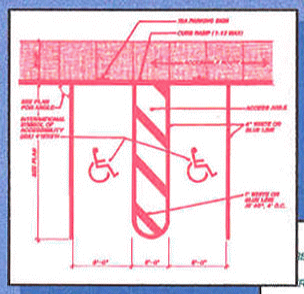
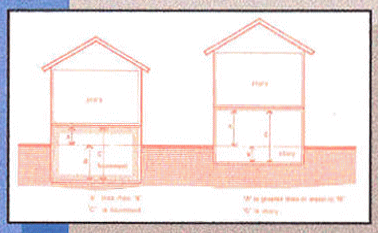
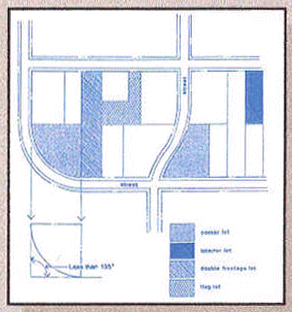
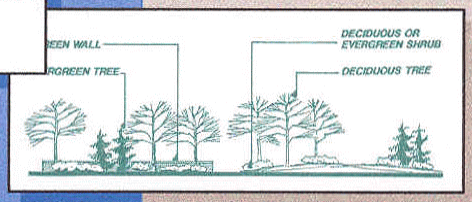
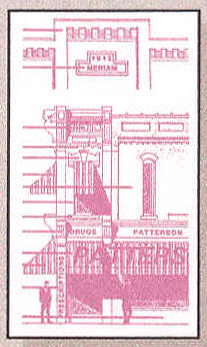
Zoning Ordinance











Village of

Morrow, Ohio

Village of Morrow, Ohio

Zoning Ordinance

Adopted by the Village Council
on December 10, 2002

Notice of Adoption Published
on December 17, 2002

Effective Date
January 17, 2003

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PREAMBLE

AN ORDINANCE OF THE VILLAGE OF MORROW, OHIO, ENACTED IN ACCORDANCE WITH ALL VOLUMES OF THE VILLAGE OF MORROW COMPREHENSIVE PLAN AND THE PROVISIONS OF CHAPTER 713, OHIO REVISED CODE, DIVIDING THE MUNICIPALITY INTO ZONES AND DISTRICTS, ENCOURAGING, REGULATING, AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION AND USE OF STRUCTURES AND LAND; PROMOTING THE ORDERLY DEVELOPMENT OF RESIDENTIAL, COMMERCIAL, MANUFACTURING, RECREATIONAL, AND PUBLIC AREAS; PROVIDING THE ADEQUATE LIGHT, AIR, AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES; LIMITING CONGESTION IN THE PUBLIC RIGHT-OF-WAY; PROVIDING THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND; PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE, DEFINING THE POWERS AND DUTIES OF THE ADMINISTRATIVE OFFICERS AS PROVIDED HEREAFTER, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS ORDINANCE OR ANY AMENDMENT THERETO, ALL FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, COMFORT AND GENERAL WELFARE; AND FOR THE REPEAL THEREOF.

ARTICLE 1

TITLE, PURPOSE, ENACTMENT

Section 1.01 TITLE

This Ordinance shall be known and may be cited as the "Zoning Ordinance of the Village of Morrow, Ohio" (hereinafter referred to as the "Municipality").

Section 1.02 LAND USE POLICY STATEMENTS

OVERALL GOAL: To promote a community that is residential in character with a small town and historical identity balanced by a strong local economy that supports essential services.

A. **SUBGOAL:** To maintain residential character by:

- Promoting an adequate supply of quality housing units for all families and individuals within an adequate range of geographic locations, price levels, and basic community services, facilities and amenities.
- Establishing distinct commercial and industrial zones that will not encroach physically or visually on the village economic base, character, identity, and aesthetic qualities of the Municipality.

B. **SUBGOAL:** To maintain and strengthen the Municipality's village character and historical identity by:

- Preserving village character and beauty, particularly in historical areas.
- Encourage innovation in neighborhood development which will result in an improved living environment, i.e. neighborhood parks, recreation and open space.
- Protect unique natural areas from development, particularly where they have been identified by the Department of Natural Resources or other professional organizations.
- Promote single family housing in the older, historical parts of the Municipality.

5. Implement regulations for commercial uses in historic buildings that will promote historical character while providing best compliance to modern commercial needs.
6. Determine availability of programs for the Municipality to actively encourage preservation.

C. **SUBGOAL:** To stimulate and encourage continued and future economic growth and development which is compatible within various land uses:

1. Discourage, where possible, strip commercial uses along major thoroughfares.
2. Redeveloping and revitalizing existing town center in order to maintain a viable commercial core and community identity.
3. Allow for mixed residential and commercial uses.
4. Provide for more effective use and development of the old, established commercial center.
5. Encourage a higher standard of design and appeal for commercial centers to improve their marketability as well as the overall community appearance.
6. Discourage scattered non-conforming commercial uses.
7. Develop additional open spaces and recreational facilities where possible.
8. Encourage adequate maintenance of all residential, commercial, industrial, and recreational property to keep neighborhoods blight free and provide a suitable living, working, and recreational environment for all citizens of the Municipality.

Section 1.03 PURPOSE

This Ordinance is enacted for the general purpose of promoting the public health, safety, comfort, and welfare of the residents of the Municipality; to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts; to facilitate the provision of public utilities and public services; to lessen congestion on public streets, roads, and highways; to provide for the administration and enforcement of this Ordinance, including the provision of penalties for its violation; and for any other purpose provided in this Ordinance, the Revised Code, or under common law rulings.

Section 1.04 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this Ordinance conflict with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards shall govern.

Section 1.05 SEVERABILITY CLAUSE

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part of declared to be unconstitutional or invalid.

Section 1.06 REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict with this Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 1.07 EFFECTIVE DATE

This Ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

ARTICLE 2

NONCONFORMITIES

Section 2.01 INTENT

Nonconformities are uses, structures, buildings, or lots which do not conform to one or more provisions or requirements of this Ordinance or a subsequent amendment, but which were lawfully established prior to the time of adoption of the Ordinance or amendment. Such nonconformities are not compatible with the current or intended use of land in the district in which they are located. Therefore, it is the intent of this Ordinance to permit such nonconformities to continue under certain conditions, but to discourage their expansion, enlargement, or extension. Accordingly, the purpose of this Section is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.

Section 2.02 DEFINITIONS

For the purposes of this Article, the following words and phrases shall have the meaning ascribed to them:

A. **Effective Date**

Whenever this article refers to the "effective date," the reference shall be deemed to include the effective date of any amendments to this Ordinance if the amendments created a nonconforming situation.

B. **Nonconforming Building**

A building or portion thereof which was lawfully in existence at the effective date of this Ordinance, or amendments thereto, that does not meet the limitations on building size, location on a lot, or other regulations for the district in which such building is located.

C. **Nonconforming Lot**

A lot which was lawfully in existence at the effective date of this Ordinance, or amendments thereto, that does not meet the minimum area or lot dimensional requirements of the district in which the lot is located.

D. **Nonconforming Sign**

A sign which was lawfully in existence on the effective date of this Ordinance, or amendments thereto, that does not conform to one or more regulations set forth in the Ordinance.

E. **Nonconforming Use**

A use which was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and which does not now conform to the use regulations of this Ordinance for the zoning district in which it is now located.

F. **Structural Nonconformity**

A nonconformity that exists when the height, size, or minimum floor space of a structure, or the relationship between an existing building and other buildings or lot lines, does not conform to the standards of the district in which the property is located. Also sometimes referred to as a Dimensional Nonconformity.

Section 2.03 GENERAL REQUIREMENTS

The following regulations shall apply to all nonconforming uses, structures, and lots:

A. **Continuation of Nonconforming Uses and Structures**

Any lawful nonconforming use established on or before the effective date of this Ordinance or amendment thereto may be continued and shall not be considered to be in violation of this Ordinance, provided that, unless otherwise noted in this Article, the building and land involved shall neither be structurally altered, nor enlarged unless such modifications conform to the provisions of this Ordinance for the district in which it is located. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

B. **Buildings Under Construction**

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has begun preparatory to rebuilding, such work shall be deemed to be actual construction, provided that such work shall be diligently carried on until completion of the building involved.

C. Discontinuation of Nonconforming Uses and Structures

1. Nonconforming Structure

When a nonconforming use of a structure, or structure and land in combination is discontinued or abandoned for twelve (12) consecutive months, the structure or structure and land in combination shall not thereafter be used except in conformance with the provisions of the district in which it is located.

2. Nonconforming Uses of Open Land

If any nonconforming use of open land ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the provisions set forth of the district in which it is located.

3. Seasonal Uses

In applying this sub-section to seasonal uses, the time during the off-season shall not be counted.

D. Purchase or Condemnation

In order to accomplish the elimination of nonconforming uses and structures which constitute a nuisance or are detrimental to the public health, safety and welfare, the Municipality, pursuant to Section 717.01 of the Revised Code, as amended, may acquire by purchase, condemnation or otherwise, private property for the purpose of removal of nonconforming uses or structures. Where acquisition is contemplated, the procedures set forth in Section 2.06 shall be followed.

E. Recording of Nonconforming Uses and Structures

The Zoning Inspector shall be responsible for maintaining records of nonconforming uses and structures as accurate as is feasible, and for determining legal nonconforming uses and structures in existence on the effective date of this Ordinance. Failure on the part of a property owner to provide the Zoning Inspector with necessary information to determine legal nonconforming status may result in denial of required or requested permits.

F. Establishment of a Conforming Use or Structure

In the event that a nonconforming principal use or structure is superseded by a conforming principal use or structure on a site, the nonconforming use or structure shall be immediately and permanently removed.

G. **Change of Tenancy or Ownership**

In the event there is a change in tenancy, ownership, or management, an existing nonconforming use or structure shall be allowed to continue provided there is no change in the nature or character of such nonconformity.

H. **Exceptions and Variances**

Any use for which a special exception or variance has been granted as provided in this Ordinance shall not be deemed a nonconformity.

I. **Unlawful Nonconformities**

No nonconformity shall be permitted to continue in existence if it was unlawful at the time it was established.

J. **Substitution**

A nonconforming use may be changed to another nonconforming use upon approval of the Zoning Board of Appeals provided that no structural alterations are required to accommodate the new nonconforming use, and that the proposed use is equally or more appropriate in the district than the existing nonconformity. In permitting such a change, the Zoning Board of Appeals may require conditions to accomplish the purposes of this Ordinance.

K. **Change of Location**

Should a nonconforming structure be moved to another parcel or to another location on the same parcel for any reason whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 2.04 NONCONFORMING LOTS OF RECORD

The following regulations shall apply to any nonconforming lot of record or nonconforming lot described in a deed or land contract executed and delivered prior to the effective date of this Ordinance or amendment thereto:

A. **Use of Nonconforming Lots**

Any nonconforming lot shall be used only for a use permitted in the district in which it is located. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record in existence record at the effective date of adoption or amendment thereto. This provision shall apply even though such single-family lot fails to meet the requirements for area or width, or both, provided that the lot can be developed as proposed without any significant adverse impact on surrounding properties or the public health, safety, and welfare.

B. **Variance from Area and Bulk Requirements**

If the use of a nonconforming lot requires a variance from the area or bulk requirements, then such use shall be permitted only if a variance is granted by the Zoning Board of Appeals.

C. **Nonconforming Contiguous Lots Under the Same Ownership**

If two or more lots or combination of lots with contiguous frontage in single ownership are of record at the time of adoption or amendment of this Ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of an parcel be made which creates a lot with width or area less than the requirements stated in this Ordinance. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by a dwelling unit.

D. **Combination of Nonconforming Lots**

Upon application to the Zoning Inspector, the Zoning Inspector may permit the combination, in whole or in part, of nonconforming lots of record into building sites less than the size requirements established by this Ordinance, provided that the combination of lots reduces the degree of nonconformity and results in a parcel which is capable of accommodating a structure that is in conformance with the building area, setback, and side yard requirements of this Ordinance.

Section 2.05 MODIFICATION TO NONCONFORMING USES OR STRUCTURES

No nonconforming use or structure shall be enlarged, extended, or structurally altered, nor shall any nonconformity be changed to a different nonconformity which increases the intensity of use or nonconformity, except as specifically permitted by the regulations which follow:

A. Applicability

The following regulations shall apply to any nonconforming use or structure, including:

1. Nonconforming uses of open land.

2. Nonconforming use of buildings designed or used for a conforming use.

3. Nonconforming use of buildings specifically designed for the type of use which occupies them but not suitable for a conforming use.

4. Buildings designed and used for a conforming use but not in conformance with area and bulk, parking, loading, or landscaping requirements.

5. Nonconforming structures such as fences and signs.

B. Enlargement, Extension, or Alteration

1. Increase in Nonconformity Prohibited

Except as specifically provided in this Section, no person may engage in any activity that causes an increase in the extent of any nonconformity. For example, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

a. An increase in the total amount of space devoted to a nonconforming use; or

b. A decrease in the amount of required yard area, such as would be caused by an addition to a nonconforming building where the addition intrudes into a yard setback otherwise required by this Ordinance; or

c. Enlargement of a use on a site which does not meet all site development standards required for the use; or

d. Greater nonconformity with respect to dimensional restrictions, such as setback requirements, height limitations, density requirements, or other requirements in the district in which the property is located.

2. Permitted Extension

Any nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building. No nonconforming use of land shall be enlarged, increased, or extended to occupy a greater area of land, nor shall any such use be moved in whole or in part to any portion of the lot or parcel than was occupied on the effective date of this Ordinance or amendment thereto.

3. Alterations that Decrease Nonconformity

Any nonconforming structure or any structure or portion thereof containing a nonconforming use, may be altered if such alteration serves to decrease the nonconforming nature of the structure or use. The Zoning Board of Appeals shall determine if a proposed alteration will decrease the degree of nonconformity if it cannot be determined by the Zoning Inspector.

4. Variance to Area and Bulk Requirements

If a proposed alteration is deemed reasonable by the Zoning Board of Appeals by virtue of the fact that it would decrease the nonconforming nature of a structure or use, but such alteration requires a variation of the area or bulk requirements, then such alteration shall be permitted only if a variance is granted by the Zoning Board of Appeals. Additionally, the Zoning Board of Appeals may grant variances to required site development standards applicable to specific uses to permit expansion of an existing use located on a nonconforming site consistent with the guidelines and standards of this Ordinance.

C. Repairs, Improvements, and Modernization

1. Required Repairs

Repairs or maintenance deemed necessary by the Zoning Inspector to keep a nonconforming building structurally safe and sound are permitted. However, if a nonconforming structure or a structure containing a nonconforming use becomes physically unsafe and/or unlawful due to lack of maintenance and repairs and is declared as such by the Zoning Inspector, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.

2. Additional Permitted Improvements

Additional repairs, improvements, or modernization of nonconforming structures, beyond what is required to maintain the safety and soundness of the structure, shall be permitted provided such repairs or improvements do not exceed twenty-five percent (25%) of the market value (as determined by the Zoning Board of Appeals) of the structure during any period of twelve (12) consecutive months. Any such repairs, improvements, and modernization shall not result in enlargement of the cubic content of the nonconforming structure. The provisions in this paragraph shall apply to all structures except as otherwise provided in this Article for single-family residential uses and for reconstruction of structures damaged by fire or other catastrophe.

D. **Damage by Fire or Other Catastrophe**

Any nonconforming structure or structure housing a nonconforming use that is damaged by fire, flood, or other means in excess of fifty (50) percent of the structure's pre-catastrophe fair market value (as determined by the Zoning Board of Appeals) shall not be rebuilt, repaired, or reconstructed, except in complete conformity with the provisions of this Ordinance.

In the event that the damage is less than fifty (50) percent of the structure's pre-catastrophe fair market value, the structure may be restored to its pre-catastrophe status. Such restoration shall take place only upon approval of the Zoning Inspector and in full compliance with applicable provisions of this Ordinance. Any such rebuilding, repair, or restoration shall be completed within one (1) year from the date of the catastrophe.

Section 2.06 ACQUISITION OF NONCONFORMING STRUCTURES OR USES

The Zoning Inspector, from time to time, may recommend to the Council the acquisition of private property for the purpose of removal of nonconformities. Where such acquisition is contemplated, the following procedures shall be followed:

A. **Zoning Inspector Documentation and Recommendation**

The Zoning Inspector shall prepare a report for Council, which shall include the following:

1. A list of ordinance requirements to which the subject property does not conform.

2. Estimates of the expense of such acquisition and removal of the nonconformities.

3. Estimates of the probable resale price of the property.

4. Recommendations concerning the allocation of costs to the surrounding district.

B. **Council Consideration**

1. Public Hearing

After receiving and reviewing the report from the Zoning Inspector, the Council shall determine if acquisition should be pursued. If the Council decides to pursue acquisition, then it shall first set a public hearing. Not less than fifteen (15) days prior to the public hearing, notice of the time, place, and purpose of the public hearing shall be published in the official newspaper of the Municipality, and sent by mail to the owners of property for which acquisition is being considered. The notice shall be sent to the owner's address as stated in the latest assessment roll.

2. Special Assessment

If any or all of the expense related to acquisition of the subject property is assessed to a special district, then the Clerk-Treasurer shall be directed to furnish the Council with a tentative special assessment district and tentative plan of assessment. The names and addresses of the owners of property located in the district (as stated in the latest assessment roll) shall be provided to the Council. Notice of the time, place, and purpose of the public hearing shall be sent by mail to the owners of property located in the tentative special assessment district.

3. Council Determination

If, following the public hearing, the Council finds that elimination of the nonconforming use or structure would increase the health, safety, and welfare of the community, then it shall declare by resolution that the Municipality shall proceed to acquire the nonconforming use or structure in accordance with applicable State and Municipal laws, ordinances, and other requirements. The Clerk-Treasurer shall send by registered mail a certified copy of the Council resolution to the owners of property to be acquired and to owners of property in any special assessment district, at the addresses stated in the latest assessment roll.

C. Removal of Nonconformity

Upon passing of title of the property so acquired by the Municipality, the Council shall cause the discontinuance or removal of the nonconforming use, or the removal or demolition or remodeling of the nonconforming building or structure.

D. Disposition of Property

The Council may thereafter elect to retain all or part of the property so acquired for municipal purposes. If acquisition costs and expenses are to be assessed against a special district, the amount to be assessed shall be reduced by the market value of the property retained for municipal use, as determined by the Clerk-Treasurer. The Council shall thereafter order the sale of the portion of the property not retained for municipal purposes, but only for use in conformance with this Ordinance. The Council shall confirm the expense of the project and report any assessable cost to the Clerk-Treasurer, who shall then coordinate with the County Auditor to prepare an assessment roll in the manner provided for by applicable State and Municipal laws, ordinances, and other requirements. Such an assessment may, at the discretion of the Council, be paid in one (1) or more, but not to exceed ten (10), annual installments.

ARTICLE 3

GENERAL PROVISIONS

Section 3.01 ADMINISTRATIVE REGULATIONS

A. **Scope of Regulations**

No structure or tract of land shall hereafter be used or occupied, and no structure, or part thereof, shall be erected, altered, or moved, except in conformity with the provisions of this Ordinance.

However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance and construction is begun within six (6) months of the effective date, said building or structure may be completed in accordance with the approved plans. Furthermore, upon completion the building may be occupied under a certificate of occupancy for the use for which the building was originally designated, subject thereafter to the provisions of Article 2 concerning nonconformities. Any subsequent text or map amendments shall not affect previously issued valid permits.

B. **Relationship To Other Ordinances or Agreements**

This Ordinance is not intended to abrogate or annul any ordinance, rule, regulation, permit, easement, covenant, or other private agreement previously adopted, issued, or entered into and not in conflict with the provisions of this Ordinance.

However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than other such ordinances, rules, regulations, permits, easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

C. **Vested Right**

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or permissible activities therein. Furthermore, such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety, and welfare.

D. **Continued Conformity With Yard and Bulk Regulations**

The owner of a building or the property on which it is located shall maintain all required setbacks, open space, and other minimum yard and bulk requirements for as long as the building is in existence.

No portion of a lot used in complying with the provisions of this Ordinance in connection with an existing or planned building, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

E. **Division and Consolidation of Land**

No zoning lot shall hereafter be divided into two (2) or more zoning lots and no portion of any zoning lot shall be sold, unless all zoning lots resulting from each such division or sale conform with all regulations of the zoning district in which the property is located.

F. **Unlawful Buildings, Structures, Site Designs and Uses**

A building, structure, or use which was not lawfully existing at the time of adoption of this Ordinance shall not be made lawful solely by adoption of this Ordinance. In case any building, or part thereof, is used, erected, occupied or altered contrary to the provisions of this Ordinance, such building or use shall be deemed an unlawful nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this Ordinance. Public expenditures toward abating any such nuisance shall become a lien upon the land.

G. **Voting Place**

The provisions of this Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with a public election.

Section 3.02 ALLOWABLE USES

Only the following uses of land, buildings, or structures shall be allowed in the Municipality:

A. Uses lawfully established on the effective date of this Ordinance.

B. Uses for which a zoning permit has been issued in accordance with this Ordinance.

C. Permitted uses in the applicable zoning districts, subject to the requirements specified.

D. Special uses in the applicable zoning districts, subject conditions and requirements specified.

E. Temporary uses subject to the requirements specified in this Ordinance.

Section 3.03 ACCESSORY BUILDINGS AND STRUCTURES

. **General Requirements**

. **Timing of Construction.** No accessory building, structure, or use shall be constructed or established on a parcel unless there is a principal building, structure, or use being constructed or already established on the same parcel of land.

. **Site Plan Approval.** If submission of a site plan for review and approval is required, then the site plan shall indicate the location of proposed accessory buildings, structures, or uses.

. **Nuisances.** Accessory uses such as household animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical equipment that could produce noise, odors, or other nuisances shall not be located adjacent to an adjoining property owner's living or sleeping area where windows and/or doors would be exposed to the nuisance.

. **Conformance with Lot Coverage Standards.** Accessory buildings and permanent structures which actually cover a portion of the lot shall be included in computations to determine compliance with maximum lot coverage standards, where applicable.

. **Location in Proximity to Easements or Rights-of-Way.** Accessory buildings, structures, or uses shall not be located within a dedicated easement or right-of-way, except as permitted in the regulations for essential services.

. **Use of Accessory Structures.** Attached and detached accessory buildings or structures in residential districts shall not be used as dwelling units (except for permitted accessory structures) or for any business, profession, trade or occupation. Any such accessory structure shall be used only by the occupants of the residence to which it is accessory.

. **Appearance.** Accessory buildings and structures shall be designed and constructed to be compatible with the design and construction of the principal building on the site.

. **Applicability of Other Codes and Ordinances.** Accessory buildings and structures shall be subject to all other applicable codes and ordinances regarding construction, installation, and operation.

B. **Attached Accessory Buildings**

Unless otherwise specified in this Article, accessory buildings or structures which are attached to the principal building (such as an attached garage, breezeway, or workshop) shall be considered a part of the principal building for the purposes of determining conformance with area, setback, height, and bulk requirements. The floor area of a garage attached to a

principal residence shall not exceed forty percent (40%) of the floor area of the residence or nine hundred (900) square feet, whichever is less.

C. **Detached Accessory Buildings**

1. **Location.** Detached accessory buildings shall not be located in a front yard or a required side yard; except that the following accessory uses may be permitted in the front or side yards of commercial or industrial districts, subject to the approval of the Planning Commission: buildings for parking attendants, guard shelters, gate houses, and transformer pads.

2. **Setbacks.** Detached accessory buildings shall comply with the following setback requirements:

   a. Front Yard Setback. Accessory buildings shall comply with the front setback requirements for the district in which they are located. However, in no case shall an accessory building be located closer to the front lot line than the principal building.
   b. Side Yard Setback. The accessory building shall comply with the side yard setback for the district in which it is located, except that the minimum side yard setback for accessory buildings in single family districts shall be three (3) feet.
   c. Rear Yard Setback. Accessory buildings shall be located no closer than three (3) feet to the rear lot line. Where the rear lot line is coterminous with an alley right-of-way line, the accessory building may be located within one (1) foot of the rear lot line.
   d. Distance from Other Buildings. Detached accessory buildings shall be located at least ten (10) feet from the principal building on the site or any principal building on an adjacent lot. The Zoning Board of Appeals may grant a variance from this requirement to allow an accessory building to be located within four (4) feet of the principal building, upon finding that there will be no threat to public health, and safety, and that fire safety standards related to the fire ratings of walls, emergency access, and similar standards will be complied with.
   e. Setback on Corner Lots. Accessory buildings on a corner lot shall comply with the front setback requirements on any side that faces a street, if there is at least one (1) house in the same block that fronts on said street. If there are no houses fronting on the street, then the corner house shall provide a minimum setback of three (3) feet on said side street.

3. **Size and Lot Coverage.** Detached accessory buildings may occupy up to twenty-five (25) percent of the required rear yard, plus up to forty (40) percent of the non-required rear yard, provided that the total of all accessory buildings shall not cover more than nine hundred fifty (950) square feet.

4. **Height.**

   a. Residential Districts. Detached accessory building in residential districts shall not exceed one (1) story and fourteen (14) feet in height.
   b. Other Districts. Detached accessory buildings in other non-residential districts shall comply with the maximum height standards for the district in which they are located.

D. **Accessory Structures**

1. **General Requirements.** Accessory structures (for example, swimming pools, tennis courts, antennas) shall be located in the rear yard and shall comply with height, setback, and lot coverage requirements for accessory buildings, unless otherwise permitted in this Ordinance.

2. **Solar Panels.** Freestanding solar panels shall be considered accessory structures and shall be located in the rear yard, subject to the setback requirements for accessory buildings.

3. **Swimming Pools.**

   a. **Added Lot Coverage for Swimming Pools and Decks.** Swimming pools and/or decks may cover the lot an added amount of up to forty (40) percent of the lot.

   b. **Additional Requirements.** No such swimming pool shall be allowed in any district unless it complies with the following conditions and requirements:

      i. It may not be located, including any walks or paved areas of accessory structures adjacent thereto, closer than five feet to any property line of the property on which it is located.

      ii. The swimming pool, or the entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties.

      iii. The pool shall further be screened by, at minimum, a decorative screen masonry wall or fence at least five feet in height and maintained in good condition.

Section 3.04 LAWFUL USE OF A STRUCTURE AS A DWELLING UNIT

A. **Incompletely Constructed Structures**

Any incompletely constructed structure which does not meet the requirements of the Building Code or this Ordinance shall not be issued a certificate of occupancy and shall not be used as

a dwelling. For the purposes of this Section, a basement which does not have a residential structure constructed above it shall be considered an incompletely constructed structure.

B. **Caretaker Residence**

No dwelling shall be erected in a commercial or industrial district, except for the living quarters of a watchman or caretaker and his/her immediate family. Any such living quarters shall consist of a structure which is permanently affixed to the ground, constructed in accordance with the adopted building code, and provided with plumbing, heating, bathroom, and kitchen facilities. In no case shall such living quarters be used as a permanent single-family residence by anyone other than a watchman or caretaker and his/her immediate family.

C. **Basement Apartments Prohibited**

No basement or cellar apartment shall be used or occupied for dwelling purposes at any time, unless in compliance with the County Building Code.

Section 3.05 RESIDENTIAL DESIGN STANDARDS

Any residential structure, including manufactured dwellings not located in mobile home parks, shall be erected or constructed only if in compliance with the following residential design standards. The Zoning Inspector shall have the authority to determine if the following requirements are being complied with.

A. **General Requirements**

1. **Area and Bulk Regulations.** Any residential structure, including any manufactured home dwelling unit, shall comply with the minimum floor area requirements specified for the zoning district where such structure is located. Manufactured homes shall comply with all regulations normally required for site-built housing in the zoning district in which it is located, unless specifically indicated otherwise herein.

2. **Foundation.** Any residential structure, including a manufactured home, shall be placed on a permanent foundation to form a complete enclosure under the exterior walls. The foundation shall be constructed in accordance with the Building Code. A manufactured home shall be securely anchored to its foundation in order to prevent displacement during windstorms. The wheels, tongue and hitch assembly, and other towing appurtenances, shall be removed before attaching a manufactured home to its permanent foundation.

3. **Other Regulations.** Residential structures shall be constructed in compliance with applicable state, federal, or local laws or ordinances. Manufactured homes shall comply with the most recent regulations specified by the United States Department of Housing and Urban Development.

4. **Use.** Manufactured homes and other structures shall be used only for the purposes permitted in the zoning district in which they are located.

5. **Attachments.** Any exterior attachments or extensions onto a dwelling unit, such as entry steps and storage buildings, shall comply with the Building Code.

6. **Utility Connections.** All residential structures shall be connected to public sewer and water systems where accessible and available.

7. **Compatibility with Other Residences.** New residential structures, including manufactured homes and manufactured dwellings, shall be aesthetically compatible with other residences in the vicinity. To assess compatibility, the Zoning Inspector shall evaluate the design and position of windows, exterior wall colors and color combinations, and other features of the new structure in relation to existing structures within three hundred (300) feet.

8. **Roof Pitch.** The pitch of the main roof shall have a minimum vertical rise of one (1) foot for each four (4) feet of horizontal run, and the minimum distance from the eaves to the ridge shall be ten (10) feet, except where the specific housing design dictates otherwise (i.e., French provincial, Italianate, etc.). The roof shall be finished with a type of shingle or other material that is commonly used in standard on-site residential construction.

9. **Exterior Materials.** The exterior siding shall consist of materials that are generally acceptable for site-built housing in the vicinity, provided that the reflection from such exterior surface shall be no greater than from white semi-gloss exterior enamel, and provided further that any such exterior is comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.

10. **Dimensions.** The dimensions and placement of manufactured dwellings located outside of a mobile home park shall be comparable to typical dimensions and placement of site-built housing in the vicinity. Therefore, a manufactured dwelling shall be located on the lot so that the minimum width of the front elevation is no less than thirty-four (34) feet and the minimum dimension along any side or rear elevation is no less than sixteen (16) feet. If there are any extensions or additions off of the front of the manufactured dwelling, the minimum width of any such secondary front elevation shall be sixteen (16) feet. Such dimensions shall be measured from the outer extremities and shall include additions to the main body of the manufactured dwelling, such as living or recreation rooms, garages, carports, utility rooms, and the like, the front portions of which are within ten (10) feet of the front of the main body of the manufactured dwelling.

11. **Roof Overhang.** Residential structures shall be designed with either a roof overhang of not less than six (6) inches on all sides or with window sills and roof drainage systems to concentrate roof drainage at collection points along the sides of the dwelling.

12. **Exterior Doors.** Residential structures shall have not less than two (2) exterior doors which shall not be located on the same side of the building.

13. **Porches.** All residential structures, including manufactured housing shall have steps and/porches which provide access to exterior doors, which are permanently attached to the ground and the structure, and which are comparable with steps and/or porches of homes typically found in the area in which it is located. Any exterior attachments to a dwelling unit, such as entry steps and/or porches, shall comply with the Building Code.

14. **Floodplain.** No dwelling unit, including manufactured homes, shall be located within a one-hundred (100) year floodplain unless a permit has been issued by the Village, and construction is in accordance with this Ordinance.

Section 3.06 HOME OCCUPATIONS

A. **General Requirements**

Home occupations shall be subject to the requirements of the zoning district in which they are located, as well as the following standards, unless otherwise specified elsewhere in this Ordinance:

1. Home occupations must be clearly incidental to the use of the dwelling as a residence.

2. No outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.

3. The appearance of the principal structure shall not be altered, nor shall the home occupation be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises, or vibrations.

4. Only the residents of the dwelling unit may be engaged in the home occupation.

5. The home occupation may increase vehicular traffic flow and parking by no more than one (1) additional vehicle at a time. No more than ten (10) customers or clients shall come to the dwelling unit for services or products during any one (1) day. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.

6. No home occupation shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure.

7. One (1) non-illuminated nameplate, not more than one (1) square foot in area, shall be permitted. Said sign shall be attached flat to the building wall, and shall display only the name and occupation of the resident on the premises.

8. A home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater extent or frequency than would normally be generated in a similarly zoned residential district.

9. The following uses, by the nature of their operation, have a pronounced tendency to increase in intensity beyond the limits permitted for home occupations, thereby impairing the reasonable use and value of surrounding residential properties. Therefore, the following uses shall not be permitted as home occupations (unless otherwise permitted subject to special approval):

    a. Medical clinics and hospitals.
    b. Offices maintained for the general practice of a veterinarian, doctor, lawyer, accountant, insurance agent, or real estate agent. The private offices of these professionals shall be permitted, provided that the residence is used only for consultation, emergency treatment, or business matters that can be carried on by the professional alone.
    c. Millinery shops.
    d. Animal hospitals or commercial kennels.
    e. Vehicle and engine repair businesses.
    f. Antique shops.
    g. Barber shops and beauty parlors.
    h. Private clubs.
    i. Landscape installation and maintenance businesses, including lawn mowing businesses.
    j. Snow plowing and/or removal businesses.
    k. Concrete, excavation, or similar contractors.
    l. Trailer rental.
    m. Restaurants.
    n. Repair shops and service establishments.

    This list does not include every use that is prohibited as a home occupation.

10. A permit shall be obtained from the Zoning Inspector prior to establishing a home occupation.

Section 3.07 TEMPORARY STRUCTURES AND USES

A. **General Requirements**

Temporary buildings and structures shall comply with the following requirements:

1. **Temporary Structures Used for Residential Purposes.** A building or structure may be approved for temporary residential use only while damage to the principal dwelling due to fire, flood, ice, wind, or other natural disaster is being repaired. Any such temporary building shall not be used as a residence without prior review and approval by the Zoning Inspector, and subject to the following conditions:

    a. Such permits may be issued by the Zoning Inspector for up to six (6) months in duration and may be renewed for periods of up to six (6) months, provided that work is proceeding in an expeditious manner.
    b. The total duration of a temporary permit, including extension(s), shall not exceed twelve (12) months.
    c. Temporary structures shall comply with the setback standards for the district in which they are located.
    d. The County Building Department shall approve electrical and utility connections to any temporary structure.
    e. An approved temporary structure may be moved onto a site fourteen (14) days prior to commencement of construction and shall be removed within fourteen (14) days following issuance of a certificate of occupancy for the permanent dwelling.
    f. The applicant shall furnish the Municipality with a performance guarantee in an amount determined by the Municipality to be satisfactory to assure removal of the temporary structure.

2. **Temporary Structures Used for Nonresidential Purposes.** Temporary buildings for nonresidential use, including semi-trucks/trailers and concrete batch plants, shall be permitted only when the intended use is by a contractor or builder in conjunction with a construction project, and only after review and approval by the Zoning Inspector. Such temporary structures shall be removed immediately upon completion of the construction project and prior to a request for a certificate of occupancy for the project.

3. **Permits.** Permits for the utilization of temporary structures (including tents) shall be issued by the Zoning Inspector. The permit shall specify a starting date and a date of removal of the temporary structure. The period of approval shall not exceed one (1) year.

4. **Use as an Accessory Structure.** A temporary building or structure shall not be used as an accessory building or structure, except as permitted herein.

5. **Special Events and Other Temporary Uses.** The Zoning Inspector or Council may grant temporary use of land and structures for special events and other temporary uses, as defined in this Ordinance, subject to the following general conditions:

   a. Adequate off-street parking shall be provided.
   b. The applicant shall specify the exact duration of the temporary use.
   c. Electrical and utility connections shall be approved by the County Building Department.
   d. The Municipality may require a performance bond to assure proper clean-up.

6. **Conditions which Apply to Specific Temporary Uses.**

   . Christmas Tree Sales. Christmas trees may be sold for profit on lots located in any non-residential zoning district, provided a permit is first obtained from the Zoning Inspector. In addition, churches, schools, and other non-profit organizations in any district may use their own grounds for the sale of Christmas trees, subject also to issuance of a permit by the Zoning Inspector. All trees, parts of trees, signs, stakes, and other equipment or debris associated with the Christmas tree sales operation shall be removed from the site not later than the 28th day of December of the year in which the sales takes place.

   b. Circuses, Fairs, Carnivals, and Similar Uses. Circuses, fairs, carnivals, and similar uses may be permitted for a temporary period of time under the following circumstances:
      i. Such uses may be permitted only when engaged in by schools, churches, fraternal societies, and similar non-profit organizations as an accessory use for the sole purpose of raising money for the financial support of such institutions in pursuit of their natural functions.
      ii. Such uses shall be confined to the land and buildings normally used and occupied by such non-profit institutions, unless the use of other lands is approved by the Council.
      iii. Such uses shall not disturb the general public peace and tranquility, nor shall such uses be detrimental to adjacent surrounding property.
      iv. Permits for such uses may be granted for a period of eight (8) consecutive days; however, a permit may be renewed for not more than eight (8) days.

   c. Sidewalk Sales. Sidewalk sales or sales of the similar nature shall be permitted by any legally established retail business, subject to the following:
      i. The sidewalk sale shall be conducted in conjunction with a permanent retail business located in a building on the parcel.
      ii. A permit shall be obtained from the Zoning Inspector prior to conducting a sidewalk sale.
      iii. Permits for sidewalk sales shall be granted for a period not to exceed five (5) days. Up to three (3) permits may be issued per year for any business, parcel, or lot.
      iv. The sidewalk sale shall not adversely affect adjacent or nearby properties, nor shall it disturb public peace and tranquility.
      v. Sidewalk sales shall not block the use of any public sidewalk or road, nor shall it block emergency access routes.

Section 3.08 USES NOT OTHERWISE INCLUDED WITHIN A DISTRICT

A. **General Requirements**

A land use which is not cited by name as a permitted use in a zoning district may be permitted upon determination by the Zoning Inspector that such use is clearly similar in nature and compatible with the listed or existing uses in that district. In making such a determination, the Zoning Inspector shall consider the following:

1. **Determination of Compatibility.** In making the determination of compatibility, the Zoning Inspector shall consider specific characteristics of the use in question and compare such characteristics with those of the uses which are expressly permitted in the district. Such characteristics shall include, but are not limited to, traffic generation, types of service offered, types of goods produced, methods of operation, and building characteristics.

2. **Conditions by which Use May Be Permitted.** If the Zoning Inspector determines that the proposed use is compatible with permitted and existing uses in the district, the Zoning Inspector shall then decide whether the proposed use shall be permitted by right, as a special use, or as a permitted accessory use. The proposed use shall be subject to the review and approval requirements for the district in which it is located.

3. **Commission Determination.** In the event that the Zoning Inspector is unable to decide if a use should be considered a permitted use in a particular zoning district, then the determination shall be made by the Planning Commission, which may elect to resolve the case by initiating an amendment to this Ordinance.

4. **Uses Listed in Another District.** No use shall be permitted in a district under the terms of this Section if the use is specifically listed as a use permitted by right or as a special use in any other district.

Section 3.09 YARD AND BULK REGULATIONS

A. **General Regulations**

All lots, buildings, and structures shall comply with the following general yard and bulk regulations unless specifically stated otherwise in this Ordinance:

1. **Minimum Lot Size.** Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance shall comply with the lot size, lot coverage, and setback requirements for the district in which it is located. No yards in existence on the effective date of this Ordinance shall subsequently be

reduced below, or further reduced if already less than, the minimum yard requirements of this Ordinance.

2. **Number of Principal Uses per Lot.** Only one (1) principal building shall be placed on a lot of record or site in single-family residential districts.

3. **Projections into Required Yards.** Fire escapes, fire towers, chimneys, platforms, balconies, boiler flues, and other projections shall be considered part of the building, subject to the setback requirements for the district in which the building is located. The following table identifies permitted projections in required yards:

TABLE 1
PERMITTED PROJECTIONS INTO REQUIRED YARDS

Projection	All Yards	Rear Yard	Interior Side Yard	Corner Side Yard
Air conditioning equipment shelters		l	l	l
Access drives	l			
Arbors and trellises	l			
Awnings and canopies	l			
Bay windows	l			
Decks, if not enclosed		l		
Eaves, overhanging	l			
Fences*	l			
Flagpoles	l			
Gardens	l			
Gutters	l			
Hedges	l			
Laundry drying equipment		l	l	
Light standards, ornamental	l			
Parking, off-street*	l			
Paved terraces and open porches*		l		
Porches, unenclosed with or without roof*	l			
Approved signs*	l			
Stairways, open unroofed	l			
Steps	l			
Television or radio towers or antennas*		l	l	l
Trees, shrubs, and flowers	l			
Walls*	l			
Window air conditioning units	l			

* See additional regulations in this Ordinance. **l** = Permitted

NOTES RELATED TO TABLE:

a. Architectural Features. Bay windows, window sills, belt courses, cornices, eaves, overhanging eaves, and other architectural features may project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard, and may extend into any front or rear yard not more than twenty-four (24) inches.

b. Terraces and Porches. Open paved terraces and open porches may project into a required rear yard up to ten (10) feet, provided that the unoccupied portion of the rear yard has a depth of at least twenty-five (25) feet.

c. Access Drives and Walkways. Access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. Further, any walk, terrace or other pavement serving a like function, shall be permitted in any required yard, providing the pavement is no higher than six (6) inches above grade.

d. Unenclosed Porches, with or without Roof. Unenclosed porches may project into required front yard up to six (6) feet, and shall maintain a minimum side yard setback of three (3) feet.

4. **Unobstructed Sight Distance.** No fence, wall, structure, or planting shall be erected, established, or maintained on any lot which will obstruct the view of drivers in vehicles approaching an intersection of two (2) roads or the intersection of a road and a driveway (see diagram on next page). Fences, walls, structures, or plantings located in the triangular area described below shall not be permitted to obstruct cross-visibility between a height of thirty (30) inches and six (6) feet above the lowest point of the intersecting road(s) (see Figure 1).

Trees shall be permitted in the triangular area provided that limbs and foliage are trimmed so that they do not extend into the cross-visibility area or otherwise create a traffic hazard. Landscaping, except required grass or ground cover, shall not be located closer than three (3) feet from the edge of any driveway or road pavement within the triangular area.

a. Unobstructed Sight Area. The unobstructed triangular area is described as follows:

i. The area formed at the corner intersection of two (2) public right-of-way lines, the two (2) sides of the triangular area being twenty-five (25) feet in length measured along abutting public rights-of-way lines, and third side being a line connecting these two (2) sides; or

ii. The area formed at the corner intersection of a public right-of-way and a driveway, the two (2) sides of the triangular area being ten (10) feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two (2) sides.

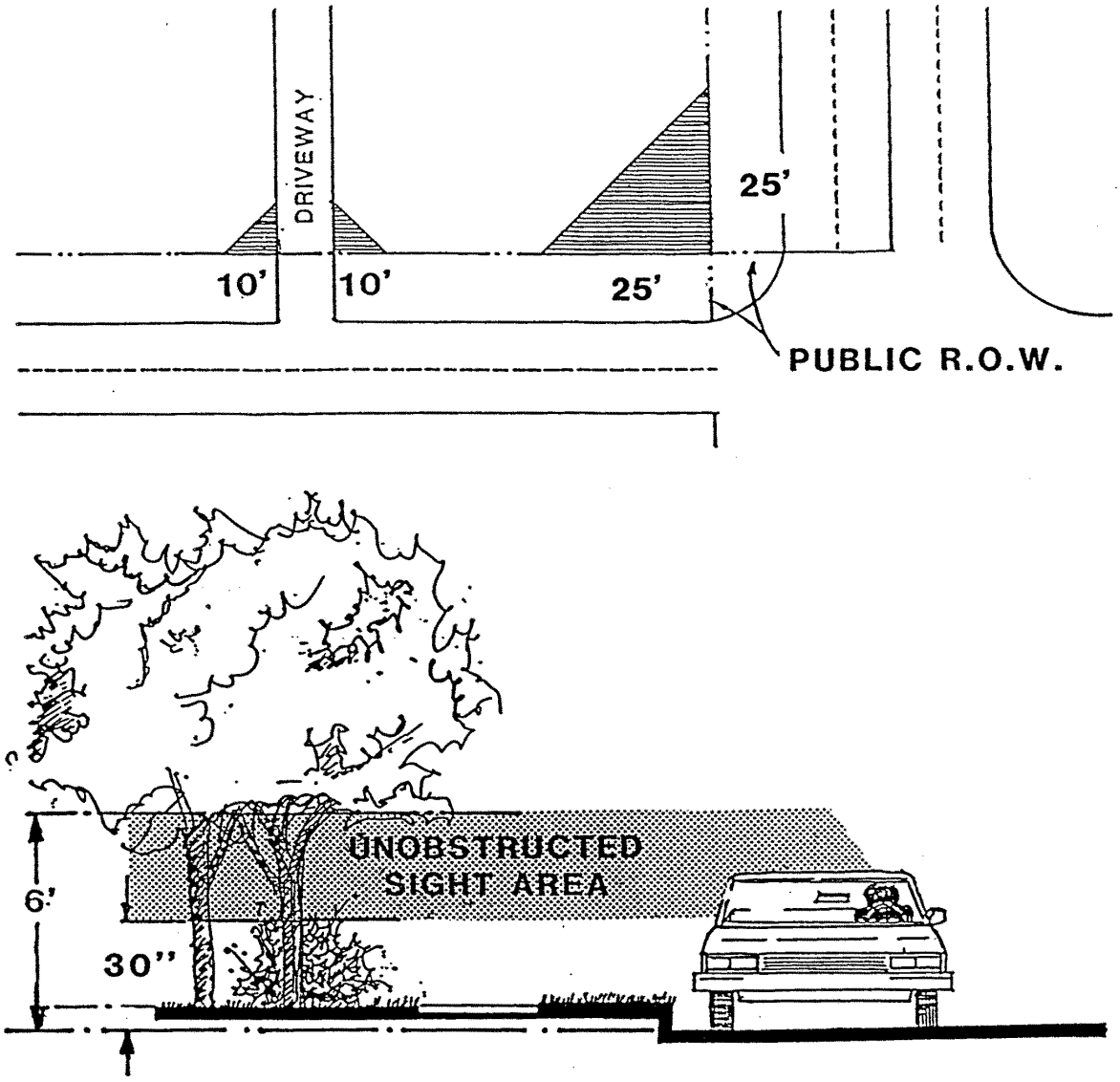


FIGURE 1
UNOBSTRUCTED SITE DISTANCE

5. **Lots Adjoining Vacated Alleys.** In calculating the area of a lot that adjoins a vacated alley for the purposes of applying lot area and setback requirements, one-half (1/2) of the width of said alley shall be considered a part of the lot. However, if a portion of the lot is occupied by an alley currently in use (i.e., not vacated), then such area shall not be used in lot area computations.

Section 3.10 STREETS, ROADS, AND OTHER MEANS OF ACCESS

A. **Intent**

Unimpeded, safe access to parcels of land throughout the Municipality is necessary to provide adequate police and fire protection, ambulance services, and other public services, and to otherwise promote and protect the health, safety, and welfare of the public. The standards and specifications set forth herein are determined to be the minimum standards and specifications necessary to meet the above stated intentions.

B. **Public Access Required**

The front lot line of all lots shall abut onto a publicly dedicated road right-of-way.

C. **Driveway Dimensions**

Driveways providing access to residential, commercial or industrial properties shall comply with the dimensional standards specified in this Ordinance.

D. **Access Across Residential District Land**

No land which is located in a residential district shall be used for a driveway, walkway, or access purposes to any land which is located in a nonresidential district, unless such access is by way of a public road.

E. **Performance Guarantee**

To assure completion of any road in conformance with the requirements set forth herein, the Zoning Inspector or Planning Commission may require the applicant or owner to provide a performance guarantee, in accordance with this Ordinance.

Section 3.11 GRADING REGULATIONS

A. **Intent and Scope of Requirements**

Compliance with the grading regulations set forth herein shall be required as follows:

1. **Intent.** Grading regulations are established to control the excavation and filling of land, to assure adequate drainage away from structures and to a natural or established drainage course, and to assure protection of trees on sites where grading is to take place. The regulations set forth herein also establish procedures and requirements for grading permits, inspection of finished grading operations, and penalties for violation of the grading regulations.

2. **Scope of Application.** A permit shall be required in all instances where grading, excavating, filling, stockpiling, or other alteration to the land are proposed. Filling shall include the dumping of soil, sand, clay, gravel, or other material on a site. However, where minor alterations to the land which do not affect the storm drainage pattern are proposed, a grading permit shall not be required.

B. **Grading Plan**

1. **Grading Plan.** In the event that a grading permit is required, the applicant shall first submit a grading plan for review and approval by the Municipal Engineer and Zoning Inspector. Grading plans may be submitted in conjunction with a site plan review, or may be submitted as a separate plan. Such plans shall be prepared by a registered land surveyor or civil engineer.

2. **Grading Plan Standards.** At a minimum, grading plans shall show grade elevations adjacent to existing and proposed structures and at the nearest side of structures on adjacent properties, and sufficient existing and proposed elevations on the site to be altered and on as much of the adjacent property as is necessary to establish the proposed surface water drainage pattern. If excavation or filling is proposed, the amount of material to be excavated or filled shall be indicated on the grading plan. All elevations shall be based on U.S.G.S. datum. Elevations and location of bench marks used for determining elevations shall be shown on the plan.

3. **Subdivision Grading Plans.** For any proposed subdivision, a grading plan prepared by a registered land surveyor or civil engineer shall be submitted with the preliminary subdivision plan. The grading plan shall show the topography of the area to be platted, the existing drainage pattern, and the proposed surface water drainage pattern. Drainage easements shall be provided across private property where necessary for handling surface drainage from adjacent properties.

C. **Grading Standards**

1. **Slope Away From Buildings.** All buildings and structures shall be constructed at an elevation which provides a sloping grade away from the building or structure, thereby causing surface water to drain away from the walls of the building to a natural or established drainage course. Unless insufficient space exists on a site, a minimum five percent (5%) slope away from all sides of a building or structure shall be provided for a minimum distance of ten (10) feet.

2. **Runoff Onto Adjacent Properties.** New grades shall not be established that would permit an increase in the runoff of surface water onto adjacent properties, except through established drainage courses.

D. **Review, Inspection, and Approval Procedures**

Grading plans shall be reviewed by the Municipal Engineer and Zoning Inspector. In the event that the grading plan is submitted in conjunction with a site plan submission, the Planning Commission shall review the grading plan as a part of normal site plan review. The Zoning Inspector shall issue a grading permit after the determination has been made that the requirements set forth herein and in other applicable ordinances have been complied with.

For residential properties, compliance with a grading plan and permit shall be verified by the Zoning Inspector after visual on-site inspection. The Municipal Engineer shall be responsible for verifying compliance with grading plans and permits for non-residential uses. Before final inspection and issuance of a certificate of occupancy, the rough grading must be completed; final grading shall be completed within six months after a certificate of occupancy has been issued.

Section 3.12 LIGHTING REQUIREMENTS

Subject to the provisions set forth herein, all parking areas, walkways, driveways, building entryways, off-street parking and loading areas, and building complexes with common areas shall be sufficiently illuminated to ensure the security of property and the safety of persons using such public or common areas.

A. **Permitted Lighting**

Only non-glare, color-corrected lighting shall be permitted. Lighting shall be placed and shielded so as to direct the light onto the site and away from adjoining properties. The lighting source shall not be directly visible from adjoining properties. Lighting shall be shielded so that it does not cause glare for motorists (see Figure 2).

B. **Intensity**

In parking areas, the light intensity shall average a minimum of one (1.0) footcandle, measured five (5) feet above the surface. In pedestrian areas, the light intensity shall average a minimum of two (2.0) footcandles, measured five (5) feet above surface. Light intensity at the property lines shall not exceed one-half (½) footcandle.

C. **Height**

Except as noted below, lighting fixtures shall not exceed a height of twenty-five (25) feet measured from the ground level to the centerline of the light source. Fixtures should provide an overlapping pattern of light at a height of approximately seven (7) feet above ground level.

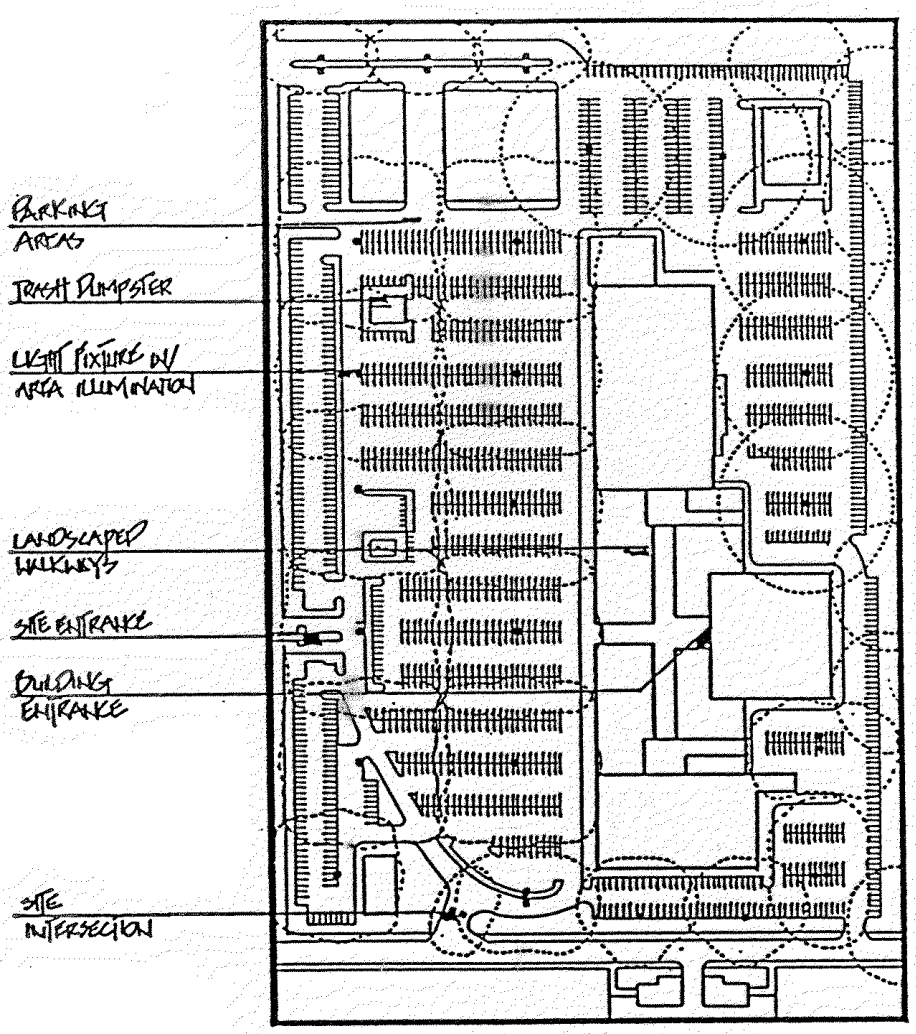
The Planning Commission may modify these height standards in commercial and industrial districts, based on consideration of the following: the position and height of buildings, other structures, and trees on the site; the potential off-site impact of the lighting; the character of the proposed use; and, the character of surrounding land use. In no case shall the lighting exceed the maximum building height in the district in which it is located.

D. **Sign Lighting**

Signs shall be illuminated in accordance with the regulations set forth in this Ordinance.

E. **Site Plan Requirements**

All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objective of these specifications is to minimize undesirable off-site effects.



