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Chap. 1101. Purpose and Nature.
Chap. 1103. Application.
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Chap. 1107. Administration and Enforcement.
Chap. 1108. Site Plan.
Chap. 1109. Amendments.
Chap. 1111. Conditional Uses.
Chap. 1113. Variances.
Chap. 1115. Nonconforming Uses.

CHAPTER 1101

Purpose and Nature

1101.01 Purpose.
1101.02 Nature.
1101.03 District regulations generally.
1101.04 Relief from application of Zoning Ordinances or Zoning District Map.

CROSS REFERENCES
Basis of districts - see Ohio R.C. 713.10

1101.01 PURPOSE.

The purpose of this Zoning Ordinance is to:

(a) Promote and uphold the public health, safety, general welfare and morals of the Village through the regulation of the use of land and of the type, size and use of structures.

(b) Ensure and encourage the proper use of land to stabilize and preserve property values, to protect against congested and unsafe traffic conditions, to provide safety from hazards such as fire, flood, water and air contamination, and to guarantee adequate light, air, and open space to all residents of the Village.

(c) Facilitate development of land uses according to a comprehensive design that ensures the availability of and provision for adequate traffic capacity, water and sewer service, schools, public parklands and other such public facilities.

(d) Preserve unique historical and natural features of structures and land within the Village

(Ord. 2006-13. Passed 5-1-06.)

1101.02 NATURE.

The nature of this Zoning Ordinance is to:

(a) Carry out the stated purposes of this Zoning Ordinance by the arrangement of zoning districts that shall include all land within the boundaries of the Village.

(b) Specify and regulate uses of land and the type, size and use of structures within each separate zoning district.

(c) Delineate zoning district boundaries in a manner which is comprehensive and includes all land and structures similar in nature and circumstance to the extent feasible.

(Ord. 2006-13. Passed 5-1-06.)

1101.03 DISTRICT REGULATIONS GENERALLY.

(a) Standard District Regulations. The purpose of zoning regulations for the standard districts listed in Section 1103.04 is to:

(1) Delineate areas of existing and expected land uses that are best represented by the regulations and purpose of a specific zoning district.

(2) Protect and maintain the essential qualities of such areas by district regulations.

(3) Provide a mechanism for adjustments in zoning district boundaries as are necessary in the transition of land use character.

(b) Planned Development District Regulations. The purpose of zoning regulations for the planned districts listed in Section 1103.04 , in addition to the purpose set out in subsection (a) hereof is to:

(1) Regulate, encourage and provide for the coordinated and organized development of land.

(2) Allow the maximum possible flexibility in the placement and design of uses and structures.

(3) Ensure flexibility of design while maintaining a desirable relationship to adjacent property and to the community as a whole.

(Ord. 2006-13. Passed 5-1-06.)

1101.04 RELIEF FROM APPLICATION OF ZONING ORDINANCE OR ZONING DISTRICT MAP.

Relief from application of the district regulations established by this Zoning Ordinance and the Zoning District Map shall be sought in the manner provided by this section.

(a) Material change from one use permitted in a zoning district to another use permitted in that same zoning district shall be by a zoning certificate issued pursuant to Chapter 1107 .

(b) Change from a use permitted in a zoning district to another use not permitted in that zoning district shall be by a conditional use permit granted pursuant to Chapter 1111 . The new use shall be subject to conditions imposed by the Planning Commission and/or Council.

(c) Deviation from zoning district development standards shall be by a variance granted pursuant to Chapter 1113 or Chapter 1108 .

(d) Permanent change in zoning district uses or development standards applicable to an area shall be by an amendment to this Zoning Ordinance and/or Zoning District Map adopted pursuant to Chapter 1109 .

(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1103

Application

1103.01 Conformance required.
1103.02 Zoning District Map.
1103.03 Zoning districts.
1103.04 Establishment of Zoning Districts.
1103.05 Definitions.
1103.06 Zoning of Annexed Territory.

1103.01 CONFORMANCE REQUIRED.

No structure or part thereof shall be placed upon or moved onto land, erected, constructed, reconstructed, enlarged or structurally altered, nor shall any building or land be used or occupied which does not comply with the district regulations established by this Zoning Ordinance for the district in which the building, structure or land is located.

(Ord. 2006-13. Passed 5-1-06.)

1103.02 ZONING DISTRICT MAP.

The boundaries of zoning districts are those established on a Zoning District Map entitled "Zoning District Map of the Village of Centerburg, Ohio", adopted May 1, 2006 certified by the Clerk of Council, which map together with subsequent amendments adopted by Council and all explanatory matter thereon is made a part of this Zoning Ordinance.

Any changes in zoning districts made by Council, and conditional use permits granted by the Planning Commission, and any variances granted by the Board of Zoning Appeals or Planning Commission shall be noted on the Zoning District Map by the Zoning Administrator. The zoning classifications of areas annexed to the Village shall also be noted on the Zoning District Map by the Zoning Administrator. A copy of the Zoning District Map and the Planning and Zoning Code may be obtained from the Village Office. Any person requesting copies shall pay a fee in accordance with the fee schedule adopted and approved by Village Council to defray the cost of reproduction of the materials.

(Ord. 2006-13. Passed 5-1-06.)

1103.03 ZONING DISTRICTS.

For the purpose of regulating and restricting the general location of structures and land to be used for trade, industry, residence and other specified uses within the Village and for the purpose of regulating the height of buildings and other structures, for regulating the bulk and location of structures, including percentage of lot occupancy, setback, building lines and the area of yards, courts and other open spaces, the Village is divided into zoning districts as set forth in this section and as established on the Zoning District Map.

(Ord. 2006-13. Passed 5-1-06.)

1103.04 ESTABLISHMENT OF ZONING DISTRICTS.

The Village of Centerburg is hereby divided into the following standard zoning districts and special zoning districts:

ZONING DISTRICTS	Standard	Planned
Residential:	RR Rural Residential	PRD Planned Residential
	ER Estate Residential	PND Planned Neighborhood
	R Single Family	
	R-1 Single Family	
	R-2 Single Family	
	R-3 Two-Family	
	R-4 Multiple Family	
Commercial:	CC Community Commercial	PCC Community Commercial
Office-Institutional:	OI Office Institutional	PO Planned Office
Industrial:	Industrial	PID Planned Industrial
Mixed Use:	VC Village Center	PD Planned Development
	ROS Residential Office Services	
Special Districts:	OS Open Space District	
	SFH Special Flood Hazard Areas	
	SOD Special Overlay	

(Ord. 2006-13. Passed 5-1-06.)

1103.05 DEFINITIONS.

Except as specifically defined in Chapter 1105, all words used shall carry their customary meanings.
(Ord. 2006-13. Passed 5-1-06.)

1103.06 ZONING OF ANNEXED TERRITORY.

All territory annexed to the Village after May 1, 2006, shall immediately upon annexation be classified in the Rural Residential District and shall be subject to the regulations and standards of Chapter 1122, unless otherwise agreed by Council in accepting said annexation of property to the Village.

Within thirty (30) days of the effective date of the ordinance annexing territory to the Village, an owner of property included therein may apply for a change in the zoning of his property to a Village Zoning District and such applicant is exempt from paying any required filing fee.

All territory annexed to the Village not zoned to a Village classification by an ordinance of the Village, is hereby classified Rural Residential.
(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1105

Definitions

1105.0100 Interpretation of definitions.
1105.0200 Administrative and business offices.
1105.0205 Adult care facility.
1105.0300 Agriculture.
1105.0400 Alley.
1105.0500 Alteration, structural.
1105.0600 Automotive sales.
1105.0700 Automotive services.
1105.0800 Aviation-oriented facilities.
1105.0900 Basement.
1105.0950 Bed and breakfast.
1105.1000 Board of Zoning Appeals.
1105.1100 Boarding house, lodging house and rooming house.

1105.1200 Bufferyard.
1105.1300 Building.
1105.1400 Building, accessory.
1105.1500 Building height.
1105.1600 Building line.
1105.1700 Building, principal.
1105.1800 Business services.
1105.1900 Car wash.
1105.2000 Carry-out business.
1105.2100 Child day care.
1105.2200 Commercial center.
1105.2300 Commercial vehicle.
1105.2400 Comprehensive plan.
1105.2500 Conditional use.
1105.2600 Council.
1105.2700 Crown.
1105.2800 Cultivar.
1105.2900 Deciduous.
1105.3000 Deck.
1105.3100 Density.
1105.3200 Disabled citizen.
1105.3300 Drive-in or drive-through business.
1105.3400 Dwelling, multiple-family.
1105.3500 Dwelling, single family.
1105.3600 Dwelling, two-family.
1105.3700 Dwelling unit.
1105.3800 Entertainment facilities, commercial.
1105.3900 Evergreen.
1105.4000 Farm implement sales.
1105.4100 Fast-food business.
1105.4200 Floor area (gross floor area).
1105.4300 Garage.
1105.4400 Gasoline service station.
1105.4500 Home furnishing sales.
1105.4600 Home occupation.
1105.4700 Hospital.
1105.4800 Hotel or motel.
1105.4900 Household.
1105.5000 Impervious surface.
1105.5100 Institution.
1105.5200 Kennel.
1105.5300 Landscaping.
1105.5400 Loading space.
1105.5500 Lot.
1105.5600 Lot area.
1105.5700 Lot area (net).
1105.5800 Lot, corner.
1105.5900 Lot coverage.
1105.6000 Lot line, front.
1105.6100 Lot line, rear.
1105.6200 Lot line, side.
1105.6300 Lot measurement.
1105.6400 Lot, minimum area of.
1105.6500 Lot occupancy.

1105.6600 Lot of record.
1105.6700 Nonconforming use.
1105.6800 Nursing home.
1105.6900 Opacity.
1105.7000 Open space.
1105.7100 Organization and association.
1105.7150 Paved or pavement.
1105.7200 Parking area.
1105.7300 Parking space, enclosed.
1105.7400 Parking, off-street.
1105.7500 Patio.
1105.7600 Pedestrian areas.
1105.7700 Personal services.
1105.7800 Physically handicapped housing.
1105.7900 Planning Commission.
1105.8000 Professional offices.
1105.8100 Public service facility.
1105.8200 Public use facility.
1105.8300 Recreational facilities.
1105.8400 Recreational vehicle sales.
1105.8500 Repair service.
1105.8600 Residential care facility (RCF).
1105.8700 Restaurant.
1105.8800 Retail stores.
1105.8900 Right-of-way.
1105.9000 Satellite signal receiver.
1105.9100 Seat.
1105.9200 Senior and disabled housing.
1105.9300 Senior and disabled independent housing.
1105.9400 Senior citizen.
1105.9500 Sewer system, on-site.
1105.9700 Sign.
1105.9900 Street and thoroughfare.
1105.10000 Structure.
1105.10100 Subdivision.
1105.10200 Swimming pool.
1105.10300 Temporary use permit.
1105.10400 Thoroughfare plan.
1105.10500 Use.
1105.10600 Variance.
1105.10700 Veterinary hospital.
1105.10800 Yard, front.
1105.10900 Yard, rear.
1105.11000 Yard, side.
1105.11100 Zero lot line.
1105.11200 Zoning certificate.
1105.11300 Zoning district.
1105.11400 Zoning District Map.
1105.11500 Zoning Administrator.
1105.11600 Zoning Ordinance.

1105.0100 INTERPRETATION OF DEFINITIONS.

For the purposes of this Zoning Ordinance, certain terms and words are to be defined as found in this Chapter. Words and terms not specifically defined carry their customarily understood meanings. Words used in the

present tense include the future and the plural includes the singular and the singular the plural. The word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied". In case of any difference of meaning or implication between the text of this Zoning Ordinance and any caption or illustration, the text shall control. In case of any difference of meaning or implication between a specific definition found elsewhere in this Zoning Ordinance and the definition found in this chapter, the specific definition shall control.
(Ord. 2006-13. Passed 5-1-06.)

1105.0200 ADMINISTRATIVE AND BUSINESS OFFICES.
"Administrative and business offices" means offices which carry on no retail trade with the public and maintain no stock of goods for sale to customers.
(Ord. 2006-13. Passed 5-1-06.)

1105.0205 ADULT CARE FACILITY.
“Adult Care Facility” means any residence or facility that provides accommodations and supervision for six to sixteen unrelated adults, at least three of whom are provided personal care services as defined in the Ohio Revised Code.
(Ord. 2006-13. Passed 5-1-06.)

1105.0300 AGRICULTURE.
"Agriculture" means the use of land for farming, dairying, pasturage, horticulture, floriculture, viticulture, nursery production, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing of goods produced on the premises, provided the operation of any such accessory use is secondary to that of normal agricultural activities. "Agriculture" does not include the commercial feeding of garbage or offal to swine or other animals.
(Ord. 2006-13. Passed 5-1-06.)

1105.0400 ALLEY.
"Alley" means a public way not more than twenty feet wide affording secondary means of access to abutting property.
(Ord. 2006-13. Passed 5-1-06.)

1105.0500 ALTERATION, STRUCTURAL.
"Structural alteration" means any change in the structural members of a building.
(Ord. 2006-13. Passed 5-1-06.)

1105.0600 AUTOMOTIVE SALES.
"Automotive sales" means the sale, lease or rental of new or used motor vehicles.
(Ord. 2006-13. Passed 5-1-06.)

1105.0700 AUTOMOTIVE SERVICES.
"Automotive services" means the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.
(Ord. 2006-13. Passed 5-1-06.)

1105.0800 AVIATION-ORIENTED FACILITIES.
"Aviation-oriented facilities" means any runway, land area or other facility designed to be used either publicly or privately, 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 space and aviation rental facilities.
(Ord. 2006-13. Passed 5-1-06.)

1105.0900 BASEMENT.
"Basement" means a space with a floor level two feet or more below grade level, but having less than half its clear height above grade level.
(Ord. 2006-13. Passed 5-1-06.)

1105.0950 BED AND BREAKFAST.
“Bed and Breakfast” means a home occupation in an owner-occupied residence wherein lodging and breakfast are provided to transient guests for compensation; such provision is subordinate to the principal residential use

of the structure. A Bed and Breakfast facility must obtain a conditional use permit in accordance with the criteria established in Section 1177.03 governing home occupation conditional uses.
(Ord. 2006-13. Passed 5-1-06.)

1105.1000 BOARD OF ZONING APPEALS.
"Board of Zoning Appeals" means the Board of Zoning Appeals of the Village.
(Ord. 2006-13. Passed 5-1-06.)

1105.1100 BOARDING HOUSE, LODGING HOUSE AND ROOMING HOUSE.
"Boarding house", "lodging house" and "rooming house" means dwellings in which at least three rooms are offered for rent and, if offered, table board is furnished only to roomers.
(Ord. 2006-13. Passed 5-1-06.)

1105.1200 BUFFERYARD.
"Bufferyard" means a unit of land, together with a specified type and amount of planting thereon, which may be required to eliminate or minimize conflicts between land uses.
(Ord. 2006-13. Passed 5-1-06.)

1105.1300 BUILDING.
"Building" means any structure having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or property of any kind.
(Ord. 2006-13. Passed 5-1-06.)

1105.1400 BUILDING, ACCESSORY.
"Accessory building" means a subordinate building 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.
(Ord. 2006-13. Passed 5-1-06.)

1105.1500 BUILDING HEIGHT.
"Building height" means the vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the building structure.
(Ord. 2006-13. Passed 5-1-06.)

1105.1600 BUILDING LINE.
"Building line" means the front yard setback line established by this Zoning Ordinance generally parallel with and measured perpendicularly from the front lot line, defining the limits of a front yard in which no building or structure may be located except as may be provided by this Zoning Ordinance or district regulation, or as established by the Board of Zoning Appeals.
(Ord. 2006-13. Passed 5-1-06.)

1105.1700 BUILDING, PRINCIPAL.
"Principal building" means a building in which is conducted the main or principal use of the property on which such building is situated.
(Ord. 2006-13. Passed 5-1-06.)

1105.1800 BUSINESS SERVICES.
"Business services" means any profit-making activity which renders services primarily to other commercial, institutional or industrial enterprises, or which services and repairs appliances and machines used in other businesses.
(Ord. 2006-13. Passed 5-1-06.)

1105.1900 CAR WASH.
"Car wash" means a facility used for washing motor vehicles by self-service, attendant or machine, which is operated at charge to the customer or operated in conjunction with the sale of automobile service.
(Ord. 2006-13. Passed 5-1-06.)

1105.2000 CARRY-OUT BUSINESS.
"Carry-out business" means a retail business conducted in a building having no more than 8,000 square feet of gross floor area and primarily engaged in selling food products to short-term customers for consumption off the premises.

(Ord. 2006-13. Passed 5-1-06.)

1105.2100 CHILD DAY CARE.

"Child day care" means any child care arrangement that provides day care on a regular basis for more than six children pursuant to the definitions, rules and regulations of a Type B Child Care Facility as defined by the State of Ohio Department of Human Services.

(Ord. 2006-13. Passed 5-1-06.)

1105.2200 COMMERCIAL CENTER.

"Commercial Center" means a commercial development containing two or more commercial uses on a site of less than five acres.

(Ord. 2006-13. Passed 5-1-06.)

1105.2300 COMMERCIAL VEHICLE.

"Commercial vehicle" means a motorized vehicle which is used primarily for commercial purposes and not for personal or recreational purposes.

(Ord. 2006-13. Passed 5-1-06.)

1105.2400 COMPREHENSIVE PLAN.

"Comprehensive Plan" means the long range development plan for the desirable use of land and development of thoroughfares and public facilities, as adopted by Council.

(Ord. 2006-13. Passed 5-1-06.)

1105.2500 CONDITIONAL USE.

"Conditional use" means conditionally permitted in a Zoning District pursuant to the provisions of Chapter 1111. A conditional use is considered to be a conforming use.

(Ord. 2006-13. Passed 5-1-06.)

1105.2600 COUNCIL.

"Council" means the Council of the Village of Centerburg.

(Ord. 2006-13. Passed 5-1-06.)

1105.2700 CROWN.

"Crown" means the upper mass or head of a tree.

(Ord. 2006-13. Passed 5-1-06.)

1105.2800 CULTIVAR.

"Cultivar" means a cultivated variety of plant material grown for its special form and characteristics.

(Ord. 2006-13. Passed 5-1-06.)

1105.2900 DECIDUOUS.

"Deciduous" means plant material which normally sheds its foliage at the end of the growing season.

(Ord. 2006-13. Passed 5-1-06.)

1105.3000 DECK.

"Deck" means a structure and is further defined as a horizontal platform supported by any combination of posts, beams, foundations, and/or joists with or without handrails, steps or terraces and not covered by a permanent roof. “Terrace”, in this definition means a portion of the deck stepping up or down with the grade and used in lieu of, or in combination with, more traditional steps.

(Ord. 2006-13. Passed 5-1-06.)

1105.3100 DENSITY.

"Density" is a unit of measurement; "density" means the number of dwelling units per acre of land.

(a) "Gross density" means the number of dwelling units per acre of the total land to be developed including any area to be dedicated to public use.

(b) "Net density" means the number of dwelling units per acre of land exclusive of any area to be dedicated to public use.

(Ord. 2006-13. Passed 5-1-06.)

1105.3200 DISABLED CITIZEN.

“Disabled Citizen” means an adult having a physical or mental disability that:

(a) Is expected to be of long-continued and indefinite duration;
(b) Substantially impedes the person's ability to live independently; and
(c) Is such that the person's ability to live independently could be improved by more suitable housing conditions. An adult who has a chronic mental illness, i.e., if he or she has a severe and persistent mental or emotional disability that seriously limits his or her ability to live independently (e.g., by limiting functional capacities relative to primary aspects of daily living such as personal relations, living arrangements, work, recreation, etc.), and whose disability could be improved by more suitable housing conditions. A person whose sole disability is alcoholism or drug addiction will not be considered to be disabled.

(Ord. 2006-13. Passed 5-1-06.)

1105.3300 DRIVE-IN OR DRIVE-THROUGH BUSINESS.

"Drive-in" or "drive through business" means a retail or service establishment conducted in a building having no more than 8,000 square feet of gross floor area, and which provides a designated place from which persons can conduct the major portion of their business without leaving their motor vehicles.

(Ord. 2006-13. Passed 5-1-06.)

1105.3400 DWELLING, MULTIPLE-FAMILY.

"Multiple-family dwelling" means a building, or a portion thereof, designed exclusively for three or more households living independently of each other.

(Ord. 2006-13. Passed 5-1-06.)

1105.3500 DWELLING, SINGLE FAMILY.

"Single-family dwelling" means a building designed exclusively for and occupied exclusively by one household.

(Ord. 2006-13. Passed 5-1-06.)

1105.3600 DWELLING, TWO-FAMILY.

"Two-family dwelling" means a building designed exclusively for and occupied exclusively by two households.

(Ord. 2006-13. Passed 5-1-06.)

