96 hours prior to the Planning Commission meeting.

E. **Public Notice Types.** The following public notice types are established and shall meet the following standards.

1. Notice by Publication.

- a. The published notice shall set forth the time and place of the public meeting or hearing and include a summary of the application.
- b. During the notice period, the application and the recommendation of the Planning Commission, as applicable shall be available for public review on the City's website.

2. Notice by Mail.

- a. **Public Hearings.** Mailed notice shall be sent by the Clerk of Council pursuant to the procedures set forth in Section 10.05 of the Charter.
- b. **Public Meetings.** Mailed notice shall be sent by the Planning Director, by first class mail to all owners of property directly abutting the subject parcel(s).
- c. **Public Hearings and Meetings.**
 - i. Mailed notice shall be sent to the addresses of property owners appearing on the County Auditor's current tax list or the Treasurer's mailing list, and to such other list or lists that may be specified by Council.
 - ii. The notice shall contain the same information as required of published notices as specified in subsection a. above.

3. **Notice by Sign.** The Planning Director shall post on the subject parcel(s) notice of the pending review of the applicable application.



F. **Public Notice Requirements by Procedure.** Public notice shall be required by review and decision-making process type in accordance with Table 1112.03(A). The following key shall be utilized in the interpretation of Table 1112.03(F):

- a. X = Notice Type Required
- b. Blank = Notice Type not Required

Table 1112.03(F): Public Notice Requirements by Procedure			
Procedure	Notice by Publication	Notice by Mail	Notice by Sign
Administrative Adjustment			
Floodplain Development Permit			
Interpretations			
Limited Use Permit			
Reasonable Accommodation			
Sign Permit			
Site Plan, Minor			
Subdivision, Minor			
Temporary Use Permit			
Zoning Certificate			
Amendments	X	X [1]	X [1]
Appeals of Administrative Decisions	X	X [1]	
Appeals of Appointed Boards Decisions	X	X [1]	
Conditional Use Permit	X	X	
Master Sign Plan Permit	X	X	
Planned Development, Major	X	X	X
Planned Development, Minor	X	X	X
Site Plan, Major	X	X	
Subdivision, Major	X	X	X
Dimensional Variance	X	X	
Use Variance	X	X	X
Notes:			
[1] Shall apply to zoning map amendment applications only.			

G. **Appeals.**

1. **Appeals of Administrative Decisions.** Appeals to any administrative decision shall be made in accordance with the Appeals of Administrative Decisions process (Section 1112.15).
2. **Appeals of Planning Commission or Board of Zoning and Appeals Decisions.** Appeals to any decision of the Planning Commission or Board of Zoning and Appeals shall be made in accordance with the Appeals of Appointed Boards Decisions process (Section 1112.16).
3. **Appeals of City Council Decisions.** Appeals to any decision of the City Council shall be made to the Summit County Court of Common Pleas.



1112.04 Administrative Adjustment

- A. **Purpose.** Administrative Adjustments are meant to allow the Planning Director or City Engineer, as specified per Administrative Adjustment, to approve or deny limited deviations from the standards of this Code under specified circumstances only.
- B. **Applicability.** Administrative Adjustments may be approved for the following Code sections:
1. Section 1102.08(B). Allowed Yard Adjustments;
 2. Section 1102.08(C). Height Exceptions;
 3. Section 1104.04(C)(2)a.iii. Kennel Outdoor Area Setbacks;
 4. Section 1104.06(A)(1)a.iv.b. Accessory Building Distance from Right of Way;
 5. Section 1105.03(C)(6)c. Sidewalks;
 6. Section 1105.03(C)(7)c. Landscape Strips;
 7. Section 1105.03(C)(8)d. Street Trees;
 8. Section 1105.03(E)(2)d. Roadway Stubs;
 9. Section 1105.06(H). Conservation Design Roadway Design;
 10. Section 1106.02(B). Maximum Fence and Wall Height;
 11. Section 1106.02(D). Fence Opacity;
 12. Section 1106.03(D)(3). Ground or Wall-Mounted Building/Mechanical Equipment Screening Alternatives;
 13. Section 1106.05(E)(3). Lighting Standards in Footcandles;
 14. Section 1106.05(F)(2). Pole and Fixture Finish;
 15. Section 1106.06. Underground Utilities;
 16. Section 1106.07(B). Stormwater Management;
 17. Section 1107.02(F)(1)a. Roofline Articulation;
 18. Section 1108.06(D)(3). Planting Dimensions;
 19. Section 1108.06(G). Transition Landscape Area Requirements;
 20. Section 1108.06.(I)(6)e. Median and Island General Design Standards;
 21. Section 1108.06(K)(2). Installation and Maintenance of Landscape Areas;
 22. Section 1109.02(E).Right of Way Improvements;



- 23. Section 1109.04(B)(2). Location of Driveway Access Points Roadway Classification;
- 24. Section 1109.04(C)(2). Driveway Width;
- 25. Section 1109.05(A)(1). Permitted Parking Area Locations;
- 26. Section 1109.05(D)(1). Adjustments to Minimum Parking Requirements;
- 27. Section 1109.08(A)(3). Pedestrian Walkway Standards; and
- 28. Section 1110.05(D)(5). Sign Copy.

C. Procedures.

- 1. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Section 1112.03(B)(2) Pre-Application Meetings.
- 2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 1112.03(B)(3).
- 3. **Planning Director/City Engineer Review and Decision.** Once the application is accepted, the Planning Director or City Engineer shall review the application based on the review criteria, refer the application to appropriate City Departments as needed, and either:
 - a. Issue an approval of the Administrative Adjustment,
 - b. Issue an approval of the Administrative Adjustment with Conditions, or
 - c. Issue a denial of the Administrative Adjustment, detailing the application's failure to comply with the review criteria, to the applicant.

D. Review Criteria.

- 1. **Standard Review Criteria.** The following review criteria shall be utilized in the review of all Administrative Adjustments.
 - a. The adjustment is consistent with the purpose and intent of the applicable regulation,
 - b. The adjustment, in the case of dimensional standard modifications, is the smallest adjustment necessary to accommodate the proposed improvement or resolve the subject issue, and
 - c. The adjustment is consistent with the Comprehensive Plan.
- 2. **Detailed Review Criteria.** The following review criteria shall be utilized in instances where the maximum extent or type of adjustment that may be approved is detailed in the applicable Code section.
 - a. The adjustment meets all standards included in the referenced Code section.



3. **Additional Review Criteria.** The following review criteria shall be utilized in instances where the maximum extent or type of adjustment that may be approved is not detailed in the applicable Code section.
 - a. The adjustment is required to compensate for some unusual aspect of the development site or the proposed development that is not shared by landowners generally (e.g. lot shape or configuration),
 - b. The adjustment is proposed to protect sensitive natural resources or save healthy established trees,
 - c. The adjustment is required to eliminate a minor inadvertent failure to fully comply with a standard,
 - d. The adjustment is required due to natural conditions, such as watercourses, riparian buffers, natural rock formations, or topography, or
 - e. The adjustment is required due to the presence of existing utilities or other easements.

E. Effect of Decision.

1. **Permit Validity.** Upon approval, the Administrative Adjustment shall be valid for one (1) year.
2. **Permit Extension.** Administrative Adjustment approvals cannot be extended.

1112.05 Floodplain Development Permit

A. **Purpose.** The Floodplain Development Permit procedure ensures that development within the floodplain meets all regulatory requirements to protect public safety, health, and welfare.

B. Applicability.

1. A floodplain development permit is required for all proposed development which includes, but is not limited to, filling; grading; construction; alteration; remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any designated floodplain areas, unless otherwise exempted as specified in Section 1112.05(B)(2), below.
2. A floodplain development permit is not required for:
 - a. Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000.
 - b. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.



- c. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
- d. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
- e. Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 - Floodplain Management.

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

C. Procedures.

1. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Section 1112.03(B)(2) Pre-Application Meetings.
2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 1112.03(B)(3).
3. **Floodplain Administrator Review and Decision.** Once the application is accepted, the Floodplain Administrator shall review the application based on the review criteria, refer the application to appropriate City Departments as needed and either:
 - a. Approve the permit and issue a floodplain development permit, or
 - b. Deny the permit, detailing the application's failure to comply with the review criteria, to the applicant.

D. Review Criteria.

1. All applicable standards of this Code are met.
2. The development does not result in adverse impacts to the floodplain or surrounding properties.
3. The activity is consistent with the goals of floodplain management as outlined in the Stow Comprehensive Plan.
4. All necessary federal, state, or local permits have been obtained, including, but not limited to:
 - a. U.S. Army Corps of Engineers permits under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.
 - b. Ohio Environmental Protection Agency permits under Section 401 of the Clean Water Act.



E. **Effect of Decision.**

1. **Permit Validity.** A Floodplain Development Permit shall be valid for one (1) year from the date of issuance.
2. **Permit Extension.** Permits may be renewed only upon re-evaluation by the Floodplain Administrator and submission of updated information, as required.
3. **Elevation Certificate.** After the completion of new or substantially improved residential structures or elevated nonresidential structures, the applicant shall submit to the Floodplain Administrator a completed FEMA Elevation Certificate prepared by a registered surveyor to record as-built elevation data. For structures in Zone A or AO without a base flood elevation, the Elevation Certificate may be completed by the property owner or their representative.
4. **Letter of Map Revision.** After the completion of development activities that impact floodplain conditions, such as filling, encroachment, or alterations to watercourses, the applicant shall be required to submit a Letter of Map Revision to FEMA for formal approval to update the Flood Insurance Rate Map (FIRM).
3. **Permit Revocation.** A Floodplain Development Permit may be revoked by the Floodplain Administrator if any requirements, limitations, or conditions included in the Floodplain Development Permit are not complied with. If the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section 1112.15 of these regulations

1112.06 Interpretations

- A. **Purpose.** The Interpretations process is established in recognition that the provisions of this Code, though detailed and lengthy, cannot possibly address every specific situation to which they may have to be applied. Many such situations can, however, be readily addressed by an Interpretation of the specific provisions of this Code in light of the general and specific purposes for which those provisions have been enacted. Because the Interpretations process is an administrative rather than a legislative authority, it is not intended to add to or change the essential content of this Code but, rather, is intended only to allow authoritative application of that content to specific cases.
- B. **Applicability.** Applications for Interpretations may be filed by any person having an interest in the circumstances giving rise to the need for an interpretation; provided, however, that interpretations shall not be sought by any person based solely on hypothetical facts or where the interpretation would have no effect other than as an advisory opinion.
- C. **Procedures.**
 1. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Section 1112.03(B)(2) Pre-Application Meetings.



2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 1112.03(B)(3).
3. **Planning Director Review and Decision.** Once the application is accepted, the Planning Director shall review the application based on the review criteria, refer the application to appropriate City Departments as needed, and inform the applicant, in writing, of their interpretation, stating the specific precedent, reasons, and analysis upon which the determination was based.

D. Review Criteria.

1. **General Review Criteria.** Interpretations of the text of this Code shall be based on the applicable purpose and applicability language per the applicable Chapter and the following criteria:
 - a. The clear and plain meaning of the provision's wording, as defined in Chapter 14 and by the common and accepted usage of the term,
 - b. The intended purpose of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, and any legislative history to its adoption,
 - c. The general purposes served by this Code, as set forth in Chapter 1, and
 - d. Alignment with the Comprehensive Plan.
2. **Use Interpretation Review Criteria.** Interpretations regarding the uses allowed by the Code shall be based on the following criteria:
 - a. Any use included of this Code shall be interpreted as defined in Chapter 14.
 - b. No use interpretation shall permit a use that is included in a use table but not allowed as either a permitted, limited, or conditional use in the subject district.
 - c. No use interpretation shall permit any use in any district unless evidence shall be presented that demonstrates that it will comply with all standards of the subject district.
 - d. No use interpretation shall permit any use in a district unless such use is substantially similar, in terms of impact on neighboring property, to other uses allowed in the same district.
 - e. If the proposed use is most similar to a use permitted only as a conditional use in the district in which it is proposed to be located, then any use interpretation permitting such use shall require the issuance of a Conditional Use Permit (Section 1112.17).
 - f. No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the subject district.



3. **Zoning Map Boundaries Interpretation Review Criteria.** Interpretations of the boundaries of the Zoning Map shall be based on the following criteria:
- a. Boundaries shown as approximately following a utility line or a street, road, alley, railroad, or other public access way shall be interpreted as following the centerline of the right-of-way or easement for the utility line or access way,
 - b. Boundaries shown as approximately following a property line shall be interpreted as following the property line as it existed when the boundary was established. If a subsequent minor adjustment (such as from settlement of a boundary dispute or overlap) results in the property line moving 10 feet or less, the zoning boundary shall be interpreted as moving with the property line,
 - c. Boundaries shown as approximately following a watercourse shall be interpreted as following the centerline of the watercourse as it actually exists, and as moving with that centerline to the extent the watercourse moves as a result of natural processes (flooding, erosion, sedimentation, etc.),
 - d. Boundaries shown as approximately following the shoreline of a body of water shall be interpreted as following the shoreline and as moving with shoreline to the extent the shoreline moves as a result of natural processes (flooding, erosion, sedimentation, etc.),
 - e. Boundaries shown as entering a body of water shall be interpreted as continuing in the direction at which they enter the body of water and extending until they intersect another zoning district boundary or similarly extended boundary, or the limits of the City's jurisdiction,
 - f. Boundaries shown as approximately following established municipal corporate limits or other political boundaries shall be interpreted as following the corporate limits or boundary,
 - g. Boundaries shown parallel to or as extensions of features indicated in this subsection shall be interpreted as such,
 - h. If the specific location of a depicted boundary cannot be determined from notations on the Zoning Map or application of the above standards, it shall be determined by using the map's scale to determine the boundary's distance from other features shown on the map.
- E. **Effect of Decision.** No interpretation shall authorize the establishment of such use nor the development, construction, reconstruction, alteration or moving of any building or structure but shall merely authorize the preparation, filing and processing of applications for any permits and approvals that may be required by the City.



1112.07 Limited Use Permit

- A. **Purpose.** A Limited Use Permit is required to ensure specific uses are located in the limited location allowed in Chapter 4.
- B. **Applicability.** A Limited Use Permit shall be required prior to the establishment of any new limited use, including a change of use in an existing building or structure.
- C. **Procedures.**
1. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Section 1112.03(B)(2) Pre-Application Meetings.
 2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 1112.03(B)(3).
 3. **Planning Director Review and Decision.** Once the application is accepted, the Planning Director shall review the application based on the review criteria, refer the application to appropriate City Departments as needed, and either:
 - a. Issue the Limited Use Permit, or
 - b. Deny the Limited Use Permit, detailing the application's failure to comply with the review criteria, to the applicant.
- D. **Review Criteria.**
1. All applicable standards of this Code are met.
 2. All applicable standards of the Stow Code of Ordinances are met.
- E. **Effect of Decision.**
1. **Permit Validity.** Upon approval, the Limited Use Permit shall be valid until the use ceases or the building or structure in which the use is located is redeveloped. If the use does not establish within one (1) year of permit issuance, the permit shall be considered void.
 2. **Permit Extension.** Limited Use Permits cannot be extended.
 3. **Permit Revocation.** A Limited Use Permit may be revoked by the Planning Director if any requirements, limitations, or conditions included in the Limited Use Permit are not complied with.



1112.08 Reasonable Accommodation

- A. **Purpose.** Pursuant to the Federal Fair Housing Act, as Amended in 1988, the City of Stow is obligated to provide individuals with disabilities the opportunity to secure reasonable accommodations with respect to housing rules, policies, practices, and procedures of the City of Stow and Housing Providers to guarantee equal access to housing for those individuals.
- B. **Applicability.**
1. An individual with a disability or an Authorized Agent of individual(s) may request a Reasonable Accommodation to the City of Stow's land use regulations, zoning regulations, policies, practices and procedures.
 2. While a Reasonable Accommodation Request is pending, all of the City of Stow's land use regulations, zoning regulations, policies, practices and procedures that apply to the property in question are in full effect.
- C. **Procedures.**
1. **Pre-Application Meeting.** If a pre-application meeting is required or requested it shall follow the process detailed in Section 1112.03(B)(2) Pre-Application Meetings.
 2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 1112.03(B)(3).
 3. **Planning Director Review.** Once the application is accepted, the Planning Director shall review the application based on the review criteria, refer the application to the appropriate City Departments as needed and either;
 - a. Approve the Reasonable Accommodation, and issue a letter detailing the decision to the applicant,
 - b. Approve the Reasonable Accommodation with conditions, and issue a letter detailing the decision to the applicant,
 - c. Deny the Reasonable Accommodation and issue a letter detailing the decision to the applicant.
 4. The Reasonable Accommodation Request shall not be made available to review to anyone who is not a member of the Reasonable Accommodation Review Process.
 5. **Reasonable Accommodation Review Process.**
 - a. Reasonable Accommodation Requests must be reviewed by the Reasonable Accommodation Review Process.
 - b. The Reasonable Accommodation Review Process must jointly issue a written decision on a Reasonable Accommodation Request within thirty (30) days of receipt of the request.



- c. The Reasonable Accommodation Review Process may:
 - i. Grant the Reasonable Accommodation Request;
 - ii. Grant the Reasonable Accommodation Request with modifications; or
 - iii. Deny the Reasonable Accommodation Request based on one or more Factors for Consideration of Reasonable Accommodation Request.
 6. If additional information is needed to decide, the review process may request specific and detailed information from the Individual(s) with a disability. The 30-day decision period is stayed until the requested information is provided.
 7. **Written Decision by Reviewing Authority.**
 - a. The jointly written decision of the Reasonable Accommodation Review Process shall explain the basis of the decision using findings with respect to the factors set forth in Subsection D below,
 - b. All decisions must include notice to the Individual(s) with a disability of their ability to appeal.
 - c. Notice and a copy of the decision must be sent by certified mail within three business days from the date of the decision.
 - d. The jointly written decision is a final appealable order unless appealed by the Individual(s) with a disability.
 - e. If the Review Process fails to render a written decision within 30 days, the Reasonable Accommodation Request is automatically granted.
 8. **Reporting.** The Planning Director shall provide an annual report to Council of the number of reasonable accommodations granted in the previous year. The report shall not include identifying information but shall show the number of reasonable accommodations granted in each Ward.
- D. **Review Criteria.** The decision of the Planning Director shall be based on:
1. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by Individual(s) with a disability;
 2. Whether the requested accommodation is necessary to make housing available to individual(s) with a disability;
 3. Whether the requested accommodation would impose an undue financial or administrative burden on the City of Stow; and



4. Whether the requested accommodation would require fundamental alteration to the City of Stow's land use and zoning or building program.
- E. **Effect of Decision.** The grant of a Reasonable Accommodation Request by the Reasonable Accommodation Review Process does not affect an individual's obligations to comply with any other applicable City of Stow land use regulations, zoning regulations, policies, practices and procedures.

1112.09 Sign Permit

- A. **Purpose.** A Sign Permit is required to ensure signs are aligned with the standards of this Code and the Stow Code of Ordinances.
- B. **Applicability.** A Sign Permit shall be required, per Table 1110.03 Permitted and Allowed Sign Types by Land Uses, prior to any installation, modification, or expansion of any new or conforming sign.
- C. **Procedures.**
1. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Section 1112.03(B)(2) Pre-Application Meetings.
 2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 1112.03(B)(3).
 3. **Planning Director Review and Decision.** Once the application is accepted, the Planning Director shall review the application based on the review criteria, refer the application to appropriate City Departments as needed, and either:
 - a. Issue the Sign Permit,
 - b. Approve the Sign Permit with conditions, or
 - c. Deny the Sign Permit, detailing the application's failure to comply with the review criteria, to the applicant.
- D. **Review Criteria.**
1. All applicable standards of this Code are met.
 2. All applicable standards of the Stow Code of Ordinances are met.
- E. **Effect of Decision.**
1. **FAA Notification.** Prior to the construction/erection of any sign meeting the Federal Aviation Administration criteria for notification (14 CFR Part 77) a permit from the State of Ohio, per Ohio Administrative Code Chapter 5501:1 shall be required.