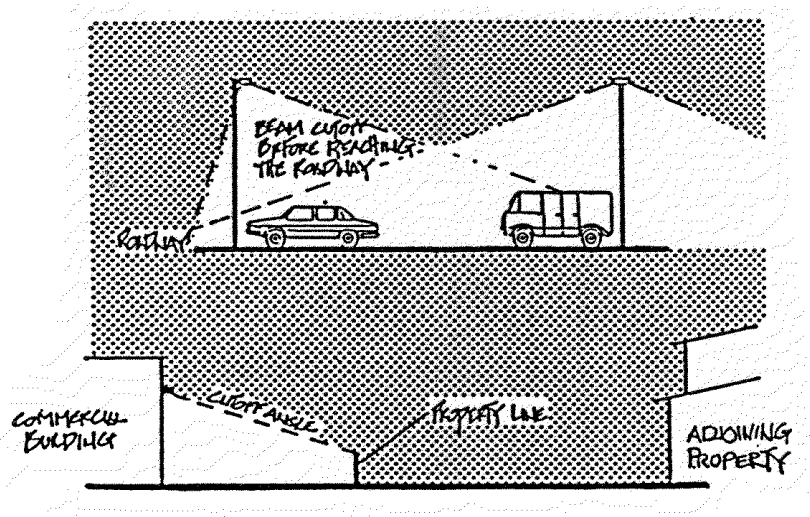


FIGURE 2 - LIGHTING REQUIREMENTS

Section 3.13 DUMPING, FILLING AND EXCAVATION

The dumping of waste or other materials, grading, excavating, filling, and similar "earth changes" shall be subject to the following regulations:

A. **Dumping of Waste, Junk, or Similar Materials**

The use of land for the storage, collection or accumulation of used construction materials, or for the dumping or disposal of refuse, ash, garbage, rubbish, waste material or industrial by-products shall not be permitted in any district.

B. **Excavation**

The excavation or continued existence of unprotected holes, pits, or wells which constitute or are reasonably likely to constitute a danger or menace to the public health, safety, and welfare is prohibited. However, this restriction shall not apply to excavations for which a permit has been acquired, provided such excavations are properly protected with fencing, guard rails, and warning signs. Excavations which may be permitted if proper permits are acquired include excavation related to construction of a driveway, walk, a permitted wall, or building or part thereof, or movement of soil within the boundaries of a parcel for the purposes of preparing a site for building construction or another permitted use.

C. **Dumping of Soil, Sand, Clay, Gravel or Similar Material**

The dumping or filling with soil, sand, clay, gravel or similar earthen material (excluding waste, junk, or contaminated material) on any lot or parcel of land shall not occur unless the plans for such dumping or filling have first been reviewed and appropriate permits issued by the Zoning Inspector. Land within a drainage easement shall not be filled unless approved by Municipal Engineer.

D. **Removal of Soil, Sand or Similar Materials**

Approval of the Zoning Inspector shall be required prior to the removal of topsoil, sand, gravel, or similar earthen material from any site in the Municipality. A permit shall be issued only upon finding that such removal will not cause stagnant water to collect or leave the surface of the land in an unstable condition or unfit for the growing of turf and other land uses permitted in the district in which the site is located.

Section 3.14 TRASH REMOVAL AND COLLECTION

A. **Standards for Siting and Screening of Trash Dumpsters**

Dumpsters may be permitted or required as accessory to any use other than single and two-family residential uses, subject to the following conditions:

1. **Location.** Dumpsters shall be permitted in the side or rear yard provided that no dumpster shall extend closer to the front of the lot than any portion of the principal structure, and provided further that the dumpster shall not encroach on a required parking area, is clearly accessible to servicing vehicles, and is located at least ten (10) feet from any building. Dumpsters shall comply with the setback requirements for the district in which they are located. Dumpsters shall be located as far as practicable from any adjoining residential district.

2. **Concrete Pad.** Dumpsters shall be placed on a concrete pad. The concrete pad should extend a minimum of three (3) feet in front of the dumpster enclosure.

3. **Screening.** Dumpsters shall be screened from view from adjoining property and public streets and thoroughfares. Dumpsters shall be screened on three sides with a permanent building, decorative masonry wall, wood fencing, or earth mound, not less than six (6) feet in height or at least six (6) inches above the height of the enclosed dumpster, whichever is taller. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other three (3) sides.

4. **Bollards.** Bollards (concrete filled metal posts) or similar protective devices shall be installed at the opening to prevent damage to the screening wall or fence.

5. **Site Plan Requirements.** The location and method of screening of dumpsters shall be shown on all site plans.

Section 3.15 SAFETY PROVISIONS

A. **Public Service Access**

All structures shall be provided with adequate access for fire, police, sanitation, and public works services.

B. **Fire Protection**

All structures shall be provided with adequate fire protection, including adequate water supply for fire fighting purposes, adequate internal fire suppression system, use of fire walls and fire-proof materials, and other fire protection measures deemed necessary by the Fire Chief or County Building Department.

1. **Fire Protection Systems.** The Fire Chief or County Building Department shall have the authority to require fire protection systems installed in any zoning district.

2. **Site Development Standards.** To facilitate fire protection during site preparation and construction of buildings, consideration shall be given to the following:

a. Water mains and fire hydrants shall be installed prior to construction above the foundation. Hydrants shall be spaced to provide adequate fire fighting protection for all buildings and uses, subject to applicable codes and review by the Municipal officials.

b. Prior to construction of buildings and other large structures, a hard surfaced roadbed shall be provided to accommodate access of heavy fire fighting equipment to the immediate job site at the start of construction. The roadbed shall be maintained until all construction is completed or until another means of access is constructed.

c. Free access from the street to fire hydrants and to outside connections for standpipes, sprinklers, or other fire extinguishing equipment, whether permanent or temporary, shall be provided and maintained at all times.

d. The building permit holder shall provide scheduled daily cleanup of scrap lumber, paper products, corrugated cardboard and other debris. Construction debris shall be disposed of in accordance with methods approved by the Zoning Inspector.

Section 3.16 EXEMPTIONS

A. Essential Services

Essential services, as defined in this Ordinance, shall be permitted as authorized and regulated by state, federal, and local ordinances and laws, it being the intention hereof to exempt such essential services from those regulations governing area, height, placement, and use of land in the Municipality which would not be practical or feasible to comply with.

Although exempt from certain regulations, proposals for construction of essential services shall still be subject to site plan review, it being the intention of the Municipality to achieve efficient use of the land and alleviate adverse impact on nearby uses or lands. Essential services shall comply with all applicable regulations that do not affect the basic design or operation of said services.

B. Exemptions to Height Standards

The height limitations of this Ordinance shall not apply to chimneys, church spires, public monuments, wireless transmission towers, water towers, and flag poles, provided that the following requirements are complied with:

1. **Wind Driven Energy Devices.** The maximum height of wind-driven energy devices shall be thirty-five (35) feet, provided that the device is set back from all property lines a distance equal to the height of the device. Such devices shall be located in the rear yard of a residential district, and shall be subject to this Ordinance and all other applicable federal, state, and local regulations.

2. **Antennas in Residential Districts.** Private television antennas, pole antennas, and other private communication antennas or towers shall be permitted in residential districts as follows:

   a. Antennas with a wind resistance surface of seven (7) square feet or less shall be located in the rear yard or on a rooftop, provided that freestanding antenna towers shall be set back from all property lines a distance equal to the height of the tower. Such antennas shall comply with the height standards for the district in which they are located, except as hereinafter provided.
   b. Antennas with a wind resistance surface of over seven (7) square feet shall be located in the rear yard only, and shall be subject to the setback and height standards for the district in which they are located. Any such antenna shall be located to obscure its view from adjacent properties and roads, to the maximum extent possible.
   c. Notwithstanding the above requirements, open element and monopole antennas shall be permitted in residential districts, provided they do not exceed forty-five (45) feet in height.
   d. Satellite dish antennae shall be subject to the regulations in this Ordinance.

3. **Antennas in Non-residential Districts.** Antennas with a wind resistance surface of seven (7) square feet or less shall be permitted on the rooftop of any building or in the rear of a non-residential district provided that the antenna complies with the height standard for the district in which it is located, and is obscured from view from adjacent properties and roads, to the maximum extent possible. A freestanding antenna may be located in the side yard if its visibility from adjacent properties is obscured.

4. **Variances.** Variances from height standards may be sought from the Zoning Board of Appeals. In considering such a request, the Zoning Board of Appeals shall consider, at minimum, the character of the surrounding uses, the height of surrounding structures, the potential to obscure light or view to or from existing buildings or surrounding properties, and potential detriment to the use or value of surrounding properties.

Section 3.17 SIDEWALKS

Sidewalks shall be subject all other Municipal regulations, and the following regulations:

A. **General Requirements**

1. **Location and Width.** Required sidewalks shall be five (5) feet in width and shall be located one (1) foot off the property line in the road right-of-way, except where the planned right-of-way is greater in width than the existing right-of-way, in which case the sidewalk shall be located one (1) foot inside the planned right-of-way. The Planning Commission may modify this requirement in consideration of the location of utilities, existing landscaping, or other site improvements.

2. **Design Standards.** Sidewalks shall be constructed of concrete in accordance with established engineering standards for the Municipality.

3. **Alignment with Adjacent Sidewalks.** Sidewalks shall be aligned horizontally and vertically with existing sidewalks on adjacent properties. The Planning Commission may modify this requirement if existing adjacent sidewalks are not constructed in conformance with the standards set forth herein.

4. **Maintenance.** The owner of the property which fronts on the sidewalk shall be responsible for maintenance of the sidewalk, including patching cracked or deteriorated pavement, snow removal, and removal of glass and other debris. The property owner shall be liable for damages in the event that a person is injured while using a sidewalk that said property owner has not properly maintained.

5. **Permits.** It shall be the responsibility of the owner or developer to secure any required permits from Municipal, County, or State agencies to allow sidewalk construction in the road right-of-way.

Section 3.18 PERFORMANCE GUARANTEE

A. **Intent and Scope of Requirements**

To insure compliance with the provisions of this Ordinance and any conditions imposed thereunder, the Planning Commission may require that a performance guarantee be deposited with the Municipality to insure faithful completion of improvements. Improvements for which the Municipality may require a performance guarantee include, but are not limited to, roadways, lighting, utilities, sidewalks, screening, and drainage.

B. **General Requirements**

The performance guarantee shall meet the following requirements:

1. The performance guarantee shall be in the form of a cash deposit, certified check, surety bond, or performance bond which names the property owner as the obligor and the Municipality as the obligee.

2. The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. If appropriate based on the type of performance guarantee submitted, the Municipality shall deposit the funds in an interest bearing account in a financial institution with which the Municipality regularly conducts business.

3. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements for which the performance guarantee is required. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements. The exact amount of the performance guarantee shall be determined by the Zoning Inspector.

4. The entire performance guarantee, including interest accrued, shall be returned to the applicant following inspection by the County Building Department and Zoning Inspector and a determination that the required improvements have been completed satisfactorily. The performance guarantee may be released to the applicant in proportion to the work completed on various elements, provided that a minimum of ten (10) percent shall be held back on each element until satisfactory completion of the entire project.

C. **Unsatisfactory Completion of Improvements**

Whenever required improvements are not installed or maintained within the time stipulated or in accordance with the standards set forth in this Ordinance, the Municipality may complete the necessary improvements itself or by contract to an independent developer, and assess all costs of completing said improvements against the performance bond or other surety, including any interest accrued on said bond or surety. Prior to completing said improvements, the Municipality shall notify the owner, site plan review applicant, or other firm or individual responsible for completion of the required improvements.

Section 3.19 FENCES

Every fence constructed or erected in the Municipality shall comply with the regulations of this Chapter. No fence shall be erected or constructed until a permit has been issued in accordance with the provisions of this Section.

A. **General Requirements**

1. **Fence Materials.** Fences shall consist of materials commonly used in conventional fence construction, such as wood, wrought iron or other metal, or vinyl. The use of metal panels or corrugated metal or razor wire shall not be permitted. Fences which carry electric current are prohibited. Barbed wire may be permitted in industrial districts, provided that the barbed wire is at least eight (8) feet above the ground, and provided further that the barbed wire shall be installed on supports that extend toward the interior of the site. Fence posts shall be sunk into the ground at

least three (3) feet, and all posts shall be encased in concrete below the surface of the ground.

2. **Finished Appearance.** If, because of the design or construction, one side of the fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot with the following exceptions:

   a. When a fence is approved for construction under a joint permit as provided for in this subsection, the joint permit holders shall determine the preferred orientation of the more finished side of the fence along the common property line(s) of the joint permit holders.
   b. An owner of abutting property may waive the right for the more finished side of a fence to face his abutting property. Such waiver of right must be in the form of a written consent statement, signed by the owner of the property where the fence would face under the normal requirements of this subsection. The written consent statement shall be attached to the permit application and maintained with permit records by the Zoning Inspector.

3. **Obstruction to Use of Adjoining Property.** No fence shall be erected where it would prevent or unreasonably obstruct the use of adjacent property, nor shall a fence be erected where it would obstruct or prevent the continued safe use of an existing driveway or other means of access to adjacent property. In enforcing this provision, the Zoning Inspector may require a fence to be set back a minimum distance of not more than two (2) feet from a driveway or property line in order to provide for the safe passage of pedestrians, bicyclists or vehicular traffic or other safety related concerns.

4. **Fence Maintenance.** Fences shall be maintained in good condition. Rotten or broken components shall be replaced, repaired, or removed. As required, surfaces shall be painted, stained, or otherwise treated with materials to protect and preserve the fence and provide an attractive finish. If a fence is found to be in need of repair by the Zoning Inspector, the Zoning Inspector shall issue orders to complete such repairs. Failure to comply with written notice from the Zoning Inspector ordering completion of such repairs shall be deemed a violation of this Ordinance.

5. **Location - General Requirements.** Any fence shall be located entirely on the private property of the person constructing it. However, adjoining property owners may jointly apply for a fence permit, in which case the Zoning Inspector may permit it to be constructed on their common property line. A fence shall not be attached to or touch a fence located on another owner's lot without the express written agreement of the owner's of both fences. No more than three (3) inches is permitted between such fences. In every case, fences must be constructed with adequate posts and other supports so that each fence is capable of maintaining an upright position and the location described in the original application for permit to construct the fence.

6. **Corner Clearance.** Fences located adjacent to a street or driveway shall be designed to provide unobstructed sight distance for drivers in accordance with this Ordinance.

7. **Nonconforming Fences.** Any future additions or improvements will be required to conform to this Ordinance.

B. **Review and Approval Procedures**

1. **Application for Permit.** No fence shall be erected or constructed until a permit has been issued in accordance with the provisions of this Section. An application for permit to construct a fence shall be filed with the Zoning Inspector. The application shall be accompanied drawings and other information which illustrate the dimensions, design and location of the proposed fence. The following minimum information shall be included on the drawing submitted in support of a fence permit application:

   a. Fence location.
   b. Location of all structures within twenty-five (25) feet of the proposed fence.
   c. Location of all driveways within twenty-five (25) feet of the proposed fence.
   d. Location of all sidewalks within twenty-five (25) feet of the proposed fence.
   e. Location of all existing fences within ten (10) feet of the proposed fence.

   The Zoning Inspector may determine other additional information is reasonably necessary to provide a complete review of the proposed fence. Such additional information shall be provided by the applicant as may be required by the Zoning Inspector to assure compliance with the regulations set forth in this Ordinance and to assure the fence is constructed with sound materials.

2. **Application Review Fee.** Each fence permit application shall be accompanied by an application review fee to recover the reasonable costs for review and permit issuance. The amount of the fee shall be fixed by resolution of Council and posted in the Municipal Offices. If the fence is constructed before an application for a permit is obtained, the fee shall be increased to an amount equal to twice the fee that is required if the permit application and fee were obtained prior to construction of the fence.

3. **Survey Required.** In the event lot lines for the subject property cannot be located to the satisfaction of the Zoning Inspector, the Zoning Inspector may require the applicant to establish lot lines on the property through placement of permanent stakes located by a licensed surveyor. Lot lines must be located before the fence permit is issued. The Zoning Inspector may withhold issuance of the permit to construct the fence until the lot lines are located and permanent stakes are placed by a licensed surveyor.

4. **Administrative Rules.** The Zoning Inspector may establish reasonable rules and procedures, consistent with the intentions of this Ordinance, which may be necessary to provide for the proper administration of this Section.

5. **Application Review and Permit Issuance by the Zoning Inspector.** The Zoning Inspector shall review the fence application and supporting data with respect to the standards set forth in this Ordinance, the Building Code, and administrative rules which may be established to provide for proper administration of this Section. The Zoning Inspector shall grant a permit to construct a proposed fence upon finding that the proposed fence fully complies with all applicable regulations.

6. **Appeal of a Decision.** An applicant may appeal a decision of the Zoning Inspector or Planning Commission concerning a proposed fence or enforcement of the provisions of this Section to the Zoning Board of Appeals. The Zoning Board of Appeals shall review the appeal in accordance with the standards and procedures set forth in this Ordinance.

C. **Fence Regulations in Residential Districts**

1. **Location and Height.**

   a. Fences in residential districts shall not exceed six (6) feet in height, with an additional three (3) inch clearance underneath for maintenance.
   b. Fences are permitted in a rear yard only not to extend past the rear sidelines extended of the residence.
   c. Fences located along the side lot line abutting a street on a corner lot shall be located no closer than one (1) foot to the edge of the sidewalk or on the lot line if there is no sidewalk adjacent to the lot line.

2. **Border Treatment.** A border treatment, as defined in this Ordinance, shall not exceed thirty (30) inches in height. Typical border treatments include, but are not limited to those devices known as split rail fences and picket fences. A border treatment may be created in any required yard area in accordance with the following limitations:

   a. If a border treatment is used at a property corner to deter pedestrians from walking on a private yard area, the border treatment that will be visible must be visible so as not to present a safety hazard at night or during other times of low visibility.
   b. Thin strands of wire, cable or cord shall not be permitted to be attached to standing poles to form a border treatment.
   c. The border treatment shall be located on the private property owner's lot not less than two (2) feet from all sidewalks and driveways and not less than one (1) foot from all lot lines.
   d. No permit shall be required for a border treatment. However, a border treatment must comply with these specifications and other applicable Municipal regulations.

3. **Fences Enclosing Public Areas.** Fences which enclose public parks, playgrounds, or similar public areas located within a residential district shall not exceed eight (8) feet in height, measured from the surface of the ground.

D. **Fence Regulations in Nonresidential Districts**

1. **Location.**

   a. Except as otherwise permitted in this Section for industrial facilities, fences shall be permitted in the rear or side yards of nonresidential districts, provided that no fence shall extend closer toward the front of the lot than any portion of the principal structure.
   b. A fence may also be installed in the front yard of a lot located in any B or I District, for the purpose of providing security for goods, supplies, and vehicles stored on the lot. An application for the security fence shall be considered consistent with the special use approval procedures described in this Ordinance. The fence permit application for the security fence shall be accompanied by an application for special use approval. Reasonable conditions for the placement of such fences may be included when such fence is approved as a special use.
   c. Fences located along the side lot line abutting a street on a corner lot shall be located no closer than one (1) foot to the edge of the sidewalk or on the lot line if there is no sidewalk adjacent to the lot line.
   d. Fences on corner lots shall comply with the corner clearance requirements in this Ordinance.

2. **Height.** Fences in commercial districts shall not exceed six (6) feet in height. Fences in industrial districts shall not exceed eight (8) feet in height, except that barbed wire shall be at least eight (8) feet above ground, as specified in sub-section (A)(1). If barbed wire is attached to the top of a fence in an industrial district, the barbed wire may extend not more than one (1) foot above the height of the fence.

3. **Signs Attached to Fences.** Signs advertising the availability of services or products shall not be attached to any fence. The only sign that may be attached to a fence shall indicate the name of the individual or company that constructed the fence and that sign shall not exceed one (1) square foot in area.

Section 3.20 WIRELESS COMMUNICATION FACILITIES

A. **Permitted Districts for Wireless Communication Facilities**

1. Subject to the standards and conditions set forth in subparagraph (B)(1) below, wireless communication facilities shall be deemed principal permitted uses in the following circumstances, and in the following districts:

   a. A proposed colocation of an attached wireless communication facility upon an existing attached wireless communication facility, wireless communication support structure, building and/or other structure within any R-3, B, or I District, or any Planned Unit Development, where the existing structure is not,

in the discretion of the Planning Commission and Council, proposed to be either materially altered or materially changed in appearance.

b. A proposed colocation of an attached wireless communication facility upon an existing attached wireless communication facility, wireless communication support structure, or building and/or other structure which had been pre-approved for such colocation as part of an earlier approval by the Municipality.

c. A proposed colocation of an attached wireless communication facility upon any high-tension electrical transmission tower.

d. A wireless communication support structure established upon a municipally owned parcel of property within any R-3, B, or I District, or any Planned Unit Development. Structures upon such sites shall also be subject to the standards of paragraph (D)(2), below, if the Planning Commission and Council determine the location is an aesthetically sensitive site.

2. Subject to the standards and conditions set forth below, wireless communication facilities shall be authorized as permitted uses after special use approval within the following districts:

a. Monopole support structures upon non-municipally owned parcels of property within any R-3, B, or I District, or any Planned Unit Development.

b. Lattice-style tower support structures upon non-municipally owned parcels of property within any I District.

3. If it is demonstrated by an applicant that a wireless communication facility may not be reasonably established as a permitted use under subparagraph (1), above, and is required to be established outside of a district identified in subparagraphs (1) and (2), above, in order to operate a wireless communication service, then wireless communication facilities may be permitted elsewhere in the Municipality as a permitted use after special use approval, subject to the criteria and standards of subparagraphs (B) and (D), below.

B. **General Regulations for Wireless Communication Facilities**

1. **Standards and Conditions Applicable to All Facilities.** All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission and Council at their discretion:

a. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.

b. Facilities shall be located and designed to be harmonious with the surrounding areas.

c. Wireless communication facilities shall comply with any present and/or future applicable federal and state standards relative to the environmental effects of radio frequency emissions.

d. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.

e. The following additional standards shall be met:

i. The maximum height of all new or modified attached wireless communication facilities and wireless communication support structures shall be two-hundred (200) feet. The Zoning Board of Appeals may grant a variance to the height standard if an applicant can demonstrate a higher minimum height is necessary for reasonable communication and the operation of their system. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.

ii. The setback of any support structure from any residential district boundary, or from any property line, existing or proposed rights-of-way, or other publicly traveled roads within any residential district shall be at least the height of the highest point of any structure on the premises.

iii. Where the proposed new or modified support structure abuts a parcel of land zoned for a use other than residential purposes, the minimum setback for monopole support structures, and accessory structures, shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located, unless the Planning Commission and Council determine a greater setback is necessary as provided in subparagraph (C)(3), below. The minimum setback for any lattice tower support structure shall be the height of the tower. The Zoning Board of Appeals may grant variances for the setback of all support structures in order to reduce their visual impact or to meet colocation requirements.

iv. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will be needed to access the site.

v. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.

vi. Where an attached wireless communication facility is proposed on the roof of a building, and if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within

the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.

vii. Support structures shall be either gray, white, or light blue in color. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.

viii. The support system shall be constructed in accordance with all applicable building codes. All applicable federal and state requirements shall be noted.

ix. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.

2. **Standards and Conditions Applicable to Facilities Permitted After Special Approval.** Applications for wireless communication facilities which may be permitted after special use approval under subparagraphs (A)(2) and (A)(3), above, shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions in subparagraph (B)(1), and in accordance with the following standards (also see subparagraph (D) for facilities permitted after special use approval under subparagraph (A)(3)).

a. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:
   i. Proximity to an interstate or major thoroughfare.
   ii. Areas of population concentration.
   iii. Concentration of commercial, industrial, and/or other business centers.
   iv. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
   v. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
   vi. Other specifically identified reason(s) creating facility need.

b. The proposal shall be reviewed in conformity with the colocation requirements of this section.

C. **Application Requirements for Wireless Communication Facilities**

1. A site plan prepared in accordance with this Ordinance shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.

2. The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all

cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities.

3. The application shall include a signed certification by a licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.

4. The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in subparagraph (F) below. In this regard, the security shall, at the election of Council, be in the form of: (1) cash; (2) surety bond; (3) letter of credit; or, (4) an agreement in a form approved by the Municipality and recordable by the County Recorder, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the Municipality in securing removal.

5. The application shall include a map showing existing and known proposed wireless communication facilities within the Municipality, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Municipality in the location, and in the area, which are relevant in terms of potential colocation or in demonstrating the need for the proposed facility. Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy. This section shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Municipality.

6. The name, address and telephone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

D. **Special Requirements for Facilities Proposed to be Situated Outside of an Allowable District**

For facilities which are not permitted uses under subparagraph (A)(1), above, and are proposed to be located outside of a district identified in subparagraph (A)(2), above, an application shall be reviewed and, if approved, facilities shall be constructed and maintained in accordance with the following additional standards and requirements, along with those in subparagraph (B):

1. At the time of the submittal, the applicant shall demonstrate that a location within a permitted district cannot reasonably meet the coverage and/or capacity needs of the applicant.

2. Wireless communication facilities shall be of a design such as (without limitation) a steeple, bell tower, tree, or other form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Planning Commission.

3. In single-family residential neighborhoods, site locations outside of a district identified in subparagraphs (A)(l) and (A)(2), above, shall be permitted on the following sites (not stated in any order of priority), subject to application of all other standards contained in this section:

   a. Municipally owned sites.
   b. Other governmentally owned sites.
   c. Religious or other institutional sites.
   d. Public parks and other large permanent open space areas when compatible.
   e. Public or private school sites.
   f. Other locations if none of the above is available.

E. **Colocation**

1. **Feasibility of Colocation.** Colocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:

   a. The wireless communication provider entity under consideration for colocation will undertake to pay market rent or other market compensation for colocation.
   b. The site on which colocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
   c. The colocation being considered is technologically reasonable, e.g., the colocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennae, and the like.
   d. The height of the structure necessary for colocation will not be increased beyond a point deemed to be permissible by the Municipality, taking into consideration the several standards contained in subparagraphs (B) and (D) of this section, above.

2. **Requirements for Colocation.**

   a. A permit for the construction and use of a new wireless communication support structure shall not be granted unless and until the applicant demonstrates that a feasible colocation is not available for the coverage area and capacity needs.

b. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate colocation.

c. The policy of the Municipality is for colocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible colocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.

d. If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new support structure, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Municipality, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the Municipality for a period of five (5) years from the date of the failure or refusal to permit the colocation. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

3. **Incentive for Colocation.** Review of an application for colocation, and review of an application for a permit for use of a facility permitted under subparagraph (A)(l)(a), above, shall be expedited by the Municipality.

4. **Notification of Colocation.** An application for a new wireless communication support structure shall include a letter from the applicant to all potential users offering an opportunity for colocation. The list of potential users shall be provided by the Municipality based upon those entities who have requested approval of a wireless communication facility, current Federal Communications Planning Commission license holders, and other entities requesting to be on the list. If, during a period of thirty (30) days after the notice letters are sent to potential users, a user requests, in writing, to colocate upon the new support structure, the applicant shall accommodate the request(s), unless colocation is not feasible based upon the criteria of this section.

F. **Removal**

1. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one (1) or more of the following events:

a. When the facility has not been used for one-hundred-eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission

and/or reception of radio signals) shall be considered as the beginning of a period of non-use.

b. Six (6) months after new technology is available at reasonable cost, as determined by Council, which permits the operation of the communication system without the requirement of the support structure.

2. The situations in which removal of a facility is required, as set forth in subparagraph (1) above, may be applied and limited to portions of a facility.

3. Upon the occurrence of one (1) or more of the events requiring removal, specified in subparagraph (1) above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Inspector.

4. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Municipality may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

ARTICLE 4

ESTABLISHMENT OF ZONING DISTRICTS AND MAP

Section 4.01 CREATION OF DISTRICTS

For the purposes of this Ordinance, the Municipality is hereby divided into the following Zoning Districts as shown on the Official Zoning Map:

R-1	Single Family Residential District
R-2	Two Family Residential District
R-3	Multiple Family Residential District
B-1	Downtown Business District
B-2	Community Business District
B-3	General Business District
I-1	Light Industrial District
FP	Floodplain Overlay District
PUD	Planned Unit Development

Section 4.02 ADOPTION OF ZONING MAP

The boundaries of the Zoning Districts enumerated in Section 4.01 are hereby established as shown on the Zoning Map marked and designated "Zoning Map, Village of Morrow, Ohio." The Zoning Map with all notations, references, and other information shown thereon shall be, and is hereby declared to be a part of this Ordinance as if fully described herein.

In accordance with the provisions of this Ordinance and the Revised Code, as amended, changes made in district boundaries and other matters portrayed on the Zoning Map shall be entered on the Zoning Map promptly after the amendment has been approved in the manner provided by this Ordinance and applicable law. No changes of any nature shall be made to the Zoning Map except in conformity with the procedures set forth in this Ordinance.

Regardless of the existence of copies of the Zoning Map which may from time to time be made or published, the official Zoning Map shall be located in the office of the Municipality and shall be the final authority with regard to the current zoning status of all land and water areas, buildings, and other structures in the Municipality.

Section 4.03 INTERPRETATION OF DISTRICT BOUNDARIES

Where there is any uncertainty, contradiction, or conflict concerning the intended location of zoning district boundaries, the Board shall interpret the exact location of zoning district boundary lines in accordance with the following standards:

1. Boundaries indicated as approximately following the center lines of streets, roads, railroad rights-of-way, or alleys shall be construed to follow such center lines.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following Municipal limits shall be construed as following such limits.

4. Boundaries indicated as approximately following the center lines of streams, rivers, or other bodies of water shall be construed to follow such center lines.

5. Boundaries indicated as parallel to or as extension of the features cited in Subsections A through D above shall be construed as being parallel to or an extension of the features cited. Distances not specified on the Official Zoning Map shall be determined using the scale on the map.

6. All streets, alleys, and railroad rights-of-way, unless specified otherwise, shall be deemed to be in the same district as the property immediately abutting upon such street, alley or railroad right-to-way. Where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley, unless specified otherwise, shall be deemed to be the same as that of the abutting property up to such centerline.

7. The Zoning Inspector shall determine the location of any district line in question. Should the Zoning Inspector's determination not satisfy the enquirer, the exact location of the district boundary lines shall be determined by the Board of Zoning Appeals according to rules and regulations which may be adopted by it.

Section 4.04 ZONING OF VACATED AREAS

Whenever any street, alley, or other public way within the Municipality is vacated, such street, alley, or other public way shall automatically be classified in the same Zoning District as the property to which it attaches, and shall be subject to the standards for said Zoning District.

Section 4.05 ZONING OF ANNEXED AREAS

All territory annexed to the Municipality shall automatically be classified R-1 Residential District, pending immediate review by the Commission of land use, zoning, and planning considerations concerning such annexed territory. If deemed appropriate following such review, the Commission may recommend zoning map revisions to the Council.

Section 4.06 ZONING OF FILLED AREAS

Whenever any fill is permitted in any stream or other body of water, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable to the land to which the newly-created land attaches. No use of the surface of any body of water or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

ARTICLE 5

R-1
SINGLE FAMILY RESIDENTIAL DISTRICT

Section 5.01 STATEMENT OF PURPOSE

The intent of the R-1 Single Family Residential Districts is to provide areas of the Municipality for the construction and continued use of single family dwellings within stable neighborhoods.

The regulations in this Article are intended to promote development that preserves the physical characteristics of the land and natural environment to the maximum extent possible. It is further the intent of this district to prohibit multiple family, office, business, commercial, or industrial use of the land, and to prohibit any other use which would substantially interfere with single family development of or quality of life in this district.

Section 5.02 PERMITTED USES AND STRUCTURES

A. **Principal Uses and Structures**

In all areas zoned R-1 Single Family Residential, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one (1) or more of the following principal permitted uses:

1. Single family detached dwellings.

2. Publicly owned and operated parks, parkways, and recreation facilities.

3. Private parks owned and maintained by homeowner associations.

4. Manufactured homes, subject to the provisions this Ordinance.

5. State licensed residential facilities which provide resident service for six (6) or fewer persons, such as family day care homes, adult foster care family homes, foster family homes, or foster family group homes, subject to applicable State regulations.

6. Essential services, subject to the provisions in this Ordinance.

7. Uses and structures accessory to the above, subject to the provisions in this Ordinance.

B. **Special Land Uses**

The following uses may be permitted subject to: the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and, the provisions set forth in Article 17.

1. An accessory apartment, subject to the provisions in Section 17.03 A.

2. Bed and Breakfasts, subject to the provisions in Section 17.02 E.

3. Cemeteries, subject to the provisions in Section 17.02 F.

4. Municipal buildings and uses, including public libraries, which do not require outside storage of materials or equipment.

5. Public, parochial, and other private elementary, intermediate, or high schools licensed by the State to offer courses in general education.

6. Public or private colleges, universities and other such institutions of higher learning, offering courses in general, technical or religious education.

7. Group day care homes and child care centers, subject to the provisions in Section 17.02 K.

8. Religious institutions, subject to the provisions in Section 17.02 V.

9. Private swimming pool and tennis clubs, where the primary use or activity occurs outdoors, subject to the provisions in Section 17.02 U.

10. Golf Courses and Country Clubs, Par-3 Golf Courses, subject to the provisions of Section 17.02 J.

11. Private noncommercial recreational facilities, such as a subdivision or neighborhood center, a nonprofit swimming pool club, or similar facility.

12. Community buildings, including educational, social, neighborhood, or community centers.

13. The use of a parcel for gardening or the production of agricultural products, together with facilities for the sale of the products grown thereon, provided that such facilities for the sale of products shall comply with requirements for open-air businesses, Section 17.02 R.

14. Home occupations subject to the provisions of Section 3.06.

Section 5.03 DEVELOPMENT STANDARDS

A. **Site Plan Review**

Site plan review and approval is required for all uses except detached single family residential uses, in accordance with Article 24, General Procedures and Related Standards.

B. **Area, Height, Bulk, and Placement Requirements**

Buildings and uses in the R-1 Single Family Residential District are subject to the area, height, bulk, and placement requirements in Article 16, Schedule of Regulations.

C. **Planned Unit Developments**

Planned unit developments may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Article 15.

D. **General Development Standards**

Buildings and uses in the R-1 Single Family Residential District shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

Article	Topic
Article 3	General Provisions
Article 14	Floodplain Overlay District
Article 17	Site Development Standards Applicable to Specific Uses
Article 18	Off-Street Parking and Loading Requirements
Article 19	Landscaping and Screening
Article 20	Signs
Article 21	Performance Standards

ARTICLE 6

R-2
TWO FAMILY RESIDENTIAL DISTRICT

Section 6.01 STATEMENT OF PURPOSE

The intent of the R-2 Two Family Residential District is to provide areas of the Municipality for the continued use and improvement of single and two family dwellings. It is further the intent of this district to prohibit multiple family, office, business, commercial, or industrial use of the land, and to prohibit any other use which would substantially interfere with development of or quality of life in this district.

Section 6.02 PERMITTED USES AND STRUCTURES

A. **Principal Uses and Structures**

In all areas zoned R-2 Two Family Residential, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one (1) or more of the following principal permitted uses:

1. All principal uses and structures permitted in the R-1 Single Family Residential District as specified in Section 5.02.A.

2. Two-family dwellings.

B. **Special Land Uses**

The following uses may be permitted subject to: the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and, the provisions set forth in Article 15.

1. All special land uses and structures permitted in the R-1 Single Family Residential District as specified in Section 5.02 B.
2. Elderly housing, subject to the provisions in Section 17.03 B.

Section 6.03 DEVELOPMENT STANDARDS

A. **Site Plan Review**

Site plan review and approval is required for all uses except detached single family residential uses and two-family dwellings, in accordance with Article 24.

B. **Area, Height, Bulk, and Placement Requirements**

Buildings and uses in the R-2 Two Family Residential District are subject to the area, height, bulk, and placement requirements in Article 16, Schedule of Regulations.

C. **Planned Development**

Planned development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Article 15.

D. **General Development Standards**

Buildings and uses in the R-2 Two Family Residential District shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

Article	Topic
Article 3	General Provisions
Article 14	Floodplain Overlay District
Article 17	Site Development Standards Applicable to Specific Uses
Article 18	Off-Street Parking and Loading Requirements
Article 19	Landscaping and Screening
Article 20	Signs
Article 21	Performance Standards
Article 24	General Procedures and Related Standards

ARTICLE 7

R-3
MULTIPLE FAMILY RESIDENTIAL DISTRICT

Section 7.01 STATEMENT OF PURPOSE

The intent of the R-3 Multiple Family Residential District is to address the varied housing needs of the community by providing locations for development of multiple family housing at a higher density than is permitted in the single family districts. In addressing these housing needs, multiple family housing in the R-3 District should be designed in consideration of the following objectives:

A. R-3 developments are generally considered suitable transitional uses between single family detached housing and nonresidential development.

B. Multiple family housing should be provided with necessary services and utilities, including usable outdoor recreation space and a well-designed internal road network.

C. Multiple family housing should be designed to be compatible with surrounding or nearby single family housing. Accordingly, one and two-story housing is considered appropriate in the R-3 District.

D. Multiple family developments in the R-3 District should have direct access to a collector road or major thoroughfare.

Section 7.02 PERMITTED USES AND STRUCTURES

A. **Principal Uses and Structures**

In all areas zoned R-3 Multiple Family Residential District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one (1) or more of the following principal permitted uses:

1. Single family attached dwellings or townhouses, as defined in this Ordinance.

2. Multiple family dwellings, including apartments, terrace apartments, and row houses.

3. Two-family dwellings.

4. Publicly owned and operated parks, parkways, and recreation facilities.

5. Private parks owned and maintained by a homeowner association or the proprietor of a housing project.

6. State licensed residential facility which provide resident service for six (6) or fewer persons, such as family day care homes, adult foster care family homes, foster family homes, or foster family group homes, subject to applicable State regulations.

7. Essential services, subject to the provisions in this Ordinance.

8. Uses and structures accessory to the above, subject to the provisions in this Ordinance including, but necessarily limited to the following:

   A. Private swimming pools for the exclusive use of residents and their guests.
   B. In a new housing development, temporary use of a residence as a model during the period of construction and selling or leasing of homes in the development.
   C. Private garages, carports, community garages, or parking lots.
   D. Signs, subject to Article 20.

B. **Special Land Uses**

The following uses may be permitted subject to: the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and, the provisions set forth in Article 17.

1. Single family detached dwellings, subject to the area, height, bulk, and placement requirements for single family dwellings in the R-1 District, Article 5.

2. Elderly housing, subject to the provisions in Section 17.03 B.

3. Municipal buildings and uses including public libraries, which do not require outside storage of materials or equipment.

4. Public, parochial, and other private elementary, intermediate, or high schools licensed by the State to offer courses in general education.

5. Public or private colleges, universities and other such institutions of higher learning, offering courses in general, technical or religious education.

6. Hospitals.

7. Rest home, nursing home, and convalescent home, subject to the provisions in Section 17.02 Q.

8. Group day care homes and child care centers, subject to the provisions in Section 17.02 K.

9. Religious institutions, subject to the provisions in Section 17.02 V.

10. Private noncommercial recreational facilities, such as a community center for the housing project.

Section 7.03 DEVELOPMENT STANDARDS

A. Site Plan Review

Site plan review and approval is required for all uses except detached single family residential uses, in accordance with Article 24.

B. Area, Height, Bulk, and Placement Requirements

Buildings and uses in the R-3 Multiple Family Residential District are subject to the area, height, bulk, and placement requirements in Article 16, Schedule of Regulations.

C. Planned Development

Planned development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Article 15.

D. General Development Standards

Buildings and uses in the R-3 Multiple Family Residential District shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

Article	Topic
Article 3	General Provisions
Article 14	Floodplain Overlay District
Article 17	Site Development Standards Applicable to Specific Uses
Article 18	Off-Street Parking and Loading Requirements
Article 19	Landscaping
Article 20	Signs
Article 21	Performance Standards
Article 24	General Procedures and Relates Standards

ARTICLE 8

RESERVED

Section 8.01 RESERVED

Reserved

ARTICLE 9

B-1
DOWNTOWN BUSINESS DISTRICT

Section 9.01 STATEMENT OF PURPOSE

The purpose of the B-1 Downtown Business District is to integrate the community's objective to revitalize its historic commercial core. The B-1 Downtown Business District acknowledges that the commercial core should retain a specific mixture of retail and office uses which favor pedestrian traffic and comparison shopping. Further, to promote revitalization of the historic commercial core and reinvestment in businesses and properties within the district, these regulations contain provisions specifying development and design criteria and standards for their review.

Section 9.02 PERMITTED USES AND STRUCTURES

A. **Principal Permitted Uses**

In all areas zoned B-1 Downtown Business District, no buildings shall be erected, used or structurally altered, nor shall the land or premises be used in whole or in part, except for one (1) or more of the following principal permitted uses. Other uses not specifically listed in this Ordinance may be considered following a determination by the Commission that such use is similar to other permitted uses in this district.

1. **Retail Uses.**

a. Amusement / recreation (indoor facilities only).
b. Antiques, without refinishing operations.
c. Apparel, clothing.
d. Art galleries.
e. Barber shops.
f. Beauty shops.
g. Book stores not including adult bookstores.
h. Cafes, coffee houses.
i. Camera.
j. Computer store.
k. Dining, restaurant: standard.
l. Drinking with entertainment (bar, tavern).
m. Drug stores.

n. Dry cleaner pick up stations.
o. Florists.
p. Fruit and vegetable market (open air market is permitted by a temporary use permit).
q. Furniture store.
r. General merchandise.
s. Gift / novelty.
t. Grocery store.
u. Hobby / toys.
v. Jewelry.
w. Musical and video recordings.
x. Newsstand.
y. Optical.
z. Retail bakery with no drive-through facilities.
aa. Shoe repair.
bb. Shoes.
cc. Specialty meats / fish markets.
dd. Sporting / bikes.
ee. Stationery.
ff. Variety store.
gg. Video rental.

2. **Office Uses.**

a. Accounting.
b. Advertising.
c. Beauty schools.
d. Child care.
e. Commercial banks with no drive through facilities.
f. Dentists.
g. Doctors.
h. Engineering, architectural.
i. Professional offices.
j. General government and library.
k. Insurance agents.
l. Legal.
m. Management, personnel services, and public relations.
n. Photographic studios.
o. Real estate.
p. Security brokers.
q. Tax services.

3. **Residential Uses.** Residential unit(s) above the first floor. Minimum floor area requirements shall be consistent with those required for an R-3 Multiple Family Residential District as specified in Article 7. Off-street parking requirements shall be consistent with the requirements in Article 16.

Section 9.03 DEVELOPMENT STANDARDS

A. **Required Conditions**

Unless otherwise noted, buildings and uses in the B-1 Downtown Business District shall comply with the following requirements:

1. All permitted retail or service establishments shall deal directly with customers. Manufacturing of products for wholesale distribution off of the premises is not permitted.

2. All business, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.

3. There shall be no outside storage of any goods, inventory, or equipment. Any storage must be clearly accessory to the principal permitted use.

4. Commercially used or commercially licensed vehicles used in the normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall apply to operable vehicles that are moved on and off of the site on a regular basis.

5. Vehicles parked on a site shall not be used principally for storage, sales, or advertising.

B. **Site Plan Review**

Site plan review and approval is required for all uses in the B-1 Downtown Business District in accordance with Article 24.

C. **Exterior Design Review**

1. **Intent.** The exterior appearance of any building located within the B-1 Downtown Business District has an effect upon the desirability of the immediate area and of neighboring areas for business and other purposes.

   Maintenance of an attractive, compatible and pleasing exterior appearance of such buildings will prevent impairment of the stability of the value of other real property in the area, permit the most appropriate development of such area, and will prevent attendant deterioration of conditions affecting the general welfare of Municipal citizens.

2. **Scope of Application.** Except for those items listed below, all plans submitted for site plan review shall be subject to design review requirements of this Section. Those items exempt from these provisions are:

a. Items such as window replacement, antennas, roof vents, small mechanical equipment not readily visible to the public, painting to a similar color, and items of ordinary repair and maintenance.

3. **Approval Procedure.** The Planning Commission shall review submitted materials concurrently with site plan review, when such is required.

D. **Area, Height, Bulk, and Placement Requirements**

Buildings and uses in the B-1 Downtown Business District are subject to the area, height, bulk, and placement requirements in Article 16, Schedule of Regulations.

E. **Planned Development**

Planned Development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Article 15.

F. **General Development Standards**

Buildings and uses in the Downtown Business District shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

Article	Topic
Article 3	General Provisions
Article 14	Floodplain Overlay District
Article 17	Site Development Standards Applicable to Specific Uses
Article 18	Off-Street Parking and Loading Requirements
Article 19	Landscaping
Article 20	Signs
Article 21	Performance Standards

Section 9.04 DOWNTOWN DESIGN CONCEPTS

Downtown design concepts applicable in the B-1 Downtown Business District include the following:

A. New buildings shall be located along the front property line.

B. Buildings located along Main Street shall have a higher vertical scale to reinforce the center of the business district.

C. Buildings shall be contiguous with few gaps or breaks for parking.

D. Parking lots shall be located at the rear of buildings or in side yards provided that a thirty (30) inch decorative brick screen wall be provided on private property and adjacent to the front

property line to screen vehicular parking from view of the road right-of-way. A protective and decorative cap should be provided on top of the screen wall.

E. The façades facing Main Street shall be individual storefront bays and large windows or showcases.

F. Façade materials and components shall be compatible with existing buildings, particularly immediately adjacent buildings.

G. Buildings shall front, and have the primary entrance, along Main Street.

Section 9.05 SITE DESIGN GUIDELINES

The following standards are intended as guidelines not as ridged, prescriptive criteria to guide the redevelopment of the downtown consistent with community expectations and values.

A. **Support Service Elements**

The following provisions address the location of support service structures on the property:

1. Mechanical equipment such as transformers, compressors, HVAC systems, and chillers shall be located on the side, top or rear of the buildings and appropriately screened from pedestrians. Screening shall include a planting bed or low screen wall, alternately as required by this Ordinance. The clearance between the screen wall and the mechanical equipment shall conform to local building codes.

2. Trash dumpsters and their enclosures shall conform to the provisions of this Ordinance.

3. Utility meters, electrical conduit and other service lines shall not be located on the building façade facing the street and should, when practical, not be visible from the street.

4. Gutter down spouts should not be located on the building facade facing the street. If the rear of the building abuts a collective parking facility, the gutter down spout shall not discharge water on a sidewalk or other pedestrian way.

B. **Building Design Guidelines**

The intent of these requirements is to encourage the renovation of existing buildings and the construction of new buildings in the B-1 Downtown Business District that follow the "rules" established by the majority of existing buildings. The goal is to re-establish, and build upon, the visual character that once existed in order to recreate and preserve downtown character.

1. **Building Scale**. The intent of these guidelines is to encourage the construction of buildings that are in scale with the majority of the existing buildings in the B-1 Downtown Business District. The majority of the older buildings are narrow in width. The intent of these guidelines is not to limit building width, but to encourage the subdivision of wider facades, breaking-up the scale and mass of larger buildings, making them more compatible with existing facades.

    a. Large, long facades shall be subdivided into bays, through the location and arrangement of openings and architectural treatments, that are compatible in size and scale to existing buildings: bay width to be sixteen (16) feet to twenty-eight (28) feet.

    b. The height-to-width ratio of one-story, single bay facade, or individual bays of multiple bay facades, is not to exceed one to two (1:2).

    c. The height-to-width ratio of two-story, single bay facade, or individual bays of multiple bay facades, is not to exceed one to one (1:1).

2. **Building Height.** Buildings in the B-1 Downtown Business District are primarily multiple stories in height.

    a. Buildings shall be no less than two (2) stories in height.

    b. Maximum first floor height shall be eighteen (18) feet.

    c. Maximum second floor building height to be twenty-eight (28) feet.

    d. Special architectural features (i.e. corner towers, entry treatments, etc.) will be allowed to exceed the above height requirements if the feature is deemed to be necessary to the type, use, or style of the building in question.

    e. Special architectural features shall not exceed the height of the remainder of the building by more than thirty-five percent (35%).

    f. The height of any building shall not exceed the height of any immediately adjacent building by more than fifteen percent (15%), unless the building in question is otherwise allowed to be an additional story taller.

3. **Building Roof Types.** As in most downtown areas, the majority of roofs in the B-1 Downtown Business District are "flat" (less than three to one (3:1) roof slope) with parapets that conceal the roof itself.

    a. All new buildings to have flat roofs and parapets.

    b. Sloping roofs, gabled or hipped, to be allowed only at special architectural features.

    c. Parapets may "step" slightly.

d. Mansard roofs are prohibited.

4. **Street Façades.** The majority of the existing street façades are comprised of common façade components. The arrangement of façade elements include the following typical components: façade frame; storefront opening; canopy /awning; and sign.

a. **Façade Frame.** The façade frame, or wall, shall be brick masonry constructed principally in a single plane. The top of the parapet wall shall be flat or step slightly to accentuate end piers. Brick shall be laid primarily in running bond with minimal decorative detail.

b. **Storefront Opening.** The storefront opening shall be a rectangular opening, ten (10) to twelve (12) feet high, and approximately eighty percent (80%) of the width of the storefront, or bay. The opening shall be almost entirely glass (window or showcases) with few subdivisions. The glass framing system shall be metal; natural finish aluminum is a typical material and finish. The building entry is often centered in the storefront opening and is commonly recessed.

c. **Canopies / Awnings.** A canopy or awning is typically located at the top of the storefront opening.

i. Awnings shall be traditional in design; they shall be triangular in section, sloping outward and down from the top of the opening. Narrow front and side flaps are common. Round-top, half-round, box, or other unusual awning shapes are prohibited unless approved by the Commission. Internally lighted awnings are also prohibited. Signage on awnings shall be limited.
ii. Canopies shall be narrow in elevation, six (6) to twelve (12) inches, and flat. Typically such canopies would have internal drainage. Canopies shall be self supporting or supported by tension rods, as illustrated. Canopy projections to be limited to forty-eight (48) inches. Sloping, or unusually shaped, canopies are prohibited.

d. **Signage.** Building signs shall be located above the storefront opening, on the upper façade wall. The sign shall be sized to allow the masonry to be fully exposed around the sign.

i. No sign or part of a sign shall be located above the parapet of any façade. Roof mounted signs are prohibited.
ii. Building signs shall not exceed the width of the storefront opening.
iii. The shape of building signs shall be rectangular, or slight variations of rectangular forms.
iv. The height of building signs shall not exceed fifty percent (50%) of the height of the upper façade wall, as measured from the top of the

storefront opening to the top of the parapet cap. Projecting signs are excepted from this height requirement.

v. Projecting signs are allowed. The maximum allowable projection is three (3) feet six (6) inches. The height of projecting signs shall not exceed seventy-five percent (75%) of the height of the upper façade wall, as measured from the top of the storefront opening to the top of the parapet cap.

e. **Materials.** Maintaining consistent palette of materials is important to establish continuity within the streetscape and to improving the overall appearance of the B-1 Downtown Business District. The following are identified as acceptable building materials. The Commission will provide assistance in identifying acceptable materials when requested.

i. **Street Façade Frame Acceptable Materials.**

(1) Brick: Brick shall be standard modular brick with common tooled mortared joints. Brick color and texture shall be compatible with original brick façades in the B-1 Downtown Business District.
(2) Stone: Smooth finish stone such as limestone or sandstone. Color to be light to medium "buff."
(3) Aluminum Parapet Cap: Typical material is aluminum or painted sheet steel. Color and finish shall match that of window framing system.
(4) Artificial Stone and Pre-cast Parapet Cap: To simulate traditional limestone or sandstone caps.

ii. **Storefront Opening – Acceptable Materials.**

(1) Storefront Framing System: Aluminum or pre-painted steel storefront glazing system. Natural finish aluminum is the most common material and finish.
(2) Glass: Clear or with slight green tint.
(3) Entry Door: One or two matching doors matching storefront glazing system.

iii. **Awnings – Acceptable Materials.**

(1) Frame: No requirements.
(2) Fabric: Standard fabrics for non-internally lighted awnings. Patterns and colors to be compatible with other façade materials.

ARTICLE 10

B-2
COMMUNITY BUSINESS DISTRICT

Section 10.01 STATEMENT OF PURPOSE

It is the purpose of this district to provide community shopping facilities for the convenience and needs of persons residing in adjacent neighborhoods. Thus, the intent of the B-2, Community Business District is to provide for commercial development that offers a broad range of goods and services. Uses permitted in the B-2 District are generally more intensive than those permitted in the B-1 District. Because of the variety of business types permitted in the B-2 District, special attention must be focused on site layout, building design, vehicular and pedestrian circulation, and coordination of site features between adjoining sites. Accordingly, Community Business District developments should be:

A. compatible in design with adjacent commercial development;

B. designed as part of a planned shopping center or in coordination with development on adjoining commercial sites;

C. buffered from or located away from residential areas; and

D. served by a major thoroughfare.

Section 10.02 PERMITTED USES AND STRUCTURES

A. **Principal Uses and Structures**

In all areas zoned B-2 Community Business District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one (1) or more of the following principal permitted uses:

1. All principal uses and structures permitted in the B-1 Downtown Business District as specified in Section 9.02 A.

2. Blueprinting shops.

3. Commercial parking lots.

4. Electronics and household appliance sales and repair shops.

5. Private clubs and fraternal lodges.

6. Hardware stores.

7. Stores producing jewelry, leather goods, candles, and similar merchandise to be sold at retail on the premises, provided that the services of not more than five persons are required to produce such merchandise.

8. Other uses not specifically listed in this Ordinance, after determination by the Zoning Inspector that such use is similar to other uses permitted in this district.

9. Accessory structures and uses customarily incidental to the above permitted uses.

B. **Special Land Uses**

The following uses may be permitted, subject to: the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and, the provisions set forth in Article 17.00.

1. Automobile service stations.

2. Automobile wash or car was establishment.

3. Financial institutions with drive-through facilities.

4. Funeral homes and mortuaries.

5. Group day care home.

6. Instruction dance studios provided the following conditions exist:

   a. The primary use is the instruction of dance. No additional uses other than those directly incidental, as determined by the Commission, to the instruction of dance, shall be permitted.
   b. The hours of operation shall be limited to between 7:00 a.m. and 10:00 p.m..
   c. Adequate lighting of any parking area shall be provided to promote the safety of patrons accessing the business during darkness.
   d. Access to the dance studio from the designated parking area shall not be bisected by a designated truck route.

7. Laundries and dry cleaning establishments with coin-operated machines or with processing limited to goods brought to the establishment by the individual retail customer provided that no goods are processed from any other location.

8. Open air businesses.

9. Single family dwellings provided that the lot and structure comply with the requirements of the R-1 Single Family Residential District.

10. Two family dwellings provided that the lot and structures comply with the requirements of the R-2 Two Family Residential District.

11. Multiple family dwellings provided that the lot and structures comply with the requirements of the R-3 Multiple Family Residential District.

12. Restaurant, fast food.

13. Veterinary hospitals.

14. Minor auto repair garages.

15. Second hand stores.

Section 10.03 DEVELOPMENT STANDARDS

A. **Required Conditions**

Unless otherwise noted, buildings and uses in the B-2 Community Business District shall comply with the following requirements:

1. All permitted retail or service establishments shall deal directly with customers. Manufacturing of products for wholesale distribution off of the premises is not permitted.

2. All business, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.

3. There shall be no outside storage of any goods, inventory, or equipment. Any storage must be clearly accessory to the principal permitted use.

4. Commercially used or commercially licensed vehicles used in the normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall apply to operable vehicles that are moved on and off of the site on a regular basis.

5. Parking or storage of damaged or disabled vehicles shall be prohibited. Vehicles parked on a site shall not be used principally for storage, sales, or advertising.

6. All sites shall be maintained in compliance with the open space and landscaping requirements of Article 19.

B. **Site Plan Review**

Site plan review and approval is required for all uses in the B-2 Community Business District in accordance with Article 24.