1105.3700 DWELLING UNIT.

"Dwelling unit" means a building, or a portion thereof, designed for occupancy by one household for residential purposes and having cooking facilities.

(Ord. 2006-13. Passed 5-1-06.)

1105.3800 ENTERTAINMENT FACILITIES, COMMERCIAL.

"Entertainment facilities, commercial" means any activity conducted for economic gain which is generally related to the entertainment field including, but not limited to, theaters for showing motion pictures and theatrical performances.

(Ord. 2006-13. Passed 5-1-06.)

1105.3900 EVERGREEN.

"Evergreen" means plant material that has foliage that remains green throughout the year.

(Ord. 2006-13. Passed 5-1-06.)

1105.4000 FARM IMPLEMENT SALES.

"Farm implement sales" means an operation where the principal activity is the sale or rental of farm implements.

(Ord. 2006-13. Passed 5-1-06.)

1105.4100 FAST-FOOD BUSINESS.

"Fast-food business" means a retail prepared-food business operation in which at least three of the following circumstances apply to the business:

(a) It is conducted in a building having no more than 8,000 square feet of gross floor area.
(b) It is self-service in nature having no waitresses or waiters.
(c) It devotes less than forty percent (40%) of its gross floor area to customer seating.
(d) Less than fifty percent (50%) of the food products sold are consumed on the premises.

(Ord. 2006-13. Passed 5-1-06.)

1105.4200 FLOOR AREA (GROSS FLOOR AREA).

"Floor area" means the total area of a building measured by taking the outside dimension of the building at each floor level intended for occupancy, storage and circulation.

(Ord. 2006-13. Passed 5-1-06.)

1105.4300 GARAGE.

"Garage" means an accessory building to a dwelling intended to be used for the storage of noncommercial vehicles.

(Ord. 2006-13. Passed 5-1-06.)

1105.4400 GASOLINE SERVICE STATION.

"Gasoline service station" means a building, structure or land used for dispensing, sale, or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories.

(Ord. 2006-13. Passed 5-1-06.)

1105.4500 HOME FURNISHING SALES.

"Home furnishing sales" means the sale of goods for equipping the home.

(Ord. 2006-13. Passed 5-1-06.)

1105.4600 HOME OCCUPATION.

"Home occupation" means an occupation conducted in a dwelling unit subject to the provisions of Chapter 1177.

(Ord. 2006-13. Passed 5-1-06.)

1105.4700 HOSPITAL.

"Hospital" means a building used for the diagnosis, treatment or other care of human ailments unless otherwise specified.

(Ord. 2006-13. Passed 5-1-06.)

1105.4800 HOTEL OR MOTEL.

"Hotel" or "motel" means a building in which lodging is provided or offered to the public for compensation and which is open to transient guests in contradistinction to a boarding house or lodging house operated on a membership basis or a Bed and Breakfast.

(Ord. 2006-13. Passed 5-1-06.)

1105.4900 HOUSEHOLD.

"Household" means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption or marriage no such household shall contain over five persons. Each household shall have separate and independent cooking facilities.

(Ord. 2006-13. Passed 5-1-06.)

1105.5000 IMPERVIOUS SURFACE.

“Impervious surface” means any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks, decks and paved recreational facilities.

(Ord. 2006-13. Passed 5-1-06.)

1105.5100 INSTITUTION.

"Institution" means an organization providing social, cultural, educational or health services to member agencies, organizations and individuals or to the general public.

(Ord. 2006-13. Passed 5-1-06.)

1105.5200 KENNEL.

"Kennel" means a commercial operation that provides food, shelter and/or breeding of animals.

(Ord. 2006-13. Passed 5-1-06.)

1105.5300 LANDSCAPING.

"Landscaping" means the use of natural plant materials including, but not limited to, ground covers, shrubs, and trees (deciduous and evergreen). Landscaping also involves the placement, preservation and maintenance of said plant materials in conjunction with associated improvements such as fences, walls, lighting, earth mounding and structures (principal or accessory).
(Ord. 2006-13. Passed 5-1-06.)

1105.5400 LOADING SPACE.
"Loading space" means space within the principal building or on the same property or lot therewith, providing for the standing, loading or unloading of trucks.
(Ord. 2006-13. Passed 5-1-06.)

1105.5500 LOT.
"Lot" means a division of land separated from other divisions for purposes of sale, lease or separate use, described on a recorded subdivision plat, recorded map or by metes and bounds and includes the terms "plat" and "parcel".
(Ord. 2006-13. Passed 5-1-06.)

1105.5600 LOT AREA.
"Lot area" means the area of horizontal plane bounded by the vertical planes through front, side and rear lot lines.
(Ord. 2006-13. Passed 5-1-06.)

1105.5700 LOT AREA (NET).
"Lot area (net)" means the lot area minus areas dedicated for public use or the area of private roadways.
(Ord. 2006-13. Passed 5-1-06.)

1105.5800 LOT, CORNER.
"Corner lot" means a lot located at the intersection of two or more streets. A lot abutting on a curbed street or streets shall be considered a corner lot if the side lot lines to the foremost depth of the lot meet at an interior angle of less than 135 degrees. Irrespective of building orientation, on a corner lot, the setback for the front yard for that use shall apply to all sides of a lot having frontage on publicly dedicated rights of way.
(Ord. 2006-13. Passed 5-1-06.)

1105.5900 LOT COVERAGE.
"Lot coverage" means the ratio of enclosed ground floor area of all buildings and pavement areas on a lot to the horizontally projected area of the lot, expressed as a percentage.
(Ord. 2006-13. Passed 5-1-06.)

1105.6000 LOT LINE, FRONT.
"Front lot line" means the lot line separating an interior lot from the street right-of-way upon which it abuts or the shortest lot line of a corner lot which abuts upon a street right-of-way. Unless the context clearly indicates the contrary, it shall be construed as synonymous with street right-of-way line.
(Ord. 2006-13. Passed 5-1-06.)

1105.6100 LOT LINE, REAR.
"Rear lot line" means the lot line which is opposite and furthest removed from the front lot line. In such a lot where the side lot lines meet to the rear of the lot, or where the rear lot line is less than ten feet, the minimum rear yard shall be computed from the point of intersection of the side lot lines on an imaginary line that is at equal angles from each side lot line. In the case of a corner lot, the rear lot line is opposite and furthest removed from the front lot line of least dimension.
(Ord. 2006-13. Passed 5-1-06.)

1105.6200 LOT LINE, SIDE.
"Side lot line" means the lot line running from the front lot line to the rear lot line. This line is also the line dividing two interior lots.
(Ord. 2006-13. Passed 5-1-06.)

1105.6300 LOT MEASUREMENT.
(a) "Lot depth" means the horizontal distance of a lot measured between the front and rear lot lines.
(b) "Lot width" means the width of a lot as measured along the building line.

(Ord. 2006-13. Passed 5-1-06.)

1105.6400 LOT, MINIMUM AREA OF.

"Minimum area of lot" means the area of a lot computed exclusive of any portion of the right-of-way public thoroughfare.

(Ord. 2006-13. Passed 5-1-06.)

1105.6500 LOT OCCUPANCY.

"Lot occupancy" means that in all zoning districts, no more than one building may be constructed on each lot unless all buildings conform to all applicable regulations and use provisions of this Zoning Ordinance.

(Ord. 2006-13. Passed 5-1-06.)

1105.6600 LOT OF RECORD.

"Lot of record" means any lot which, individually or as part of a subdivision, has been recorded in the office of the County Recorder.

(Ord. 2006-13. Passed 5-1-06.)

1105.6700 NONCONFORMING USE.

"Nonconforming use" means the use of land or a building, or a portion thereof, which does not conform with the use regulations of the district in which it is situated, which use was lawful prior to the enactment of this Zoning Ordinance on May 1, 2006 or subsequent amendments thereto.

(Ord. 2006-13. Passed 5-1-06.)

1105.6800 NURSING HOME.

“Nursing Home” means a home licensed by the Ohio Department of Health which is used for the reception and care of senior and disabled individuals who by reason of illness or physical or mental disability require skilled nursing care and of individuals who require personal care services as defined in the Ohio Revised Code but not skilled nursing care as defined in the Ohio Revised Code.

(Ord. 2006-13. Passed 5-1-06.)

1105.6900 OPACITY.

"Opacity" means the degree to which a structure, use or view is screened from adjacent properties. (Ord. 2006-13. Passed 5-1-06.)

1105.7000 OPEN SPACE.

"Open space" means that part of a zoned property, including courts or yards, which is open and unobstructed from its lowest level to the sky, accessible to all tenants upon the zoned property.

(Ord. 2006-13. Passed 5-1-06.)

1105.7100 ORGANIZATION AND ASSOCIATION.

"Organization" and "association" mean an entity organized on a profit-making or non- profit-making basis for the promotion of membership interests. (See Section 1155.02(a)(4)).

(Ord. 2006-13. Passed 5-1-06.)

1105.7150 PAVED or PAVEMENT.

“Paved” or “Pavement” means bituminous asphalt overlay or concrete in conformance with any standards established by the Village.

(Ord. 2006-13. Passed 5-1-06.)

1105.7200 PARKING AREA.

"Parking area" means any part of a tract, site or parcel of land used by vehicles not totally enclosed within a structure. This includes parking space and aisles, streets, drives, loading areas and vehicle storage areas. This does not include driveways and permitted off street parking spaces for single-family residential uses.

(Ord. 2006-13. Passed 5-1-06.)

1105.7300 PARKING SPACE, ENCLOSED.

"Enclosed parking space" means a structure or part of a structure consisting of a roof and walls covering an area to be used for parking a motorized vehicle.

(Ord. 2006-13. Passed 5-1-06.)

1105.7400 PARKING, OFF-STREET.

"Off-street parking" means any parking space located wholly off any street, alley or sidewalk, either in a parking structure or on a lot and where each parking space conforms to these standards delineated in Section 1171.02(b) and is exclusive of access aisles or drives.
(Ord. 2006-13. Passed 5-1-06.)

1105.7500 PATIO.
"Patio" means an impervious surfaced area, at or within thirty inches of the finished grade and not covered by a permanent roof.
(Ord. 2006-13. Passed 5-1-06.)

1105.7600 PEDESTRIAN AREAS.
"Pedestrian areas" means those areas of a parcel of ground set aside to be used for a person or persons walking from one location to another.
(Ord. 2006-13. Passed 5-1-06.)

1105.7700 PERSONAL SERVICES.
"Personal services" means any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty shops and similar activities.
(Ord. 2006-13. Passed 5-1-06.)

1105.7800 PHYSICALLY HANDICAPPED HOUSING.
"Physically handicapped housing" means any multi-family dwelling to be constructed or rehabilitated for and occupied by physically handicapped persons who require special housing facilities.
(Ord. 2006-13. Passed 5-1-06.)

1105.7900 PLANNING COMMISSION.
"Planning Commission" means the Planning Commission of the Village.
(Ord. 2006-13. Passed 5-1-06.)

1105.8000 PROFESSIONAL OFFICES.
"Professional offices" means offices which engage in providing to the general public services of a professional nature such as legal, engineering, medical, accounting and architectural services.
(Ord. 2006-13. Passed 5-1-06.)

1105.8100 PUBLIC SERVICE FACILITY.
"Public service facility" means the erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage lift stations (but not sewage treatment plants), communication equipment, and other similar public service structures by a public utility, by a quasi-public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.
(Ord. 2006-13. Passed 5-1-06.)

1105.8200 PUBLIC USE FACILITY.
"Public use facility" means government owned facilities to which the public has access such as public parks, schools, school administrative buildings, recreational, cultural and service buildings, but does not include public land or buildings devoted solely to the storage and maintenance of equipment and material or the disposal of refuse.
(Ord. 2006-13. Passed 5-1-06.)

1105.8300 RECREATIONAL FACILITIES.
"Recreational facilities" means any of the following:
(a) Private and semi-public recreational facilities which are not operated for commercial gain;
(b) Public recreational facilities which are open to the public, established and operated for a profit;
(c) Municipal recreational facilities which are operated by the Village and open to the public with or without charge.
(Ord. 2006-13. Passed 5-1-06.)

1105.8400 RECREATIONAL VEHICLE SALES.
"Recreational vehicle sales" means sale or rental of vehicles used principally for recreation.

(Ord. 2006-13. Passed 5-1-06.)

1105.8500 REPAIR SERVICE.

"Repair service" means any business activity which services and repairs appliances and machines used in the home.

(Ord. 2006-13. Passed 5-1-06.)

1105.8600 RESIDENTIAL CARE FACILITY (RCF).

"Residential Care Facility (RCF)" means a home that provides accommodations for seventeen or more unrelated senior or disabled citizens and supervision and personal care services as defined in the Ohio Revised Code for three or more of those individuals who are dependent on the services of others by reason of age or physical or mental disability.

(Ord. 2006-13. Passed 5-1-06.)

1105.8700 RESTAURANT.

"Restaurant" means eating establishments, excluding fast food and carry out operations.

(Ord. 2006-13. Passed 5-1-06.)

1105.8800 RETAIL STORES.

"Retail stores" means stores primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.

(Ord. 2006-13. Passed 5-1-06.)

1105.8900 RIGHT-OF-WAY.

"Right-of-way" means a strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features required by the topography or treatment such as grade separation, landscaped areas, viaducts and bridges.

(Ord. 2006-13. Passed 5-1-06.)

1105.9000 SATELLITE SIGNAL RECEIVER.

"Satellite signal receiver" means dish-type satellite signal-receiving antennas, earth stations, or ground stations with 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 services.

(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.

(Ord. 2006-13. Passed 5-1-06.)

1105.9100 SEAT.

"Seat" means an individual seating unit installed or indicated, or each eighteen lineal inches of bench or pew length.

(Ord. 2006-13. Passed 5-1-06.)

1105.9200 SENIOR AND DISABLED HOUSING.

"Senior and Disabled Housing" means any residence or facility that provides accommodations and supervision to six or more unrelated senior or disabled citizens and supervision and personal care services as defined in the Ohio Revised Code or skilled nursing care as defined in the Ohio Revised Code for three or more of those individuals who are dependent on the services of others by reason of age or physical or mental disability. Senior and Disabled Housing shall include Adult Care Facilities, Nursing Homes and Residential Care Facilities.

(Ord. 2006-13. Passed 5-1-06.)

1105.9300 SENIOR AND DISABLED INDEPENDENT HOUSING.

"Senior and Disabled Independent Housing" means an independent rental housing facility for senior or disabled citizens in which hotel services are included in the monthly rental fee and lease agreement. For a building to qualify under this definition, services provided shall include a meal program available to all residents, a dining room with seating capacity for at least half the residents at one time as defined by the Ohio Basic Building Code, a full-service kitchen with staff and capacity to support the meal program and dining room service, and available housekeeping and laundry, for its residents. As part of its decision, Planning Commission

may alter the services available or not available. No supervision or personal care as defined in the Ohio Revised Code need be provided.
(Ord. 2006-13. Passed 5-1-06.)

1105.9400 SENIOR CITIZEN.
"Senior Citizen" means any person who is fifty-five (55) years of age or older.
(Ord. 2006-13. Passed 5-1-06.)

1105.9500 SEWER SYSTEM, ON-SITE.
"On-site sewer system" means 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, the use of which is subject to the approval of the health and sanitation officials having jurisdiction; or an approved connection to municipal sewer service.
(Ord. 2006-13. Passed 5-1-06.)

1105.9700 SIGN.
"Sign" means a name, identification, description, display or illustration which is free- standing or affixed to, painted or represented, directly or indirectly upon a building, structure or property and which directs attention to an object, product, place, activity, person, institution, organization or business and as further defined and regulated in Chapter 1181.
(Ord. 2006-13. Passed 5-1-06.)

1105.9900 STREET AND THOROUGHFARE.
"Street" and "thoroughfare" means a public or private way for vehicular travel, including the entire area within the right-of-way.
(Ord. 2006-13. Passed 5-1-06.)

1105.10000 STRUCTURE.
"Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground including, but not limited to walls, buildings, patios and backstops for sports. "Structure" does not include fences.
(Ord. 2006-13. Passed 5-1-06.)

1105.10100 SUBDIVISION.
"Subdivision" means:
(a) The division of any parcel of land into two or more parcels, sites or lots; or
(b) The development of one or more parcels of land for multi-family uses or any use other than a residential use or an improvement involving the division or allocation of land for street opening, widening or extension, the division or allocation of land as open space for common use by owners, occupants or leaseholders, or an easement for extension and maintenance of sewer, water, drainage and other public facilities.

(Ord. 2006-13. Passed 5-1-06.)

1105.10200 SWIMMING POOL.
"Swimming pool" means a pool, pond, lake, or open tank containing at least one and one- half feet of depth of water at any point, maintained as a swimming facility for humans by an owner or manager, and includes:
(a) Private swimming pools which are intended exclusively for use by the residents and guests of a single household, a multi-family development or the patrons of a motel or hotel; and
(b) Community or public swimming pools which are operated with or without charge, for general admission, for a community or for the members and guests of a club.
(Ord. 2006-13. Passed 5-1-06.)

1105.10300 TEMPORARY USE PERMIT.
"Temporary use permit" means a document allowing the use of a building as permitted by the Board of Zoning Appeals to exist during periods of construction of the principal building or use, or a document issued by the Village Administrator or his designee for special events.
(Ord. 2006-13. Passed 5-1-06.)

1105.10400 THOROUGHFARE PLAN.

"Thoroughfare plan" means the official plan of the Village of Centerburg identifying principal highways and streets in the Village, together with all amendments thereto subsequently adopted.

(Ord. 2006-13. Passed 5-1-06.)

1105.10500 USE.

"Use" means the specific purposes for which land or a building is designated, arranged or intended or for which it is or may be occupied or maintained

(Ord. 2006-13. Passed 5-1-06.)

1105.10600 VARIANCE.

"Variance" means a modification of the literal provisions of this Zoning Ordinance granted pursuant to Chapter 1113 or Chapter 1108.

(Ord. 2006-13. Passed 5-1-06.)

1105.10700 VETERINARY HOSPITAL.

"Veterinary hospital" means a structure or building set up for the medical care of animals, including offices, clinic space and indoor kennels for detaining animals, but not expressly allowing outdoor kennel areas.

(Ord. 2006-13. Passed 5-1-06.)

1105.10800 YARD, FRONT.

"Front yard" means that portion of a lot extending across the front of the lot between the side lot lines and being the minimum horizontal distance between the street right-of-way and the front of the building or structure.

(Ord. 2006-13. Passed 5-1-06.)

1105.10900 YARD, REAR.

"Rear yard" means that portion of a lot extending across the rear of a lot between the side lot lines and being the horizontal distance between the rear lot line and the rear of the building or structure.

(Ord. 2006-13. Passed 5-1-06.)

1105.11000 YARD, SIDE.

"Side yard" means that portion of a lot which is located between a side lot line and the nearest building or structure.

(Ord. 2006-13. Passed 5-1-06.)

1105.11100 ZERO LOT LINE.

"Zero lot line" means a condition where regulations for side yards can be modified or waived under the Planned Neighborhood District to allow structures or dwellings to share a common wall that is placed on the side lot line that separates individual lots in a subdivided plat.

(Ord. 2006-13. Passed 5-1-06.)

1105.11200 ZONING CERTIFICATE.

"Zoning certificate" means an official statement certifying that a proposed building or use complies with all the provisions of this Zoning Ordinance.

(Ord. 2006-13. Passed 5-1-06.)

1105.11300 ZONING DISTRICT.

"Zoning district" means a portion of the Village within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Ordinance.

(Ord. 2006-13. Passed 5-1-06.)

1105.11400 ZONING DISTRICT MAP.

"Zoning District Map" means the Zoning District Map or maps of the Village, together with all amendments subsequently adopted by Council.

(Ord. 2006-13. Passed 5-1-06.)

1105.11500 ZONING ADMINISTRATOR.

"Zoning Administrator" means the Zoning Administrator of the Village or his assistants, whose duties are outlined in Chapter 1107.

(Ord. 2006-13. Passed 5-1-06.)

1105.11600 ZONING ORDINANCE.

"Zoning Ordinance" means Ordinance 2006-13, passed May 1, 2006, as amended which is codified as Titles One through Five of this Part Eleven - Planning and Zoning Code.

(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1107

Administration and Enforcement

1107.01 Zoning Administrator; appointment.
1107.02 Zoning certificates.
1107.03 Board of Zoning Appeals
1107.04 Planning Commission.
1107.05 Role of Council in zoning matters.
1107.06 Remedies.
1107.07 Effective dates of decision, orders and permits.
1107.99 Penalty.