2. **Permit Validity.** Upon approval, the Sign Permit shall remain valid unless the sign is removed, altered, or replaced. If the sign is not installed within one (1) year from the date of approval, the permit shall automatically expire.
3. **Permit Extension.** Sign Permits cannot be extended.
4. **Permit Revocation.** A Sign Permit may be revoked by the Planning Director if any requirements, limitations, or conditions included in the Sign Permit are not complied with.

1112.10 Site Plan, Minor

- A. **Purpose.** The Minor Site Plan procedure is established to provide adequate review by the Planning Director of proposed development that is of such a nature because of its size, scale or effect on surrounding property, that review of specific plans is deemed necessary to protect the public health, safety and general welfare of the community.
- B. **Applicability.** Minor site plan review shall be required for the following:
 1. New development and major redevelopment of all permitted uses in a mixed-use, commercial, industrial, or public and institutional district resulting in less than 20,000 square feet of gross floor area; and
 2. Any alterations to parking areas and/or site circulation.
- C. **Procedures.**
 1. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Section 1112.03(B)(2) Pre-Application Meetings.
 2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 1112.03(B)(3).
 3. **Planning Director Review and Decision.** Once the application is accepted, the Planning Director shall review the application based on the review criteria, refer the application to appropriate City Departments as needed, and either:
 - a. Approve the Minor Site Plan,
 - b. Approve the Minor Site Plan with conditions, or
 - c. Deny the Minor Site Plan, detailing the application's failure to comply with the review criteria, to the applicant.
- D. **Review Criteria.**
 1. All applicable standards of this Code are met.
 2. All applicable standards of the Stow Code of Ordinances are met.
- E. **Effect of Decision.**



1. **FAA Notification.** Prior to the issuance of a building permit, development meeting the Federal Aviation Administration criteria for notification (14 CFR Part 77) shall be required to receive a permit from the State of Ohio, per Ohio Administrative Code Chapter 5501:1.
2. **Work Done in Accordance with Approved Site Plan.** Upon approval of a Minor Site Plan, all work done shall be in accordance with the approved Minor Site Plan. Should deviations from an approved Minor Site Plan be necessary or desired, an updated Minor Site Plan shall be submitted for review and approval by the Planning Director. The updated Minor Site Plan shall clearly identify all areas of proposed change.
3. **Permit Validity.** Upon approval, a Minor Site Plan shall be valid for one (1) year.
4. **Permit Extension.** A Minor Site Plan approval cannot be extended.

1112.11 Subdivision, Minor

- A. **Purpose.** The Minor Subdivision procedure is established to accommodate a division of a parcel of land along an existing public street or road, not involving the opening, widening, or extending of any street or road and involving not more than five lots after the original tract has been completely subdivided.
- B. **Applicability.** The Minor Subdivision procedure may be utilized on any land within the corporate limits of the City of Stow.
- C. **Procedures.**
 1. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Section 1112.03(B)(2) Pre-Application Meetings.
 2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 1112.03(B)(3).
 3. **City Engineer Review and Decision.** Once the application is accepted, the City Engineer shall review the application based on the review criteria, refer the application to appropriate City Departments as needed, and either:
 - a. Approve the Minor Subdivision by noting on the conveyance the phrase “Approved by the City of Stow , no plat required” and signing the conveyance or providing the signature of the designated representative.
 - b. Approve the Minor Subdivision with conditions,
 - c. Forward the Minor Subdivision for review and decision-making to Planning Commission
 - d. Deny the Minor Subdivision, detailing the application’s failure to comply with the review criteria, to the applicant.
 4. **Planning Commission Meeting and Approval.** If forwarded by the City Engineer, the Planning Commission shall review the Minor Subdivision and shall:



- a. Approve of the Minor Subdivision,
- b. Approve the Minor Subdivision with conditions, or
- c. Deny the Minor Subdivision.

D. Review Criteria.

1. All applicable standards of this Code are met.
2. All applicable standards of the Stow Code of Ordinances are met.

E. Effect of Decision. A Minor Subdivision approval shall expire within one year, unless the conveyances are recorded in the office of the county recorder.

1112.12 Temporary Use Permit

A. Purpose. A Temporary Use Permit is required to ensure temporary uses comply with the standards of this Code and are aligned with the goals, recommendations, and policies of the Stow Comprehensive Plan.

B. Applicability. A Temporary Use Permit shall be required prior to the establishment of any new temporary use, as allowed in Chapter 4.

C. Procedures.

1. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Section 1112.03(B)(2) Pre-Application Meetings.
2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 1112.03(B)(3).
3. **Planning Director Review and Decision.** Once the application is accepted, the Planning Director shall review the application based on the review criteria, refer the application to appropriate City Departments as needed, and either:
 - a. Issue the Temporary Use Permit,
 - b. Issue the Temporary Use Permit, subject to conditions that bring the use into alignment with the goals, recommendations, and policies of the Stow Comprehensive Plan, or
 - c. Deny the Temporary Use Permit, detailing the application's failure to comply with the review criteria, to the applicant.

D. Review Criteria.

1. All applicable standards of this Code are met.
2. All applicable standards of the Stow Code of Ordinances are met.



3. The use, its location, and the building or structure in which it is located aligns with the goals, recommendations, and policies of the Stow Comprehensive Plan.

E. Effect of Decision.

1. **FAA Notification.** Prior to the commencement of a temporary use meeting the Federal Aviation Administration criteria for notification (14 CFR Part 77) a permit from the State of Ohio, per Ohio Administrative Code Chapter 5501:1 shall be required.
2. **Permit Validity.** Upon approval, the Temporary Use Permit shall be valid for the dates identified on the approved permit.
3. **Permit Extension.** Temporary Use Permits cannot be extended.
4. **Permit Revocation.** A Temporary Use Permit may be revoked by the Planning Director if any requirements, limitations, or conditions included in the Temporary Use Permit are not complied with.

1112.13 Zoning Certificate

A. **Purpose.** A Zoning Certificate is required to ensure that applicable development complies with the standards of this Code and the Stow Code of Ordinances.

B. **Applicability.** All development, change of use, and site improvements, not otherwise subject to a review and decision-making process of this Chapter, or specifically exempted by this Code, shall be required to receive a Zoning Certificate prior to the commencement of said activity.

C. Procedures.

1. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Section 1112.03(B)(2) Pre-Application Meetings.
2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 1112.03(B)(3).
3. **Planning Director Review and Decision.** Once the application is accepted, the Planning Director shall review the application based on the review criteria, refer the application to appropriate City Departments as needed, and either:
 - a. Approve the Zoning Certificate,
 - b. Approve the Amendment with conditions, or
 - c. Deny the Zoning Certificate, detailing the application's failure to comply with the review criteria, to the applicant.

D. Review Criteria.

1. All applicable standards of this Code are met.



2. All applicable standards of the Stow Code of Ordinances are met.

E. Effect of Decision.

1. **Permit Validity.** Upon approval, the Zoning Certificate shall be valid until the use ceases or the building or structure in which the use is located is redeveloped. If the activity for which the Zoning Certificate was approved does not commence within one (1) year of permit issuance, the permit shall be considered void.
2. **Permit Extension.** Zoning Certificates cannot be extended.

1112.14 Amendments

A. **Purpose.** The Amendments process is established to provide a means for making changes to the standards of this Code and/or the Zoning Map to align with the City of Stow Comprehensive Plan.

B. **Applicability.** An Amendment may be initiated by the adoption of a motion by the City Council or the Planning Commission, the Planning Director or by any owner of property affected by the provisions of the standard or zoning map designation sought to be amended.

C. Procedures.

1. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Section 1112.03(B)(2) Pre-Application Meetings.
2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 1112.03(B)(3).
3. **Planning Director Review.** Once the application is accepted, the Planning Director shall review the application based on the review criteria, refer the application to appropriate City Departments as needed and prepare a recommendation on the application based on the comments received from the referred to City Departments.
4. **Planning Commission Meeting and Recommendation.** The Planning Commission shall review and discuss the application and the Planning Director's report, and either:
 - a. Recommend approval of the Amendment,
 - b. Recommend approval of the Amendment with conditions,
 - c. Recommend denial of the Amendment.
5. **City Council Hearing and Decision.** The City Council shall conduct a public hearing on the application, review the application, the Planning Director's report, the recommendation of the Planning Commission, and public comment received, and either:
 - a. Approve the Amendment,
 - b. Approve the Amendment with conditions,



- c. Deny the Amendment.

D. Review Criteria.

1. Code Text Amendment Review Criteria.

- a. The proposed amendment aligns with the purpose, policies, and intent of the City of Stow Comprehensive Plan.
- b. The proposed amendment will result in compatible relationships between existing and future development patterns.
- c. The proposed amendment will not cause substantial impairment of the health, safety, or general welfare in the applicable area or City as a whole.

2. Zoning Map Amendment Review Criteria.

- a. The proposed amendment aligns with the purpose, policies, and intent of the City of Stow Comprehensive Plan.
- b. The subject site is suitable for the uses and development allowed within the requested district.
- c. The proposed amendment will result in compatible development patterns in terms of use and scale with adjacent existing and planned future development.
- d. The proposed amendment will not generate traffic, environmental, or aesthetic concerns that would generate undue impact on adjacent properties.
- e. The proposed amendment will not cause substantial impairment of the health, safety, or general welfare in the applicable area or City as a whole.

- E. Effect of Decision.** After the adoption of an amendment to the Code text and/or the Zoning Map, no approval shall be issued except in accordance with the amended text and/or map.

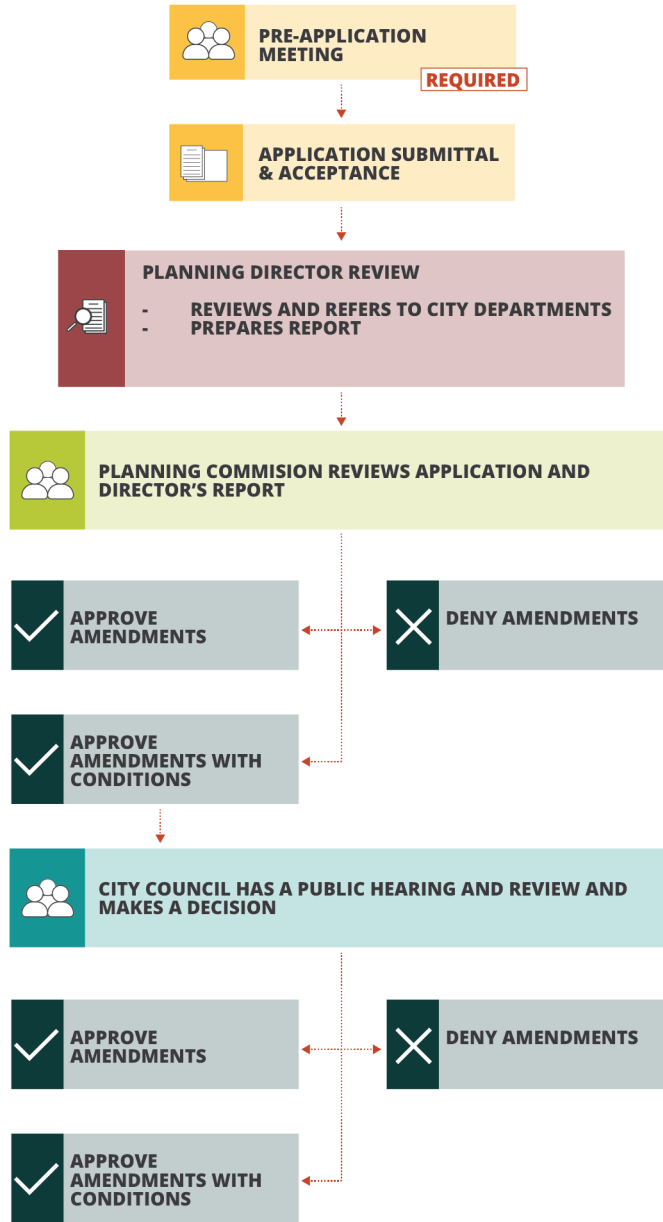


Figure 1 Amendments



1112.15 Appeals of Administrative Decisions

- A. **Purpose.** The Appeals of Administrative Decisions procedure is established to ensure any party aggrieved by any order, requirement, decision, or determination, made by the Planning Director, City Engineer, Floodplain Administrator, Building Official, or other administrative official can appeal that decision to the Board of Zoning and Building Appeals.
- B. **Applicability.** An Appeal of an Administrative Decision shall be filed within 20 days from the receipt of the adverse order, requirement, decision, or determination by the original applicant.
- C. **Procedures.**
1. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Section 1112.03(B)(2) Pre-Application Meetings.
 2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 1112.03(B)(3).
 3. **Planning Director Review.** Once the application is accepted, the Planning Director shall:
 - a. Stay all proceedings in furtherance of the contested action unless in their opinion, by reason of facts stated in the appealed order, requirement, decision, or determination, such a stay would cause imminent peril to life and property. In such a case, proceedings shall not be stayed except by restraining order or preliminary injunction granted by the Summit County Court of Common Pleas.
 - b. Schedule the Board of Zoning and Building Appeals Public Meeting.
 4. **Board of Zoning and Building Appeals Meeting and Decision.** The Board of Zoning and Building Appeals shall review the application and public comment received, and either:
 - a. Reverse the decision in whole,
 - b. Reverse the decision in part,
 - c. Affirm the decision in whole, and direct the Planning Director to issue a letter detailing the decision to the applicant, or
 - d. Affirm the decision in part, and direct the Planning Director to issue a letter detailing the decision to the applicant.
- D. **Review Criteria.** An appealed administrative decision shall be reversed or reversed in part if a minimum of one of the following findings is made:
1. The decision constituted an erroneous application or interpretation of this Code,
 2. The decision constituted an abuse of the Planning Director's, City Engineer's, Floodplain Administrator's, Building Official, or other administrative official's discretion to interpret or apply this Code, or



- The decision was rendered based upon an erroneous material fact.

E. Effect of Decision.

- If the decision is reversed in whole or in part, the applicable permit or approval shall be issued.
- If the decision is affirmed in whole or in part, the applicant may revise their application and submit a new application for the applicable permit or approval.

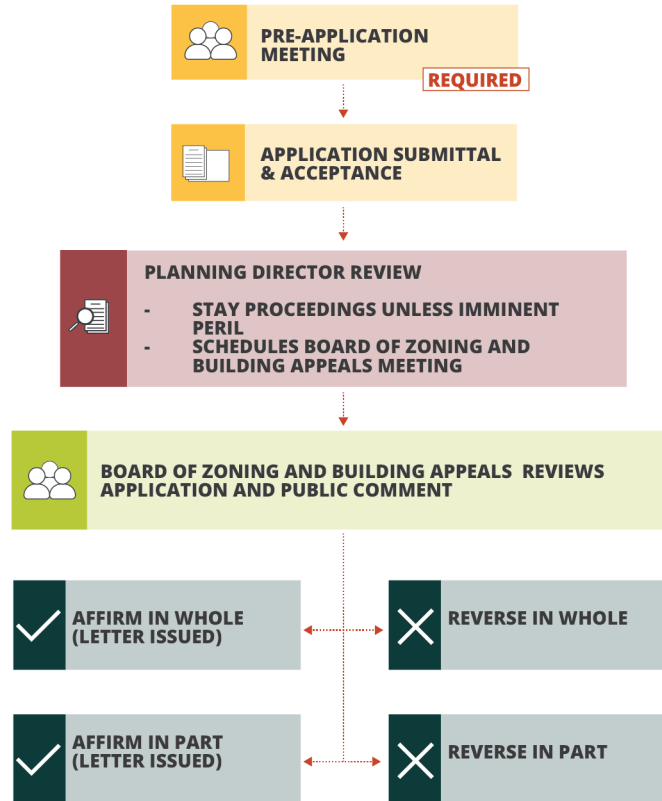


Figure 2 Appeals of Administrative Decisions



1112.16 Appeals of Appointed Boards Decisions

- A. **Purpose.** The Appeals of Appointed Boards Decisions procedure is established to ensure any party aggrieved by any order, requirement, decision, or determination, made by the Planning Commission or Board of Zoning and Building Appeals or by a decision by the Planning Director, City Engineer, or Building Official that is based on an interpretation of an Elected/Appointed Boards’s directive, approval can appeal that decision to the City Council.
- B. **Applicability.** An Appeal of an Appointed Boards Decision can be filed within 20 days from the receipt of the adverse order, requirement, decision, or determination by the original applicant.
- C. **Procedures.**
1. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Section 1112.03(B)(2) Pre-Application Meetings.
 2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 1112.03(B)(3).
 3. **Planning Director Review.** Once the application is accepted, the Planning Director shall:
 - a. Stay all proceedings in furtherance of the contested action unless in their opinion, by reason of facts stated in the appealed order, requirement, decision, or determination, such a stay would cause imminent peril to life and property. In such a case, proceedings shall not be stayed except by restraining order or preliminary injunction granted by the Summit County Court of Common Pleas.
 - b. Request the City Council to schedule a Public Meeting.
 4. **City Council Meeting and Decision.** The City Council shall review the application and public comment received, and either:
 - a. Reverse the decision in whole,
 - b. Reverse the decision in part,
 - c. Affirm the decision in whole, and direct the Planning Director to issue a letter detailing the decision to the applicant, or
 - d. Affirm the decision in part, and direct the Planning Director to issue a letter detailing the decision to the applicant.
- D. **Review Criteria.** An appealed appointed board’s decision shall be reversed or reversed in part if a minimum of one of the following findings is made:
1. The decision does not align with the purpose, policies, and intent of the City of Stow Comprehensive Plan,
 2. The decision constituted an erroneous application or interpretation of this Code,



3. The decision constituted an abuse of a quasi-judicial procedure’s discretion to interpret or apply this Code, or
4. The decision was rendered based upon an erroneous material fact.

E. Effect of Decision.

1. If the decision is reversed in whole or in part, the applicable permit or approval shall be issued.
2. If the decision is affirmed in whole or in part, the applicant may revise their application and submit a new application for the applicable permit or approval.