C. **Area, Height, Bulk, and Placement Requirements**

Buildings and uses in the B-2 Community Business District are subject to the area, height, bulk, and placement requirements in Article 16, Schedule of Regulations.

D. **Planned Development**

Planned Development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Article 15.

E. **General Development Standards**

Buildings and uses in the Community Business District shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

Article	Topic
Article 3	General Provisions
Article 14	Floodplain Overlay District
Article 17	Site Development Standards Applicable to Specific Uses
Article 18	Off-Street Parking and Loading Requirements
Article 19	Landscaping
Article 20	Signs
Article 19	Performance Standards

ARTICLE 11

B-3
GENERAL BUSINESS DISTRICT

Section 11.01 STATEMENT OF PURPOSE

The intent of the B-3, General Business District is to provide for intensive commercial development. B-3 Districts typically exhibit one or more of the following characteristics:

- The market for businesses in the B-3 District may include the general Village population, residents in surrounding communities, and the people in transit.
- Permitted businesses are frequently auto-oriented, rather than pedestrian-oriented.
- Because of the negative impacts commonly generated by B-3 uses, these districts are not generally appropriate adjacent to residential uses unless extensive buffering is provided.

Because of the variety of business types permitted in the B-3 District, special attention must be focused on site layout, building design, vehicular and pedestrian circulation, spacing of uses, and coordination of site features between adjoining sites. Accordingly, General Business District developments should be:

compatible in design with adjacent commercial development;

designed in coordination with development on adjoining commercial sites;

buffered from or located away from residential areas; and

directly served by a major thoroughfare.

Section 11.02 PERMITTED USES AND STRUCTURES

A. **Principal Uses and Structures**

In all areas zoned B-3 General Business District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one (1) or more of the following principal permitted uses:

1. All uses principal uses permitted in the B-2 District.

2. Service establishments including, but not limited to, a workshop maintained by electricians, plumbers, painters, upholsterers, printers, when in conjunction with retail establishments that offer merchandise of a related nature.

3. Greenhouses or nurseries.

4. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations with service yards but without storage yards or water and sewage pumping stations.

5. Accessory structures and uses customarily incidental to the above permitted use.

B. **Special Land Uses**

The following uses may be permitted, subject to: the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and, the provisions set forth in Article 17.00.

1. All special land uses permitted in the B-2 Community Business District as stated in Section 10.02 B, excluding residential uses.

2. Automobile and vehicle sales establishments.

3. Automobile repair garages (major repair).

4. Automobile washes or car wash establishments.

5. Bus terminals, cab stands, and other transit facilities.

6. Commercial kennels.

7. Drive-in establishments.

8. Hotel / Motel

9. Indoor motion picture theaters and rental halls.

10. Open air businesses.

11. Pawn shops and exchange establishments.

12. Outdoor Recreation.

13. Tattoo parlors.

Section 11.03 DEVELOPMENT STANDARDS

A. Required Conditions

Unless otherwise noted, buildings and uses in the B-3 General Business District shall comply with the following requirements:

1. All permitted retail or service establishments shall deal directly with customer. Manufacturing of products for wholesale distribution off of the premises is not permitted.

2. All business, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.

3. There shall be no outside storage of any goods, inventory, or equipment. Any storage must be clearly accessory to the principal permitted use.

4. Commercially used or commercially licensed vehicles used in the normal operation of permitted retail or service use on the site may be parked in the rear only. This provision shall apply to operable vehicles that are moved on and off of the site on a regular basis.

5. Parking or storage of damaged or disabled vehicles shall be prohibited. Vehicles parked on a site shall not be used principally for storage, sales, or advertising.

6. All sites shall be maintained in compliance with the open space and landscaping requirements of Article 19.

B. Site Plan Review

Site plan review and approval is required for all uses in the B-3 General Business District in accordance with Article 24.00.

C. Area, Height, Bulk, and Placement Requirements

Buildings and uses in the B-3 General Business District are subject to the area, height, bulk, and placement requirements in Article 16.00, Schedule of Regulations.

D. Planned Development

Planned Development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Article 15.00.

E. **General Development Standards**

Buildings and uses in the B-3, General Business District shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

Article	Topic
Article 3.00	General Provisions
Article 14.00	Floodplain Overlay District
Article 17.00	Site Development Standards Applicable to Specific Uses
Article 18.00	Off-Street Parking and Loading Requirements
Article 19.00	Landscaping
Article 20.00	Signs
Article 21.00	Performance Standards

ARTICLE 12

I-1
LIGHT INDUSTRIAL DISTRICT

Section 12.01 STATEMENT OF PURPOSE

The intent of the I-1 Light Industrial District is to provide locations for planned industrial development, including development within planned industrial park subdivisions and on independent parcels. It is intended that permitted activities or operations produce no external impacts that are detrimental in any way to other uses in the district or to properties in adjoining districts. Permitted uses should be compatible with nearby residential or commercial uses.

Accordingly, permitted manufacturing, distribution, warehousing, and light industrial uses permitted in this district should be fully contained within well-designed buildings on amply-landscaped sites, with adequate off-street parking and loading areas. Extra consideration shall be provided to heavy industrial uses, that may, by the nature of the use, have a severe impact on residential and non residential uses alike.

Section 12.02 PERMITTED USES AND STRUCTURES

A. **Principal Uses and Structures**

In all areas zoned I-1 Light Industrial District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one (1) or more of the following principal permitted uses:

1. Central dry cleaning plants and laundries, provided that such plants do not deal directly with the customer at retail.

2. Data processing and computer centers, including electronic data processing and computer equipment service establishments.

3. Essential services, subject to the provisions in this Ordinance.

4. Greenhouses and plant nurseries.

5. Laboratories involved in basic research, experiment, design, testing, or prototype product development.

6. Lumber yards or building material sales establishments which have storage in partially open structures, subject to the following conditions:

   a. The ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices, sales or display.
   b. Open storage structures shall be enclosed on three sides and shall have a roof.
   c. The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high chain link fence or masonry wall, constructed in accordance with Article 18.
   d. A landscaped greenbelt with a minimum width of twenty (20) feet shall be required adjacent to any street, in conformance with Article 17.

7. Manufacturing, compounding, processing, packaging, treatment, or fabrication of such products as: bakery goods, candy, ceramics, cosmetics, clothing, jewelry, instruments, neon or electric signs, optical goods, pharmaceuticals, toiletries, food products (except fish, sauerkraut, vinegar, yeast, rendering or refining of fats and oils, and similar food products involving the creation of odors or other offensive impacts), hardware, and cutlery.

8. Manufacturing, compounding, assembling, or treatment of articles or goods from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, yarns, sheet metal, wax, wire, and wood.

9. Manufacturing and/or assembling of electrical appliances, electronic instruments and devices, radios, and phonographs.

10. Manufacturing of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.

11. Manufacturing and/or assembling of musical instruments, toys, novelties, sporting goods, photographic equipment, and metal or rubber stamps, or other small molded rubber products.

12. Manufacturing of light sheet metal products, including heating and ventilating equipment, cornices, eaves, and similar products.

13. Metal polishing and buffing, but not including metal plating.

14. Printing, lithography, blueprinting, and similar uses.

15. Public utility or municipal service buildings, including electric or gas service buildings and yards, telephone exchange buildings, electric transformer stations, gas-regulator stations, water treatment plants and reservoirs, and sewage treatment plants, provided that any open storage shall require special land use approval.

16. Tool, die, gauge, and machine shops.

17. Warehousing and wholesale activities.

18. Other research or light manufacturing uses similar to the above as determined by the Zoning Inspector.

19. Uses and structures accessory to the above, subject to the provisions in this Ordinance. Accessory office and sales operations may be permitted where such activities are clearly incidental to the principal industrial use, subject to the provisions in this Ordinance.

B. **Special Land Uses**

The following uses may be permitted subject to: the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and, the provisions set forth in Article 17.

1. Adult Regulated Uses

   a. Adult personal service establishment.
   b. Adult book store.
   c. Adult cabaret / adult only entertainment establishment.
   d. Adult motion picture theater or adult live stage performing theater.
   e. Adult model studio.
   f. Adult motion picture arcade or mini motion picture theater.
   g. Adult sexual paraphernalia store.

2. Contractor's storage yards, provided that such yards are completely enclosed within an eight (8) foot masonry wall or berm and landscape screening, in accordance with Article 19.

3. Construction equipment and related equipment sales, leasing, and storage, subject to the following conditions:

   a. Where feasible, equipment shall be stored inside. Open storage structures may be permitted by the Commission, provided that such structures are enclosed on three sides and have a roof.
   b. Storage yards shall be screened from any abutting public or private road in accordance with Article 17 and Article 19.

4. Manufacturing, wholesale distribution, or warehousing of fireworks, explosives, ammunition, or other detonable materials subject to the provisions in Article 21.

5. Metal plating, buffing, and polishing operations.

6. Millwork, lumber, and planning mills when completely enclosed and located on the exterior of the district so that no property line forms the exterior boundary of the I-1 District.

7. Self storage warehouses, subject to the provisions in Section 17.02 O.

8. Radio, television, cellular telephone, microwave, and/or related transmitting and receiving towers, subject to the provisions in Section 17.02 T.

9. Recycling collection stations and processing centers that are privately owned and operated.

10. Concrete or asphalt processing plants.

11. Retail or service accessory uses that are clearly intended to serve the occupants and patrons of the principal use, provided that any such use shall be an incidental use occupying no more than five percent (5%) of a building that accommodates a principal permitted use. Permitted accessory retail and service uses shall be limited to the following:

    a. Child Care services which are intended to serve families of workers in the district.
    b. Financial institutions, including banks, credit unions, and savings and loan associations.
    c. Personal service establishments which are intended to serve workers or visitors in the district, such as dry cleaning establishments, travel agencies, tailor shops, or similar service establishments.
    d. Restaurants, cafeterias, or other places serving food and beverages for consumption within the building.
    e. Retail establishments that deal directly with the consumer and generally serve the convenience shopping needs of workers and visitors, such as convenience stores, drug stores, uniform supply stores, or similar retail businesses.
    f. Other accessory uses determined to be incidental to the principle use upon completion of site plan review by the Commission.

Section 12.03 DEVELOPMENT STANDARDS

A. **Required Conditions**

Except as otherwise noted, buildings and uses in the Light Industrial District shall comply with the following requirements:

1. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall comply with the Performance Standards set forth in Article 19.

2. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall be conducted within a completely enclosed building, except as otherwise specified.

3. There shall be no outside storage of any goods, inventory, or equipment except in designated areas which shall be enclosed on all sides with a screening fence or wall, subject to the requirements in Article 19 and Section 3.19. Use of trailers for storage is prohibited.

B. **Site Plan Review**

Site plan review and approval is required for all uses in the Light Industrial District in accordance with Article 24.00.

C. **Area, Height, Bulk, and Placement Requirements**

Buildings and uses in the Light Industrial District are subject to the area, height, bulk, and placement requirements in Article 16, Schedule of Regulations.

D. **Planned Development**

Planned Development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Article 15.

E. **General Development Standards**

Buildings and uses in the Light Industrial District shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

Article	Topic
Article 3.00	General Provisions
Article 14.00	Floodplain Overlay District
Article 17.00	Site Development Standards Applicable to Specific Uses
Article 18.00	Off-Street Parking and Loading Requirements
Article 19.00	Landscaping
Article 20.00	Signs
Article 21.00	Performance Standards

ARTICLE 13

RESERVED

Section 13.01 RESERVED

Reserved.

ARTICLE 14

FLOODPLAIN OVERLAY DISTRICT

Section 14.01 DEFINITIONS

For purposes of this Article, the following definitions shall apply. Unless specifically defined below, words and phrases used in this section first shall be interpreted according to the definitions set forth in this Article, if applicable, or otherwise so as to give them the meanings they have in common usage and to give this section its most reasonable application.

A. **Appeal** shall mean a request for a review of an interpretation of any provision of this Article or a request for a variance.

B. **Area of shallow flooding** shall mean a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

C. **Area of special flood hazard** shall mean the land in the flood plain within the Municipality subject to a one percent of greater chance of flooding in any given year.

D. **Baseflood** shall mean 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-hundred (100) year flood.

E. **Basemen**t shall mean an area of the building having its floor subgrade (below ground level) on all sides.

F. **Development** shall mean any man-made 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 located within the area of special flood hazard.

G. **Federal Emergency Management Agency (FEMA)** shall mean the Agency with the overall responsibility for administering the National Flood Insurance Program.

H. **Flood or flooding** shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

   A. The overflow of inland or tidal waters; or

B. The unusual and rapid accumulation or run-off surface waters from any source.

I. **Flood Insurance Rate Map (FIRM)** shall mean an official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

J. **Flood Insurance Study** shall mean the official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Boundary and Floodway Map, and the water surface elevations of the base flood.

K. **Floodway** shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

L. **Lowest floor** shall mean the lowest floor of the lowest enclosed area (including the basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is built in accordance with the applicable design requirements specified in this section for enclosures below the lowest floor.

M. **Manufactured** home shall mean 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".

N. **Manufactured home park** shall mean a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent. This definition shall exclude any manufactured home lots for rent. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Revised Code, for which the Public Health Council has exclusive rule making power.

O. **Manufactured home subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Revised Code, for which the Public Health Council has exclusive rule making power.

P. **New construction** shall mean structures for which the "start of construction" commenced on or after the effective date of this section, and includes any subsequent improvements to such structures.

Q. **Recreational vehicle** shall mean a vehicle that 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.

R. **Start of construction** shall mean the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was

within 180 days of the permit date. The "actual start" shall mean the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation, or the placement of a mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filing; nor does it include the installation or streets and/or walkways; nor does not include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures or buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a "substantial improvement." the "actual start of construction" shall mean the first alteration of any wall, ceiling, floor or other structural part of the building whether or not that alteration affects the external dimensions of the structure.

S. **Substantial damage** shall mean damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

T. **Substantial improvement** shall mean any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (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 project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;

2. Any alteration of a structure listed on the National Register of Historic Places of a State Inventory of Historic Places; or

3. Any improvement to a structure which is considered new construction.

U. **Variance** shall mean a grant of relief to a person from the requirement of this section which permits construction in a manner that would otherwise be prohibited by this section.

Section 14.02 STATEMENT OF PURPOSE

It is the purpose of this section to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. 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;

F. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to minimize future flood blight areas;

G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Section 14.03 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this Article includes methods and provisions for:

A. Restricting or prohibiting uses that are dangerous to health, safety, and property due to water or erosion hazard, or which result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help to accommodate or channel flood waters;

D. Controlling filling, grading, dredging, and other development that may increase flood damage; and

E. Preventing or regulating the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards in other areas.

Section 14.04 APPLICATION OF ARTICLE

This section shall apply to all areas of special flood hazard within the jurisdiction of the Municipality.

Section 14.05 ADOPTION OF FLOOD INSURANCE STUDY

The areas of special flood hazard have been identified by the Federal Emergency Management Agency: In a scientific and engineering report entitled "Flood Insurance Study - Village of Morrow, Ohio, Warren County." This study, with accompanying Flood Boundary and Floodway Maps and Flood Insurance Maps, dated February 1978, and any revisions thereto, is hereby adopted by reference and declared to be a part of this section. The Flood Insurance Study is on file at 150 East Pike Street, Morrow, OH 45152.

Section 14.06 COMPLIANCE WITH ARTICLE REQUIRED

Unless specifically exempted from filing for a development permit, as stated in Section 14.09 B. below, no structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged, or altered without full compliance with this section and all other applicable regulations that apply to uses within the jurisdiction of this Article.

Section 14.07 CONFLICTS OF LAWS

This Article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restriction shall prevail. Where a provision of this Article may be in conflict with State law, such State law shall take precedence over this Article.

Section 14.08 INTERPRETATION

In the interpretation and application of this section, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under State statutes.

Section 14.09 DEVELOPMENT PERMIT REQUIRED; APPLICATIONS; EXCEPTIONS

A. A development permit shall be obtained before constriction or development begins within any area of special flood hazard. Application for a development permit shall be made on forms furnished by the Municipality and may include, but not be limited to, site specific topographic plans in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. The elevation in relation to mean sea level of the lowest floor, including the basement, of all proposed structures located in special flood hazard areas where based flood elevation data are utilized;

2. The elevation in relation to mean sea level to which any proposed structure will be floodproofed in accordance with subsection 14.14 B. where based flood elevation data are utilized;

3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection 14.16 B. where base flood elevation data are utilized; and

4. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished.

B. An application for a development permit shall not be required for maintenance work such as roofing, painting and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than one thousand dollars ($1,000). Any proposed action exempt from filing for a development permit is also exempt from the standards of this section.

Section 14.10 POWERS AND DUTIES OF THE ZONING INSPECTOR

A. The Zoning Inspector is hereby appointed to administer and implement this Article by granting or denying development permit applications in accordance with this section.

B. Duties of the Zoning Inspector shall include, but are not limited to:

1. **Permit Review.** The Zoning Inspector shall review all development permits to determine:

a. That the permit requirements of this Article have been satisfied;
b. That all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the Department of the Army under Section 10 of the Rivers and Harbors Act; and
c. If the proposed development is located within the designated floodway as indicated in the Flood Boundary and Floodway Map of the Flood Insurance Study. Floodways may also be delineated in other sources of flood information. If the proposed development is located within the designated floodway, the Zoning Inspector shall assure that the encroachment provisions of Section 14.16 are met.

2. **Use of Other Base Flood Elevation Data and Floodway Data.** Areas of special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency in accordance with Section 14.05 above are designated as Zone A on the Municipality's Flood Insurance Rate Map. Within these areas, the Zoning Inspector shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State, or other source in order to administer subsections 14.14.A and 14.14.B, 14.16, and 14.17.

3. **Information to Be Obtained and Maintained.** Where base flood elevation data are utilized within areas of special flood hazard on a Municipality's Flood Hazard Boundary Map or Flood Insurance Rate Map, regardless of the source of such data, the Zoning Inspector shall:

a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including the basement, of all new or substantially improved structures, and whether or not such structures contain a basement;
b. For all new or substantially improved floodproofed nonresidential structures:
    i. Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and
    ii. Maintain the floodproofing certifications required in subsection 14.14.A.3; and
    iii. Maintain for public inspection all records pertaining to the provisions of this section.

4. **Alteration of Watercourses.** The Zoning Inspector shall:

a. Notify adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. A watercourse is considered to be altered if any change occurs within its banks;
b. Maintain engineering documentation required in subsection 14.09.A.4 that the flood carrying capacity of the altered or relocated portion of said watercourse will not be diminished; and

c. Require that necessary maintenance be provided within the altered or relocated portion of such watercourse so that the flood carrying capacity is not diminished.

5. **Interpretation of Flood Boundaries.** The Zoning Inspector shall make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Where a map boundary and elevations disagree, the elevations delineated in the flood elevation profile shall prevail. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 14.11 below.

Section 14.11 VARIANCE PROCEDURES; DUTIES OF THE BOARD OF ZONING APPEALS AND ZONING INSPECTOR

A. The Board of Zoning Appeals (the "Board") shall hear and decide appeals and requests for variances from the requirements of this Article.

B. The Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Zoning Inspector in the enforcement or administration of this Article.

C. A party-in-interest aggrieved by the decision of the Board, or any taxpayer, may appeal such decision to the Court of Common Pleas, as provided in Chapter 2506 of the Revised Code.

D. In passing upon such applications, the Board shall consider all technical evaluations, all relevant factors, standards specified in other parts of this Article, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;

6. The necessity to the facility of a waterfront location where applicable;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the Comprehensive Plan and flood plain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency and public safety vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

11. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

Section 14.12 CONDITIONS FOR GRANTING VARIANCES

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot one-half acres or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the factors set forth in Section 14.11.D above have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures or standards set forth in the remainder of this subsection.

C. A variance shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. A variance shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. A variance shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this subsection or additional threats to public safety or extraordinary public expense; and will not create nuisances, cause fraud on or victimization of the public as identified in subsection 14.12.D above, or conflict with existing local laws or ordinances.

4. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base

flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Section 14.13 GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION

In all areas of flood hazard the following standards are required:

A. **Anchoring**

1. All 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.

2. All manufactured homes, not otherwise regulated by the Revised Code pertaining to manufactured home parks, shall be 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 the over-the-top or frame ties to ground anchors.

B. **Construction Materials and Methods**

1. All new construction and substantial improvements shall be constructed with materials resistant to flood damage;

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and

3. All 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 located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. **Utilities**

The following shall apply to all water supply, sanitary sewerage, and waste disposal systems not otherwise regulated by the Revised Code:

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

2. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into the flood waters; and

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. **Subdivision Proposals**

1. All subdivision proposals, including manufactured home subdivisions, shall be consistent with the need to minimize flood damage;

2. All subdivision proposals, including manufactured home subdivisions, 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, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage;

4. Base flood elevation data shall be provided for subdivision proposals, including manufactured home subdivisions, and other proposed developments which contain at least fifty (50) lots or five (5) acres, whichever is less.

Section 14.14 SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION

In all areas of special flood hazard, where base flood elevation data have been provided as set forth as required in this Article, the following provisions are applicable:

A. **Residential Construction**

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including the basement elevated to or above the base flood elevation.

B. **Nonresidential Construction**

All new construction and substantial improvements of non-residential structures shall have either:

1. The lowest floor, including basement, elevated to at least one (1) foot or above the base flood elevation; or

2. Be constructed such that below one (1) foot base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered professional engineer or architect shall certify that the standards of this subparagraph are satisfied, and that the flood proofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood in the location of the structure. Such certification shall be submitted as provided in Section 14.09 and shall indicate the elevation to which the structure is flood proofed.

C. **Variance from Floodproofing Standards**

A variance from the elevation or dry floodproofing standards may be granted for accessory structures (e.g. sheds, detached garages) built at a cost of less than four thousand (4,000) dollars. Such structures must comply with the encroachment provisions of subsection 14.16.A below and the following additional standards:

1. They shall not be used for human habitation.

2. They shall be designed to have low flood damage potential.

3. They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters.

4. They shall be firmly anchored to prevent flotation.

5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

D. **Manufactured Homes and Recreational Vehicles**

The following standards shall apply to all new and substantially improved manufactured homes not subject to the manufactured home requirements of Section 3722.01 of the Revised Code:

1. Manufactured homes shall be anchored in accordance with subsection 14.13.A.2; and

2. Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at the base flood elevation.

These standards also apply to recreational vehicles that are either (1) located on sites for 180 days or more, or (2) are not fully licensed and ready for highway use.

E. **Enclosures Below Base Flood Elevation**

The following provisions apply to all new and substantially improved residential and nonresidential structures which are elevated to or above base flood elevation using pilings, columns, or posts, or which contain a crawl space. These structures may enclose the area below the base flood elevation if the following conditions are met:

1. Fully enclosed areas below the base flood elevation shall be designed to automatically equalize hydrostatic flood waters. Designs for meeting this requirement must:

    a. Be certified by a registered professional engineer or architect; or
    b. Meet or exceed all of the following criteria:
        i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area shall be provided.
        ii. The bottom of all openings shall be no higher than one foot above grade.
        iii. Openings may be equipped with screens, louvers or other coverings or devices so long as they permit the automatic entry and exit of flood waters.

2. Any enclosure which meets these criteria shall be considered as having met the requirements of subsection 14.13.A above.

Section 14.15 STANDARDS IN AREAS OF SPECIAL FLOOD HAZARD WITHOUT BASE FLOOD ELEVATION DATA

In all areas of special flood hazard identified as Zone A on the Flood Insurance Rate Map where base flood elevation data are not available from any source, the following provisions apply:

A. New Construction and substantial improvement of any residential, commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated to at least two (2) feet above the highest adjacent natural grade.

Section 14.16 FLOODWAYS

Located within areas of special flood hazard established in Section 14.05 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

A. Encroachments, including fill, new construction, substantial improvements and other developments are prohibited, unless a technical evaluation in accordance with standard engineering practices demonstrates that encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If subsection A hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

C. Only such uses as do not increase flood heights are permitted if the requirements of Section 14.16 A. hereof are satisfied. Such uses may include:

1. Agricultural uses such as general farming, forestry, sod farming, and wild crop harvesting;

2. Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, fish hatcheries, and fishing areas;

3. Accessory residential uses such as yard areas, gardens, play areas, and parking areas; and

4. Accessory industrial and commercial uses such as yard areas, parking and loading areas, etc.

5. Structures, fill, or storage of materials and equipment may be permitted if all encroachment standards are satisfied. Storage of materials and equipment must, additionally, be firmly anchored to prevent flotation or movement and/or be made readily removable from the area, and such material may not be buoyant, flammable, explosive or damageable by flooding.

Section 14.17 PENALTY

Whoever violates or fails to comply with any of the provisions of this Article (including violations of conditions and safeguards established in connection with conditions) shall be subject to action under this Ordinance.

ARTICLE 15

PLANNED UNIT DEVELOPMENTS

Section 15.01 STATEMENT OF PURPOSE

It is the intent of these regulations to permit planned unit developments for the purposes of:

A. Encouraging innovation in land use planning and development.

B. Achieving a higher quality of development than would otherwise be achieved.

C. Encouraging assembly of lots and redevelopment of outdated commercial corridors and centers.

D. Encouraging development on sites that would be difficult to develop according to conventional standards because of the shape, size, abutting development, accessibility, or other features of the site.

E. Providing enhanced housing, employment, and shopping opportunities.

F. Providing a development framework that promotes appropriate business activity that significantly improves the economic viability of the Municipality.

G. Ensuring compatibility of design and function between neighboring properties.

H. Encouraging development that is consistent with the Comprehensive Plan.

I. Encouraging development to preserve natural features and open space for the continued use and enjoyment of the residents of the Municipality.

J. Requiring pedestrian amenities to encourage walking within and between neighborhoods and adjacent commercial and civic properties.

These planned unit development regulations are not intended as a device for ignoring the more specific standards in this Ordinance, or the planning upon which the standards are based. Rather, these provisions are intended to result in development that is substantially consistent with the zoning standards generally applied to the proposed uses, but allowing for modifications to the general standards to assure a superior quality of development.

Section 15.02 ELIGIBILITY CRITERIA

To be eligible for planned unit development approval, the applicant must demonstrate that the following criteria will be met:

A. **Recognizable and Substantial Benefit**

The planned unit development shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community.

B. **Minimum Frontage and Size**

The planned unit development shall have minimum frontage of two hundred (200) feet along a public street or road. The minimum size of a parcel that is developed as a planned unit development shall be two (2) acres.

C. **Availability and Capacity of Public Services**

The proposed type and density of use shall not result in an unreasonable increase in the use of public services, facilities, and utilities.

D. **Compatibility with the Comprehensive Plan**

The proposed development shall not have an adverse impact on the Comprehensive Plan.

E. **Compatibility with the Planned Unit Development Intent**

The proposed development shall be consistent with the intent and spirit of this Ordinance.

F. **Economic Impact**

The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in this Ordinance.

G. **Unified Control of Property**

The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with the planned unit development regulations. This provision shall not prohibit a transfer of ownership or control, provided that notice of such transfer is given immediately to the Municipality.

Section 15.03 PROJECT DESIGN STANDARDS

Proposed planned unit developments shall comply with the following project design standards:

A. **Location**

A planned unit development may be approved in any location in the Municipality, subject to review and approval as provided herein.

B. **Permitted Uses**

Any land use authorized in this Ordinance may be included in a planned unit development as a principal or accessory use, provided that public health, safety, and welfare are not impaired.

C. **Applicable Base Regulations**

Unless waived or modified (in accordance with sub-section (D)), the yard and bulk, parking, loading, landscaping, lighting, and other standards for the districts listed below shall generally be applicable for uses proposed as a part of a planned unit development:

1. Single family residential uses shall comply with the regulations applicable in Article 5, R-1 Single Family Residential District.

2. Multiple family residential uses shall comply with the regulations applicable in Article 7 R-3 Multiple Family Residential District.

3. Commercial uses shall comply with the regulations applicable in Article 9, B-1 Downtown Business District, Article 10, B-2 Community Business District, and Article 11, B-3 General Business District.

4. Industrial uses shall comply with the regulations in the Article 12, I-1 Light Industrial District.

5. Mixed uses shall comply with the regulations applicable for each individual use, as outlined above, except that if regulations are inconsistent with each other, the regulations applicable to the most dominant use shall apply.

D. **Regulatory Flexibility**

To encourage flexibility and creativity consistent with the Planned Unit Development concept, departures from the regulations in Section 15.03.C, above, may be permitted, subject to review and approval by the Commission and Council. For example, such departures may include modifications to: lot dimensional standards; floor area standards; setback requirements; density standards; parking, loading, and landscaping requirements; and similar requirements. Such modifications may be permitted only if they will result in a higher quality of development than would not be possible without the modifications.

E. **Open Space in Residential Developments**

1. A land, water, or land and water area constituting not less than twenty five (25) percent of the total lot or parcel shall be designed as permanent open space. However, no more than twenty (25) percent of the required open space shall include any water bodies or wetlands which are covered periodically with standing water (such as hardwood swamps and "wet" meadows). Required open space shall not include the area of any designated wetland that is covered by water or muck such that it is not a suitable environment for walking or similar passive leisure pursuits.

2. Open space areas shall be suitable and usable for the functions intended, including maintenance. A minimum of ten (10%) percent of the required open space shall be usable open space. The remainder can be passive open space.

3. The required open space must be set aside by the developer in the form of an irrevocable conveyance whereby the open space area must be developed according to the approved development plan and may never be changed to any other use, unless it is part of an approved site plan amendment.

   Further, this conveyance must provide that the open space is for the use and enjoyment of the residents, occupants, and users of the Planned Development and such open space shall be considered as an integral component of the overall Planned Development. The developer shall provide for perpetual and mandatory maintenance of the open space through the use of deed restrictions or other means acceptable to the Village, which shall provide for participation in said maintenance cost by each property owner (residential, commercial or industrial) within the Planned Development. All park and open space development shall be complete when the development reaches fifty (50) percent occupancy.

4. Buildings, parking lots, drives and similar improvements may only be permitted in open space areas if related and necessary to the function of the open space. An example is a small parking lot associated with a park at the edge of a large residential development. However, in no case shall parking be permitted within thirty (30) feet of the edge of the road pavement.

5. Open space areas shall be conveniently located in relation to dwelling units, whenever feasible.

6. The Planning Commission may require that unique natural amenities such as ravines, rock outcrops, wooded areas, tree or shrub specimens, unusual wildlife habitats, ponds, streams, marshes and areas of sharp relief be preserved as part of the open space system.

F. **Residential Density**

The number of dwelling units allowable within Planned Unit Development project should be determined through review of a parallel plan prepared by the applicant. The parallel design for the project shall be consistent with the Municipality's requirements and design criteria for a

tentative preliminary plat. The parallel plan shall meet all standards for lot size, lot width and setbacks as normally required under Article 16, public road and utility improvements, and contain an area which conceptually would provide sufficient area for storm water detention. Lots in the parallel plan shall provide sufficient building envelope size without impacting regulated wetlands. This design shall include all information as required by the guidelines adopted by the Planning Commission pursuant to Section 15.03.

The Planning Commission shall review the design and determine the number of lots that could be feasiblely constructed and be economically viable following the parallel design. This number, as determined by the Planning Commission, shall be the maximum number of dwelling units allowable for the Planned Unit Development project. The Planning Commission may grant a density bonus for exemplary projects as provided in Section 15.03.G, below.

G. **Residential Density Bonus**

Dwelling unit densities should not exceed the density which would be permitted by the Zoning District which has been changed to a Planned Unit Development. A density bonus of up to fifteen (15%) may be permitted at a rate of one percent (1%) of additional density for every one percent (1%) of additional open space provided over the minimum open space requirement of 25%. (Example, a project which has 30% open space may be permitted a density bonus of 5%).

H. **Permitted Mix of Uses**

Where the existing underlying zoning district is residential, nonresidential uses shall be permitted as part of a Planned Unit Development which also contains a residential component, provided that the applicant demonstrates that the residential uses will be predominant. The Commission shall determine predominance of use after taking into account the following criteria as they apply to each of the proposed uses: amount of traffic generated; hours of operation or use; buffering; noise, odors, and overall impact on adjoining uses; land area allocated to each use; and, building area allocated to each use.

I. **Frontage and Access**

Planned unit developments shall front onto a primary major thoroughfare, secondary major thoroughfare, or collector street, as specified in the adopted Comprehensive Plan or County Thoroughfare Plan, except where the Planned Unit Development involves reuse or redevelopment of an existing structure which fronts onto a local street. The nearest edge of any entrance or exit drive shall be located no closer than one hundred (100) feet from any street or road intersection (measured from the nearest intersection right-of-way line).

J. **Utilities**

All utilities serving a planned unit development, including electric, telephone, and cable television lines, shall be placed underground, wherever feasible.

K. **Privacy for Dwelling Units**

The design of a Planned Unit Development shall provide visual and sound privacy for all dwelling units within and surrounding the development. Fences, walks, and landscaping shall be used in the site design to protect the privacy of dwelling units.

L. **Emergency Access**

The configuration of buildings, driveways, and other improvements shall permit convenient and direct emergency vehicle access.

M. **Pedestrian and Vehicular Circulation**

A pedestrian circulation system shall be provided that is insulated as completely as possible from the vehicular circulation system. The layout of vehicular and pedestrian circulation routes shall respect the pattern of existing or planned streets, sidewalks, and bicycle pathways in the vicinity of the site. Pedestrian access easement should be provided between deadened streets and adjacent developments and thoroughfares and commercial and residential developments.

Section 15.04 PROCEDURES AND REQUIREMENTS

A. **Amendment Required**

The approval of a Planned Unit Development proposal shall require an amendment to this Ordinance to revise the Zoning Map and designate the subject property as "Planned Unit Development." Approval of a Planned Unit Development proposal, including all aspects of the final plan and conditions imposed on it, shall constitute and inseparable part of the zoning amendment. Planned Unit Development applications shall be submitted in accordance with the procedures and requirements set forth in Article 24.

Section 15.05 STANDARDS AND REQUIREMENTS WITH RESPECT TO REVIEW AND APPROVAL

In considering any application for approval of a Planned Unit Development proposal, the Commission and Council shall make their determinations on the basis of standards set forth for site plan review in this Ordinance, as well as the following standards and requirements:

A. **Conformance with the Planned Unit Development Concept**

The overall design and all uses proposed in connection with a planned unit development shall be consistent with and promote the intent of the planned unit development concept as described in this Ordinance, as well as with the specific project design standards set forth herein.

B. **Compatibility with Adjacent Uses**

The proposed planned unit development shall set forth specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to surrounding properties and the uses thereon. In determining whether this requirement has been met, consideration shall be given to the following:

1. The bulk, placement, and materials of construction of proposed structures.

2. The location and screening of vehicular circulation and parking areas in relation to surrounding development.

3. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.

4. The hours of operation of the proposed uses.

5. The provision of landscaping and other site amenities.

C. **Public Services**

The proposed planned unit development shall not exceed the capacity of existing and available public services, including but not necessarily limited to utilities, public roads, police and fire protection services, and educational services, unless the project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the planned unit development is completed.

D. **Impact of Traffic**

The planned unit development shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses. In determining whether this requirement has been met, consideration shall be given to the issues required in the traffic impact analysis in this Ordinance.

E. **Accommodations for Pedestrian Traffic**

The planned unit development shall be designed with a sidewalk network to accommodate safe pedestrian circulation throughout and along the perimeter of the site, without interference from vehicular traffic. Pedestrian passage in a form of a access easement is strongly recommended between dead-end streets, including cul-de-sacs, and adjacent thoroughfares and developments. Pedestrian amenities are strongly encouraged. Pedestrian amenities include any element that further enhances the visual appeal of the development and community and benefits residents, guests, employees or patrons of the development. Examples include, but are not limited to public assembly areas including: plazas, formal gardens, patios, playgrounds and courtyards; decorative and natural looking water features and fountains; and pedestrian walkways and sidewalks made of decorative materials and colors. Each area shall provide benches and other amenities designed to attract pedestrians as a place to rest, congregate and socialize. Each planned

development shall have a minimum of two of the above mentioned or other amenity landscaping.

F. **Compatibility with the Comprehensive Plan**

The proposed planned unit development shall be consistent with the general principles and objectives of the Comprehensive Plan.

G. **Compliance with Applicable Regulations**

The proposed planned unit development shall be in compliance with all applicable federal, state, and local laws and ordinances.

Section 15.06 PHASING AND COMMENCEMENT OF CONSTRUCTION

A. **Integrity of Each Phase**

Where a project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to insure protection of natural resources and the health, safety and welfare of the users of the Planned Unit Development and residents of the community.

B. **Rate of Completion of Residential and Non-residential Components**

1. **Purpose.** The purpose of the following provisions is to ensure that planned unit developments are constructed in an orderly manner and, further, to ensure that the Planned Unit Development approach is not used as a means of circumventing restrictions on the location or quantity of certain types of land use.

2. **General Standards.** In developments which include residential and non-residential components, the phasing plan shall provide for completion of at least thirty-five percent (35%) of all proposed residential units concurrent with the first phase of any non-residential construction; completion of at least seventy-five percent (75%) of all proposed residential construction concurrent with the second phase of non-residential construction; and completion of one hundred percent (100%) of all residential construction prior to the third phase of non-residential construction. For purposes of carrying out this provision, the percentages shall be approximations as determined by the Commission and Zoning Inspector, based on the floor area and land area allocated to each use.

3. **Modifications to General Standards.** Such percentages may be modified should the Commission and Zoning Inspector determine that the applicant has presented adequate assurance that the residential component or components of the project will be completed within the specified time period.

4. **Completion of Each Phase.** Construction of any facility may commence at any time following site plan approval per this Ordinance, provided that construction shall be commenced for each phase of the project within twenty-four (24) months of the schedule set forth on the approved plan for the planned unit development. However, the applicant may submit a revised phasing plan for review and approval by the Commission. The applicant shall also submit a statement indicating the conditions which made the previous phasing plan unachievable. Once construction of a Planned Unit Development has commenced, approval of a revised phasing plan shall not be unreasonably withheld or delayed, provided that the revised phasing does not materially change the integrity of the approved Planned Unit Development proposal.

   In the event that construction has not commenced within the required time period and a revised phasing plan has not been submitted, the Municipality may initiate proceedings to amend the zoning classification of the undeveloped portion of the site.

Section 15.07 DEVELOPMENT STANDARDS

A. Area, Height, Bulk, and Placement Requirements

Buildings and uses in a Planned Unit Development are subject to the area, bulk, and placement requirements specified in this Ordinance.

B. General Development Standards

Buildings and uses in a Planned Unit Development are subject all applicable requirements set forth in this Ordinance, as specified below:

Article	Topic
Article 3	General Provisions
Article 14	Floodplain Overlay District
Article 17	Site Development Standards Applicable to Specific Uses
Article 18	Off-Street Parking and Loading Requirements
Article 19	Landscaping
Article 20	Signs
Article 21	Performance Standards
Article 24	General Procedures and Related Standards

Section 16.02 SCHEDULE OF REGULATIONS

TABLE 2
SCHEDULE OF REGULATIONS

District	Lot Minimum		Maximum Height of Structures (c)			Minimum Setback Requirements (feet)				Minimum Usable Floor Area Per Unit (Sq.Ft.)	Maximum Coverage of Lot By All Buildings
	Area (sq. ft.) (a)	Width (feet)	In Stories	In Feet	Front Elevation	Front Yard	Side Yards		Rear Yard		
							Least One	Total of Two			
R-1 with sewers w/out sewers	12,500 43,560	80 (b)	2 1/2	35	25	35 (d)	15 (d) (e)	30 (d) (e)	40 (d)	1,500	30%
R-2	8,700	60	2 1/2	35	25	30 (d)	10 (d) (e)	20 (d) (e)	25 (d)	1,150	30%
R-3	(f)	90	3	40	30	35 (g) (h)	10 (g) (h)	20 (g) (h)	25 (g) (h)	(i)	30%
B-1	(j)	(j)	3	40	--	(k)	(l) (m)	(l) (m)	(l) (n)	--	--
B-2	(j)	(j)	3	40	--	0	(h) (l) (m)	(h) (l) (m)	(h) (l) (n)	--	--
B-3	(j)	(j)	3	40	--	0	(h) (l) (m)	(h) (l) (m)	(h) (l) (n)	--	--
I-1	(j)	(j)	--	40	--	0	(o)	(o)	(o)	--	--
PD	(p)	(p)	(p)	(p)	(p)	(p)	(p)	(p)	(p)	(p)	(p)

ARTICLE 16

SCHEDULE OF REGULATIONS

Section 16.01 INTENT AND SCOPE OF REQUIREMENTS

The purpose of this Article is to establish regulations governing lot size, required yards, setbacks, building height, and development density for each zoning district. No building shall be erected, nor shall an existing building be altered, enlarged, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations established for the district in which the building or use is located. A portion of a lot used to comply with the regulations in this Article with respect to one building or use shall not be simultaneously used to comply with the regulations with respect to another building or use.

Section 16.02 SCHEDULE OF REGULATIONS

All buildings, uses, and parcels of land shall comply with the regulations set forth in the following Schedule of Regulations and footnotes thereto.

FOOTNOTES TO SECTION 16.02 SCHEDULE OF REGULATIONS

A. **Lot Area**

"Net lot area", as defined in this Ordinance, shall be used to determine compliance with lot area requirements.

B. **Lot Proportions**

Lot depths of newly created lots in the R-1 districts shall be no greater than four (4) times the lot width.

C. **Exceptions to Height Standards**

The height standards shall not apply to certain structures listed in this Ordinance.

D. **Minimum Setbacks for Non-Residential Uses**

Permitted non-residential uses shall comply with setback requirements set forth in this Ordinance for specific uses. Where setback requirements are not specified in this Ordinance,

permitted non-residential uses shall comply with the minimum setback requirements set forth in the Schedule of Regulations, except that the minimum side yard shall be twenty (20) feet.

E. **Setback on Side Yards Facing a Street**

On corner lots there shall be maintained a front yard along each street frontage, except that the minimum setback on side yards facing a street where no other housing units in the block face the side street shall be ten (10) feet.

F. **Lot Requirements**

Single-family dwellings shall comply with the lot standards for the R-1 District. Two-family dwellings shall comply with the lot standards for the R-2 District. Multiple-family dwellings shall comply with the following minimum lot area standards:

Minimum Lot Area Per Unit

First dwelling unit	3,000 sq. ft.
Each additional unit	2,500 sq. ft.

G. **Setbacks in R-3 District**

Single-family dwellings shall comply with the setback standards for the R-1 District. Two-family dwellings shall comply with the setbacks for the R-2 District. The minimum distance between any two multiple family structures erected on the same parcel shall be as follows:

Orientation of Buildings	1-Story Buildings	1-1/2 or 2 Story
Front to front	30 ft.	60 ft.
Front to rear	30 ft.	60 ft.
Rear to rear	30 ft.	60 ft.
End to end	20 ft.	20 ft.
End to front	30 ft.	30 ft.
End to rear	30 ft.	30 ft.

H. **Parking Setback Adjacent to Residential District**

Off-street parking shall be set back a minimum of forty (40) feet from any residential district boundary.

I. **Minimum Floor Space in the R-3 District**

The minimum required floor area in multiple family structures shall be as follows:

Number of Bedrooms	Required Floor Area (sq. ft.)
1	650
2	800

3	950
4	1,100
Each Additional	100

J. **Lot Area and Width in Commercial Districts**

Lot area and width requirements in the commercial and office districts shall be based on compliance with the setback and lot coverage standards.

K. **Zero Lot Line:** The front building wall shall be located on the front property line adjacent to the road right-of-way.

L. **Side or Rear Yard Setback Along Interior Lot Lines in Business Districts**

The maximum side or rear yard setback shall be zero (0) where all abutting or facing walls are composed of fireproof materials and contain no windows, doors, or other openings. Where any walls are not of fireproof construction or where any walls contain openings a side or rear yard setback shall be provided as follows:

Building Height	Minimum Side or Rear Yard Setback
1 story	5 ft.
2 stories	8 ft.
3 stories	10 ft.

M. **Side Yard Setback on Corner Lots in Business Districts**

No side yard setback is required except where the side street abuts an interior residential lot, in which case the side yard setback shall be equal to the required minimum front yard setback for the district in which the adjacent residential lot or building is located.

N. **Rear Yard Setback on Through-Lots in Business Districts**

The rear yard setback on lots which extend through from street to street shall be equal to the minimum front yard setback for the district in which the building is located.

O. **Minimum Setback Adjacent to a Residential Use**

Buildings in the industrial districts shall be set back a minimum of one hundred (100) feet from any residential district boundary.

P. **Planned Unit Developments**

See Article 15 for development standards in Planned Unit Developments.

ARTICLE 17

SITE DEVELOPMENT STANDARDS APPLICABLE TO SPECIFIC USES

Section 17.01 INTENT AND SCOPE OF REGULATIONS

Each use listed in this Article, whether permitted by right or subject to approval as a special land use, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the district in which the use is located. These standards are intended to alleviate the impact from a use that is of an area, intensity or type, or that possesses characteristics that are unique or atypical for the district in which the use is allowed. These standards are intended to assure that such uses will be compatible with surrounding land uses and insure the orderly development of the district. Conformance with these standards shall be subject to site plan review. Unless otherwise specified, each use listed in this Article shall be subject to all applicable yard, bulk and other standards for the district in which the use is located.

Section 17.02 SITE DEVELOPMENT STANDARDS FOR NON-RESIDENTIAL USES

A. **Adult Regulated Uses**

In the development and execution of this Ordinance and this Section, it is recognized that there are certain uses which, because of their very nature, have serious objectionable characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. The special regulations in this Section are intended to prevent a concentration of these uses in any one area, so as to prevent the blighting, deterioration, or downgrading of an area. The following requirements are intended to accomplish these purposes:

1. The establishment of the types of Adult Regulated Uses listed below shall be prohibited if the establishment of such use will constitute the second such use within a five hundred (500) foot radius (i.e., not more than one such use within five hundred (500) feet of another). The distance between uses shall be measured horizontally between the nearest property lines.

a. Adult personal service establishment.
b. Adult book store.
c. Adult cabaret / adult only entertainment establishment.
d. Adult motion picture theater or adult live stage performing theater.
e. Adult model studio.
f. Adult motion picture arcade or mini motion picture theater.
g. Adult sexual paraphernalia store.

2. It shall be unlawful to hereafter establish any Adult Regulated Use if the proposed regulated use will be within a four hundred (400) foot radius of the following:

a. Tavern or pub.
b. Pool or billiard halls.
c. Coin-operated amusement centers.
d. Disco or dance centers which typically cater to teens.
e. Ice or roller skating rinks.
f. Pawn shops.
g. Indoor or drive-in movie theaters.
h. Public parks, playgrounds, or other recreation uses.
i. Churches, convents, monasteries, synagogue, or similar religious institutions.
j. Day care centers or nurseries.
k. Any public, private or parochial nursery, primary, or secondary school.
l. Any residentially used or zoned land.

The distance between uses shall be measured horizontally between the nearest property lines.

3. The building and premises shall be designed and constructed so that material depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined in this Ordinance) cannot be observed by pedestrians or from motor vehicles on any public right-of-way. This provision shall apply to any display, decoration, sign, show window, or other opening.

4. Adult regulated uses shall be located within a freestanding building. Enclosed walls, strip shopping centers, common-wall structures, and structures which contain several uses do not constitute a freestanding building.

5. Upon denial of any application for a zoning permit, the applicant may appeal for a variance of the locational provisions above to the Board of Zoning Appeals consistent with the standards set forth below. The Board may waive the locational provisions set forth in Section.17.02.A , after all the following findings are made:

a. No building or lot is available that satisfies the location requirements. In such case, the ZBA can grant the minimum locational waiver needed. However, granting the waiver shall not be done to provide convenience to the applicant; rather it is to provide a location that can be used for the applicant's expressed purpose.

b. The proposed use will not be contrary to any other provision of these zoning regulations.

6. Prior to granting a waiver of the locational restrictions set forth above, and not less than five (5), nor more than fifteen (15) days before the request for waivers is considered or a public hearing held pursuant to this Section, the Board shall publish, in a newspaper of general circulation in the village, one (1) notice indicating that a request for variance to establish a regulated use has been received, and shall send by mail or personal delivery a copy of that notice to the owners of the property for which variances are being considered, and to all persons to whom any real property is assessed within three hundred (300) feet of the boundary of the premises in question, and to the occupants of all structures within three hundred (300) feet. If the name of the occupant is not known, the term "occupant" may be used in making notification.

7. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each dwelling unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

8. The notice of application shall: (1) inform the recipient of the applicant's name; (2) describe the nature and type of use proposed; (3) indicate the local address, the lot number and subdivision name of the property in question; (4) provide the section of the zoning chapter under which the proposal is being processed; and (5) date, time, and location of the public hearing. This notice shall also invite written comments, statements, or opinions, and indicate the place and date upon which written comments concerning the proposed use must be received.

9. The notice of application shall further indicate that a public hearing on the proposed regulated use may be requested by a property owner or occupant, no less than eighteen (18) years of age, of a structure located within three hundred (300) feet of the boundary of the property being considered for the regulated use. If the applicant or the Board requests a public hearing under this Section, any interested person may be represented by a person, firm, organization, partnership, corporation, board or bureau.

10. Establishment Prohibited Near Schools, Residential Zones.

a. Restrictions. No waivers shall be given to permit a regulated use to locate within a 200-foot radius of any nursery, primary, secondary school or residential district, unless no other sites are available within the required setback.

11. Prior to the granting of approval for the establishment of any regulated use, the Board of Appeals may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as in its judgement may be necessary for the protection of the public interest. Any evidence, bond, or other performance and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

B. **Automobile or Vehicle Sales**

Automobile or vehicle sales operations with repair facilities or outdoor sales space shall be subject to the requirements that follow. These requirements shall apply to any operation involving the sale, lease or rental of new or used vehicles, house trailers, recreational vehicles, trucks, and other vehicles.

1. **Grading, Surfacing, and Drainage.** Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or bituminous material, and shall be graded and drained so as to effectively dispose of or retain surface waters. Grading, surfacing, and drainage plans shall be subject to review and approval by the Zoning Inspector.

2. **Driveway Location.** The nearest edge of any driveway serving an outdoor vehicle sales area shall be located at least sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).

3. **Servicing of Vehicles.** All servicing of vehicles shall be subject to the following requirements:

    a. Service activities shall be clearly incidental to the vehicle sales operation.
    b. Vehicle service activities shall occur within a completely enclosed building.
    c. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.
    d. Buildings containing the service operations shall be located a minimum of fifty (50) feet from any abutting residential property line.
    e. There shall be no external evidence of the service operations, in the form of dust, odors, or noise, beyond the interior of the service building.
    f. Buildings should be oriented so that open bays, particularly for self-serve automobile washes, do not face onto adjacent thoroughfares unless screened by an adjoining lot, building or obscuring wall required by this Ordinance.

4. **Broadcasting Devices Prohibited.** Devices for the outdoor broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited outside of any building.

5. **Setbacks.** Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall comply with the requirements for parking lots, as specified in this Ordinance.

6. **Minimum Lot Area.** The minimum lot area required for such uses shall be one-half (1/2) acre.

C. **Automobile Filling Stations, Automobile or Vehicle Service Stations, Automobile Repair Garages**

The following regulations shall apply to automobile filling stations and automobile or vehicle service stations, including tire, battery, muffler and undercoating shops:

1. **Minimum Lot Area.** The minimum lot area required for such uses shall be twenty thousand (20,000) square feet.

2. **Minimum Lot Width.** The minimum lot width required for such uses shall be one hundred twenty five (125) feet

3. **Minimum Setbacks.** Repair garages or other buildings shall comply with the setback requirements for the district in which the use is located. However, a minimum setback of forty (40) feet shall be maintained on all sides that abut property that is zoned or used for residential purposes. Pump islands and canopies shall comply with the following requirements:

Minimum Setback from Right-of-Way Line

Nearest Edge of Pump Island	25 feet
Nearest Edge of Unenclosed Canopy	20 feet

4. **Ingress and Egress.** Ingress and egress drives shall be a minimum of thirty-one (31) feet and a maximum of forty (40) feet in width. No more than one (1) such drive or curb opening shall be permitted for every seventy-five (75) feet of frontage (or fraction thereof) along any street. The nearest edge of any such drive shall be located at least twenty-five (25) feet from the nearest point of any property zoned or used for residential purposes. Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance because of its location in relation to other ingress and egress drives, its location in relation to the traffic generated by other buildings or uses or its location near a vehicular or pedestrian entrances or crossings.

5. **Curbs.** A curb of at least six (6) inches in height shall be installed to prevent vehicles from being driven onto or parked with any part of the vehicle extending within two (2) feet of abutting landscaped areas, sidewalks, streets, buildings, or adjoining property.

6. **Layout.** All lubrication equipment, automobile wash equipment, hoists, and pits shall be enclosed entirely within a building. Gasoline pumps shall be located so that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining property while being served. Adequate vehicle parking and stacking spaces shall be provided as required in this Ordinance

7. **Orientation of Open Bays.** Buildings should be oriented so that open service bays do not face onto adjacent major thoroughfares or arterial roads unless screened by an adjoining lot, building, or obscuring wall as required by this Ordinance.

8. **Outside Storage.** Inoperable, wrecked or partially dismantled vehicles shall not be stored or parked outside for a period exceeding forty-eight (48) hours, provided that such vehicles are stored in the rear yard within a masonry screening wall that is not less than six (6) feet in height.

9. **Vehicle Sales and Storage.** The storage, sale, or rental of new or used cars, trucks, trailers, and any other vehicles on the premises is prohibited except in conformance with this Ordinance.

D. **Automobile Wash or Car Wash Establishment**

The following regulations shall apply to automobile wash or car wash establishments:

1. **Minimum Lot Area.** The minimum lot area required for automobile or car wash establishments shall be ten thousand (10,000) square feet.

2. **Layout.** All washing activities shall be carried on within a fully enclosed building. Vacuum activities shall be permitted in the rear yard only, provided such activities are located at least twenty-five (25) feet from adjacent residentially zoned or used property. Entrances and exists shall not face abutting residentially zoned or used property. Adequate vehicle parking and stacking spaces shall be provided as required in this Ordinance.

3. **Entrances and Exits.** Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located within the car wash property. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.

4. **Orientation of Open Bays.** Buildings should be oriented so that open bays, particularly for self-serve automobile washes, do not face onto adjacent thoroughfares unless screened by an adjoining lot, building or obscuring wall required by this Ordinance.

5. **Exit Lane Drainage.** Exit lanes shall be sloped to drain water back to the wash building to drainage gates.

E. **Bed and Breakfast**

Bed and breakfast facilities shall be subject to the following regulations:

1. **Bed and Breakfast an Accessory Use.** The bed and breakfast operations shall be clearly incidental to the principal residence on the site. Accordingly, the bed and breakfast operations shall be confined to the single-family dwelling unit which is the principal dwelling on the site. Not more than twenty-five percent (25%) of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.

2. **Maximum Number of Units.** No more than three (3) bed and breakfast units shall be established in dwelling units located on lots up to 2.5 acres in size. Where lot size exceeds 2.5 acres, the number of bed and breakfast units permitted shall be based on good design principles, subject to Planning Commission review.

3. **Principal Residence.** The dwelling unit shall be the principal residence of the operator, and the operator shall live in the dwelling unit when the bed and breakfast facility is in operation.

4. **Kitchen Facilities.** There shall be no separate cooking facilities for the bed and breakfast operation, other than those which serve the principal residence. Food may be served only to those persons who rent a room in the bed and breakfast facility.