1107.01 ZONING ADMINISTRATOR; APPOINTMENT.

The Mayor shall appoint a qualified person to serve as Zoning Administrator, subject to the approval of Village Council, who shall:

(a) Administer and enforce the Zoning Ordinance;
(b) Maintain the Zoning District Map;
(c) Issue zoning certificates;
(d) Attend all meetings of the Board of Zoning Appeals and Planning Commission;
(e) Inspect structures and land to determine compliance with this Zoning Ordinance and the Zoning District Map;
(f) Notify violators of this Zoning Ordinance in writing, stating the nature of violations and the procedure for requesting an Opinion from the Board of Zoning Appeals under Section 1107.02(e). Notification shall be complete upon personal delivery, or mailing, of the notice to the owner of the property at his last known address, or where no address is known, by posting the notice in a conspicuous place on the property. Failure of the Zoning Administrator to notify the owner of the property of a violation is not grounds for dismissal of a prosecution based on such a violation.
(g) Maintain accurate records of all amendments made to this Zoning Ordinance or the Zoning District Map, all conditional use permits and variances granted, and all zoning certificates and notices of violation issued;
(h) Issue conditional use permits after compliance with Chapter 1111, and variances after compliance with Chapter 1113 or Chapter 1108;
(i) Recommend to the Planning Commission revocation of conditional use permits where s/he believes terms of permits have been violated;
(j) Issue certificates of appropriateness after compliance with Chapter.

(Ord. 2006-13. Passed 5-1-06.)

1107.02 ZONING CERTIFICATES.

(a) Zoning Certificate Required.

(1) No structure shall be placed upon or moved onto land, erected, constructed, reconstructed, converted, enlarged or structurally altered, nor shall any work be started upon same, nor shall such a building be occupied or used in whole or in part for any purpose, until a zoning certificate has been issued establishing compliance with the development standards and use requirements of this Zoning Ordinance.

(2) No material change shall be made in the use of any land or structure or part of a structure until a zoning certificate has been issued establishing that such change in use is a permitted use within the zoning district where the land or structure is located.

(b) Application Fee. In order to defray the cost of the examination of plans and inspections necessary to provide for compliance with this Zoning Ordinance and the issuance of zoning certificates, an applicant seeking

a zoning certificate shall pay a fee in accordance with the fee schedule adopted and approved by Village Council. All fees are non-refundable.

(c) Application for Zoning Certificate. Application for a zoning certificate shall be made to the Zoning Administrator on a form signed by the applicant stating that the information provided is accurate and truthful.

(1) An applicant for a zoning certificate required by subsection (a)(1) hereof shall provide with his application:

A. The name, address and telephone number of the applicant, and of the owner of the property;

B. An accurate legal description of the property;

C. The existing use and proposed use of the property and the zoning district in which the property is located;

D. Two copies of the plot plan drawn to scale and showing

1. The shape and dimensions of the property with front, rear, side yard dimensions;
2. The location and dimensions of existing structures and proposed structures or alterations;
3. Means for traffic access and provisions for parking;
4. The location and description of trees and shrubs;
5. Any additional information required by the Zoning Administrator to determine compliance with this Zoning Ordinance or the Zoning District Map.

(2) An applicant for a zoning certificate required by subsection (a)(2) hereof shall provide with his application:

A. The name, address, and telephone number of the applicant and of the owner of the property;

B. An accurate legal description of the property;

C. The existing use and proposed use for the property and the zoning district in which the property is located;

D. Means of traffic access and provisions for parking.

(d) Approval or Disapproval of Application.

(1) The Zoning Administrator shall either approve or disapprove all applications for zoning certificates within fifteen (15) days of their filing.

(2) A zoning certificate is valid for twelve (12) months from the date it is issued. Authority to proceed pursuant to a zoning certificate shall lapse unless the action authorized by the zoning certificate is commenced within twelve (12) months and completed within eighteen (18) months after the zoning certificate is issued, unless otherwise specifically provided on the zoning certificate.

(3) Disapproval of an application for a zoning certificate shall be accompanied by written findings of fact by the Zoning Administrator explaining the reasons for disapproval. The decision of the Zoning Administrator shall be delivered by certified mail or personal service to the applicant. Except as provided in subsection (d)(4) hereof, an applicant may appeal the decision of the Zoning Administrator to the Board of Zoning Appeals. Notice of appeal must be filed with the Zoning Administrator within fifteen (15) days after the decision of the Zoning Administrator is mailed by certified mail or personal service to the applicant at the address listed on the application.

(4) The Zoning Administrator shall disapprove any application which s/he determines contains information which is clearly and demonstrably false. There is no administrative appeal from such disapproval. Should the applicant file an amended application containing correct information, it shall be treated as a new application and the Zoning Administrator shall collect the filing fee established by this section.

(e) Request for Opinion. An owner of property, upon receiving a notice of an alleged violation of this Zoning Ordinance issued pursuant to Section 1107.01 (f) may request an opinion from the Board of Zoning Appeals as to the existence of a violation of this Zoning Ordinance. A request for an opinion must be filed in writing with the Zoning Administrator within fifteen (15) days after the Zoning Administrator has completed notification pursuant to Section 1107.01 (f) and the filing of a request for an advisory opinion stays any prosecution for the alleged violation.

(Ord. 2006-13. Passed 5-1-06.)

1107.03 BOARD OF ZONING APPEALS.

(a) Organization. The Board of Zoning Appeals shall consist of five (5) members, the Mayor, one member of Council to be elected thereby at an organizational meeting of Council for the remainder of his or her term with Council and three (3) citizens of the Village to be appointed by the Mayor for terms of six (6) years each. The terms of the citizen members shall be staggered so that only one (1) citizen member's appointment expires every two (2) years. All members shall be electors of the Village.

The Board of Zoning Appeals may adopt rules and regulations governing the conduct of its affairs that are consistent with this Zoning Ordinance. All rules and regulations shall be filed with the Clerk of Council and made available for public inspection. The Board of Zoning Appeals shall annually choose from its membership a chairman and vice-chairman.

(b) Meetings. The Board of Zoning Appeals shall meet at the call of the chairman or a majority of the members of the Board of Zoning appeals or upon a schedule determined by the Board of Zoning Appeals. All meetings are public meetings and records of all proceedings shall be kept including the vote of each member on each issue, members present or absent, the facts of each matter considered and other minutes of the meeting. All records of proceedings shall be made available for public inspection, and copies shall be provided by the secretary of the Board of Zoning Appeals to each member of Council.

The Chairman, or in his absence, the vice-chairman, shall advise Council by letter if any Board of Zoning Appeals member has absented himself from all meetings held during any period of ninety consecutive days or who has absented himself from a total of one-fourth of the regular meetings during a calendar year. Council shall consider removing such member as permitted under Ohio Revised Code.

(c) Procedure. Three members shall constitute a quorum of the Board of Zoning Appeals and the concurrence of three members is required for approving a variance or reversing a decision of the Zoning Administrator. All other matters may be decided by a majority of those present.

(d) Powers and Duties. The Board of Zoning Appeals shall:

(1) Determine appeals from decisions of the Zoning Administrator disapproving applications for zoning certificates or applications for sign permits.

(2) Issue opinions when requested pursuant to Section 1107.02(e). An advisory opinion finding the existence or nonexistence of a violation of this Zoning Ordinance shall be binding unless reversed on appeal.

(3) Grant or deny applications for variances from the development standards of this Zoning Ordinance. The Board of Zoning Appeals may attach such binding conditions and reservations to the variance as it deems necessary to satisfy the objectives of this Zoning Ordinance.

(4) Upon request to Council from determinations under subsections (d)(1), (2) or (3) hereof, issue written findings of fact.

(5) Grant temporary use permits as defined in Section 1105.10300.

(Ord. 2006-13. Passed 5-1-06.)

1107.04 PLANNING COMMISSION.

(a) Organization. The Planning Commission shall consist of five (5) members, the Mayor, one member of Council to be elected thereby at an organizational meeting of Council for the remainder of his or her term with Council and three (3) citizens of the Village to be appointed by the Mayor for terms of six (6) years each. The terms of the citizen members shall be staggered so that only one (1) citizen member's appointment expires every two (2) years. All members shall be electors of the Village.

The Planning Commission may adopt rules and regulations governing the conduct of its affairs that are consistent with this Zoning Ordinance. All rules and regulations shall be filed with the Clerk of Council and made available for public inspection. The Planning Commission shall choose from its membership a chairman and a vice-chairman at the first meeting of the Planning Commission in January of every year.

(b) Meetings. The Planning Commission shall meet at the call of the Village Administrator or his designee, upon a schedule determined by the Planning Commission, or upon the written call of two or more of its members. Such a written call by members shall be issued at least twenty-four (24) hours prior to the meeting stated in the call, and shall be delivered to all members of the Planning Commission, the Village Administrator, and the Zoning Administrator, or delivered to their place of residence. No matters other than those set out in the written call shall be considered at the meeting.

All meetings requiring formal action shall be open to the public and records of all proceedings shall be kept including the vote of each member on each issue, members present or absent, the facts of each matter

considered, and other minutes of the meeting. All records of proceedings shall be made available for public inspection, and copies shall be provided by the secretary of the Planning Commission to each member of Council. The chairman, or in his absence the vice-chairman, shall advise Council by letter if any Planning Commission member has absented himself from all meetings held during any period of 90 consecutive days or who has absented himself from a total of one-fourth of the regular meetings during a calendar year. Council shall consider removing such a member pursuant to Ohio Revised Code.

(c) Procedure. Three members shall constitute a quorum of the Planning Commission and the concurrence of three members is required for any action permitted by law or ordinance.

(d) Powers and Duties. The Planning Commission shall:

(1) Review proposed amendments to this Zoning Ordinance or the Zoning District Map and make recommendations to Council.

(2) Grant or deny applications for conditional use permits.

(3) Review, approve or disapprove subdivision plats, development plans for Planned District applications and site plans for Standard District applications, with reference to the provisions of this Zoning Ordinance and the subdivision regulations of the Village. Actions of the Planning Commission approving or disapproving Subdivision Plats shall not be the subject of appeal to Council. Council may, however, upon its own initiative review such actions pursuant to Section 1107.06(d).

(4) Revoke previously issued conditional use permits upon finding a violation of the terms of such permits.

(5) Adopt and/or recommend Planning studies and reports.

(6) Grant or deny variances as part of site plan review process pursuant to Chapter 1108.

(Ord. 2006-13. Passed 5-1-06.)

1107.05 ROLE OF COUNCIL IN ZONING MATTERS.

Council shall:

(a) In appropriate circumstances, consider removing a member of Planning Commission pursuant to the criteria and procedures set forth in Ohio Revised Code.

(b) Act upon recommendations of the Planning Commission to amend this Zoning Ordinance or the Zoning District Map.

(c) When it deems appropriate, initiate amendments to this Zoning Ordinance or the Zoning District Map and submit its recommendations for amendments to the Planning Commission.

(d) (1) Upon determining that it will consider an appeal, decide appeals of decisions of the boards and commissions identified below. If during consideration of such an appeal Council finds that the facts presented by the appealing party differ materially from the written findings of fact issued by the Planning Commission or the Board of Zoning Appeals, it may return the matter before it on appeal to the commission or board from which it was appealed for further consideration.

A. Board of Zoning Appeals - The following decisions of the Board of Zoning Appeals are appealable to Council:

1. Affirmance or reversal of decisions of the Zoning Administrator in disapproving applications for zoning certificates or applications for sign permits.
2. Advisory opinions on alleged violations of this Zoning Ordinance.
3. Grant or denial of variances from the development standards of this Zoning Ordinance.
4. Grant or denial of applications for the expansion, substitution or reconstruction of a non-conforming use.

B. Planning Commission - The following decisions of the Planning Commission are appealable to Council:

1. Approval, approval with modifications, or disapproval of applications for site plans.
2. Grant or denial of conditional use permits
3. Grant or denial of revocation of previously issued conditional use permits.
4. Approval or disapproval of variances in connection with subdivision approvals or site plan review.
5. Disapproval or approval with modifications of Development Plans for developments in planned districts.

(2) An appeal of any decision which is appealable under subsection (d)(1) above may be filed by:

A. Any party aggrieved or affected by the decision;

B. The administrative staff of the Village; or

C. A member of Council.

The appeal must be in writing and filed with the Village Administrator, no later than ten (10) days after the decision complained of is issued; or where there has been a failure to issue a decision, after ninety (90) days has transpired for the Planning Commission or Board of Zoning Appeals to issue a decision required of it to be issued. The appeal must provide a statement of reasons for the appeal including any alleged errors.

(3) The Village Administrator shall submit the appeal to Council no later than the next regular meeting of Council following the filing of the appeal. In determining whether to hear the appeal, Council may clarify the basis for the appeal by discussing the matter and/or asking questions of the applicant and/or appealing party. The concurrence of a majority of the members elected or appointed to Council is required on the question of whether the appeal shall be considered. Should such a majority not approve consideration of the appeal, the decision of the board or commission is deemed final and binding.

If Council approves consideration of the appeal, Council shall hear the appeal at its next regular meeting. At the hearing of the appeal before Council, the person(s) filing the appeal may be required to present the appeal. The applicant and persons both in favor and opposed to the appeal, including members of the board or commission whose decision was appealed, shall be granted the opportunity to address Council, provided input shall be limited to fifteen (15) minutes to those in favor of the appeal and fifteen (15) minutes to those opposed, unless extended by Council. The concurrence of two-thirds of the members elected or appointed to Council is required for Council to reverse or modify a decision of the Planning Commission or Board of Zoning Appeals, and absent such a two-thirds majority, the decision of the commission or the board is affirmed. All such appeals shall be decided within thirty (30) days after Council approves consideration of the appeal.

(Ord. 2006-13. Passed 5-1-06.)

1107.06 REMEDIES.

(a) In the event of violation of any regulation, provision, amendment of or supplement to this Zoning Ordinance or any lawful order issued pursuant to the terms of this Zoning Ordinance, or in the event of the imminent threat thereof, the Village may petition any court of competent jurisdiction to enjoin a threatened violation or to terminate a continuing violation. Under said circumstances, the violator(s) shall be liable to the Village for any attorneys' fees or costs incurred by the Village in seeking any injunctive or other relief necessary to compel compliance with this Zoning Ordinance or any lawful order issued pursuant to its terms.

(b) An owner of any contiguous or neighboring property who is or would be damaged by such violation described in subsection (a) hereof, may also petition any court of competent jurisdiction to enjoin a threatened violation or to terminate a continuing violation.

(Ord. 2006-13. Passed 5-1-06.)

1107.07 EFFECTIVE DATES OF DECISION, ORDERS AND PERMITS.

No zoning certificate, conditional use permit, variance, temporary use permit, subdivision plat approval, development plan approval, site plan approval, decision or order of the Zoning Administrator, Board of Zoning Appeals, and Planning Commission, appealable under this Part Eleven, shall take effect until ten days after its issuance or entry of such decision or order and during the pendency of an appeal regarding such entry, decision or order.

(Ord. 2006-13. Passed 5-1-06.)

1107.99 PENALTY.

Any person, firm, corporation, partnership, or association violating any regulation, prohibition or provision of this Zoning Ordinance, or failing to obey any lawful order of the Zoning Administrator issued pursuant to the provisions of this Zoning Ordinance may be fined up to one hundred dollars ($100.00). Each day during which such violation continues may be deemed a separate offense.

(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1108

Site Plan

1108.01 Purpose and intent.
1108.02 Site plan required.
1108.03 Definitions.
1108.04 Minor site plan.
1108.05 Major site plan.
1108.06 Design standards.

1108.01 PURPOSE AND INTENT.

The requirements provided for herein are intended to manage and direct the built environment as private investment decisions are made within the public planning and zoning arena to promote good planning and site development, to reduce and mitigate environmental and service impacts resulting from development, and to protect the public health, safety, and general welfare.
(Ord. 2006-13. Passed 5-1-06.)

1108.02 SITE PLAN REQUIRED.

Prior to issuance of a zoning certificate for all developments other than single family residential, two-family residential and developments located within a planned zoning district, a site plan as defined herein shall be submitted to the Village of Centerburg for review and approval.
(Ord. 2006-13. Passed 5-1-06.)

1108.03 DEFINITIONS.

The following definitions apply to this chapter.

(a) Development - The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; the construction, expansion or modification of any parking areas, loading areas, access drives or other paved surfaces; any mining, excavation, landfill or other modification of the natural landscape; any changes to approved landscape plans including plant materials, grading, walls or fences.

(b) Site Plan - A plan, to scale, that illustrates the proposed physical changes for parcel or parcels of land.

(c) Major Site Plan - A plan for a development which meets one of the following definitions:

(1) A development involving any new construction other than one or two family residential structures;

(2) A development involving an addition of more than twenty percent (20%) of the gross floor area of a structure or more than 5,000 square feet of impervious surface;

(3) A development involving more than 10,000 square feet of impervious surface;

(4) A development impacting or adjacent to a historic, archaeological, or environmentally sensitive feature;

(5) A development impacting a non-residential site adjacent to a residential zoning district;

(6) A development which conflicts with an adopted Village plan;

(7) A development of a non-conforming site or site which does not meet the development standards of the zoning district in which it is located.

(8) A development which generates sufficient volumes of traffic, unusual patterns, or types of traffic that result in lowering the level of service of affected streets or intersections; or

(9) Other unusual or unique impacts which, in the professional opinion of the Zoning Administrator, warrant public review.

(d) Minor Site Plan - A plan for a development which does not qualify as a Major Site Plan.
(Ord. 2006-13. Passed 5-1-06.)

1108.04 MINOR SITE PLAN.

(a) Application. An application for a minor site plan shall be filed by the applicant with the authorization of the property owner on a form provided by the Zoning Administrator. In order to defray the cost of examination of plans and inspection, the applicant shall pay a fee in accordance with the fee schedule adopted and approved by Village Council.

(b) Submittal Requirements.

(1) A sketch plan showing boundary information, existing and proposed development, existing and proposed easements, rights-of-way, and utilities, including storm water drainage.

(2) The sketch plan shall indicate buildings, service areas, parking, fencing, landscaping, and all required setbacks.
(3) All parking and loading areas shall be shown, including typical dimensions of parking stalls, aisles and loading spaces.
(4) All driveways and curb cuts shall be indicated, including major aisles and service routes. Pedestrian circulation shall also be indicated.
(5) Handling of all waste and refuse materials shall be indicated.
(6) Proposed landscaping shall be shown, as per the zoning code.
(7) Signage may be required to be shown, as per the zoning code.
(8) All exterior lighting shall be shown, including parking lot, pedestrian, and building accent lighting. Lighting intensity and installation height shall be indicated.
(9) Exterior building design and surface treatments shall be indicated, including building material and color. Color and material samples shall also be made available for inspection.

(c) Procedure.
(1) Any applicant requesting approval of a minor site plan as defined herein shall submit to the Zoning Administrator four copies of the application, including the items specified in subsection 1108.04 (b) Submittal Requirements and the prescribed fee.
(2) Within fifteen (15) days of filing a complete application, the Zoning Administrator shall approve the application for site plan review based upon adopted regulations and standards, design guidelines contained herein or determine that the application is a major site plan. If the application is determined to be a major site plan, the Zoning Administrator will schedule a review by Planning Commission.

(d) Action and Effect. Upon approval of a minor site plan, the Zoning Administrator shall issue a zoning certificate. All work permitted under the zoning certificate shall be commenced within twelve (12) months from the date it is issued, and all work shall be completed within eighteen (18) months, unless otherwise provided in the zoning certificate. Authority to proceed pursuant to a zoning certificate shall lapse unless the action authorized by the zoning certificate is commenced within twelve (12) months after the zoning certificate is issued.
(Ord. 2006-13. Passed 5-1-06.)

1108.05 MAJOR SITE PLAN.

(a) Application. An application for a major site plan shall be filed by the applicant with the authorization of the property owner on a form provided by the Zoning Administrator. Nothing shall prevent the concurrent submittal of an application for a major site plan with the submittal of an application for a zoning map amendment. Approval of a major site plan submitted concurrently with an application for zoning map amendment may not become effective until the zoning map amendment application has been approved by Council. In order to defray the cost of examination of plans and inspection, the applicant shall pay a fee in accordance with the fee schedule adopted and approved by Village Council.

(b) Submittal Requirements.
(1) A survey showing boundary information, existing and proposed development, existing and proposed easements, rights-of-way, and utilities, including storm water drainage.
(2) The site plan shall indicate buildings, service areas, parking, signage, fencing, landscaping, and all required setbacks.
(3) All parking and loading areas shall be shown, including typical dimensions of parking stalls, aisles and loading spaces.
(4) All major circulation routes, including arterials, adjacent curb cuts, collector and local streets, driveways and curb cuts, and including major aisle ways and service routes shall be indicated. Major pedestrian circulation routes shall also be indicated, including dimensions of path and pedestrian crossings, etc., plus any attempts at separating vehicular and pedestrian/recreation movement.
(5) Handling of all waste and refuse materials shall be indicated.
(6) Proposed landscaping shall be shown, as per a landscape plan required by Chapter 1173.
(7) All signage and graphics may be required to be shown, as per Chapter 1181.
(8) All exterior lighting shall be shown, including parking lot, pedestrian, and building accent lighting. Lighting intensity and installation height shall be indicated.