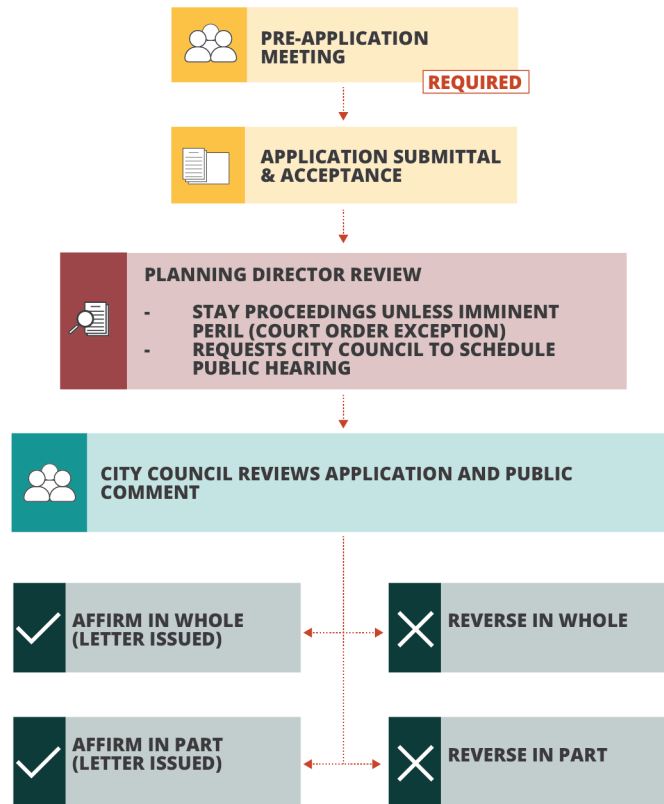


Figure 3 Appeals of Appointed Boards Decisions



1112.17 Conditional Use Permit

- A. **Purpose.** The Conditional Use Permit procedure is established to ensure uses identified as conditional uses in Chapter 4 are in keeping with the stated purpose and intent of the zoning district in which they are proposed to be established. Should a variance be requested, it shall be reviewed and decided upon as a part of the Conditional Use Permit procedure.
- B. **Applicability.** A Conditional Use Permit shall be required prior to the establishment of any uses identified as conditional uses in Chapter 4.
- C. **Procedures.**
1. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Section 1112.03(B)(2) Pre-Application Meetings.
 2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 1112.03(B)(3).
 3. **Planning Director Review.** Once the application is accepted, the Planning Director shall review the application based on the review criteria, refer the application to the appropriate City Departments as needed and prepare a report on the application facts and details of the comments of the Planning Director and those received from the referred to City Departments.
 4. **Planning Commission Meeting and Recommendation.** The Planning Commission shall review and discuss the application and the Planning Director's report, and either:
 - a. Recommend approval of the Conditional Use Permit,
 - b. Recommend approval of the Conditional Use Permit with conditions,
 - c. Recommend denial of the Conditional Use Permit.
 5. **City Council Meeting and Decision.** The City Council shall review the application, the Planning Director's report, and the recommendation of the Planning Commission, and either:
 - a. Approve the Conditional Use Permit,
 - b. Approve the Conditional Use Permit with conditions,
 - c. Deny the Conditional Use Permit.
- D. **Review Criteria.** A Conditional Use Permit may be granted upon finding that all applicable supplemental use standards (Chapter 4) and the following criteria are met. A negative finding on any of the following criteria may constitute a denial of a Conditional Use Permit.
1. The establishment, maintenance or operation of the Conditional Use will not be detrimental to or endanger the public health, safety, or general welfare,



2. The establishment of the Conditional Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
3. Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, and other necessary site improvements have been or are being provided.
4. Measures have been or will be taken to provide adequate ingress and egress and designed to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.
5. The Conditional Use conforms or will be made to conform with all applicable regulations of the zoning district in which it is located.
6. The Conditional Use aligns with the purpose, policies, and intent of the City of Stow Comprehensive Plan.

E. Effect of Decision.

1. **FAA Notification.** Prior to the issuance of a building permit, development meeting the Federal Aviation Administration criteria for notification (14 CFR Part 77) shall be required to receive a permit from the State of Ohio, per Ohio Administrative Code Chapter 5501:1.
2. A Conditional Use Permit shall be deemed to authorize a particular conditional use, on a specific parcel for which it was approved; such permit shall be issued in relation to the approved use and shall not be transferable with the land.

The conditional use certificate is non-assignable and shall expire one (1) year from the date of enactment, unless actual construction and erection has commenced. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan shall have been completed, or when the business authorized by the conditional use permit is in operation within one (1) year.

3. There shall be no modification of a Conditional Use Permit except by resolution of Council. Any changes in an approved plan shall be resubmitted for approval in accordance with this section.
4. Extension of a Conditional Use Permit shall comply with the following:
 - a. Extension of Conditional Use Permits without modification may be applied for during the month prior to the date of expiration, if the certificate does not carry a prohibition against the extension. Extensions may be granted by the Planning Commission for a period of up to one (1) year if the Commission finds the request to be consistent with:
 - i. The purpose, policies, and intent of the City of Stow Comprehensive Plan,
 - ii. The specifications of the Zoning Code, and



- iii. Any specific conditions considered and applied by Council in its original granting of the original conditional use certificate.
- b. Applications for extensions shall be made to the Planning Commission and shall meet the provisions for applications for Conditional Use Permits.
- c. Requests for renewal of expired Conditional Use Permits shall be considered to be the same as an application for a Conditional Use Permit and shall meet all requirements for application, review by Planning Commission, and action by Council.

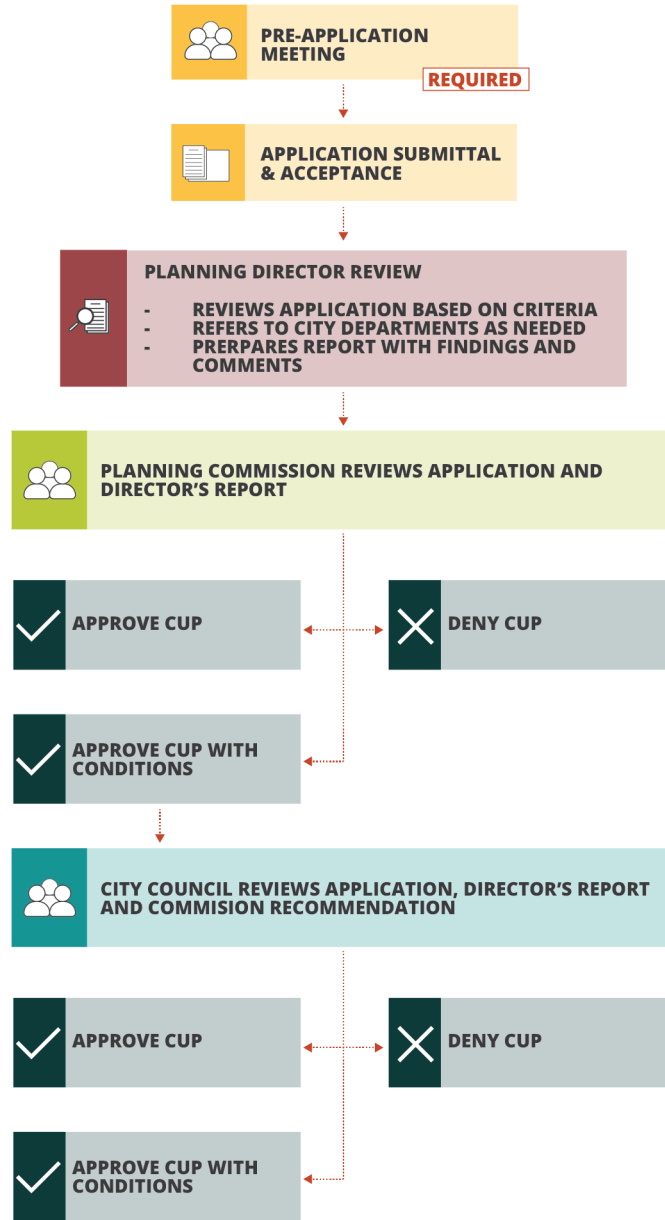


Figure 4 Conditional Use Permit



1112.18 Master Sign Plan Permit

- A. **Purpose.** The purpose of the Master Sign Plan permit is to establish a coordinated approach to the placement, lettering style, color, materials, mounting method, and other design considerations of signs, ensuring visual consistency and compatibility with the overall development.
- B. **Applicability.** Any building or development on a lot, including multi-tenant or multi-building developments, may submit a Master Sign Plan.
- C. **Procedures.**
1. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Section 1112.03(B)(2) Pre-Application Meetings.
 2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 1112.03(B)(3).
 3. **Planning Director Review.** Once the application is accepted, the Planning Director shall review the application based on the review criteria, refer the application to appropriate City Departments as needed, and prepare a report and recommendation on the application based on the comments received from the referred to City Departments.
 4. **Planning Commission Meeting and Decision.** The Planning Commission shall review the application, the Planning Director's report, and either:
 - a. Approve the Master Sign Plan,
 - b. Approve the Master Sign Plan with conditions,
 - c. Deny the Master Sign Plan.
- D. **Review Criteria.**
1. All applicable standards of this Code are met.
 2. All applicable standards of the Stow Code of Ordinances are met.
- E. **Effect of Decision.**
1. **Effect of Approval**
Following Master Sign Plan approval, the approved site-specific zoning standards shall control in the event of an express conflict between the provisions of the Master Sign Plan and this Code. Any Code standard, whether in effect at the time of Master Sign Plan adoption or established/amended in the future, that is not expressly addressed or waived in the Master Sign Plan shall be complied with.
 2. **Amendments.** All amendments to an approved Master Sign Plan shall be treated as a new application for Master Sign Plan approval.



3. **Permit Revocation.** A Master Sign Permit may be revoked by the Planning Director if any requirements, limitations, or conditions included in the Master Sign Plan Permit are not complied with.

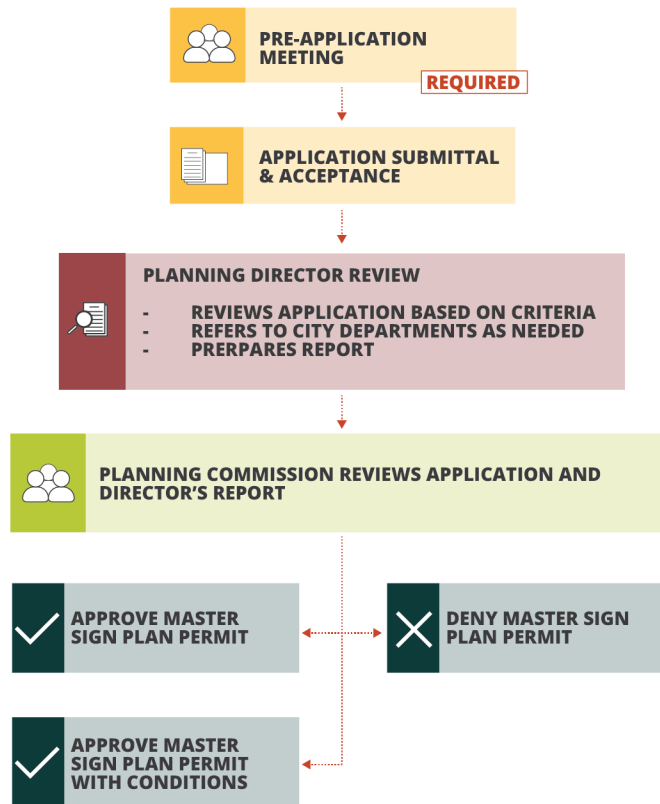


Figure 5 Master Sign Plan Permit



1112.19 Planned Development, Major

- A. **Purpose.** The Major Planned Development procedure is established to accommodate the development, review, and approval of site-specific zoning regulations that support creative and innovative design for large-scale, multi-phase developments in exchange for providing measurable benefits to the community.
- B. **Applicability.** Any development site 10 acres or more in gross area is eligible for the Major Planned Development procedure.
- C. **Procedures.**
1. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Section 1112.03(B)(2) Pre-Application Meetings.
 2. **Optional Study Item.** The applicant may request the Planning Commission consider a Major Planned Development as a study item prior to application submittal. If the applicant elects, the following steps shall be taken.
 - a. **Preliminary Application, Application Submittal and Acceptance.** Study item submittal and acceptance shall follow the standards and process established in Section 1112.19(3).
 - b. **Planning Director Review.** Once the study item is accepted, the Planning Director shall include the study item on a Planning Commission's meeting agenda.
 - c. **Study Item Planning Commission Consideration.**
 - i. At a public meeting, the applicant shall present the study item in sufficient detail to broadly acquaint the Planning Commission with the proposal.
 - ii. The Planning Commission may provide the applicant with any preliminary views or concerns that they may have at a time in the process when positions are still flexible, and adjustment is still possible prior to the time when the applicant is required to expend the funds necessary to prepare the complete documentation required for a formal application.
 - iii. The Planning Commission may make any comments, suggestions or recommendations regarding the preliminary application deemed necessary or appropriate by that member; provided, however, that no final or binding action shall be taken with respect to any preliminary application.
 - iv. Any views expressed by the Planning Commission in consideration of the study item shall be deemed to be only preliminary and advisory and only the individual views of the members expressing them. Nothing said or done during such a review shall be deemed to create, or to prejudice, any rights of the applicant or to obligate the Planning Commission, or any member of it, to recommend approval or denial any formal application following full consideration thereof as required by this Code.



3. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 1112.03(B)(3).
4. **Planning Director Review.** Once the application is accepted, the Planning Director shall review the application based on the review criteria, refer the application to the appropriate City Departments as needed and prepare a report on the application facts and details of the comments of the Planning Director and those received from the referred to City Departments.
5. **Planning Commission Meeting and Recommendation.** The Planning Commission shall review and discuss the application, the Planning Director's report, and public comment received and either:
 - a. Recommend the City Council pass an ordinance approving the Major Planned Development as presented,
 - b. Recommend the City Council pass an ordinance approving the Major Planned Development with conditions,
 - c. Recommend denial of the Major Planned Development.
6. **City Council Meeting and Decision.** The City Council shall review the application, the Planning Director's report, the recommendation of the Planning Commission, and public comment received, and either:
 - a. Pass an ordinance approving the Major Planned Development as presented, and direct the Planning Director to update the Zoning Map to designate the development site as located in the Major Planned Development (PD) District,
 - b. Pass an ordinance approving the Major Planned Development with conditions, and direct the Planning Director to update the Zoning Map to designate the development site as located in the Major Planned Development (PD) District,
 - c. Refer the Major Planned Development back to the Planning Commission for additional review and recommendation, or
 - d. Deny the Major Planned Development, and direct the Planning Director to issue a letter detailing the decision to the applicant.
7. **Bond or Escrow Agreement.**
 - a. As a prerequisite to the issuance of approval for a Major Planned Development, the applicant shall file with Council prior to the approval of any building or construction plans a surety bond or escrow agreement to insure the construction of the project within the period specified on the approval or as extended or changed by the Planning Commission.
 - b. The bond or escrow shall be enforceable by or payable to the City in a sum at least equal to the estimated costs of all of the site improvements (streets, drives, walks,



walls, storm and sanitary sewers, open space improvements, recreation facilities, landscape planting, ornamental features not on a building, and terraces, but not buildings) for the entire project.

- c. The bond or escrow shall be in a form and with surety and conditions approved by the law director.
- d. In the event of default under such bond or escrow, the City may use the sum defaulted to construct such site improvements to the extent of the funds available.

D. Review Criteria.

1. All Major Planned Developments shall meet the following criteria.
 - a. The Major Planned Development aligns with the purpose, policies, and intent of the City of Stow Comprehensive Plan.
 - b. The Major Planned Development has a distinctive identity and brand that is utilized in signs, streetscape, public art, architecture, public gathering spaces, and open spaces.
 - c. The Major Planned Development is laid out and developed as a unit in accordance with an integrated overall design. The design provides identifiable centers and edges through the harmonious grouping of buildings, uses, facilities, community spaces, and open spaces. The design is highly connected internally and externally and maximizes multimodal transportation.
 - d. The Major Planned Development includes uses which are generally compatible with the uses of adjacent parcels, with consideration given to the level of activity or intensity, noise, light, and odor. If the uses are not generally compatible, adverse impacts are mitigated through building design, height, and placement; significant screening; landscaping; public open space; and other buffering features that protect uses within the development and surrounding properties beyond what is otherwise required.
 - e. The Major Planned Development preserves trees and provides landscape above and beyond that which is required in Chapter 8, as determined by the City Arborist.
 - f. The Major Planned Development includes prominent and accessible open space and social gathering space above and beyond that which is required in Chapter 8, including additional land area and enhanced improvements.
2. All Major Planned Developments shall meet at least one of the following criteria.
 - a. The Major Planned Development is designed to meet Leadership in Energy and Environmental Design (LEED) Silver standards. Certification is not required.
 - b. The Major Planned Development includes:
 - i. A minimum of 25 percent of dwellings offered for rent or for sale at an amount no more than 30 percent of the gross annual income of households that earn no more



than 80 percent of the Summit County median income as defined by the US Department of Housing and Urban Development for a minimum period of 30 years.

- ii. A minimum of 15 percent of dwellings offered for rent or for sale at an amount no more than 30 percent of the gross annual income of households that earn no more than 60 percent of the Summit County median income as defined by the US Department of Housing and Urban Development for a minimum period of 30 years.
- c. The Major Planned Development includes single-family, duplex, and/or townhome dwellings which are not governed by FHA or State Accessibility regulations a minimum of 20 percent of which meet American with Disability Act standards for accessible design.
- d. The Major Planned Development meets other standards, above and beyond that which are required by this Code, that align with the purpose, policies, and intent of the City of Stow Comprehensive Plan, and are approved by the City Council.

E. Effect of Decision.

1. **FAA Notification.** Prior to the issuance of a building permit, development meeting the Federal Aviation Administration criteria for notification (14 CFR Part 77) shall be required to receive a permit from the State of Ohio, per Ohio Administrative Code Chapter 5501:1.
2. **Effect of Approval.** Following Major Planned Development approval, the approved site-specific zoning standards shall control in the event of an express conflict between the provisions of the Major Planned Development and this Code. Any Code standard both in effect at the time of Major Planned Development adoption or established/amended in the future, which is not expressly addressed or waived in the Major Planned Development shall be complied with.
3. **Amendments.** All amendments to an approved Major Planned Development shall be treated as a new application for Major Planned Development approval.



Figure 6 Planned Development, Major



1112.20 Planned Development, Minor

- A. **Purpose.** The Minor Planned Development procedure is established to accommodate the development, review, and approval of modifications of base district development and design standards to accommodate high quality, creative, and innovative land planning and site design that furthers the objectives of the City, but which cannot be achieved through the strict application of the development and design standards of this Code.
- B. **Applicability.** Any development site less than 10 acres in gross area is eligible for the Minor Planned Development procedure.
- C. **Procedures.**
1. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Section 1112.03(B)(2) Pre-Application Meetings.
 2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 1112.03(B)(3).
 3. **Planning Director Review.** Once the application is accepted, the Planning Director shall review the application based on the review criteria, refer the application to the appropriate City Departments as needed and prepare a report on the application facts and details of the comments of the Planning Director and those received from the referred to City Departments.
 4. **Planning Commission Meeting and Recommendation.** The Planning Commission shall review and discuss the application, the Planning Director's report, and public comment received and either:
 - a. Recommend the City Council pass an ordinance approving the Minor Planned Development as presented,
 - b. Recommend the City Council pass an ordinance approving the Minor Planned Development with conditions,
 - c. Recommend denial of the Minor Planned Development.
 5. **City Council Meeting and Decision.** The City Council shall review the application, the Planning Director's report, the recommendation of the Planning Commission, and public comment received, and either:
 - a. Pass an ordinance approving the Minor Planned Development as presented, and direct the Planning Director to update the Zoning Map to designate the development site as located in the Minor Planned Development Overlay (PD-O) District,
 - b. Pass an ordinance approving the Minor Planned Development with conditions, and direct the Planning Director to update the Zoning Map to designate the development site as located in the Major Planned Development Overlay (PD-O) District,



- c. Refer the Minor Planned Development back to the Planning Commission for additional review and recommendation, or
- d. Deny the Minor Planned Development, and direct the Planning Director to issue a letter, detailing the decision to the applicant.

D. Review Criteria.

1. The Minor Planned Development aligns with the purpose, policies, and intent of the City of Stow Comprehensive Plan.
2. The Minor Planned Development complies with the standards of Section 1103.04 Minor Planned Development Overlay District Standards.

E. Effect of Decision.

1. **FAA Notification.** Prior to the issuance of a building permit, development meeting the Federal Aviation Administration criteria for notification (14 CFR Part 77) shall be required to receive a permit from the State of Ohio, per Ohio Administrative Code Chapter 5501:1.
2. **Effect of Approval.** Following Minor Planned Development approval, the approved deviations from the standards of this Code shall control in the event of an express conflict between the provisions of the Minor Planned Development and this Code. Any Code standard both in effect at the time of Minor Planned Development adoption or established/amended in the future, which does not receive deviation approval, shall be complied with.
3. **Amendments.** All amendments to an approved Minor Planned Development shall be treated as a new application for Minor Planned Development approval.