5. **Building Requirements.** A building used for bed and breakfast operations shall comply with the following minimum requirements:

   a. There shall be at least two (2) exits to the outdoors.

   b. Rooms used for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants, plus and additional thirty (30) square feet for each additional occupant. Rooms shall be designed to accommodate no more than four (4) occupants.

   c. Each sleeping room shall be equipped with a smoke detector.

6. **Parking.** Adequate off-street parking shall be provided for bed and breakfast patrons, in accordance with Article 14.00. Off-street parking in the front yard is prohibited.

F. **Cemeteries**

The following regulations shall apply to the establishment of new cemeteries or expansion of existing cemeteries:

1. **Location.** Not more than fifty percent (50%) of the land parcel occupied by a cemetery shall be a part of a recorded plat.

2. **Minimum Area**. A cemetery shall contain a minimum of twenty (20) acres or more

3. **Setbacks.** No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than two hundred (200) feet to the boundary line of any residential or commercial district.

4. **Location of Entrances.** Entrances to cemeteries shall be off of a major or secondary thoroughfare, and shall be designed to minimize traffic congestion.

G. **Drive-In Establishments**

1. **Setbacks.** Buildings or other structures used for the purpose of a drive-in establishment shall be set back a minimum of sixty (60) feet from any street right-of-way line.

2. **Location of Driveways.** Driveways serving drive-in establishments shall provide direct access from a major thoroughfare or arterial road. The nearest edge of any entrance or exit drive shall be located no closer than twenty-five (25) feet from any street or road intersection, as measured from the nearest intersection right-of-way line.

3. **Screening.** An obscuring wall shall be provided along all property lines abutting property that is zoned for residential, commercial, or office use, subject to the requirements this Ordinance.

H. **Fast-Food and Drive-Through Restaurants**

The following regulations shall apply to fast-food and drive-through restaurants:

1. **Minimum Frontage.** The site shall have a minimum of one hundred fifty (150) feet of frontage on a major thoroughfare.

2. **Location of Driveways.** Ingress and egress points shall be located no closer than twenty-five (25) feet from the intersection of any two (2) streets (measured from the nearest right-of-way line). Points of vehicular ingress and egress shall be limited to the thoroughfare having business zoned frontage only. The minimum distance between driveways providing off-site ingress or egress shall be at least sixty-five (65) feet measured from the two closest driveway curbs.

3. **Screening.** An obscuring wall shall be provided along all property lines abutting property that is zoned for residential, commercial, or office use, subject to the requirements in this Ordinance.

4. **Control of Sound Level.** Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.

5. **Stacking Spaces.** A restaurant with a drive-through window shall provide stacking spaces for each drive-through window as required in this Ordinance.

I. **Funeral Homes or Mortuaries.** The following regulations shall apply to funeral homes and mortuaries:

1. **Assembly Area.** An adequate assembly area shall be provided off-street for vehicles to be used in funeral processions. All maneuvering areas and exit aprons shall be located within the site. Streets and alleys shall not be used for maneuvering or parking of vehicles.

2. **Screening.** The service and loading area shall be obscured from adjacent residential areas in accordance with the requirements of this Ordinance.

3. **Caretaker's Residence.** A caretaker's residence may be provided within the main building of the funeral home or as an approved accessory building on the site, subject to the provisions of this Ordinance.

J. **Golf Courses and Country Clubs, Par-3 Golf Courses, Driving Ranges**

1. **Lot Size.** Regulation length 18-hole golf courses shall have a minimum lot size of 160 acres, of which a minimum of 110 acres of usable land shall be allocated in fairways, roughs, and greens. Nine-hole courses with regulation length fairways shall have a minimum lot size of 90 acres. Eighteen-hole par-3 courses shall have a minimum lot size of 50 acres.

2. **Setbacks and Fairway Width.** The principal and accessory buildings shall be set back at least seventy-five (75) feet from all property lines. Fairways and driving ranges shall have sufficient width and shall be oriented in such a manner and set back a sufficient distance to prevent golf balls from being hit outside the perimeter of the golf course. The minimum width for fairways shall be one hundred (100) yards subject to review by the Planning Commission. Fairways shall be designed so that existing or future dwelling units are located a minimum of two hundred (200) feet from the center of the fairway.

3. **Access.** Golf courses and country clubs shall have direct access onto a major thoroughfare.

4. **Shelter Buildings.** At least one (1) shelter building with toilet facilities shall be provided per nine holes. The shelter shall meet all requirements of the Warren County Health Department and the Building Code.

5. **Impact on Water Supply.** A hydrological study shall be completed and submitted to document the impact of the golf course watering system on groundwater supply. This study shall inventory and analyze well logs from surrounding properties, giving consideration to the depth of the wells and quality of water. The study shall further estimate the quantity of water that will be used on a daily basis during the peak watering periods and shall evaluate the impact of watering operations on surrounding wells.

6. **Driving Ranges.** The following standards shall apply to driving ranges.

   a. **Minimum Dimensions and Setbacks.** Driving ranges shall have sufficient width and length and shall be designed in such a manner as to prevent golf balls from being hit outside the perimeter of the driving range. The minimum length of the driving range shall be 350 yards, measured from the tee to the end of the range. Tees shall be set back at least 50 yards from each side property line, unless the applicant can demonstrate that golfers will be

oriented toward the center of the range so that golf balls will not be hit beyond the side property lines.

b. **Screening or Slopes.** The Planning Commission may require a landscaped buffer or fencing along the perimeter to screen the driving range from adjacent properties or to prevent balls from being hit outside of the driving range. The Planning Commission may also require that the sides of the driving range slope upward and be rough mowed so as to intercept stray golf balls.

c. **Special Use Requirements for Outdoor Recreation Facilities.** Driving ranges shall comply with the requirements for Outdoor Recreation Facilities in Section 17.02 U.

K. **Group Day Care Home, Child Care Center**

The following regulations shall apply to group day care homes, child care centers, nursery schools, day nurseries, and pre-schools:

1. **Licensing.** In accordance with applicable state laws, all child care facilities shall be registered with or licensed by the Department of Social Services and shall comply with the minimum standards outlined for such facilities.

2. **Outdoor Play Area.** A minimum of one hundred fifty (150) square feet of outdoor play area shall be provided, and maintained per child, provided that the overall area of the play area shall not be less than five thousand (5,000) square feet. The outdoor play area shall be suitably fenced and screened from abutting residentially zoned or used land by a greenbelt, which shall be landscaped in accordance with the requirements of this Ordinance.

3. **Frontage.** Child care centers shall front onto a thoroughfare or collector road that is constructed to Municipal standards.

4. **Setbacks.** Child care centers shall have a minimum side yard setback of at least twenty-five (25) feet.

L. **Junk and Salvage Yards**

The following regulations shall apply to junk yards:

1. **Minimum Lot Area.** The minimum lot area for a junk yard shall be five (5) acres.

2. **Location.** A parcel of land used for a junk yard shall abut only non-residential or non-commercial land uses or zoning districts.

3. **Setbacks.** A minimum setback of one hundred (100) feet shall be maintained between the front property line and the portion of the lot on which junk materials are placed or stored. All buildings, fencing, and junk materials shall be set back at least one hundred (100) feet from any road or highway right-of-way line, and at least three hundred (300) feet from any property line that abuts a residentially zoned or used district.

4. **Screening.** The entire junk yard site shall be screened with an eight (8) foot obscuring masonry wall, constructed in accordance with the requirements of this Ordinance. The wall shall be uniformly painted and maintained in neat appearance, and shall not have any signs or symbols painted on it.

5. **Surfacing.** All roads, driveways, parking lots, and loading and unloading areas shall be paved and provide adequate drainage.

6. **Regulated Activities.** All fluids shall be drained from vehicles and disposed of in a proper manner prior to the vehicles being stored on the site.

7. **Permits.** All required Municipal, County, and State permits shall be obtained prior to establishing a junkyard.

M. **Kennels**

The following regulations shall apply to kennels:

1. **Private Kennels.** Private kennels to house only the animals owned by the occupant of the dwelling unit shall be permitted subject to the following:

   a. The lot on which any such kennel is located shall have a minimum lot area of nineteen thousand (19,000) square feet.
   b. No more than six (6) animals over the age of six (6) months shall be housed in a private kennel.
   c. Buildings in which animals are kept, animal runs, and exercise areas shall not be located in any required front, side, or rear yard setback area, and shall be located at least one hundred (100) feet from any dwellings or buildings used by the public on adjacent property.

2. **Commercial Kennels.** Commercial kennels shall be subject to the following standards:

   a. Any such kennel shall be subject to all permit and operational requirements established by county and state regulatory agencies.
   b. The lot on which any such kennel is located shall have a minimum lot area of one (1) acre. If more than four (4) animals are housed in the kennel, an additional one (1) acre shall be required for every additional ten (10) animals (or fraction thereof).
   c. Buildings in which animals are kept, animal runs, and exercise areas shall not be located in any required front, side, or rear yard setback area, and shall be

located at least one hundred (100) feet from any dwellings or buildings used by the public on adjacent property.

N. **Landfills, Dumping and Sewage Disposal Facilities**

1. **General Requirements**

a. Design and Operation Standards. Any such use shall conform to current standards established by Federal, State, County, Municipal, and other regulatory agencies.

b. Environmental Impact Statement. An environmental impact statement shall be prepared in accordance with Federal, State, County, Municipal, and other regulations.

2. **Landfills and Dumping**

a. Intent. These regulations are established to control the storage, piling, placing, or dumping of garbage, sewage, refuse, trash, debris, rubbish, or other waste in the Municipality, including landfills.

b. Scope of Application. No person shall pile, place, store, dump, bury, dispose of, or keep in open containers of any land within the Municipality any garbage, sewage, refuse, trash, debris, rubbish or other solid waste, including cans, bottles, waste paper, cartons, boxes, crates, or other offensive or obnoxious matter, except in strict conformity with the provisions of this Ordinance.

3. **Permit Requirements for Landfills and Dumping**

a. Issuance. A permit shall be required in all instances where landfill or dumping activity is proposed in the Municipality.

b. Review Procedures. Applications for landfill or dumping permits shall be reviewed in accordance with the procedures for review of Special Land Uses in this Ordinance. Permits for such uses shall be issued for a one (1) year period. Permits may be renewed for one (1) year periods unless the owner or operator violates any conditions of approval.

c. Performance Guarantee. To assure conformance with the requirements specified herein, the Municipality may require the applicant or owner to provide a performance guarantee, in accordance with the requirements of this Ordinance. The performance guarantee shall be held in escrow, and may be released to the applicant in proportion to the work completed on the various restoration activities, provided an inspection report has been submitted to the Municipality and approved by the Council. No more than ninety (90) percent of the performance guarantee shall be returned until all work has been completed and inspected.

The amount of the performance guarantee shall be reevaluated on an annual basis when the permit is renewed to insure that it is adequate to complete the project as proposed, based on current construction costs.

The Council may approve a performance guarantee that covers less than the total site, provided that no excavation or dumping may take place in an area until a performance guarantee has submitted, to assure proper completion of the activities proposed for the area.

d. Application Requirements. The following information shall be provided on an application for a landfill or dumping permit:

(1) Aerial Photography. Vertical aerial photographs of the site, enlarged to a scale of one (1) inch equals two hundred (200) feet. The aerial photograph shall include all land included in the application, all contiguous land which is proposed to be used or has been used by the owner or operator, and all surrounding public roads.

(2) Survey. A metes and bounds survey of the subject site, prepared by a registered land surveyor and drawn to a scale of one (1) inch equals two hundred (200) feet. The survey shall include the boundary of the entire site and topography of the site at two (2) feet contour intervals.

(3) Engineering Report. Report by a qualified soil scientist, soils engineer, or geologist regarding the effect of the proposed operation on the watershed of the area. Particular attention should be focused on the potential pollution or contamination of groundwater.

(4) Master Plan. A detailed plan for the landfill, including a timetable for various stages of the operation. A specific timetable for dumping and restoration shall be included with each annual permit request.

(5) Restoration Plan. A restoration plan indicating how the area will be re-used in a manner compatible with this Ordinance. The restoration plan shall include the proposed use of the restored area and the proposed topography drawn at two foot contour intervals.

(6) Operating Specifications. A detailed description of operating procedures, so as to demonstrate conformance with the standards in sub-section 4, following.

4. **Standards**

All landfill and dumping activity shall be subject to the following standards:

a. Limits of Approval. All landfill and dumping activities shall be carried on within the boundary limits approved for such activities.

b. Setbacks. Landfilling, dumping, and stockpiling shall not be conducted closer than one hundred (100) feet to the approved outer boundary for the operation, and not closer than three hundred (300) feet to any dwelling. The required setback area may be used only for access roads and greenbelt plantings and landscaping.

The Board may grant a variance from the setback requirements where the outer boundary abuts a body of water. All equipment for sorting, processing, storing, weighing, and other operations shall be located at least three hundred (300) feet from any public street right-of-way line or adjacent property line.

c. Noise, Dust, Debris. All processing equipment and activities and all storage areas shall be treated, covered, muffled, or otherwise controlled to prevent excessive noise, dust, debris, or other impacts beyond the property line. Any trucks hauling material to or from the site shall be enclosed or covered to prevent materials from blowing or falling out of the trucks.

d. Road Treatment. All private access roads shall be treated to create a dust-free surface. The operator shall work with the Municipality to minimize dust on public access roads serving the site.

e. Frontage and Access. The subject site shall have a minimum frontage of 250 feet on a major or secondary thoroughfare having an existing or proposed right-of-way of at least 86 feet. However, a proposed dumping operation may be approved without frontage on a thoroughfare if it is located adjacent to an approved dumping operation which has sufficient frontage, provided that the proposed operations is granted access across the existing operation.

f. Fencing. Landfill and dumping operations shall comply with the following fencing requirements:

(1) Where slopes steeper than thirty (30) degrees exist for a period of one (1) month or more, the proposed operation shall be enclosed with a six (6) foot high cyclone fence or similarly effective barrier located at least fifty (50) feet outside the edge of the excavation area.

(2) Where collection of water greater than one (1) foot in depth occurs for a period of one (1) month or more in an area occupying two hundred (200) square feet or more, fencing shall be required as previously noted.

g. Slopes. Finished slopes shall not exceed a four to one grade (4 feet horizontal per 1 foot vertical). These requirements shall be complied with as each phase of the excavation or dumping proceeds. The finished slopes shall be achieved within twelve (12) months after work has begun on any section.

h. Topsoil and Seeding. Sufficient topsoil shall be stockpiled so that a minimum of three (3) inches of topsoil will be placed on the top of the finished operation. The topsoil shall be planted immediately with grass or other groundcover, subject to approval by the Council.

i. Berms. A ten (10) foot high berm with side slopes of no greater than four on one grade shall be required around any active cell which is adjacent to a public thoroughfare or exterior property line. This requirement may be waived when topographic or other screening exits that would accomplish the purpose of the berm.

5. **Violations.** To insure compliance with these regulations, the Zoning Inspector shall conduct periodic inspections. In the event that a violation is found, the Zoning Inspector shall send a written notice to the permit holder. Failure to correct the violation within thirty (30) days shall automatically void the permit. No new permits shall be issued until the violation has been corrected.

O. **Mini-Warehouses (Self-storage warehouse)**

The following regulations shall apply to mini-warehouses:

1. **Lot Area.** The minimum lot area for mini-warehouses shall be two (2) acres.

2. **Permitted Use.** Mini-warehouse establishments shall provide for storage only. All storage must be completely contained within an enclosed building.

3. **Site Enclosure.** The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high masonry wall, constructed in accordance with the requirements of this Ordinance. A six (6) foot chain link fence may be permitted along property lines that do not abut a residentially zoned district or residential use.

4. **Orientation of Open Bays.** Buildings must be oriented so that open service bays do not face adjacent major thoroughfares or arterial roads unless screened by an adjoining lot, building, or obscuring wall in compliance with the requirements of this Ordinance.

5. **Exterior Appearance.** The exterior of any mini-warehouse shall be of finished quality and design, compatible with the design of structures on surrounding property.

6. **Resident Manager.** A resident manager may be permitted on-site with the responsibility of maintaining the operation of the facility in conformance with the conditions of the approval. The manager's residence shall conform with the provision of this Ordinance.

7. **On-Site Circulation and Parking**

   a. All one-way driveways shall be designed with one ten (10) foot wide loading/unloading lane and one fifteen (15) foot travel lane.
   b. All two-way driveways shall be designed with one ten (10) foot wide loading/unloading lane and two (2) twelve (12) foot travel lanes.
   c. The parking lanes may be eliminated if the driveway does not serve storage units. Signs and painted lines shall be used to indicate parking and traffic direction throughout the site.

P. **Motels and Hotels**

The following regulations shall apply to motels or hotels:

1. **Lot Area.** The minimum lot area for a motel or hotel shall be three (3) acres.

2. **Accessory Facilities.** A motel or hotel must include at least one (1) of the following amenities:

   a. An attached dining room with seating capacity for at least twenty (20) occupants at the same time, serviced by a full service kitchen; or
   b. An unattached standard restaurant, as defined in this Ordinance, with seating capacity for not less than fifty (50) occupants, located on the same site as the motel or on a site contiguous with the motel and developed simultaneously or in advance of the motel site.

3. **Design.** Each unit available for rental within a motel or hotel shall contain a bath and at least one (1) bedroom and encompass a minimum gross floor area of three hundred fifty (350) square feet.

4. **Services.** A motel or hotel shall provide customary motel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.

Q. **Nursing Homes, Convalescent Homes, Rest Homes, Orphanages, and Half-Way Houses**

The following regulations shall apply to nursing homes, convalescent homes, rest homes, orphanages, and half-way houses:

1. **Minimum Lot Area.** The minimum lot area for such facilities shall be one (1) acre.

2. **Frontage and Access.** Such uses shall front onto a major thoroughfare and the main means of access to the site for residents or patients, visitors, and employees shall be via the thoroughfare. In no case shall primary access to a nursing home, convalescent home, or rest home be limited to a residential street.

3. **Setbacks.** The principal building and all accessory buildings shall be set back a minimum distance of twenty-five (25) feet from any property lines.

4. **Open Space**. Any such facility shall provide a minimum of five hundred (500) square feet of outdoor open space for every bed used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking areas, driveways, and accessory uses or areas shall not be counted as required open space.

5. **State and Federal Regulations.** Nursing homes, convalescent homes, rest homes, orphanages and half-way houses shall be constructed, maintained, and operated in conformance with applicable state and federal laws.

R. **Open-Air Business**

The following regulations shall apply to permanent open-air businesses:

1. **Minimum Lot Area.** The minimum lot area for open-air businesses shall be ten thousand (10,000) square feet.

2. **Driveway Location.** The nearest edge of any driveway serving an open-air business shall be located at least sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way) and at least twenty (20) feet from any side property line.

3. **Parking Setback.** Parking shall be setback a minimum of ten (10) feet from any road right-of-way line.

4. **Lot Width.** The minimum lot width for open-air businesses shall be one hundred (100) feet.

5. **Loading and Parking.** All loading and parking areas for open-air businesses shall be confined within the boundaries of the site, and shall not be permitted to spill over onto adjacent roads or alleys.

6. **Outdoor Display of Vehicles.** The outdoor display of new or used automobiles, boats, mobile homes, recreational vehicles, trailers, trucks, or tractors that are for sale, rent, or lease shall comply with the requirements in this Ordinance.

7. **Plant Material Nursery.** Nurseries that deal with plant materials shall comply with the following:

   a. Plant storage and display areas shall comply with the minimum setback requirements for the district in which the nursery is located.
   b. The storage of soil, wood chips, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.

S. **Restaurant Site Requirements**

1. **Access.** Points of vehicular ingress and egress shall be limited to the thoroughfare having business zoned frontage only.

2. **Screening.** A restaurant with a rear or side yard abutting a residential district shall provide a permanent obscuring wall, or berm and landscape screening, per the requirements of this Ordinance, along the full length of each abutting property line.

3. **Vehicular Storage.** Parking and vehicular storage in excess of twenty-four (24) consecutive hours shall be prohibited at all times on the premises, and the owner, franchisee holder or lessee shall post a sign or signs giving notice that all parked or stored vehicles are subject to ticketing and removal at the owner's expense.

4. **Rubbish and Debris.** Each restaurant site shall be kept free of rubbish and debris and the grass and other landscaping shall be well maintained so as to present a neat and attractive appearance at all times.

T. **Radio and Television Towers (Commercial and Public)**

The following regulations shall apply to commercial and public radio and television towers, microwave towers, and other communication antennae/towers:

1. **Setbacks.** Each tower shall be set back from all property lines a minimum distance equal to the height of the tower.

2. **Fencing.** An open weave, six (6) foot high chain link fence shall be constructed around the entire perimeter, in accordance with the requirements of this Ordinance.

3. **State and Federal Regulations.** Radio, television, and other types of communication towers shall be constructed, maintained, and operated in conformance with applicable state and federal laws.

U. **Recreation Facilities**

1. **Outdoor Recreation Facilities.** Outdoor recreation facilities, such as, but not limited to, ski facilities, courses for off-road vehicles and snowmobiles, campgrounds, baseball facilities, and swimming pools, shall comply with the following regulations:

   a. Principal and accessory buildings shall be set back at least twenty-five (25) feet from all property lines, unless otherwise specified herein.
   b. The location, layout, design, or operation of outdoor recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties. The Commission may specify the hours of operation in order to assure compatibility with adjacent uses.
   c. Outdoor recreation uses shall not generate excessive noise, odors, dust, or other impacts, such that the continued use and enjoyment of adjacent properties would be impaired.

d. All parking for outdoor recreation uses shall be provided in off-street parking lots, which shall be designed in accordance with the requirements of this Ordinance.
e. Lighting for outdoor recreation uses shall be shielded to the greatest extent possible from adjoining properties.
f. Outdoor recreation uses shall be screened from view from adjacent property zoned or used for residential purposes, in accordance with the requirements of this Ordinance.
g. Accessory retail or commercial facilities, such as food and beverage facilities or equipment shops, shall be designed to serve only the patrons of the outdoor recreation facility, unless otherwise listed as a permitted use in the district in which the facility is located.

2. **Indoor Recreation Facilities.** Indoor recreation facilities, such as, but not limited to, bowling establishments, indoor archery ranges, indoor tennis courts, indoor skating rinks, and similar indoor recreation uses shall comply with the following regulations:

a. Indoor recreation uses shall be set back a minimum of fifty (50) feet from any property line that abuts a residential district.
b. The location, design, and operation of an indoor recreation use shall not adversely affect the continued use, enjoyment, and development of adjacent properties. In considering this requirement, particular attention shall be focused on the adverse impact resulting from loitering on the premises.
c. Indoor recreation uses shall have direct access onto a major thoroughfare.

V. Religious Institutions

The following regulations shall apply to all religious institutions, including churches, synagogues, temples, and related uses:

1. **Minimum Site Area.** The minimum site area for a religious institution shall be forty thousand (40,000) square feet. For the purpose of determining minimum site area, all contiguous land owned by the institution and any land area separated from the principal use by a public right-of-way other than a major thoroughfare may be included. Any land area separated by a right-of-way shall be considered to be an integral part of the site plan for review and approval purposes.

2. **Lot Width.** The minimum lot width for religious institutions shall be two hundred (200) feet.

3. **Parking Setback.** Off-street parking shall be prohibited in the front setback area required by this Ordinance for the underlying zoning district. No parking shall be allowed within fifteen (15) feet of any property line. Except for the above front yard setback requirement, the Board may allow the substitution of a wall in lieu of compliance with other setback requirements.

4. **Frontage and Access.** Religious institutions shall be located on a major thoroughfare. The primary vehicular access to the site shall be provided from a major thoroughfare.

5. **Landscaping.** Religious institutions shall comply with the landscaping requirements set forth in this Ordinance.

W. **Stamping Plants, Punch Presses, Press Brakes, and Other Machines**

The following regulations shall apply to stamping machines, punch presses, press brakes, and other machines:

1. **General Requirements.** All such machines shall have shock absorbing mountings and be placed on a suitable reinforced concrete footing. No machine shall be loaded beyond the capacity prescribed by the manufacturer. All such machines shall comply with the noise and vibration standards in this Ordinance.

2. **Automatic Screw Machines.** Automatic screw machines shall be equipped with noise silencers, and shall not be located closer than three hundred (300) feet from any property zoned or used for residential purposes.

3. **Setbacks.** Punch and stamp presses, other than hydraulic presses shall comply with the performance standards in this Ordinance.

4. **Press Brakes.** Press brakes shall be set back at least three hundred (300) feet from any property line zoned for residential use.

X. **Veterinary Clinics**

Veterinary clinics shall comply with the following requirements:

1. **Enclosure.** All activities shall be conducted within a completely enclosed building.

2. **Setbacks.** All buildings shall be set back at least fifty (50) feet from abutting land that is zoned for residential use.

3. **Treatment Facilities.** No veterinary clinic shall contain facilities for boarding of animals. Treatment shall be limited to domesticated animals considered as pets.

Y. **Veterinary Hospitals**

Veterinary clinics shall comply with the following requirements:

1. **Enclosure.** All activities shall be conducted within a completely enclosed building.
2. **Setbacks.** All buildings shall be set back at least two hundred (200) feet from abutting land that is zoned for residential use.

Section 17.03 SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL USES

A. **Accessory Apartment Dwelling**

An accessory apartment dwelling, as defined in Article 18.00, shall comply with the following regulations:

1. **Incidental Use to Residence**

The accessory apartment shall be clearly incidental to the principal residence on the site. Accordingly, the following conditions shall apply:

a. Accessory apartments shall be established in owner-occupied residences only.
b. Only one (1) such accessory dwelling shall be permitted on each zoning lot.
c. The total floor area of the accessory dwelling shall not exceed six hundred (600) square feet.

2. **Setbacks and Placement on the Parcel.** An accessory dwelling shall comply with all setback requirements for the district in which it is located.

3. **Compatibility with Surrounding Land Use.** The design of the accessory dwelling shall not detract from the single-family character and appearance of the principal residence or the surrounding neighborhood. The accessory dwelling shall not have a front entrance visible from the front yard, other than the entrance that serves the principal residence. When viewed from the outside, it shall not appear that more than one (1) household occupies the site.

4. **Parking and Access.** In addition to required parking for the principal residence, one (1) additional parking space shall be provided for the accessory dwelling.

B. **Elderly Housing**

The following site development standards shall apply to housing for the elderly:

1. **Minimum Floor Area.** Dwelling units within a building shall average three hundred and fifty (350) square feet in floor area (not including kitchen and sanitary facilities).

2. **Lot Coverage.** Total coverage of the all buildings, including dwelling units and related service buildings, shall not exceed thirty (30) percent of the total site, exclusive of any dedicated public right-of-way.

ARTICLE 18

OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 18.01 OFF-STREET PARKING REQUIREMENTS

A. **Scope of Off-Street Parking Requirements**

Compliance with the off-street parking regulations shall be required as follows:

1. **General Applicability.** For all buildings and uses established after the effective date of this Ordinance, off-street parking shall be provided as required in this Section. However, where a building permit has been issued prior to the effective date of the Ordinance and construction has been diligently carried on, compliance with the parking requirements at the time of issuance of the building permit shall be required.

2. **Change in Use or Intensity.** Whenever use of a building, structure, or lot is changed, parking facilities shall be provided as required by this Ordinance for the new use, regardless of any variance which may have been in effect prior to change of use.

   If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided for such increase in intensity of use.

3. **Existing Parking Facilities.** Off-street parking facilities in existence on the effective date of this Ordinance shall not thereafter be reduced below, or if already less than, shall not be further reduced below the requirements for the use being served as set forth in this Ordinance.

   An area designated as required off-street parking shall not be changed to any other use unless equal facilities are provided elsewhere in accordance with the provisions of this Ordinance.

4. **Additional Off-Street Parking.** Nothing in this Ordinance shall be deemed to prevent voluntary establishment of off-street parking facilities to serve an existing use of land or buildings, or to prevent provision of additional parking facilities beyond what is required by the Ordinance, provided all such parking conforms with the regulations herein.

B. **General Requirements**

In all zoning districts, off-street vehicle parking facilities shall be provided and maintained as herein prescribed:

1. **Location.**

a. Proximity to Building or Use Being Served. Except as otherwise permitted for collective use of off-street parking, off-street parking for multiple-family and non-residential uses shall be located on the same lot or parcel as the building or within three hundred (300) feet of the building it is intended to serve (measured from the nearest point of the building or use to the nearest point of the parking). Where required parking is located on a lot or parcel that is under different ownership from the building it serves or is not contiguous to the building site, a formal written agreement or easement assuring the continuing usage of said parking for the building must be properly drawn and executed by the parties concerned and made part of the site plan approval.

b. Within Yards.

(i) Business Districts. Off-street parking in business districts may be located in a front, side, or rear yard, provided that all landscaping and berm requirements in Article 19 are met, and provided further that off-street parking shall not be permitted within forty (40) feet of a residential district boundary, nor within twenty (20) feet of the traveled portion of any road right-of-way. Screening shall be provided according to Article 19.

(ii) Multi-family and Industrial Districts. Off-street parking in multiple-family and industrial districts may be located in a side or rear yard or a non-required front yard, provided that all landscaping and berm requirements in Article 19 are complied with, and provided further that off-street parking serving an industrial use shall not be permitted within forty (40) feet of a residential district.

2. **Residential Parking.** Off-street parking spaces in single-family residential districts shall consist of a parking strip, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve. No parking shall be permitted on a regular basis on lawns or other unpaved areas on residential lots, with the exception of approved parking areas. Commercial and recreational vehicle parking in residential districts shall comply with the standards in Section 18.01 E.

3. **Control of Off-Site Parking.** It shall be unlawful to park, store, or offer for sale any motor vehicle or recreational vehicle on private property without the expressed or implied consent of the owner, holder, occupant, lessee, agent, or trustee of said private property. Where required parking is permitted on land other than on the same lot as the building or use being served, the land on which the parking is located shall be under the same ownership and control as the lot occupied by said building or use.

4. **Access to Parking.** Each off-street parking space shall open directly onto an aisle or driveway of sufficient width and design as to provide safe and efficient access to or from a public street or alley in a manner that will least interfere with the smooth flow of traffic. Access to off-street parking which serves a non-residential use shall not be permitted across land that is zoned or used for residential purposes.

5. **Collective Use of Off-Street Parking.** Off-street parking for separate buildings or uses may be provided collectively subject to the following:

   a. The total number of spaces provided collectively shall not be less than the sum of spaces required for each separate use. However, in the case a site plan for development within a Planned Unit Development, the Commission may reduce the total number of required spaces by up to forty (40) percent upon making the determination that the parking demands of the uses will be met. In other non-residential districts, the Board may modify the total number of required spaces for a use by up to forty (40) percent upon making the determination that the parking demands of the uses being served do not overlap.
   b. Each use served by collective off-street parking shall have direct access to the parking without crossing streets.
   c. The collective off-street parking shall not be located farther than five hundred (500) feet from the building or use being served.
   d. An easement or other formal written agreement assuring the continuing joint usage of said common parking for the combination of uses or buildings must be properly drawn and executed by the parties concerned and submitted to the Municipality for approval. Subsequent to Commission approval, evidence that the easement has been recorded with the County Recorder shall be submitted to the Zoning Inspector prior to issuance of a certificate of occupancy.

6. **Storage and Repair Prohibited.** The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles are prohibited in required off-street parking lots or areas. Emergency service shall be permitted.

7. **Duration.** Except when land is used as permitted storage space in direct connection with a legitimate business, a forty-eight (48) hour time limit for parking in non-residential off-street parking areas shall prevail, provided that it shall be unlawful to permit the storage of wrecked, inoperable, unlicensed, or junked vehicles in any parking area in any district for any period of time.

C. Minimum Number of Spaces Required

The following standards shall be used in determining the required number of parking spaces:

A. **Definition of Floor Area.** For the purposes of determining the required number of parking spaces, "floor area" shall be measured in accordance with the definitions provided in this Ordinance.

B. **Units of Measurement.**

1. Fractional Spaces. When calculations for determining the required number of parking spaces results in a fractional space, any fraction of less than one-half (1/2) may be disregarded, while a fraction of one-half (1/2) or more shall be counted as one (1) full space.

2. Employee Parking. Parking spaces required for employees shall be based on the maximum number of employees on the premises at any one (1) time.

C. **Uses Not Cited.** For those uses not specifically mentioned, the requirements for off-street parking for the most similar use stated shall be determined by the Zoning Inspector.

D. **Parking During Construction.** Temporary off-street parking shall be provided for workers during construction at a rate of one (1) space per employee. Temporary gravel surfacing may be permitted for such temporary parking. Temporary parking areas must be abandoned and returned to an acceptable state prior to the issuance of a certificate of occupancy.

E. **Required Barrier Free Parking Spaces.** Each parking lot that serves a building, except single- and two-family dwelling units, shall have a number of level parking spaces, identified by an above-grade sign which indicates the spaces are reserved for physically handicapped persons. Parking for the handicapped shall comply with all applicable Federal, State, and other requirements, including the following:

Total Parking In Lot	Required Number of Barrier-Free Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	8
301 to 400	12
Over 400	12 plus 2 for every 250 or fraction thereof over 400

F. **Use of Loading Space.** Required loading space shall not be counted or used for parking requirements.

G. **Modification of Minimum Requirements.** In the case of a site plan for development of a Planned Unit Development , the Commission may modify a numerical standard for off-street parking. In other non-residential districts, the Board may reduce a standard for a particular site, based upon evidence that another standard would be more reasonable considering the level of current or future employment and/or level of current or future customer traffic.

H. **Cumulative Nature of Parking Requirements.** If two (2) or more uses share a common parking area, or if approved multiple uses exist within a single building or site, the required minimum requirement shall be the sum of the required spaces for each individual use.

I. **Minimum Number of Spaces for Each Use.** The amount of required off-street parking spaces shall be determined in accordance with the schedule which follows.

SCHEDULE OF OFF-STREET PARKING

Land Use	Required Number of Parking Spaces	Per Each Unit of Measure as Follows
RESIDENTIAL USES		
Single and Two-Family Residential Dwellings	2.0	Dwelling unit (may be in garage)
Multiple-Family Housing and Attached Single Family Housing	1.0	Efficiency unit, PLUS
	1.5	1 bedroom unit, PLUS
	2.0	2 bedroom unit, PLUS
	3.0	3 or more bedroom unit
	In addition, multiple-family and attached single family developments shall be required to provide supplemental guest off-street parking equal to at least twenty percent (20%) of the spaces required by the above standards.	
Senior Apartments	Use same standards as for multiple-family housing.	
Housing for Elderly:	0.5	Dwelling unit, **PLUS**
Elderly Housing Complex, Congregate Housing, Dependent Housing Facilities	1.0	Employee
	Should units revert to general occupancy, the requirements for multiple-family housing shall be complied with.	
Mobile Homes	Parking should be provided in accordance with Michigan Mobile Home Commission Rules and Michigan Public Act 419 of 1976, as amended.	
INSTITUTIONAL OR PUBLIC USES		
Churches, Temples, and Places of Worship	**THE GREATER OF:**	Seat, **OR**
	0.3	
	1.0	6 lineal ft. of pews in the main hall.
Child Care Centers	1.0	Teacher, administrator, or other employee, **PLUS**
	1.0	400 square ft. of usable floor area
	In addition, sufficient area shall be set aside for dropping-off and picking-up children in a safe manner that will not result in traffic disruption.	

Fraternities, Dormitories	0.5	Person who may legally occupy the premises at one time, based on the occupancy load of local codes, **PLUS**
	1.0	Per Employee
Hospitals, Sanitariums	1.0	Bed, **PLUS**
	1.0	150 square ft. of usable floor area occupied by outpatient services, **PLUS**
	1.0	Per employee
Homes for the Aged, Convalescent Homes, and Children's Homes	0.5	Bed, **PLUS**
	1.0	Per Employee
Museum, Library, Cultural Center, or Similar Facility	1.0	300 square ft. of usable floor space, **PLUS**
	1.0	Employee
Public Utility Use	1.0	Employee
School, Elementary and Junior High	2.0	Classroom
	In addition, additional spaces shall be provided as required for any auditorium or public meeting space. If no auditorium or public meeting space exists, then 1.0 space per classroom shall be provided in addition to required spaces for teachers, administrators, and other employees.	
School, Senior High	1.0	Teacher, administrator, or other employee, **PLUS**
	0.2	Student who may legally occupy the school at one time, based on the occupancy load established by local codes.
	In addition, additional spaces shall be provided as required for any auditorium, stadium, or other public meeting spaces.	
Stadiums, Sports Arenas	**THE GREATER OF:**	Seat, **OR**
	0.3	
	1.0	6 lineal feet of benches, **PLUS**
	1.0	Employee
Theaters and Auditoriums with Fixed Seating	**THE GREATER OF:**	Seat, **OR**
	0.3	
	1.0	6 lineal feet of benches
Theaters and Auditoriums without Fixed Seating,	0.3	Person who may be legally admitted at one time based on the occupancy load established by local code, **PLUS**
	1.0	Employee
BUSINESS AND COMMERCIAL USES		
Animal Hospitals and Commercial Kennels	1.0	400 square ft. of usable floor area, **PLUS**
	1.0	Employee
Auto and Vehicle Repair or Service Facilities, Bump Shop	1.0	Employee, **PLUS**
	3.0	Service or repair bay, **PLUS**

	1.0	800 square ft. of usable floor area
	Each service or repair bay shall count as one space.	
Auto or Vehicle Service/Filling Station/Oil Change Station	1.5	Vehicle capable of being fueled at one (1) time, **PLUS**
	2.0	Service or repair bay, **PLUS**
	1.0	Employee
	In addition, off-street parking shall be provided for convenience stores and other uses operated in conjunction with an auto service station, based on the standards set forth herein.	
Auto Wash, Automatic operation	1.0	Employee, **PLUS**
	7.0 stacking spaces	Automatic wash
Auto Wash, Self Service	3.0 stacking	Washing stall in addition to the spaces stall itself, **PLUS**
	2.0 drying spaces	Washing stall
Banks, Financial Institutions	1.0	200 square ft. of usable floor area
	In addition, financial institutions with drive-in windows shall provide 6 stacking spaces for each window or ATM.	
Beauty or Barber Shops	3.0	Beauty or barber station for the first two stations, **PLUS**
	1.5	Each additional station
	Each separate chair, dryer, tanning booth, wash basin, work station, etc. shall be considered a station.	
Dining Halls, Exhibition Halls, Assembly Halls without Seats	**THE GREATER OF:**	Person who may be legally admitted at one
	0.5	time based on the occupancy load established by local codes, **PLUS**
	1.0	Employee, **OR**
	1.0	100 square ft. of usable floor area
Furniture and Appliance Sales Household Equipment Repair Shops	1.0	600 square ft. of usable floor area
Hotel, Motel, or Other Lodging	1.0	Occupancy unit, **PLUS**
	1.0	Employee
	In addition, spaces shall be provided as required for restaurants, bars, assembly rooms, and other affiliated uses.	
Laundromats and Coin-Operated Dry Cleaners	0.5	Washing and/or dry-cleaning machine
Lumber Yard	2.5	Employee
	In addition, additional spaces shall be provided as required for enclosed retail space.	
Mini-Warehouses, Self-Storage Establishments	1.0	10 storage units, equally distributed throughout the storage area, **PLUS**
	2.0	Manager's or caretaker's quarters, **PLUS**
	1.0	50 storage units located at the project office
Mortuaries, Funeral Homes	1.0	50 square ft. of floor area in the parlor area

Motels, Hotels, Public Lodging House	1.0	Guest room, **PLUS**
	1.0	Employee
	In addition, additional spaces shall be provided as required for restaurant facilities, meeting rooms, and similar uses.	
Motor Vehicle Sales	1.0	200 square ft. of usable floor area exclusive of service areas, **PLUS**
	3.0	Auto service stall in the service area, **PLUS**
	1.0	Employee
	Each service stall shall count as one space. All parking required above shall be exclusive from parking for vehicles being offered for sale.	
Motor Vehicle Sales	2.5	Per employee
Open Air Business	1.0	150 square ft. of land area being used for display
	In addition, spaces shall be provided for as required for retail sales within a building.	
Personal Service Establishments Not Otherwise Specified	1.0	300 square ft. of usable floor area, **PLUS**
	1.0	Employee
Radio, Cable or Television Station or Studio	1.5	Employee
Restaurants, Bar/Lounge/Tavern	1.0	50 square ft. of usable floor area
	Parking for that portion used principally for dining shall be based on the requirements for "Restaurants, Standard."	
Restaurant, Carry-Out	**THE GREATER OF:**	
	10.0	Service or counter station, **OR**
	1.0	40 square ft. of usable floor area in customer waiting areas, **PLUS**
	1.0	Employee
Restaurant, Fast-Food	1.0	60 square ft. of eating area
	1.0	Employee at peak shift
Restaurant, Drive-In, Drive-Through	1.0	60 square ft. of eating area, **PLUS**
	1.0	Employee, **PLUS**
	10.0 stacking spaces	Drive-in transaction station
Restaurant, Delivery	1.0	Company-owned delivery vehicle, **PLUS**
	1.0	Employee
Restaurant, Standard	**THE GREATER OF:**	70 square ft. of usable floor area, **OR**
	1.0	
	0.5	Person who may be legally admitted at one time based on the capacity load established by local codes
Shopping Centers	1.0	200 square ft. of usable floor area.
	The parking requirements for restaurants located in a shopping center shall be computed separately and added to the parking requirements for the other uses.	

Supermarkets, Convenience Stores	1.0	175 square ft. of usable floor area
Wholesale Sales Stores, of a Plumber Electrician, or Similar Trade	1.0	1,000 square ft. of usable showroom floor area, Sales, **PLUS**
	1.0	Employee
Retail Stores Not Otherwise Specified	1.0	200 square ft. of usable floor area
OFFICE USES		
Business and Professional Offices, except as Otherwise Specified	1.0	300 square ft. of usable floor area
Professional Offices, Clinics of Doctors, Dentists, and Similar Medical Professions	1.0	150 square ft. of usable floor area
Real Estate Offices	1.0	125 square ft. of usable floor area
INDUSTRIAL USES		
Contractor or Construction Use	3.0	Employee
Manufacturing Establishments, or Establishments for Industrial production, Processing, Assembly, Research, Compounding, Preparation, Cleaning, Servicing, Testing, Repair, plus Accessory Business Offices and Storage Facilities	1.0	750 square ft. of gross floor area
Wholesale and Warehouse Establishments	1.0	1,500 square ft. of gross floor area
RECREATIONAL USES (Public and Private)		
Arcades	2.0	Machine, **PLUS**
	1.0	Employee
Archery Facilities	2.0	Target
Softball, Baseball Fields	25.0	Playing field
BMX Course	50.0	Course
Bowling Establishments	5.0	Lane
	Additional spaces shall be provided as required for restaurants, bars, and other affiliated uses.	
Dance Halls, Health Spas, Skating Rinks, Personal Fitness Center and Similar Indoor Recreation Uses	0.5	Person who may be legally admitted at one time based on the occupancy load of local codes, **PLUS**
	1.0	Employee
Football and Soccer Fields	30.0	Field
Golf Course, Public or Private	6.0	Golf hole, **PLUS**
	1.0	Employee

	Additional spaces shall be provided as required for clubhouse, restaurant, pro shop, or other affiliated facilities.	
Golf Course, Miniature or Par 3	3.0	Golf hole, **PLUS**
	1.0	Employee
	Additional spaces shall be provided as required for clubhouse, restaurant, pro shop, or other affiliated facilities.	
Golf Driving Range	1.0	Tee
Private Clubs and Lodges	0.5	Persons who may be legally admitted at one time based on the occupancy load of local codes, **PLUS**
	1.0	Employee
Stadium, Sports Arena, or Similar Assembly Space with Fixed Seating	**THE GREATER OF:**	Seat, **OR**
	0.3	
	1.0	6 lineal feet of benches
Swimming Pool Clubs, Swimming Pools	0.3	Person who may be legally admitted at one time based on occupancy load established by local code, **PLUS**
	1.0	Employee
Tennis Clubs and Court-Type Recreation Uses	1.0	Person permitted based on the capacity of the courts, **PLUS**
	1.0	Employee
	Additional spaces shall be provided as required for restaurants, bars, pro shops, and other affiliated facilities.	

D. Layout and Construction

All off-street parking facilities containing four (4) or more spaces, except those serving single family residences, shall be designed, constructed, and maintained in accordance with the following requirements:

1. **Review and Approval Requirements.** Plans for the construction of any parking lot in conjunction with a new development shall be submitted for review and approval according to the normal site plan review procedures. Plans for expansion of an existing parking lot that is not associated with other new development shall be submitted to the Zoning Inspector for review and approval prior to the start of construction. Upon completion of construction, a parking lot must be inspected and approved by the Zoning Inspector before a certificate of occupancy can be issued for the parking lot and for the building or use the parking is intended to serve.
   Plans shall be prepared at a scale of not less than fifty (50) feet equal to one (1) inch. Plans shall include typical pavement cross-sections and indicate existing and proposed grades, drainage, water mains and sewers, surfacing and base materials, and the proposed parking layout. The plans shall conform to the construction and design standards formally established by the Municipality.

   In the event that required parking cannot be constructed because of cold or inclement weather, a temporary certificate of occupancy may be issued by the Zoning Inspector,

provided the applicant first deposits a performance guarantee in accordance with the requirements of this Ordinance.

2. **Dimensions.**

   a. Off-street parking shall be designed to conform with the following standards and diagram:

OFF-STREET PARKING SPACE STANDARDS (All Dimensions in Feet)

Angle	Maneuvering Aisle Width	Parking Space Width	Stall Depth to Wall	Total Width of One Stall Plus Maneuvering Lane	Total Width of Two Stalls of Parking Plus Maneuvering Aisle
0º degrees (parallel)	12.0	23.0	8.0	20.0	28.0 (Note 1)
Two-way Aisle	24.0	23.0	8.0	31.0	39.0 (Note 1)
Up to 53º	12.0	9.0	20.0	32.0	52.0 (Note 2)
54 to 74º	15.0	9.0	20.0	36.5	58.0 (Note 2)
75 to 90º	20.0	9.0	20.0	40.0	60.0

FOOTNOTES TO OFF-STREET PARKING SPACE STANDARDS

1. Parallel spaces shall provide a three (3) foot marked maneuvering area between stalls.

2. Limited to one-way access aisles.

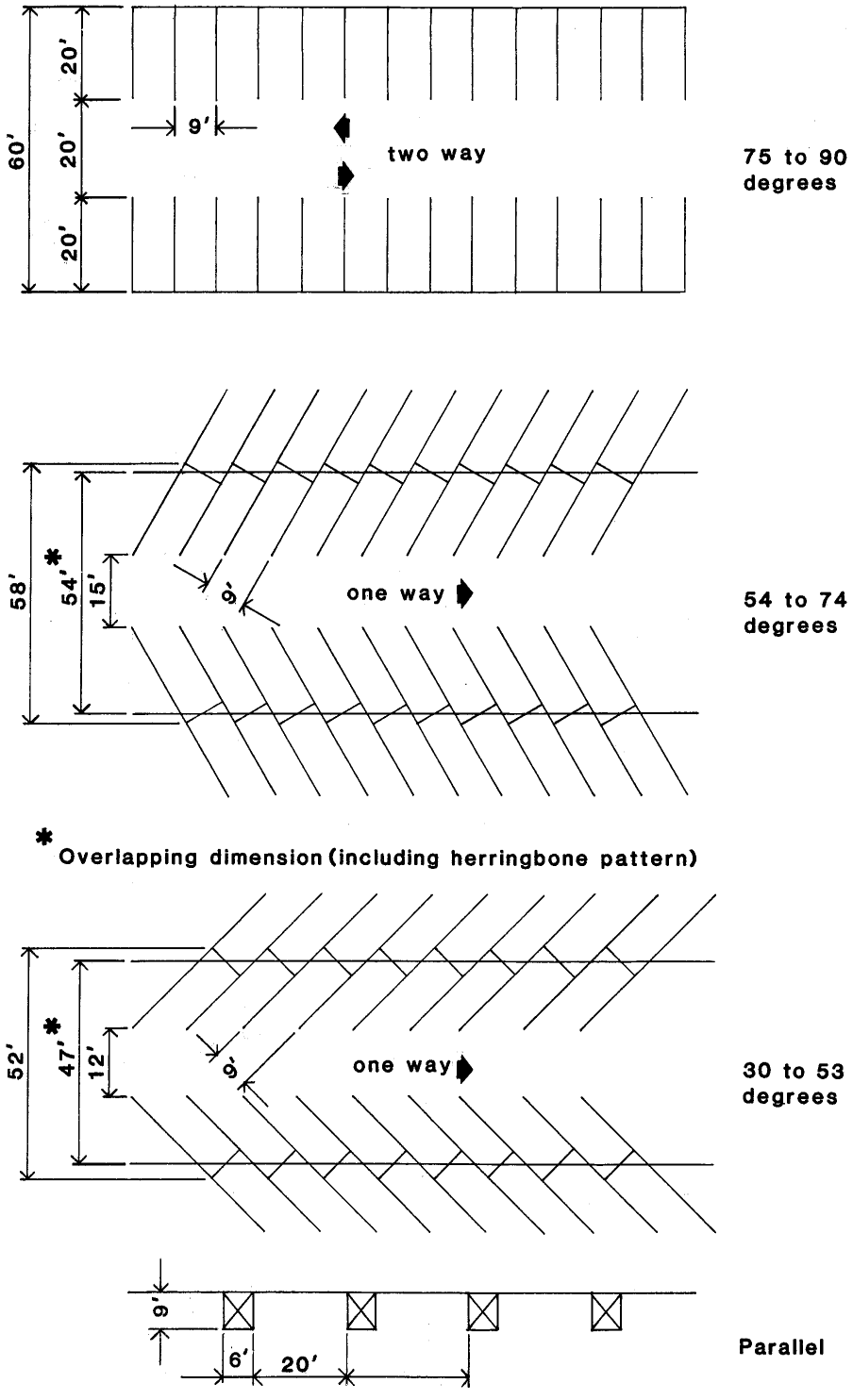


FIGURE 3

PARKING LOT LAYOUTS

b. Driveways providing access to residential, commercial or industrial uses shall comply with the following standards:

DRIVEWAY WIDTH STANDARDS

	Residential			
	Single Family	**Multiple Family**	**Commercial**	**Industrial**
Normal Width:				
· One-Way	9 feet	15 feet	15 feet	20 feet
· Two-Way	N.A.	24 feet*	24 feet*	31 feet*

* Main access driveways and internal circulation routes used by trucks shall be 31 feet in width.

3. **Stacking Spaces.** Stacking spaces shall be provided as required in the Schedule of Off-Street Parking. Stacking spaces shall be a minimum of ten (10) feet wide and twenty (20) feet in length, shall not extend into any public right-of-way or private access easement, and shall be distinctly separated from on-site parking so as not to interfere with ingress and egress to parking spaces.

4. **Ingress and Egress.** All spaces shall be provided with adequate access by means of clearly defined maneuvering lanes and driveways. Spaces backing directly onto a street shall be prohibited. Entrances and exits from off-street parking lots shall be located at least twenty (20) feet from the nearest point of any property zoned for single-family residential use.

5. **Surfacing and Drainage.** Grading, surfacing, and drainage plans shall comply with Municipal standards and shall be subject to review and approval by the Zoning Inspector and other Municipal officials including the Municipal Engineer. All off-street parking areas, access lanes, driveways and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material.

   Off-street parking areas, access lanes, and driveways shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan.

6. **Curbs and Wheel Chocks.** A curb of at least six (6) inches in height shall be installed to prevent motor vehicles from being driven or parked so that any part of the vehicle extends within two (2) feet of abutting landscaped areas, sidewalks, streets, buildings, or adjoining property. In lieu of a curb, wheel chocks may be provided to prevent vehicles from extending over grass areas, setback lines, or lot lines. A freeway type guardrail is prohibited from use in lieu of curbs or wheel chocks.

7. **Lighting.** All parking areas, driveways, and walkways shall be illuminated to ensure the security of property and the safety of persons using such areas, in accordance with the requirements set forth in this Ordinance. All lighting shall be confined within and directed onto the parking area only.

8. **Buildings.** No building or structure shall be permitted on an off-street parking lot, except for a maintenance building/attendant shelter, which shall not be more than fifty (50) square feet in area and not more than fifteen (15) feet in height.

9. **Signs.** Accessory directional signs shall be permitted in parking areas in accordance with city sign regulations. The Commission, upon review and recommendation of Municipal public safety officials, may require the posting of traffic control signs as it deems necessary to promote vehicular and pedestrian traffic.

10. **Screening and Landscaping.** All off-street parking areas, except those serving single and two-family residences, shall be screened and landscaped in accordance with the provisions set forth in Article 17.

11. **Striping.** To facilitate movement and to help maintain an orderly parking arrangement, all parking spaces shall be clearly striped. Except for parallel parking spaces, each stall shall be delineated with four (4) inch wide lines.

12. **Maintenance.** All parking areas shall be maintained free of dust, trash, and debris. Surfacing, curbing, lighting fixtures, signage, lane marking, space striping, and related appurtenances shall be maintained in good condition.

E. **Commercial and Recreational Vehicle Parking in Residential Districts**

A. **Commercial Vehicle Parking.** One (1) commercial vehicle only, with a rated capacity of not to exceed three quarters (3/4) ton, may be parked on a residential lot, provided that the vehicle is not a utility truck, such as a wrecker, septic tank pumper, or a vehicle that carries flammable or toxic materials.

B. **Recreational Vehicle Parking.** Recreational vehicles as defined in this Ordinance, including campers and other recreational equipment, may be parked or stored by the owner on residentially-used property subject to the following conditions:

1. Connection to Utilities. Recreational vehicles parked or stored shall not be connected to electricity, water, gas, or sanitary sewer facilities.
2. Use as Living Quarters. At no time shall recreational vehicles parked or stored in residential districts be used for living or housekeeping purposes.
3. Location. Recreational vehicles not parked in a garage shall be parked or stored entirely in the rear or side yard, but not less than five (5) feet to a side or rear property line which abuts a residential use. On a corner lot, recreational vehicles must be parked and /or stored not less than twenty (20) feet from an adjoining street.
4. Temporary Parking. Notwithstanding the above provisions concerning "Location," recreational vehicles may be parked elsewhere on the premises prior to or after a trip for loading or unloading purposes for a period of not more than forty-eight (48) hours prior to and forty-eight (48) hours after use of the vehicle within a seven (7) day period.
5. Lot Coverage. Recreational vehicles may occupy no more than twenty (20) percent (existing standards) of the required rear yard.

6. Sole Transportation. A recreational vehicle designed for use on streets and highways may be parked in a driveway of a residence if it is the sole means of transportation to and from work for one (1) or more of the permanent residents.
7. Condition. Parked or stored recreational vehicles must be kept in good repair. Vehicles capable of being moved from place to place under their own power must be maintained in good running condition. All such vehicles must be properly registered in the name of the occupant of the dwelling unit, and, if required, have a current State of Ohio license attached.
8. Storage of Mobile Homes. The parking or storage of an unoccupied mobile home as defined in this Ordinance, being designed as a permanent structure for residential occupancy, is prohibited, except as may be permitted in an approved mobile home park.
9. Waiver of Regulations. The provisions concerning connection to utilities, use as living quarters, and location may be waived for a single period of up to two (2) weeks to permit repair of the occupant's or owner's equipment or to permit the parking of a recreational vehicle of a guest. Any such waiver shall be obtained from the Zoning Inspector.
10. Multiple Family Complexes and Mobile Home Parks. The Commission may require that a screened storage area be provided on the site of a multiple family complex or mobile home park for parking and storage of recreational vehicles.