(9) Exterior building design and surface treatments shall be indicated, including building material and color. Color and material samples may also be requested.

(10) A list of all owners of property including their mailing addresses, within, contiguous to, or directly across the street or streets from the property.

(11) A general narrative describing any variances requested to the development standards of the Planning and Zoning Code and demonstrating how the variances will result in the best possible development for the site.

(12) Any additional information as may be required by the Zoning Administrator or the Planning Commission.

(c) Procedure.

(1) Any applicant requesting approval of a major site plan as defined herein, shall submit to the Zoning Administrator 15 copies of the application, including the items specified in 1108.05 (b) Submittal Requirements, the prescribed fee, and any other information as determined appropriate by the Planning Commission, in accordance with the submission schedule of the Planning Commission.

(2) It shall be the duty of the Planning Commission to review the major site plan and determine whether it complies with the adopted regulations and standards, design guidelines contained herein, and accepted planning principles; and conduct a public hearing to the extent the applicant seeks a variance from the development standards of this Zoning Ordinance. Such determination shall be made at the first regular meeting of the Planning Commission in accordance with the submission and hearing schedule established by the Commission.

(3) The Planning Commission shall either approve, approve with modification, or disapprove an application for a major site plan.

(d) Modifications of the Major Site Plan.

(1) Development shall be in conformance with the Site Plan and construction of site improvements must be commenced within two years of Planning Commission approval; otherwise no development of the land shall take place until a new Site Plan is approved pursuant to this Section.

(2) Approval of the Planning Commission is required before any modification of the approved Site Plan may be made. Development of land shall not proceed prior to final approval of the Site Plan. Any development undertaken without such final approval is in violation of this zoning ordinance and is an abatable nuisance.

(e) Variances from Development Standards. The Planning Commission may approve variances from the Development Standards of the Planning and Zoning Code as part of the Site Plan. These variances shall be consistent with the intent of the Development Standards of the Planning and Zoning Code to insure a higher quality development. No action by the Board of Zoning Appeals is required for these variances.

(1) The Zoning Officer shall set a public hearing to review any variances requested as part of the site plan review, which hearing may be set and incorporated in the Procedures set forth in subsection (c).

A. Notice of the hearing before the Planning Commission shall be published once in one or more newspapers of general circulation in the Village, at least seven days prior to the date fixed for the hearing. The notice shall include the place, time and date of the hearing, and the location of the property. Failure of a newspaper to accurately or timely publish a properly submitted notice does not invalidate the granting or denial of a variance.

B. A notice containing the information required by subsection (e)(1)(A) hereof shall be sent by first class mail to all property owners listed, pursuant to Section 1108.05(b)(10) not less than seven days prior to the date fixed for the hearing. Failure of any such property owners to receive mail notice does not invalidate the granting or denial of a variance.

(f) Appeal. Decisions of the Planning Commission in approving, approving with modifications or disapproving applications for site plans are appealable to Village Council in accordance with the provisions of Section 1107.06 (d).

(Ord. 2006-13. Passed 5-1-06.)

1108.06 DESIGN STANDARDS.

The following design standards are provided as: (1) guidelines for consideration by applicants in preparing site plans; and (2) as decision considerations by the Planning Commission in reviewing site plans.

(a) Purpose. The purpose of good site design is to create a functional and attractive development, to minimize adverse environmental and physical impacts, and to ensure a project will be an asset to the Village of Centerburg. To promote this purpose, the site plan shall conform to the design standards and related goals and objectives of the Village of Centerburg, which together are designed to result in a well-planned community without adding unnecessarily to development costs.

(b) Site Analysis. An analysis may be required of the environmental and built characteristics of the development site, including, but not limited to, site context, geology and soils, topography, drainage, climate, ecology, vegetation; existing structures, road networks, and access; visual features and urban design; and past and present use of the site.

(c) Site Design.

(1) Design of the development shall take into consideration all existing local plans for the Village of Centerburg and the Development Standards of the Planning and Zoning Code.

(2) Development of the site shall be based upon the site analysis. To the maximum extent possible, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features.

(3) The following specific areas shall be preserved to the extent possible as open space:

A. Unique and/or fragile areas, including wetlands;

B. Significant trees or stands of trees;

C. Property within the 100-year floodplain as mapped by the National Flood Insurance Program;

D. Poorly drained soils.

E. Steep slopes in excess of 20 percent as measured over a 10-foot interval unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken;

F. Habitats of endangered wildlife, as identified by the State of Ohio, Department of Natural Resources, Natural Heritage Program.

G. Historically significant structures, as identified by local officials, Ohio Historic Inventory, or National Register of Historic Places/Districts.

(4) The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce cut and fill; to prevent flooding; to provide adequate access to lots and sites; and to mitigate adverse effects of shadow, noise, odor, traffic, drainage, and utilities on neighboring properties.

(5) The design treatment of the site and all proposed structures shall ensure compatibility and sensitivity to adjacent properties and structures.

(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1109

Amendments

1109.01 Amendment of Zoning Ordinance and Zoning District Map.
1109.02 Form of application for amendment.
1109.03 Review procedure.
1109.04 Action of Council on amendments.

CROSS REFERENCES

Council may amend districting or zoning - see Ohio R.C. 713.10
Council to hold public hearing - see Ohio R.C. 713.12

1109.01 AMENDMENT OF ZONING ORDINANCE AND ZONING DISTRICT MAP.

The provisions of this Zoning Ordinance, the district boundaries as established by the Zoning District Map, and the provisions of the Village's Subdivision and Development Regulations may be amended to meet changing

conditions or to better conform to good zoning practices. Amendments may be initiated:

(a) By request of the Planning Commission directed to Council to prepare an ordinance embodying an amendment to this Zoning Ordinance, the Zoning District Map, or the Subdivision Regulations as recommended by the Planning Commission. Council shall either direct preparation of the ordinance requested or deny the request of the Planning Commission.

(b) By action of Council directing the preparation of an ordinance to amend this Zoning Ordinance, the Zoning District Map, or the Subdivision Regulations.

(c) By the filing of an application by one or more owners of property requesting that the Zoning District Map for the area in which the applicants own property be amended.

(Ord. 2006-13. Passed 5-1-06.)

1109.02 FORM OF APPLICATION FOR AMENDMENT.

(a) An application by property owners pursuant to Section 1109.01(c) for a change of district boundaries shall be filed in writing with the Zoning Administrator. The applicant shall pay a fee in accordance with the schedule adopted and approved by Village Council to defray the cost of advertising, staff review and other costs incidental to the application. The application shall contain the following:

(1) Names, addresses and phone numbers of the applicants and owners.

(2) A current and accurate legal description of the area for which the amendment is sought.

(3) The existing use and zoning district and the proposed use and zoning district for the property within the area.

(4) A list of all property owners within 200 feet from the area sought to be zoned, together with their mailing addresses.

(5) Any deed restrictions, easements, covenants and encumbrances to be imposed to control the use, development and maintenance of the area to be zoned.

(6) In appropriate cases, at the request of the Zoning Administrator of the Planning Commission, an estimate of the utility requirements of the area, should the amendment be adopted, including sewer, water, refuse and electricity.

(7) In appropriate cases, at the request of the Zoning Administrator of the Planning Commission, an estimate of potential traffic generation in the area should the amendment be adopted.

(8) A vicinity map drawn to reasonable scale, showing property lines, ownership, street addresses when known, streets, existing and proposed zoning within the area sought to be zoned. The vicinity map shall also depict all land within 300 feet of the boundaries of the area to be zoned, showing property lines, ownership, streets and street addresses when known, and shall be subject to later amendments at the request of the Planning Commission to supply such additional information as it may require.

(b) When a amendment is initiated by the Planning Commission or Council pursuant to Section 1109.01(a) or (b), a copy of the proposed ordinance shall be filed with the Zoning Administrator.

(Ord. 2006-13. Passed 5-1-06.)

1109.03 REVIEW PROCEDURE.

(a) Hearing Before and Recommendations of Planning Commission. The Planning Commission shall review during public hearings all proposed amendments to this Zoning Ordinance or the Zoning District Map initiated pursuant to Section 1109.01 (a), (b) or (c) and make recommendations to Council on each proposed amendment pursuant to the following procedures:

(1) Setting hearing date. Upon the initiation of an amendment to this Zoning Ordinance or the Zoning District Map, the secretary of the Planning Commission shall promptly fix a date for a public hearing before the Planning Commission for review of the proposed amendment.

(2) Publication of notice of hearing. Notice of the hearing before the Planning Commission shall be published once in one or more newspapers of general circulation in the Village in conformance with the requirements of the Ohio Revised Code or at least thirty (30) days in advance of the hearing, whichever requirements are greater. The notice shall include the place, time and date of the hearing and the nature of the proposed amendment. Failure of a newspaper to accurately or timely publish a properly submitted notice does not invalidate adoption of the proposed amendment as an amending ordinance.

(3) Notice to property owners. A notice containing the information required by subsection (a)(2) hereof shall be sent by first class mail, and certified mail, return receipt requested, to all property owners within, contiguous to or directly across a street from the area which is the subject of the proposed amendment, not less than twenty (20) days prior to the date fixed for the initial hearing, to the addresses of such owners appearing on the county auditor's current tax list or the treasurer's mailing list. Failure of any such property owners to receive mail notice does not invalidate adoption of the proposed amendment as an amending ordinance.

Further, the Zoning Administrator shall post a sign at or near the location of the area, which is the subject of the proposed amendment. Failure of the Zoning Administrator to post a sign or to post a sign in a specific location does not invalidate adoption of the proposed amendment as an amending ordinance. (Ord. 2015-13. Passed 9-8-15.)

(4) Notice to State Director of Transportation. The secretary of the Planning Commission shall give notice by registered or certified mail to the State Director of Transportation of the initiation of any proposed amendment that:

A. Affects any land within 300 feet of a proposed new highway; or

B. Affects any land within 300 feet of any proposed changes to a highway as described in certification to local officials by the State Director of Transportation; or

C. Affects any land within 500 feet from a proposed intersection of such a new highway and any existing public road or highway.

D. If the Director of Transportation's response is negative, the Planning Commission will stay their proceedings until the reason for the negative response is resolved.

(5) Hearing. In reviewing the proposed amendment and arriving at its recommendation, the Planning Commission shall consider the following factors:

A. Compatibility of the amendment sought with the use of adjacent land, adjacent zoning and with land use plans for the general area.

B. Impact of the adoption of an amendment sought on motor vehicle access and traffic flow in the general area.

C. Impact of the adoption of the proposed amendment upon the public health, safety and general welfare of the residents of the Village.

D. Impact of the adoption of the proposed amendment on available public facilities, general expansion plans of the Village, and the Village's schedule for improvement of capital facilities.

(6) Recommendations. No later than thirty (30) days following the last public hearing on the proposed amendment the Planning Commission shall make one of the following recommendations to Council:

A. That the proposed amendment be adopted.

B. That the proposed amendments be adopted with modifications recommended by the Planning Commission.

C. That the proposed amendment not be adopted.

(b) Hearings Before and Consideration of Council. Council shall consider at public hearings all proposed amendments to this Zoning Ordinance and the Zoning District Map and the recommendations of the Planning Commission concerning proposed amendments, and act on the proposed amendments and recommendations, pursuant to the following procedures:

(1) Setting hearing date. Following receipt of the recommendation of the Planning Commission, and upon introduction of the proposed amendment at a regular meeting of Council as an amending ordinance, Council shall promptly fix a date for a public hearing before Council for consideration of the amending ordinance. Such hearing shall be set on a date so as to permit notice by publication at least thirty (30) days prior to the date fixed for the hearing. During such thirty (30) days, the text or copy of the text of such ordinance, together with the maps or plans or copies thereof, forming part of or referred to in such ordinance and the maps, plans and reports submitted by the planning commission shall be on file for public examination in the office of the clerk.

(2) Publication of notice of hearing. Notice of the hearing before Council shall be published once in one or more newspapers of a general circulation in the Village at least thirty (30) days prior to

the date fixed for the hearing. The notice shall include the place, time and date of the hearing and the nature of the amending ordinance. Failure of a newspaper to accurately or timely publish a properly submitted notice shall not invalidate adoption of the amending ordinance.

(3) Notice to property owners. If the Ordinance, measure, or regulation intends to re-zone or redistrict ten or less parcels of land as listed on the tax duplicate, written notice containing the information required by subsection (b)(2) hereof shall be sent by first class mail to all property owners within, contiguous to or directly across a street from the area which is the subject of the proposed amendment, not less than twenty (20) days prior to the date fixed for the hearing. Failure of any such property owners to receive mail notice shall not invalidate adoption of the amending ordinance.

(4) Hearing. At the time fixed for the public hearing, Council shall allow testimony from all persons interested in the proposed amendment. Council may consider the proposed amendment notwithstanding the failure of the Planning Commission to make one of the recommendations required by Section 1109.03 (a)(6).

(Ord. 2006-13. Passed 5-1-06.)

1109.04 ACTION OF COUNCIL ON AMENDMENTS.

At the conclusion of public hearings, the roll shall be called of members of Council on the passage of the amending ordinance. If the ordinance does not differ from the recommendation of Planning Commission, the votes of a majority of the members elected to Council shall be required for passage. If the ordinance differs from the recommendation of the Planning Commission, the votes of three-fourths of the members elected to Council shall be required for passage of the amending ordinance; provided, however, a three-fourths vote shall not be required if the differences from the recommendation of Planning Commission relate exclusively to the Preliminary Plan and/or Development Standards Text associated with a request for rezoning to a Planned District.

(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1111

Conditional Use

1111.01 Purpose.
1111.02 Application for permit.
1111.03 Criteria for approval.
1111.04 Procedure.
1111.05 Violation of findings of fact; permit revocation; appeal.

CROSS REFERENCES

Conditional use defined - see P. & Z. 1105.2500
Issuance - see P. & Z. 1107.01, 1107.04

1111.01 PURPOSE.

Under some unusual circumstances a use which more intensely affects an area than those uses permitted in the zoning district in which it is located may nevertheless be desirable and also compatible with permitted uses within the zoning district if that use is properly controlled and regulated. The Planning Commission may allow such a use to exist as a conditional use where these unusual circumstances exist and where the conditional use will be consistent with the general purpose and intent of this Zoning Ordinance.

(Ord. 2006-13. Passed 5-1-06.)

1111.02 APPLICATION FOR PERMIT.

(a) Application to be Made. Written application for a conditional use permit shall be made to the Planning Commission and filed with the Zoning Administrator who shall transmit the application to the Planning Commission. The application shall be signed by the owner of the property affected and shall state the information provided is accurate and truthful.

(b) Application Fee. The applicant shall pay a fee in accordance with the schedule adopted and approved by Village Council to cover advertising, review, publishing and reporting the proceedings of the

Planning Commission.

(c) Contents of Application. The application shall include:

(1) The name, address and telephone number of the owner of the property;

(2) An accurate legal description of the property;

(3) The existing use, proposed conditional use and the zoning district in which the property is located;

(4) A statement of the relationship and general compatibility of the proposed use to adjacent land use in terms of traffic, parking and noise and other nuisances;

(5) A list of all owners of property, including their mailing addresses, which is contiguous to or directly across the street(s) from the property;

(6) Fifteen (15) copies of a plot plan showing:

A. Boundaries and dimensions of the property and the size and location of all proposed or existing structures.

B. Traffic access, traffic circulation, existing and proposed utility easements, parking, location of trees and shrubs, signs, refuse and service areas.

C. Any additional information required by the secretary of the Planning Commission to establish the advisability of granting the conditional use permit.

(Ord. 2006-13. Passed 5-1-06.)

1111.03 CRITERIA FOR APPROVAL.

The following criteria shall be considered for each application for a conditional use permit:

(a) Whether the proposed conditional use is a listed conditional use in the appropriate chapter of this Zoning Ordinance for the zoning district in which the property is located.

(b) Whether the development standards of the zoning district in which the property is located are being complied with.

(c) Whether the proposed use will create an undue burden on public facilities and services such as streets, utilities, schools and refuse disposal.

(d) Whether the proposed use will be detrimental to existing and future neighboring uses, and will involve a use, structure or condition of operation that constitutes a nuisance or hazard to any persons or property.

(Ord. 2006-13. Passed 5-1-06.)

1111.04 PROCEDURE.

(a) Setting Hearing. The Zoning Administrator shall set a public hearing to review applications for a conditional use permit.

(b) Notice of Hearing and Time for Consideration.

(1) Notice of the hearing before the Planning Commission shall be published once in one or more newspapers of general circulation in the Village, at least seven days prior to the date fixed for the hearing. The notice shall include the place, time and date of the hearing, the location of the property and the nature of the proposed conditional use. Failure of a newspaper to accurately or timely publish a properly submitted notice does not invalidate the granting or denial of a conditional use permit.

(2) A notice containing the information required by subsection (b)(1) hereof shall be sent by first class mail and certified mail, return receipt requested, to all property owners listed pursuant to Section 1111.02(c)(5), not less than seven days prior to the date fixed for the hearing. Failure of any such property owners to receive mail notice does not invalidate the granting or denial of a conditional use permit.

(3) The Zoning Administrator shall post a sign at or near the location of the conditional use permit. Failure of the Zoning Administrator to post a sign or to post a sign in a specific location does not invalidate adoption of the proposed conditional use.

(4) The Planning Commission shall grant or deny the conditional use permit within thirty (30) days after notice is published and mailed, unless said time frame is extended by a motion approved by the majority of Planning Commission. (Ord. 2015-13. Passed 9-8-15.)

(c) Public Hearing. The Planning Commission shall grant or deny the conditional use permit following the public hearing and after considering the criteria listed in Section 1111.03 . Its decision shall be accompanied by written findings of fact and impose such conditions as are reasonably necessary to secure the purpose and objectives of this Zoning Ordinance.

(d) Right to Appeal. Any party, including the administrative staff of the Village, aggrieved or affected by the decision of the Planning Commission involving an application for a conditional use permit may appeal to Council, pursuant to Section 1107.06 .

(e) Issuance of Conditional Use Permit. Upon approval of the Planning Commission or upon appeal and approval by Council, the Zoning Administrator shall issue to the applicant a conditional use permit which includes any conditions imposed by the Planning Commission and any modifications ordered by Council on appeal. Such permit shall become effective upon approval by the Planning Commission or upon appeal and approval by Council. A conditional use permit shall authorize only one particular conditional use and such permit shall automatically expire if, for any reason, the conditional use shall not begin within one year after the permit is issued or shall cease for more than six months after the permit is issued. A Conditional Use Permit shall be personal to the applicant and shall not run with the land, and shall expire upon a transfer of ownership.
(Ord. 2006-13. Passed 5-1-06.)

1111.05 VIOLATION OF FINDINGS OF FACT; PERMIT REVOCATION; APPEAL.

(a) Whenever a previously approved conditional use is in violation of any of the findings of fact or other imposed conditions, pursuant to Section 1111.04(c), the Zoning Administrator shall give notice in the same manner as service of summons in civil cases, or by certified mail addressed to the owner of record of the premises at his last known address, or to the address to which tax bills are sent. Such notice shall include reasons by which the Zoning Administrator finds the conditional use to be in violation, and a statement that the owner shall have thirty (30) days to comply with the granted conditional use permit.

(b) Upon failure of the owner to comply with the notice, the Zoning Administrator shall notify the Planning Commission that the conditional use is in violation and itemize the reasons for revocation of the conditional use permit.

(c) The Planning Commission shall continue or revoke the conditional use permit at its first regular meeting after the notice is received.

(d) Any party, including administrative staff of the Village, aggrieved or affected by the decision of the Planning Commission involving a revocation of a conditional use permit may appeal to Council, pursuant to Section 1107.06.
(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1113

Variances

1113.01 Purpose.
1113.02 Application for variance.
1113.03 Criteria for approval.
1113.04 Procedure.

CROSS REFERENCES

Variance defined - see P. & Z. 1105.10600
Grant of variance - see P. & Z. 1107.03

1113.01 PURPOSE.

Under some unusual circumstances due to the peculiar size, shape or topography of land, full and strict compliance with all development standards of this Zoning Ordinance could result in substantial hardship or injustice to the owner of the land and could even result in undesirable development of the land. The Board of

Zoning Appeals may grant a variance to permit limited deviation from the development standards of this Zoning Ordinance under the criteria of Section 1113.03 where the development resulting from granting the variance will be consistent with the general purpose and intent of this Zoning Ordinance.

Variances shall not be granted to allow a use not permitted by this Zoning Ordinance in a particular zoning district.

(Ord. 2006-13. Passed 5-1-06.)