Figure 7 Planned Development, Minor



1112.21 Site Plan, Major

- A. **Purpose.** The Major Site Plan procedure is established to provide adequate review by the Planning Commission and Council of proposed development is of such a nature because of its size, scale or effect on surrounding property, that review of specific plans is deemed necessary to protect the public health, safety and general welfare of the community. Should a variance be requested, it shall be reviewed and decided upon as a part of the Major Site Plan procedure.
- B. **Applicability.** Major site plan review shall be required for the following:
1. New development or major redevelopment of any permitted use in residential, mixed-use, commercial, industrial, or public/institutional districts where the project results in 20,000 square feet or more of gross floor area.
 2. Any existing or previously approved development which proposed to alter, reconstruct or otherwise modify a use or site including expanding the floor area of a permitted use by more than 25percent of the ground floor area.
 3. **Other.** As determined by the Planning Director, a proposed development may pose potential impacts to public health, safety, or general welfare.
- C. **Procedures.**
1. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Section 1112.03(B)(2) Pre-Application Meetings.
 2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 1112.03(B)(3).
 3. **Planning Director Review.** Once the application is accepted, the Planning Director shall review the application based on the review criteria, refer the application to appropriate City Departments as needed, and prepare a report and recommendation on the application based on the comments received from the referred to City Departments.
 4. **Planning Commission Meeting and Recommendation.** The Planning Commission shall review and discuss the application and the Planning Director's report, and either:
 - a. Recommend approval of the Major Site Plan,
 - b. Recommend approval of the Major Site Plan with conditions,
 - c. Recommend denial of the Major Site Plan.
 5. **City Council Meeting and Decision.** The City Council shall review the application, the Planning Director's report, and the recommendation of the Planning Commission, and either:
 - a. Approve the Major Site Plan,
 - b. Approve the Major Site Plan with conditions,



- c. Deny the Major Site Plan.

D. Review Criteria.

1. The Major Site Plan aligns with the purpose, policies, and intent of the City of Stow Comprehensive Plan.
2. All applicable standards of this Code are met.

E. Effect of Decision.

1. **FAA Notification.** Prior to the issuance of a building permit, development meeting the Federal Aviation Administration criteria for notification (14 CFR Part 77) shall be required to receive a permit from the State of Ohio, per Ohio Administrative Code Chapter 5501:1.
2. A Major Site Plan approval shall be deemed to authorize a particular development on the specific parcel for which it was approved. The Site Plan Approval is non-assignable without review and recommendation by Planning Commission and approval by Council.
3. A Major Site Plan approval shall expire one year from the date of enactment, unless construction and erection commences. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan shall have been completed.
4. There shall be no modification of a Major Site Plan approval except after review and recommendation by Planning Commission and resolution of Council. Any changes in an approved plan shall be resubmitted for approval in accordance with this section.
5. Extension of a Major Site Plan approval shall comply with the following:
 - a. Extension of Major Site Plan approvals without modification may be applied for during the month prior to the date of expiration, if the approval does not carry a prohibition against the extension. Extensions may be granted by the Planning Commission if the Commission finds the request to be consistent with:
 - i. The purpose, policies, and intent of the Comprehensive Plan,
 - ii. The specifications of the Zoning Code, and
 - iii. Any specific conditions considered and applied by Council in its original granting of the original Major Site Plan approval.
 - b. Applications for extensions shall be made to the Planning Commission and shall meet the provisions for applications for Major Site Plan approval.
 - c. Requests for renewal of an expired Major Site Plan approval shall be considered to be the same as an application for Major Site Plan approval and shall meet all requirements for application, review by Planning Commission, and action by Council.

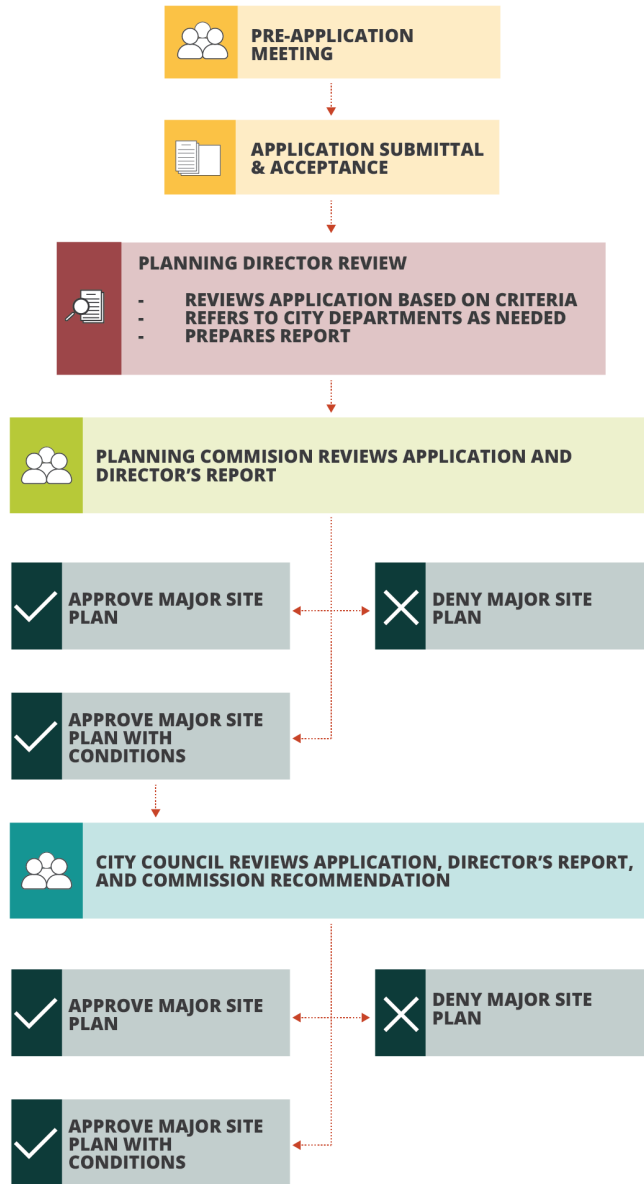


Figure 8 Site Plan, Major



1112.22 Subdivision, Major

- A. **Purpose.** The Major Subdivision procedure is established to accommodate a division of a parcel of land that does not qualify as a Minor Subdivision (Section 1112.11).
- B. **Applicability.** The Major Subdivision procedure may be utilized on any land within the corporate limits of the City of Stow.
- C. **Procedures.**
1. **Preliminary Plan.**
 - a. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Section 1112.03(B)(2) Pre-Application Meetings.
 - b. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 1112.03(B)(3).
 - c. **Planning Director Review.** Once the application is accepted, the Planning Director shall review the application based on the review criteria, refer the application to the appropriate City Departments as needed and prepare a report on the application facts and details of the comments of the Planning Director and those received from the referred to City Departments.
 - d. **Planning Commission Meeting and Decision.** The Planning Commission shall review and discuss the application and the City Engineer's report, and either:
 - i. Approve the Major Subdivision Preliminary Plan,
 - ii. Approve the Major Subdivision Preliminary Plan with conditions, or
 - iii. Deny the Major Subdivision Preliminary Plan.

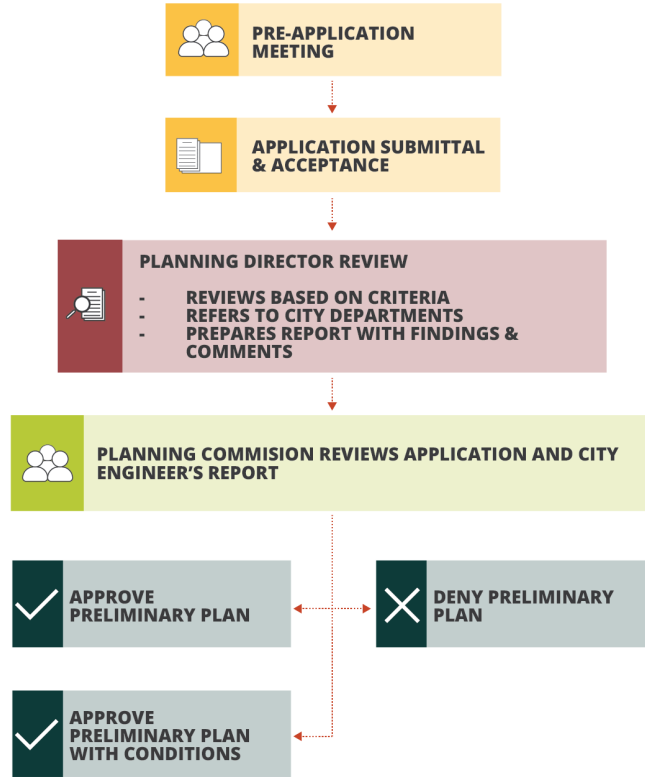


Figure 9 Subdivision, Major; Preliminary Plan

2. **Improvement Plan.**

- a. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Section 1112.03(B)(2) Pre-Application Meetings.
- b. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 1112.03(B)(3).
- c. **City Engineer Review and Approval.** Once the application is accepted, the City Engineer shall review the application based on the review criteria, refer the application to the appropriate City Departments as needed and, and either:
 - i. Approve the Improvement Plan,
 - ii. Approve the Improvement Plan with conditions, or
 - iii. Deny the Improvement Plan, detailing the plan’s deficiencies to the applicant.

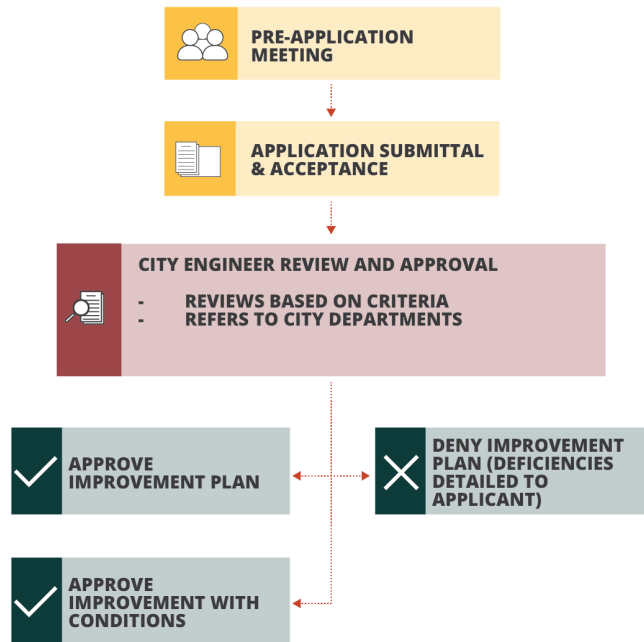


Figure 10 Subdivision, Major; Improvement Plan

3. **Final Plat.**

- a. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Section 1112.03(B)(2) Pre-Application Meetings.
- b. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 1112.03(B)(3).
- c. **Planning Director Review.** Once the application is accepted, the Planning Director shall review the application based on the review criteria, refer the application to appropriate City Departments as needed, and prepare a report and recommendation on the application based on the comments received from the referred to City Departments.
- d. **Planning Commission Meeting and Recommendation.** The Planning Commission shall review and discuss the application and the City Engineer’s report, and either:
 - i. Recommend approval of the Major Subdivision Final Plat,
 - ii. Recommend approval of the Major Subdivision Final Plat with conditions,
 - iii. Recommend denial of the Major Subdivision Final Plat.
- e. **City Council Meeting and Decision.** The City Council shall review the application, the City Engineer’s report, and the recommendation of the Planning Commission, and either:
 - i. Approve the Major Subdivision Final Plat,



- ii. Approve the Major Subdivision Final Plat with conditions,
- iii. Deny the Major Subdivision Final Plat.

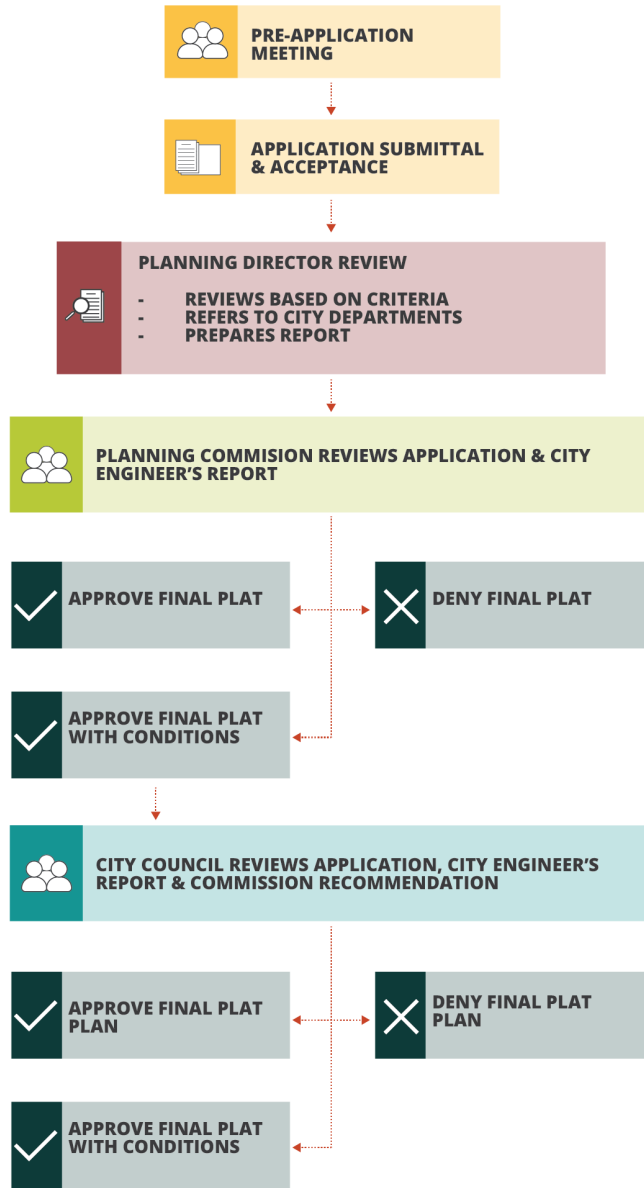


Figure 11 Subdivision, Major; Final Plat

D. Review Criteria.

- 1. All applicable standards of this Code are met.
- 2. All applicable standards of the Stow Code of Ordinances are met.



E. Effect of Decision.

1. Preliminary Plan.

- a. Approval of a Preliminary Plan is not an acceptance of the subdivision for record. It is an approval of a general plan as a guide for the subdivision for record and for the preparation of improvement plans and a subdivider plat for final approval and recording upon fulfillment of all requirements of these subdivision regulations.
- b. Approval of a Preliminary Plan shall be effective for a period of one year following the date of approval, unless an extension of time is granted by the Planning Commission.
- c. Upon expiration of a Preliminary Plan approval, no approval of a Final Plat shall be given until the Preliminary Plan has been resubmitted and approved.

2. Final Plat.

- a. The approval of any Final Plat shall not constitute an acceptance by the City of the dedication to the public of any street or other open space shown thereon.
- b. A specific ordinance of Council shall be required for acceptance of any dedication for public use.
- c. The original tracing of the Final Plat shall be retained by the City Engineer, who shall record it at the cost of the subdivider.

3. Action.

- a. After the final plat is approved by City Council it shall be signed by the following entities:
 - i. Chairman of the Planning Commission;
 - ii. Clerk of Council;
 - iii. Chairman of the Council's Planning Committee;
 - iv. Mayor; and
 - v. City Engineer.
- b. Each of these signatures shall be clearly endorsed on the plat. Before the City Engineer endorses his signature upon any plat or subdivision of lands, they shall calculate block closures and assess the fees required to be paid by the owner or subdivider, according to the rates established by the City.
- c. After all required signatures are received, the final plat shall be recorded with the Office of the County Recorder.



1112.23 Dimensional Variance

- A. **Purpose.** The Dimensional Variance procedure is established to provide a means by which relief may be granted from unforeseen, particular applications of this Code that create practical difficulties or particular hardships.
- B. **Applicability.**
1. A dimensional variance may be requested from any standard of this Code, except for a dimensional variance that would allow the establishment of a use which is not otherwise allowed in a district, or which would change the district classification or the district boundary of the property in question.
 2. Should a dimensional variance be requested in conjunction with a Conditional Use Permit or Major Site Plan, it shall be reviewed and decided upon as a part of the Conditional Use Permit or Major Site Plan procedure.
- C. **Procedures.**
1. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Section 1112.03(B)(2) Pre-Application Meetings.
 2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 1112.03(B)(3).
 3. **Planning Director / Floodplain Administrator Review.** Once the application is accepted, the Planning Director and/or Floodplain Administrator shall review the application based on the review criteria, refer the application to appropriate City Departments as needed, prepare a report and recommendation based on comments received, and schedule the public hearing: standard dimensional variances shall be heard by the Board of Zoning and Building Appeals, and sign variances shall be heard by the Planning Commission.
 4. **Decisions.**
 - a. **Dimensional Variances – Board of Zoning and Building Appeals Hearing and Decision.** The Board of Zoning and Building Appeals shall conduct a public hearing on the application, review the application, the Planning Director’s report, and public comment received, and either:
 - i. Approve a Dimensional Variance,
 - ii. Approve a Dimensional Variance with conditions, or
 - iii. Deny a Dimensional Variance and direct the Planning Director to issue a letter detailing the decision to the applicant.
 - b. **Sign Variances – Planning Commission Hearing and Decision.** Sign variance applications shall be heard and decided by the Planning Commission, which shall



conduct a public hearing, review the application, the Planning Director's report, and public comment received, and either:

- i. Approve a Sign Variance,
- ii. Approve a Sign Variance with conditions, or
- iii. Deny a Sign Variance and direct the Planning Director to issue a letter detailing the decision to the applicant.

D. Review Criteria.

1. **General Dimensional Variances.** The Board of Zoning and Building Appeals shall review each application for a dimensional variance to determine if it complies with the purpose and intent of this Code and evidence demonstrates that the literal enforcement of this Code will result in practical difficulty or unnecessary hardship. The following factors shall be considered and weighed by the Board in determining practical difficulty or unnecessary hardship:
 - a. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same Zoning District; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;
 - b. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the dimensional variance;
 - c. Whether the dimensional variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
 - d. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of a dimensional variance;
 - e. Whether a dimensional variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
 - f. Whether special conditions or circumstances exist as a result of actions of the owner;
 - g. Whether the property owner's predicament feasibly can be obviated through some method other than a dimensional variance;
 - h. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a dimensional variance; and
 - i. Whether the granting of a dimensional variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.



2. **Floodplain Development Dimensional Variances.** In addition to the general dimensional variance review criteria in Section 1112.23(D)(1), the Board of Zoning and Building Appeals shall consider the following flood-specific factors:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community; The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
 - e. The necessity of a waterfront location, where applicable;
 - f. The compatibility of the proposed use with existing and anticipated development;
 - g. The relationship of the proposed use to the Comprehensive Plan and local floodplain management program;
 - h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
The expected height, velocity, duration, rate of rise, and sediment transport of floodwaters and wave action, if applicable;
 - i. The cost of providing governmental services during and after flood conditions, including maintenance and repair of utilities, roads, and bridges.
- E. **Required Findings.** A floodplain Dimensional variance shall only be granted upon a finding that:
 1. There is good and sufficient cause;
 2. Failure to grant the dimensional variance would result in exceptional hardship related to the unique physical characteristics of the property, not based solely on cost or inconvenience;
 3. Granting the dimensional variance will not result in increased flood heights, threats to public safety, extraordinary public expense, or conflict with existing laws or ordinances;
 4. The structure or development is designed to minimize flood damage; and a dimensional variance is the minimum necessary, considering the flood hazard, to afford relief.
 5. The dimensional variance does not increase the base flood elevation.



F. Effect of Decision.

1. **FAA Notification.** Prior to the issuance of a building permit, development meeting the Federal Aviation Administration criteria for notification (14 CFR Part 77) shall be required to receive a permit from the State of Ohio, per Ohio Administrative Code Chapter 5501:1.
2. **Expiration.** Dimensional Variances shall be non-assignable prior to the commencement of construction and shall expire one year from the date of their enactment, unless actual construction in accordance with the granted dimensional variance has commenced. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the approved dimensional Variance shall have been completed.
3. **Modifications.** Modifications of an approved Dimensional Variance shall be considered as a new Variance application.
4. **Extensions.**
 - a. Extension of Dimensional Variances, without modification, may be applied for during the month prior to the expiration, if the Dimensional Variance does not carry a prohibition against the extension.
 - b. Extensions may be granted by the Board of Zoning and Building Appeals if it finds that the requested extension is consistent with the purpose, policies, intent and specifications of this Code, and with any specific conditions considered and applied in the original granting of the original Dimensional Variance.
 - c. Applications for extension shall be made according to the provisions for application for dimensional variances pursuant to Section 1112.23(C).