C. **Vehicle Storage and Repair Prohibited.** The following is prohibited in all residential districts.

1. Storage of Inoperable or Unlicensed Vehicles. The storage of an inoperable or unlicensed motor vehicle as defined in the Revised Code, unless stored in compliance with this Ordinance.
2. Storage of Recreational Vehicles. The storage of any recreational vehicle as defined in this Ordinance, except in compliance with this Ordinance.
3. Repair or Maintenance. The repair or maintenance of any vehicle which renders the vehicle inoperable for a period in excess of seventy-two (72) hours, unless the vehicle under repair is registered to the owner of the property and the repair or maintenance activities are conducted entirely within an enclosed garage or other enclosed structure approved for such purpose by the Municipality.

Section 18.02 LOADING SPACE REQUIREMENTS

A. **Scope of Loading Space Requirements**

Compliance with the loading space regulations set forth herein shall be required in order to avoid interference with the public use of streets, alleys, parking areas, driveways, sidewalks, and other public areas.

1. **General Applicability.** On the same premises with every building, or part thereof, erected and occupied for manufacturing, storage, warehousing, display and sale of

goods, including department stores, wholesale stores, markets, hotels, hospitals, mortuaries, laundries, dry cleaning establishments, and other uses involving the receipt or distribution of materials, merchandise, or vehicles, there shall be provided and maintained adequate space for loading and unloading as required in this Section.

2. **Change in Use or Intensity.** Whenever use of a building, structure, or lot is changed, loading space shall be provided as required by this Ordinance for the new use, regardless of any variance which may have been in effect prior to change of use.

B. **General Requirements**

1. **Location.** Required loading space shall be located to the rear or side of the building being served such that it is screened from view from adjoining roads. Loading and unloading operations shall not interfere with vehicular traffic circulation on streets, alleys, or within off-street parking areas. Loading and unloading areas shall not be placed in required fire lanes.

2. **Dimensions.** Unless otherwise specified, each required loading space shall be a minimum of ten (10) feet in width and fifty (50) feet in length, with a minimum vertical clearance of fifteen (15) feet.

3. **Surfacing and Drainage.** Loading areas shall be hard-surfaced with concrete or plant-mixed bituminous material. Loading areas shall be graded and drained so as to dispose of surface waters. Grading, surfacing, and drainage plans shall be subject to review and approval by the Zoning Inspector and other Municipal officials, including the Municipal Engineer. Surface water shall not be permitted to drain onto adjoining property, a public easement, a public right-of-way or into the Municipal sanitary sewer system, except in accordance with a Municipally approved drainage plan.

4. **Storage and Repair Prohibited.** The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles is prohibited in required loading space.

5. **Use of Loading Space.** A required loading space shall be dedicated to loading and unloading purposes and shall not be counted or used for required parking.

6. **Minimum Loading Space.** The amount of required loading space shall be determined in accordance with the schedule which follows. In a Planned Unit Development, the Commission may modify the minimum requirements. In other districts, the Board may reduce or modify the standards upon making the determination that another standard would be more appropriate considering of the number or type of deliveries expected or experienced for a particular use or site.

SCHEDULE OF LOADING SPACE REQUIREMENTS

Gross Floor Area	Number of Loading Spaces
0 - 5,000 square ft.	See note (a)
5,001 - 20,000 square ft.	1 space
20,001 - 100,000 square ft.	1 space, plus 1 space for each 20,000 square ft. in excess of 20,001 100,000 square ft.
100,001 and over	5 spaces, plus 1 space for each 50,000 square ft. in excess of 100,000 square ft.

FOOTNOTE TO SCHEDULE OF LOADING SPACE REQUIREMENTS

a. Establishments containing less than five thousand (5,000) square feet of gross floor area shall provide adequate dedicated off-street loading space that is accessible by motor vehicle, but which does not interfere with pedestrian or vehicular traffic. The size of any such loading space shall be based on the types of delivery vehicles typically utilized by the establishment.

ARTICLE 19

LANDSCAPING

Section 19.01 INTENT AND SCOPE OF REQUIREMENTS

A. **Intent**

Landscaping enhances the visual image of the Municipality, improving property values and alleviating the impact of noise, traffic, and visual distraction associated with certain uses. Screening is important to protect less intensive uses from the noise, light, traffic, litter and other impacts of more intensive, nonresidential uses. Accordingly, these provisions are intended to set minimum standards for the design and use of landscaping, greenbelts, and screening, and for the protection and enhancement of the Municpality's environment. More specifically, the intent of these provisions is to:

1. Improve the appearance of off-street parking areas, vehicular use areas, and property abutting public rights-of-way; and

2. Protect and preserve the appearance, character, and value of the neighborhoods which abut non-residential areas, parking areas, and other intensive use areas, thereby protecting the public health, safety and welfare.

B. **Scope of Application**

No site plan shall be approved unless it shows landscaping consistent with the requirements of this Article. A building permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy shall not be issued unless provisions set forth in this Section have been met or a performance guarantee has been posted in accordance with the provisions set forth in this Ordinance.

C. **Minimum Requirements**

The requirements in this Article are minimum requirements, and under no circumstances shall they preclude the developer and the Municipality from agreeing to more extensive landscaping.

D. **Design Creativity**

Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform distances, at random, or in groupings, depending on the designer's desired visual effect and, equally important, the intent of the Municipality to coordinate landscaping on adjoining properties.

Section 19.02 GENERAL LANDSCAPING REQUIREMENTS

A. **General Site Requirements**

All developed portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as a greenbelt, berms, or screening are required:

1. All unpaved portions of the site shall be planted with grass, ground cover, shrubbery, or other suitable live plant material, which shall extend to any abutting street pavement edge. Grass areas in the front yard of all non-residential uses shall be planted with sod.

2. A mixture of evergreen and deciduous trees shall be planted on the unpaved open portions of non-residential parcels where specific landscaping requirements do not appear later in this Article. The total number of trees required shall be determined at the time of site plan review, based on the overall appearance of the site and the amount of landscaping provided elsewhere on the site. Required trees may be planted at uniform distances, at random, or in groupings.

B. **Landscaping Adjacent to Roads and Road Rights-of-Way**

Where required, landscaping adjacent to roads and road rights-of-way shall comply with the following planting requirements:

1. **Minimum Requirements.** Where required, landscaping adjacent to a road or road right-of-way shall consist of a landscaped area with a minimum depth of ten (10) feet, which shall be located on private property contiguous to the road right-of-way, excluding openings for driveways and sidewalks. Through lots and corner lots shall provide such landscaping along all adjacent road rights-of-way.

   The Commission may permit all or a portion of the landscaped area to be located within the road right-of-way or elsewhere within the front setback area, provided that the Commission finds that the following conditions exist:

   a. Such relocation of the landscaped area is consistent with the intent of this Section.
   b. Relocation of the landscaped area is justified because of the physical characteristics of the site, the location of existing easements, sidewalks, or landscaping, the configuration of existing parking, the need to maintain emergency vehicle access, or because of other public health or safety concerns.
   c. Such relocation of the landscaped area will not result in less landscaped area than would be required if the landscaped area had been located on private property contiguous to the road right-of-way.
   d. Such relocation of the landscaped area will jeopardize traffic safety or the general planning of the Municipality.

2. **Required Plantings.**

Type	Requirements
Deciduous tree	1 per 40 lineal ft. of road frontage
Shrubs	6 per 40 lineal ft. of road frontage

For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform distances, at random, or in groupings.

3. **Location.**

A. Where planted, trees shall comply with the following minimum setbacks, as measured from the center of the tree:

1. Setback from edge of road: 10 feet
2. Setback from fire hydrant: 5 feet
3. Setback from vehicular access way or sidewalk: 5 feet

B. When planted, shrubs shall comply with the following minimum setbacks, as measured from the edge of the shrub:

1. Setback from edge of road: 5 feet
2. Setback from fire hydrant: 5 feet

C. **Berms**

Where required, berms shall conform to the following standards:

1. **Dimensions.** Unless otherwise indicated or appropriate, required berms shall be measured from the grade of the parking lot or first ground adjacent to the berm, and shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal (thirty-three (33) percent slope), with at least a two (2) foot flat area on top. Berms may undulate in height, subject to review and approval of berm design as shown on the site plan. Unless otherwise indicated, the maximum height of required berms shall be three (3) feet.

2. **Protection from Erosion.** Any required berm shall be planted with sod, ground cover, or other suitable live plant material to protect it from erosion so that it retains its height and shape. The use of railroad ties, cement blocks, and other types of construction materials to retain the shape and height of a berm shall be prohibited unless specifically reviewed and approved by the Commission.

3. **Required Plantings.**

   a. Berms Located in The Front Yard of Non-residential Parcels. Berms located in the front yard of non-residential parcels shall be landscaped in accordance with the requirements for Landscaping Adjacent to Roads.

   b. Berms Used For Screening Other Than In The Front Yard. Berms used for screening other than in the front yard shall be landscaped in accordance with the requirements for Screening.

4. **Measurement of Berm Length.** For the purposed of calculating required plant material, berm length shall be measured along the exterior edge of the berm.

D. **Greenbelts**

Where required, greenbelts shall conform to the following standards:

1. **Measurement of Greenbelt Length.** For the purposes of calculating required plant material, greenbelt length shall be measured along the exterior edge of the greenbelt.

2. **General Planting Requirements.**

   a. Grass or Ground Cover Requirements. Grass, ground cover, or other suitable live plant materials shall be planted over the entire greenbelt area, except where paved walkways are used.
   b. Tree and Shrub Requirements. Except where the greenbelt is used for screening, a minimum of one (1) deciduous or evergreen tree shall be planted for each forty (40) lineal feet or portion thereof of required greenbelt, or, alternatively, eight (8) shrubs may be substituted for each required tree. Trees and shrubs may be planted at uniform distances, at random, or in groupings.
   c. Distance from Sidewalk. Plant materials shall not be placed closer than four (4) feet from the right-of-way line where the greenbelt abuts a public sidewalk.
   d. Setback from Property Line. Plant materials shall be placed no closer than four (4) feet from the property line or fence line.

3. **Greenbelts Used for Screening.** Greenbelts used for screening shall be landscaped in accordance with the requirements for Screening.

E. **Screening**

1. **General Screening Requirements.** Unless otherwise specified, wherever an evergreen or landscaped screen is required, screening shall consist of closely-spaced evergreen plantings (i.e., no farther than fifteen (15) feet apart) which can be reasonably expected to form a complete visual barrier that is at least six (6) feet above ground level within three (3) years of planting.

Deciduous plant materials may be used provided that a complete visual barrier is maintained throughout the year. Where space does not to exist to adequately provide for landscape screening, the Commission may require a obscurring wall in accordance with Section 19.02 H.

2. **Screening of Equipment.** Mechanical equipment, such as air compressors, pool pumps, transformers, sprinkler pumps, satellite dish antennae, and similar equipment shall be screened on at least three (3) sides. Insofar as practical, said screening shall exceed the vertical height of the equipment being screened by at least six (6) inches within two (2) years of planting.

F. **Parking Lot Landscaping**

In addition to required screening, all off-street parking areas shall also provide landscaping as follows:

1. **Landscaping Ratio.** Off-street parking areas containing greater than twelve (12) spaces shall be provided with at least ten (10) square feet of interior landscaping per parking space. The amount of parking lot landscaping may be decreased to seven (7) square feet per parking space where a berm is constructed to screen the parking from the road in accordance with the requirements of this Ordinance. Whenever possible, parking lot landscaping shall be designed to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.

2. **Minimum Area.** Landscaped areas in parking lots shall be no less than seven (7) feet in any single dimension and no less than one hundred and fifty (150) square feet in area. Landscaped areas in or adjacent to parking lots shall be protected with curbing or other means to prevent encroachment of vehicles.

3. **Other Landscaping.** Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.

4. **Required Plantings.** Requirements for plant material shall be based on the location, size, and shape of the parking lot landscaped area. A minimum of one (1) tree shall be planted per three hundred (300) square feet or fraction thereof of interior landscaped area. At least fifty (50) percent of each interior landscaped area shall be covered by living plant material, such as sod, shrubs, ground cover, or trees. Plantings within parking lots shall comply with the requirements for unobstructed site distance set forth in this Ordinance. The landscape plan shall indicate the types, sizes, and quantities of plant material proposed for such area.

G. **Landscaping of Rights-of-Way**

Public rights-of-way located adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable live ground cover, and shall be maintained by the owner or occupant of the adjacent property as if the rights-of-way were part of the required landscaped areas or greenbelts.

Trees, but not shrubs, may be required in the road right-of-way as directed by the Commission and as approved from the agency which has jurisdiction over the road.

Trees and shrubs shall be planted no closer to the edge of the road pavement than the distances specified in the following chart:

	Setback
Trees	10 feet (measured from center of tree)
Shrubs	5 feet (measured from perimeter of shrub)

H. **Obscuring Walls**

Required walls shall be constructed of masonry material that is architecturally compatible with the materials used on the facade of the principal structure on the site, such as face brick, decorative block, or poured concrete with simulated brick or stone patterns. Alternately, walls may be constructed of pre-cast steel-reinforced panels, anchored in place by steel I-beam columns, provided that the pre-cast panels have a simulated brick or stone pattern that is compatible with the architecture of the principal structure.

For the uses and districts listed below, an obscuring wall shall be provided as specified along property lines that abut a residential district, except where landscaped screening is permitted by the Planning Commission in lieu of a wall (see Section 19.02 E.).

Proposed Use or District	**Wall Height Requirements**
B-1, B-2, or B-3	6 feet
Off-Street Parking	3 feet
R-3 Multiple Family District	4.5 feet
Industrial Uses or Districts	6-foot minimum, up to 8 feet to completely screen storage, loading, and service areas
Utility Buildings, Substations	6.0 feet
Service and Delivery Areas	6.0 feet

Required obscuring walls shall be placed inside and adjacent to the lot line except in the following instances:

1. Where underground utilities interfere with placement of the wall at the property line, the wall shall be placed on the utility easement line located nearest the property line.

2. Walls shall not extend closer to the front lot line than the required front setback.

I. **Maintenance of Unobstructed Visibility For Drivers**

No landscaping shall be established or maintained on any parcel or in any parking lot which will obstruct the view of drivers. Accordingly, all landscaping shall comply with the provisions concerning unobstructed sight distance set forth in this Ordinance.

J. **Maintenance of Unobstructed Visibility For Drivers**

In no case shall landscaping material be planted in a way which will interfere with or cause damage to underground utility lines, public roads, or other public facilities. Species of trees whose roots are known to cause damage to public roadways, sewers, or other utilities shall not be planted closer than fifteen (15) feet from any such roadways, sewers, or utilities. Trees shall be setback from overhead utility lines as indicated in the following chart:

Minimum Distance from Center of Trunk to Nearest Utility Line	Tree Height
Up to 15 feet	10 ft.
15 to 25 feet	20 ft.
Over 25 feet	30 ft.

K. **Landscaping of Divider Medians**

Where traffic on driveways, maneuvering lanes, private roads, or similar vehicle access ways are separated by a divider median, the median shall be curbed and have a minimum width of ten (10) feet. A minimum of one (1) deciduous or evergreen tree shall be planted for each thirty (30) lineal feet or portion thereof of median. Trees may be planted at uniform distances, at random, or in groupings, but in no instance shall the center-to-center distance between trees exceed sixty (60) feet.

L. **Irrigation**

The site plan shall indicate the proposed method of watering landscaped areas. Although not required, installation of an in-ground irrigation/sprinkler system is encouraged, particularly in front yards.

Section 19.03 SPECIFIC LANDSCAPING REQUIREMENTS FOR ZONING DISTRICTS

A. **Requirements for Commercial and Industrial Districts**

All lots or parcels of land located in commercial or industrial zoning districts shall comply with the following landscaping requirements:

1. **General Site Landscaping.** At least ten percent (10%) of the site shall be maintained as landscaped open area, except the B-1 Downtown Business District. All such open areas

shall conform to the general site requirements in this Ordinance, except where specific landscape elements are required.

2. **Landscaping Adjacent to Road or Road Right-of-Way.** All commercial and industrial developments shall comply with the requirements for landscaping adjacent to the road or road right-of-way in this Ordinance.

3. **Berm Requirements.** A berm or decorative obscuring wall may be used to screen off-street parking from view of the road, in which case the berm or wall shall be a maximum of three (3) feet in height, and shall be planted in accordance with the requirements of this Ordinance. The berm shall be located totally on private property, adjacent to the road right-of-way. Parking lot landscaping may be reduced if a berm is constructed to screen off-street parking, in accordance with the requirements of this Ordinance.

4. **Screening.** A berm or wall and landscaped screening shall be required wherever a non-residential use in a business or industrial district abuts directly upon land zoned for residential purposes. Landscaped screening shall comply with the requirements in this Ordinance.

5. **Parking Lot Landscaping.** Off-street parking areas containing greater than twelve (12) spaces shall comply with the requirements for parking lot landscaping in this Ordinance.

B. **Requirements for Multiple Family Districts**

All lots or parcels of land located in the R-3 zoning district shall comply with the following landscaping requirements:

1. **General Site Landscaping.** A minimum of two (2) deciduous or evergreen trees, plus, four (4) shrubs shall be planted per dwelling unit. Unless otherwise specified, required landscaping elsewhere in the multiple family development shall not be counted in meeting these requirements for trees.

2. **Landscaping Adjacent to Road or Road Right-of-Way.** All multiple family developments shall comply with the requirements for landscaping adjacent to the road or road right-of-way in this Ordinance.

3. **Berm Requirements.** A berm may be used to screen off-street parking from view of the road, in which case the berm shall be a maximum of three (3) feet in height, and shall be planted in accordance with the requirements of this Ordinance. The berm shall be located totally on private property, adjacent to the road right-of-way. Parking lot landscaping may be reduced if a berm is constructed to screen off-street parking, in accordance with the requirements of this Ordinance.

4. **Screening.** Landscaped screening shall be required on all sides of a multiple family development, except on sides facing a road. Landscaped screening shall comply with the requirements in this Ordinance. A wall may be used instead of landscaping adjacent to non-residential districts, subject to the requirements in Section 19.02 H.

5. **Parking Lot Landscaping.** Off-street parking areas containing greater than fifteen (15) spaces shall comply with the requirements for parking lot landscaping in this Ordinance.

6. **Privacy Screen.** Where multiple family dwellings are designed so that rear open areas or patio areas front onto a public street, a landscaped privacy screen shall be provided (see Figure 4). The screen may consist of a combination of trees, shrubs, and berming, subject to review by the Commission.

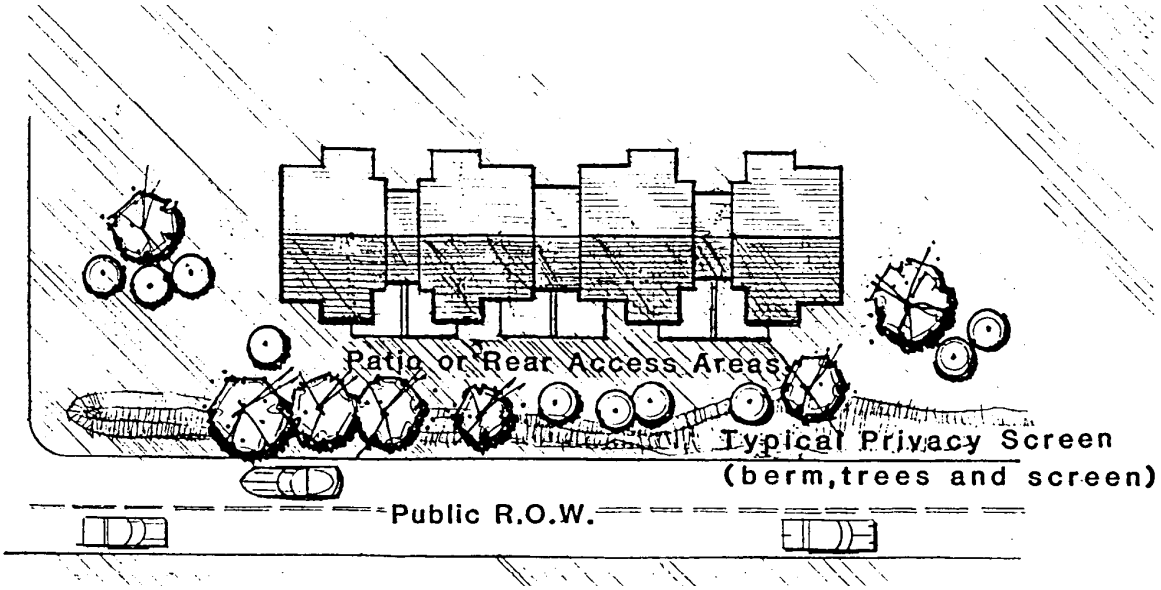


FIGURE 4
PRIVACY SCREEN

C. **Requirements for Non-Residential Uses in Residential Districts**

All non-residential uses developed in residential zoning districts shall comply with the following landscaping requirements:

1. **General Site Landscaping.** At least ten (10) percent of the site shall be maintained as landscaped open area. All such open areas shall conform to the general site requirements in this Ordinance, except where specific landscape elements are required.

2. **Landscaping Adjacent to Road or Road Right-of-Way.** All non-residential developments located in residential districts shall comply with the requirements for landscaping adjacent to the road or road right-of-way in this Ordinance.

3. **Berm Requirements.** A berm or may be used to screen off-street parking from view of the road, in which case the berm shall be a maximum of three (3) feet in height, and shall be planted in accordance with the requirements of this Ordinance. The berm shall be located totally on private property, adjacent to the road right-of-way. Parking lot landscaping may be reduced if a berm is constructed to screen off-street parking, in accordance with the requirements of this Ordinance.

4. **Screening.** Landscaped screening or a wall shall be required wherever a non-residential use abuts directly upon land zoned for residential purposes. Landscaped screening shall comply with the requirements in this Ordinance.

5. **Parking Lot Landscaping.** Off-street parking areas containing greater than twelve (12) spaces shall comply with the requirements for parking lot landscaping in this Ordinance.

Section 19.04 STANDARDS FOR LANDSCAPE MATERIALS

Unless otherwise specified, all landscape materials shall comply with the following standards:

A. **Plant Quality**

Plant materials used in compliance with the provisions of this Ordinance shall be nursery grown, free of pests and diseases, hardy in the County, in conformance with the standards of the American Association of Nurserymen, and shall have passed inspections required under state regulations.

B. **Non-Living Plant Material**

Plastic and other non-living plant materials shall not be considered acceptable to meet the landscaping requirements of this Ordinance. Water bodies, boulder groupings, landscape furniture, and man-made landscape ornaments, singly or in combination shall not account for more than thirty (30) percent of the ground area to be landscaped.

C. **Plant Material Specifications**

The following specifications shall apply to all plant material proposed in accordance with the landscaping requirements of this Ordinance:

1. **Deciduous Shade Trees.** Deciduous shade trees shall be a minimum of two and one-half (2 1/2) inches in caliper measured twelve (12) inches above grade with the first branch a minimum of four (4) feet above grade when planted.

2. **Deciduous Ornamental Trees.** Deciduous ornamental trees shall be a minimum of one and one-half (1-1/2) inches in caliper measured six (6) inches above grade with a minimum height of four (4) feet above grade when planted.

3. **Evergreen Trees.** Evergreen trees shall be a minimum of five (5) feet in height when planted. Furthermore, evergreen trees shall have a minimum spread of two and one-half (2 1/2) feet, and the size of the burlapped root ball shall be at least ten (10) times the caliper measured six (6) inches above grade.

4. **Shrubs.** Shrubs shall be a minimum of two (2) feet in height when planted. Low growing shrubs shall have a minimum spread of twenty-four (24) inches when planted.

5. **Hedges.** Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within two (2) years after planting, barring unusual growing conditions, such as drought or disease. Hedges shall be a minimum of two (2) feet in height when planted.

6. **Vines.** Vines shall be a minimum of thirty (30) inches in length after one growing season.

7. **Ground Cover.** Ground cover used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.

8. **Grass.** Grass area shall be planted using species normally grown as permanent lawns in the County. Grass, sod, and seed shall be clean and free of weeds, pests, and diseases. Grass may be sodded, plugged, sprigged or seeded. When grass is to be established by a method other than complete sodding or seeding, nurse grass seed shall be sown for immediate effect and protection until complete coverage is otherwise achieved. Straw or other mulch shall be used to protect newly seeded areas.

9. **Mulch.** Mulch used around trees, shrubs, and vines shall be a minimum of three (3) inches deep, and installed in a manner as to present a finished appearance.

10. **Undesirable Plant Material.** Use of the following plant materials (or their clones or cultivars) is not encouraged because of susceptibility to storm drainage, disease, and other undesirable characteristics. Additional undesirable plant materials may be identified, a list of which shall be maintained by the Zoning Inspector.

Box Elder	Poplar
American Elm	Willow
Tree of Heaven	Silver Maple
European Barberry	Horse Chestnut (nut bearing)
Northern Catalpa	

Section 19.05 INSTALLATION AND MAINTENANCE

The following standards shall be observed where installation and maintenance of landscape materials are required:

A. **Installation**

Landscaping shall be installed in a sound, workmanlike manner to ensure the continued growth of healthy plant material. Trees, shrubs, hedges, and vines shall be generously mulched at the time of planting.

	Minimum Caliper	Minimum Height	Minimum Spread	Minimum Length
Deciduous Trees	2-1/2 in.[2]	4 ft. first branch		--
Ornamental Trees	1-1/2 in.[3]	4 ft. first branch	--	--
Evergreen Trees	--	5 ft.	2 1/2 ft.	--
Shrubs	--	--	2 ft.	--
Hedges	--	2 ft.	--	--
Vines	--	--	--	30 inches after one season

Footnotes:

1. See Section 20.04 for detailed requirements.

2. Measured 12 inches above grade.

3. Measured 6 inches above grade.

B. **Protection from Vehicles**

Landscaping shall be protected from vehicles through use of curbs. Landscape areas shall be elevated above the pavement to a height adequate to protect the plants from snow removal, salt, and other hazards.

C. **Off-Season Planting Requirements**

If development is completed during the off-season when plants cannot be installed, the owner shall provide a performance guarantee to ensure installation of required landscaping in the next planting season, in accordance with the requirements of this Ordinance.

D. **Maintenance**

Landscaping required by this Ordinance shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced immediately upon notice from the Zoning Inspector, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season.

All landscaped areas shall be provided with a readily available and acceptable supply of water, with at least one spigot located within three hundred (300) feet of all plant material to be

established and maintained. Trees, shrubs, and other plantings and lawn areas shall be watered regularly throughout the growing season.

All constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated, or damaged landscape elements shall be repaired, replaced, or removed upon notice from the Zoning Inspector.

Section 19.06 TREATMENT OF EXISTING PLANT MATERIAL

The following regulations shall apply to existing plant material:

A. **Consideration of Existing Elements in the Landscape Design**

In instances where healthy plant material exists on a site prior to its development, the Commission may permit substitution of such plant material in place of the requirements set forth previously in this Article, provided such substitution is in keeping with the spirit and intent of this Article and this Ordinance in general.

Existing hedges, berms, walls, or other landscape elements may be used to satisfy the requirements set forth previously, provided that such existing elements are in conformance with the requirements of this Article.

B. **Preservation of Existing Plant Material**

Site plans shall show all existing trees which are located in the portions of the site that will be built upon or otherwise altered, and are five (5) inches or greater in caliper, measured twelve (12) inches above grade.

Trees shall be labeled "To Be Removed" or "To Be Saved" on the site plan. If existing plant material is labeled "To Be Saved" on the site plan, protective measures should be implemented, such as the placement of fencing or stakes at the drip line around each tree. No vehicle or other construction equipment shall be parked or stored within the drip line of any tree or other plant material intended to be saved.

In the event that healthy plant materials which are intended to meet the requirements of the Ordinance are cut down, damaged or destroyed during construction, said plant material shall be replaced with the same species as the damaged or removed tree, in accordance with the following schedule, unless otherwise approved by the Zoning Inspector based on consideration of the site and building configuration, available planting space, and similar considerations:

CALIPER MEASURED 12 INCHES ABOVE GRADE

Damaged Tree	Replacement Tree	Replacement Ratio
Less than 6 inches	2-1/2 to 3 inches	1 for 1
More than 6 inches	2-1/2 to 3 inches	1 replacement tree for each 6 inches in caliper or fraction thereof of damaged tree

Section 19.07 MODIFICATIONS TO LANDSCAPE REQUIREMENTS

In consideration of the overall design and impact of a specific landscape plan, and in consideration of the amount of existing plant material to be retained on the site, the Commission may modify the specific requirements outlined herein, provided that any such adjustment is in keeping with the intent of this Article and this Ordinance in general. In determining whether a modification is appropriate, the Commission shall consider whether the following conditions exist:

A. The public benefit intended by the landscape regulations could be better-achieved with a plan that varies from the strict requirements of this Ordinance; and

B. Conditions exist as follows:

1. Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design; or

2. Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect.

TABLE 3
TEMPORARY SIGN STANDARDS (Section 202.02 O)

Type of Sign	District Permitted	Type of Sign Permitted	Maximum Size	Maximum Height	Maximum Number	Permit Required	Required Setback	Permitted Duration
Construction Sign	All	Freestanding Wall	64 sq. ft.	10 ft.	1	Yes	[a]	From: issuance of Building Permit. To: issuance of Certificate of Occupancy.
Real Estate - sale or lease of individual home or residential lot	Business Residential	Portable Freestanding	6 sq. ft.	6 ft.	[b]	No	[d]	Remove within 30 days of sale or lease
Real Estate - sale or lease of individual business or vacant lot	Business Industrial	Portable Freestanding Wall	16 sq. ft.	10 ft.	[b]	No	[d]	Remove within 30 days of sale or lease
Real Estate - sale or lease of unplatted vacant land	All	Portable Freestanding	64 sq. ft.	10 ft.	[b]	Yes	[d]	Remove within 30 days of sale or lease
Real Estate Development Sign	All	Portable Freestanding	64 sq. ft.	10 ft.	[c]	Yes	[d]	Remove within 30 days after all units lots are sold or leased
Grand Opening Sign	Business	Freestanding Wall	16 sq. ft.	10 ft.	1	No	[a]	30 days
Garage Sale Sign	All	Freestanding Wall	6 sq. ft.	5 ft.	1	No	[d]	7 consecutive days
Community/Institutional/Business Special Event Sign	All	[e]	[e]	[e]	[e]	Yes	[a]	30 days prior and during the event. Remove all signs 14 days after the event.
Political Sign	All	Freestanding Wall	16 sq. ft.	6 ft	2 [b]	No	[d]	60 days prior to election. Must be removed within 14 days after election
Temporary Window Sign	Business	Paper Plastic Fabric	[f]	[f]	[f]	No	-	[g]
Seasonal Signs Advertising Agricultural Commodities	All	Portable Freestanding	16 sq. ft.	10 ft.	2	No	[d]	During the seasonal selling period

ARTICLE 20

SIGNS

Section 20.01 INTENT AND SCOPE OF REQUIREMENTS

It is hereby determined that regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities without difficulty and confusion, to promote traffic safety, safeguard public health and welfare, and prevent wasteful use of natural resources in competition among businesses for attention.

In addition, it is the intent of this Article is to assure the continued attractiveness of the total Municipal environment through the adoption of discretionary controls designed to preserve scenic, aesthetic, and economic values within the Municipality. It is further determined that signs lawfully erected and maintained under the provisions of this Section are consistent with customary usage.

The standards contained herein are intended to be content neutral while achieving the following objectives:

A. Recognize the proliferation of signs is unduly distracting to motorists and non-motorists travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates the potential for vehicular crashes.

B. Prevent signs that are potentially dangerous to the public because of structural deficiencies or disrepair.

C. Require signs to conform to the Municipal character and scale and reduce visual pollution caused by a proliferation of signs which could diminish the Municipality's image, property values, and quality of life.

D. Recognize that the principal intent of commercial signs, to meet the purpose of these standards and serve the public interest, should be for identification of an establishment on the premises, and not for advertising special events, brand names, or off-premise activities; alternative channels of advertising communication and media are available for advertising that does not create visual blight and compromise safety of the motoring public.

E. Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.

F. Prevent placement of signs that will conceal or obscure signs of adjacent uses.

G. Protect the public right to receive messages, especially non-commercial messages such as religious, political, economic, social, philosophical and other types of information projected by the First Amendment of the U.S. Constitution.

H. Achieve a substantial government interest for public safety, aesthetics, and protection of property values.

I. Maintain and improve the image of the Municipality by encouraging signs that are compatible with and complementary to related buildings, uses, and adjacent street through the establishment of specific standards for various commercial areas in the Municipality.

SECTION 20.02 GENERAL PROVISIONS

The following general provisions are applicable to all signs unless modified by the general requirements or standards of a specific zoning district.

A. **Scope of Requirements**

It shall be unlawful for any person, firm, or corporation to erect, construct, or alter any sign in the Municipality except in conformance with the provisions of this Ordinance, subject to issuance of a permit, except as otherwise provided herein.

B. **Location**

1. Setback Requirements

a. All signs shall be set back five (5) feet from the right-of-way or planned right-of-way as shown on the Official Thoroughfare Plan for Warren County, unless otherwise exempted.

b. Signs shall be setback at least three (3) feet from the closest edge of any parking lot.

c. Freestanding signs shall be located no closer than fifty (50) feet to any residential district.

d. Clear Corner Vision. No sign shall be erected on any lot which will obstruct the view of drivers in vehicles approaching an intersection of two roads or the intersection of a road and a driveway as required in Section 3.09 A.4.

C. Construction Standards

1. **General Requirements.** All signs shall be designed and constructed in a safe and stable manner in accordance with the County's adopted building code, electrical code, and other applicable codes and ordinances. All electrical wiring associated with a freestanding sign shall be installed underground.

2. **Erector's Imprint.** Signs which require a permit under this Article must carry the identification and address of the sign installer, electrical voltage (when applicable), and date of erection in clearly legible letters whether for the initial erection or rehanging of a sign. In case of re-hanging or re-erection of any sign, the new erector must place his identification, address and the date on the sign.

3. **Fastenings.** All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use and all bolts, cables, and other parts of such signs shall be kept painted and free from corrosion.

4. **Freestanding Signs.** Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is no danger that either the sign or the supportive structure may be moved by the wind or other forces and cause injury to persons or property.

5. **Sanitation/Landscaping.** Property surrounding any freestanding sign shall be kept clean, sanitary and free from obnoxious and offensive substances, weeds, debris, rubbish, and flammable material. All plant materials and other landscaping surrounding a freestanding sign shall be maintained on a regular basis, including pruning, mowing, watering, fertilizing and replacement of dead and diseased materials.

D. Measurement

1. **Sign Area.** Sign area shall be computed as follows:

   a. **General Requirements.** Where a sign consists of a generally flat surface or sign face on which lettering and other information is affixed, the sign area shall be computed by measuring the entire face of the sign.

   b. **Individual Letters.** Where a sign consists of individual letters and logo affixed directly to a building, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and logo.

c. **Freestanding Sign.** The area of a ground sign shall be computed by measuring the entire vertical surface of a face upon which the letters and logo are attached. The area of a double-faced freestanding sign shall be computed using only one (1) face of the sign provided that: 1) the outline and dimensions of both faces are identical, and 2) the faces are back-to-back so that only one face is visible at any given time.

d. **Cylindrical Sign.** The area of a cylindrical sign shall be computed by multiplying the sign diameter by its height.

2. **Setback and Distance Measurements.** The following guidelines shall be used to determine compliance with setback and distance measurements:

a. The distance between two signs shall be measured along a straight horizontal line that represents the shortest distance between the two signs.

b. The distance between a sign and a parking lot or building shall be measured along a straight horizontal line that represents the shortest distance between the outer edge of the parking lot or building.

3. **Height Measurements.** Sign height shall be computed as follows:

a. The height of a freestanding sign shall be determined by measuring the vertical distance between the top part of the sign or its structure or frame, whichever is highest, to the elevation of the ground directly beneath the sign.

The Zoning Inspector shall use the elevation of the street curb nearest the location of the sign for determining sign height when a freestanding sign is located on a hill or earth berm.

b. The height of an awning, canopy, marquee or window sign shall be determined by measuring the vertical distance between the top part of the of a sign letter, symbol, panel, or frame, whichever is highest to the elevation of ground underneath the sign.

c Any material whose major function is to provide structural support for a sign shall be considered part of the sign for purposes of determining sign height.

E. **Illumination**

1. **General Requirements**. Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it.

2. **Non-Glare, Shielded Lighting.** Use of glaring, unshielded or undiffused lights or bulbs shall be prohibited. Lights shall be shielded so as not to project onto adjoining properties or thoroughfares.

3. **Traffic Hazards.** Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.

4. **Bare Bulb Illumination.** Illumination by bare bulbs or flames is prohibited.

5. **Intensity.** Illumination resulting from all signs and lighting on any property in a non-residential zoning district shall not exceed one-half (½) foot candles at a height of five (5) feet when measured at any point on property in a residential zoning district or at any point on any road right-of-way..

F. **Sign Design Features**

The following standards shall apply to all signs:

1. **Character.** All signs shall be designed, constructed, and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity and so as not to change the essential character of such area, as determined by the Zoning Inspector.

2. **Location.** Signs shall not cover architectural details such as arches, transom windows, doors, moldings, columns, capitals, sills, cornices and similar details.

3. **Material.** Sign materials shall complement the construction materials and architectural style of the building facade.

4. **Lettering Style.** Lettering style shall be clean and simple to assure readability and shall be in harmony with the style of architecture of the building. No more than two (2) different type styles shall be used on each sign.

5. **Colors.** No more than three (3) colors that are in harmony with the building color and architecture may be used per sign.

G. **Exempted Signs**

The following signs are not subject to the provisions of this Ordinance:

1. Government signs for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies for the purpose of safety.

2. Flags, emblems, and insignia of any governmental agencies or subdivision, and temporary displays of a patriotic, religious, charitable, or civic character.

3. Commemorative plaques placed by recognized historical agencies.

4. On-site informational signs, set back requirements exempted only, subject to the following conditions:

    a. On-site informational signs, such as directional signs, shall not contain logos or other forms of advertising.

    b. On-site informational signs shall not exceed three (3) square feet in area, or thirty (30) inches in height.

5. Signs that designate a site, building, facility, or portion thereof as barrier-free.

6. Address numbers with a numeral height no greater than six (6) inches for residences and eighteen (18) inches for businesses.

7. Nameplates identifying the occupants of the building, not to exceed one (1) square foot.

8. Incidental window signs, provided that total of all such signs shall not exceed two (2) square feet.

9. Portable real estate "open house" signs with an area no greater than six (6) square feet in area advertising the sale, rental, or lease of that particular property.

10. "Help wanted" signs soliciting employees for the place of business where posted, provided that the maximum area for all such signs shall be four (4) square feet.

11. "No Trespassing," "No Hunting," and "No Dumping" signs.

12. Permanent signs on vending machines, fuel pumps, automatic teller machines (ATM) or ice containers indicating only the contents and operational instructions for the devices, provided that the sign area for each device shall not exceed four (4) square feet.

H. **Maintenance and Inspection**

1. All signs and sign structures shall be kept in repair and in a proper state of preservation. Signs that are structurally unsafe or otherwise cause a public safety hazard by reason of inadequate maintenance, dilapidation, or abandonment shall be repaired in accordance with Section 20.02 M. Sign Owner Responsibility or removed in accordance with Section 20.02 I. Removal of Signs.

2. **Inspection of Existing Signs.** The County Building Official and the Zoning Inspector shall have the authority to routinely enter onto property to inspect existing signs. In conducting such inspections, the Building Official or Zoning Inspector shall determine whether the sign is adequately supported, painted to prevent corrosion, and so secured to the building or other support as to safely bear the weight of the sign and pressure created by the wind.

3. **Correction of Defects.** If the County Building Official or Zoning Inspector find that any sign is unsafe, insecure, improperly constructed, or poorly maintained, the sign erector, owner of the sign, or owner of the land shall make the sign safe and secure by completing any necessary re-construction or repairs, or entirely remove the sign in accordance with the timetable established by the Zoning Inspector.

I. **Removal of Signs**

Any sign that no longer identifies a business that is in operation, or that identifies an activity or event that has already occurred, shall be considered abandoned and shall be removed by the owner, agent, or person having use of the building or structure. Upon vacating a commercial or industrial establishment, the proprietor shall be responsible for removal of all signs used in conjunction with the business.

Signs which are no longer functional or are abandoned or identifies an activity or event that has already occurred shall be removed in compliance with the provisions of this Ordinance within thirty (30) days following such malfunction or abandonment.

J. **Nonconforming Signs**

1. Any signs erected prior to the enactment of this Ordinance and not conforming to the provisions of this Ordiance shall be deemed to be nonconforming. This shall not prohibit the posting or maintaining in a safe condition any sign which is nonconforming.

2. Any nonconforming sign which is altered, relocated, or replaced shall comply with all provisions of this Resolution.

3. Normal maintenance shall be permitted, provided that any nonconforming sign that is destroyed by any means to an extent greater than fifty percent (50%) of the sign's pre-

catastrophe fair market value, exclusive of the foundation, shall not be reconstructed. Normal maintenance shall include painting of chipped or faded signs; replacement of faded or damaged surface panels; or, repair or replacement of electrical wiring or electrical devices. A non-conforming sign shall not be structurally altered to prolong the life of the sign.

K. **Permits**

1. **Permit Required.** Building and zoning permits shall be obtained for erection, construction, enlargement, relocation or modification of any size sign, as regulated by the Building Department of Warren County and the Zoning Ordinance.

2. **Fee.** A permit shall require payment of a fee, which shall be established by Council. Permits for sign construction shall expire six (6) months from the date they are issued.

3. **Permit Applications.** Application for a sign permit shall be made upon forms provided by the Zoning Inspector. The following information shall be required:

   a. Name, address, and telephone number of the applicant.

   b. Location of the building, structure, or lot on which the sign is to be attached or erected.

   c. Position of the sign in relation to building facade, nearby buildings, structures, and property lines.

   d. Plans showing sign dimensions, areas, materials, colors, lettering as it will appear on the completed sign, method of construction, and attachment to the building or in the ground.

   e. Copies of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure.

   f. Name and address of the person, firm, or corporation owning, erecting, and maintaining the sign.

   g. Information concerning required electrical connections and electrical permits.

   h. Written consent of the owner or lessee of the premises upon which the sign is to be erected.

i Other information required by the Zoning Inspector to make the determination that the sign is in compliance with all applicable laws and regulations.

4. **Issuance of a Permit.** The applicant shall be given a permit by the Zoning Inspector after a complete sign application is submitted for the Zoning Inspector's review and approval. Sign applications that are not complete or do not meet the minimum standards required in this Ordinance shall not be approved.

5. **Inspection.** All signs for which a permit has been issued shall be inspected by the Zoning Inspector when erected. Approval shall be granted only if the sign has been constructed in compliance with the approved plans and applicable Zoning Ordinance and Building Code standards. In cases where fastenings or anchorages are to be eventually bricked in or otherwise enclosed, the sign erector shall advise the Zoning Inspector when such fastenings are to be installed so that inspection may be completed before enclosure.

6. **Exceptions.** A new permit shall not be required for ordinary servicing or repainting of an existing sign message, cleaning of a sign, or changing of the message on the sign where the sign is designed for such changes (such as lettering on a marquee or numbers on a gasoline price sign). Furthermore, a permit shall not be required for certain exempt signs listed in Section 20.02 G.

L. **Prohibited Signs**

1. No signs shall be attached or otherwise applied to trees, bus shelters, utility poles, benches, trash receptacles, vending machines, or any other unapproved supporting structure or otherwise placed in the public right-of-way.

2. Pennants, banners, streamers, festoons, spinners, balloons, and similar type devices.

3. No sign shall be spinning devices affixed to the ground or otherwise affixed in a permanent manner to an approved supporting structure.

4. Signs which are not securely affixed to the ground or otherwise affixed in a permanent manner to an approved supporting structure.

5. Projecting signs, except in the B-1 Downtown Business District. No projecting sign shall extend above the wall or parapet of a building to which it is affixed.

6. All blinking, flashing, or intermittent lighting; however, time and temperature signs shall be permitted.

7. Moving, revolving, or rotating signs.

8. Off-premise advertising signs except when located within six hundred and sixty (660) feet from the nearest edge of the right-of-way of highways.

9. Roof signs or signs mounted on marquees.

10. Portable signs, except where expressly permitted in this Resolution.

11. Any sign which makes use of the words "Stop", "Look", or "Danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.

12. Any sign containing obscene, indecent, or immoral matter.

13. Off-premise advertising signs, except where expressly permitted in this Ordinance.

14. Real estate signs no longer valid due to the sale, rental, or lease of the property.

15. String lights used for commercial purposes, other than holiday decorations.

16. Signs affixed to a parked motor vehicle or truck trailer which is being used principally for advertising purposes, rather than for transportation purposes

17. Any sign not expressly permitted.

18. Abandoned signs, as specified in Section 20.02 I.

M. **Sign Owner Responsibility**

1. The property owner shall be held responsible for the removal and subsequent disposal of all abandoned signs, including the complete blocking out of painted wall signs.

2. The owner of the sign shall be held responsible for sign maintenance, repair, and upkeep.

3. If any sign reaches a state of disrepair and is deemed unsightly or unsafe or abandoned by the Zoning Inspector and is not properly renovated, it shall be condemned and an order issued for its removal immediately at the expense of the sign owner or property owner.

O. **Temporary Signs**

1. Shall be located on the premises to which they refer.

2. Shall not be illuminated

3. Temporary signs shall be permitted as specified in the following table.

Temporary Sign Standards (Section 20.02 O)

Footnotes

[a] The temporary sign shall comply with the setback requirements for the district in which it is located.

[b] On a corner parcel two (2) signs, one (1) facing each street, shall be permitted.

[c] One sign shall be permitted for each frontage on a secondary or major thoroughfare.

[d] The temporary sign may be located in the required setback area, but shall not be located within the road right-of-way.

[e] Community special event signs may include ground or wall signs, subject to obtaining a permit from the Zoning Inspector. Banners, pennants, or similar displays may be permitted subject to Board approval.

[f] The total area of all temporary window signs shall not exceed ten (10) square feet. The total area of all window signs, temporary and permanent, shall not exceed fifty percent (50%) of the total window area. The area of temporary and permanent window signs shall be counted in determining compliance with standards for total area of wall signs.

[g] Temporary window signs that are faded, yellowed, ripped or otherwise damaged shall be removed immediately.

[h] Any costs incurred by the Municipality in removing political signs shall be assessed against the candidate, the committee designated pursuant to the Ohio Revised Code, and such other person or entity responsible for erecting the sign. In any prosecution for violation of the requirements concerning political signs, proof that a sign contains a message advocating the election of a candidate shall be deemed prima facia evidence that such candidate is responsible for the erection and maintenance of such sign. In addition, where a sign is located on private property, proof that a person or entity is the owner or is in control of such property shall be deemed prima facia evidence that such person or entity is responsible for the erection and maintenance of such sign.

Section 20.03 OFF-PREMISE ADVERTISING SIGNS

Freestanding off-premise advertising signs shall be permitted in non-residential zoning districts, subject to the following requirements:

A. **STANDARDS**

1. **Maximum Size.** No such sign shall exceed three hundred (300) square feet next to a state highway. Off-premise advertising signs shall not have more than two (2) sign faces.
2. **Maximum Height**. The maximum height for such signs shall be equal to the height restrictions set for principal structures within the zoning district in which it is located.

3. **Locations Permitted.** Off-premise advertising is permitted in business and industrial districts located adjacent to a state highway. Off-premise advertising signs are prohibited adjacent to highways designated as scenic byways. Off-premises advertising signs shall not be located on or over the roofs of buildings.

4. **Setbacks**

   a. **Highway Right-of-way.** No off-premise advertising device shall be erected or maintained within six hundred sixty (660) feet of the edge of the right-of-way of a state highway.

   b. **Property Lines.** Off-premise advertising signs shall comply with the setback requirements for the district in which they are located.

   c. **Non-compatible Use or Structure.** No part of any such sign shall be located closer than five hundred (500) feet to any residential dwelling unit, residential zoning district, park, school, church, hospital, cemetery, or government building.

5. **Distance from Other Signs**

   a. There shall be a minimum of two thousand (2,000) feet between off-premise advertising signs along any interstate highway. Only one (1) off-premise sign may be located on either side of a state highway for each two thousand (2,000) foot segment, including signs in adjacent governmental jurisdictions.

   b. There shall be a minimum of two hundred fifty (250) feet between any off-premises advertising sign and any on-premise sign.

6. **Content.** Each face of the sign shall exhibit no more than two pictorials and/or two written messages about one use, product, service, goods, event or facility located on other premises. No face of a sign shall be so designed as to give the impression of more than two signs.

7. Any off-premise sign not in use for advertising purposes shall have unused surfaces kept uniformly white in color overall. However, the owner of the sign shall be permitted to place a phone number on it to which inquiries for advertisement may be directed.

8. **Additional Requirements.** All outdoor advertising signs shall comply with all applicable requirements and conditions to the Ohio Revise Code and Administrative Code for advertising device control.

Section 20.04 SIGNS IN RESIDENTIAL DISTRICTS

A. **Permitted Signs**

The following signs shall be permitted in residential zoning districts.

1. **Identification Signs.** A nameplate sign and street address shall be permitted in accordance with Section 20.02 G.

2. **Temporary Signs.** Real estate signs, garage sale signs, and other temporary signs shall be permitted in accordance with Section 20.02 O.

3. **Residential Entranceway or Identification Signs.** Permanent residential entranceway or identification signs shall be permitted in accordance with the following regulations:

   a. There shall be no more than one (1) such sign located at each entrance to a subdivision or other residential development.

   b. Sign materials shall complement the construction materials and architectural style of the houses within the subdivision. Landscaping shall be provided to create an aesthetically pleasing and safe identification for the residential development.

   c. Entranceway structures shall not exceed four (4) feet in height and thirty-two (32) square feet in area.

d. The area of the sign message shall cover no more than fifty (50) percent of the entranceway structure.

e. Such signs shall be set back a minimum distance of five (5) feet from any property line or right-of-way line consistent with the standards of Section 20.02 B.

B. **Home Occupation Signs**

1. Permits for home occupation signs shall be issued by the Zoning Inspector.

2. Home occupation signs shall be limited to signs placed on the facade of the structure in which the home occupation is conducted.

3. No more than one (1) non-illuminated sign shall be allowed for each home occupation. Said sign shall display only the name and occupation of the residents on the premises.

4. No sign for a home occupation shall have more than one (1) face, nor shall any sign face exceed three (3) square feet in area.

C. **Signs for Nonresidential Uses in Residential Districts**

Nonresidential uses in residential districts, such as schools, colleges, museums, municipal buildings, churches, and country clubs shall be permitted to erect the following signage:

1. **Freestanding Signs including Bulletin Boards**

a. **Size.** There shall be no more than one (1) freestanding sign per parcel. The total area of the permitted free standing sign shall not exceed thirty two (32) square feet.

b. **Setbacks.** Freestanding signs shall be set back a minimum distance of five (5) feet from any property line or right-of-way line consistent with the standards of Section 20.02 B.

c. **Setback from Building.** A minimum two (2) foot horizontal separation and six (6) foot vertical separation shall be maintained between any freestanding sign and any building or other structure

.

d. **Height.** The maximum height of any freestanding sign shall be seven (7) feet.

2. **Wall signs.**

a. **Size.** There shall be no more than one (1) wall sign per parcel. The total area of wall sign shall not exceed one (1) square foot per linear foot of building frontage, not to exceed thirty-two (32) square feet in area.

b. **Location.** Wall signs shall be permitted only on the side of a building which faces the front lot line.

c. **Height.** The top of a wall sign shall not be higher than whichever is lowest:

i. The maximum height specified for the district in which the sign is located.

ii. The height of the building facing the street on which the sign is located.

D. **Management Office Identification**

Rental or management offices in the residential district shall be permitted one (1) identification sign not to exceed six (6) square feet in area.

Section 20.05 SIGNS IN NON-RESIDENTIAL DISTRICTS

A. **Permitted Signs**

The following signs shall be permitted in non-residential districts.

1. **Signs for Residential Uses in a Nonresidential District**

Signs for nonconforming residential uses in nonresidential districts shall be governed by the sign regulations for residential district uses set forth in Section 20.04.

2. **Temporary Signs**. Real estate signs and other temporary signs shall be permitted in accordance with Section 20.02 0.

3. **Wall Signs**

Wall signs shall be permitted in business and industrial districts subject to the following regulations:

a. **Number.** One (1) wall sign shall be permitted per street or highway frontage on each parcel. In the case of a multi-tenant building or shopping center, one (1) wall sign shall be permitted for each tenant having an individual means of public access. Tenants who occupy a corner space in a multi-tenant structure shall be permitted to have one (1) sign on each side of the building. Where several tenants use a common entrance in a multi-tenant structure, only one (1) wall sign shall be permitted, but the total sign area may be allocated on an equal basis to all tenants.

b. **Size**.

i. **Single Tenant Building.** The total area of a wall sign shall not exceed one (1) square foot per lineal foot of building frontage not to exceed sixty-four (64) square feet, except in the B-1 Downtown Business District, in which case the total area of a wall sign shall not exceed thirty- two (32) square feet.

ii. **Multi-tenant Building.** The total area of a wall sign shall not exceed one (1) square foot per lineal foot of building frontage not to exceed forty-eight (48) square feet. The center of the wall sign shall be placed in the center of the unit on which it is affixed.

iii. **Vertical Dimensions**. The maximum vertical dimension of any wall sign shall not exceed thirty (30%) percent of the building height.

iv. **Horizontal Dimensions** The maximum horizontal dimension of any wall-mounted sign shall not exceed seventy-five (75%) percent of the width of the building.

v. **Height**. The top of a wall sign shall not be higher than whichever is lowest:

(1) The maximum height specified for the district in which the sign is located.

(2) The top of the sills at the first level of windows above the first story.

(3) The height of the building facing the street on which the sign is located.

4. **Freestanding Signs**

Freestanding signs, as defined herein to include monument, ground, and pole signs, shall be permitted in business and industrial districts subject to the following regulations:

a. **Number.** One (1) freestanding sign shall be permitted per street or highway frontage on each parcel. However, only one (1) sign shall be permitted on lots having frontage on more than one street if a single sign can be located such that it is visible from both streets. In multi-tenant buildings or shopping centers the sign area may be allocated for use by individual tenants.

b. **Size.**

i. Single Tenant Building. The total area of the freestanding sign shall not exceed one (1) square feet per lineal foot of lot-frontage, not to exceed eighty (80) square feet.

ii. Multi-tenant Building. The total area of the freestanding sign shall not exceed one (1) square feet per lineal foot of lot-frontage, not to exceed one-hundred (100) square feet. A maximum of fifty (50) percent of the sign area may be changeable copy signage.

iii. Size Bonus. The sign area may be increased up to a maximum of ten (10) percent for signs that meet each of the following standards as determined by the Zoning Inspector or Zoning Commission:

(1) Are constructed out of high quality building materials such as brick, stone, decorative block, faux wood and similar attractive and durable building materials.

(2) Are compatible with the character of the building that it advertises and with the overall character of the surrounding area. The sign should complement and enhance building architecture.

(3) Contain the minimal amount of information as possible to reflect simplicity and improve sign legibility. Sign content should be limited to company name and identification logo.

(4) Have an appropriate contrast with a limited use of harmonious colors. A sign or a series of signs shall have a continuity of design throughout the sign and sign area.