1113.02 APPLICATION FOR VARIANCE.

(a) Filing. Written application for a variance shall be made to the Board of Zoning Appeals and filed with the Zoning Administrator who shall transmit the application to the Board of Zoning Appeals. The application shall be signed by the owner of the property affected and shall state that the information provided is accurate and truthful.

(b) Fee. The applicant shall pay a fee in accordance with the fee schedule adopted and approved by Village Council to cover advertising, review, publishing and reporting the proceedings of the Board of Zoning Appeals.

(c) Contents of Application. The application shall include:

(1) The name, address and telephone number of the owner of the property;

(2) An accurate legal description of the property;

(3) The exact nature of the variance requested, including reference to the development standard from which applicant seeks deviation;

(4) A statement explaining the relation of the requested variance(s) to the criteria for approval as listed in Section 1113.03.

(5) A list of all owners of property including their mailing addresses, within, contiguous to, or directly across the street or streets from the property.

(6) Ten (10) copies of a plot plan showing:

A. Boundaries and dimensions of the property, the size and location of all proposed or existing structures and the location of trees and shrubs.

B. The nature of the special conditions or circumstances.

C. The proposed use of all parts of the lot and structures.

D. The use of land and location of structures on adjacent property.

(7) Any additional information required by the Zoning Administrator or the Board of Zoning Appeals to establish the advisability of granting the variance.

(Ord. 2006-13. Passed 5-1-06.)

1113.03 CRITERIA FOR APPROVAL.

The following considerations shall be examined in the review and the public hearing of an application for variance.

(a) That special circumstances or conditions exist which are peculiar to the land or structures involved and which are not applicable to other lands or structures in the same zoning districts.

(b) That a literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the provisions of this Zoning Ordinance.

(c) That the special conditions and circumstances do not result from the actions of the applicant.

(d) That the granting of the variance will not confer on the applicant any special privilege that is denied by this Zoning Ordinance to other lands or structures in the same zoning district.

(e) That the granting of the variance will in no other manner adversely affect the health, safety and general welfare of the persons residing or working within the vicinity of the proposed services or traffic considerations.

(Ord. 2006-13. Passed 5-1-06.)

1113.04 PROCEDURE.

(a) Setting Hearing. The Zoning Administrator shall set a public hearing to review applications for variances.

(b) Notice of Hearing and Time for Consideration.

(1) Notice of the hearing before the Board of Zoning Appeals shall be published once in one or more newspapers of general circulation in the Village, at least seven days prior to the date fixed for the hearing. The notice shall include the place, time and date of the hearing, the location of the property and the nature of the proposed variance. Failure of a newspaper to accurately or timely publish a properly submitted notice does not invalidate the granting or denial of a variance.

(2) A notice containing the information required by subsection (b)(1) hereof shall be sent by first class mail and certified mail, return receipt requested, to all property owners listed, pursuant to Section 1113.02(c)(5) not less than seven days prior to the date fixed for the hearing. Further, the Zoning Administrator shall cause a notice to be posted at the subject property not less than seven days prior to the date fixed for the hearing. Failure of any such property owners to receive mail notice does not invalidate the granting or denial of a variance.

(3) The Zoning Administrator shall post a sign at or near the location of the property to which the application for variance applies. Failure of the Zoning Administrator to post a sign or to post a sign in a specific location does not invalidate adoption of the proposed application for variance applies. (Ord. 2015-13. Passed 9-8-15.)

(c) Public Hearing. The Board of Zoning Appeals shall grant or deny the variance following the public hearing and after considering the requirements listed in Section 1113.03 . Its decision shall be accompanied by written findings of fact specifying the reasons for the decision reached. The Board of Zoning Appeals shall impose such conditions as are reasonably necessary to serve the purpose and objectives of this Zoning Ordinance.

(d) Right of Appeal. Any party, including the administrative staff of the Village, aggrieved or affected by the decision of the Board of Zoning Appeals involving an application for a variance may appeal to Council pursuant to Section 1107.06 .

(e) Issuance of Zoning Certificate. Upon approval of the variance by the Board of Zoning Appeals or upon appeal and approval by Council, the Zoning Administrator shall issue to the applicant a zoning certificate which states all terms of the variance as granted including any conditions imposed by the Board of Zoning Appeals and any modifications ordered by Council on appeal. A variance and any right to a Zoning Certificate based on said variance shall expire automatically if, for any reason, within two years of approval of the variance, construction has not commenced on the construction, development or improvement for which the variance was granted. Once initiated, construction must proceed in a typical, conscientious and continuous manner toward completion. (Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1115

Nonconforming Uses

1115.01 Continuation, expansion, elimination and reconstruction.
1115.02 Nonconforming lots of record.
1115.03 Nonconforming uses of land (or land with minor structures only).
1115.04 Nonconforming structures.
1115.05 Nonconforming uses of structures or of structures and premises in combination.
1115.06 Repairs and maintenance.

CROSS REFERENCES
Nonconforming use defined - see P. & Z. 1105.6700
Nonconforming signs - see P. & Z. 1181.10

1115.01 CONTINUATION, EXPANSION, ELIMINATION AND RECONSTRUCTION.

(a) Intent. Within the Village of Centerburg there exist:

(1) Lots;

(2) Structures;

(3) Uses of land and structures; and
(4) Development Standards of uses;

which were lawful before this Zoning Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Zoning Ordinance. It is the intent of this section to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this section that nonconformities shall not be enlarged upon, expanded or extended. The Board of Zoning Appeals shall have the authority to grant an extension of a building or the expansion of the use of a lot devoted to a nonconforming use where such extension is necessary and incidental to the existing use of such building or lot. However, the floor areas or lot areas of such extensions shall not exceed, in all, 100 percent (100%) of the area of the existing building or lot devoted to a nonconforming use. The decision of the Board of Zoning Appeals may be appealed to Council pursuant to the provisions of Section 1107.06.

(b) Changes in Nonconforming Uses. The Board of Zoning Appeals may authorize substituting a nonconforming use for another nonconforming use provided no structural alterations except those required by law or ordinance are made.

(c) Reconstruction of Nonconforming Use. Where a nonconforming building has been damaged by explosion, fire, or an act of God to the extent of more than fifty percent (50%) of its fair market value, the Board of Zoning Appeals may permit reconstruction where it finds some compelling necessity requiring a continuance of the nonconforming use.

(Ord. 2006-13. Passed 5-1-06.)

1115.02 NONCONFORMING LOTS OF RECORD.

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption of this Zoning Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Zoning Appeals.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Zoning Ordinance and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Zoning Ordinance, and no portion of such parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Zoning Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Zoning Ordinance. The Planning Commission may permit the development of two or more contiguous, non-conforming lots if it is determined that the proposal is consistent with the development pattern in the site area, will not have an adverse effect on adjacent properties and is consistent with Village plans or objectives for the area.

(Ord. 2006-13. Passed 5-1-06.)

1115.03 NONCONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY).

Where at the time of passage of this Zoning Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Zoning Ordinance, and where such use involves no individual structure with a replacement cost exceeding one thousand dollars ($1,000), the use may be continued so long as it remains otherwise lawful, provided:

(a) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Ordinance;
(b) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of this Zoning Ordinance;
(c) If any such nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this Zoning Ordinance for the district in which such land is located; and
(d) No additional structure not conforming to the requirements of this Zoning Ordinance shall be erected in connection with such nonconforming use of land.

(Ord. 2006-13. Passed 5-1-06.)

1115.04 NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption of this Zoning Ordinance, or amendments thereto, that could not be built under the terms of this Zoning Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(a) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

(b) Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Ordinance.

(c) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Ord. 2006-13. Passed 5-1-06.)

1115.05 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATIONS.

If a lawful use involving individual structures with a replacement cost of one thousand dollars ($1,000) or more, or of structure and premises in combination, exists at the effective date of adoption of this Zoning Ordinance or amendments thereto, that would not be allowed in the district under the terms of this Zoning Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(a) No existing structure devoted to a use not permitted by this Zoning Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

(b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Zoning Ordinance, but no such use shall be extended to occupy any land outside such building;

(c) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another non-conforming use provided that the Board of Zoning Appeals either by general rule or by making findings in the specific case, finds that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the provisions of this Zoning Ordinance.

(d) Any structure, or structure and land in combination, in or on which a nonconforming use is replaced by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;

(e) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for eighteen months during any three-year period, except when government action impedes access to the premises, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located; and

(f) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty percent (50%) of the replacement cost at time of destruction.

(Ord. 2006-13. Passed 5-1-06.)

1115.06 REPAIRS AND MAINTENANCE.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, heating, air conditioning or plumbing, to an extent not exceeding ten percent (10%) of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
(Ord. 2006-13. Passed 5-1-06.)

TITLE THREE - Zoning District Regulations

Chap. 1122. RR Rural Residential District.
Chap. 1123. ER Estate Residential District.
Chap. 1124. R Single Family District.
Chap. 1125. R-1 Single Family District.
Chap. 1127. R-2 Single Family District.
Chap. 1128. Planned Residential District. (PRD)
Chap. 1129. R-3 Two Family District.
Chap. 1131. R-4 Multiple Family District.
Chap. 1135. PND Planned Neighborhood District.
Chap. 1143. CC Community Commercial District.
Chap. 1147. [RESERVED]
Chap. 1148. VC Village Center District
Chap. 1149. ROS Residential Office Services District
Chap. 1151. PCC, Planned Community Commercial District.
Chap. 1155. O/I Office-Institutional District.
Chap. 1156. PO, Planned Office District.
Chap. 1159. Industrial District.
Chap. 1161. PID Planned Industrial District.
Chap. 1162. PD, Planned Development District.
Chap. 1165. OS Open Space District.
Chap. 1166. Source Water Protection Overlay District.
Chap. 1167. SFH Special Flood Hazard Areas.
Chap. 1169. Special Overlay District.

CHAPTER 1122

RR Rural Residential District

1122.01 Purpose.
1122.02 Permitted and conditional uses.
1122.03 Development standards.
1122.04 Supplementary standards for conditional uses.

CROSS REFERENCES

Off-street parking requirements - see P. & Z. 1171.04
Supplemental regulations - see P. & Z. Ch. 1175
Home occupations - see P. & Z. Ch. 1177
Fences and hedges - see P. & Z. Ch. 1179

1122.01 PURPOSE.

The purpose of the Rural Residential District is to control the indiscriminate infiltration of urban development into rural areas that are not equipped to provide necessary public services or do not have sufficient roadways to carry increased traffic loads. This district designation will often be used as a transitional designation for newly annexed land.
(Ord. 2006-13. Passed 5-1-06.)

1122.02 PERMITTED AND CONDITIONAL USES.

(a) Permitted Uses in the Rural Residential District are:
  (1) Agriculture.
  (2) Single family dwellings.
  (3) Accessory structures to agricultural operations and single family dwellings.

(4) Churches and places of worship provided the land consists of at least three acres and parking and traffic accessibility requirements of Chapter 1171 are satisfied.

(5) Public schools provided the land consists of at least three acres and parking and traffic accessibility requirements of Chapter 1171 are satisfied.

(6) Public parks, playgrounds and playing fields operated with or without fee.

(b) Conditional Uses in the Rural Residential District are: The following uses are conditionally permitted within the Rural Residential District. These uses may be appropriate as permitted uses within the district but require more detailed evaluation with respect to location, design, size, method, and hours of operation, intensity of use and traffic generation and potential impact on surrounding uses, in order to balance these uses in an equitable manner while safeguarding both individual property rights and general, community welfare. It is the Planning Commission's responsibility to perform this evaluation and after review, to attach necessary conditions and safeguards. The development standards contained in this Chapter are minimum standards. Planning Commission may require more restrictive standards for a conditional use based on the merits of each application. Review and approval of these uses are further regulated in Chapter 1111 , Section 1122.03 and Section 1122.04 , Conditional Use Supplementary Standards. Parenthetical reference to Section 1122.04 following a listed conditional use indicates that specific supplemental standards have been identified for that use in the referenced subsection.

(1) Private schools including child care centers offering general educational courses and having no facilities for the housing of students. Such use shall have sufficient area to provide for outdoor activities, parking and other related activities and be located and designed to provide adequate traffic movement and minimum interference with the use of adjacent property.

(2) Camps, day camps and campgrounds operated by and for membership organizations and not operated for commercial gain.

(3) Public Use Facilities other than those listed as permitted uses in Sections 1122.02(a)(5) and (a)(6).

(4) Public Service Facilities. (Section 1122.04(b))

(5) Customary home occupations which comply with the requirement of Chapter 1177 and have no adverse effect upon neighboring properties such as traffic or parking burdens.

(6) Farm markets associated with existing agricultural uses. (Section 1122.04(c))

(7) Veterinary offices, animal hospitals, kennels and animal grooming. (Section 1122.04(d)).

(Ord. 2006-13. Passed 5-1-06.)

1122.03 DEVELOPMENT STANDARDS.

(a) Lot Requirements for Each Dwelling in the Rural Residential District are:

(1) Minimum lot area: For each permitted and conditional use, the lot area shall meet the requirements of the County Board of Health as relating to lot area but in no case shall be less than three acres.

(2) Minimum lot width: 200 feet, having at least sixty (60) feet of frontage on a publicly dedicated right of way, 220 feet for corner lots, located on publicly dedicated rights of way.

(3) Minimum front yard: Sixty feet; Seventy feet for structures on lots located on arterial streets.

(4) Minimum side yard: Twenty-five feet for all structures.

(5) Minimum rear yard: sixty feet; thirty feet for accessory buildings, decks/patios thirty inches in height or less above the adjacent grade prior to construction.

(6) Maximum lot coverage: Twenty-five percent (25%) for residential uses; thirty percent (30%) for all other uses.

(7) Maximum height: Forty feet.

(b) Site Development Requirements in the Rural Residential District are: All applicable subdivision regulations and sign, parking and landscaping regulations of this Zoning Ordinance must be satisfied.

(Ord. 2006-13. Passed 5-1-06.)

1122.04 SUPPLEMENTARY STANDARDS FOR CONDITIONAL USES.

All conditional uses shall meet the minimum requirements established by Section 1122.03 unless modified by this section:

(a) Purpose and Intent. The purpose of this section is to establish supplementary standards for certain land uses that may affect adjacent properties, the neighborhood, or the community even if all of the general standards of Section 1122.03 are met. It is the intent of this section to establish

appropriate standards for permit processing and for location, design and operation of conditional uses to assure that they will be developed in a manner consistent with the purpose of the Rural Residential District.

(b) Wireless Telecommunication Facilities.

(1) Minimum lot area: The minimum required by the zoning district, but not less than three (3) acres. Preference will be given to larger sites such as schools, parks, churches and public facilities which minimize impact on residential areas and view corridors.

(2) Setbacks: Equal to the height of the tallest structure, but in no case less than zoning district requirements. The setback requirement based on height is not applicable when the proposed facility is constructed on or in an existing structure and does not extend more than twenty (20) feet above the existing structure.

(3) Height: The maximum height of a tower shall be 150 feet including the antenna. The Planning Commission may allow the maximum height to increase to 200 feet to accommodate co-location. Equipment shelters shall meet district standards.

(4) Screening: Perimeter landscaping would be required around fencing at the base of the tower and around any building or equipment. The landscaping should have a year round opacity of seventy-five percent (75%). A six (6) foot minimum height would be required at installation for landscaping around the base of a tower. the Planning Commission may elect, in certain instances, to accomplish screening by materials other than landscaping.

(5) Parking and access: A paved access drive and one paved parking space for a service vehicle.

(6) Lighting: On site: Cutoff style fixtures for control of light spread. On tower: None, unless required by the Federal Aviation Administration (FAA).

(7) Color: The tower shall be painted a non-contrasting gray or similar color to minimize its visibility unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).

(8) Emissions: Emissions standards for electromagnetic fields must be in compliance with current and future Federal Communication Commission (FCC) standards.

(9) Co-location: All approved installations must allow other providers to co- locate on the same pole to the extent technologically feasible at a reasonable and competitive market rate. All requests for new installation must demonstrate that there is no available space on existing towers or other suitable support structure within the established service area. New installations on an existing permitted tower are exempt from the conditional use process and may proceed with a standard building permit approval.

(10) Construction: All new towers shall be constructed to be capable of accommodating at least one additional wireless communication installation for another service provider.

(11) Removal: The applicant or any subsequent owner of the facility will remove it within ninety (90) days of obsolescence or abandonment. Obsolescence is defined as being replaced by new technology. Abandonment would occur when the provider is no longer operating a viable telecommunication network using this facility.

(12) Design: Preference will be given to monopole construction. Only monopole construction would be allowed in residential districts.

(13) Signage: No signage or advertising is to be displayed on the tower structure.

(c) Farm Markets.

(1) Must be associated with an existing agricultural use.

(2) Must derive fifty percent (50%) or more of the gross income received from the market from produce raised on farms owned or operated by the market operation in a normal crop year.

(3) Must have adequate access to the site and sufficient on site parking so as to minimize traffic impacts on adjacent roads and neighboring properties.

(4) The existing agriculture is not a nuisance as evident by the lack of neighborhood complaints or health problems as determined by the County Health Board.

(5) Expansions of existing farm markets or new farm markets shall maintain reasonable protection for adjacent residential properties, through:

A. Setbacks.

B. Screening.

C. Odor control.
D. Noise control.

(d) Veterinary Clinics and Offices, Animal Hospitals, Kennels and Animal Grooming.

(1) Must be an existing use at the time of annexation.
(2) Must contain a minimum of three acres.
(3) Must have adequate access to the site and sufficient on-site parking so as to minimize traffic impacts on adjacent roads and neighboring properties.
(4) Must either meet the standards established by the State of Ohio for such facilities or has received the proper variance, waiver or "grandfather" clause.
(5) The existing facility is not a nuisance as evident by the lack of neighborhood complaints or health problems as determined by the County Board of Health.
(6) Must connect to the Village's sanitary sewer system within six months from the date of accessibility of the system.
(7) Care and boarding shall be limited to small domestic animals and may not include cattle, horses or swine.
(8) Minimum lot area and setback: The minimum lot area for an animal hospital, veterinary clinic or kennel shall be sufficient to accommodate building, required yards, parking, landscaping and circulation requirements. Any structure used for such purposes shall be at least 100 feet from an adjacent residential property.
(9) Operational standards.

A. All activities other than off-street parking, loading/unloading shall be conducted from a fully enclosed structure. This includes exercise runways.
B. Each structure shall be designed and maintained in a manner to prevent the development of unsanitary conditions.
C. Rooms intended to accommodate animals shall be insulated, or otherwise soundproofed and vented so animal noises will not be audible at any point on the perimeter of the property.

(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1123

ER Estate Residential District

1123.01 Purpose.
1123.02 Permitted and conditional uses.
1123.03 Development standards.
1123.04 Supplementary standards for conditional uses.

CROSS REFERENCES

Off-street parking requirements - see P. & Z. 1171.03
Supplemental regulations - see P. & Z. Ch. 1175
Home occupations - see P. & Z. Ch. 1177
Fences and hedges - see P. & Z. Ch. 1179

1123.01 PURPOSE.

The purpose of the Estate Residential District is to provide a transition between more rural areas of the Village of Centerburg and adjacent jurisdictions, and more urbanized portions of the Village. These areas are expected to be served by public utilities and to develop in a lower density, suburban development pattern.
(Ord. 2006-13. Passed 5-1-06.)

1123.02 PERMITTED AND CONDITIONAL USES.

(a) Permitted Uses in the Estate Residential District are:

(1) Single family dwellings.
(2) Accessory structures to single family dwellings such as a garage for the non-commercial storage of automobiles.
(3) Churches and places of worship provided the land consists of at least three acres and parking and traffic accessibility requirements of Chapter 1171 are satisfied.

(4) Public schools provided the land consists of at least three acres and parking and traffic accessibility requirements of Chapter 1171 are satisfied.

(5) Public parks, playgrounds and playing fields operated with or without fee.

(b) Conditional Uses in the Estate Residential District are: The following uses are conditionally permitted within the Estate Residential District. These uses may be appropriate as permitted uses within the district but require more detailed evaluation with respect to location, design, size, method, and hours of operation, intensity of use and traffic generation and potential impact on surrounding uses, in order to balance these uses in an equitable manner while safeguarding both individual property rights and general, community welfare. It is the Planning Commission's responsibility to perform this evaluation and after review, to attach necessary conditions and safeguards. The development standards contained in this Chapter are minimum standards. Planning Commission may require more restrictive standards for a conditional use based on the merits of each application. Review and approval of these uses are further regulated in Chapter 1111 , Section 1123.03 and Section 1123.04 , Conditional Use Supplementary Standards. Parenthetical reference to Section 1123.04 following a listed conditional use indicates that specific supplemental standards have been identified for that use in the referenced subsection.

(1) Private schools including child care centers offering general educational courses and having no facilities for the housing of students. Such use shall have sufficient area to provide for outdoor activities, parking and other related activities and be located and designed to provide adequate traffic movement and minimum interference with the use of adjacent property.