- G. **Renewal.** Requests for renewal of expired Dimensional Variances shall be considered as a new Dimensional Variance application.

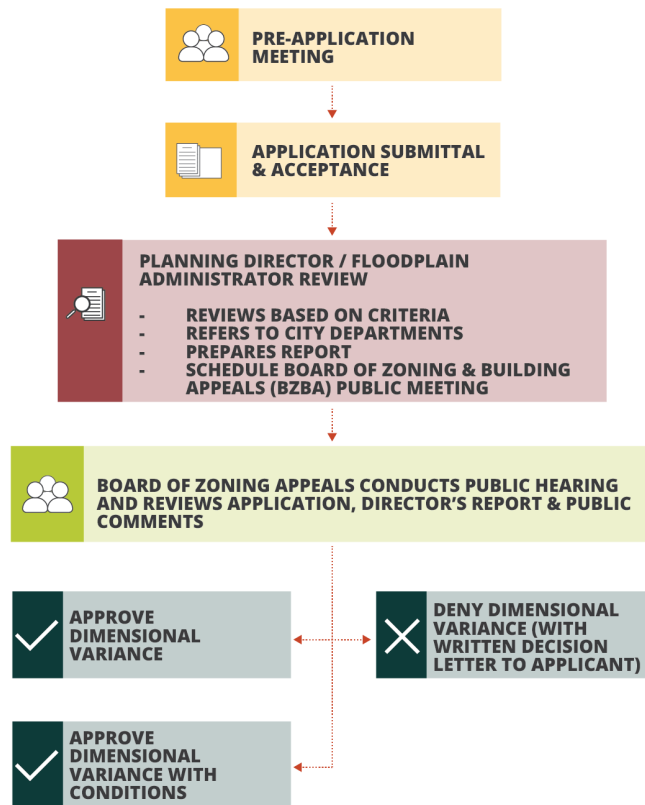


Figure 12 Dimensional Variance

1112.24 Use Variance

- A. **Purpose.** The Use Variance procedure is established to allow relief from the zoning code, permitting a use on a property that is not otherwise allowed in the zoning district. This process is intended only when rezoning or amending the zoning code is not aligned with the Comprehensive Plan, and when the requested use will not negatively impact the surrounding area.
- B. **Applicability.** The Use Variance procedure may be utilized on any land within the corporate limits of the City of Stow.
- C. **Procedures.**
1. **Pre-Application Meeting.** If a pre-application meeting is required or requested, it shall follow the process detailed in Section 1112.03(B)(2) Pre-Application Meetings.
 2. **Application Submittal and Acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 1112.03(B)(3).



3. **Planning Director Review.** Once the application is accepted, the Planning Director shall review the application based on the review criteria, refer the application to the appropriate City Departments as needed and prepare a report on the application facts and details of the comments of the Planning Director and those received from the referred to City Departments.
4. **Planning Commission Meeting and Recommendation.** The Planning Commission shall review and discuss the application and the Planning Director's report, and either:
 - a. Recommend approval of a Use Variance,
 - b. Recommend approval of a Use Variance with conditions, or
 - c. Recommend denial of a Use Variance.
5. **City Council Meeting and Decision.** The City Council shall review the application, the Planning Director's report, and the recommendation of the Planning Commission, and either:
 - a. Approve a Use Variance,
 - b. Approve a Use Variance with conditions, or
 - c. Deny a Use Variance.

D. Review Criteria.

1. All applicable standards of this Code are met.
2. All applicable standards of the Stow Code of Ordinances are met.
3. The proposed use shall not adversely affect the surrounding property or neighborhood.
4. The granting of the use variance will alleviate practical difficulties or hardships for the applicant, which cannot be addressed by rezoning or amending the zoning code.
5. The proposed use is consistent with the Comprehensive Plan and will not negatively impact public health, safety, or welfare.
6. The establishment of the use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
7. Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, and other necessary site improvements have been or are being provided.
8. Measures have been or will be taken to provide adequate ingress and egress and designed to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.



E. Effect of Decision.

1. **Permit Validity.** Use Variances shall expire one year from enactment unless construction or use in accordance with the granted variance has commenced.
2. **Permit Extension.** Use Variances may be extended upon approval by City Council.
3. **Modifications.** Modifications of an approved Use Variance shall be considered as a new Use Variance application.

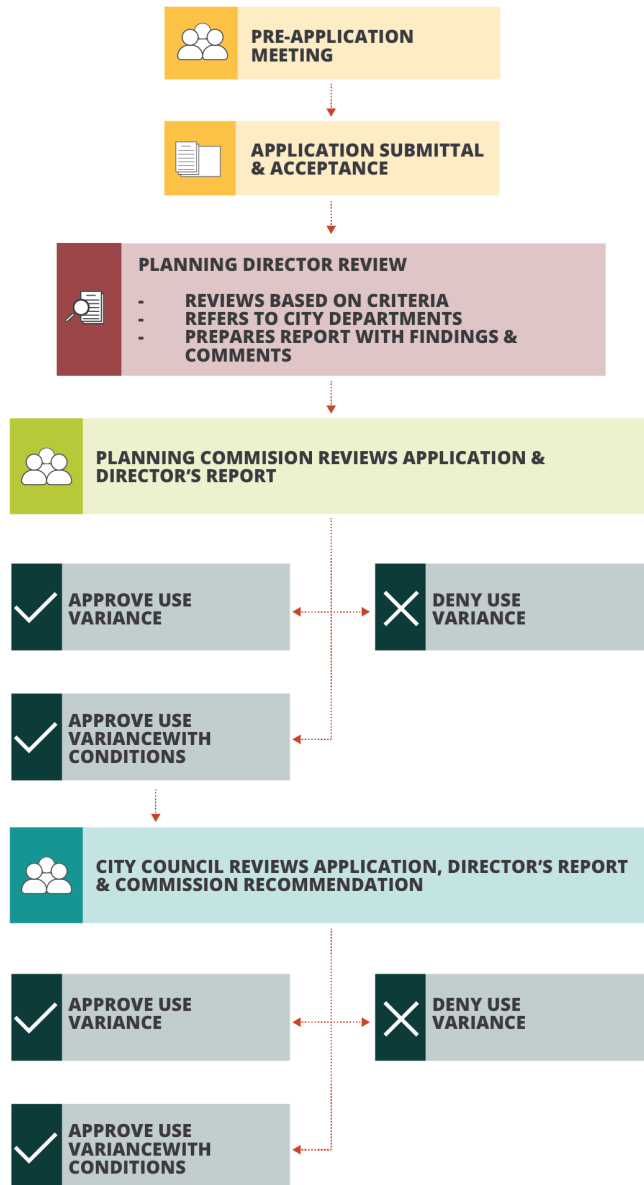


Figure 13 Use Variance



1112.25 Enforcement and Penalties

- A. **Types of Violations.** Any of the following shall be a violation of this Code and shall be subject to the remedies and penalties provided by this Code and State law.
1. **Development without Authorization.** Engaging in the development, use, construction, land disturbance, or any other activity subject to the jurisdiction of this Code without all required plan approvals, permits, certificates, or other forms of authorization required by this Code shall constitute a violation of this Code.
 2. **Development Inconsistent with Authorization.** Engaging in development, use, construction, land disturbance or other activity subject to the jurisdiction of this Code inconsistent with any approved plan, plat, permit, certificate, other form of authorization granted for such activity, including conditions of such approvals, shall constitute a violation of this Code.
 3. **Violation by Act or Omission.** Undertaking any activity contrary to the provisions of this Code, including but not limited to any act or omission, or failure to comply with any other provisions, procedures, or standards as required by this Code shall constitute a violation of this Code.
 4. **Illegal Subdivisions/Sales of Land.** Subdividing land contrary to the provisions of this Code or transferring or selling of land by reference to, exhibition of, or any other use or a plat showing a subdivision of the land before the plat has been properly approved under the terms of this Code and recorded with the Office of the County Recorder, as appropriate, shall constitute a violation of this Code.
- B. **Complaints Regarding Violations.**
1. Whenever a violation of this Code occurs or is alleged to have occurred, any person may file a complaint with the Planning Director stating fully the causes and basis of such complaint.
 2. The Planning Director shall record the complaint, inspect the complaint, and issue a violation notice if they deem that the violation has occurred.
 3. Any building or land use considered a possible violation of any of the provisions of this Code which is observed by any official or citizen shall be reported to the Planning Director.
- C. **Inspection and Violation Notice.**
1. **Inspection.** The Planning Director shall inspect any building erected, altered, moved, razed or converted, or any use of land or premises carried on in violation of any of the provisions of this Code.
 2. **Violation Notice.**
 - a. The Planning Director shall declare each violation a nuisance and issue a violation notice which orders correction of all conditions which are found to be in violation of this Code. The notice may be served by one of the following methods:



- i. First class mail to the property owner appearing on the County Auditor's current tax list.
 - ii. Personal delivery to the person or persons responsible for the violation.
 - iii. Posting a copy of the notice in a conspicuous place on the premises.
- b. The violation notice shall detail the time allotted to correct the violation. All violations shall be corrected within 15 days after the written order is issued or:
- i. A shorter period of time for issues of impending danger to health and safety as determined by the Planning Director, or
 - ii. A longer period of time upon submittal by the violator of sufficient justification for the extension. Sufficient justification may include, but is not limited to:
 - a) Delays in other outside agency permits,
 - b) Financing institution delays, or
 - c) Other similar reasons beyond the control of the violator.

D. Fines.

1. Fine per Violation.

- a. Any person, firm, or corporation who violates any provision of this Code, including any condition upon an approval granted under this code, may be found guilty of a minor misdemeanor, which includes a maximum fine of one hundred fifty dollars (\$150.00) for each offense and no jail time. Each day such violation continues after receipt of a violation notice shall be considered a separate offense.
- b. A fine shall be paid for each violation of this Code.

2. Fine per Occurrence.

- a. A violation occurrence shall be any one violation of this Code for which a violation notice has been received. The occurrence shall end when the violation is remedied.
- b. If the offender has been convicted of an offense under this code within two years before the violation, the offender may be found guilty of a misdemeanor of the fourth degree which includes a maximum fine of two hundred fifty dollars (\$250.00) and a maximum possible penalty of 30 days in jail.
- c. Any person, firm, or corporation who violates any provision of this Code, including any condition upon an approval granted under this code, may be found guilty of a minor misdemeanor, which includes a maximum fine of one hundred fifty dollars (\$150.00) and no jail time. If the offender has been convicted of an offense under this code within two years before the violation, the offender may be found guilty of a misdemeanor of the fourth degree which includes a maximum fine of two hundred fifty dollars (\$250.00) and



a maximum possible penalty of 30 days in jail. Each day such violation continues after receipt of a violation notice shall be considered a separate offense.

- d. All provisions detailed in subsection 1 above shall apply to subsequent occurrences.



Chapter 1113. Nonconformities

1113.01 General Provisions

1113.02 Nonconforming Lots

1113.03 Nonconforming Buildings and Structures

1113.04 Nonconforming Site Elements

1113.05 Nonconforming Signs

1113.06 Nonconforming Uses

1113.01 General Provisions

A. **Purpose.** The purpose of this section is to:

1. Acknowledge the legal status of nonconforming lots, buildings, structures, site elements, uses, and signs that were legally established prior to the adoption of this Code, or any subsequent amendments, while providing regulations for their continuation and eventual alignment with new standards;
2. Recognize the existing investments made and interests of property owners in continuing to use legally established nonconforming lots, buildings, structures, site elements, uses, and signs; and
3. Limit the expansion, restoration, reconstruction, or replacement of nonconforming lots, buildings, structures, site elements, uses, or signs, except as specifically authorized by this Code, to ensure consistency with the overall purpose of this Code and public interest.

B. **Applicability.**

1. **General Applicability.**

- a. The standards of this Chapter apply to legally established nonconforming lots, buildings, structures, site features, uses, and/or signs created by initial adoption of, or amendments to, this Code or due to existing conditions of areas brought into the City's jurisdiction, unless otherwise expressly provided in this Code.
- b. The standards of this Chapter do not apply to nonconforming lots, buildings, structures, site features, uses, and/or signs that were not legally established pursuant to the laws and regulations that were in effect at that time; those situations are deemed illegal and not protected under the allowances of this Chapter.



- c. The standards of this Chapter do not prohibit the exercise of statutory or common law vested rights while the approval is valid.
2. **Maintenance and Minor Repair.** Nothing in this Chapter shall be construed to prevent or prohibit the routine maintenance and minor repair of nonconforming lots, buildings, structures, site features, and/or signs or buildings or structures containing nonconforming uses. This includes strengthening or restoring to a safe condition any building, structure, site feature, sign, or part thereof declared to be unsafe by any public official charged with protecting the public safety, health and welfare pursuant to orders of such official or modifications necessary for ADA compliance.
3. **Change in Ownership or Tenancy.** A change of ownership or tenancy shall not, in and of itself, affect the nonconformity status of a lot, building, structure, site feature, use, or sign.
4. **Nonconformity Due to Right of Way Expansion Through Eminent Domain.** A lot, building, structure, or site features made nonconforming due to right of way expansion as a result of eminent domain, shall be exempt from the standards of this Chapter. If the lot, building, or structure is damaged or removed, it may be reconstructed in the same location and to the same size and height as it existed following the eminent domain action, provided the degree of nonconformity is not increased.

1113.02 Nonconforming Lots

- A. **Continued Use of Nonconforming Lot.** If, at the effective date of this Code or any future amendment, the following conditions are met, the continued use of a nonconforming lot or structure is permitted:
 1. **Lawful Use.** The zoning lot and/or building must have a lawful use that was established prior to the effective date of the Code or its amendment.
 2. **Permitted Principal Use.** The existing use is a permitted principal use within the district where the lot is located under the terms of this Code or its amendments.
 3. **Nonconformance.** The use does not conform to the current regulations of this Code regarding one or more of the following:
 - a. Lot width;
 - b. Lot area;
 - c. Off-street parking;
 - d. Yards (setbacks);
 - e. Height; and
 - f. Lot coverage.



1113.03 Nonconforming Buildings and Structures

The completion of the construction and use of nonconforming buildings shall not be prohibited by this Code, provided the following conditions are met:

- A. A zoning certificate has been issued prior to the effective date of this Code, or any amendments;
- B. Construction is commenced within 180 days of the issuance of the Zoning Certificate;
- C. Construction proceeds diligently and without interruption; and
- D. The entire building is completed within two years after the issuance of the Zoning Certificate.
- E. **Reconstruction.** If a nonconforming building, except single-family or two-family dwellings, is destroyed or damaged beyond its assessed value, as determined by the County Auditor, it shall not be reconstructed unless it conforms to all applicable provisions of this Code. Single-family dwellings and two-family dwellings that are damaged or destroyed may be reconstructed, provided:
 - 1. The extent of the nonconformity is not increased.
 - 2. The reconstruction is completely within the subject property boundaries.

1113.04 Nonconforming Site Elements

- A. **Requirement.** Nonconforming development improvements shall be allowed to remain in place until an applicable nonconformity compliance scenario is triggered as a part of redevelopment or change of use in accordance with Tables 1106.01, 1107.01, 1108.01, and 1109.01.
- B. **Compliance.** Where full compliance with the requirements of this Section is precluded by a lack of sufficient developable area due to the size of the lot, the layout of existing development, or the presence of significant wetlands, floodplains, or other significant environmental constraints on development, the applicant shall comply with the requirements of this Section to the maximum extent practicable, as determined by the Planning Director.

1113.05 Nonconforming Signs

- A. **Alteration or Replacement of Nonconforming Signs.**
 - 1. Any sign or advertising structure that existed before the adoption of these regulations and does not conform to the provisions of this Code shall be altered or replaced only in compliance with these regulations
 - 2. Alterations or replacements shall require the review and approval of the Planning Director, unless the sign is damaged no more than 50 percent of its current fair market value, in which case it may be restored to its former condition. The burden of proof of current fair market value and amount damaged shall be on the sign owner.



3. To encourage the upgrading of existing signage, The Board of Zoning and Building Appeals may grant variances to the provisions of these sign regulations if the owner of the nonconforming sign agrees to bring the sign into compliance within a five-year period from the adoption of this Code.

B. Abatement of Noncompliant Signs.

1. Written notification from the Planning Director concerning the removal of a sign shall be complied with within 15 days.
2. If the property owner or responsible party fails to comply the Planning Director may remove the sign and supporting materials at the owner's expense.
3. The owner shall be responsible for the cost of the removal. Failure to pay the removal cost will result in a lien placed on the property, recorded with the County Recorder's Office and accruing interest at the maximum rate permitted by Ohio law until paid.
4. In the case of a sign that poses an immediate danger to the public health or safety, such sign shall be removed immediately upon notification of such pending danger or the sign in question shall be removed by the City.

1113.06 Nonconforming Uses

A. Continuation of Nonconforming Uses. A lawful use of land or a building, or land and building combined, that exists on the effective date of this Code, or any amendments, may continue, as long as it remains lawful. Necessary maintenance and repairs to the building or structure in which the nonconforming use is located shall also be made, subject to the following conditions:

1. Alterations.

- a. A building or structure with a nonconforming use shall be altered, improved, or reconstructed only if:
 - i. The Planning Commission reviews and recommends the changes; and
 - ii. The City Council approves the alteration.
- b. The cost of the work shall not exceed the assessed value of the building or structure.
 - i. If the cost exceeds the assessed value, the building or structure shall be changed to a conforming use.
 - ii. Should such nonconforming building, except those devoted to a single-family or two-family use, be destroyed or damaged by any means to an extent of more than its assessed value, as determined for tax purposes by the county auditor, it shall not be reconstructed except in conformity with all the provisions of this Code generally applicable to such structure in the district in which it is located.



iii. Single family dwellings and two family dwellings that are damaged or destroyed may be reconstructed provided the extent of nonconformity is not increased and provided the structure is reconstructed completely within the subject property boundaries.

2. **Extension.** A building or structure with a nonconforming use shall be extended only if:

- a. The Planning Commission shall review and recommend the extension, and
- b. The City Council shall approve the extension.

3. **Change in Use.** A nonconforming use may not be changed to another nonconforming use.

B. **Termination of Nonconforming Uses.** The right to maintain and operate a nonconforming use shall terminate immediately if any of the following occurs:

1. **Discontinuance and Abandonment.** If a nonconforming use is discontinued for six months or more, it shall be considered abandoned. After this six-month period, the nonconforming use shall not be reestablished, and any future use shall comply with the Code.

2. **Damage or Destruction.**

- a. Should any nonconforming building, except those devoted to a single-family or two-family use, be destroyed or damaged by any means to an extent of more than 50 percent of its assessed value, as determined for tax purposes by the county auditor, it shall not be reconstructed except in conformity with all provisions of this Code applicable to such structure in the district in which it is located.
- b. Single-family dwellings and two-family dwellings that are damaged or destroyed may be reconstructed, provided:
 - i. The extent of nonconformity is not increased; and
 - ii. The structure is reconstructed completely within the subject property boundaries.

C. **Nonconforming Conditional Use.** If a use existed prior to the adoption of this Code and is listed as a conditional use in the district where it is located, it shall be considered a nonconforming use if it does not fully comply with the conditions for conditional uses set forth in this Code.