(5) A landscaping area equal to the sign area shall be provided around the sign base. The landscape area shall include living plants aesthetically located and maintained. Impervious material shall not be permitted within the landscape area.

c. **Height**

(1) **Single Tenant Building.** The height of a freestanding sign in any nonresidential district shall not exceed six (6) feet in height, measured above the grade of the nearest street.

(2) **Multi-tenant Building.** The height of a freestanding sign in any nonresidential district shall not exceed ten (10) feet in height, measured above the grade of the nearest street.

d. **Setback from Residential Districts**. Freestanding signs shall be located no closer than fifty (50) feet to any residential district.

e. **Street Address.** The street address number shall be clearly displayed on the sign in numerals not less than six (6) inches or more than twelve (12) inches in height. Required street address numbers are not counted in the total area of the sign.

5. **Gasoline Price Signs.** Gasoline price signs shall be permitted subject to the following standards:

a. **Number.** In addition to other permitted signs, one (1) gasoline price sign shall be permitted per street frontage.

b. **Size.** Gasoline price signs shall not exceed twenty (20) square feet in area. The area permitted for gasoline signs can be added to the area of a freestanding sign. The maximum height of the freestanding sign combined with a gasoline price sign shall be nine (9) feet.

6. **Marquee Signs.** Marquee signs shall be permitted for theaters located in commercial districts subject to the following requirements:

a. **Construction**. Marquee signs shall consist of hard incombustible materials. The written message shall be affixed flat to the vertical face of the marquee.

b. **Vertical Clearance.** A minimum vertical clearance of ten (10) feet shall be provided beneath any marquee.

c. **Projection.** Limitations imposed by this Ordinance concerning projection of signs from the face of a wall or building shall not apply to marquee signs, provided that marquee signs shall comply with the setback requirements f or the district in which they are located.

d. **Number.** One (1) marquee shall be permitted per lot.

7. **Awnings and Canopies.** Signs on awnings and canopies in commercial and industrial districts shall be permitted, subject to the following standards:

a. **Coverage.** The total area of the lettering and logo shall not exceed twenty-five (25%) percent of the total area of the awning or canopy that would be visible in a drawing of a facade on which the awning is located.

b. **Compliance with size Requirements for Wall Signs**. The area of signs on awnings or canopies shall be counted in determining compliance with the standards for total area of wall signs permitted on the parcel.

c. **Projection.** Limitations imposed by this Resolution concerning projection of signs from the face of a wall or building shall not apply to awning and canopy signs, provided that such signs shall comply with the setback and Building Code requirements for the district in which they are located.

8. **Window Signs.** Temporary, incidental, and permanent window signs shall be permitted on the inside in business districts provided that the total combined area of such signs shall not exceed fifty (50%) percent of the total window area. The area of permanent window signs shall be counted in determining compliance with standards for total area of wall signs on the parcel.

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ARTICLE 21

PERFORMANCE STANDARDS

Section 21.01 INTENT AND SCOPE OF APPLICATION

A. **Intent**

The purpose of this Article is to establish controls on the impacts generated by permitted uses so as to prevent an unreasonable negative impact that might interfere with another person's use of his or her property, or that might cause harm to the public health, safety, and welfare.

B. **Scope of Application**

After the effective date of this Ordinance, no structure or tract of land shall hereafter be used or occupied, and no structure, or part thereof, shall be erected, altered, reconstructed, or moved, except in conformity with all applicable performance standards set forth in this Article. No site plan shall be approved unless evidence is presented to indicate conformity with the requirements of this Article.

C. **Submission of Additional Data**

Nothing in this Article shall preclude the applicant or other interested party from submitting additional data or evidence related to a specific case. In consideration of such data or evidence, the Commission may waive or modify the regulations set forth in this Article, provided that the Commission finds that no harm to the public health, safety and welfare will result and that the intent of the this Ordinance will be upheld.

Section 21.02 PERFORMANCE STANDARDS

No activity, operation or use of land, buildings, or equipment shall be permitted if such activity, operation, or use produces an environmental impact or irritant to sensory perception which exceeds the standards set forth in this Section.

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A. Noise and Vibration

1. **Definitions**. The terms used in this Section shall have the meaning ascribed to them as follows. Terms used in this Section but not defined below or in Article 22 shall have the meaning ascribed to them by the American National Standards Institute (ANSI) or its successor body.

   a. A-Weighted Sound Level: The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A).

   b. Day-Night Average Sound Level: The 24-hour energy average of the A-weighted sound pressure level, with the levels during the period of 10:00 p.m. to 7:00 a.m. the following day increased by ten (10) dB(A) before averaging.

   c. Emergency: Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.

   d. Impulsive Sound: Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and discharge of firearms.

   e. Noise Disturbance: Any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.

   f. Noise Sensitive Zone: An area which contains noise-sensitive activities, such as but not limited to, operations of schools, libraries, churches, hospitals, and nursing homes.

   g. Pure Tone: Any sound which can be distinctly heard as a single pitch or a set of single pitches.

   h. Sound: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium..

   i. Sound Level: The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network (for the purposes of this ordinance an A-weighted network), as specified by the American National Standards Institute.

   j. Vibration: An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.

2. **Prohibited Acts.**

   a. Noise Disturbances Prohibited. No person shall make, continue, or cause to be made or continued, any noise disturbance.

   b. Loading and Unloading. Loading and unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or

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similar objects shall be prohibited between the hours of 6:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential district boundary or within a noise sensitive zone.

c. Construction. Operation of any tools or equipment used in construction, drilling, or demolition work shall be prohibited between the hours of 6:00 p.m. and 7:00 a.m. on weekdays or any time on Sundays or holidays, such that the sound therefrom creates a noise disturbance across a residential district boundary or within a noise sensitive zone, except for emergency work of public service utilities.

d. Vibration. Operating any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this Section, "vibration perception threshold" means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

e. Noise Sensitive Zones. Creating any sound within any noise sensitive zone so as to disrupt the activities normally conducted within the zone shall be prohibited, provided that conspicuous signs are displayed indicating the presence of the zone.

3. **Exceptions.**

a. Emergency Exceptions. The provisions in this Section shall not apply to (a) the emission of sound for the purpose of alerting persons to existence of an emergency, or (b) the emission of sound in the performance of emergency work.

b. Additional Exceptions. The provisions in this Section shall not apply to the following activities, provided that such activities are conducted in a legally-accepted manner:

(1) Snow plowing, street sweeping, and other public works activities.

(2) Church bells, chimes, and carillons.

(3) Lawn care and house maintenance that occurs between 9:00 a.m. and 9:00 p.m..

4. **Variances.** An application for a variance from the provisions in this Section may be submitted to the Board. The owner or operator of equipment on the property shall submit a statement regarding the effects of noise from the equipment on the overall noise level in the area. The statement shall include a study of the background noise levels, predicted level on noise at the boundary line due to the proposed operation, and justification for the variance. Upon review of the request for a variance, the Board may grant a variance where strict adherence to the permitted sound level would create unnecessary hardship and only if the variance will not create a threat to the health, safety, and welfare of the public. The Board may impose conditions of operation when granting a variance.

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5. **Maximum Permitted Sound Levels by Receiving Zoning District.** No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving zoning district in Table 4 when measured at or within the property boundary of the receiving district. All measurements and designations of sound levels shall be expressed in day-night average sound levels (L_{dn}).

Table 4
Maximum Permitted Average A-Weighted Sound Levels

Receiving Zoning District	Average Sound Time Level, dB(A)
Residential - 7:00 a.m. to 10:00 p.m.	55
Residential - 10:00 p.m. to 7:00 a.m.	50
Commercial (not noise sensitive) - Day/night	65
Commercial (noise sensitive) - Day/night	55
Industrial - Day/night	70

Notes:

a. Correction for Tonal Sounds. For any source of sound which emits a pure tone sound, the maximum sound level limits in Table A shall be reduced by five (5) dB(A) where the receiving district is residential or commercial-noise sensitive.

b. Correction for Impulsive or Impact-Type Sounds. For any source of sound which emits an atypical impulsive or impact-type sound, the maximum sound level limits in Table A shall be reduced by five (5) dB(A) where the receiving district is residential or commercial-noise sensitive.

c. Planned Development. Where the receiving district is a Planned Development District, the applicable standard in Table A shall be based on the most noise sensitive use within the planned development.

The activities of this sub-section (5) shall not apply to the activities covered by sub-section (6), Exceptions.

6. **Permitted Land Use.** No new or substantially modified structure shall be approved for construction unless the owner or developer of such land demonstrates that the completed structure and the activities associated with and on the same property as the structure will comply with the sound/noise standards set forth in this Section at all times of full-scale operation of such activities.

B. **Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind Erosion**

Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved

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equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.

The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Emission of particulate matter from materials, products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means.

C. **Odor**

Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or animal life.

D. **Glare and Heat**

Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one-half (1/2) of one (1) footcandle when measured at any point along the property line of the site on which the operation is located. Any operation which produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

E. **Fire and Safety Hazards**

1. **General Requirements.** The storage and handling of flammable or combustible liquids or gases, and explosives shall comply with all applicable federal, state, county and local regulations. All underground storage tanks shall be registered as required by applicable laws. The location and contents of all such tanks shall be indicated on the site plan.

2. **Detonable Materials.** The storage, utilization, or manufacture of detonable materials shall be permitted subject to approval by the Fire Chief and the following restrictions:

Proposed Activity	**Restrictions**
Storage, Utilization or Manufacture of 5 lbs. or less	Permitted Accessory Use in I-1 District
Storage or Utilization of Over 5 lbs.	Special Land Use in I-1 District
Manufacture of Over 5 lbs.	Not Permitted

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Detonable materials covered by these requirements include, but are not necessarily limited to the following:

a. All primary explosives such as lead azide, lead styphnate, fulminates, and tetracene.
b. All high explosives such as TNT, RDX, HMX, PETN, and picric acid.
c. Propellants and components thereof such as dry nitrocellulose, black powder, boron hydrides, and hydrazine and its derivatives.
d. Pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate.
e. Blasting explosives such as dynamite and nitroglycerine.
f. Unstable organic compounds such as acetylides, tetrazoles, and ozonides.
g. Strong unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentrations greater than thirty-five percent (35%).
h. Nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

3. **Liquified Petroleum Gas.** The storage or utilization of liquified petroleum gas shall be permitted subject to approval by the Fire Chief and the following restrictions:

Proposed Activity	**Restrictions**
Storage, Utilization of 80 lbs. or less	Permitted Accessory Use in All Districts
Storage, Utilization of more than 80 lbs.	Permitted in All Districts as a Special Use

F. **Sewage Wastes and Water Pollution**

Sewage disposal (including septic systems) and water pollution shall be subject to the standards and regulations established by federal, state, county and local regulatory agencies.

G. **Gases**

The escape of or emission of any gas which is injurious or destructive to life or property, or which is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with applicable state or federal regulations.

H. **Electromagnetic Radiation and Radio Transmission**

Electronic equipment required in an industrial, commercial, or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not interfere with the use of radio, television, or other electronic equipment on surrounding or nearby property.

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I. **Radioactive Materials**

Radioactive materials, wastes and emissions, including electromagnetic radiation such as from an x-ray machine, shall not exceed levels established by federal agencies which have jurisdiction. No operation shall be permitted that causes any individual outside of the lot lines to be exposed to any radiation exceeding the lowest concentration permitted for the general population by federal and state laws and regulations currently in effect.

Section 21.03 PROCEDURES FOR DETERMINING COMPLIANCE

In the event that the Municipality receives complaints or otherwise acquires evidence of possible violation of any of the performance standards set forth in this Article, the following procedures shall be used to investigate, and if necessary, resolve the violation:

A. **Official Investigation**

Upon receipt of evidence of possible violation, the Zoning Inspector shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards. The Zoning Inspector may initiate an official investigation in order to make such a determination.

Upon initiation of an official investigation, the Zoning Inspector is empowered to require the owner or operator of the facility in question to submit data along with any evidence deemed necessary to make an objective determination regarding the possible violation within a time period specified by the Zoning Inspector, but in every case a reply must be forthcoming within three (3) calendar days from the receipt of notice. Failure of the owner or operator to supply requested data within the stated time period shall be considered an admission of violation and provide prima facia evidence of grounds for taking any action, including legal action, to terminate the use and/or deny or cancel any permits or licenses required for continued use of the land. Data which may be required includes, but is not limited to the following:

1. Plans of the existing or proposed facilities, including buildings and equipment.

2. A description of the existing or proposed machinery, processes, and products.

3. Specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this Article.

4. Measurement of the amount or rate of emissions of the material, including but not limited to, heat, sound, and glare, purported to be in violation.

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5. Copies of studies, reports, specifications, and any other compilation of data, including, but not limited to, relevant regulatory filings.

B. **Method and Cost of Determination**

The Zoning Inspector shall take measurements, or cause measurements to be taken by a competent contractor, and complete investigation necessary to make an objective determination concerning the purported violation. Where required measurements and investigation can be accurately made by the Zoning Inspector using equipment and personnel normally available to the Municipality without extraordinary expense, such measurements and investigation may be completed before notice of violation is issued. If necessary, skilled personnel and specialized equipment or instruments shall be secured in order to make the required determination.

If the alleged violation is found to exist in fact, the costs of making such determination shall be charged against those responsible, in addition to such other penalties as may be allowable. If the bill is not paid within thirty (30) days, the Municipality shall take whatever appropriate action is necessary to recover such costs, or alternately, the cost shall be charged against the property where the violation occurred. If it is determined that no substantive violation exists, then the costs of this determination shall be paid by the Municipality.

C. **Appropriate Remedies**

If, after appropriate investigation, the Zoning Inspector determines that a violation does exist, the Zoning Inspector shall take or cause to be taken lawful action as provided by this Ordinance or any state or federal regulation to eliminate such violation. The owners or operators of the facility deemed responsible shall be given written notice of the violation. The Zoning Inspector shall take appropriate action in accordance with the owner or operator's response to the notice of violation. Appropriate action includes the following:

1. **Correction of Violation within Time Limit.** If the alleged violation is corrected within the specified time limit, even if there is no reply to the notice, the Zoning Inspector shall note "Violation Corrected" on the Municipality's copy of the notice, and the notice shall be retained on file. If necessary, the Zoning Inspector may take other action as may be warranted by the circumstances of the case, pursuant to this Ordinance and any other applicable regulation.

2. **Violation Not Corrected and No Reply from Owner or Operator.** If there is no reply from the owner or operator within the specified time limits, and the alleged violation is not corrected in accordance with the regulations set forth in this Article, then the Zoning Inspector shall take any action reasonably calculated to correct or abate the violation.

3. **Reply Requesting Extension of Time.** If the alleged violator responds to the Municipality within the specified time limit of the original notice and requests an extension of time, the Zoning Inspector shall review the information submitted with the

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reply. Upon finding that an extension is warranted because of unique circumstances and that an extension will not cause imminent peril to life, health, or property, the Zoning Inspector may extend the specified time limit to a date certain, if the Zoning Inspector concurs that:

a. The information requested pursuant to this Ordinance is impractical to readily produce; or

b. An extreme hardship exists; or

c. The reply indicates that an alleged violation shall be corrected or abated by the date certain and that all future operations shall comply with the regulations as set forth herein.

4. **Reply Requesting Technical Determination.** If a reply is received within the specified time limit requesting further review and technical analysis even though the alleged violations continue, then the Zoning Inspector may call in properly qualified experts to complete such analysis and confirm or refute the initial determination of violation.

If expert findings indicate that violations of the performance standards do exist in fact, the costs incurred in making such a determination shall be paid by the persons responsible for the violations, in addition to such other penalties as may be appropriate under the terms of this Ordinance or other applicable regulations. Such costs shall be billed to those owners or operators of the subject use who are deemed responsible for the violation.

If the bill is not paid within thirty (30) days, the Municipality shall take whatever appropriate action is necessary to recover such costs, or alternately, the cost shall be charged against the property where the violation occurred. If no substantial violation is found, cost of determination shall be paid by the Municipality.

D. **Continued Violation**

If, after the conclusion of the time period granted for compliance, the Zoning Inspector finds that the violation still exists, any permits previously issued shall be void and the Municipality may initiate appropriate legal action, including possible pursuit of remedies in a Court of competent jurisdiction.

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ARTICLE 22

RESERVED

Section 22.01 RESERVED

ARTICLE 23

ADMINISTRATION

Section 23.01 PURPOSE

This article sets forth the powers and duties of the Zoning Inspector, the Commission, the Board, and the Council with respect to the administration of the provisions of this Ordinance. The Zoning Inspector shall have the authority to enter upon any premises or buildings under excavation, alteration or expansion.

Section 23.02 GENERAL PROVISIONS

The formulation, administration and enforcement of this Ordinance is hereby vested in the following offices and bodies within the local government:

1. Zoning Inspector
2. Commission
3. Board
4. Council

Section 23.03 ZONING INSPECTOR

A Zoning Inspector designated, in a manner determined by the Municipality, shall administer and enforce this Ordinance. The Zoning Inspector may be provided with the assistance of such other persons as the Municipality may direct.

Section 23.04 ZONING INSPECTOR RESPONSIBILITIES

For the purpose of this Ordinance, the Zoning Inspector shall have the following duties:

1. Enforce the provisions of this Ordinance and interpret the meaning and application of its provisions.
2. Respond to questions concerning applications for amendments to this Ordinance and the Official Zoning Map.
3. Issue zoning permits and certificates of occupancy as provided by this Ordinance, and keep a record of same with a notification of any special conditions involved.
4. Act on all applications upon which the Zoning Inspector is authorized to act by the provisions of this Ordinance within the specified time or notify the applicant in writing of the refusal or disapproval of such application and the reasons therefor. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit such application to the Board.
5. Conduct inspections of buildings and uses of land to determine compliance with this Ordinance, and, in case of any violation, notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.
6. Maintain in current status the Official Zoning Map, which shall be kept on permanent display in Municipal offices.
7. Maintain permanent and current records required by this Ordinance, including but not limited to zoning permits, inspection documents, and records of all variances, amendments, and special uses.
8. Make such records available for the use of the Council, the Commission, the Board, and the public.
9. Review and approve site plans pursuant to this Ordinance.
10. Determine the existence of any violations of this Ordinance, and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.
11. Document nonconforming uses, lots, and structures.
12. Periodically report to the Commission on the status of zoning and planning administration.
13. Prepare and submit an annual report to the Council and Commission on the administration of this Ordinance, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Ordinance. Such report shall include recommendations concerning the schedule of fees.
14. Perform other related duties required to administer these regulations.

Section 23.05 PLANNING COMMISSION

A. Creation and Membership

The Planning Commission shall consist of five members. These include the Mayor, one member of the Village Council to be elected thereby for the remainder of the term on the

Village Council, and three citizens of the Village to be appointed by the Mayor for terms of six years each, except that the term of one of the members of the first Commission shall be for four years and one for two years. Each member shall serve until a qualified successor is appointed. All such members shall serve without compensation. Members of the Commission may be removed from office by the Mayor, upon affirmation by the Council, for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Mayor and confirmation by the Council for the unexpired term of the member affected.

The Village Council may appoint two alternate members to the Planning Commission, for terms to be determined by the Village Council. An alternate member shall take the place of an absent member or an abstaining member at any meeting of the Planning Commission. An alternate member shall meet the same appointment criteria as a regular member. The alternate member shall have the authority to exercise all voting privileges given to the regular members.

B. Planning Commission Proceedings

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance. An annual organizational meeting shall be held each year in the month of January. Commission meetings shall be held at the call of the chair and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the Clerk's office.

C. Elections

At the first meeting of each year, the Commission shall elect a Chairman and vice-Chairman from among its members. Meetings of the Commission shall be at the call of the Chairman and at such other times as the Commission may determine.

C. Commission Duties

For the purpose of this Ordinance, the Commission shall have the following duties:

1. Recommend the proposed Zoning Ordinance and the Official Zoning Map to the Council for formal adoption.
2. Initiate advisable Official Zoning Map changes, or changes in the text of this Ordinance, where same will promote the best interest of the public in general through recommendation to the Council.
3. Review all proposed amendments to this Ordinance and the Official Zoning Map and make recommendations to the Council as specified in this Ordinance.
4. Review all required site plans and special use applications.

5. Review all Planned Unit Development applications and make recommendations to the Council as provided in this Ordinance.
6. Carry on a continuous review of the effectiveness and appropriateness of this Ordinance and recommend such changes or amendments as it feels would be appropriate.
7. The Commission shall make recommendation to Council to control the structure and location of buildings, and create zones of varying property uses pursuant to Ohio Revised Code Section 713.02 - 713.12.

8. The Planning Commission shall be responsible for formulation and recommendation of a Master Plan to Council for the physical development of the City, in accordance with ORC Section 713.02.

Section 23.06 ZONING BOARD OF APPEALS

A. Creation and Membership

The Village Council shall appoint three (3) members to constitute the Zoning Board of Appeals pursuant to Ohio Revised Code Section 713.11. Said members shall be electors of the Village and shall not be members of the Village Council or Planning Commission. Members are appointed by the Mayor for terms of six years each. Each member shall serve until a qualified successor is appointed. Members of the Board may be removed from office by the Mayor, upon affirmation by the Council, for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Mayor and confirmation by the Council for the unexpired term of the member affected. All such members shall serve without compensation.

The Village Council may appoint two alternate members to the Board for terms to be determined by the Village Council. An alternate member shall take the place of an absent member or an abstaining member at any meeting of the Board. An alternate member shall meet the same appointment criteria as a regular member. The alternate member shall have the authority to exercise all voting privileges given to the regular members.

B. Board Proceedings

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance. An annual organizational meeting will be held each year in the month of January. Meetings shall be held at the call of the chair and at such times as the Board may determine. The chair, or in his absence the acting chair, may administer oaths and compel the attendance of witnesses. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all

of which shall be a public record and be immediately filed in the office of the Board and Council.

C. **Elections and Meetings**

At the first meeting of each year, the Board shall elect a Chairman and Vice-Chairman from among its members, and it may appoint and fix the compensation of a secretary and such employees as are necessary for the discharge of its duty. Meetings of the board shall be at the call of the Chairman, and at such other times as the Board may determine. All meetings shall be open to the public.

D. **Oaths and Witnesses**

The Board may compel the attendance of witnesses and receive testimony under oath.

E. **Board Duties**

For the purpose of this Ordinance, the Board shall have the following duties:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or by the Zoning Inspector in enforcement of this Ordinance.

2. To authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Ordinance, as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, and to that the spirit of the Ordinance shall be observed and substantial justice done. In no case may the Board of Zoning Appeals grant a use not otherwise permitted in the zone in which the variance is sought.

3. To inexpert the exact location of zoning district boundary lines in question.

4. To interpret the provisions of this Ordinance in a way to carry out the intent and purpose of the plan, as shown upon the Maps fixing the several Districts accompanying and made a part of this Ordinance where the street layout as shown on the maps aforesaid.

5. To permit a variation in the yard requirements of any district where there are practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographic or other conditions, provided such variations will not seriously affect any adjoining property or the general welfare.

6. The Board shall be required to prevent or keep at a minimum all odors, dust, smoke, gas, noise, or similar nuisances in the granting of any permit in the I-1 Light Industrial District.

7. In handling of all appeals, the Board shall not impair the supply of light and air to adjacent property, increase the hazard from fire, flood and other dangers, diminish the value of adjacent property not impair the public health, safety and general welfare.

The ZBA shall not have the power to grant a variance from the uses of land permitted by this ordinance, nor is the ZBA authorized to consider an appeal of any decision concerning a planned development or a special land use. Notwithstanding these requirements, the ZBA shall have the power to consider variances associated with a special land use site plan which relate to setbacks and dimensional requirements.

F. **Duties on Matters of Appeal**

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Ordinance that the duties of the Council in connection with this Ordinance shall not include hearing and deciding questions if interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Ordinance. Under this Ordinance the Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law, and of establishing a schedule of fees and charges. Nothing in this Ordinance shall be interpreted to prevent any official of the Municipality from appealing a decision of the Board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the written decision of the Board.

Section 23.07 COUNCIL

For the purpose of this Ordinance, the Council shall have the following duties:

1. Confirm the Mayor's appointment of a Zoning Inspector.
2. Confirm the Mayor's appointments of members to the Commission.
3. Confirm the Mayor's appointments of members to the Board.
4. Initiate or act upon suggested amendments to this Ordinance or the Official Zoning Map. Final action upon a suggested zoning amendment shall be undertaken at a public hearing.
5. Override a written recommendation of the Commission on a text or map amendment, provided that such legislative action is passed by a three fourths (3/4) votes of the Council.

6. The Council shall by ordinance establish a schedule of fees for zoning permits, amendments, appeals, variances, special use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Zoning Ordinance, after considering the recommendations of the Zoning Inspector with respect to actual administrative costs, both direct and indirect.
7. The Council shall have the authority to hire planning and engineer consultants to provide written technical reviews of such applications and pass the fee on to the applicant.

ARTICLE 24

GENERAL PROCEDURES AND RELATED STANDARDS

Section 24.01 PURPOSE

The purpose of this Article is to set forth procedures and standards concerning the following zoning functions, reviews, and actions:

- Site Plans
- Special Uses
- Planned Unit Development
- Variances and Appeals
- Amendments
- Permits and Certificates
- Fees
- Violations and Penalties

Section 24.02 SITE PLANS

A. **Intent**

The site plan review procedures and standards in this section are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the standards contained in this Ordinance and other applicable local ordinances and state and Federal laws, to achieve efficient use of the land, to protect natural resources, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the Municipality and the applicant to facilitate development in accordance with the Municipality's land use objectives.

B. **Applicability**

1. Site Plan Required. Except as provided in this Ordinance, the development of any new use, the construction of any new structures, any change of an existing use of land or structure that impacts any requirement of these regulations, and all other **building or** development activities shall require site plan approval prior to construction and/or

occupancy pursuant to this Article. For example, site plan review is required for any of the following activities:

a. Erection, moving, relocation, or conversion of a building or structure to create additional floor space, other than a single family dwelling. Any proposal to construct, move, relocate, convert, or structurally alter a building; change or add a use; expand or decrease off-street parking; or fill, excavate, or grade land.
b. Any development that would, if approved, provide for the establishment of more than one (1) principal use on a parcel.
c. Development of non-single family residential uses in single family districts.
d. Any change in land use or change in the use of a structure that potentially affects compliance with the standards set forth within these regulations.
e. Any special use, in accordance with the requirements of this Ordinance.
f. Any proposed use for an existing building that has set vacant for six (6) months or more.
g. Any use or development for which submission of a site plan is required by provisions of this Ordinance.

2. Site Plan Not Required. Notwithstanding the preceding Section, site plan approval is not required for the following activities:

a. Construction, moving, relocation, conversion, or structural alteration of a single-family detached house in any R-1 District, or a two-family dwelling in any R-2 or R-3 District. However, submission of a plot plan in accordance with the requirements of this Ordinance, shall be required for these uses.
b. Construction, moving, relocation or structural alteration of a single or two-family home, including any customarily incidental accessory structures.
c. Excavation, filling, or other removal of soil, provided that such activity is normally and customarily incidental to single family uses described in this subsection for which site plan approval is not required.
d. A change in the ownership of land or a structure.
e. A change in the use of a structure to a similar use allowed by right in the zoning district in which it is located, provided that no modification to the site is proposed or required by the standards of the regulations and that the site maintains full and continuing compliance with these regulations.

C. Procedures and Requirements

Site plans shall be submitted in accordance with the following procedures and requirements:

1. **Applicant.** The applicant shall be submitted by the owner of an interest in land for which site plan approval is sought, or by the owner's designated agent. The applicant or a designated representative shall be present at all scheduled review

meetings or consideration of the plan may be tabled due to lack of representation.

2. **Application Forms and Documentation.** The application for site plan review shall be made on the forms provided by the Municipality.

3. **Site Plan Preparation.** The site plan shall be prepared in the manner specified in this Section and on the site plan application form. A site plan which does not meet the stipulated requirements shall be considered incomplete and shall not be eligible for formal review. At any time during the course of preparation of a site plan, the Municipal staff shall, upon request, provide information concerning this Ordinance's procedures and standards.

4. **Submission of Completed Site Plan.** Fifteen (15) site plans, three (3) applications and the required fees, shall be submitted to the Municipality. The site plan proposal will be placed on the Commission agenda within thirty (30) days to be formally accepted for processing and for initial review, except where Commission review is not required as outlined in this Ordinance.

5. **Distribution of Plans**. The site plans and application shall also be distributed to appropriate Municipal officials for review. If deemed necessary by the Zoning Inspector, the plans may also be submitted to the Municipal Engineer and Planner for review.

6. **Review by the Municipal Planner and Engineer.** The Municipal Planner and Engineer shall review the site plan and application materials, and prepare written reviews, if requested by the Municipality, which shall specify any deficiencies in the site plan and make recommendations as appropriate.

7. **Commission Consideration.** At the first regular meeting at which a site plan proposal is considered, the Commission shall first determine whether to accept the plan for processing. If accepted for processing, the Commission shall review the site plan in relation to applicable standards and regulations, and in relation to the intent and purpose of this Ordinance. The Commission shall consider the comments and recommendations from the Municipal Planner, the County Building Department, Municipal Engineer, Public Safety Officials, and other reviewing agencies.

   If the Commission determines that revisions are necessary to bring the site plan into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised site plan.

8. **Site Plan Revision and Submission of Revised Plan.** The applicant shall revise the site plan, based on the requirements and recommendations set forth in

the written review. The applicant shall then submit fifteen (15) copies of the revised plan, three (applications) and review fee. The revised site plan and application materials shall be reviewed by the Commission within thirty (30) days after the Municipality receives a complete revised site plan application. If the plan is in compliance with required revisions, the Commission can make a determination.

If the Commission determines that further revisions are necessary to bring the site plan into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised site plan.

9. **Commission Determination.** The Commission shall make a determination on a final plan based on the requirements and standards in this Ordinance. The Commission is authorized to grant approval, grant approval subject to conditions, or reject a site plan, as follows:

   a. **Approval.** Upon determination that a site plan is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the Commission shall approve the plan.

   b. **Approval Subject to Conditions.** Upon determination that a site plan is in compliance except for minor modifications, the conditions for approval shall be identified and the applicant shall be given the opportunity to correct the site plan. The conditions may include the need to obtain variances or obtain approvals from other agencies. The applicant may re-submit the site plan to the Commission for final review after conditions have been met. The Commission may waive its right to review the revised plan, and instead authorized the Zoning Inspector to review and recommend approval of the re-submitted plan if all required conditions have been addressed.

   c. **Denial.** Upon determination that a site plan does not comply with the standards and regulations set forth in this Ordinance, or requires extensive revision in order to comply with said standards and regulations, the Commission shall deny site plan approval.

10. **Recording of Site Plan Review Action.** Each action taken with reference to a site plan review shall be duly recorded in the minutes of the Commission. The grounds for action taken upon each site plan shall also be recorded in the minutes. After the Commission has taken final action on a site plan, the Commission secretary shall clearly mark three (3) copies of the application and final site plans APPROVED or DENIED, as appropriate, with the date that action was taken. The conditions of approval, if any, shall be recorded on the approved site plan. One (1) marked copy will be returned to the applicant and the other two (2) copies will be kept on file by the Municipality.

11. **Application for Building Permit.** Prior to issuance of a building permit by the County, the applicant shall submit proof of the following:

    a. Final approval of the site plan.
    b. Final approval of the engineering plans.
    c. Acquisition of all other applicable Municipal, County, or State permits.

12. **Application for Certificate of Occupancy.** Following building construction and completion of site work, the applicant may apply to the Municipality, for a certificate of occupancy or a temporary certificate of occupancy from the Zoning Inspector in accordance with the procedures set forth in this Ordinance. It shall be the applicant's responsibility to obtain the required certificates prior to any occupancy of the property.

13. **Expiration of Site Plan.** If construction has not commenced within eighteen (18) months of final approval of the site plan, the site plan approval becomes null and void and a new application for site plan review shall be required. The Commission may grant a twelve (12) month extension, upon written request from the applicant, if it finds that the approved site plan adequately represents current conditions on and surrounding the site. The written request for extension must be received prior to the site plan expiration date or a new application for site plan review shall be required.

14. **Revocation of Site Plan Approval.** Approval of a site plan may be revoked by the Commission if construction is not in conformance with the approved plans. In such a case, the Zoning Inspector shall place the site plan on the agenda of the Commission for consideration, and give written notice to the applicant at least ten (10) days prior to the meeting. The applicant shall be given the opportunity to present information to the Commission and answer questions. The Commission may revoke the approval of the site plan if it finds that a violation exists and has not been remedied prior to the hearing.

15. **Performance Guarantee.** The Commission or Zoning Inspector may require that a performance guarantee be deposited with the Municipality to insure faithful completion of improvements, in accordance with this Ordinance.

16. **Site Maintenance After Approval:** It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until:

    a. the property is razed;
    b. new zoning regulations supersede the regulations upon which site plan approval was based; or
    c. a new site design is approved following Commission review.

Any property owner who fails to maintain an approved site plan in full compliance with approvals granted by the Commission according to the provisions of these regulations, shall be deemed in violation of the use provisions of these regulations and shall be subject to the penalties stated in this Ordinance.

D. **Administrative Review**

Minor modifications to an approved site plan may be reviewed and approved by the Zoning Inspector consistent with the minimum information requirements of this Ordinance, provided that the modifications do not involve any one (1) of the following items:

a request for a variance;
a special land use;
a planned development plan; or
the continuation of a nonconforming use or structure.

Minor modifications that require a variance, special land use, planned development, or continuation of a nonconforming use or structure shall be subject to review and approval by the Commission.

1. **Minor Modification Defined.** Minor modifications are changes that do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public services, or the vulnerability to hazards. Examples of minor modifications include:

   a. An addition to an existing building that does not increase or decrease the floor space by more than twenty-five (25) percent or three thousand (3,000) square feet, whichever is less.
   b. Re-occupancy of a building by a similar use permitted by these regulations.
   c. Changes to building height that do not add an additional floor.
   d. Additions or alterations to the landscape plan or landscape materials.
   e. Relocation or re-sizing utility supply lines or service connections.
   f. Relocation or screening of the trash receptacle.
   g. Alterations to the internal parking layout of an off-street lot in which the total available spaces is unchanged.

   Construction of a new building or structure, adding or deleting parking spaces, constructing additional stories or the introduction of additional curb cuts onto a public road are examples of modifications that are not considered minor.

2. **Determination of Minor Modification.** The Zoning Inspector shall determine if the proposed modifications are minor in accordance with the guidelines in this Section. In

order to make a determination, the Zoning Inspector may solicit comments and recommendations from the Solicitor, Administrator, and public safety officials, as deemed necessary.

3. **Modifications Not Deemed "Minor".** If the modifications are not deemed minor by the Zoning Inspector, then review and approval of the changes by the Commission shall be required. Council review and approval shall be required for a modifications to a site plan that originally required Council approval.

4. **Recording of Action.** Each action related to modification of a site plan shall be duly recorded in writing on a copy of the approved plan, and shall be kept on file in the office of the Zoning Inspector. The Zoning Inspector shall have the authority to require a new site plan for the purposes of clarity. The Commission shall be advised of all minor site plan modifications approved by the Zoning Inspector and such modifications shall be noted on the site plan and in the minutes of the Commission.

5. **Required Information for Sketch Plans.** The following information shall accompany or be included on all sketch plans:

   a. An application form provided by the Municipality shall be prepared and submitted with the sketch plan.

   b. Sketch plans shall consist of an overall plan for the building and site or part of a site related to the building. The plan shall be drawn to a scale of not less than one inch equals twenty feet (1" = 20') for property less than one (1) acre, one inch equals thirty feet (1" = 30') for property larger than one (1) acre, and one inch equals fifty feet (1" = 50') for property larger than three (3) acres. Sheet size shall be at least twenty-four (24) inches by thirty-six (36) inches. The following description and identification information shall be included on all sketch plans:

      (1) Scale and northpoint.

      (2) Name, address, and telephone number of the applicant and the person preparing the drawing.

      (3) Zoning classification of the subject site.

      (4) Property boundary lines and dimensions; if more than one (1) lot is included in the site, the lot lines of each lot shall be indicated.

      (5) Front, side, and rear setbacks dimensioned from the minimum location(s).

      (6) Existing and proposed driveways and edges of all existing and proposed paved surfaces, as required.

      (7) Parking spaces for the use, at the size required by this Ordinance.

      (8) The outline and dimensions of all existing and proposed exterior building walls on the site.

(9) All exterior site improvements or modifications proposed in conjunction with the use described on the sketch plan including, but not limited to, building construction, new pavement, landscaping, trash receptacle, and site clearing.

(10) A written description of he proposed use.

(11) A floor plan describing the use of all interior floor space.

E. **Site Plan Application Data Requirements**

The following information shall be included with all site plan submittals:

1. **Application Form.** The application form shall contain the following information:

a. Applicant's name and address.
b. Name and address of property owner, if different from applicant.
c. Common description of property and complete legal description.
d. Dimensions of land and total acreage.
e. Existing zoning.
f. Proposed use of land and name of proposed development, if applicable.
g. Proposed buildings to be constructed, including square feet of gross floor area.
h. Project value.
i. Employment opportunities created, if applicable.

2. **Site Plan Descriptive and Identification Data.** Site plans shall consist of an overall plan for the entire development, drawn to a scale of not less than 1 inch = 50 feet for property less than 3 acres, and 1 inch = 100 feet for property 3 acres or more in size. Sheet size shall be at least 24 inches by 36 inches. The following descriptive and identification information shall be included on all site plans:

a. Applicant's name, address, and telephone number.
b. Title block indicating the name of the development.
c. Scale.
d. Northpoint.
e. Dates of submission and revisions (month, day, year).
f. Location map drawn to scale with northpoint.
g. Legal and common description of property.
h. The dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is a part of a larger parcel, the plan should indicate the boundaries of total land holding.
i. Identification and seal of architect or engineer who prepared plan. The seal of a land surveyor may be accepted if the site plan involves no building or

engineering. The seal of a landscape architect may be accepted on landscaping plans.

j. Written description of proposed land use.

k. Zoning classification of petitioner's parcel and all abutting parcels.

l. Proximity to section corner and major thoroughfares.

m. Notation of any variances which have or must be secured.

n. Net acreage (minus rights-of-way) and total acreage, to the nearest 1/10 acre.

3. **Site Data.**

a. Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site.

b. Front, side, and rear setback dimensions.

c. Topography on the site and within 100 feet of the site at two foot contour intervals, referenced to a U.S.G.S. benchmark.

d. Proposed site plan features, including buildings, roadway widths and names, and parking areas.

e. Dimensions and centerlines of existing and proposed roads and road rights-of-way.

f. Acceleration, deceleration, and passing lanes, where required.

g. Proposed location of driveway entrances and on-site driveways.

h. Cross-section of any proposed roads.

i. Location of existing drainage courses, floodplains, lakes and streams, with elevations.

j. Location of existing and proposed interior sidewalks and sidewalks in the right-of-way.

k. Exterior lighting locations and method of shielding lights from shining off the site.

l. Trash receptacles locations and method of screening, if applicable.

m. Transformer pad location and method of screening, if applicable.

n. Layout of off-street parking areas and indication of total number of spaces and typical dimensions of spaces.

o. Method of surfacing driveways, parking areas, and other vehicle maneuvering areas.

p. Information needed to calculate required parking in accordance with Zoning Ordinance standards.

q. The location of lawns and landscaped areas, including required landscaped greenbelts.

r. Landscape plan, including location, spacing and types of shrubs, trees, and other live plant material.

s. Location, sizes, and types of existing trees five (5) inches or greater in diameter, measured at one (1) foot off the ground, before and after proposed development.

t. Cross-section of proposed berms.

u. Location and description of all easements for public rights-of-way, utilities, access, shared access, and drainage.

v. Designation of fire lanes.

w. Loading/unloading area.

x. The location of any outdoor storage of materials and the manner by which it will be screened.

4. **Building and Structure Details.**

a. Location, height, and outside dimensions of all proposed buildings or structures.

b. Indication of the number of stores and number of commercial or office units contained in the building.

c. Building floor plans.

d. Total floor area.

e. Location, size, height, and lighting of all proposed signs.

f. Proposed fences and walls, including typical cross-section and height above the ground on both sides.

g. Building facade elevations, drawn to a scale of one (1) inch equals four (4) feet, or another scale approved by the Zoning Inspector and adequate to determine compliance with the requirements of this Ordinance. Elevations of proposed buildings shall indicate type of building materials, roof design, projections, canopies, awnings and overhangs, screen walls and accessory buildings, and any outdoor or roof-located mechanical equipment, such as air conditioning units, heating units, and transformers.

5. **Information Concerning Utilities, Drainage, and Related Issues.**

a. Schematic layout of existing and proposed sanitary sewers and septic systems; water mains, well sites, and water service leads; hydrants that would be used by public safety personnel to serve the site; storm sewers and drainage facilities, including the location of retention/detention facilities; and, the location of gas, electric, and telephone lines.

b. Indication of site grading and drainage patterns.

c. Types of soils and location of floodplains and wetlands, if applicable.

d. Soil erosion and sedimentation control measures.

e. Proposed finish grades on the site, including the finish grades of all buildings, driveways, walkways, and parking lots.

f. Assessment of potential impacts from the use, processing, or movement of hazardous materials or chemicals, if applicable.

6. **Information Applicable to Multiple-Family Residential Development.**

   a. The number and location of each type of residential unit (one bedroom units, two bedroom units, etc.).
   b. Density calculations by type of residential unit (dwelling units per acre).
   c. Lot coverage calculations.
   d. Floor plans of typical buildings with square feet of floor area.
   e. Garage and carport locations and details, if proposed.
   f. Pedestrian circulation system.
   g. Location and names of roads and internal drives.
   h. Community building location, dimensions, floor plans, and facade elevations, if applicable.
   i. Swimming pool fencing detail, including height and type of fence, if applicable.
   j. Location and size of recreation open areas.
   k. Indications of type of recreation facilities proposed for recreation area.
   l. Colored rendering of typical building.

7. **Information Applicable to Mobile Home Parks.**

   a. Location and number of pads for mobile homes.
   b. Distance between mobile homes.
   c. Proposed placement of mobile home on each lot.
   d. Average and range of size of mobile home lots.
   e. Density calculations (dwelling units per acre).
   f. Lot coverage calculations.
   g. Garage and carport locations and details, if proposed.
   h. Pedestrian circulation system.
   i. cation and names of roads and internal drives.
   j. Community building location, dimensions, floor plans, and facade elevations, if applicable.
   k. mming pool fencing detail, including height and type of fence, if applicable.
   l. cation and size of recreation open areas.
   m. Indications of type of recreation facilities proposed for recreation area.

8. **Information Applicable to Commercial and Industrial Development.**

   a. Type of commercial or industrial use being proposed.
   b. Indication of the estimated number of employees.

9. **Non-Applicable Items.** If any of the items listed are not applicable to a particular site, the site plan shall provide a list of each item considered not applicable, and the reason(s) why each listed item is not considered applicable.

10. **Other Required Data.** Other data may be required if deemed necessary by administrative officials or the Commission to determine compliance with the provisions in this Ordinance. Such information may include traffic studies, market analysis, environmental assessments, and evaluation of the demand on public facilities and services.

F. **Standards for Site Plan Approval**

The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

1. **Adequacy of Information.** The site plan shall include all required information in sufficient complete and understandable form to provide an accurate description of the proposed uses and structures.

2. **Site Design Characteristics.** All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance.

3. **Appearance.** Landscaping, earth berms, fencing, signs, walls, and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.

4. **Functional Considerations.** In commercial and industrial districts the nature, location, height, size and site layout shall be such that it will be a harmonious part of the district in which the use is located, taking into account prevailing shopping habits, convenience and access by patrons, the physical and economic relationship of one type of use to another, characteristic groupings of uses in a commercial or industrial district, and other similar economic and functional considerations.

5. **Compliance with District Requirements.** The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in the Schedule of Regulations, unless otherwise provided in this Ordinance.

6. **Preservation of Natural Areas.** The landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal, alteration to the natural drainage courses, and the amount of cutting, filling, and grading.

7. **Privacy.** The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and users.

8. **Emergency Vehicle Access.** All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.

9. **Ingress and Egress.** Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways.

10. **Pedestrian Circulation.** The site plan shall provide a pedestrian circulation system which is insulated as completely as is reasonably possible from the vehicular circulation system.

11. **Vehicular and Pedestrian Circulation Layout.** The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry. In order to insure public safety and promote efficient traffic flow and turning movements, the applicant may be required to limit street access points or construct a secondary access road.

12. **Drainage.** Appropriate measures shall be taken to insure that the removal of surface waters will not adversely affect adjoining properties or the capacity of the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of stormwater facilities, and the prevention of erosion. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. Grading and drainage plans shall be subject to review by the Municipal Engineer.

13. **Soil Erosion and Sedimentation.** The proposed development shall include measures to prevent soil erosion and sedimentation.

14. **Exterior Lighting.** Exterior lighting shall be designed so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets.

15. **Public Services.** Adequate services and utilities, including water, sanitary sewer, and storm water control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development.

16. **Screening.** Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are visible from adjacent homes or from public roads, shall be screened by walls or landscaping of adequate height.

17. **Vulnerability to Hazards.** The level of vulnerability to injury or loss from incidents involving hazardous materials or processes shall not exceed the capability of the Municipality to respond to such hazardous incidents so as to prevent injury and loss of life and property.

    In making such an evaluation, the Municipality shall consider the location, type, characteristics, quantities, and use of hazardous materials or processes in relation to the personnel, training, equipment and materials, and emergency response plans and capabilities of the Municipality. Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, or nearby water bodies.

18. **Health and Safety Concerns.** Any use in any zoning district shall comply with applicable Federal, state, County, and local health and pollution laws and regulations with respect to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic radiation; radioactive materials; and, toxic and hazardous materials.

19. **Sequence of Development.** All development phases shall be designed in logical sequence to insurer that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

20. **Coordination with Adjacent Sites.** All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space shall be coordinated with adjacent properties.

21. **Barrier-Free Access.** All development shall comply with applicable Federal, state, and local laws and regulations regarding barrier-free access.

Section 24.03 SPECIAL USES

A. **Intent**

The procedures and standards in this Section are intended to provide a consistent and uniform method for review of proposed plans for special uses. Special uses are either public or private uses which posses unique characteristics and therefore cannot be properly classified as permitted uses in a particular zoning district. The review procedures and standards are intended to ensure full compliance with the standards contained in this Ordinance and other applicable local ordinances, and state and Federal laws, to achieve efficient use of the land, to protect

natural resources, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the Municipality and the applicant to facilitate development in accordance with the Municipality's land use objectives.

B. **Procedures and Requirements**

The following procedures and requirements shall be complied with in the review of special use proposals:

1. **Summary of Review Process.** A two-step review process is required for all special use proposals. Approval of the special use itself is required in the first step. The second step involves review and approval of the site plan.

2. **Applicant.** The application shall be submitted by the owner of an interest in land for which special use approval is sought, or by owner's the designated agent. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the proposal may be tabled due to lack of representation.

3. **Application Forms and Documentation.** The application for special use review shall be made on the forms and according to the guidelines provided by the Municipality.

4. **Application Data Requirements.** For all special uses, a site plan shall be required in accordance with the requirements of this Ordinance. In addition, the applicant shall complete any forms and supply any other data as may be required by the Commission, or Zoning Inspector to make the determination required, including a written statement documenting compliance with the standards set forth in this Ordinance. Data requirements and regulatory guidelines for certain special uses are set forth in this Ordinance.

5. **Site Plan Preparation.** The site plan shall be prepared in the manner specified in this Ordinance and on the special use application form. A site plan which does not meet the stipulated requirements shall be considered incomplete and shall not be eligible for formal review. At any time during the course of preparation of a site plan, the Municipal staff shall upon request provide information concerning the procedures and standards of this Ordinance.

6. **Submission of a Completed Plan and Application.** Three (3) special use applications, fifteen (15) copies of the completed site plan, and required fee shall be submitted to the Municipality at least thirty (30) days before the Planning Commission's next meeting.

7. **Distribution of Plan and Application.** The site plans and application for special use review shall be distributed to appropriate Municipal officials and the Municipal Planner and Municipal Engineer, if requested by the Municipality, for review.

8. **Initial Consideration by the Commission.** At the first regular meeting at which a special use application and plan is considered, the Commission shall first determine whether to accept the proposal for processing. If accepted for processing, the Commission shall schedule a public hearing in accordance with the guidelines set forth below.

9. **Public Hearing.** Upon receipt of the complete plan and application for a special use, a public hearing shall be scheduled. Notice of the public hearing shall be published in a newspaper which circulates in the Municipality, and sent by certified mail or personal delivery to the owners of property within three hundred (300) feet of any part of the property in question. The notice shall:

   a. Describe the nature of the special use request.
   b. Indicate the property which is the subject of the special use request.
   c. State when and where the special use request will be considered.
   d. Indicate when and where written comments will be received concerning the request.

   Such notification shall be mailed no less than ten (10) days before the hearing. The notification of the hearing published in the newspaper of general circulation in the Municipality shall be published at least once not more than thirty (30) days or less than ten (10) days before the meeting.

10. **Review by the Zoning Inspector.** The Zoning Inspector or the Municipal Planner and Municipal Engineer, if requested by the Municipality, shall review the site plan and special use request, and prepare written reviews as follows:

    a. One review shall consider the special use request, and determine whether the request is reasonable, based on the standards in this Ordinance.
    b. A second review shall consider the site plan, and shall specify any deficiencies and make recommendations as appropriate.

11. **Commission Consideration.** Following the public hearing, the special use proposal and site plan shall be reviewed by the Commission in relation to applicable standards and regulations, and in relation to the intent and purpose of this Ordinance. The Commission shall consider the comments and recommendations from the Zoning Inspector, Municipal Planner, Municipal Engineer, Public Safety Officials, and other reviewing agencies.

    If the Commission determines that revisions are necessary to bring the special use application or site plan into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised materials. Approval of the special use request and site plan require separate actions; consequently, the Commission

is not required to act on both simultaneously or at the same meeting. Approval of the special use request should precede approval of the site plan.

12. **Submission of Revised Plan and Special Use Application.** If required, the applicant shall revise the application and/or site plan, based on the requirements and recommendations set forth in the written reviews. The applicant shall then submit three (3) special review applications, fifteen (15) copies of the revised site plan and the required fee for further review. The revised site plan and special use application materials shall be reviewed by the Commission within thirty (30) days after the Municipality receives a complete revised site plan and special use application. If the plan and application are in compliance with required revisions, the proposal shall be placed on the agenda of the next scheduled meeting of the Commission for further review and possible action.

13. **Commission Determination.** The Commission shall review the application for a special use proposal, together with the public hearing findings and reports and recommendations from the Zoning Inspector, Municipal Planner, Municipal Engineer, Public Safety Officials, and other reviewing agencies. The Commission is authorized to approve, approve with conditions, or deny a special use proposal as follows:

    a. **Approval.** Upon determination that a special use proposal is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, approval shall be granted.

    b. **Approval with Conditions.** The Commission may impose reasonable conditions with the approval of a special use. The conditions may include provisions necessary to insure that public services and facilities affected by a proposed special use or activity will be capable of accommodating increased service and facility loads generated by the new development, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

        (1) Conditions shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

        (2) Conditions shall be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

        (3) Conditions shall be necessary to meet the intent and purpose of this Ordinance, related to the standards established in this Ordinance for the land use or activity under consideration, and necessary to insure compliance with those standards.

c. **Denial.** Upon determination by the Commission that a special use proposal does not comply with the standards and regulations set forth in this Ordinance, or otherwise will be injurious to the public health, safety, welfare, and/or orderly development of the Municipality, a special use proposal shall be denied.

The Commission is further authorized to make a determination on the final site plan, subject to the guidelines specified in this Ordinance.

14. **Recording of Commission Action.** Each action taken with reference to a special use proposal shall be duly recorded in the minutes of the Commission. The minutes shall record the findings of fact relative to each special use proposal, the grounds for action taken, and any conditions imposed in conjunction with approval. All records of proceedings shall be kept on file and made available to the public.

15. **Application for Building Permit.** Prior to issuance of a building permit, the applicant shall submit proof of the following:

a. Final approval of the special use application and site plan.
b. Final approval of the engineering plans.
c. Acquisition of all other applicable Municipal, County, State, and Federal permits.

16. **Expiration of Site Plan.** If construction has not commenced within eighteen (18) months of final approval, the special use approval becomes null and void and a new application for special use review shall be required. The Commission may grant one (1) twelve (12) month extension, upon written request from the applicant, if it finds that the approved site plan adequately represents current conditions on and surrounding the site. The written request for extension must be received prior to the expiration date or a new application for special use review shall be required.

17. **Revocation of Special Use Approval.** Approval of a special use proposal and site plan may be revoked by the Commission if construction is not in conformance with the approved plans. In such a case, the Zoning Inspector shall place the special use on the agenda of the Commission for consideration, and give written notice to the applicant at least fifteen (15) days prior to the meeting. The applicant shall be given the opportunity to present information to the Commission and answer questions. The Commission may revoke approval if it finds that a violation exists and has not been remedied prior to the hearing.

C. Standards for Granting Special Land Use Approval

Approval of a special use proposal shall be based on the determination that the proposed use will comply with all applicable requirements of this Ordinance, including site plan review criteria, applicable site development standards for specific uses, and the following standards:

1. **Compatibility with Adjacent Uses.** The proposed special use shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design of the proposed special use shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:

    a. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
    b. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
    c. The hours of operation of the proposed use. Approval of a special use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
    d. The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.

2. **Compatibility with the Comprehensive Plan.** The proposed special use shall be compatible with and in accordance with the general principles and objectives of the Comprehensive Plan and shall promote the intent and purpose of this Ordinance.

3. **Public Services.** The proposed special use shall be located so as to be adequately served by essential public facilities and services, such as highways, streets, police and fire protection, drainage systems, water and sewage facilities, and schools.

4. **Impact of Traffic.** The location of the proposed special use within the zoning district shall minimize the impact of the traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:

    a. Proximity and access to major thoroughfares.
    b. Estimated traffic generated by the proposed use.
    c. Proximity and relation to intersections.
    d. Adequacy of driver sight distances.
    e. Location of and access to off-street parking.
    f. Required vehicular turning movements.
    g. Provisions for pedestrian traffic.

5. **Detrimental Effects.** The proposed special use shall not involved any activities, processes, materials, equipment, or conditions of operations, and shall not be located or designed so as to be detrimental to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.

6. **Enhancement of Surrounding Environment.** The proposed special use shall provide the maximum feasible enhancement of the surrounding environment, and shall not unreasonably affect their value. In determining whether this requirement has been met, consideration shall be given to:

   a. The provision of landscaping and other site amenities. Provision of additional landscaping over and above the requirements of this Ordinance may be required as a condition of approval of a special use.
   b. The bulk, placement, and materials of construction of proposed structures in relation to surrounding uses.

7. **Isolation of Existing Uses.** The location of the proposed special use shall not result in a small residential area being substantially surrounded by non-residential development, and further, the location of the proposed special land use shall not result in a small non-residential area being substantially surrounded by incompatible uses.

8. **Based on Need.** The Commission shall find that a need for the proposed use exists in the community at the time the special use application is considered.

Section 24.04 PLANNED UNIT DEVELOPMENTS

A. Intent

The procedures and standards in this section are intended to provide a consistent and uniform method for review of planned unit development proposals. The planned unit development regulations are intended to provide design and regulatory flexibility so as to accomplish the objectives of this Ordinance, using innovative and effective planning. The review procedures and standards set forth in this section are intended to ensure full compliance with the standards contained in this Ordinance and other applicable local ordinances, and state and federal laws. These regulations are further intended to achieve efficient use of land, to protect natural resources, and to prevent adverse impact on adjoining or nearly properties. It is the intent of these provisions to encourage cooperation and consultation between the Municipality and the applicant so as to facilitate development in accordance with the Municipality's land use objectives.