(2) Public Use Facilities other than those listed as permitted uses in Sections 1123.02(a)(4) and (a)(5).

(3) Public Service Facilities. (Section 1123.04(b))

(4) Customary home occupations which comply with the requirements of Chapter 1177 and have no adverse effect upon neighboring properties such as traffic or parking burdens.

(Ord. 2006-13. Passed 5-1-06.)

1123.03 DEVELOPMENT STANDARDS.

(a) Lot Requirements for Each Dwelling in the Estate Residential District are:

(1) Minimum lot area: 40,000 square feet.

(2) Minimum lot width: 150 feet, having at least sixty (60) feet of frontage on a publicly dedicated right-of-way, 170 feet for corner lots, located on publicly dedicated right-of-way.

(3) Minimum front yard: Fifty (50) feet; Sixty (60) feet for structures on lots located on arterial streets.

(4) Minimum side yard: Twenty (20) feet for all structures.

(5) Minimum rear yard: Fifty(50) feet; twenty (20) feet for accessory buildings, decks/patios thirty (30) inches in height or less above the adjacent grade prior to construction.

(6) Maximum lot coverage: Twenty-five percent (25%).

(7) Maximum height: Thirty-five (35) feet.

(b) Site Development Requirements in the Estate Residential District are:

(1) Parking: at least two parking spaces, one of which must be enclosed.

(2) All applicable subdivision regulations and sign, parking and landscaping regulations of this Zoning Ordinance must be satisfied.

(Ord. 2006-13. Passed 5-1-06.)

1123.04 SUPPLEMENTARY STANDARDS FOR CONDITIONAL USES.

All conditional uses shall meet the minimum requirements established by Section 1123.03 unless modified by this section:

(a) Purpose and Intent. The purpose of this section is to establish supplementary standards for certain land uses that may affect adjacent properties, the neighborhood, or the community even if all of the general standards of Section 1123.03 are met. It is the intent of this section to establish appropriate standards for permit processing and for location, design and operation of conditional uses to assure that they will be developed in a manner consistent with the purpose of the Estate Residential District.

(b) Wireless Telecommunication Facilities.

(1) Minimum lot area: The minimum required by the zoning district, but not less than three (3) acres. Preference will be given to larger sites such as schools, parks, churches and public facilities which minimize impact on residential areas and view corridors.

(2) Setbacks: Equal to the height of the tallest structure, but in no case less than zoning district requirements. The setback requirement based on height is not applicable when the proposed facility is constructed on or in an existing structure and does not extend more than twenty (20) feet above the existing structure.

(3) Height: The maximum height of a tower shall be 150 feet including the antenna. The Planning Commission may allow the maximum height to increase to 200 feet to accommodate co-location. Equipment shelters shall meet district standards.

(4) Screening: Perimeter landscaping would be required around fencing at the base of the tower and around any building or equipment. The landscaping should have a year round opacity of seventy-five percent (75%). A six (6) foot minimum height would be required at installation for landscaping around the base of a tower. The Planning Commission may elect, in certain instances, to accomplish screening by materials other than landscaping.

(5) Parking and access: A paved access drive and one paved parking space for a service vehicle.

(6) Lighting. On site: Cutoff style fixtures for control of light spread. On tower: None, unless required by the Federal Aviation Administration (FAA).

(7) Color: The tower shall be painted a non-contrasting gray or similar color to minimize its visibility unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).

(8) Emissions: Emissions standards for electromagnetic fields must be in compliance with current and future Federal Communication Commission (FCC) standards.

(9) Co-location: All approved installations must allow other providers to co- locate on the same pole to the extent technologically feasible at a reasonable and competitive market rate. All requests for new installation must demonstrate that there is no available space on existing towers or other suitable support structure within the established service area. New installations on an existing permitted tower are exempt from the conditional use process and may proceed with a standard building permit approval.

(10) Construction: All new towers shall be constructed to be capable of accommodating at least one additional wireless communication installation for another service provider.

(11) Removal: The applicant or any subsequent owner of the facility will remove it within 90 days of obsolescence or abandonment. Obsolescence is defined as being replaced by new technology. Abandonment would occur when the provider is no longer operating a viable telecommunication network using this facility.

(12) Design: Preference will be given to monopole construction. Only monopole construction would be allowed in residential districts.

(13) Signage: No signage or advertising is to be displayed on the tower structure.

(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1124

R Single Family District

1124.01 Purpose.
1124.02 Permitted and conditional uses.
1124.03 Development standards.
1124.04 Supplementary standards for conditional uses.

CROSS REFERENCES

Off-street parking requirements - see P. & Z. 1171.04
Swimming pools - see P. & Z. Ch. 1174
Nuisance control - see P. & Z. 1175.04
Fences and hedges - see P. & Z. Ch. 1179

1124.01 PURPOSE.

The purpose of the R District is to encourage and provide for the orderly development of lower density single family homes and customary supporting residential facilities, such as schools, churches and public parklands.

(Ord. 2006-13. Passed 5-1-06.)

1124.02 PERMITTED AND CONDITIONAL USES.

(a) Permitted Uses in the R Single Family District are:

(1) Single family dwellings.

(2) Accessory structures to single family dwellings such as a garage for non- commercial storage of automobiles.

(3) Churches and places of worship provided the land consists of at least three acres, and parking and traffic accessibility requirements of Chapter 1171 are satisfied.

(4) Public schools provided the land consists of at least three acres and parking and traffic accessibility requirements of Chapter 1171 are satisfied.

(5) Public parks, playgrounds and play fields operated with or without fee.

(b) Conditional Uses in the R Single Family District are: The following uses are conditionally permitted within the R Single Family District. These uses may be appropriate as permitted uses within the district but require more detailed evaluation with respect to location, design, size, method, and hours of operation, intensity of use and traffic generation and potential impact on surrounding uses, in order to balance these uses in an equitable manner while safeguarding both individual property rights and general, community welfare. It is the Planning Commission's responsibility to perform this evaluation and after review, to attach necessary conditions and safeguards. The development standards contained in this Chapter are minimum standards. Planning Commission may require more restrictive standards for a conditional use based on the merits of each application. Review and approval of these uses are further regulated in Chapter 1111, Section 1124.03 and Section 1124.04, Conditional Use Supplementary Standards. Parenthetical reference to Section 1124.04 following a listed conditional use indicates that specific supplemental standards have been identified for that use in the referenced subsection.

(1) Private schools including child care centers offering general educational courses and having no facilities for the housing of students. Such use shall have sufficient area to provide for outdoor activities, parking and other related activities and be located and designed to provide adequate traffic movement and minimum interference with the use of adjacent property.

(2) Public Use Facilities other than those listed as permitted uses in Sections 1124.02(a)(4) and 1124.02(a)(5).

(3) Public Service Facilities. (Section 1124.04(b))

(4) Customary home occupations which comply with the requirements of Chapter 1177 and have no adverse affect upon neighboring properties, such as traffic or parking burdens.

(Ord. 2006-13. Passed 5-1-06.)

1124.03 DEVELOPMENT STANDARDS.

(a) Lot Requirements for Each Dwelling in the R Single Family District are:

(1) Minimum lot area: 20,000 square feet.

(2) Minimum lot width: One hundred feet; 120 feet for corner lots, located on publicly dedicated rights-of-way.

(3) Minimum front yard: Forty (40) feet; fifty (50) feet for structures on lots located on arterial streets.

(4) Minimum side yard: Fifteen (15) feet for all structures.

(5) Minimum rear yard: Forty (40) feet; twenty (20) feet for accessory buildings, decks/patios thirty (30) inches in height or less above the adjacent grade prior to construction.

(6) Maximum lot coverage: Twenty-five percent (25%).

(7) Maximum height: Thirty-five (35) feet.

(Ord. 2006-13. Passed 5-1-06.)

(b) Building Requirements for Each Dwelling in the R Single Family District are:

(1) Parking: At least two(2) parking spaces, one of which must be enclosed.

(2) All applicable subdivision regulations and sign, parking and landscaping regulations of this Zoning Ordinance must be satisfied.

(3) The site shall be served by utilities in such manner as required by Village Ordinance.

(4) The structure has a roof pitch of 3:12 or greater, conventional residential siding, and a six-inch (6") minimum eave overhang, including appropriate gutters.

(5) The building, excluding any addition, shall have a width of at least twenty- two feet (22 ') at one point, and a length of at least twenty-two feet (22 ') at one point, a total living area of at least nine hundred (900) square feet, excluding garages, porches or attachments.

(6) Any factory-built housing that is proposed to be located in this District shall comply with the following requirements:

A. The structure shall be installed upon, and permanently attached to, a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.

B. All hitches, axles, wheels, and conveyance mechanisms shall be removed from the structures.

C. The structure shall be located on the lot so that its long axis is parallel with the street and, thus, the primary entranceway faces the street.

D. The siting of the structure shall comply with all requirements other requirements in effect for the district.

(Ord. 2008-16. Passed 9-2-08.)

1124.04 SUPPLEMENTARY STANDARDS FOR CONDITIONAL USES.

All conditional uses shall meet the minimum requirements established by Section 1124.03 unless modified by this section:

(a) Purpose and Intent. The purpose of this section is to establish supplementary standards for certain land uses that may affect adjacent properties, the neighborhood, or the community even if all of the general standards of Section 1124.03 are met. It is the intent of this section to establish appropriate standards for permit processing and for location, design and operation of conditional uses to assure that they will be developed in a manner consistent with the purpose of the Single Family District.

(b) Wireless Telecommunication Facilities.

(1) Minimum lot area: The minimum required by the zoning district, but not less than three (3) acres. Preference will be given to larger sites such as schools, parks, churches and public facilities which minimize impact on residential areas and view corridors.

(2) Setbacks: Equal to the height of the tallest structure, but in no case less than zoning district requirements. The setback requirement based on height is not applicable when the proposed facility is constructed on or in an existing structure and does not extend more than twenty (20) feet above the existing structure.

(3) Height: The maximum height of a tower shall be 150 feet including the antenna. The Planning Commission may allow the maximum height to increase to 200 feet to accommodate co-location. Equipment shelters shall meet district standards.

(4) Screening: Perimeter landscaping would be required around fencing at the base of the tower and around any building or equipment. The landscaping should have a year round opacity of seventy-five (75%). A six (6) foot minimum height would be required at installation for landscaping around the base of a tower. the Planning Commission may elect, in certain instances, to accomplish screening by materials other than landscaping.

(5) Parking and access: A paved access drive and one paved parking space for a service vehicle.

(6) Lighting. On site: Cutoff style fixtures for control of light spread. On tower: None, unless required by the Federal Aviation Administration (FAA).

(7) Color: The tower shall be painted a non-contrasting gray or similar color to minimize its visibility unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).

(8) Emissions: Emissions standards for electromagnetic fields must be in compliance with current and future Federal Communication Commission (FCC) standards.

(9) Co-location: All approved installations must allow other providers to co- locate on the same pole to the extent technologically feasible at a reasonable and competitive market rate. All requests for new installation must demonstrate that there is no available space on existing towers or other suitable support structure within the established service area. New installations on an existing permitted tower are exempt from the conditional use process and may proceed with a standard building permit approval.

(10) Construction: All new towers shall be constructed to be capable of accommodating at least one additional wireless communication installation for another service provider.

(11) Removal: The applicant or any subsequent owner of the facility will remove it within ninety (90) days of obsolescence or abandonment. Obsolescence is defined as being replaced by new technology. Abandonment would occur when the provider is no longer operating a viable telecommunication network using this facility.

(12) Design: Preference will be given to monopole construction. Only monopole construction would be allowed in residential districts.

(13) Signage: No signage or advertising is to be displayed on the tower structure.

(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1125

R-1 Single Family District

1125.01 Purpose.
1125.02 Permitted and conditional uses.
1125.03 Development standards.
1125.04 Supplementary standards for conditional uses.

CROSS REFERENCES

Swimming pools - see P. & Z. Ch. 1174
Supplemental yard and height regulations - see P. & Z. 1175.03
Nuisance control - see P. & Z. 1175.04

1125.01 PURPOSE.

The purpose of the R-1 District is to encourage and provide for the orderly development of low density single family homes and customary supporting residential facilities, such as schools, churches and public parklands. (Ord. 2006-13. Passed 5-1-06.)

1125.02 PERMITTED AND CONDITIONAL USES.

(a) Permitted Uses in the R-1 Single Family District are:

(1) Single family dwellings.

(2) Accessory structures to single family dwellings such as garages for non- commercial storage of automobiles.

(3) Churches and places of worship provided the land consists of at least three (3) acres, and parking and traffic accessibility requirements of Chapter 1171 are satisfied.

(4) Public schools provided the land consists of at least three (3) acres and parking and traffic accessibility requirements of Chapter 1171 are satisfied.

(5) Public parks, playgrounds and play fields operated with or without fee.

(b) Conditional Uses in the R-1 Single Family District are: The following uses are conditionally permitted within the R-1 Single Family District. These uses may be appropriate as permitted uses within the district but require more detailed evaluation with respect to location, design, size, method, and hours of operation, intensity of use and traffic generation and potential impact on surrounding uses, in order to balance these uses in an equitable manner while safeguarding both individual property rights and general, community welfare. It is the Planning Commission's responsibility to perform this evaluation and after review, to attach necessary conditions and safeguards. The development standards contained in this Chapter are minimum standards. Planning Commission may require more restrictive standards for a conditional use based on the merits of each application. Review and approval of these uses are further regulated in Chapter 1111 , Section 1125.03 and Section 1125.04 , Conditional Use Supplementary Standards. Parenthetical reference to Section 1125.04 following a listed conditional use indicates that specific supplemental standards have been identified for that use in the referenced subsection.

(1) Private schools including child care centers offering general in educational courses and having no facilities for the housing of students. Such use shall have sufficient area to provide for outdoor activities, parking and other related activities and be located and designed to

provide adequate traffic movement and minimum interference with the use of adjacent property.

(2) Public Use Facilities other than those listed as permitted uses in Sections 1125.02(a)(4) and (a)(5).

(3) Public Service Facilities. (Section 1125.04(b))

(4) Customary home occupations which comply with the requirements of Chapter 1177 and have no adverse affect upon neighboring properties, such as traffic or parking burdens.

(Ord. 2006-13. Passed 5-1-06.)

1125.03 DEVELOPMENT STANDARDS.

(a) Lot Requirements for Each Dwelling in the R-1 Single Family District are:

(1) Minimum lot area: 10,000 square feet.

(2 Minimum lot width: Eighty (80) feet; 100 feet for corner lots, located on publicly dedicated rights-of-way.

(3) Minimum lot depth: 150 feet for lots backing onto an arterial street.

(4) Minimum front yard: Thirty (30) feet; forty (40) feet for structures on lots located on arterial streets.

(5) Minimum side yard: Ten (10) feet.

(6) Minimum rear yard: Thirty (30) feet; fifty)50) feet for lots backing onto an arterial street; thirty (30) feet for decks and patios thirty (30) inches in height or less above the adjacent grade prior to construction for lots backing onto an arterial street; twenty (20) feet for accessory buildings, decks/patios thirty (30) inches in height or less above the adjacent grade prior to construction.

(7) Maximum lot coverage: Thirty-five percent (35%)

(b) Building Requirements for Each Dwelling in the R-1 Single to have Family District are: Maximum height: Thirty-five feet. (Ord. 2006-13. Passed 5-1-06.)

(c) Site Development Requirements in the R-1 Single Family District are:

(1) Parking: At least two (2) parking spaces, one of which must be enclosed.

(2) All applicable subdivision regulations and sign, parking and landscaping regulations of this Zoning Ordinance must be satisfied.

(3) The site shall be served by utilities in such manner as required by Village 0-08-05A Ordinance.

(4) The structure has a roof pitch of3:12 or greater, conventional residential siding, and a six-inch (6") minimum eave overhang, including appropriate gutters.

(5) The building, excluding any addition, shall have a width of at least twenty- two feet (22 ') at one point, and a length of at least twenty-two feet (22 ') at one point, a total living area of at least nine hundred (900) square feet, excluding garages, porches or attachments.

(6) Any factory-built housing that is proposed to be located in this District shall comply with the following requirements:

A. The structure shall be installed upon, and permanently attached to, a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.

B. All hitches, axles, wheels, and conveyance mechanisms shall be removed from the structures.

C. The structure shall be located on the lot so that its long axis is parallel with the street and, thus, the primary entranceway faces the street.

D. The siting of the structure shall comply with all requirements other requirements in effect for the district.

(Ord. 2008-16. Passed 9-2-08.)

1125.04 SUPPLEMENTARY STANDARDS FOR CONDITIONAL USES.

All conditional uses shall meet the minimum requirements established by Section 1125.03 unless modified by this section:

(a) Purpose and Intent. The purpose of this section is to establish supplementary standards for certain land uses that may affect adjacent properties, the neighborhood, or the community even if all of the general standards of Section 1125.03 are met. It is the intent of this section to establish appropriate standards for permit processing and for location, design and operation of conditional

uses to assure that they will be developed in a manner consistent with the purpose of the Single Family District.

(b) Wireless Telecommunication Facilities.

(1) Minimum lot area: The minimum required by the zoning district, but not less than three (3) acres. Preference will be given to larger sites such as schools, parks, churches and public facilities which minimize impact on residential areas and view corridors.

(2) Setbacks: Equal to the height of the tallest structure, but in no case less than zoning district requirements. The setback requirement based on height is not applicable when the proposed facility is constructed on or in an existing structure and does not extend more than twenty (20) feet above the existing structure.

(3) Height: The maximum height of a tower shall be 150 feet including the antenna. The Planning Commission may allow the maximum height to increase to 200 feet to accommodate co-location. Equipment shelters shall meet district standards.

(4) Screening: Perimeter landscaping would be required around fencing at the base of the tower and around any building or equipment. The landscaping should have a year round opacity of seventy-five percent (75%). A six (6) foot minimum height would be required at installation for landscaping around the base of a tower. the Planning Commission may elect, in certain instances, to accomplish screening by materials other than landscaping.

(5) Parking and access: A paved access drive and one paved parking space for a service vehicle.

(6) Lighting. On site: Cutoff style fixtures for control of light spread. On tower: None, unless required by the Federal Aviation Administration (FAA).

(7) Color: The tower shall be painted a non-contrasting gray or similar color to minimize its visibility unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).

(8) Emissions: Emissions standards for electromagnetic fields must be in compliance with current and future Federal Communication Commission (FCC) standards.

(9) Co-location: All approved installations must allow other providers to co- locate on the same pole to the extent technologically feasible at a reasonable and competitive market rate. All requests for new installation must demonstrate that there is no available space on existing towers or other suitable support structure within the established service area. New installations on an existing permitted tower are exempt from the conditional use process and may proceed with a standard building permit approval.

(10) Construction: All new towers shall be constructed to be capable of accommodating at least one additional wireless communication installation for another service provider.

(11) Removal: The applicant or any subsequent owner of the facility will remove it within ninety (90) days of obsolescence or abandonment. Obsolescence is defined as being replaced by new technology. Abandonment would occur when the provider is no longer operating a viable telecommunication network using this facility.

(12) Design: Preference will be given to monopole construction. Only monopole construction would be allowed in residential districts.

(13) Signage: No signage or advertising is to be displayed on the tower structure.

(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1127

R-2 Single Family District

1127.01 Purpose.
1127.02 Permitted and conditional uses.
1127.03 Development standards.

CROSS REFERENCES

Off-street parking requirements - see P. & Z. 1171.04
Landscaping - see P. & Z. Ch. 1173
Swimming pools - see P. & Z. Ch. 1174
Supplemental yard and height regulations - see P. & Z. 1175.03

1127.01 PURPOSE.

The purpose of the R-2 District is to provide for the orderly development of medium to low density single family homes and customary supporting residential facilities, such as schools, churches and public parklands.
(Ord. 2006-13. Passed 5-1-06.)

1127.02 PERMITTED AND CONDITIONAL USES.

Permitted and conditional uses for the R-2 Single Family District are the same as those for the R-1 Single Family District.
(Ord. 2006-13. Passed 5-1-06.)

1127.03 DEVELOPMENT STANDARDS.

(a) Lot Requirements for Each Dwelling in the R-2 Single Family District are:

(1) Minimum lot area: 8,000 square feet.

(2) Minimum lot width: Seventy (70) feet; ninety (90) feet for corner lots, located on publicly dedicated rights-of-way.

(3) Minimum lot depth: 135 feet for lots backing onto an arterial street.

(4) Minimum front yard: Thirty (30) feet; forty (40) feet for structures on lots fronting on arterial streets.

(5) Minimum side yard: Eight (8) feet.

(6) Minimum rear yard: Thirty (30) feet; fifty (50) feet for lots backing onto an arterial street, thirty (30) feet for decks and patios thirty (30) inches in height or less above the adjacent grade prior to construction for lots backing onto an arterial street; fifteen (15) feet for accessory buildings, decks/patios thirty (30) inches in height or less above the adjacent grade prior to construction.