Chapter 1114. Definitions

1114.01 General Provisions

1114.02 Rules of Construction and Interpretation

1114.03 Rules of Measurements

1114.04 "A" Definitions

1114.05 "B" Definitions

1114.06 "C" Definitions

1114.07 "D" Definitions

1114.08 "E" Definitions

1114.09 "F" Definitions

1114.10 "G" Definitions

1114.11 "H" Definitions

1114.12 "I" Definitions

1114.13 "J" Definitions

1114.14 "K" Definitions

1114.15 "L" Definitions

1114.16 "M" Definitions

1114.17 "N" Definitions

1114.18 "O" Definitions

1114.19 "P" Definitions

1114.20 "Q" Definitions

1114.21 "R" Definitions

1114.22 "S" Definitions

1114.23 "T" Definitions

1114.24 "U" Definitions

1114.25 "V" Definitions

1114.26 "W" Definitions

1114.27 "X" Definitions

1114.28 "Y" Definitions

1114.29 "Z" Definitions



1114.01 General Provisions

- A. **Purpose.** For the purpose of interpreting this Code, certain words, concepts, and ideas are defined herein. Except as defined herein, all other words used in this Code shall have their everyday meaning as determined by their dictionary definition.
- B. **Applicability.** The rules of construction, interpretation, and measurement and the definitions established in this Chapter shall apply to all chapters of this Code, unless otherwise specified.

1114.02 Rules of Construction and Interpretation

In interpreting the language of this Code, the following general rules of construction shall apply, unless explicitly stated otherwise in a particular use of a term or phrase. The requirements of this Code shall be interpreted and applied as the minimum requirements necessary to carry out the purpose of the Code and to promote public health, safety, and general welfare.

- A. **Mandatory.** The words "shall," "must," and "will" are mandatory in nature.
- B. **Permissive.** The word "may" is permissive in nature.
- C. **And / Or.** The term "and/or" means either or both of the subject components.
- D. **Tense.** Words used in the present tense include the past and the future tenses and vice versa unless manifestly inapplicable.
- E. **Plurals.** Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.
- F. **Computation of Time.** The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the City. References to days are calendar days unless otherwise stated.
- G. **Including.** The word "including" is considered non-exclusive unless stated otherwise.
- H. **Façade.** That portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.
- I. **Fractions.** When any requirement of this Code results in a fraction of a unit, a fraction of one-half or more is considered a whole unit and a fraction of less than one-half is disregarded. When the determination of the number of dwelling units permitted on a lot results in a fraction of a dwelling unit, any fractional component is disregarded and rounded down to the nearest whole number.



J. **Text and Illustrations.**

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

K. **Person.** The word "person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

L. **Used or Occupied.** The words "used" and "occupied" include the words "intended, designed, or arranged to be used or occupied."

M. **Lot.** The word "lot" includes the words "plot" and/or "parcel."

N. **On the Premises.** The phrase "on the premises," means "on the same lot."

O. **Telecommunication.** The inclusion of the word "telecommunication" in a term name indicates defined terms that apply only to the application and administration of the Wireless Telecommunications Facility provisions of this Code.

P. **Terms not Defined.** If a term used in this Code is not defined, the Planning Director is authorized to interpret the term in accordance with Section 1112.06, Interpretations, based upon the definitions used in professionally accepted sources.

Q. **References to Other Regulations/Publications.** Whenever reference is made to a part of the City's codified ordinance, this zoning code, statute, regulation, or document, it shall be interpreted as a reference to the most recent edition of such regulation, manual, City's codified ordinance, this zoning code, statute, or document, unless otherwise specifically stated.

1114.03 Rules of Measurements

Unless a particular use of a term or phrase in this Code explicitly states otherwise, the following general rules of measurement shall govern the application of the numerical standards in this Code.

A. **Separation.** If a standard of this Code requires a use or development to be separated from another use or development by a minimum distance, that distance is measured as the linear distance (also referred to as 'as the crow flies') between the nearest property line of the subject use or development and the property line of the use or development from which the subject use must be separated.

B. **Building Height.** The vertical distance measured from the average elevation of the proposed finished grade at the façade adjacent to the front lot line to the highest point of the roof deck of a flat roof, to the highest point of a mansard roof, or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. Parapets, spires, cupolas, antennae attached to a building, projections from buildings, mechanical equipment, and accessory structures



associated with an activated roof deck, are not to be included in the calculation of building height.

- C. **Story.** A story is a habitable level within a building. Where minimum height in stories is required in this Code, the minimum story height shall be 16 feet. Unoccupied attics less than seven feet in height and raised basements less than six feet in height (as measured from the average grade of the fronting sidewalk) are not considered stories for the purposes of determining building height. A mezzanine shall be considered a story if it is contiguous with at least 60 percent of the building's front façade, is designed to be occupiable, and maintains an average depth of at least 16 feet. A penthouse shall be considered a story if it exceeds one-third of the area of the roof. The under-roof area with dormers does not count as a story.
- D. **Opacity.** The degree to which light or view is blocked, is measured perpendicular to the fence or screening structure for each fence/screening structure section between supports.
- E. **Maximum Setback.** At least 50 percent of the building frontage must meet the maximum setback.

1114.04 "A" Definitions

- A. **Abut/Abutting.** Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.
- B. **Accessory Agricultural Use.** Any agricultural-related building, structure, or activity that is incidental to, and located on the same lot as, a primary residential use, including, but not limited to, vegetable gardens, beekeeping, and coops.
- C. **Accessory Building / Structure.** A building or structure that is clearly incidental to and customarily found in connection with a principal building, is located on the same parcel and serves a principal building, and is subordinate in area, extent and purpose to the principal building served. Accessory Structures include but are not limited to flag poles, detached garages, sheds, fences, walls, decks, patios, porches, and steps.
- D. **Accessory Business / Retail Use.** A commercial business or retail use that is accessory to a primary residential, nonresidential, or multifamily use and located within the same building. The retail or business use is an amenity or ancillary to the principal use.
- E. **Accessory Family Care Service.** A family care service facility operated as an accessory use to a place of worship, school, or other public or semi-public organization, designed to provide care or assistance to individuals, and located within the same property as the primary use.
- F. **Accessory Dwelling Unit.** A dwelling unit located on a lot with a one-unit dwelling, that is incidental and subordinate to the principal dwelling. An Accessory Dwelling Unit may be detached, or attached to the principal dwelling, such as an attic or basement apartment.
- G. **Administrative, Business, Professional and Medical Office.** A non-retail, non-personal service establishment which involves the transaction or provision of financial, professional, or business services, the operation of service organizations, or the offices of health care



providers. Uses include but are not limited to advertising agencies, public relations firms, offices of professional people, financial and tax services, digital media production, investment companies, business consultants, secretarial services, and similar uses not otherwise defined herein.

- H. **Adult Use Cannabis Dispensary.** A person licensed pursuant to ORC 3780.15 and any other rules promulgated to sell adult use cannabis as authorized.
- I. **Adult Use Cannabis Cultivator.** A Level 1 Adult Use cultivator, as defined in ORC 3780.01(19), a Level 2 Adult Use cultivator, as defined in ORC 3780.20, or a Level III Adult Use Cultivator, as defined in ORC 3780.21.
- J. **Adult Use Cannabis Facility.** An adult use cannabis cultivator, dispensary, processor, or testing laboratory, as defined in this section.
- K. **Adult Use Cannabis Processor.** A person licensed pursuant to ORC 3780.14 and any other rules promulgated to manufacture adult use cannabis as authorized.
- L. **Adult Use Cannabis Testing Laboratory.** An independent laboratory located that has been issued a license by the division of cannabis control to have custody and use of adult use cannabis for scientific purposes and for the purposes of instruction, research, or analysis.
- M. **Agriculture.** Farming in all its branches, including cultivation and tillage of the soil; dairying; production, cultivation, growing, and harvesting of any agricultural or horticultural commodity; raising of livestock, bees, furbearing animals, or poultry; and any practice, including any forestry or lumbering operations, performed on a farm in conjunction with farming operations, including preparation and delivery of produce to storage, to market, or to carriers for transportation to market.
- N. **Ambulance and Emergency Medical Service.** A facility or operation that provides emergency medical care, transportation, and related services, including ambulance dispatch and emergency response.
- O. **Alteration.** Any change made to a building or structure that extends the life of its supporting elements, including bearing walls, columns, beams, or girders. The term also includes any modification or reconfiguration of structural components, alterations to entrance or exit facilities, or any enlargement, whether by extending the building horizontally, increasing its height, or relocating it to a different position.
- P. **Alley.** A specialized accessway that primarily functions to provide secondary vehicular access and/or service and delivery vehicle access between a street and the rear or sides of lots or buildings. Alleys also may provide primary vehicular access for dwellings designed to have no driveway access from the fronting street.
- Q. **Artisan Manufacturing.** A fully indoor small-scale business that produces goods or specialty foods, primarily for direct sales to consumers, such as artisan leather, glass, wood, paper, ceramic, textile and yarn products, specialty foods and baked goods. This land use includes the design, processing, fabrication, assembly, treatment and packaging of products; as well as the incidental storage, sales and distribution of such products. This land use does not include



uses producing noise, odor, vibration, or similar impacts perceivable by the natural senses outside of the structure or portion of the structure where the use is located.

- R. **Assisted Living Facility.** A facility that provides accommodations for three or more unrelated individuals, supervision and personal care services for at least three of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and provides to at least one of those individuals, any of the skilled nursing care authorized by law.
- S. **Assembly Hall, Meeting Place.** A building, or portion of a building, in which facilities are provided for such purposes as meetings for civic, educational, political, religious and/or social purposes.
- T. **Auto Sales/Rental.** An establishment for the retail sales or rental of new or used vehicles, including automobiles, trucks, motorcycles and recreational vehicles.
- U. **Automatic Teller Machine (ATM).** A computerized, self-service machine used by banking customers of financial institutions, including deposits, withdrawals, and fund transfers, without face-to-face contact with financial institution personnel. These machines may be located at or within banks, or in other locations. When an ATM is provided for use by customers in motor vehicles, the ATM is considered a drive-through facility accessory use. At other locations, an ATM may be considered a separate accessory use to the principal use(s) of the location.

1114.05 "B" Definitions

- A. **Bar, Tavern, Night Club.** A business that serves beer, wine, and/or liquor for consumption on-premises as the predominant use, and where any food service is subordinate to the sale of alcoholic beverages.
- B. **Basement.** A portion of a building partly or entirely underground whose ceiling or underpart of the floor above is four feet or less above the average finished ground elevation. The "average finished ground elevation" is the mean elevation of the finished grade around all of the exterior of the building. (See also; Grade, Finished)
- C. **Base (100-Year) Flood Elevation (BFE):** The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988 and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).
- D. **Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one percent chance annual flood or one hundred (100) year flood.
- E. **Bed and Breakfast.** A place of lodging that is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.



- F. **Best Management Practices (BMPs).** Conservation practices or protection measures which reduce impacts from a particular land use. Best Management Practices for construction are outlined in "Rainwater and Land Development, Ohio's Standard for Stormwater Management, Land Development, and Urban Stream Protection" prepared by the Ohio Department of Natural Resources.
- G. **Beekeeping.** The keeping of one or more colonies of honeybees on one's own property.
- H. **Boarding/Lodging House.** A building, or portion thereof, other than a use otherwise defined herein where lodging or lodging and meals exclusive of the operator's immediate family are provided for compensation.
- I. **Brewery.** An establishment engaged in the brewing of ale, beer, malt liquors, and/or nonalcoholic beer, permitted to operate in accordance with the Ohio Department of Commerce and the Alcohol and Tobacco Tax and Trade Bureau (TTB). Breweries typically have a production capacity of 15,000 barrels or more per year. This definition includes a public tasting room and retail sales of beer, ale, or related products brewed or manufactured on-site.
- J. **Building.** Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or property.
- K. **Building Coverage.** A percentage figure referring to that portion of a lot covered with principal and accessory buildings as measured by dividing the total area of building and structure footprints by the area of the lot.
- L. **Building Height.** The vertical distance from the grade to that point midway between the top plate and the peak or for mansard roof or gambrel roof as illustrated below. For accessory buildings, the height shall be measured to the highest point of the building.
- M. **Building Line (Rear and Front).** An imaginary linear extension of the building wall parallel to the lot line defining the limits of the front or rear yard.
- N. **Building, Principal.** The building on a lot used to accommodate the primary use to which the premises are devoted.

1114.06 "C" Definitions

- A. **Car Wash.** A building, or portion thereof, where automobiles or other motor vehicles are automatically or manually washed regularly as a business.
- B. **Cemetery.** An area used for the internment of human or pet remains, including structures such as gravestones, markers, foot stones, columbariums, mausoleums, crypts, fences, and walls.
- C. **Commercial Vehicle Parking.** The on-site parking of a motor vehicle that is owned or regularly used by a resident of the lot in connection with the resident's occupation or primary business. The parking allowed under this Code is accessory to the residential use of the property and does not include vehicle storage, dispatching, rental, repair, fueling, or other commercial operations.



- D. **Community Based Residential Social Services Facility.** As defined in 5123.19(A)(1) Ohio Revised Code and licensed by the Ohio Department of Developmental Disabilities pursuant to Chapter 5123.2-3 of the Ohio Administrative Code.
- E. **Community Theater.** A facility in which theatrical performances are produced and performed by local, amateur performers and volunteers.
- F. **Conditional Letter of Map Revision (CLOMR).** A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.
- G. **Conditional Use.** Any building, structure, and use which, on and after the effective date of this title complies with the applicable regulations and standards governing conditional uses of the zoning district in which such building, structure, and use is located and for which a permit is granted under Chapter 1112.17 of this Code.
- H. **Congregate Living Facility.** Any building or portion thereof which contains facilities for living, sleeping, and sanitation, and may include facilities for eating and cooking, for occupancy other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include hospitals, nursing homes, hotels/motels, boarding/lodging house, or community based residential social services facility.
- I. **Construction Equipment Storage.** A parking or storage of heavy machinery, vehicles, and related equipment on a lot during the period in which the equipment is actively used for permitted construction, grading, or site improvement on that lot.
- J. **Construction Related.** A temporary construction activity, such as offices, equipment storage, or material staging, allowed for the duration of a specific construction project.
- K. **Construction Trade and Contractors Storage Yard.** A place where stone, gravel, sand, cement, brick, brick tile, cement tile, tile sewer pipe, wood, lumber or other building materials are stored or kept for sale.
- L. **Coop.** An accessory structure used for the shelter of domesticated birds or small animals, such as chickens, ducks, quail, or rabbits.
- M. **Co-working Space.** A neutral, non-exclusive, limited shared space defined in a membership-based service arrangement or agreement or subscription wherein a firm has no tenancy interest, leasehold estate, or other real property interest with respect to the accommodation on an as-needed basis. The agreement gives the firm a right to share the use of the space and may include an exclusive mailing address and office services. An executive suite/exclusive desk/dedicated desk/secured suite/private office under a co-working space agreement falls under this definition.
- N. **Crematorium.** A facility containing properly installed, certified apparatus intended for use in the act of cremation.



- O. **Cul-de-sac:** A short, minor street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.

1114.07 "D" Definitions

- A. **Damaged or Diseased Trees.** Trees that have split trunk, broken tops, heart rot, insect or fungus problems that will lead to imminent death, undercut root systems that put the tree in imminent danger of falling, lean as a result of root failure that puts the tree in imminent danger of falling, or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a stream or onto a structure.
- B. **Defined Drainage Channel.** A natural or man-made depression in the terrain which is constructed and is maintained and altered by the water and sediment it carries for the purpose of conveying stormwater runoff.
- C. **Density.** The number of dwelling units located on an acre of land.
- D. **Development.** Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- E. **Distillery.** An establishment primarily engaged in the manufacturing of fortified spirits, permitted to operate in accordance with the Ohio Revised Code and regulations of the Ohio Department of Commerce. Distilleries shall have a production capacity of more than 25,000 gallons per year. This definition includes a public tasting room and retail sales of spirits or related products manufactured on-site.
- F. **Drive-Through and Drive-In Facility.** An accessory facility where goods or services may be obtained by motorists without leaving their vehicles.
- G. **Dwelling.** Any building or portion thereof which is designed and used exclusively by one or more human occupants for the purpose of residing for an extended time. A dwelling may be comprised of more than one dwelling unit.
- H. **Dwelling, Duplex.** A single detached dwelling on a lot that contains two dwelling units and is divided vertically or horizontally. Each unit has a separate entrance from the outside or through a common vestibule.
- I. **Dwelling, Multi-Family 13+ Units.** A dwelling containing 13 or more separate residential units, intended for occupancy by multiple families or households.
- J. **Dwelling, Multi-Family 5-12 Units.** A dwelling containing 5 to 12 separate residential units, intended for occupancy by multiple families or households.
- K. **Dwelling, Multi-Family Complex.** A group of separate multi-family dwellings operating under a common name or management.



- L. **Dwelling-Multi-Family, above Ground Floor Only.** A self-contained portion of a dwelling that is above a ground floor commercial business used or designed to be used by a household, containing independent and separate sleeping, cooking and sanitary facilities intended as a permanent residence and having an independent entrance either directly from the outside of the building or through a common area inside the building.
- M. **Dwelling, Quadplex.** A detached dwelling on a lot that contains four dwelling units and is divided vertically and/or horizontally.
- N. **Dwelling, Single-Family.** A detached dwelling containing one dwelling unit intended for use by one family.
- O. **Dwelling, Townhome.**
 - 1. **Townhome Unit.** A single dwelling within a townhome cluster, located on an individual lot, and sharing at least one common wall with an adjacent dwelling unit.
 - 2. **Townhome Cluster.** A residential building containing three or more townhome units, but not more than eight, stacked horizontally and developed as a unified structure.
- P. **Dwelling, Triplex.** A single detached dwelling on a lot that contains three dwelling units and is divided vertically or horizontally.

1114.08 "E" Definitions

- A. **Efficiency Unit.** A single dwelling unit in a multi-family building with no more than one habitable room, including a kitchen or kitchenette and sanitary facilities.
- B. **Electric Vehicle Charging Facility.** A parking space designed and constructed with Electric Vehicle Supply Equipment (EVSE) that supplies electric energy for the recharging of electric vehicles with at least a Level 2 charger.
- C. **Enclosure Below the Lowest Floor.** See "Lowest Floor" under Section 1114.15(R) below.
- D. **Erosion.** The process by which the land's surface is worn away by the action of wind, water, ice or gravity.
- E. **Equipment Repair Service.** The sale, installation, rebuilding, conversion, repair, inspection, testing, surveying, or calibration of equipment to ensure proper function and compliance with internal operational procedures by a licensee or registrant.
- F. **Event Venue.** A commercial venue available for rent by private persons or entities for the hosting of parties, meetings, banquets, and other events, as well as conferences. Such facilities may include kitchens for the preparation or catering of food, and the sale of alcoholic beverages to guests only for on premise consumption during scheduled events.
- G. **Executive Order 11988 (Floodplain Management).** Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.



1114.09 "F" Definitions

- A. **Fabrication and Assembly Operation.** A facility involved in the assembly, production, or storage of finished or semi-finished materials or components into a finished or semi-finished product.
- B. **Family.** A single housekeeping unit, which is the use of a dwelling unit by its residents where the use has the following characteristics:
1. The residents have established ties and familiarity and interact with each other.
 2. Membership in the single housekeeping unit is fairly stable as opposed to transient or temporary.
 3. Residents share meals, household activities, expenses, and responsibilities.
 4. All adult residents have chosen to jointly occupy the entire premises of the dwelling unit, and they each have access to all common areas.
 5. If the dwelling unit is rented, all adult residents are named on and party to a single written lease that gives them each joint use and responsibility for the premises.
 6. Membership of the household is determined by the residents, not by a landlord, property manager, or other third party.
 7. The residential activities of the household are conducted on a nonprofit basis.
 8. Residents do not have separate entrances nor do they have separate food-storage facilities, such as separate refrigerators or food-prep areas.
- C. **Family Care Service.** A development which provides resident care service in a dwelling unit for individuals, including both children and adults, who may be handicapped, aged, disabled, or in need of supervision. These services involve supervision and care tailored to the individual needs of the residents. This use applies to care services provided within a residential setting, a standalone facility, or as an accessory use to another principal use such as a business or school.
- D. **Family Care Service:** A facility or use that provides care and supervision for individuals—including children, the elderly, or persons with disabilities who require assistance or oversight due to age, health, or other conditions. This use may occur within a residential dwelling or as a standalone facility, and may also be accessory to another principal use such as a business, school, or place of worship. Services are tailored to the individual needs of those being cared for and may include supervision, personal care, or developmental support.
- E. **Farm Stand.** A temporary open-air stand or place for the seasonal selling of agricultural produce grown on the lot where the stand is located.