B. Procedures and Requirements

The approval of a planned unit development application shall require an amendment to this Ordinance to revise the Zoning Map and designate the subject property as "Planned Unit Development". Approval granted under this section, including all aspects of the final plan and conditions imposed on it, shall constitute an inseparable part of the zoning amendment.

A two-step approval process is required for planned unit development proposals. The first step involves detailed review of a Preliminary Development Plan by the Commission, followed by review and approval of the rezoning by the Council. The second step involves review of the Final Site Plan in accordance with normal site plan review procedures. Review procedures and standards are described in detail as follows:

1. **Applicant.** The application shall be submitted by the owner of an interest in land for which planned unit development approval is sought, or by the owner's designated agent. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the plan may be tabled due to lack of representation.

2. **Application Forms and Documentation.** The application for planned unit development shall be made on the forms and according to the guidelines provided by the Municipality.

3. **Application Data Requirements.** Application for planned unit development shall include all data requirements specified in this Ordinance. In addition, the applicant shall complete any forms and supply any other data as may be required by the Zoning Inspector, Commission, Council, Municipal Planner, or other reviewer specified herein. At any time during the course of preparation of a planned unit development application, the Municipal staff shall upon request provide information concerning the procedures and standards of this Ordinance.

4. **Submission of Completed Plan and Application.** The planned unit development application materials, required fees, and sufficient copies of the completed Preliminary Development Plan shall be submitted to the Zoning Inspector. The proposal will be placed on the Commission agenda to be formally accepted for processing and to set a public hearing date.

5. **Distribution of Plan and Application.** The Preliminary Development Plan and application shall be distributed to appropriate Municipal officials and the Municipal Planner and Municipal Engineer for review, if requested by the municipality.

6. **Initial Consideration by the Commission.** At the first regular meeting at which a Preliminary Development Plan and application are considered, the Commission shall first determine whether to accept the proposal for processing. If accepted for processing, the Commission shall schedule a public hearing in accordance with the guidelines set forth below.

7. **Public Hearing.** Upon receipt of a Preliminary Development Plan and application for a planned unit development, a public hearing shall be scheduled in accordance with the hearing requirements for Special Uses under Section 24.03 B.9. in this Ordinance.

8. **Review by Municipal Planner and Municipal Engineer.** The Zoning Inspector and/or the Municipal Planner and Municipal Engineer shall review the Preliminary Development Plan and planned unit development application materials, and prepare written review, which shall specify any deficiencies and make recommendations as appropriate.

9. **Commission Consideration.** Following the public hearing, the Preliminary Development Plan and planned unit development application shall be reviewed by the Commission in relation to applicable standards and regulations, compliance with the planned unit development regulations, and consistency with intent and spirit of this Section. The Commission shall consider the comments and recommendations from the Zoning Inspector, Municipal Planner, Municipal Engineer, Public Safety Officials, and other reviewing agencies.

   If the Commission determines that revisions are necessary to bring the planned unit development proposal into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised Preliminary Development Plan.

10. **Submission of Revised Plan and Planned Unit Development Application.** The applicant shall revise the Preliminary Development Plan and application materials, based on the requirements and recommendations set forth in the written review. The applicant shall then submit sufficient copies of the revised application and plan for further review. The revised plan and application materials shall be reviewed by the Commission within thirty (30) days after the Municipality receives a complete revised plan and application.

    If the plan and application are in compliance with the required revisions, the proposal shall be placed on the agenda of the next scheduled meeting of the Commission for further review and possible action.

11. **Commission Determination.** The Commission shall review the Preliminary Development Plan and application for planned unit development, together with the public hearing findings and reports and recommendations from the Municipal Planner, Zoning Inspector, Municipal Engineer, Public Safety Officials, and other reviewing agencies. The Commission shall then make a recommendation to the Council, based on the requirements and standards of this ordinance, including the development standards in this Ordinance. The Commission may recommend approval, approval with conditions, or denial as follows:

    a. **Approval.** Upon determination by the Commission that the Preliminary Development Plan and application for planned unit development are in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the Commission shall recommend approval.

b. **Approval with Conditions.** The Commission may recommend that the Council impose reasonable conditions with the approval of a Preliminary Development Plan and application for planned unit development, to the extent authorized by law, for the purposes of insuring that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development, protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designated to protect the natural resources and the public health, safety and welfare of individuals in the development and those immediately adjacent, and the community as a whole. Conditions imposed shall also be necessary to meet the intent and purpose of this Ordinance. In the event that the planned unit development is approved subject to specified conditions, such conditions shall become a part of the record of approval, and such conditions shall be modified only as provided in this Section.

c. **Denial.** Upon determination by the Commission that a planned unit development proposal does not comply with the standards and regulations set forth in this Ordinance, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the Municipality, the Commission shall recommend denial.

The Commission shall prepare and transmit a report to the Council stating its conclusions and recommendation, the basis for its recommendation, and any recommended conditions relating to an affirmative decision.

12. **Submission of Plan for Council Review.** After the Commission makes its recommendation, the applicant shall make any required revisions and submit sufficient copies of the revised Preliminary Development Plan and application for Council review. The site plan and supporting materials shall be submitted at least fifteen (15) working days prior to a scheduled meeting at which Council review is desired. A public hearing shall be held in the same manner as required for amendments to this Ordinance.

13. **Council Determination.** The Council shall make a determination based on review of the Preliminary Development Plan together with the findings of the Commission, and the reports and recommendations from the Municipal Planner, Zoning Inspector, Municipal Engineer, Public Safety Officials, and other reviewing agencies. Following completion of its review, the Council shall approve, approve with conditions, or deny a planned unit development proposal in accordance with the same guidelines as described under Commission Determination, above.

14. **Recording of Commission and Council Action.** Each action taken with reference to a planned development shall be duly recorded in the minutes of the Commission or Council as appropriate. The grounds for the action taken shall also be recorded in the minutes.

15. **Effect of Approval.** Approval of a Preliminary Development Plan and application for planned unit development shall constitute an amendment to this Ordinance. Final site plans and subsequent improvement and use of the site shall be in conformity with the planned unit development amendment and any conditions imposed. Notice of the adoption of the amendment shall be published in accordance with the requirements set forth in this Ordinance. The applicant shall record an affidavit with the County Recorder containing the legal description of the entire project, specifying the date of approval, and declaring that all future improvements will be carried out in accordance with the approved Preliminary Development Plan, unless an amendment thereto is adopted by the Municipality upon request of the applicant or his successors.

16. **Final Site Plan Review and Approval.** Following approval of the Preliminary Plan and rezoning to Planning Unit Development, the applicant shall submit Final Site Plans for all or a portion of the total development for review by the Commission in accordance with normal site plan review procedures. The Commission shall insure that the final site plan is in conformity with the Preliminary Development Plan as previously approved and that proposed phasing is in compliance with the requirements of this Ordinance.

17. **Application for Building Permit.** Prior to issuance of a building permit for all or a portion of the total development, the applicant shall submit proof of the following:

    a. Approval of the Final Site Plan and planned unit development application.
    b. Final approval of the engineering plans.
    c. Acquisition of all other applicable Municipal, County, State, and Federal permits.

18. **Expiration of Site Plan.** If construction has not commenced within eighteen (18) months of final approval, the approval becomes null and void and a vew application for planned unit development shall be required. The Council may grant one (1) twelve (12) month extension, upon written request from the applicant, if it finds that the approved site plan adequately represents current conditions on and surrounding the site.

    The written request for extension must be received prior to the approval expiration date. In the event that an approved planned unit development plan becomes null and void, the Municipality shall initiate proceedings to amend the zoning classification of the site.

19. **Performance Guarantee.** The Commission, Council, or Zoning Inspector may require that a performance guarantee be deposited with the Municipality to insure faithful completion of improvements, in accordance with the requirements of this Ordinance.

20. **Revision of Approved Plans.** General revisions to approved final plans for a planned unit development may be revised in accordance with the procedures set forth in this Ordinance for review and approval of the original plan. Minor changes may be permitted by the Commission following normal site plan review procedures outlined in this Ordinance, subject to the finding that: 1) Such changes will not adversely affect the

initial basis for granting approval, and 2) such minor changes will not adversely affect the overall planned unit development in light of the intent and purpose of such development as set forth in this Ordinance. Revisions deemed major to approved final plans for a planned unit development require Commission and Council review and approval as required in Section 24.04

C. **Application Data Requirements**

Applications for planned unit development shall include all data requirements specified in this sub-section. All information required in this sub-section shall be kept updated until a Certificate of Occupancy has been issued.

1. **Requirements for Preliminary Development Plan Review.** The following information shall be provided prior to Preliminary Development Plan review:

   a. The name, address, and telephone number of all persons with an ownership interest in the land on which the planned unit development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, lessee, or land contract vendee).
   b. The name, address and telephone number of all engineers, attorneys, architects, and land surveyors associated with the project.
   c. The name, address and telephone number of the developer or proprietor of the planned unit development project.
   d. The legal description of the land on which the planned unit development project will be developed, together with appropriate tax identification numbers.
   e. The acreage of the land on which the planned unit development project will be developed.
   f. An overall plan for the planned development. The overall plan shall graphically represent the development concept using maps and illustrations to indicate each type of use, square footage or acreage allocated to each use, appropriate locations of each principal structure and use in the development, setbacks, and typical layouts and elevations for each type of use. The overall plan shall clearly delineate each type of residential use; office, commercial and other non-residential use; each type of open space; community facility or public areas; and other types of land use.
   g. Amount of open space shown in acres and as a percent of the total development parcel.
   h. A written description of the proposed project, including description of the types of proposed uses, approximate number of buildings and residential units to be developed, and projected population.
   i. A map showing the existing zoning designations for the subject property and all land within one quarter mile.
   j. A map showing the existing use of the subject property and all land within one quarter mile.

k. A map and written explanation of the relationship of the proposed planned unit development to the Comprehensive Plan.

l. Maps and written analysis of the significant natural, cultural, and geographic features of and near the site. Features which shall be considered include:

(1) Topography, particularly unusual slopes and unique ground forms. The Commission may require submission of a topographic survey at two foot contour intervals, referenced to a U.S.G.S. benchmark.

(2) Existing vegetation, including tree stands and specimen or landmark trees.

(3) Water courses, wetlands, and drainage courses.

(4) Types of soils.

(5) Streets and rights-of-ways, utility easements, and other rights-of-way or easements.

m. An analysis of the traffic impact of the proposed planned development on existing and proposed streets.

n. Information concerning the proposed method of serving the site with public facilities, including sanitary sewage treatment, public water, and stormwater drainage.

o. An analysis of the fiscal impact of the proposed planned development on the Municipality and the school district in which the development is located.

p. Evidence of market need for proposed use(s) and feasibility of the project.

q. A specific schedule of the intended development and construction details, including the phasing or timing of all proposed improvements.

2. **Requirements for Final Site Plan Review.** In addition to the requirements for Preliminary Development Plan review, applications for Final Site Plan approval shall include all data requirements for Final Site Plan approval shall include all data requirements for the site plan review as specified in this Ordinance.

Section 24.05 VARIANCES AND APPEALS

A. **Intent**

The purpose of this section is to provide guidelines and standards to be followed by the Board in considering requests for variances and appeals, where the jurisdiction of the Board has been established by this Ordinance.

Generally, an appeal may be taken to the Board by any person, firm, or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Commission or any administrative official or body charged with enforcement of this Ordinance. Furthermore, where due to special conditions a literal enforcement of the provisions of this Ordinance would

involve practical difficulties or cause unnecessary hardships, within the meaning of this Ordinance, the Board shall have the power to authorize certain variances from the rules or provisions of this Ordinance, with such conditions and safeguards as it may determine are necessary so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done.

B. **Stay of Proceedings**

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Inspector certifies to the Board, after notice of appeal has been filed, that by reason of the facts stated in the appeal, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by a Court of competent jurisdiction, on application and upon notification of the Zoning Inspector, and on due cause shown.

C. **Application Procedures**

1. **Application to the Board.** Variances and appeals of any nature in which Board action is sought shall be commenced by a person filing an "Application to the Board of Zoning Appeals" with the Zoning Inspector, on such forms and accompanied by such fees as may be specified. The application shall specify the grounds upon which the appeal is based and shall be signed. Applications involving a request for a variance shall specify the requirements from which a variance is sought and the nature and extent of such variance. Applications involving a specific site shall be accompanied by a sketch which includes the following information, where applicable:

    a. Applicant's name, address, and telephone number.
    b. The address of the parcel that is the subject of the appeal.
    c. Scale, northpoint, and dates of submission and revisions.
    d. Zoning classification of petitioner's parcel and all abutting parcels.
    e. Existing lot lines, building lines , structures, parking areas, driveways, and other improvements on the site and within 50 feet of the site.
    f. Proposed lot lines and lot dimensions, and general layout of proposed structures, parking areas, driveways, and other improvements on the site.
    g. Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys.
    h. Location of existing drainage courses, floodplains, lakes and streams, and woodlots.
    i. All existing and proposed easements.
    j. Location and size of watermains, well sites, and building service, existing and proposed.
    k. Any additional information required by the Board to make the determination requested based on the criteria set forth in this Ordinance.

Where an Application involves a variance sought in conjunction with a regular site plan review, the application data requirements for site plan review as set forth in this Ordinance shall be complied with.

2. **Review by the Board.** The Zoning Inspector shall forward the application, along with any supporting materials and plans to the Board. The Board shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties involved, and decide the appeal within a reasonable time. A public hearing shall be scheduled in accordance with the hearing requirements for Special Uses under Section 24.03 B.9. in this Ordinance. At the hearing, a party may appear in person or by agent or by attorney. The Board may table the variance request if the applicant or a representative is not present at the meeting.

3. **Decision by the Board.** The concurring vote of a majority of the members of the Board shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant any matter upon which they are required to pass under, or to effect any variation in an ordinance adopted by the Municipality.

   The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, in accordance with the guidelines set forth herein. To that end, the Board shall have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit. The Board may impose conditions with an affirmative decision. The decision of the Board shall be final, but a person having an interest affected by this Ordinance may appeal a decision of the Board in a manner as provided in the Revised Code.

4. **Record of Appeal.** The Board shall prepare and retain a record of each appeal, and shall base its decision on this record. This record shall include:

   a. The relevant administrative records and the administrative orders issued thereon relating to the appeal.
   b. The notice of the appeal.
   c. Such documents, exhibits, plans, photographic or written reports as may be submitted to the Board for its consideration.

   The written findings of fact, the decisions, and the conditions imposed by the Board in acting on the appeal shall be entered into the official record, after being signed by the chairman of the Board, thereby effecting the decision and any conditions imposed thereon.

5. **Approval Period.** If construction has not commenced within eighteen (18) months after the Board grants a variance to permit the erection or alteration of a building, then the variance shall become null and void. The period of approval may be automatically

extended by twelve (12) months if the variance was sought in conjunction with a site plan for which approval has been extended by the Commission.

D. **Standards for Variances and Appeals**

Variances and appeals shall be granted only in accordance with the findings set forth in this section.

1. **General Criteria.**

a. Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create practical difficulties, unreasonably prevent the use of the property for a permitted purpose, or render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.

b. Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of a lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

c. The requested variance or appeal can be granted in such fashion that the spirit of this Ordinance will be observed and public safety and welfare secured.

d. There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or other similar uses in the same zoning district. Examples of exceptional or extraordinary circumstances include exceptionally narrow or shallow lots or lots having an unusual shape, where such conditions existed at the time enactment of this Ordinance. The conditions resulting in a variance request cannot be self-created.

e. A variance is necessary for the preservation and enjoyment of a substantial property rights possessed by other property owners in the same zoning district. The desire of the applicant for increased financial return shall not of itself be deemed sufficient cause for granting a variance.

f. The granting of a variance or appeal will not be materially detrimental to the public welfare or materially injurious to other nearby properties or improvements.

g. The granting of a variance or appeal will not increase the hazard of fire or flood or endanger public safety.

h. The granting of a variance or appeal will not unreasonably diminish or impair the value of surrounding properties.

i. The granting of a variance or appeal will not impair public health, safety, comfort, morals, or welfare.

j. The granting of a variance or appeal will not alter the essential character of the neighborhood.

k. The granting of a variance or appeal will not impair the adequate supply of light and air to adjacent property or increase congestion on public streets.

l. In deciding upon an appeal from an action taken by an administrative official or body, the Board shall determine if the administrative official or body has made an error in any order, requirement, decision, or determination in the enforcement and/or interpretation of this Ordinance.

2. **Specific Criteria Applicable to Variances.** In consideration of all requests for variances, the Board shall review each case individually in relation to the following criteria:

a. The size, character and location of a development permitted after granting of a variance shall be in harmony with the surrounding land use and shall promote orderly development in the zoning district in which it is located.

b. A development permitted upon granting of a variance shall make vehicular and pedestrian traffic no more hazardous than is normal for the district in which it is located, taking into consideration vehicular turning movements, adequacy of sight lines for drivers, location and accessibility of off-street parking, provisions for pedestrian traffic, and measures to reduce contact between pedestrian and vehicular traffic.

c. A development permitted upon granting of a variance shall be designed so as to eliminate any dust, noise, fumes, vibration, smoke, lights, or other undesirable impacts on surrounding properties.

d. The location, design, and height of buildings, structures, fences, or landscaping permitted upon granting of a variance shall not interfere with or discourage the appropriate development, continued use, or value of adjacent land or buildings.

e. The development permitted upon granting of a variance shall relate harmoniously in a physical and economic sense with adjacent land use. In evaluating this criterion, consideration shall be given to prevailing shopping patterns, convenience of access for patrons, continuity of development, and the need for particular services and facilities in specific areas of the Municipality.

f. That the conditions related to the use of a specific parcel of land for which the variance is sought are not of a recurrent or general nature such that it would be more reasonable to adopt a general regulation in this Ordinance to address the condition.

Section 24.06 AMENDMENTS

A. Initiation of Amendment

The Council may from time to time, at its own initiative or upon recommendation from the Commission or on petition, amend, supplement, or change the district boundaries or the regulations herein, pursuant to the authority and procedures set forth in the Revised Code. Text

amendments may be proposed by any governmental body or any interested person or organization. Changes in district boundaries may be proposed by any governmental body, any person having a freehold interest in the subject property, or by the designated agent of a person having a freehold interest in the property.

B. **Application for Amendment**

A petition for an amendment to the text of this Ordinance or an amendment to change the zoning classification of a particular property, shall be commenced by filing a petition with the Zoning Inspector, on the forms and accompanied by the fees specified. The petition shall explicitly described the proposed amendment and shall be signed by the applicant. Petitions for rezoning of a specific site shall be accompanied by a plot plan or survey, which shall contain the following information:

1. Applicant's name, address, and telephone number.

2. Legal description and land area of subject property.

3. Scale, northpoint, and dates of submission and revisions.

4. Zoning classification of petitioner's parcel and all abutting parcels.

5. Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within 100 feet of the site.

6. Proposed lot lines and lot dimensions, and general layout of proposed structures, parking areas, driveways, and other improvements on the site.

7. Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys.

8. Location of existing drainage courses, floodplains, lakes and streams, and woodlands.

9. All existing and proposed easements.

10. Location of sanitary sewer or septic systems, existing and proposed.

11. Location and size of watermains, well sites, and building service, existing and proposed.

C. **Review Procedure**

After the completed petition and all required supporting materials have been received and fees paid, the petition shall be reviewed in accordance with the following procedures:

1. **Commission Review.** The petition shall be placed on the agenda of the next regularly scheduled meeting of the Commission. The Commission shall review the petition for amendment in accordance with the procedures and public hearing and notice requirements set forth for special use review under Section 24.03 B.9. in this Ordinance.

2. **Action by the Commission and Council.** Following the hearing on the proposed amendment, the Commission shall make written findings of fact which it shall transmit together with the comments made at the public hearing, and its recommendations to the Council of receipt of the completed petition. The Council shall hold a public hearing in accordance with the procedures, public hearing, notice, and voting requirements set forth in the Revised Code**.** The Council may by vote as provided in the Revised Code:

    a. Adopt the proposed amendment;
    b. Reject the proposed amendment; or
    c. Refer the proposed amendment back to the Commission for further recommendation within a specified time period. Thereafter, the Council may either adopt the amendment with or without the recommended revisions, or reject it.

3. **Reconsideration of a Proposed Amendment.** No application for a map amendment which has been denied by the Council shall be reconsidered unless there have been changes in the facts, evidence, and/or conditions in the case. Determination of whether there have been such changes shall be made by the Commission at the time the application is submitted for processing.

4. **Review Considerations.** The Commission and Council shall, at minimum, consider the following before taking action on any proposed amendment:

    a. Will the proposed amendment be in accordance with the basic intent and purpose of this Ordinance?
    b. Will the proposed amendment further the comprehensive planning goals of the Municipality?
    c. Have conditions changed since this Ordinance was adopted, or was there a mistake in this Ordinance, that justify the amendment?
    d. Will the amendment correct an inequitable situation created by this Ordinance, rather than merely grant special privileges?
    e. Will the amendment result in unlawful exclusionary zoning?
    f. Will the amendment set an inappropriate precedent, resulting in the need to correct future planning mistakes?
    g. If a rezoning is requested, is the proposed zoning consistent with the zoning classification of surrounding land?
    h. If a rezoning is requested, could all requirements in the proposed zoning classification be complied with on the subject parcel?

i. If a rezoning is requested, is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question**?**

5. **Notice and Record of Amendment Adoption.** Following adoption of an amendment to this Ordinance by the Council, notice shall be published in the manner prescribed by law. A record of all amendments shall be maintained by the Clerk-Treasurer and the Zoning Inspector. A Master Zoning Map shall be maintained by the Zoning Inspector, which shall identify all map amendments by number and date.

Section 24.07 PERMITS AND CERTIFICATES

A. Permits

1. **Scope of Requirements.** A Zoning Permit shall be required prior to the erection, alteration, enlargement, repair (excluding normal maintenance), renovation, demolition or removal of any building or structure, and/or the excavation, filling, or grading of lots. No plumbing, electrical, drainage or other permit shall be issued unless the Zoning Inspector has determined that the proposed use and any improvements proposed on the plans are in conformance with the provisions of this Ordinance.

   A Zoning Permit shall also be required for the new use of land, whether the land is currently vacant if a change in land use is proposed.

   A Zoning Permit shall also be required for any change in use of existing building or structure to a different class or type.

   For the purposes of this Section, the terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of ingress and egress, or other changes affecting or regulated by this Ordinance, the County Building Code, and other applicable laws and ordinances.

2. **Application Requirements.** No permit shall be issued for construction, alteration, or remodeling of any building or structure until an application has been submitted, showing that the proposed improvements are in conformance with the provisions of this Ordinance, the County Building Code, and other applicable laws and ordinances.

   Applications for permits required by this Section shall be filed with the Zoning Inspector, and shall be accompanied by the fee established by resolution of the Council. Each application shall be accompanied by a written detailed explanation of the proposed improvements, and, if applicable, dimensioned plans drawn to scale.

The plans shall be of sufficient detail to allow the Zoning Inspector to determine whether the proposed improvements are in conformance with this Ordinance, the County Building Code, and other applicable laws and ordinances. At minimum, the plans shall illustrate the following:

a. The shape, location, and dimensions of the lot.
b. Existing buildings or structures, plus the shape, size, and location of all buildings or structures to be erected, altered, or moved.
c. The existing and intended use of the parcel and all existing and proposed buildings or structures.
d. On residential parcels, the number of dwelling units contained within each building.
e. The names and widths of abutting roads and road rights-of-way.
f. The name and address of all persons having a freehold interest in the premise upon which the improvements are proposed, together with a written statement from all such persons indicating knowledge of and agreement with the proposal.
g. All information required by the Building Code.
h. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance will be complied with.

A site plan submitted and approved in accordance with the requirements of this Ordinance shall satisfy the requirements of this Section.

3. **Conformity with Applicable Ordinances and Approved Plans.** The Zoning Inspector shall issue permits only if, after thorough inspection of the application materials and plans, he finds that the proposal is in conformance with this Ordinance, the County Building Code, and other applicable laws and ordinances, except where the Zoning Inspector receives notice of a variance having been granted by the Board.

Permits issued on the basis of plans and application materials approved by the Zoning Inspector authorize only the use, layout, and construction set forth in such plans and application materials. Use, layout, or construction at variance with approved plans and application materials shall be deemed in violation of this Ordinance, and subject to penalties in accordance with this Ordinance. These provisions shall not preclude minor modifications, subject to the provisions as provided in this Ordinance.

4. **Expiration of Permits.** A permit issued pursuant to the provisions of this Ordinance shall expire one hundred eighty (180) days from the date of issuance if the proposed work has not begun. The Zoning Inspector shall mail or deliver written notice to the applicant indicating that:

a. The permit has been cancelled, and
b. Work shall not proceed until a new building permit has been obtained.

5. **Required Inspection.** It shall be the responsibility of the holder of any permit to notify the Zoning Inspector in writing of the time when a building or site is ready for inspections. The first inspection shall be required when excavation for the foundation has been completed and forms are in place. The second inspection shall be required when the building is completed.

   Sheds and garages that are less than eight hundred (800) square feet in area shall require only one (1) inspection, as soon as wall studs are in place. Only one (1) inspection shall be required for a change in land or building use, at the time the change in use has been completed.

   Failure to notify the Zoning Inspector of the time for such inspection shall result in cancellation of the permit. Before re-issuing a permit, full payment of fees shall be required.

B. **Certificates of Occupancy**

It shall be unlawful to occupy or permit the occupancy of any land, building, or structure for which a permit has been issued, or to occupy or permit the occupancy of any building or structure hereafter altered, extended, erected, repaired, reoccupied, or moved, unless and until a Certificate of Occupancy has been issued by the Zoning Inspector for such use, in effect indicating that the provisions of this Ordinance have been complied with and all outstanding fees have been paid. The following guidelines shall apply to the issuance of Certificates of Occupancy:

1. **General Requirements.**

   a. **Certificates for Existing Buildings.** Certificates of Occupancy shall be issued for existing buildings or structures or parts thereof, or existing uses of land if, after inspection, the Zoning Inspector finds that such buildings, structures, or parts thereof, or uses of land, are in conformity with the provisions of this Ordinance.

   b. **Temporary Certificates.** A temporary Certificate of Occupancy may be issued for a portion of a building or structure prior to occupancy of the entire building or structure, provided that such portion of the building, structure, or premises is in conformity with the provisions of this Ordinance, the Building Code, and other applicable laws and ordinances, and provided further that no threat to public safety exists. The Zoning Inspector may require that a performance guarantee be provided in accordance with this Ordinance as a condition of obtaining a temporary Certificate. The date of expiration shall be indicated on the temporary Certificate; failure to obtain a final Certificate of Occupancy within the specified time shall constitute a violation of this Ordinance, subject to the penalties set forth in this Ordinance. In no case shall a temporary Certificate of Occupancy remain in force for a period exceeding six (6) months total or five (5) days after the principal building of the site is completed.

c. **Certificates for Accessory Buildings to Dwellings.** Buildings and structures that are accessory to a dwelling shall not require a separate Certificate of Occupancy, but may be included in the Certificate of Occupancy for the principal use on the same parcel, provided the accessory buildings or uses are shown on the plot plan and are completed at the same time as the principal use.

2. **Period of Validity.** A final Certificate of Occupancy shall remain in effect for the life of the building or structure, or part thereof, or use of the land, until the use of the building, structure, or land changes. A change of use shall require a new Certificate of Occupancy.

3. **Records of Certificates.** A record of all Certificates of Occupancy shall be kept by the Zoning Inspector. Copies of such Certificates shall be furnished upon request to a person or persons having a propriety or tenancy interest in the property.

4. **Application for and Issuance of Certificates.** Certificates of Occupancy shall be applied for in writing to the Zoning Inspector. The Zoning Inspector shall inspect a building or structure within five (5) working days after notification of completion of a building or structure or other improvements. The Zoning Inspector shall issue a Certificate of Occupancy upon finding that the building or structure, or part thereof, or the use of land is in conformance with the provisions of this Ordinance. If the Zoning Inspector denies approval of a Certificate, the applicant shall be notified in writing of the denial and the reasons for denial.

Section 24.08 FEES

Any application for an amendment to this Ordinance, site plan review, review of a special use proposal, review of a planned unit development proposal, request for a variance, request for inspection, request for a zoning permit or certificate of occupancy, or other request for other action pursuant to the regulations set forth in this Ordinance shall be subject to and accompanied by a fee as established by resolution by the Council.

Such fees shall be collected in advance of any reviews, inspections, or issuance of any permits or approvals. Upon notification of deficient payment of fees, administrative officials charged with enforcement of the Ordinance shall cause any permits to be suspended and reject applications for new permits directly associated with the project.

The assessment and payment of application fees does not affect the requirements for a performance guarantee as specified in this Ordinance.

There shall be no fee in the case of applications filed in the public interest by a Municipal department or Municipal official.

ARTICLE 25

VIOLATIONS AND PENALTIES

Section 25.01 VIOLATIONS AND PENALTIES

A. **Public Nuisance**

Buildings erected, altered, razed or converted (including tents, mobile homes, and trailer coaches), or uses carried on in violation of any provision of this Ordinance are hereby declared to be a nuisance per se, and shall be subject to abatement or other action by a court of competent jurisdiction.

B. **Violation**

Any person, firm, corporation, or agent, or any employee, contractor, or sub-contractor of same, who fails to comply with any of the provisions of this Ordinance or any of the regulations adopted in pursuance thereof, or who impedes or interferes with the enforcement of this Ordinance by the Zoning Inspector or other enforcement official, shall be deemed in violation of this Ordinance.

C. **Penalties**

Any violation of this Ordinance shall constitute a minor misdemeanor. Each day a violation occurs or continues shall constitute a separate offense. Furthermore, the owner or tenant of any building, structure, premise, or part thereof, and any architect, engineer, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains any violation of the Ordinance may each be found guilty of a separate offense and may be subject to the penalties provided herein. The cost of prosecution shall also be assessed against the violator.

The imposition of any sentence shall not exempt the offense from compliance with the requirements of this Ordinance.

D. **Authority to Pursue Court Action**

The Council or its duly authorized representative is hereby empowered to commence and pursue any and all necessary and appropriate actions or proceedings in a Court of competent jurisdiction, to restrain or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy, or abate such non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy, or abate such non-compliance or violation. Any person aggrieved or adversely affected by such non-compliance or violation may institute suit or join the Council in such a suit to abate the violation.

E. **Other Remedies**

The rights and remedies set forth above shall not preclude the use of other remedies provided by law, including any additional rights of the Municipality to initiate proceedings in an Court of competent jurisdiction to restrain or prevent any non-compliance with any provisions of this Ordinance, or to correct, remedy, or abate such non-compliance.

F. **Rights and Remedies Preserved**

Any failure or omission to enforce the provisions of this Ordinance, and any failure or omission to prosecute any violations of this Ordinance, shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver of nor prevent any further prosecution of violations of this Ordinance.

ARTICLE 26

DEFINITIONS

Section 26.01 INTERPRETATION OF TERMS OR WORDS

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

C. The word "shall" is a mandatory requirement, and word "may" is a permissive requirement, and the word "should" is a preferred requirement.

D. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied".

E. The word "lot" includes the words "plot" or "parcel".

Section 26.02 DEFINITIONS

ACCESSIBLE / BARRIER-FREE: A site, building, facility, or portion thereof that complies with the Uniform Federal Accessibility Standards (UFAS) and the Americans with Disabilities Acts, and that can be approached, entered, and used by persons with disabilities.

ACCESSIBLE ROUTE: A continuous unobstructed path connecting all accessible elements and spaces in a building or facility. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps, and lifts.

ACCESSORY USE, BUILDING OR STRUCTURE: Accessory Use means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "Accessory Use" includes anything of a subordinate nature attached to or detached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards. Except as otherwise required in this Ordinance, an accessory use shall be a permitted use.

ADULT REGULATED USES

Uses: Any business which primarily features sexually stimulating material and/or performances, including the following uses:

A. **Adult Personal Service Establishment:** Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged to provide as part of its services, massages, body rubs, body painting, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. An adult personal service establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. The following uses shall not be included within the definition of an adult personal service establishment:

1. establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed practical nurse practitioner, or any other similarly licensed medical professional;

2. fitness center, as defined herein;

3. electrolysis treatment by a licensed operator of electrolysis equipment;

4. continuing instruction in martial or performing arts, or in organized athletic activities;

5. hospitals, nursing homes, medical clinics, or medical offices;

6. barber shops or beauty parlors and salons which offer massages to the scalp, the face, the neck or shoulders only; and,

7. adult photography studios whose principal business does not include the taking of photographs of "specified anatomical areas" as defined herein.

B. **Adult Book Store:** An establishment having a substantial portion of its stock-in-trade devoted to the distribution, display, or storage of books, magazines, and other periodicals, photographs, drawings, and other print material which is distinguished or characterized by its emphasis on

matters depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.

C. **Adult Cabaret/Adult Only Entertainment Establishment:** An establishment where live entertainment is provided, presented, permitted or performed, where a substantial portion of performances are distinguished or characterized by an emphasis on or relationship to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by or participation of patrons therein. Also, an establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, topless and/or bottomless waiters, waitresses and/or employees.

D. **Adult Motion Picture Theater or Adult Live Stage Performing Theater:** An enclosed building wherein still or motion pictures, video tapes or similar material is presented or viewed where a substantial portion is distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

E. **Adult Model Studio:** Any place where models who display "Specified Anatomical Areas" (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.

F. **Adult Motion Picture Arcade or Mini Motion Picture Theater:** Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein).

G. **Adult Video Store:** An establishment having a substantial portion of its stock-in-trade devoted to the distribution, display, storage, or on-premises viewing of films, movies, motion pictures, video cassettes, slides, or other visual representations which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.

H. **Adult Outdoor Motion Picture Theater:** A drive-in theater where a substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

I. **Sexual Paraphernalia Store:** An establishment having a substantial portion of its stock-in-trade devoted to the distribution, display, or storage, of instruments, devices, or paraphernalia designed for use related to "Specified Anatomical Areas" or as part of, in connection with, or related to "Specified Sexual Activities" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.

Special Definitions: With respect to Adult Regulated Uses or Sexually Oriented Businesses, the following terms and phrases shall have the following meanings:

J. **Substantial Portion:** A use of activity accounting for more than twenty percent (20%) of any one or more of the following: stock-in-trade, sales revenue, display space, floor space, viewing time, movie display time, or entertainment time measured per month.

K. **Specified Anatomical Areas:** Portions of the human body defined as follows:

1. less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below the point immediately above the top of the areola; and

2. human male genitals in a discernible turgid state, even if completely and opaquely covered.

L. **Specified Sexual Activities:** The explicit display of one or more of the following:

1. human genitals in a state of sexual stimulation or arousal;

2. fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast.

3. human sex acts, normal or perverted, actual or simulated including, but not limited to human masturbation, oral copulation, sexual intercourse, or sodomy;

4. human excretory functions as part of, or as related to, any of the activities described above;

5. physical violence, bondage, mutilation, or rape, actual or simulated, as part of or related to, any of the activities described above.

AGRICULTURE: The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce, provided, however that:

A. The operation of any such accessory uses shall be secondary to that of normal agricultural activities; and

B. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within one hundred (100) feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feedyard.

AIRPORT: Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces.

ALLEY: See Thoroughfare.

ALTERATIONS, STRUCTURAL: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

AMUSEMENT ARCADE: A place of business within a building or any part of a building having more than five (5) mechanical or electronically operated amusement devices which are used for the purpose of public entertainment through the operation, use, or play of any table game or device commonly known as an electronic game which is operated by placing therein any coin, plate, disc, slug, key, or token of value by payment of a fee.

ANTENNA: A system of electrical conductors that emit or receive radio waves.

ASSEMBLY HALL: A public or quasi-public meeting place associated with a community center, church (temple) or school.

AUTOMOBILE REPAIR: Major or minor repair of automobiles defined as follows:

A. **Minor Repair:** Engine tune-ups and servicing of brakes, air conditioning, exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing of the automobiles on the premises overnight.

B. **Major Repair:** Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rust-proofing; and similar servicing, rebuilding or repairs that normally do require significant disassembly or storing of the automobiles on the premises overnight.

AUTOMOTIVE, MANUFACTURED HOME, RECREATIONAL VEHICLE, AND FARM IMPLEMENT SALES: The sale or rental of new and used motor vehicles, manufactured homes,

recreational vehicles, or farm implements, but not including repair work except incidental warranty repair of the same, to be displayed and sold on the premises.

AUTOMOTIVE WRECKING: The dismantling or wrecking of used motor vehicles, manufactured homes, recreational vehicles, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

AUTOMOBILE SERVICE STATION: A place where gasoline or other vehicle engine fuel, kerosene, motor oil and lubricants, and grease are sold directly to the public on the premises for the purposes of operation of motor vehicles; including the sale of minor accessories (such as tires, batteries, brakes, shock absorbers, window glass) and the servicing of and minor repair of motor vehicles.

AUTOMOBILE or VEHICLE SALES: A building or premises used primarily for the sale of new and used automobiles and other motor vehicles including the sale, lease or rental of new or used vehicles, house trailers, recreational vehicles, trucks and other vehicles.

AUTOMOBILE WASH or CAR WASH ESTABLISHMENT: An establishment contained within a building or premises or portion thereof where automobiles are washed.

BANNER: Any sign of light weight fabric or similar material that is mounted to a pole or building at one or more edges (Flags excluded).

BARN: A structure used for agricultural purposes that is exempt from local zoning as described in the Ohio Revised Code.

BASEMENT: A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground. That portion of a building wholly or partly, below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement. See Figure 5 below.

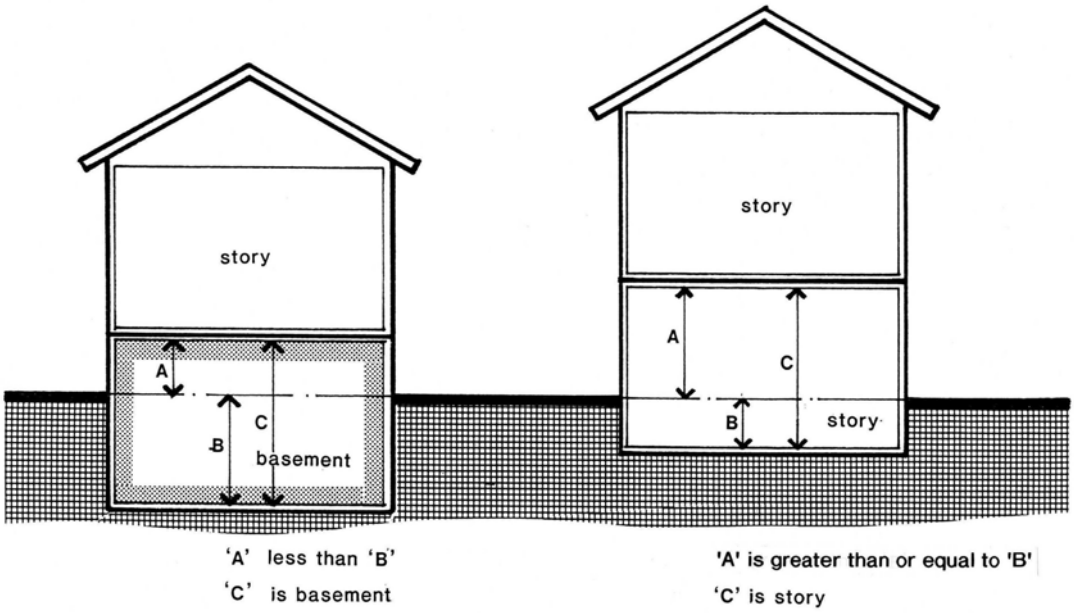


FIGURE 5
BASEMENT AND STORY

BED AND BREAKFAST: A detached single-family dwelling which is typically owner occupied, provides for compensation eight (8) or fewer sleeping rooms for transient guests for stays of short duration, and provides breakfast for its guests at no additional cost. The operator of the bed and breakfast shall live on the premises or in adjacent premises.

BERM: A mound of soil graded, shaped and improved with landscaping in such a fashion so as to be utilized for screening purposes.

BOARDING HOUSE or ROOMING HOUSE: A building, other than a hotel, where for compensation or by pre-arrangement for definite periods of time, lodging or lodging and meals are provided for three or more persons. A rooming house shall be deemed a boarding house for the purposes of these Zoning Regulations.

BLOCK: The property bounded by a street or by a combination of streets and public lands, railroad, utility, or public rights-of-way, rivers, drains, or streams, boundary lines of the City, or any other barrier to the continuity of development.

BOARD: The Board of Zoning Appeals of the Municipality.

BORDER TREATMENT: A low barrier of natural or artificial materials located near the perimeter of a residential lot. Artificial materials commonly included in border treatment construction include

wood, wire, metal, or any other material or combination of materials commonly used in fence construction. Natural materials commonly used for creation of a border treatment include deciduous and evergreen shrubs.

BOTTOMLESS: Less than full opaque covering of male or female genitals, pubic area or buttocks.

BUFFER AREA: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. Buffer areas typically contain one or more of the following screening materials: plant material, berms, walls, or fencing to serve as a visual barrier.

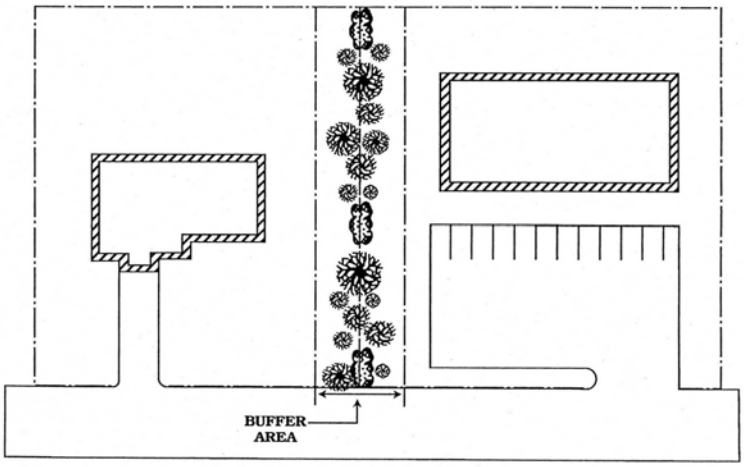


FIGURE 6
BUFFER AREA

BUILDABLE AREA. The space of a lot or parcel remaining after the minimum open space and setback requirements of this Ordinance have been met.

BUILDING: An independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building. This refers to both temporary and permanent structures and includes tents, sheds, garages, stables, greenhouses or other accessory structures. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

BUILDING, ACCESSORY: A building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

BUILDING CODE: The Building Code means the Warren County Building Code as may be adopted and amended from time to time by resolution of the Board of County Commissioners.

BUILDING, HEIGHT: The vertical distance measured from the established grade of the building to the top of the highest roof beams of a flat roof; to the deck line for mansard roofs; and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average grade of the terrace at the building wall. When a building faces on more than one street, the height shall be measured from the average of the grades at the center of each street front. See Figure 8 on following page.

BUILDING LINE: A line parallel to the front lot line at the minimum required front setback line (see Figure 7).

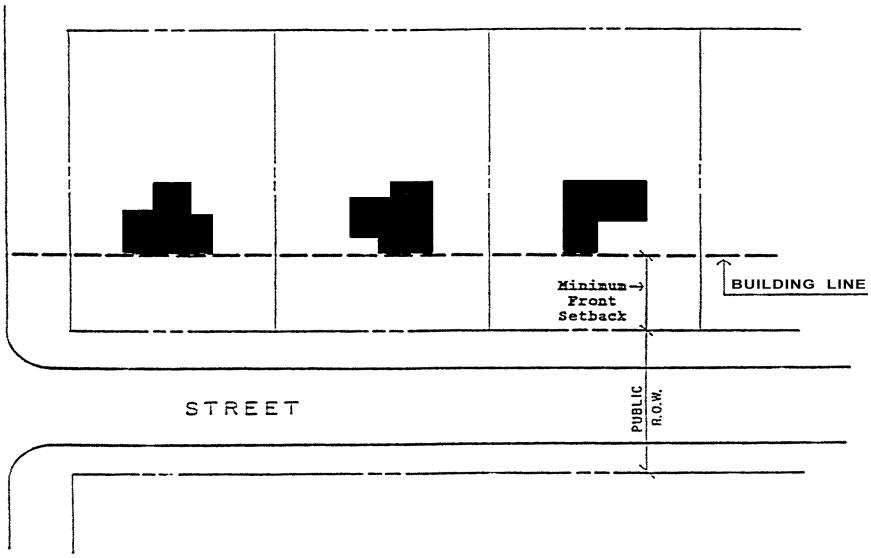


FIGURE 7
BUILDING LINE

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING, ACCESSORY: See ACCESSORY USE, BUILDING, OR STRUCTURE.

BUILDING, TEMPORARY: A building which is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time. Construction of temporary buildings shall be subject to the requirements of current adopted Building Code of the City.

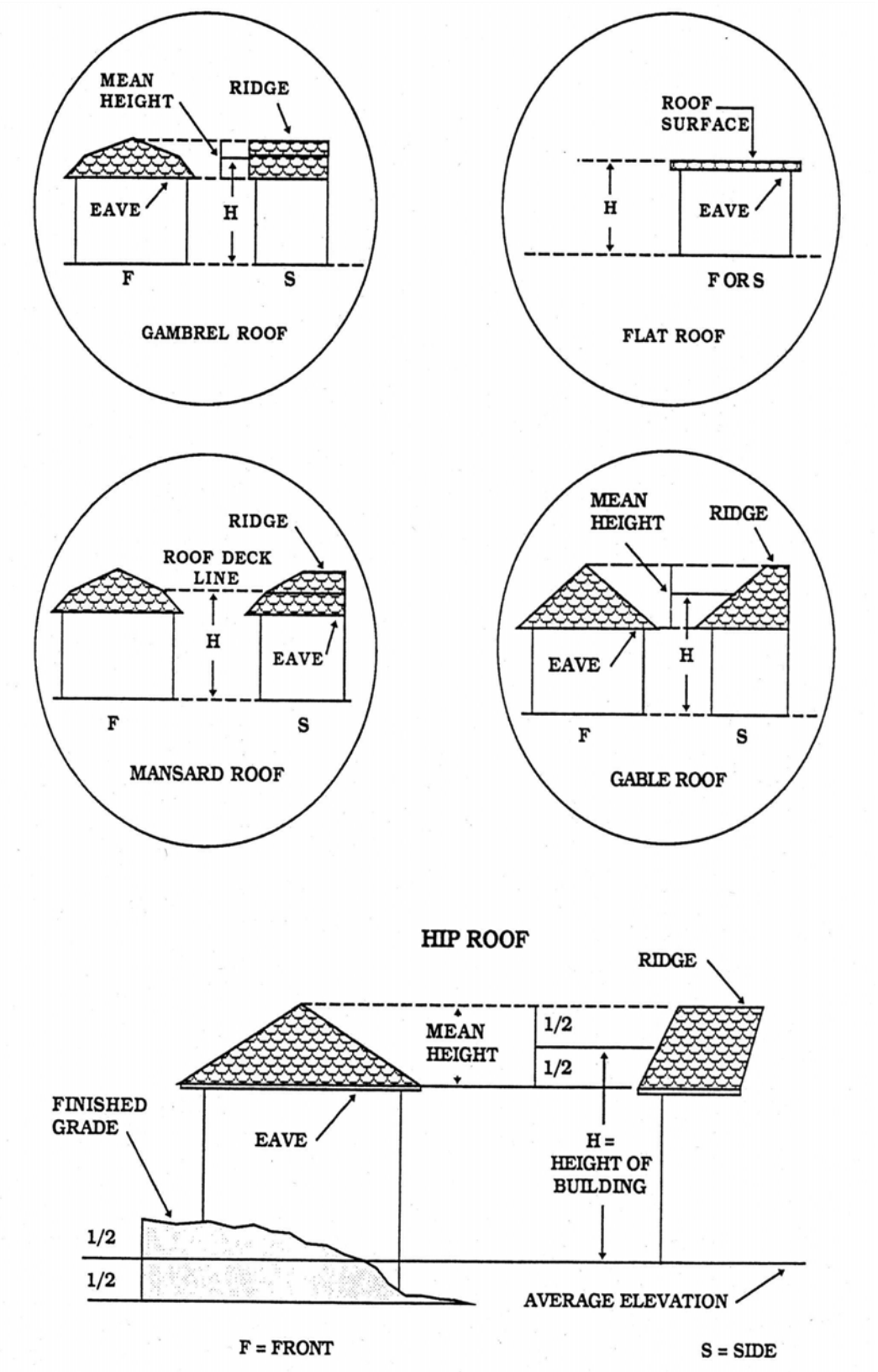


FIGURE 8
BUILDING HEIGHT

BUSINESS GENERAL: Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend in addition to serving day to day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture, department stores; and discount stores.

CAMPGROUND: See Recreation Camp.

CAPTIVE DISPOSAL FACILITY: A facility owned and operated by a specific party, accepting only waste(s) generated by that party. Waste(s) are restricted to a specific waste or set of waste authorized by the Ohio EPA as contained in the PTI (Permit-To-Install).

CARPORT: A roof projecting from the side of a building, used as a shelter for an automobile.

CELLAR: That portion of the building wholly below, or with less than half of its ceiling height above the average finished grade of the ground adjoining the building.

CEMETERY: Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

CHANNEL: A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

CHILD DAY-CARE: Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a place or residence other than the child's own home. The following are child day-care facilities:

> **Child Day-Care Center** - Any place in which child day-care is provided, with or without compensation, for thirteen (13) or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for seven (7) to twelve (12) children at any one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.
>
> **Type A Family Day-Care Home:** A permanent residence of the administrator in which child day-care is provided for four (4) to twelve (12) children at any one time, if four (4) or more children are under two (2) years of age. In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

Type B Family Day-Care Home: A permanent residence of the provider in which child day-care or child day-care services are provided for one (1) to six (6) children at one time and in which no more than three (3) children may be under two (2) years of age at any one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

CHURCH (TEMPLE): A building designated as a place of worship by one or more religious denominations. The acreage involved may include one parsonage and/or a church school. All churches shall be located on a major highway.

CLERK-TREASURER: The Clerk-Treasurer of the Municipality.

CLINIC: A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.

CLUB: A building or portion thereof or premises owned or operated by a person for social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

CO-LOCATION: The use of a wireless telecommunications facility and/or site by more than one (1) wireless telecommunications provider, or the location by more than one (1) wireless telecommunications provider on a common support structure, tower, building, or other structure.

COMMERCIAL: See Business, General.

COMMERCIAL ENTERTAINMENT FACILITIES: Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

COMMERCIAL USE: Use of property that includes the purchase, sale, barter, display or exchange of goods, wares, merchandise or personal services or the maintenance of offices or recreational or amusement enterprises, or garage or basement sales conducted on residential premises for more than six (6) calendar days during a given one-year period.

COMMERCIAL VEHICLE: Any vehicle which is not a noncommercial motor vehicle, as defined in Section 4501.01(H) of the Revised Code, as amended.

COMMISSION: The Planning Commission of the Municipality.

COMMUNITY CENTER (NEIGHBORHOOD): A structure in a neighborhood and designated as a meeting place or adult recreation parlor. This structure can be part of a picnic area. The center shall be administered by a unit of local government or by a responsible home owners association for the neighborhood or subdivision in which it is located.

COMPREHENSIVE DEVELOPMENT PLAN: A plan, or any portion thereof, adopted by the Municipality showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfare, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

COMPREHENSIVE LAND USE DEVELOPMENT PLAN: A plan, or any portion thereof, adopted by the Commission and the Council, showing the general location and extent of present and proposed physical facilities, including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives and policies of the community.

CONDOMINIUM: A building or group of buildings in which units are individually owned but the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners.

CONTRACTOR'S YARD: A site on which a building or construction contractor stores equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction. A contractor's yard may include outdoor or indoor storage, or a combination of both.

CONVALESCENT OR NURSING HOME: A home for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders, wherein three (3) or more persons are provided cared. Said home shall also conform to and qualify for license under applicable state laws.

CONVENIENCE STORE: Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

CORNER LOT: See Lot Types.

COUNCIL: The Council of the Municipality.

COUNTY: The County of Warren, Ohio.

CUL-DE-SAC: See Thoroughfare.

CURB CUT: The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

DEAD-END STREET: See Thoroughfare.

DENSITY: A unit of measurement expressing the number of dwelling units per acre of land.

1. Gross Density - the number of dwelling units per acre of the total land to be developed.
2. Net Density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

DETENTION BASIN: A pond, pool, or basin used for the temporary storage of storm water runoff.

DISABLED VEHICLE, RECREATIONAL VEHICLE, TRAILER, MOBILE HOME: Any type of motor vehicle, recreational vehicle, mobile home that meets any one of the following criteria:

1. does not have a current license;
2. is apparently mechanically inoperable;
3. is extensively damaged (i.e. missing wheels, motor, tires or transmission); or
17. is in a dilapidated or broken down state.

DISTRICT: A part, zone, or geographic area within the Municipality within which certain zoning or development regulations apply.

DRIVE-IN ESTABLISHMENT: A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in or momentarily out of their motor vehicle, rather than within a building or structure, so that consumption or provision of service within motor vehicles may be facilitated.

DRIVE-THROUGH ESTABLISHMENT: A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service patrons from a window or booth while in their motor vehicles, rather than within a building or structure, so that consumption off the premises may be facilitated.

DWELLING: Any building or structure (except a recreational vehicle or mobile home as defined by Section 4501.01 of the Revised Code) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

DWELLING, ACCESSORY APARTMENT: A dwelling unit that is accessory to and typically contained within a conventional single-family dwelling, and which is occupied by: (a) persons related to the occupant of the principal residence by blood, marriage or legal adoption; or (b) domestic servants or gratuitous guests. An accessory apartment commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance. May also be referred to as an in-law apartment or granny flat.

DWELLING, EFFICIENCY: A dwelling unit consisting of one room, exclusive of bathrooms, kitchens, hallways, closets or dining alcoves directly off the principal room.

DWELLING, SINGLE FAMILY: A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

DWELLING, TWO FAMILY: A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

DWELLING, MULTI-FAMILY: A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.

DWELLING UNIT: Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

DWELLING UNIT, ATTACHED: A freestanding building designed exclusively for, and containing three (3) or more dwelling units arranged laterally and attached by common major structural elements, each with its own front and rear entrances; commonly referred to as terrace dwellings, row dwellings, or townhouses.

DWELLING UNIT, DETACHED: A dwelling unit which is not attached to any other dwelling unit by any means.

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

ELDERLY HOUSEHOLD: Not more than three (3) persons, related or unrelated, who occupy a single dwelling unit, of whom one person is elderly.

ELDERLY HOUSING FACILITY: A building or buildings containing twelve (12) or more dwelling units where occupancy is restricted to elderly persons or households. Such facilities may include emergency first aid care, day care, therapy, personal care, nursing facilities, recreational facilities, and provide for independent or semi-independent living. For the purpose of this definition, "elderly housing facility" shall not include convalescent homes, nursing homes, group residential facilities, or homes for the aged.

ELDERLY PERSON: Any person who is sixty two (62) years of age, or older, or any person under sixty two (62) years of age who is handicapped such that his physical impairments are of a long-term duration and impede his ability to live independently without a suitable housing environment.

ELECTROMAGNETIC SPECTRUM: The range of all electromagnetic energy.