(7) Maximum lot coverage: Thirty-five percent (35%).

(b) Building Requirements for Each Dwelling in the R-2 Single Family District are: Maximum height: Thirty-five (35) feet.

(Ord. 2006-13. Passed 5-1-06.)

(c) Site Development Requirements in the R-2 Single Family District are:

(1) Parking: At least two parking spaces, one of which must be enclosed.

(2) All applicable subdivision regulations and sign, parking and landscaping regulations of this Zoning Ordinance must be satisfied.

(3) The site shall be served by utilities in such manner as required by Village Ordinance.

(4) The structure has a roof pitch of 3:12 or greater, conventional residential siding, and a six-inch (6") minimum eave overhang, including appropriate gutters.

(5) The building, excluding any addition, shall have a width of at least twenty- two feet (22') at one point, and a length of at least twenty-two feet (22') at one point, a total living area of at least nine hundred (900) square feet, excluding garages, porches or attachments.

(6) Any factory-built housing that is proposed to be located in this District shall comply with the following requirements:

A. The structure shall be installed upon, and permanently attached to, a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.

B. All hitches, axles, wheels, and conveyance mechanisms shall be removed from the structures.

C. The structure shall be located on the lot so that its long axis is parallel with the street and, thus, the primary entranceway faces the street.

D. The siting of the structure shall comply with all requirements other requirements in effect for the district.

(Ord. 2008-16. Passed 9-2-08.)

CHAPTER 1128

Planned Residential District (PRD)

1128.01 Purpose.

1128.02 Permitted and conditional uses.
1128.03 Development standards.
1128.04 Plan contents and requirements.
1128.05 Review basis.
1128.06 Procedures for approval.

1128.01 PURPOSE.

The purpose of the Planned Residential District is to allow a variety of different lot sizes in the development of traditional single family subdivisions of low density single family homes and customary supporting residential facilities, such as schools, churches and parklands.
(Ord. 2006-13. Passed 5-1-06.)

1128.02 PERMITTED AND CONDITIONAL USES.

Permitted and conditional uses for the Planned Residential District are the same as those for the R and R-1 Single Family District.
(Ord. 2006-13. Passed 5-1-06.)

1128.03 DEVELOPMENT STANDARDS.

(a) Lot Requirements in the Planned Residential Districts are:

(1) Lot area. In a Planned Residential District (PRD), no dwelling or structure shall be located on a lot having an area of less than 10,000 square feet, a minimum of twenty percent (20%) of the lots shall be 20,000 square feet, and the average lot size for such development shall be no less than 15,000 square feet. The average lot size for Planned Residential District shall be computed by dividing the gross square footage of the development, exclusive of street right-of-ways, reserve areas, and other dedicated areas as determined by Planning Commission, by the number of residential lots within the development.

(2) Minimum lot width. Eighty (80) feet; 100 feet for corner lots, located on publicly dedicated right-of-ways. Lot widths must be designed to ensure the mixture of footage widths is proportional to the type of R and R-1 lots in the plan.

(3) Minimum lot depth. 150 feet for lots backing onto an arterial street.

(4) Minimum front yard. Thirty (30) feet; forty (40) feet for structures on lots located on major or minor arterials and major collectors as designated by the Official Thoroughfare Plan.

(5) Minimum side yard. Ten (10) feet.

(6) Minimum rear yard. Thirty (30) feet; fifty (50) feet for lots backing onto an arterial street, thirty(30) feet for decks and patios thirty (30) inches in height or less above the adjacent grade prior to construction for lots backing onto an arterial street; twenty-five (25) feet for accessory buildings, decks/patios thirty (30) inches in height or less above the adjacent grade prior to construction.

(7) Maximum lot coverage. Twenty-five percent (25%).

(Ord. 2006-13. Passed 5-1-06.)

(b) Building Requirements for Each Dwelling in the Planned Residential District are:

(1) Parking: At least two parking spaces, one of which must be enclosed.

(2) All applicable subdivision regulations and sign, parking and landscaping regulations of this Zoning Ordinance must be satisfied.

(3) The site shall be served by utilities in such manner as required by Village Ordinance.

(4) The structure has a roof pitch of 3:12 or greater, conventional residential siding, and a six-inch (6") minimum eave overhang, including appropriate gutters.

(5) The building, excluding any addition, shall have a width of at least twenty- two feet (22') at one point, and a length of at least twenty'"two feet (22') at one point, a total living area of at least nine hundred (900) square feet, excluding garages, porches or attachments.

(6) Any factory-built housing that is proposed to be located in this District shall comply with the following requirements:

A. The structure shall be installed upon, and permanently attached to, a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these

and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.

B. All hitches, axles, wheels, and conveyance mechanisms shall be removed from the structures.

C. The structure shall be located on the lot so that its long axis is parallel with the street and, thus, the primary entranceway faces the street.

D. The siting of the structure shall comply with all requirements other requirements in effect for the district.

(Ord. 2008-16. Passed 9-2-08.)

(c) Site Development Requirements for Each Dwelling in the Planned Residential District are:

(1) Parking. At least two parking spaces, one of which must be enclosed.

(2) All applicable subdivision regulations and sign, parking and landscaping regulations of this Zoning Ordinance must be satisfied.

(Ord. 2006-13. Passed 5-1-06.)

1128.04 PLAN CONTENTS AND REQUIREMENTS.

(a) As part of the request for rezoning to a Planned Residential District, a Preliminary Plan must be submitted to the Planning Commission along with the text of all applicable development standards. Village Council must approve the zoning change, Preliminary Plan and Development Standards Text. A Zoning Certificate will not be issued for any site or sites until a Development Plan is approved by the Planning Commission and found in conformance with the adopted Preliminary Plan and Development Standards.

(1) Preliminary Plan. The Preliminary Plan is a conceptual plan submitted at the time of a request for rezoning generally describing the proposed uses for the site to be rezoned and their relationship with surrounding properties and uses. The Preliminary Plan should contain the following elements:

A. A topographic map of the site and adjacent property showing existing natural features including wooded areas and major trees. A description of how the proposed development has planned to utilize the existing site, identifying changes to the existing site grading and noting major trees that will be removed as part of the proposed development.

B. A schematic plan showing the general development of the tract, location of existing and proposed structures, parking lot layout and other development features including the location of all out parcels.

C. An engineering feasibility statement in sufficient detail to indicate how the proposed development will be serviced with water, sanitary sewer and storm drainage facilities.

D. The proposed traffic circulation pattern showing public and private streets and other transportation facilities, including major pedestrian routes, with evidence through a traffic study that the proposed development will not adversely impact existing transportation facilities

E. A conceptual landscaping plan that shows the ability of the proposed development to meet all aspects of Chapter 1173.

F. A proposed schedule or phasing of development of the site.

G. Evidence that the applicant has sufficient control over the land to accomplish proposed and required land improvements.

H. Any additional information required by the Planning Commission necessary to determine that the proposed development meets the intent and purposes of the Planned Residential District.

(2) Development Standards Text. A Development Standards Text shall be submitted as part of the Preliminary Plan and shall be narrative and graphics, as necessary, in order to detail the development standards to be applied to the development concept described in the Preliminary Plan. The Development Standards Text should clearly identify any standard that is less than the standards established by this Chapter. These modifications shall be justified by fully stating what adjustments, amenities or other compensations are provided as part of the Preliminary Plan to offset the use of reduced standards and by demonstrating how the modified standards will result in the best possible development for the site.

Unless specifically modified by the Development Standards Text, the standards established by this Chapter shall apply to the proposed development.

(3) Development Plan. Following approval of the Preliminary Plan, and prior to issuance of a Zoning Certificate, a Development Plan shall be submitted to the Planning Commission for all or part of the area defined in the Preliminary Plan. The Development Plan is a detailed Site Plan which shall contain the following information and adhere to the Development Standards Text approved as part of the Preliminary Plan:

A. Site survey: On a survey show boundary information, existing and proposed development, existing and proposed topography, existing and proposed easements, rights-of-way and utilities.

B. Setbacks: The Site Plan shall indicate building, service areas, parking lot and signage setbacks including front yard, rear yard and side yard areas and shall be in accordance with the approved Development Standards Text.

C. Modifications of Development Standards of Text: Any desired modifications of the Development Standards Text approved as part of the Preliminary Plan shall be so indicated in a modified Development Standards Text document.

D. Height requirements: Maximum height requirements, including mechanical areas, parapets, etc. shall be made per the Development Standards Text requirements and shown on building front, rear and side elevation drawings.

E. Parking and loading: All parking and loading spaces shall be shown including typical dimensions of parking stalls, aisles and loading spaces, size, number of spaces and general location shall also be governed by the Development Standards Text.

F. Waste and refuse: Handling of all waste and refuse materials shall be indicated and described by the Development Standards Text to include appropriate screening and type of containerization.

G. Circulation: All major circulation routes, including arterials, adjacent curb cuts, collector and local streets shall be indicated including rights-of-way, dimensions, pavement widths and intersection improvements. All driveways/curb cuts shall be indicated, including major aisle ways and service routes. Major pedestrian circulation routes shall also be indicated including dimensions of path and pedestrian crossings, etc. plus any attempts at separating vehicular and pedestrian/recreation movement.

H. Landscaping: As part of the Development Plan, proposed landscaping shall be shown including the general landscaping pattern and type of materials, mounding and fencing. Landscaping may vary in density, spacing and other treatment to reflect variations and topography, existing landscaping or adjacent land uses and conform to Chapter 1173, Landscaping. Landscape features shall be shown as well as planting dimensions, height, caliper and type of plant materials per the Development Standards Text.

I. Signage and graphics: All signage and graphics shall comply with the Development Standards Text. Letter and other graphic size, sign material, shape, color and illumination (internal only) shall be indicated. This includes dimensions of all ground and wall signage as well as distances from rights-of-way and intensity of illumination. Directional signage shall also be indicated.

J. Lighting: All exterior lighting fixtures shall be shown including parking lot lighting, street walkway or pedestrian lighting, walkway accent, lighting and building accent lighting. Lighting intensity and installation height shall be indicated.

K. Fencing: All fences shall conform to the Development Standards Text and appropriate materials, heights, location and style indicated.

L. Architectural treatment: As part of the Development Plan, front, rear and side building elevations shall be shown in accordance with the Development Standards Text indicating building material, color and height. Color material samples shall also be made available for inspection.

(Ord. 2006-13. Passed 5-1-06.)

1128.05 REVIEW BASIS.

(a) Preliminary Plan. The basis for the approval of the Preliminary Plan shall be:

(1) That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the zoning ordinance.

(2) That the proposed development is in conformity with appropriate comprehensive planning or portion thereof as it may apply.

(3) That the acceptability of setbacks, distances between buildings, yard space, suitability of open space systems, traffic accessibility and other elements having a bearing on the overall acceptability of the Development Plan shall contribute to the orderly development of land within the Village.

(4) That any modifications of minimum development standards established by the Planning and Zoning Code are properly identified and adequately justified in the Development Standards Text as necessary to insure a higher quality development.

(5) That the proposed development is in conformity with any design or site planning guidelines adopted by the Planning Commission.

(6) That the plan provides for the coordination and integration of individually designed buildings into one planned district.

(b) Development Plan. Basis for approval of a Development Plan shall be:

(1) That the plan is complete in all respects relative to the requirements set forth in Section 1128.04(a).

(2) That any modifications of the Development Standards Text approved as part of the Preliminary Plan support and enhance the purposes and intent of the Planning and Zoning Code, any applicable comprehensive planning programs and any design or site planning guidelines adopted by Planning Commission.

(3) That all engineering issues have been resolved to the satisfaction of the appropriate Village staff and that final approval of the Development Plan is subject to the acceptance of final engineering of all phases of the development.

(Ord. 2006-13. Passed 5-1-06.)

1128.06 PROCEDURES FOR APPROVAL.

(a) Submission of application for Preliminary Plan.

(1) Prior to filing an application for rezoning to a Planned Residential District, the applicant shall meet with staff in a pre-application review meeting to discuss the requirements for a Preliminary Plan and Development Standards Text which are required as part of the rezoning request.

(2) The applicant shall submit the rezoning application along with the required number of copies of the proposed Preliminary Plan and Development Standards Text in accordance with the submission schedule established by the Planning Commission. In order to defray the cost of examination of the rezoning application and the Plans and Text and review by the Planning Commission, the applicant shall pay a fee in accordance with the fee schedule adopted and approved by Village Council. Staff shall circulate the Preliminary Plan and other comments to appropriate departments in the Village for review and comment.

(3) Once the applicant has submitted a completed application in accordance with the submission schedule, staff shall submit the application to the Planning Commission for their review and action, which shall be accomplished within a reasonable time. It shall be the duty of Planning Commission to review the Plan and determine whether it complies with the regulations of this Chapter. Planning Commission will forward a recommendation to Village Council.

(4) A Preliminary Plan shall be valid for five (5) years after Village Council approval. Construction of any phase of the development must begin within this period or a new Preliminary Plan is required.

(b) Submission of Development Plan.

(1) Prior to filing for Development Plan Approval, the applicant shall meet with the Centerburg Planning staff to review the Development Plan relative to the previously approved Preliminary Plan and Development Standards Text as well as procedures for approval.

(2) The applicant shall submit an application to the Village including the required number of copies of the proposed Development Plan. Development Standards Text modification if appropriate, and any other required information in accordance with the submission schedule of the Planning Commission. In order to defray the cost of review of the materials by Planning

staff and the Planning Commission, the applicant shall pay a fee in accordance with the fee schedule adopted and approved by Village Council.

(3) It shall be the duty of the Planning Commission to review the plan and determine whether it complies with the regulations of this Chapter. Such determination shall be made within a reasonable time. If the Planning Commission finds that the Development Plan complies in all respects with the regulations of this Chapter and the previously approved Preliminary Plan and Development Standards Text, the Commission shall approve the plan. With the approval of the Planning Commission, minor modifications of the approved preliminary plan may be made. Such modification shall not increase the overall density of the site or change the essential character of the approved plan. If the Planning Commission determines that such proposed changes significantly alter the approved plan, it is considered to be a major change and the plan must be resubmitted to Council for approval.

(4) In the event that the Planning Commission does not approve the plan, each applicant shall be notified in writing of the reason for disapproval or modification along with the decision of the Planning Commission. Decisions of the Planning Commission disapproving the plan or approving it with minor modifications are appealable to Village Council in accordance with the provisions of Section 1107.06(d).

(c) Conformance with the Development Plan. Development shall be in conformance with the Development Plan and construction of site improvements must be commenced within two (2) years of Planning Commission or Council approval; otherwise no development of the land shall take place until a new Development Plan is approved pursuant to this section.

(d) Modification of the Development Plan. With the approval of the Planning Commission, minor modifications of the approved Development Plan may be made. Such modification shall not increase the overall density of the site or change the essential character of the approved plan. If the Planning Commission determines that such proposed changes significantly alter the approved plan it is considered to be a major change and the plan must be resubmitted to Council for approval. Development of land shall not proceed prior to final approval of the Development Plan. Any development undertaken without such final approval is in violation of this zoning ordinance and an abatable nuisance.

(e) Variances from Development Standards. The Planning Commission and/or Village Council may approve variances from the Development Standards of this Chapter as part of the Development Standards Text and Development Plan. These variances shall be consistent with the intent of this zoning district. No action by the Board of Zoning Appeals is required for these variances.

(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1129

R-3 Two Family District

1129.01 Purpose.
1129.02 Permitted and conditional uses.
1129.03 Development standards.

CROSS REFERENCES

Landscaping - see P. & Z. Ch. 1173
Supplemental yard and height regulations - see P. & Z. 1175.03
Fences and hedges - see P. & Z. Ch. 1179

1129.01 PURPOSE.

The purpose of the R-3 Two-Family District is to encourage and provide for the orderly development of two-family residences and customary supporting residential facilities, such as schools, churches and public parklands.

(Ord. 2006-13. Passed 5-1-06.)

1129.02 PERMITTED AND CONDITIONAL USES.

(a) Permitted Uses in the R-3 Two-family District Are:
(1) Permitted uses in the R-1 Single-Family District.
(2) Two-family dwellings.
(b) Conditional Uses in the R-3 Two-family District Are:
(1) Conditional uses in the R-1 Single Family District.
(2) Boarding houses, and college lodging and fraternity houses, when the Planning Commission determines there will be sufficient off-street parking, sufficient traffic accessibility, adequate yard space and when any other requirements deemed necessary by the Planning Commission are satisfied.
(Ord. 2006-13. Passed 5-1-06.)

1129.03 DEVELOPMENT STANDARDS.
(a) When the use is a permitted or conditional use in the R-1 Single Family District, development standards are those required in the R-2 Single Family District.
(b) Lot Requirements for Each Two-family Dwelling in the R-3 Two-family District Are:
(1) Minimum lot area: 4,500 square feet per living unit.
(2) Minimum lot width: Eighty (80) feet; 100 feet for corner lots located on publicly dedicated rights-of-way.
(3) Minimum lot depth: 150 feet for lots backing onto an arterial street.
(4) Minimum front yard: Thirty (30) feet; forty (40) feet for structures on lots fronting major, minor arterials and major collectors as designated by the Official Thoroughfare Plan.
(5) Minimum side yard: Eight (8) feet; provided, however, that the minimum side yard shall be five(5) feet next to an attached or detached garage.
(6) Minimum rear yard: Thirty (30) feet, fifty (50) feet for lots backing onto an arterial street. Thirty (30) feet for decks and patios thirty (30) inches in height or less above the adjacent grade prior to construction for lots backing onto an arterial street; fifteen (15) feet for accessory buildings, decks/patios thirty(30) inches in height or less above the adjacent grade prior to construction.
(7) Maximum lot coverage: Thirty-five percent (35%).
(c) Building Requirements for Each Two-family Dwelling in the R-3 Two-family District Are: Maximum height: Thirty-five feet.
(d) Site Development Requirements in the R-3 Two-family District Are:
(1) All applicable subdivision regulations and sign, parking and landscaping regulations of his Zoning Ordinance must be satisfied.
(2) Parking: Two parking spaces per unit, one space to be either covered or enclosed.
(3) Curb cuts: To ensure maximum yard space and to minimize traffic hazards, joint or combined curbcuts shall be provided whenever feasible.
(4) Clustering of two-family dwellings: Lot area per unit can be reduced to 4,000 square feet on sites having one acre or greater, provided 300 square feet per unit is combined to create a usable open space design, subject to Planning Commission plan approval.
(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1131

R-4 Multiple Family District

1131.01 Purpose.
1131.02 Permitted and conditional uses.
1131.03 Development standards.
1131.04 Supplementary standards for conditional uses.
1131.05 Variances from development standards.

CROSS REFERENCES
Off-street parking requirements - see P. & Z. 1171.04
Landscaping - see P. & Z. Ch. 1173
Swimming pools - see P. & Z. Ch. 1174

1131.01 PURPOSE.

The purpose of the Multiple Family District is to provide for and encourage orderly medium density residential development in the form of multiple family housing or as a mixture of different housing types.

Multiple Family District uses that create high traffic volumes shall be located with adequate access to community services and major thoroughfares, and shall lend themselves to effective integration into the neighborhood by location and function.

(Ord. 2006-13. Passed 5-1-06.)

1131.02 PERMITTED AND CONDITIONAL USES.

(a) Permitted Uses in the R-4 Multiple Family District are:

(1) Multiple family units and accessory uses incidental to these uses, include the following:

A. An office to handle rentals and maintenance of dwelling units within the multiple family development in which the office is located, as an accessory use.

B. Private swimming pools for the exclusive use of residents of a multiple family development.

(2) Permitted uses in R-1 Single Family and R-3 Two-Family Districts.

(b) Conditional Uses in the R-4 Multiple Family District are:

(1) Conditional uses in the R-1, Single Family District.

(2) Conditional uses in the R-3, Two-Family District.

(3) Nursing Homes.

(4) Senior and Disabled Housing and Senior and Disabled Independent Housing.

(Ord. 2006-13. Passed 5-1-06.)

1131.03 DEVELOPMENT STANDARDS.

(a) When the use is a permitted use or conditional use in the R-1 Single Family District, development standards are those required in the R-2 Single Family District.

(b) When the use is a permitted use or conditional use in the R-3 Two-Family District, development standards are those required in the R-3 Two-Family District.

(c) Lot Requirements for Multiple Family Use, Nursing Homes and Senior and Disabled Housing, Senior and Disabled Independent Housing (refer to Section 1131.04 for additional standards) in the R-4 Multiple Family District are:

(1) Minimum lot area: 10,800 square feet.

(2) Minimum lot area per unit: 5,445 net square feet and may be reduced to 3,600 net square feet with approval of the Planning Commission based upon subsection 1131.03(f).

(3) Minimum lot width: 100 feet on a publicly dedicated right-of-way at the front building line.