- F. **Farmers Market.** A common facility or area where the primary purpose is for growers and producers to gather to sell a variety of fresh fruits and vegetables and other locally produced farm and food products directly to consumers.
- G. **Federal Emergency Management Agency (FEMA).** The agency with the overall responsibility for administering the National Flood Insurance Program.
- H. **Fence.** Any structure composed of wood, iron, steel, masonry, stone or other material and erected in such a manner and in such location as to enclose, secure, partially enclose or secure, provide privacy, decorate, define or enhance all or any part of any premises. Trellises or other structures supporting, or for the purpose of supporting, vines, flowers and other vegetation, when erected in such a position as to enclose all or any part of the premises or otherwise satisfy the intent of this definition shall be considered a fence. A temporary fence in which the primary use is for the control of snow drifts, otherwise commonly known as a “snow fence”, shall not be considered a fence for the purposes of this section.
- I. **Fill.** A deposit of earth material placed by artificial means.
- J. **Final Plat.** A final tracing of all or a phase of a subdivision and its complete survey information
- K. **Financial Establishment.** An establishment that engages in financial transactions that create, liquidate, or change ownership of financial assets. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds from these deposits. In addition to banks and credit unions, financial services institutions may include: credit agencies, trust companies, holding companies, savings and loan institutions, check cashing services, accounting services, bookkeeping services, payroll services, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment companies.
- L. **Flea Market.** An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures.
- M. **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters, and/or
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- A. **Floor Area, Gross.** (For determining floor area ratio). The sum of the gross horizontal area of every floor of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area of a building shall include:
 - 1. Elevator shafts and stairwells at each floor;
 - 2. Floor space used for mechanical equipment, except equipment, open or enclosed, located on the roof;



3. Penthouses, roofed porches, breezeways, interior balconies and mezzanines, and attics having headroom of 7 feet 10 inches or more; and
 4. Floor area devoted to accessory uses.
 5. However, any space devoted to off-street parking or loading, or any basement, shall not be counted in the floor area ratio
- N. **Flood Hazard Boundary Map (FHBM).** Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community, depicting approximate special flood hazard areas.
- O. **Flood Insurance Rate Map (FIRM).** An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.
- P. **Flood Insurance Risk Zones.** Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community.
1. **Zone A.** Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.
 2. **Zones A1-30 and Zone AE.** Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.
 3. **Zone AO.** Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
 4. **Zone AH.** Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.
 5. **Zone A99.** Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.
 6. **Zone B and Zone X (shaded).** Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.
 7. **Zone C and Zone X (unshaded).** Areas determined to be outside the 500-year floodplain.
- Q. **Flood Insurance Study (FIS).** The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.
- R. **Flood Protection Elevation.** The Flood Protection Elevation, or FPE, is the base flood elevation plus 1 foot of freeboard. In areas where no base flood elevations exist from any authoritative



source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

- S. **Floodplain, 100-year.** Any land susceptible to being inundated by water from a base flood, which is the flood that has a one percent or greater chance of being equaled or exceeded in any given year. For the purposes of these regulations, the 100-year floodplain shall be defined by FEMA and approved by the City of Stow Department of Engineering.
- T. **Floodway.** A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is not more than a designated height. In no case shall the designated height be more than one-half (0.5) foot at any point within the community. The floodway is an extremely hazardous area and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.
- U. **Food Truck.** A motorized or towed wheeled vehicle that is designed, equipped and used to prepare, or serve, and sell food at a transitory or static location, and is not situated in a permanent structure as an accessory to a business located in the structure for purposes of primarily serving patrons of the business.
- V. **Freeboard.** A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.
- W. **Fuel Distribution Facility.** A facility for the purpose of storing natural gas and petroleum products for distribution to customers.
- X. **Funeral Home.** An establishment for preparing the dead for burial or interment and conducting funerals (i.e. providing facilities for wakes, arranging transportation for the dead, indoor stonecutting, and selling caskets and related merchandise).

1114.10 "G" Definitions

- A. **Garage / Estate Sale.** The temporary sale of personal property from a residential dwelling.
- B. **Garage, Parking.** A principal or accessory building or an enclosed space within the principal building in which off-street parking of motor vehicles is provided, including facilities operated as a business enterprise with a service charge or fee paid to the owner or operator of such facility, with no facilities for mechanical service or repair of a commercial or public nature.
- C. **Garage, Private.** A detached accessory building or portion of the principal building, enclosed on all sides, designed to store motor vehicles and other normal household accessories of the



residents of the principal building, with no facilities for mechanical service or repair of a commercial or public nature.

- D. **Garden Center.** A place of business where retail and wholesale products for the care of plants and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.
- E. **Garden Fence.** A fence or barrier enclosing a vegetable garden, designed to protect plants from animals or trespass, and constructed in a manner that maintains the character of the surrounding neighborhood.
- F. **Gasoline Station.** An establishment that primarily sells gasoline or other types of automotive fuel, which is dispensed directly to the users of motor vehicles. It may also provide additional services such as tire pressure checks, air stations, and other services typically associated with fueling stations, but does not include car washes.
- G. **Golf Course.** An area or course for playing golf, consisting of at least nine holes, except miniature golf, within which the playing area is not artificially illuminated, and may include a driving range for practice or recreational use.
- H. **Grade, Finished.** The average level of the finished surface of the ground adjacent to the exterior walls of the building.
- I. **Greenhouse, Commercial.** A structure covered with transparent or translucent materials for the purpose of admitting natural light and controlling the atmosphere for the commercial production of horticultural products intended for sale or distribution.
- J. **Greenway.** Public lands which comprise the open space system abutting the waterways and delineated in the Stow adopted plans.

1114.11 "H" Definitions

- A. **Halfway House / Community Residential Treatment Center.** A community-based accommodation that aims to provide a safe and structured environment for those in recovery from alcohol or substance use.
- B. **Health and Wellness Center.** A health and wellness center is a community focused, medically managed facility that incorporates a variety of medical, clinical, fitness, wellness, recreational, social and educational programs and events and accessory retail services into one facility. This collection of services, programs and events is medically managed to provide an interface with the community that will promote healthy lifestyles through education with an emphasis on prevention, early detection and outpatient treatment. No less than 35% of the net floor area of a health and wellness center must be devoted to medically related services.



- C. **Historic Structure.** Any structure that is:
 1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
 2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
 3. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.

- D. **Home Occupation.** Any occupation customarily conducted for gain or support entirely within a dwelling or accessory building by a member or members of a household unit while residing in said dwelling, and which is clearly incidental and secondary to the residential use of the premises and does not change the character thereof.

- E. **Hotel.** A building or portion thereof in which ten or more guestrooms are provided for occupancy for compensation by transient guests, not including transient extended-stay guests, as defined herein. Provisions for cooking may be allowed, provided such cooking devices are provided by the hotel owner or operator and are maintained in accordance with health, fire, and safety codes. Guestrooms are entered from a lobby, rather than directly from the parking area.

- F. **Hospital.** A licensed facility that provides medical care to patients, including diagnosis, treatment, and rehabilitation. Hospitals may also include related facilities, such as laboratories and outpatient departments.

- G. **Hydrologic and Hydraulic Engineering Analysis.** An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

1114.12 "I" Definitions

- A. **Impervious Surface.** An area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, gravel or paved parking lots and streets are examples of areas that typically are impervious.

- B. **Indoor Commercial Recreation/Entertainment.** An establishment offering recreation or providing entertainment or games of skill to the general public for a fee or charge and wholly enclosed in a building.

- C. **Indoor Public or Non-Profit Recreation Facility.** A development for sports and active recreation within an enclosed building including gymnasiums, natatoriums, and similar.

- D. **Indoor Sports Training Facility.** A wholly enclosed facility devoted exclusively to advanced and/or professional instruction and training relating to specific physical sports activities including, but not limited to, gymnastics, boxing, soccer, golf, baseball, or basketball. The term



"sports training facility" shall be considered to be distinct from indoor commercial recreation/entertainment catering to the general public such as health and fitness clubs, shooting ranges, archery ranges, racquet clubs, batting cages, etc.

1114.13 "J" Definitions

RESERVED

1114.14 "K" Definitions

A. **Kenel.** A shelter for the breeding or boarding of dogs and cats.

1114.15 "L" Definitions

- A. **Laboratory/Research Facility.** An establishment or indoor facility primarily engaged in scientific research, product development, engineering, product testing, or experimentation. This use does not include facilities for the manufacture or sale of products, except as incidental to the primary purpose of the laboratory.
- B. **Laundry and Cleaning Plant.** A building or portion of a building, or premises, used or intended for cleaning fabrics, textiles, wearing apparel, or articles of any sort that are cleaned by process of immersion or agitation in volatile solvents, petroleum distillates, and chlorinated hydrocarbons.
- C. **Letter of Map Change (LOMC).** A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps and Flood Insurance Studies. LOMC's are broken down into the following categories:
- D. **Letter of Map Amended (LOMA).** A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.
- E. **Letter of Map Revision (LOMR).** A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.
- F. **Library.** A public, nonprofit facility in which literary, musical, artistic, and/or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility but are not normally offered for sale.
- G. **Loading Space.** A space provided outside the public right-of-way and on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle loading or unloading merchandise and materials.



- H. **Lot.** The entire parcel of land occupied or to be occupied by a main building and its accessory buildings, or by a group of buildings, including the yards and open spaces required therefore by this title and other applicable law.
- I. **Lot Area.** The area contained within the lot lines. No area within the street right-of-way lines shall be considered in determining the lot area. For flag lots, no area of the lot between the front lot line and the street right-of-way shall be considered in determining the lot area.
- J. **Lot, Corner.** A lot abutting on two intercepting or intersecting streets where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees.
- K. **Lot, Front.** The lot line separating the lot from the principal street on which it fronts.
- L. **Lot, Flag.** Irregular shaped lots where the bulk of the lot is separated from the street right-of-way by another lot of record; and access to the bulk of the lot is provided by a strip of land abutting to the street right-of-way.
- M. **Lot Interior.** A lot with only one frontage on a street.
- N. **Lot Lines.** The lines defining the limits of a lot. Lot line is synonymous with "property line."
 - 1. **Front Lot Line.** The line separating the lot from the street right-of-way on which the lot fronts. On a corner lot, the front lot lines shall be each lot line abutting a street. On a flag lot, the front lot line shall be a line parallel to the street right-of-way measured at the minimum lot width.
 - 2. **Rear Lot Line.** The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. On a corner lot, there shall be one rear lot line, as determined by the owner.
 - 3. **Side Lot Line.** Any lot line other than a front or rear lot line.
- O. **Lot of Record.** A lot which is part of a subdivision, the plat of which has been recorded in the office of the county recorder, or a parcel of land, the deed to which was of record on or prior to the actual date of this Zoning Code.
- P. **Lot, Through.** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- Q. **Lot Width.** The width of a lot, measured at a distance back from the front line equal to the required minimum front yard setback.
- R. **Lowest floor.** The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.



- S. **Lumber Mill, Yard and Building Material.** A facility or site used for the processing, storage, and distribution of wood products, including lumber, timber, and other building materials. This may include activities such as sawmills, lumberyards, and storage areas for construction materials, with associated structures for loading, unloading, and processing.

1114.16 "M" Definitions

- A. **Machine Shop.** A facility performing cutting, grinding, turning, honing, milling, deburring, lapping, electrochemical machining, etching, or other similar operations.
- B. **Major Manufacturing.** A large-scale industrial operation that involves the production, assembly, or processing of goods, typically utilizing heavy machinery and specialized infrastructure. These activities are characterized by their significant environmental impacts, including noise, traffic, and waste generation.
- C. **Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.
- D. **Manufactured Home Park.** As specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.
- E. **Median.** A raised structure between travel lanes used to separate opposing directions of traffic.
- F. **Membership/Sports Fitness Club.** A facility that offers physical fitness equipment and services to members and their guests.
- G. **Micro-brewery.** An establishment primarily engaged in the brewing of ale, beer, malt liquors, and/or nonalcoholic beer, permitted to operate in accordance with the Ohio Department of Commerce and the Alcohol and Tobacco Tax and Trade Bureau (TTB). Microbreweries typically have a production capacity of up to 15,000 barrels per year. This definition includes a public tasting room and retail sales of alcoholic beverages or related products brewed or manufactured on-site.
- H. **Micro-distillery.** An establishment primarily engaged in the manufacturing of fortified spirits, permitted to operate in accordance with the Ohio Revised Code and regulations of the Ohio Department of Commerce. Micro-distilleries have a production capacity of up to 25,000 gallons per year. This definition includes a public tasting room and retail sales of spirits or related products manufactured on-site.



- I. **Micro-winery.** An establishment primarily engaged in the manufacture of unfortified or fortified wine, with a production capacity of no more than 25,000 gallons per year and permitted to operate in accordance with the Ohio Revised Code and regulations of the Ohio Department of Commerce. This definition includes a public tasting room and retail sales of wine and related products produced on-site.
- J. **Minor Manufacturing.** Small-scale industrial activities focused on the production, assembly, or processing of goods. These operations typically involve less complex machinery and are conducted within smaller facilities or spaces. Minor Manufacturing includes activities such as light fabrication, assembly, and specialized processes like foundries or small-scale metalworking.
- K. **Mobile Classroom.** A classroom building that is designed and constructed to be relocated and transportable over public streets and is temporary in nature.
- L. **Mobile Retail / Service.** A readily movable wheeled structure, motorized vehicle, towed vehicle, trailer, or cart that is equipped and operated for the purpose of retail sales or the provision of services such as, but not limited to, pet grooming. The use does not include Food Trucks, which are separately defined.
- M. **Model Home.** A dwelling temporarily used as a sales office for a residential development under construction for on-site sales.
- N. **Motel.** A building or portion thereof in which ten or more guestrooms are provided for occupancy for compensation by transient guests. Transient extended-stay guests, as defined herein, are permitted provided that any rooms so used are maintained by the motel owner or operator to applicable health and safety standards. Provisions for cooking may be allowed, provided such cooking devices are provided by the motel owner or operator and are maintained in accordance with health, fire, and safety codes. Guestrooms are entered directly from the parking area rather than a lobby.
- O. **Museum, Art Gallery and Artist Studio.** An institution or business where paintings, sculptures, pottery, lithography and anything of artistic expression is shown for view or purchase.

1114.17 "N" Definitions

- A. **National Flood Insurance Program (NFIP).** The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.



- B. **Natural Landscape Area.** An area of a lot intentionally planted, restored, or maintained with native vegetation, distinct from lawns, decorative plantings, required landscape areas, and naturally wooded areas. Natural Landscape Areas reflect a naturalized landscape character and are clearly delineated from adjacent improved or maintained landscape.
- C. **Natural Succession.** A gradual and continuous replacement of one kind of plant and animal group by a more complex group. The plants and animals present in the initial group modify the environment through their life activities thereby making it unfavorable for themselves. They are gradually replaced by a different group of plants and animals that are better adapted to the new environment.
- D. **New construction.** ((This definition pertains specifically to Chapter 11) Structures for which the “start of construction” commenced on or after the initial effective date of the City of Stow Flood Insurance Rate Map, July 17, 1978, and includes any subsequent improvements to such structures.
- E. **Nonconformity.** As detailed in Chapter 13.
- F. **Nonconforming Use.** As detailed in Chapter 13.
- G. **Nonconforming Site Condition.** As detailed in Chapter 13.
- H. **Nursing Home.** A public or private residential facility providing a high level of long-term personal or nursing care for persons (such as the aged or the chronically ill) who are unable to care for themselves properly.

1114.18 “O” Definitions

- A. **Off-Site.** Located outside the development site, as defined herein, or property boundary described in the permit application.
- B. **Ohio Rapid Assessment Method.** A multi-parameter qualitative index established by the Ohio Environmental Protection Agency to evaluate wetland quality and function.
- C. **On-Site.** Located within the development site, as defined herein, or property boundary described in the permit application.
- D. **Oil and Gas Well.** A well-constructed to intersect with oil and/or gas-bearing strata in order to explore for or produce oil or natural gas.
- E. **Opacity.** The degree to which a material blocks light.
- F. **Open Space.** An area set aside and protected from development which may be left in a generally unimproved state. See Chapter 8 for standards and qualifying types of open space.
- G. **Ordinary High-Water Mark.** The point of the bank or shore to which the presence and action of surface water is so continuous as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics. The ordinary high-water mark defines the channel of a stream.



- H. **Outdoor Commercial Recreation.** Premises with outdoor athletic or entertainment facilities for commercial purposes.
- I. **Outdoor Dining.** The provision of on-site or sidewalk outdoor dining areas by a restaurant, bar, or other establishment where food or beverages are served for consumption outside a permanent structure, and that are clearly related to the function of the establishment.
- J. **Outdoor Display / Sale of Merchandise.** The accessory sale of goods and products outside of a permanent structure that are clearly related to the function contained in that structure. This includes, but is not limited to, landscape materials, lawn, garden supplies, and produce.
- K. **Outdoor Storage.** The storage of various materials outside of a structure, as an accessory use. This includes salvage yards used for the storage and/or collection of any type of equipment.

1114.19 “P” Definitions

- A. **Park, Playground or Outdoor Public Recreation.** An area of open space that is maintained in its natural condition or improved for outdoor recreation purposes.
- B. **Parking Facility.** A parcel of land, lot, structure, or portion thereof designed, intended, or used for the parking of motor vehicles.
- C. **Parking Lot.** A stand-alone or accessory, off-street surface parking area for temporary storage of vehicles.
- D. **Parking Structure.** A stand-alone or accessory parking deck or garage for temporary storage of vehicles.
- E. **Payment in Lieu.** An alternative method of complying with Code requirements by paying a fee instead of constructing specified improvements.
- F. **Pedestrian Walkways.** A pathway, which may include stairs, ramps or passageways, made of a hard, stable surface to facilitate the movement of pedestrians.
- G. **Permitted Use.** A land use allowed by right in a zoning district or overlay district, subject to compliance with all applicable standards specified in Chapter 3 and Chapter 4 of this Code.
- H. **Persons with Disabilities.** As defined by the Americans with Disabilities Act (ADA).
- I. **Personal Service.** An establishment primarily engaged in providing individual services generally related to personal needs or cosmetic services, such as hair and nail salons, barber shops, clothing alterations, shoe repair, tattoo shops, makeup services, and laundry services.
- J. **Pharmacy.** A place where drugs and medicines are prepared and dispensed.
- K. **Plat.** A document, prepared by a registered surveyor or engineer, delineates property lines and shows monuments and other landmarks for the purpose of identifying property.
- L. **Printing and Publishing Plant.** A building or part of a building in which the business of producing books, newspapers or periodicals, flyers, or other printed materials by mechanical



means, and reproducing techniques, such as xeroxing, is carried on. This may include printing on various items, such as flyers, promotional materials, or other printed products. The business may also involve the sale of newspapers, books, magazines, periodicals, or similar items to the general public.