Ionizing Electromagnetic Energy (IER) - The upper portion of the electromagnetic spectrum; includes cosmic, atomic, and X-rays; alters molecular structure of living tissue through which it passes.

Nonionizing Electromagnetic Radiation (NIER) - The lower portion of the electromagnetic spectrum; includes household electrical current, radio, television, and microwave communication, radar, and visible light. It is insufficient to ionize living tissue; causes thermal effects; may cause nonthermal effects.

ENGINEER, VILLAGE: The Village Engineer is the person or firm authorized to advise the city administration, City Council, and Planning Commission on drainage, grading, paving, storm water management and control, utilities, and other related site engineering and civil engineering issues. The City Engineer may be a consultant or an employee of the City.

ERECTED: Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage and the like shall be considered a part of erection.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance, by public utilities or other government agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate services by such public utilities or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

EXCAVATION: The removal or movement of soil, sand, stone, gravel, or fill dirt on or from any parcel except for common household gardening, farming, and general ground care.

EXEMPTION: An exclusion from the normal Zoning Ordinance rules and regulations for the purposes of permitting particular uses or structures which are considered essential or appropriate in certain locations or under certain conditions. A variance is not required for uses or structures which are permitted because of an exception.

EXHIBITOR: Any person owning and exhibiting or contracting or permitting any mechanical or electrically operated amusement device to be installed, used and exhibited in his own place of business, irrespective of the ownership of such device.

FAMILY: A person living alone, or two (2) or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house, provided, however, that "family" shall not include more than four persons unrelated to each other by blood, marriage or legal adoption, except for Class I Type B group residential facilities.

FENCE: An artificially constructed barrier of wood, wire, metal, or any other material or combination of materials, used to prevent or control entrance, confine within, or mark a boundary.

FENCE, BARRIER: A structure at least six (6) feet in height, constructed of non-transparent material, and maintained so as to obscure the junk from the ordinary view of persons passing upon roads covered by the Ohio Revised Code.

FIREARM RANGES AND/OR TARGET SHOOTING BUILDINGS: A facility for the enjoyment of hand gun, rifle or shotgun shooting.

FLAG: Flags of the United States, the State, the Municipality, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40) feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be regulated as such.

FLOOD PLAIN: That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

FLOOD, REGIONAL: Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.

FLOODWAY: That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

FLOODWAY FRINGE: That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

FLOOR AREA OF A RESIDENTIAL BUILDING: The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

FLOOR AREA, GROSS: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The floor area of a building shall include the basement floor area when more than one-half of the basement height is above the established curb level or finished lot grade, whichever is higher. (See also "Basement."). Floor area shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), the attic space having headroom of seven feet (7), ten (10) inches or more, interior balconies, and mezzanines.

Any space devoted to off-street parking or loading shall not be included in the floor area. See figure on following page.

FLOOR AREA, USABLE: The measurement of "usable floor area" shall include that portion of the gross floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients or patients including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used for storage or processing of merchandise, utility or mechanical equipment rooms, or sanitary facilities. The usable floor area of the specified use excludes stairs, wash-rooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas. For purpose of off-street parking requirements, usable floor area shall be considered eighty (80) percent of gross floor area. See Figure 9 on following page.

FOOD PROCESSING: The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

FRATERNAL ORGANIZATION: See CLUB.

FREQUENCY: The number of cycles completed each second by a sound wave; measured in hertz (Hz). 1 Hz = 1 cycle per second; 1 kilohertz (kHz) = 1,000 Hz; and 1 megahertz (MHz) = 1,000 kHz or 1,000,000 Hz.

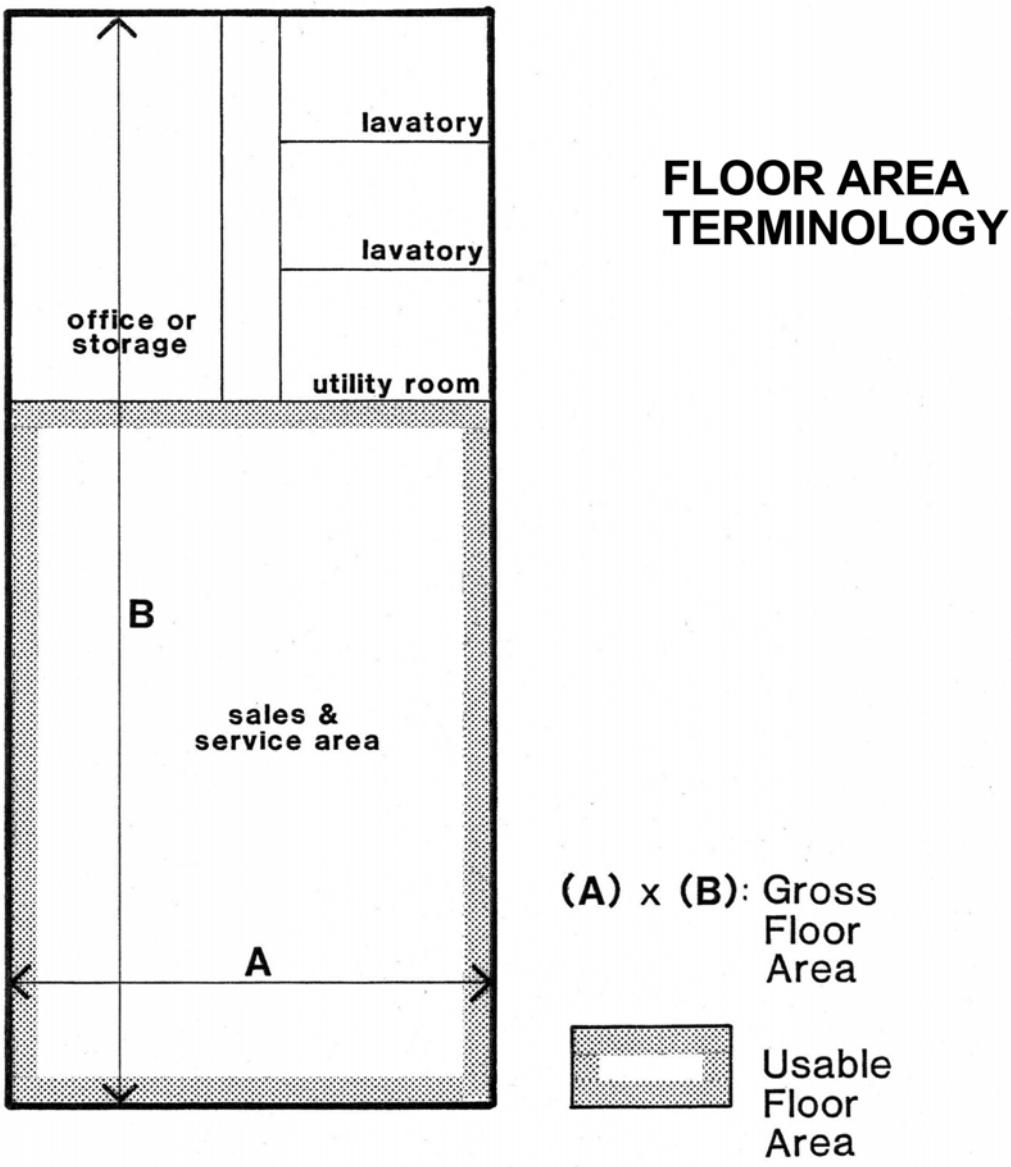


FIGURE 9
FLOOR AREA

GARAGE, PRIVATE: A detached or attached accessory building or portion of a principal building for the parking or temporary storage of automobiles, recreational vehicles, and/or boats of the occupants of the premises and wherein:

A. Not more than one (one) space is rented for parking to person not resident on the premises;

B. Not more than one (one) commercial vehicle per dwelling unit is parked or stored; and

C. The commercial vehicle permitted does not exceed two (2) tons capacity.

GARAGE SALE: See Yard Sale.

GARAGE, SERVICE STATION: See Automobile Service Stations.

GO CART TRACK: A black-topped area laid out for the riding of go-carts usually rented by the hour.

GOLF COURSE: An area designated as and arranged for the playing of golf. Conventional golf courses consist of a series of fairways and greens with holes numbering one (1) through nine (9) or multiples of nine (9). Par 3 and miniature golf (such as putt-putt) are considered golf courses.

GREENBELT: See LANDSCAPING.

GROUP RESIDENTIAL FACILITY: A group residential facility is a community residential facility, licensed and/or approved and regulated by the State, which provides rehabilitative or habilitative services. There are two classes of group residential facilities:

Class I - Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care of rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or development disabilities. A Class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff.

Class II - Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; or place used as a home for residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class II Type B group residential facility contains five (5) or less residents, exclusive of staff.

HISTORIC AREA: A district or zone designated by a local authority, state or federal government within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale, including materials, proportion, form and architectural detail, or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.

HOME OCCUPATION: Home Occupation means an accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling and is without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, babysitting, tax consulting and the like shall

involve not more than three receivers of such services at any one (1) time, with the exception of certified or uncertified Type B Family Day-Care Homes, which constitute a residential use and not an accessory use.

HORSE RIDING CLUB: Persons joined together for the enjoyment of horses and horse riding. Horse riding clubs usually have a show ring, bleachers, and a parking area for contestants and on-lookers of scheduled horse shows.

HOSPITAL: A building, structure or institution in which sick or injured persons, primarily inpatients, are given medical or surgical treatment and operating under license by the State.

HOTEL OR MOTEL AND APARTMENT HOTEL: A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

IMPERVIOUS SURFACE: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

INDUSTRY, HEAVY: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials or products, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

INDUSTRY, LIGHT: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

INSTITUTION: Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

JUNK: Old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, junked, dismantled or wrecked automobiles or parts thereof, iron, steel, and other old or scrap ferrous or non-ferrous materials.

JUNK BUILDINGS, JUNK SHOPS, JUNK YARDS: Any land, property, structure, building, or combination of the same, on which junk, waste, or secondhand materials are used, bought and sold, exchanged, stored, baled, packed, disassembled, processed, or handled, including, but not limited to: junk, scrap iron, metals, paper, rags, tires, bottles and automobiles.

LANDSCAPING: The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a

landscape design may include other decorative man-made materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping- related terms are defined as follows:

A. **Berm:** A continuous, raised earthen mound with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of these Zoning Regulations.

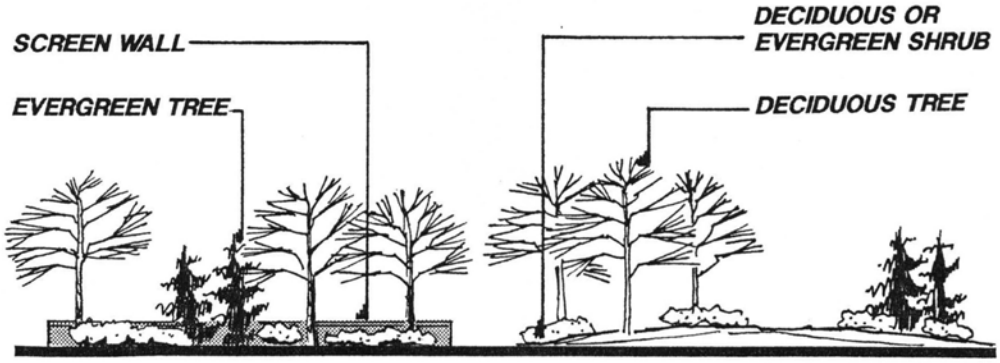
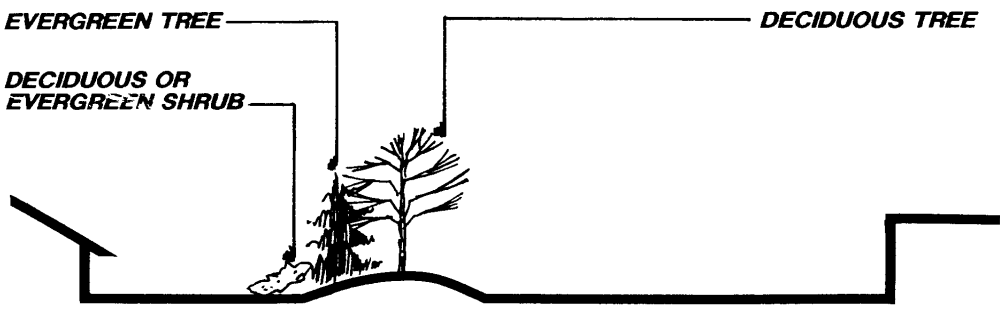


FIGURE 10 - BERM

B. **Grass:** Any of a family of plants with narrow leaves normally grown as permanent lawns in Wayne County, Michigan.

C. **Greenbelt:** A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of these Zoning Regulations (see Figure 11).



SECTION

FIGURE 11
GREENBELT

D. **Ground Cover:** Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.

E. **Hedge:** A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.

F **Hydro-Seeding:** A method of planting grass where a mixture of the seed, water, and mulch is mechanically sprayed over the surface of the ground.

G. **Interior Parking Lot Landscaping:** A landscaped area located in the interior of a parking lot in such a manner as to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.

H. **Mulch:** A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, or aid plant growth.

I. **Nurse Grass:** Any of a variety of rapidly-growing annual or perennial rye grasses used to quickly establish ground cover to prevent dust or soil erosion.

J. **Screen or Screening:** A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of non-living material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.

K. **Shrub:** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than fifteen (15) feet in height.

L. **Sod:** An area of grass-covered surface soil held together by matted roots.

M. **Tree:** A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of fifteen (15) feet or more in Warren County, Michigan.

1. **Deciduous Tree:** A variety of tree that has foliage that is shed at the end of the growing season.

2. **Evergreen Tree:** A variety of tree that has foliage that persists and remains green throughout the year.

N. **Ornamental Tree:** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of twenty-five (25) feet or less.

O. **Shade Tree:** For the purposes of these Zoning Regulations, a shade tree is a deciduous tree which has a mature crown spread of fifteen (15) feet or greater in Wayne County, Michigan, and has a trunk with at least five (5) feet of clear stem at maturity.

P. **Vine:** A plant with a flexible stem supported by climbing, twining, or creeping along the surface, and which may require physical support to reach maturity.

LATTICE TOWER: A support structure constructed of vertical metal struts and cross braces, forming a triangular or square structure which often tapers from the foundation to the top, used primarily for radio and television antennae and wireless telecommunication facilities.

KENNEL: Any lot or premises on which four (4) or more dogs and/or cats more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

LOADING SPACE, OFF-STREET: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking spaces. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

LOCATION MAP: See Vicinity Map.

LOT: For the purposes of this Ordinance a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record; or
3. A combination of complete lots of record, of complete lots of record and portions of lots or record, or of portions of lots of record.

LOT COVERAGE: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this Section.

LOT LINES: The lines bounding a lot as follows:

A. **Front Lot Line:** In the case of a lot not located on a corner, the line separating said lot from the public or private road right-of-way. In the case of a corner lot or double frontage lot, the Front Lot Line shall be that line that separates said lot from the right-of-way for the road which is designated as the front on the plat, or which is designated as the front on the site plan review application or request for a building permit, subject to approval by the Planning Commission or Zoning Administrator. On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the street from which access is obtained.

B. **Rear Lot Line:** Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of irregular, triangular, wedge-shaped, or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot. In cases in which the rear lot line definition can not be easily applied, the Zoning Administrator shall designate the rear lot line.

C. **Side Lot Line:** Any lot line other than the front or rear lot lines. A side lot line separating a lot from a road right-of-way is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. In cases in which the side lot line definition can not be easily applied, the Zoning Administrator shall designate the side lot line(s).

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

LOT MEASUREMENTS: A lot shall be measured as follows:

A. **Depth** - The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

B. **Width** - The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

C. On **cul-de-sacs & curvilinear** roads, the minimum frontage will be measured at the setback line.

D. **Frontage** - Frontage measurements must be continuous, not separated by other parcels.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES: Terminology used in this Ordinance with reference to corner lots, interior lots and through lots is as follows:

A. **Corner Lot:** A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty five (135) degrees.

B. **Interior Lot:** A lot with frontage on only one (1) street.

C. **Through Lots:** A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.

D. **Reverse Frontage Lot:** A lot on which frontage is at right angles to the general pattern in the area. A reverse frontage lot may also be a corner lot.

E. **Flag Lot:** A lot which is located behind other parcels or lots fronting on a public road, but which has a narrow extension to provide access to the public road.

LOT WIDTH: The straight line distance between the side lot lines, measured at the two (2) points where the minimum front yard setback line intersects the side lot lines. At no time shall the measured lot width at the street line be less than half of the required lot width.

MAINTENANCE AND STORAGE FACILITIES: Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

MANUFACTURED HOME: Any non-selfpropelled vehicle transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Any such structure as defined in the preceding sentence shall be a Manufactured Home for purposes of this Ordinance whether or not such structure is subject to taxation under Section 4503.06 of the Revised Code or its successor provisions as a manufactured home, and whether or not

such structure is permanently attached to a site and no longer has the potential for mobility, by reason of, but not limited to, lack or surrender of any manufactured home title, physical alteration such as removal of towing tongue, and/or situation on property owned by the owner of such structure. Calculations used to determine the number of square feet in a structure are based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. This dwelling unit shall bear a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards (see 24CFR3280 for legal definition).

MANUFACTURED HOME PARK: Any site, or tract or land under single ownership, upon which three or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

MANUFACTURING, HEAVY: Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas; extensive service and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

MANUFACTURING, LIGHT: Manufacturing, or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust, operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

MANUFACTURING, EXTRACTIVE: Any mining, quarrying, excavating processing, storing, separating, cleaning, or marketing or any mineral natural resource.

MARQUEE: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MASSAGE PARLOR: A place where manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical, therapeutic, or bathing devices or techniques, other than the following: a duly licensed physician, osteopath, or chiropractor; a registered or practical nurse operating under a physician's directions; or, registered physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physician's direction. A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. Massage establishments, as defined herein, shall not include properly-licensed hospitals, medical clinics, or nursing homes, or beauty salons or barber shops in which massages are administered only to the scalp, the face, the neck or the shoulders.

MASSAGE THERAPIST, CERTIFIED: An individual specifically trained and certified in massage therapy and the healing arts by the American Massage Therapy Association or similar organizations.

MATERIAL RECOVERY FACILITY (WASTE REDUCTION): A centralized facility that receives, separates, processes, and markets recyclable materials. A Material Recovery Facility can be operated in conjunction with both drop-off and curbside programs, and can be designed to process separated materials or co-mingled recyclables.

MAYOR: The Mayor of the Municipality.

MECHANICAL OR ELECTRONICALLY OPERATED AMUSEMENT DEVICE: Any machine, device or instrument which, by the payment of a fee or other things of value, or by the insertion of a coin, plate, disc, slug, key or token, operates or may be operated as a game, contest or amusement, and which contains no automatic pay-off device for the return of money, coins, tokens, or merchandise or check redeemable in money or anything of value. Mechanical or electronically operated amusement device includes, but is not limited to, devices such as mechanical baseball, mechanical football, pinball machines, any table game or device commonly known as an electronic game, and other similar types of devices; provided, however, that this definition is not intended to, nor shall it be construed to, include merchandise vending machines or coin operated mechanical or electrical musical instruments or devices.

MICROWAVE: Electromagnetic radiation with frequencies higher than 1,000 MHz; highly directional when used for radio frequency transmissions; transmitted from point to point at relatively low power levels compared to other forms of transmission.

MOBILE HOME: See Manufactured Home.

MOBILE HOME PARK: See Manufactured Home Park.

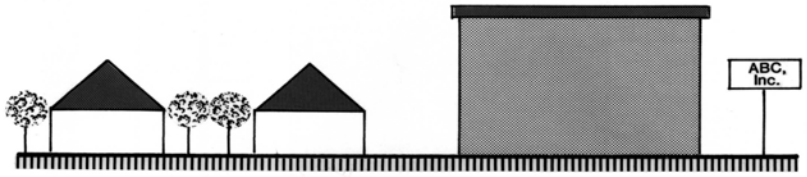
MODULAR HOMES: Factory-built housing certified as meeting the BOCA Basic Building Code as applicable to modular housing. Once certified by the County Department of Building Regulations, modular homes shall be subject to the same standards as site-built homes.

MONOPOLE: A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation, primarily used for wireless telecommunication facilities.

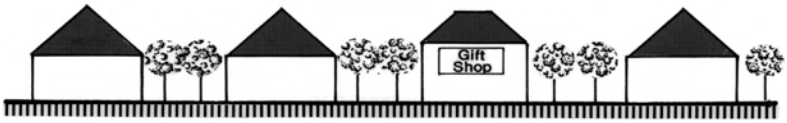
MUNICIPALITY: The Municipality of Morrow, Ohio.

NATURAL FEATURES: Natural features shall include soils, wetlands, floodplain, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

NONCONFORMITIES: Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Ordinance or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.



Nonconforming Building and Use



Nonconforming Use
(Residence converted to commercial use in residential district)

FIGURE 12 - NONCONFORMITIES

NUISANCE: Any offensive, annoying, or disturbing practice or object, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

NUDE OR NUDITY: The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full opaque covering of any portion thereof, or female breast(s) with less than a full opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

NURSERY, NURSING HOME: See Convalescent or Nursing Home.

NURSERY, PLANT MATERIALS: Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

OCCUPANCY PERMIT: When a building is being altered, enlarged, constructed, or reconstructed, its owner or agent shall apply to the Zoning Inspector for a Certificate of Occupancy before the intended occupant resumes use of or moves into the designated structure. If the structure has occupants while being altered or enlarged, only the new sections will be involved in the occupancy permit. A new certificate of occupancy shall be required if there are substantial variations

from the operations referred to in the building permit or previous certificate of occupancy permitting such use.

OFFICE: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

OPEN SPACE: An unoccupied space open to the sky, intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, lawns, decorative planting, courtyards, plazas, walkways, gazebos, usable and passive recreation areas, playgrounds, tot lots, fountains, ponds, swimming pools, woodlands, wetlands and water courses. Open space shall not be deemed to include driveways, parking lots, residential structures, business structures or other surfaces designed or intended for vehicular travel, but may include a recreational clubhouse or recreation center.

OPEN SPACE, PASSIVE: Open space that is essentially unimproved and set aside, designated and protected and is accessible to all residents of the development.

OPEN SPACE, USABLE: Any land area suitable for outdoor active recreation and is accessible to all residents or the development.

OPEN-AIR BUSINESS USES: "Open-air business uses," not conducted from a wholly enclosed building, shall include but are not limited to the following business uses:

1. Nurseries or garden centers.
2. Retail sale of fruit and vegetables.
3. Tennis courts, archery courts, shuffleboard courts, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreational uses.
4. Bicycle, utility truck or trailer, motor vehicle, boat or home equipment sale, rental or repair services.
5. Outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements and similar products.

OUTDOOR STORAGE: The keeping, in an unroofed area, of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours.

OVERLAY DISTRICT: A district described by the zoning map within which, through superimposition of a special designation, furthermore regulations and requirements apply in addition to those of the underlying districts to which such designation is added.

PARK TRAILER: A recreational vehicle that meets the following criteria:

A. Built on a single chassis mounted on wheels.
B. Primarily designed as temporary living quarters for seasonal or destination camping which may be connected to utilities necessary for operation of installed fixtures and appliances.
C. Having a gross trailer area not exceeding four hundred (400) square feet in the set up mode.
D. Having a gross trailer area not less than two hundred forty (240) square feet and certified by the manufacturer as complying with ANSI A119.5.

PARKING LOT, OFF STREET: A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

PARKING SPACE, OFF-STREET: For the purpose of this Ordinance, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

PENNANT: Any lightweight plastic, fabric, or other material, not containing a message of any kind, suspended from a rope or wire, or string, always in series designed to move in the wind.

PERFORMANCE BOND OR SURETY BOND: An agreement by a subdivider or developer with the Municipality for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

PERFORMANCE GUARANTEE: A financial guarantee to ensure that specific improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and approved plans and specifications of the development.

PERSONAL SERVICES: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

PROPERTY LINE: The line separating a piece of property from the street right-of-way and the lines separating a parcel of property from the parcels next to it. See also LOT LINE.

PICNIC GROUNDS: An area either public or private designated as a site for picnic table, pavilions, rest rooms and necessary accessories. Picnic grounds area sometimes associated with Play Grounds and/or Swimming Pool areas.

PLANNED UNIT DEVELOPMENT: An area of land in which a variety of housing types and subordinates commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

PUBLIC UTILITY: Any persons, firm, corporation, municipal department, or board, duly authorized to furnish to the public under government regulations any of the following: electricity, gas, steam, communications services, cable television services, transportation services, water, sewer service, or sewage treatment.

PORCH, ENCLOSED: A covered entrance to a building or structure which is totally enclosed, which projects out from the main wall of such building or structure and which has a separate roof or an integral roof with the principal building or structure to which it is attached.

PORCH, OPEN: A covered entrance to a building or structure which is unenclosed, except for columns supporting the porch roof, which projects out from the main wall of such building or structure and which has a separate roof, awning, or canopy, or an integral roof with the principal building or structure to which it is attached.

PROFESSIONAL ACTIVITIES: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

PLAYGROUND, TOT LOT: An area either public or private designed as a site for swings, slides, and other playground facilities. Playgrounds are common accessory uses for a picnic ground or swimming pool area.

PRIVACY SCREEN: An artificially constructed barrier of wood, wire, metal or any other material or combination of materials, commonly used in fence construction. A privacy screen is intended to screen a selected use or area in a private residential yard.

PUBLIC SERVICE FACILITY: The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by an other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

PUBLIC USES: Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials, & public service facilities.

PUBLIC WAY: An alley, avenue, boulevard, bridge channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, bicycle path; or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

QUASI PUBLIC USE: Churches, Sunday Schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

RADIO: A generic term referring to communication of impulses, sounds, and pictures through space by means of an electromagnetic wave; specifically, refers to transmission of sound within short-wave, FM, AM, and land-mobile radio frequencies.

RECREATION CAMP: An area of land on which two or more recreational vehicles, tents, or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure, or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

RECREATION FACILITIES: Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

RECREATION ESTABLISHMENT, INDOOR: A facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as gymnasiums and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.

RECREATION ESTABLISHMENT, OUTDOOR: A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and children's amusement parks.

RECREATIONAL VEHICLE: "Recreational Vehicles" shall include the following:

A. **Travel Trailer:** A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally include self-contained sanitary, water, and electrical facilities.

B. **Pickup Camper:** A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.

C. **Motor Home:** A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.

D. **Folding Tent Trailer:** A folding structure, mounted on wheels and designed for travel and vacation use.

E. **Boats and Boat Trailers:** "Boats" and "boat trailers" shall include boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.

F. **Other Recreational Equipment:** Other recreational equipment includes snowmobiles, jet skis, all terrain or special terrain vehicles, utility trailers, plus the normal equipment used to transport them on the highway.

RECYCLING: The process of collecting, sorting, cleansing, treating, and reconstituting waste or other discarded material for the purpose of recovering and reusing the materials.

REGIONAL SHOPPING CENTER: A group of commercial establishments, planned and developed as a unit, with a minimum gross leasable area of four-hundred-thousand (400,000) square feet or greater, and with off-street parking provided on the property.

RESEARCH ACTIVITIES: Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

RESTAURANT: A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a fast-food restaurant, a standard restaurant, or bar/lounge, or combination thereof, as defined below. When characteristics of two (2) or more restaurant types are contained within a single business establishment, the requirements for each type of restaurant must be satisfied proportionate to the amount of floor area used by each type of restaurant within the establishment.

A. **Restaurant, Fast Food:** A fast-food restaurant is a fast-food establishment whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line or in the customer's motor vehicle for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at

the site. Carry-out, drive-in, drive-through and delivery restaurants are different types of fast-food restaurants.

1. **Restaurant, Carry-Out:** A carry-out restaurant is a fast-food restaurant whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption off the premises. No customer eating area is provided on the premises of a carry-out restaurant.
2. **Restaurant, Drive-In:** A drive-in restaurant is a fast-food restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
3. **Restaurant, Drive-Through:** A drive-through restaurant is a fast-food restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises. No indoor customer eating area is provided in a drive-through restaurant.
4. **Restaurant, Delivery:** A delivery restaurant is a fast-food restaurant whose method of operation involves sales of food, beverages, and/or frozen deserts in disposable or edible containers or wrappers in ready-to-consume state for consumption off the premises. No drive-in, drive-through, counter or other customer accessible service area is available on the delivery restaurant site. Food is delivered to customers after the customer telephonically transmits an order; customers do not visit the delivery restaurant site to obtain food.

B. **Restaurant, Standard:** A standard restaurant is a business establishment whose method of operation involves either:

1. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building; or

2. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

3. Carry-out orders may also be filled by a standard restaurant provided that additional parking facilities are provided for the carry-out facilities consistent with the requirements for carry-out restaurants.

C. **Bar/Lounge/Tavern:** A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar, lounge or tavern is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

REVISED CODE: The Revised Code of the State, as now existing or hereinafter amended.

RETENTION BASIN: A pond, pool, or basin used for the permanent storage of storm water runoff.

RIGHT-OF-WAY: The strip of land over which an easement exists to allow facilities such as streets, roads, highways, and power lines to be built.

ROADSIDE STAND: A temporary structure designed or used for the display or sale of agricultural and related products.

SANITARY LANDFILL: Land waste disposal site that is located to minimize water pollution from runoff and leaching. Waste is spread in thin layers, compacted, and covered with a fresh layer of soil each day to minimize pest, aesthetic, disease, air pollution, and water pollution problems.

SATELLITE SIGNAL RECEIVER: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. "Dish-type Satellite Signal-Receiving Antennas", "earth stations" or "ground stations", whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one, or a combination of two or more of the following:

A. A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.
B. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals.
C. A coaxial cable whose purpose is to convey or transmit signals to a receiver.

SCRAP METAL PROCESSING FACILITY: An establishment having facilities for processing iron, steel, or non-ferrous scrap and whose principal product is scrap iron and steel or non-ferrous scrap for sale for remelting purposes.

SEAT: For the purpose of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty four (24) lineal inches of benches, pews, or space for loose chairs.

SELF-STORAGE WAREHOUSE: A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

SEMI-TRAILER: A trailer, which may be enclosed or not enclosed, having wheels generally only at the rear, and supported in front by a truck tractor or towing vehicle.

SERVICE TRUCK: A pick-up truck or van that is used in conjunction with a repair or maintenance business, such as a plumbing, electrical, or carpentry business.

SETBACK LINE: A line established by this Ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in this Ordinance.

SEWERS, CENTRAL OR GROUP: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

SEWERS, ON-SITE: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

SEXUAL ACTIVITY: Sexual conduct or sexual contact, or both.

SEXUAL CONTACT: Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

SEXUAL EXCITEMENT: The condition of the human male or female genitals, when in a state of sexual stimulation or arousal.

SEXUAL INTERCOURSE: Includes genital coitus, fellatio, cunnilingus, anal intercourse, or any other intrusion, however slight, of any part of a person's body, or of any object into the genital or anal openings of another's body.

SIDEWALK: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

SIGN: A name, identification, description, display or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land; or affixed to the glass on the outside or inside of a window so as to be seen from the outside of a building and which directs attention to an object, product, place, activity, person, institution, organization, or business. The following are types of signs and definitions of related terms:

A. **Advertising.** A sign that directs attention to a business, product, activity or service which is not conducted, sold or offered upon the premises where such sign is located.

B. **Animated.** Any sign, which, by method or manner of illumination, flashes on and off, winks, or blinks varying light intensity, shows motion, or creates the illusion of motion or revolves in a manner to create the illusion of moving.

C. **Area.** The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The necessary supports or uprights on which such sign is placed, not being advertising matter, shall not be included in computation of surface area.

D. **Awning, Canopy or Marquee.** A sign that is mounted on, painted on, or attached to an awning, canopy or marquee.

E. **Banner.** A sign made of fabric, plastic, paper or other non-ridged material with no enclosing framework. Such signs are classified as temporary signs and regulated as such.

F. **Business.** A sign, which directs attention to a business, profession, service, product or activity sold or offered upon the premises where such sign is located.

G. **Bulletin Board.** A structure containing a surface upon which is displayed the name of a religious institution, school or library, auditorium, stadium, athletic field or area of similar use for the announcement of services or activities to be held therein.

H. **Changeable Copy Sign.** A sign or portion thereof designed to periodically accommodate message or price changes. Changeable copy signs include the following:

1. electronically controlled signs

2. manually controlled signs for business purposes

3. manually controlled Bulletin Board Sign located on the property of a public, institutional, religious or charitable organization which are used to identify the name of the institution or organization and to announce its activities

I. **Construction.** A sign advertising the development or improvement or a property by a builder, contractor, or other person furnishing services, material, or labor to said premises, which sign is intended for a limited period of display and erected on the same lot as the work being done.

J. **Directional.** A sign directing vehicular or pedestrian movement onto or within a premise with no identification or advertising on the sign.

K. **Domestic Advertising.** A sign advertising the sale of household goods previously used by an individual or his family, when such sign is located at the place of residence of the individual or family.

L. **Electronic Message Board.** Any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. *(*Such signs shall not fall under the category of Animated signs).

M. **Festoon.** A string of ribbons, tinsels, small flags, pinwheels or lights typically strung overhead in loops.

N. **Flag.** A banner of distinctive design used as a symbol of a nation, state, or other governmental entity.

O. **Flashing.** Any illuminated sign on which the artificial light or any part thereof has conspicuous or intermittent variation in intensity or color.

P. **Free-Standing.** A sign supported by one or more uprights, poles, braces, or bases in or upon the ground, and not attached to any building. Freestanding signs include "monument signs," "pole signs," "bulletin board"and "ground signs."

Q. **Frontage, Building.** The length of the portion of a building occupied by a single business facing a street abutting the premises on which the business is located.

R. **Frontage, Lot.** The length of the front lot line measured at the street right-of-way line between side lot lines.

S. **Gasoline Price Sign.** A sign which is used to advertise the price of gasoline. In the event that the brand identification sign is attached to or is a part of the sign advertising price, that portion of the sign used for advertising price shall be considered the gasoline price sign.

T. **Governmental.** A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, resolution or other governmental regulation.

U. **Ground.** A freestanding sign supported by one or more uprights or pylons located in or upon the ground, or something requiring location on the ground, including "billboards".

V. **Height.** The vertical distance from the uppermost point used in measuring the area of the sign to the crown of the road on which the property fronts.

W. **Holiday Decoration.** Temporary signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local or religious holiday.

X. **Identification.** A sign limited to the name, address and number of a building, institution or persons and to the activity carried on in the building or institution, or the occupancy of the person.

Y. **Illumination.** Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.

1. Indirect Illumination — A light source not seen directly.

2. Internal Illumination — A light source concealed or, contained within the sign, and which becomes visible in darkness through a translucent surface.

Z. **Incidental.** A small sign, emblem, or decal informing the public of goods, services, available, on the premises. Examples of incidental signs include credit card signs, signs indicating hours of operations, no smoking signs, signs used to designate bathrooms, and business affiliation signs.

AA. **Interior, Exterior.** Interior signs are located within a structure, and are not intended to be seen from the exterior. Signs affixed to a window or the walls enclosing the display area behind a window, which are obviously intended for viewing from the exterior, shall be considered exterior signs.

BB. **Marquee.** A permanent roof like structure or canopy supported by and extending from the face of the building. The sign is attached to or supported by the marquee structure.

CC. **Memorial.** A sign, tablet or plaque memorializing a person, event, structure orsite.

DD. **Monument.** A type of freestanding sign located in close proximity to driveway entrances to a commercial, office or industrial establishment. A monument sign is an integrated component of an overall entryway design theme that typically inlcudes landscaping, lighting and signage.

EE. **Name Plate.** A sign designating only the name and address or the name and professional occupation and address of a person or persons residing in or occupying space in such building or premises.

FF. **Off-Premise Advertising.** A sign which contains a message unrelated to a business, profession, commodity, service, activity, sold or offered upon the premises where such sign is located. A billboard is a type of off-premise advertising sign.

GG. **On-Premises.** Any sign related to a business or profession conducted or a commodity or service sold or offered upon the premises where such sign is located.

HH. **On-Site Informational.** A sign commonly associated with, and not limited to, information and directions necessary or convenient for visitors coming on the property including signs marking entrances and exits, parking areas, circulation direction, restrooms, and pick-up and delivery areas.

II. **Pole.** A sign that is mounted on a free-standing pole or other support so that the bottom edge of the sign is above grade.

JJ. **Political.** A sign which promotes, identifies, announces, opposes or otherwise offers for the public consideration any political candidate or issue, partisan or nonpartisan.

KK. **Portable.** A sign that is attached to wheels, skids, or other forms of mounting, which is not permanently affixed in or to the ground.

a. Folding Portable Sign — Any sign supported by an "A-frame" or "T-frame" base which is designed to be easily movable and is intended for advertising price and/or incidental goods or services.

b. Trailer Sign — Any sign attached to, supported by or part of a structure which is designed to be moved on trailer wheels, skids or other similar device or transported, pushed or pulled by a motor vehicle.

LL. **Projecting.** A sign affixed to any building or part thereof, or structure, extending beyond the building wall or parts thereof, or structure, by more than 12 inches. A projecting sign shall not include a ground sign as herein defined.

MM. **Promotion.** A temporary sign, the function of which is to announce a special event.

NN. **Real Estate.** A sign advertising for sale, lease or rent the parcel or real estate on which the sign is located. Also, temporary directional signs less than four square feet in message area displayed during the hours in which an “open house” showing of real property for sale, lease or rent is actually being conducted shall be considered real estate signs, even though they may not be located on the parcel of real estate being advertised. “Sold” signs shall be considered commercial advertising signs.

OO. **Roof-Mounted.** Any sign which is erected over the roof or parapet above the roofline and/or receives any or all its support from the roof structure.

PP. **Structure.** The supports, uprights, bracing or framework for signs.

QQ. **Subdivision**. A sign advertising the sale or development of subdivision lots, parcels or tracts and erected upon the property being subdivided and advertised for sale.

RR. **Temporary.** A banner, pennant, poster display or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product place, person, institution, organization or business and is constructed of cloth, plastic sheet, cardboard or other like materials and which is intended to be displayed for a limited period of time as determined by the Zoning Commission.

SS. **Wall.** Any sign painted on, attached to, or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall and extending not more than 15 inches from the face of the wall.

TT. **Warning.** Any sign indicating danger or a situation which is potentially dangerous.

UU. **Window, Permanent.** Any sign visible from the exterior of a building or structure which is painted, attached, glued or otherwise affixed to a window or depicted upon a card, paper, or other material and placed on, taped on, or hung immediately behind the window or displayed from a window for the specific purpose of identifying the proprietor or name of business to the passer-by.

VV. **Window, Temporary.** Any sign visible from the exterior of a building or structure which is painted on a window, depicted upon a card, paper, or other material or placed on, taped on, or hung immediately behind the window, or displayed from a window for the specific purpose of attracting attention of the passer-by to a sale, or to promotional items, or other products or services.

SITE-BUILT HOMES: Dwelling unit constructed on the lot in accordance to the Municipal Building Code and inspected/approved by the County Department of Building Regulations.

SITE PLAN: A plan, prepared to scale, as required in these Zoning Regulations, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

SOLID WASTE: Unwanted residual solid or semisolid material as results from residential, industrial, commercial, agricultural, and community mining, or demolition operations, or other waste material of the type that would normally be included in demolition debris, nontoxic fly ash, spent nontoxic foundry sand, and slag and other substances that are not harmful or contrary to public health, and non-combustible material, street dirt, and debris. Solid Waste does not include any material that is an infectious waste or hazardous waste.

SOLID WASTE COMPOST FACILITY: A compost facility for the controlled degradation of municipal solid waste. Included in this process is the removal of non-inorganic materials.\

SPECIAL EVENT: An occurrence or noteworthy happening of seasonal, civic, or religious importance, which is organized and sponsored by a non-profit Village of Morrow community group, congregation, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a short period of time (less than two (2) weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

SPECIAL USE: A non-transferable use permitted within a district other than a principally permitted use, requiring a special use permit and approval of the Board.

SPECIAL USE PERMIT: A permit issued by the Zoning Inspector upon approval by the Commission to allow a use other than a principally permitted use to be established within the district.

STABLE: A land use usually found in an agricultural area and consisting of breeding, training, housing, and rental of saddle horses.

STATE: The State of Ohio.

STORY: That part of a building between the surface of a floor and the ceiling immediately above.

STREET: A thoroughfare or way, other than an alley, dedicated to the use of the public, and which affords traffic circulation and principal means of access to abutting property. Avenue, place, way, drive, lane, boulevard, thoroughfare, highway and road are synonymous terms to street.

STRUCTURE: Anything constructed or erected, the use of which requires location on ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennae, swimming pools, signs, gas or liquid storage facility, mobile homes, access drives, sidewalk, street directional or street name sign, and landscape improvements. Essential public utility poles, regulatory signs, necessary drives, sidewalks, bicycle paths, permitted parking, permitted signs and landscaping are not considered structures within required setback open spaces.

SUBDIVISION: The division of a lot, tract, or parcel into two or more lots, tracts, or parcels or other divisions of land for sale, development, or lease (see Chapter 711 of the Revised Code, as amended).

SUPERMARKET: A retail store with more than twenty-thousand (20,000) square feet of gross floor area offering groceries, meats, poultry, seafood, dairy products, produce, bakery products, other food products, and other associated merchandise, and may have facilities for a butcher shop, fresh seafood, a delicatessen, a bakery, a party store, a restaurant, an ice cream parlor, a florist, a pharmacy, a financial institution, or other services.

SWIMMING POOL: A structure intended primarily for swimming or wading containing at least one and one half (1-1/2) feet of water at any point and maintained by the owner or manager.

A. **Private** - Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.

B. **Community:** Operated with a charge for admission; a primary use.

TATTOO PARLOR: An establishment having as its principal activity the application or placing, by any method, designs, letters, scrolls, figures, symbols, or any other marks upon or under the human skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.

TEMPORARY USE OR BUILDING: A use or building permitted to exist for a limited period of time under conditions and procedures as provided for in this Zoning Ordinance.

TOBACCO SHOP: Any establishment having more than thirty (30) percent of its gross floor area devoted to selling of cigarette, cigars, or smoking paraphernalia.

TEMPORARY BUILDING, STRUCTURE OR USE: A structure or use permitted during periods of construction of the main use or for special events, for a specified period, but not to exceed one year.

TENT: A shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and does not include those types of tents used solely for children's recreational purposes.

THOROUGHFARE PLAN: The portion of the comprehensive plan adopted by the Municipality indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

THOROUGHFARE, STREET OR ROAD: The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

1. **Alley** - A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. **Arterial Street** - A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
3. **Collector Street** - A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.

4. **Cul-de-Sac** - A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. **Dead-End Street** - A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. **Local Street** - A street primarily for providing access to residential or other abutting property.
7. **Loop Street** - A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred eighty (180) degree system of turns are not more than one thousand (1,000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
8. **Marginal Access Street** - A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Streets.)

THROUGH LOT: See Lot Types.

TIME SHARING: A land use concept which involves the transfer of ownership by deed of an undivided fee interest (share) in property to an individual or group of individuals for the use, occupancy, or possession of which circulates among owners according to a fixed or floating time basis.

TRAILER: Any vehicle without motive power designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type such as that commonly known as a trailer dolly, and a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater then twenty five (25) miles per hour. See also Recreational Vehicle.

TRANSFER STATION: A facility where the solid waste from several relatively small vehicles is placed into one relatively large vehicle before being hauled to a disposal site.

TRANSMISSION TOWER: The structure on which transmitting and/or receiving antennas are located. An AM radio tower is its own transmitting antenna.

TRANSMITTER: Equipment that generates radio signals for transmission via antenna.

TRANSPORTATION, DIRECTOR OF: The Director of the Department of Transportation of the State.

TRUCK TERMINAL: A structure to which goods, except raw or unprocessed agricultural products, natural minerals, or other resources, are delivered for immediate distribution or to be amalgamated or

divided for delivery in larger or smaller units to other points, or for distribution, amalgamation, or division involving transfer to other modes of transportation.

USE: The purpose for which land, lots, or buildings thereon is designed, arranged or intended, or for which it is occupied, maintained, let or leased.

A. **Use, Accessory:** See ACCESSORY USE, BUILDING, OR STRUCTURE.

B. **Use, Permitted:** A permitted use is a use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.

C. **Use, Principal:** The principal use is the main use of land and buildings and the main purpose for which land and buildings exist.

D. **Use, Non-Conforming:** See NONCONFORMITY.

E. **Use, Special Land:** See SPECIAL LAND USE.

The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

UNDERLYING ZONING: The zoning classification and regulations applicable to the property immediately preceding the approval of an application to designate a parcel Planned Unit Development.

USE, ACCESSORY: A use of land or a portion of the building customarily incidental and subordinate to the actual principal use of the land or building and located on the same parcel of property with such principal use of the land or building.

VARIANCE: A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

VETERINARY ANIMAL HOSPITAL OR CLINIC: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

VARIANCE: A modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would cause practical difficulties or unnecessary hardship owing to circumstances unique to the individual property on which the

variance is granted. A variance to permit a use not otherwise permitted within a zoning district (i.e., a "use variance") shall not be permitted.

VICINITY MAP: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

WALKWAY: A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

WALL, RETAINING OR OBSCURING: A permanent solid barrier of brick, stone, or other opaque material meeting the requirements of this title, intended to enclose an area.

WAREHOUSE: A building used primarily for storage of goods and materials.

WASTE RECYCLING CENTER: A center which accepts solid waste that is otherwise destined for disposal although not necessarily on that location. The materials are collected, reprocessed or remanufactured, and ultimately reused.

WIRELESS TELECOMMUNICATION ANTENNA: The physical apparatus affixed to support structures, towers, buildings, or other structures through which telecommunications authorized by the Federal Communications Commission are transmitted or received. Antenna types include, but are not limited to: omni-directional whip antennae; directional panel antennae; ancillary antennae; and microwave dishes. A wireless telecommunication support structure proposed to be newly established shall not be included within this definition.

WIRELESS TELECOMMUNICATIONS EQUIPMENT SHELTER: The structure, shelter, cabinet or vault in which the electronic receiving and relay equipment necessary for processing wireless telecommunications is housed together with necessary related equipment.

WIRELESS TELECOMMUNICATIONS FACILITY: All structures and accessory facilities, including but not limited to wireless telecommunications support structures or towers, wireless telecommunications equipment shelters, wireless telecommunications antennae, and related equipment involved in the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings, and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham and amateur radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. A wireless telecommunication facility shall be considered neither an essential service nor a public utility.

WIRELESS TELECOMMUNICATION FACILITY - COLOCATION: The location by two (2) or more wireless telecommunications providers, public authorities or other duly authorized parties of wireless telecommunications facilities on a common structure, tower or building, in a manner that reduces the overall need for additional or multiple freestanding single use telecommunications facilities and/or support structures within the City of Garden City.

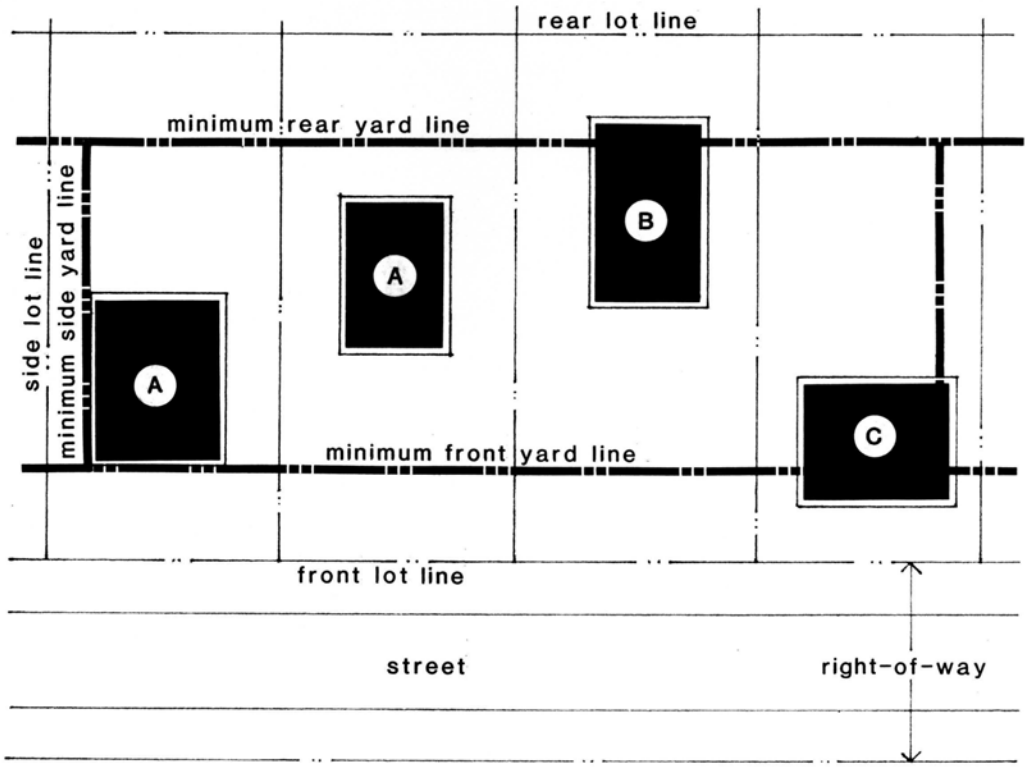
WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURE OR TOWER: Any structure designed and constructed or modified to support one (1) or more telecommunication antennae. Support structure and tower types include, but are not limited to, monopoles, guyed towers, lattice towers, utility poles and towers, light poles, and wooden poles.

YARD: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

A. **Yard, Front** - A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

B. **Yard, Rear** - A yard extending between the side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

C. **Yard, Side** - A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.



Legend

A Structures satisfying minimum yard requirements.

B Structure with deficient rear yard.

C Structure with deficient front and side yards.

FIGURE 13
YARDS

YARD SALE: Also known as Porch, Lawn, Basement, Barn, Garage, House, Flea Market, etc. (sales). The sale of varied used household items but not to include food or agricultural products. This sale is by and for the residents or family of a household or residential dwelling unit.

ZERO LOT LINE DEVELOPMENT: An arrangement of housing on adjoining lots in which the required side yard is reduced on one (1) side and increased on the other so that the sum of the offsets on any lot is no less than the sum of the required offsets. No building or structure shall be closer to a lot line than five (5) feet unless it abuts the lot line and is provided with an access easement of five (5) feet on the adjoining lot or abuts a building or structure on the adjoining lot. The offset adjacent to property

not included in the zero lot line development or a street shall not be less than that required in the zoning district.

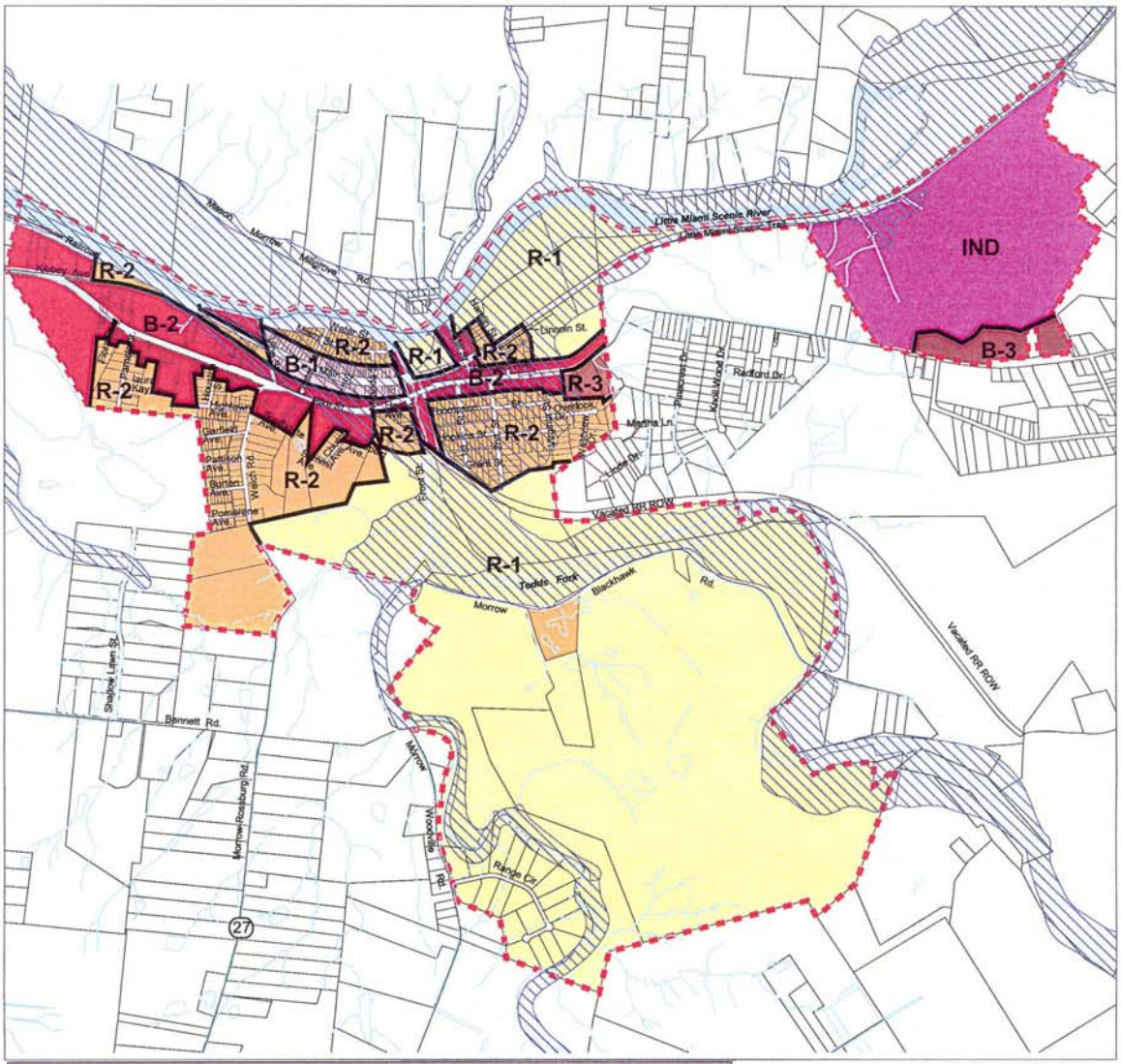
ZONE LOT: A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

ZONING INSPECTOR: The Zoning Inspector is the person designated by the Municipality to administer and enforce zoning regulations and related ordinances.

ZONING PERMIT: A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

McKenna ASSOCIATES, INC
COMMUNITY PLANNING + URBAN DESIGN

Village of Morrow, Ohio



Zoning Districts

R-1	Residential District	B-1	Downtown Business District
R-2	Residential District	B-2	Community Business District
R-3	Residential District	B-3	General Business District
	Municipal Boundary	IND	Industrial District
	Streams / Drains		Floodplain Overlay District

Basemap Source: Warren County GIS Department
Floodplain Source: Ohio Department of Natural Resources

REVISION DATES

I, JEAN MAYNE, CLERK-TREASURER OF THE VILLAGE OF MORROW, DO HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE MAP ADOPTED BY THE VILLAGE COUNCIL, OHIO ON THE 10th DAY OF DECEMBER, 2002, AS WELL AS THOSE AMENDMENTS MADE AS OF THE REVISED DATE.

JEAN MAYNE, VILLAGE CLERK-TREASURER

The parcel lines of this map are representational of the actual parcel lines and are not intended to be substituted for an official survey or used to resolve boundary or area discrepancies. Consult official Village of Morrow or Warren County records for precise distances, areas of parcels, and boundaries.

Zoning Map

0 Ft. 800 Ft. 1600 Ft

12/2002