- M. **Places of Worship.** A facility such as a church, temple, monastery, synagogue, or mosque used for worship by a not-for-profit organization and their customary related uses, such as administrative offices, classrooms, meetings rooms, and cooking and eating facilities. Place of worship does not include other principal uses, such as Family Care Service, Cemetery, School (public or private), or Recreation Facility.
- N. **Pollution.** Any contamination or alteration of the physical, chemical, or biological properties of any waters (or other features of the environment) that will render the waters harmful or detrimental to: public health, safety or welfare; domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; livestock, wildlife, including birds, fish or other aquatic life.
1. "Point Source" pollution is traceable to a discrete point or pipe.
 2. "Non-Point Source" pollution is generated by various land use activities rather than from an identifiable or discrete source, and is conveyed to waterways through natural processes, such as rainfall, storm runoff, or ground water seepage rather than direct discharge.
- O. **Preliminary Plan.** A drawing of a subdivision or development for the purpose of study and which, if approved, permits proceeding with the preparation of the final plat.
- P. **Public Art.** Original works of art installed or displayed in locations accessible to the public. Public Art may include murals, sculptures, mosaics, functional elements (benches, bike racks, lighting), digital or projection-based works, landscape-integrated art, and temporary installations. Public Art is not considered a "sign" unless it meets the sign code's objective criteria for commercial advertising (e.g., brand names, logos, pricing, calls-to-action).
1. **Public Art, Mural.** A permanent or semi-permanent visual artwork applied directly to a wall, ceiling, or other large surface, typically located on the exterior of a building or structure, and created for aesthetic, cultural, or community enrichment purposes. Public Art Murals do not contain commercial messages or advertisements and are distinguished from signage by their primary function as artistic expression rather than promotion of goods, services, or activities.
 2. **Public Art, Sculpture.** A three-dimensional, freestanding artwork installed in an outdoor or publicly accessible space, intended to enhance the visual environment, reflect cultural values, or contribute to community identity. Public Art Sculptures may be constructed from a variety of materials including metal, stone, wood, or mixed media, and must not serve a commercial or advertising function.
- Q. **Public Office / Facility.** A facility for federal, state, and local governmental uses, law enforcement, and fire protection agencies, and their accessory uses including office space,



temporary holding cells, equipment and evidence storage facilities, training facilities, and vehicle garages.

- R. **Public Recycling Collection Station.** A center primarily dedicated to the collection of recyclable materials through donation, redemption, or purchase of recyclable materials from the public. It focuses on gathering materials intended for recycling, repurposing, or composting.
- S. **Public Utility Substation.** Includes electrical substations; microwave and radio relay structures and radio and television towers; railroad rights-of-way (not including railroad yards); telephone exchanges and transmission equipment buildings; sewerage system lift stations, water pumping stations, or water reservoirs; or other similar uses.

1114.20 “Q” Definitions

RESERVE

1114.21 “R” Definitions

- A. **Recreational vehicle.** A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- B. **Redevelopment.** A proposed expansion, addition, or major facade change to an existing building, structure, or parking facility, including:
 - 1. **New Development.** Development of a site that was previously unimproved (with no existing principal structures or uses) or has been or will be cleared of structures. New development is distinguished from existing development and the expansion or alteration of existing development.
 - 2. **Major Redevelopment:** Redevelopment (as defined herein) which includes 50 percent or more increase in gross floor area, building value, dwelling units, disturbed area, or impervious surface area.
 - 3. **Intermediate Redevelopment:** Redevelopment (as defined herein) which includes 25 percent or more up to less than 50 percent increase in gross floor area, dwelling units, disturbed area, or impervious surface area; an increase in building height.
 - 4. **Minor Redevelopment:** Redevelopment which includes any exterior changes to buildings or changes to required site elements not meeting the thresholds of other development categories.
 - 5. **Change of Use:** For the purposes of this Code only this term means any alteration in the use of a lot or structure which, in the determination of the Planning Director, changes the



primary use of such lot or property from one use type listed in the Tables 1106.01, 1007.01, 1008.01, and 1109.01 to another use type.

- C. **Recreational Vehicle Parking.** The parking or storage of boats, motor homes, campers, trailers, motorcycles, and similar recreational vehicles or equipment on a lot. Recreational vehicle parking does not include the operation of a business for the storage, rental, servicing, or sale of recreational vehicles.
- D. **Registered Professional Architect.** A person registered to engage in the practice of architecture under the provisions of Section 4703.01 to 4703.19 of the Ohio Revised Code.
- E. **Registered Professional Engineer.** A person registered as a professional engineer under Chapter 4733 of the Ohio Revised Code.
- F. **Registered Professional Surveyor.** A person registered as a professional surveyor under Chapter 4733 of the Ohio Revised Code.
- G. **Restaurant.** A retail business selling ready-to-eat food and/or beverages for on or off-premise consumption. Customers may be served from an ordering counter (i.e. cafeteria or limited-service restaurant); at their tables (full-service restaurant); and at exclusively pedestrian-oriented facilities that serve from a walk-up ordering counter (snack and/or nonalcoholic bars). To qualify as a restaurant, an establishment's gross receipts from food and nonalcoholic beverages shall be not less than 30 percent of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages.
- H. **Riparian Area.** A transitional area between flowing water and terrestrial ecosystems, which provides a continuous exchange of nutrients and woody debris between land and water. This area is at least periodically influenced by flooding. Riparian areas, if appropriately sized and managed, help to stabilize banks, limit erosion, reduce flood size flows and/ or filter and settle out runoff pollutants, or perform other functions consistent with the purposes of these regulations.
- I. **Retail Establishment.** A business that sells goods directly to the consumer whether for or not for profit, including, but not limited to, clothing stores, pharmacies, convenience and grocery stores, liquor stores, and similar.
- J. **Roadway Stub:** A roadway that has only one outlet for vehicular traffic, terminates in a vehicular turn-around, and is intended to be extended or continued in the future.
- K. **Roll-off Dumpster.** Any metal container with a volume of 1.5 cubic yards or more, designed for storage of waste and to be compatible with collection equipment.

1114.22 "S" Definitions

- A. **School, Public.** A government-run school that is funded primarily by public funds and is operated by publicly elected officials, including kindergarten, elementary, middle, junior, and high schools.



- B. **School, Private.** A school maintained by private individuals, a religious organization, or a corporation, not at public expense. Open only to pupils selected and admitted by the proprietors or to pupils of a certain religion or possessing certain qualifications, including kindergarten, elementary, middle, junior, and high schools.
- C. **Seasonal Sale.** Temporary outdoor sales, typically recurring on an annual basis, located on a lot with a principal use for which the seasonal sales are not associated.
- D. **Sediment.** Settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- E. **Self-Service Storage Facility.** A building containing separate enclosed storage spaces of varying sizes located either within a building or outdoors and leased or rented on an individual basis.
- F. **Setback.** The shortest horizontal distance from a lot line of a lot to the nearest point of a structure on the lot.
1. **Setback, Front.** The shortest horizontal distance from the front lot line of a lot to the nearest point of a structure on the lot. Where no right-of-way exists or if the right-of-way is only inclusive of the street pavement then the front setback shall be measured from an assumed right-of-way line.
 2. **Setback, Interior Side.** The shortest horizontal distance from the interior side lot line of a lot to the nearest point of a structure on the lot.
 3. **Setback, Maximum.** A line parallel to the lot line at or in front of which a building may be erected. Maximum setbacks are figured from the right-of-way line.
 4. **Setback, Minimum.** A line parallel to the lot line in front of which no building shall be erected. Minimum setbacks shall be figured from the right-of-way line, lot line, or in the case of alley-accessed lots the alley easement.
 5. **Setback, Rear.** The shortest horizontal distance from the rear lot line of a lot, or in the case of alley-accessed lots to the alley easement boundary, to the nearest point of a structure on the lot.
 6. **Setback, Street Side.** The shortest horizontal distance from the street side lot line of a lot to the nearest point of a structure on the lot.
- G. **Sexually Oriented Business.** As defined in Section 2907.40(A)(15) of the State of Ohio Revised Code.
- H. **Site.** The entire area included in the legal description of the parcel on which the land disturbing construction activity is proposed in the permit application.
- I. **Sign.** Any object, device, display, or structure, or part thereof, including its supporting base, frame, electrical and other accessory components, situated outdoors or visible from outdoors, used to advertise, identify, display, direct, or attract attention to an object, person, institution,



organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images, except as defined as public art in Section 1114.19 above.

1. **Awning / Canopy Sign.** A roof-like cover, often of fabric, plastic, metal, or glass on a support, which projects above a doorway, walkway, window or similar.
2. **Drive-through Sign.** A sign appurtenant to a drive-through facility as defined herein.
3. **Projecting Sign.** A sign other than a wall sign, which is perpendicular to and projects from a building, is supported by a wall of a building where the leading edge extends more than 12 inches beyond the surface of the wall. Also includes wall-mounted barber poles.
4. **Wall Sign.** A sign attached to the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and whose face is parallel to the façade of the building upon which it is attached. The sign structure may consist of a panel, cabinet, raceway, or a combination thereof. Also includes channel letters and painted signs, but not awning/canopy, marquee, window, or projecting signs. A sign mounted upon a sloped roof of a commercial building which is an integral part of the design of such roof and building shall be considered a wall sign, such as a mansard.
 - a. **Primary Wall Sign.** A wall sign that identifies the principal occupant or use of a building or tenant space and is placed on a primary building façade, typically oriented toward a street, entrance, or primary parking area.
 - b. **Secondary Wall Sign.** A wall sign that is subordinate to the primary wall sign, typically located on an extended or secondary building façade, and used for additional identification or visibility.
5. **Window Sign.** Any sign painted on, affixed to or placed against any window or which is placed in a display case for view from the outdoors through a window when such sign is visible from any public right-of-way.
6. **Monument Sign.** A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.
7. **Post Sign, Permanent.** A freestanding sign affixed to the ground with one or no more than two stakes or poles.
8. **On-Site Traffic Directional Sign.** Any on-premises sign that includes information assisting in the flow of pedestrian or vehicular traffic such as enter, exit, and one-way.
9. **Mounted Banner Sign.** sign consisting of non-rigid, flexible, fabric like materials enclosed in a rigid frame attached and secured to the exterior wall of a building.
10. **Light Pole Banner Sign.** A sign made of cloth, fabric, or other lightweight material with only material for backing and designed for hanging from light poles or light posts.



11. **Ground Mounted Banner Sign.** A sign consisting of cloth, paper, plastic or other materials enclosed in a rigid frame attached and secured to the ground.
 12. **Post and Panel Sign.** A sign, the face of which is affixed to a minimum of two posts installed on the ground without footings.
 13. **A-Frame/Sandwich Board Sign.** A detached temporary sign with only two sides that are situated adjacent to a business with the intent to attract traffic to business(es). Sandwich board signs are not meant to be read by vehicular traffic. (Also known as sidewalk signs)
 14. **Post Sign, Temporary.** A freestanding sign affixed to the ground with one or no more than two weather-resistant wood, aluminum, aluminum composite, or wrought iron stakes or poles with an arm from which the sign hangs.
 15. **Yard Sign.** A freestanding, moveable sign on a wire or plastic frame, wood stake or similar support.
 16. **Instructional Sign.** A sign that has a purpose secondary to the use on the lot that is intended to instruct employees, customers or users as to specific parking requirements; the location or regulations pertaining to specific activities on the site or in the building; specific services offered, or methods of payments accepted. Examples of instructional signs include "Honk Horn for Service", "Restrooms Inside", "Parking for Customers Only", "Parking for Residents Only", drive-up tellers, "self-serve."
- J. **Soil and Water Conservation District (SWCD).** An entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employees.
- K. **Soil Distribution Activity.** Clearing, grading, excavating, filling or other alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.
- L. **Solar Energy Collection System, Canopy.** A solar energy collection system consisting of elevated solar panels installed above parking lots, carports, and other paved areas.
- M. **Solar Energy Collection System, Ground Mounted.** A solar energy collection system and associated mounting hardware that is affixed to or placed upon the ground including but not limited to fixed, passive, or active tracking racking systems and located on a site with a primary use.
- N. **Solar Energy Collection System, Roof Mounted.** A solar energy collection system that is structurally mounted to the roof of a building or other permitted structure, including limited accessory equipment associated with system which may be ground mounted.
- O. **Special Event.** A temporary event such as a block party, festival, musical event, competition, or other community-oriented event.



- P. **Special Flood Hazard Area.** Also known as “Areas of Special Flood Hazard”, it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.
- Q. **Storage Unit.** A vessel, container, or unit owned, rented, or leased for the temporary storage of commercial, industrial, or residential household goods, that does not contain a foundation or wheels for movement. Examples of this use include shopping container type boxes that can be transported on a flatbed or other truck; but do not include prefabricated sheds that are not designed for transport after erection or cargo containers, or commercial trailers used by construction or other uses in the regular performance of their business.
- R. **Stormwater Pollution Prevention Plan (SWPPP).** The plan which describes all the elements of the stormwater strategy implemented during and after construction. The plan addresses erosion control and stormwater quality.
- S. **Stormwater Quality Treatment.** The removal of pollutants from urban runoff and improvement of water quality, accomplished largely by deposition and utilizing the benefits of natural processes.
- T. **Story.** That portion of a building between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between such floor and the ceiling next above it.
- U. **Stream.** A surface watercourse with a well-defined natural bed and bank, either natural or artificial, which confines and conducts continuous or periodical flowing water (ORC 6105.01) in such a way that terrestrial vegetation cannot establish roots within the channel.
- V. **Stream Setback.** The area set back from each bank of a stream to protect the riparian area and stream from impacts of development, and streamside residents from impacts of flooding and land loss through erosion. Stream Setbacks are those lands within the City of Stow that fall within the area defined by the criteria set forth in these regulations.
- W. **Street.** A public thoroughfare which affords the principal means of access to abutting property.
1. **Street, Arterial.** Principal and Minor routes that provide mobility so people can move from one place to another quickly and safely.
 2. **Street, Collector.** Major or Minor routes that provide links between arterial and local streets and balance of mobility and access safely.
 3. **Street, Local.** Provide access to homes, businesses, and other properties. This includes frontage streets that usually run parallel to arterial streets.



- X. **Street Segment.** That property abutting on one side of a street and lying between the nearest intersecting or intercepting streets or nearest intersecting or intercepting street and railroad right-of-way, waterway or other barrier to or gap in the continuity of development along such street.
- Y. **Street Right-of-Way Line.** A line between a lot, tract or parcel of land and a contiguous street. Where the lot, tract, or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the boundary line of land reserved for street purposes.
- Z. **Structure.** A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
- AA. **Studio for Instruction such as Dance, Exercise and Karate.** A small facility for individual and group instruction and training in the arts, including dance and music; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics, yoga, and similar instruction; and aerobics and gymnastics studios with no other fitness facilities or equipment.
- BB. **Subdivision.** A division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale, or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets.
 - 1. **Subdivision, Major.** A subdivision that does not meet the criteria for a Minor Subdivision, typically involving more than five lots or requiring the opening, widening, or extension of public streets or roads.
 - 2. **Subdivision Minor.** A subdivision involving no more than five lots, occurring along an existing public street or road, and not requiring the opening, widening, or extension of any street or road.
- CC. **Substantial damage.** (This definition pertains specifically to Chapter 11) Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- DD. **Substantial improvement.** (This definition pertains specifically to Chapter 11) Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include:
 - 1. Any improvement to a structure which is considered “new construction,”
 - 2. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the



application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

3. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

EE. **Swimming Pool.** A structure, whether above or below grade level, designed to hold water more than 30 inches deep for recreational purposes.

1114.23 "T" Definitions

- A. **Temporary Use.** A use or structure on improved or unimproved real estate which is of impermanent nature and is used for a limited number of days per calendar year.
- B. **Tobacco Retailer.** A sale of tobacco products by a licensed retailer. Tobacco products include any product made from tobacco or containing nicotine that is intended for human consumption, such as cigarettes, cigars, chewing tobacco, pipe tobacco, smokeless tobacco, e-cigarettes, and vapes. This also includes any component, part, or accessory of a tobacco product.
- C. **Tract.** Contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.
- D. **Tree, Landscaping and Lawn Service.** A business or service engaged in the maintenance, care, and enhancement of trees, landscapes, and lawns, including planting, trimming, fertilizing, mowing, and upkeep of outdoor spaces, as well as the removal of trees or debris and the installation of landscaping features.
- E. **Truck Sales/Rental.** An establishment which may have showrooms or open lots for selling or renting commercial trucks.
- F. **Truck Terminal.** A building, structure, or place used for the purpose of a common carrier, where commercial trucks or transport vehicles are stored or parked for remuneration, or from which commercial trucks or transport vehicles are dispatched.

1114.24 "U" Definitions

- A. **Use.** The specific purpose for which land or a building is designed, arranged or intended, or for which it is or may be occupied or maintained.
- B. **Urgent Care/Clinic.** A licensed walk-in medical facility that meets the criteria established by the Urgent Care Association of America and/or the American Academy of Urgent Care Medicine.



1114.25 "V" Definitions

- A. **Variance.** A grant of relief from the requirements of the Code. A variance may grant relief from water-related standards (stormwater, stream, water supply watershed, or special flood hazard area) or relief from other zoning or subdivision standards in the Code.
- B. **Vehicle Service Station, Major.** The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats, large appliances, commercial and industrial equipment, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This includes major repair and body work which encompasses towing, collision repair, other body work and painting services, and tire recapping.
- C. **Vehicular Service Station, Minor.** The repair, servicing, alteration, restoration, towing painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Minor facilities providing limited repair and maintenance services. Examples include car stereo and alarm system installers; detailing services; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping).
- D. **Veterinarian Clinic/Hospital.** An establishment that includes services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; boarding services for pets; daycare, training, and grooming.
- E. **Violation.** The failure of a structure or other development to be fully compliant with these regulations.

1114.26 "W" Definitions

- A. **Waste Material.** Waste materials shall include debris, junk, rolled plastic, sheet metal, plywood, pallet, firewood, or other materials not designed for use as a fence or wall.
- B. **Watercourse.** A natural or artificial waterway, such as a stream or river, with a defined bed and channel and a definite direction of course that is contained within, flows through, or borders the community.
- C. **Watershed.** An area of land that drains into a particular watercourse, usually divided by topography.
- D. **Wetland.** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.
- E. **Wholesale, Warehousing and Distribution Facility.** An establishment engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying



merchandise for or selling merchandise to such persons or companies. This does not include selling to the public. Examples of these establishments include agents, merchandise or commodity brokers, and commission merchants; assemblers, buyers and associations engaged in the cooperative marketing of farm products; merchant wholesalers; stores primarily selling electrical plumbing, heating, and air conditioning supplies and equipment.

- F. **Wildlife Preserve.** A land used or intended to be used for the preservation of wildlife and plant life.
- G. **Wireless Telecommunication Facility.** A structure, including a freestanding mast, pole, monopole, guyed tower, lattice tower, freestanding tower, or other structure, designed and constructed for the primary purpose of supporting any Federal Communications Commission licensed or authorized wireless telecommunications facility antennas and their associated facilities.
- H. **Wind Energy Collection System.** A system that captures the kinetic energy of the wind and stores or directs it for conversion into a usable form of electrical or mechanical energy, such as a wind turbine, windmill, or wind charger.
- I. **Winery.** An establishment primarily engaged in the manufacturing of fortified or unfortified wine, permitted to operate in accordance with the Ohio Revised Code and regulations of the Ohio Department of Commerce. Wineries shall have a production capacity of more than 25,000 gallons per year. This definition includes a public tasting room and retail sales of wine or related products manufactured on-site.

1114.27 "X" Definitions

RESERVE

1114.28 "Y" Definitions

- A. **Yard.** The area within a lot that lies between the principal structure(s) on the lot and the nearest lot line.
 - 1. **Front Yard.** The front yard shall be measured from the interior side lot line to the other interior side lot line or street side lot line as applicable.
 - 2. **Street Side Yard.** The street side yard shall be measured from the front yard building setback line to the rear lot line along a secondary street.
 - 3. **Interior Side Yard.** The interior side yard shall be measured from the front yard building setback line to the rear yard building setback line along an adjoining lot line.
 - 4. **Rear Yard.** The rear yard shall be measured:
 - a. From the interior side lot line to the other interior side lot line, or
 - b. From the interior side lot line to the street side yard building setback line.



- B. **Yard, Width or Depth.** The horizontal distance from a lot line to the principal building measured perpendicular to the building.

1114.29 "Z" Definitions

- A. **Zoning District, Base.** A base zoning district prescribes a basic set of uniform development regulations for a defined geographic area.
- B. **Zoning District, Overlay.** An overlay zoning district prescribes an additional set of standards for regulations on properties in a defined geographic area within one or more underlying base district. The standards of the overlay district shall supersede the standards of all other applicable district standards.