(4) Minimum front yard: Thirty (30) feet; forty (40) feet for structures on lots fronting on arterial streets.

(5) Minimum side yard: Twenty (20) feet for principal building walls with no doors or windows. For principal building walls with windows and doors facing the side yard, the minimum side yard shall be equal to the height of the building, or as minimum of twenty-five (25) feet, whichever is greater. One-story accessory buildings and any pavement shall not be closer than ten feet to the side yard lot line.

(6) Minimum rear yard: Twenty-five (25) feet; fifty (50) feet for lots backing onto an arterial street. Any pavement and one-story accessory buildings shall not be closer than ten feet to the rear lot line. For garages, an additional two feet of rear yard is required for each parking space in the garage in excess of two spaces.

(7) Minimum distance between buildings: If there are two or more buildings located on a single lot, the minimum distance between opposite walls shall be ten feet for facing walls with no windows or doors. If any one or both of the walls facing each other have windows or other wall openings, the minimum distance between walls shall be equal to the height of the higher building.

(8) Two-story accessory buildings shall be located at least sixty-five (65) feet from any lot line.

(9) Maximum lot coverage: Fifty percent (50%) for structures and pavement.

(d) Building Requirements in the R-4 Multiple Family District are: Maximum height: Thirty-five (35) feet.

(e) Site Development Requirements in the R-4 Multiple Family District are:

(1) All applicable subdivision regulations and parking, sign and landscaping regulations of this Zoning Ordinance must be satisfied.

(2) Parking: two spaces per unit, plus guest parking at a rate of one space per four units.

(3) A traffic and parking system plan must be approved that details ingress and egress, parking areas, number of parking spaces, access drives and pedestrian walkways. No parking shall be permitted in a front yard. The plan shall minimize conflict between pedestrian and vehicular movement.

(4) For curb cuts serving one lot, the minimum distance between curb cuts along publicly dedicated streets is 120 feet. The number of curb cuts within the lot frontage and joint curb cuts between adjacent use shall be minimized.

(5) A plan must be approved that indicates storm drainage runoff collection points and locates outdoor trash container systems. Approved screening shall be provided to enclose trash containers from view.

(f) Procedure for Approving Reduced Minimum Lot Area Per Unit (Density Bonus). In determining the acceptability of a density bonus not to exceed 3,600 net square feet per unit as the minimum lot size, the Planning Commission may base their approval on the following criteria:

(1) The development is directly adjacent to major thoroughfares, as delineated in the Thoroughfare Plan, and Community Services.

(2) Building design and site design is the high quality and includes the integration of buildings and structures with natural materials or well defined design.

(3) A well-designed open space system is utilized that provides pedestrian and bicycle access to neighborhood facilities, parks, play areas and scenic areas, and the system includes provision for landscaping and outdoor furniture.

(4) Land is provided for major community facilities and schools.

(g) Specifically, in order to qualify for a density bonus, the applicant shall demonstrate the following in addition to any other consideration required by the Planning Commission:

(1) To qualify for requesting a density bonus, the subject site shall be a maximum of twenty (20) acres in size.

(2) A minimum of twenty percent (20%) of the total site shall be designated as open space to be conveyed to the Village or to a homeowners association for perpetual use as a recreational area.

(3) Sensitivity shall be expressed in the layout of the development relative to natural characteristics, such as topography and flood plains, and to unique natural features, such as wetlands and woodlands.

(4) Traffic mitigation measures must be included to accommodate any increase in traffic generation and an additional one off-street parking space for every four units shall be provided.

(Ord. 2006-13. Passed 5-1-06.)

1131.04 SUPPLEMENTARY STANDARDS FOR CONDITIONAL USES.

All conditional uses shall meet the minimum requirements established by Section 1131.03 unless modified by this section.

(a) Purpose and Intent. The purpose of this section is to establish supplementary standards for certain land uses that may affect adjacent properties, the neighborhood, or the community even if all of the general standards of Section 1131.03 are met. It is the intent of this section to establish appropriate standards for permit processing and for location, design and operation of conditional uses to assure that they will be developed in a manner consistent with the purpose of the Multiple Family District.

(b) Development Standards for Nursing Homes, Senior and Disabled Housing and Senior and Disabled Independent Housing.

(1) Lot requirements.

A. Minimum lot area: None, except that lot size shall be adequate to meet all yard and parking requirements.

B. Minimum lot width: None, except that all lots must abut a public street and have adequate width to meet the parking and yard space requirements.

C. Minimum front yard: Thirty (30) feet; forty (40) feet for structures on lots fronting on major, minor arterial and major collectors as designated by the Official Thoroughfare Plan.

Pavement areas shall be at least ten feet from the right-of-way.

D. Minimum side yard: For structures, fifteen (15) feet. For pavement areas, ten feet.

E. Minimum rear yard: For structures, fifteen (15) feet. When abutting single or two family districts the rear yard shall equal the rear yard requirement of the abutting district. For pavement areas, ten feet.

F. Maximum lot coverage: Main and accessory structures and parking pavement areas shall occupy no more than fifty percent (50%) of the lot.

G. Parking areas shall be no closer to main structures than ten feet.

H. Minimum lot area per dwelling unit shall be calculated on the basis of 1,450 square feet for Nursing Homes and Senior and Disabled Housing. For Senior and Disabled Independent Housing, minimum lot area per dwelling unit shall be calculated on the basis of 5,445 square feet and may be reduced to 1,450 square feet with approval of the Planning Commission if the proposed development fully complies with the requirements of Section 1131.04. For Nursing Homes and Senior Disabled Housing, minimum lot area per unit may be varied by the Planning Commission based upon the merits of the site development plan submitted. The Commission shall consider the factors established by the site development plan, the dwelling unit size and mix, the site configuration and the development incentives set forth in Section 1135.03(c)(3)A., B. and C.

(2) Building requirements.

A. Maximum height: Thirty-five (35) feet. The maximum height may be increased to fifty (50) feet by Planning Commission if the lot is not adjacent to any single or two family dwellings. If the building is adjacent to a single family or two family dwelling, the building height may be increased to a maximum height of fifty (50) feet by Planning Commission if 1 foot of additional setback is provided for each additional foot of height along the affected property line.

B. Accessory buildings have the same yard requirements as main buildings.

C. Minimum dwelling unit area: A minimum of 300 square feet of living space for efficiency apartments, with private bathrooms, 220 square feet for efficiency apartments without private bathrooms, 500 square feet for one-bedroom units and 700 square feet for two-bedroom units. A minimum of 100 square feet of living space per person for nursing homes.

D. Housing shall be specifically designed for senior and disabled citizens and include facilities generally associated with the needs and interests of aged persons. Access to these facilities and common and public use areas shall be provided in accordance with the "Fair Housing Accessibility Guidelines (FHAG) as prescribed in Ohio R.C. 378.1.111.

E. Any facility containing two or more stories shall contain elevator access to all dwelling units above the first floor.

(3) Site development requirements.

A. All applicable subdivision regulations and sign regulations, as well as parking and landscaping regulations of this Zoning Ordinance must be satisfied. The location, size, design, and operating characteristics of the facility will be compatible with and not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to harmful effect, if any, upon desirable neighborhood character.

B. Parking accommodations and loading areas shall be provided pursuant to a layout plan designed by the owner of the land to be developed, conforming to Chapter 1171 and showing traffic movement, ingress and egress, traffic control points, the number and size of parking spaces and service areas. In addition, the expected peak hour traffic volume for employees, members of the public and deliveries shall be described by text. The facility shall not adversely affect the generation of traffic and the capacity of surrounding streets.

C. Provision for storm drainage shall be adequate to protect the public and owners of surrounding land.

D. Trash and litter shall be controlled and stored in container systems which are located and enclosed in a manner to screen them from view.

E. Provision shall be made for an Emergency Medical Service drive or zone.

F. Units are to be within reasonable walking distance, generally within two blocks, of major traffic arteries, shopping, community facilities, and other daily activities. If this requirement cannot be met, daily service by shuttle bus for residents to these activities must be available.

G. The owner shall file with the Knox County Recorder a covenant, approved as to form by the Village Attorney, in which said owner shall covenant on behalf of himself, his heirs, executors, and assigns not to use the property for any other use than nursing homes, senior and disabled housing or senior and disabled independent housing, unless the use complies with all requirements of the Planning and Zoning Code. Required compliance includes, but is not limited to, density, unit sizes, parking, and setbacks.

H. In addition to the requirements of Section 1111.02(c), a Site Development Plan for any site plan shall be submitted to the Planning Commission. The plan for nursing homes, senior and disabled housing or senior and disabled independent housing shall set forth:

1. Natural scenic characteristics preserved.
2. Recreational, educational and social facilities of the development.
3. Pedestrian and bicycle access to neighborhood facilities, parks and scenic areas.
4. Building architectural design and construction materials.

I. A minimum of twenty percent (20%) of the total site shall be designated as common open space for active and/or passive recreational uses. Common open space shall not include required setback and buffer yard areas. Up to forty percent (40%) of the required common open space area may be provided in the form of a common leisure/recreation room.

(Ord. 2006-13. Passed 5-1-06.)

1131.05 VARIANCES FROM DEVELOPMENT STANDARDS.

The Planning Commission and/or Village Council may approve variances from the development standards of this Chapter as part of Site Plan review pursuant to Chapter 1108. These variances shall be consistent with the intent of this zoning district. No action by the Board of Zoning Appeals is required for these variances.
(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1135

PND Planned Neighborhood District

1135.01 Purpose.
1135.02 Permitted and conditional uses.
1135.03 Development standards.
1135.04 Supplementary standards for conditional uses.
1135.05 Plan contents and requirements.
1135.06 Review basis.
1135.07 Procedures for approval.

CROSS REFERENCES

Off-street parking requirements - see P. & Z. 1171.04
Supplemental yard and height regulations - see P. & Z. 1175.03
Nuisance control - see P. & Z. 1175.04
Home occupations - see P. & Z. Ch. 1177

1135.01 PURPOSE.

(a) The purpose of the Planned Neighborhood District is to encourage and provide for freedom of design and arrangement of dwelling units as an alternative to traditional single family developments by allowing integration of single family and low-to-medium density multiple family housing types as well as institutional uses

supportive to the residential environment. These uses shall integrate into the neighborhood by location, design and function, and be so designed as to preserve the natural environment through good utilization of open space. Pedestrian access walks should, whenever feasible, connect to community facilities and public facilities such as schools and churches.

(b) In order to accomplish the above purposes, the intent of this chapter is to allow the applicant to lessen the development standards in some areas in exchange for an increase in development standards in another. The process for achieving the above purpose and intent is to require the submission and approval of a preliminary plan for the total proposed development and the submission and approval of a development plan for all or any part of the area, defined in the preliminary plan prior to obtaining a zoning certificate as part of the approval for the construction of any portion of the area. As part of the preliminary plan, the applicant must prepare and submit a development standards text that identifies any development standard that is less restrictive than the standards set forth in this chapter or other referenced chapters. As part of the development standards text, the applicant must justify the modifications of these standards based on the fact that the proposed development goes beyond minimum requirements in other areas that will result in a superior development than if the standards set forth in this chapter had been followed. As part of the final development plan, the applicant must reaffirm use of the previously approved development standards text or submit as part of the development plan a modified development standards text for approval by the Planning Commission.

(Ord. 2006-13. Passed 5-1-06.)

1135.02 PERMITTED AND CONDITIONAL USES.

(a) Permitted Uses in the Planned Neighborhood District are: Single family, two-family and multiple family units and accessory uses incidental to these areas.

(b) Conditional Uses in the Planned Neighborhood District are:

(1) With the exception of single family dwellings, permitted uses in the R-1 Single Family District.

(2) Conditional uses in the R-1 Single Family District.

(3) An office to handle rentals and maintenance of dwelling units within a multiple family development in which the office is located, as an accessory use.

(4) Private swimming pools for the exclusive use of residents of a multiple family development.

(5) Nursing Homes, Senior and Disabled Housing and Senior and Disabled Independent Housing.

(6) College or university.

(7) Violation of conditional use as approved shall be grounds for revocation of the conditional use permit.

(Ord. 2006-13. Passed 5-1-06.)

1135.03 DEVELOPMENT STANDARDS.

The following development standards shall be considered as minimal standards within the Planned Neighborhood District. These standards shall serve as base standards to be included and modified if desired as part of the development standards text and preliminary plan and further refined as part of the development plan.

(a) Lot Requirements in the Planned Neighborhood District are:

(1) Lot area: No minimum lot area is required, but an area can be considered a Planned Neighborhood District only if a variety of different types of dwelling units are used.

(2) Yards: No yard requirements or distances between buildings are established in order to enable creativity in design. The applicant shall arrange the buildings in such a way that adequate provision is guaranteed for all units to open space, air, light and exposure to sunshine. Zero lot line clusters and variations in building setbacks are encouraged.

(3) The maximum density shall not exceed five (5) dwelling units per net acre. Densities can be increased as provided for in subsection (c)(3) hereof. Public right-of-way shall not be included in the computation of net area.

(4) Single family developments which do not utilize zero lot line clusters or equally creative site design must conform to the R-1 Single family development standards.

(b) Building Requirements in the Planned Neighborhood District are: Maximum height: Except as provided in subsection (c)(3) hereof, no structures shall exceed thirty-five (35) feet in height.

(c) Site Development Requirements in the Planned Neighborhood District are:

(1) All applicable subdivision regulations and parking, sign and landscaping regulations of this Zoning Ordinance must be satisfied.

(2) A comprehensive development plan must be approved by the Planning Commission which includes all the following elements:

A. Location and size of residential uses indicating the location of any types of dwellings, the density for each separate area of land to be developed, the overall number of units to be constructed, and the overall density of the proposed development.

B. Location, size and type of nonresidential uses such as open space, parks, playgrounds, community facilities and schools to be located in the land to be developed.

C. Proposed phases of development of the land in terms of units, land area, streets, access and uses.

D. Traffic patterns, streets, bikeways, access, parking areas and pedestrian walkways. Conflict between the movement of pedestrians, bicycles and vehicles shall be minimized.

E. Trash collection systems to be used, the location and type of trash containers, and the types of enclosures to be used to screen trash containers from view.

F. A preliminary plat conforming to the subdivision regulations and including at least twenty percent (20%) of the total acreage included in the comprehensive development plan.

(3) Development incentives: Development incentives of increased densities and increased building heights may be recommended by the Planning Commission based on the following criteria:

A. The development is directly adjacent to major thoroughfares, as delineated in the Thoroughfare Plan, and community services.

B. Building design and site design is of high quality and includes the integration of buildings and structures with natural materials or well defined and good design.

C. A well-designed open space system is utilized that provides pedestrian and bicycle access to neighborhood facilities, parks, play areas and scenic areas, and the system includes provision for landscaping and outdoor furniture.

D. Land is provided for major community facilities and schools.

E. Total density shall not exceed eight residential units per net acre.

(Ord. 2006-13. Passed 5-1-06.)

1135.04 SUPPLEMENTARY STANDARDS FOR CONDITIONAL USES.

All conditional uses shall meet the minimum requirements established by Section 1135.03 unless modified by this section.

(a) Purpose and Intent. The purpose of this section is to establish supplementary standards for certain and uses that may affect adjacent properties, the neighborhood, or the community even if all of the general standards of Section 1135.03 are met. It is the intent of this section to establish appropriate standards for permit processing and for location, design and operation of conditional uses to assure that they will be developed in a manner consistent with the purpose of the Planned Neighborhood District.

(b) Development Standards for Nursing Homes, Senior and Disabled Housing, Senior and Disabled Independent Housing.

(1) Lot requirements.

A. Minimum lot area: None, except that lot size shall be adequate to meet all yard and parking requirements.

B. Minimum lot width: None, except that all lots must abut a public street and have adequate width to meet the parking and yard space requirements.

C. Minimum front yard: Thirty (30) feet; forty (40) feet for structures on lots fronting on major, minor arterial and major collectors as designated by the Official Thoroughfare Plan. Pavement areas shall be at least ten (10) feet from the right-of-way.

D. Minimum side yard: For structures, fifteen (15) feet. For pavement areas, ten (10) feet.

E. Minimum rear yard: For structures, fifteen (15) feet. When abutting single or two family districts, the rear yard shall equal the rear yard requirement of the abutting district. For pavement areas, ten (10) feet.

F. Maximum lot coverage: Main and accessory structures and parking pavement areas shall occupy no more than fifty percent (50%) of the lot.

G. Parking areas shall be no closer to main structures than ten (10) feet.

H. Minimum lot area per dwelling unit shall be calculated on the basis of 1,450 square feet for Nursing Homes and Senior and Disabled Housing. For Senior and Disabled Independent

Housing, minimum lot area per dwelling unit shall be calculated on the basis of 5,455 square feet and may be reduced to 1,450 square feet with approval of the Planning Commission if the proposed development fully complies the requirements of Section 1135.04. For Nursing Homes and Senior and Disabled Housing, minimum lot area per unit may be varied by Planning Commission based upon the merits of the site development plan submitted. The Commission shall consider the factors established by the Site Development Plan, the dwelling unit size and mix, the site configuration and the development incentives set forth in Section 1135.03(c)(3)A, B and C.

(2) Building requirements.

A. Maximum height: Thirty-five (35) feet. The maximum height may be increased to fifty (50) feet by Planning Commission if the lot is not adjacent to any single or two family dwellings. If the building is adjacent to a single family or two family dwelling, the building height may be increased to a maximum height of fifty (50) feet by Planning Commission if one (1) foot of additional setback is provided for each additional foot of height along the affected property line.

B. Accessory buildings have the same yard requirements as main buildings.

C. Minimum dwelling unit area: A minimum of 300 square feet of living space for efficiency apartments with private bathrooms, 220 square feet for efficiency apartments without private bathrooms, 500 square feet for one bedroom units and 700 square feet for two bedroom units. A minimum of 100 square feet of living space per person for nursing homes.

D. Housing shall be specifically designed for senior and disabled citizens and include facilities generally associated with the needs and interests of aged persons. Access to these facilities and common and public use areas shall be provided in accordance with the "Fair Housing Accessibility Guidelines" (FHAG) as prescribed in Ohio R.C. 3781.1.111.

E. Any facility containing two or more stories shall contain elevator access to all dwelling units above the first floor.

(3) Site development requirements.

A. All applicable subdivision regulations, sign regulations, as well as parking and landscaping regulations of this Zoning Ordinance must be satisfied. The location, size, design, and operating characteristics of the facility will be compatible with and not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to harmful effect, if any, upon desirable neighborhood character.

B. Parking accommodations and loading areas shall be provided pursuant to a layout plan designed by the owner of the land to be developed, conforming to Chapter 1171 and showing traffic movement, ingress and egress, traffic control points, the number and size of parking spaces and service areas. In addition, the expected peak hour traffic volume for employees, members of the public and deliveries shall be described by text. The facility shall not adversely affect the generation of traffic and the capacity of surrounding streets.

C. Provision for storm drainage shall be adequate to protect the public and owners of surrounding land.

D. Trash and litter shall be controlled and stored in container systems which are located and enclosed in a manner to screen them from view.

E. Provision shall be made for an Emergency Medical Service drive or zone.

F. Units are to be within reasonable walking distance, generally within two blocks, of major traffic arteries, shopping, community facilities, and other daily activities. If this requirement cannot be met, daily service by shuttle bus for residents to these activities must be available.

G. The owner shall file with the Knox County Recorder a covenant, approved as to form by the Village Attorney, in which said owner shall covenant on behalf of himself, his heirs,

executors, and assigns not to use the property for any other use than nursing homes, senior and disabled housing or senior and disabled independent housing, unless the use complies with all requirements of the Planning and Zoning Code. Required compliance includes, but is not limited to, density, unit sizes, parking, and setbacks.

H. In addition to the requirements of Section 1111.02(c), a Site Development Plan for any site plan, shall be submitted to the Planning Commission. The plan for nursing homes, senior and disabled housing and senior and disabled independent housing shall set forth:

1. Natural scenic characteristics preserved.
2. Recreational, educational and social facilities of the development.
3. Pedestrian and bicycle access to neighborhood facilities, parks and scenic areas.
4. Building architectural design and construction materials.

I. A minimum of twenty percent (20%) of the total site shall be designated as common open space for active and/or passive recreational uses. Common open space shall not include required setback and buffer yard areas. Up to forty percent (40%) of the required common open space area may be provided in the form of a common leisure/recreation room.

(Ord. 2006-13. Passed 5-1-06.)

1135.05 PLAN CONTENTS AND REQUIREMENTS.

(a) As part of the request for rezoning to a Planned Neighborhood District, a Preliminary Plan must be submitted to the Planning Commission along with the text of all applicable development standards. Village Council must approve the zoning change, preliminary plan and development standards text. A Zoning Certificate will not be issued for any site or sites until a Development Plan is approved by the Planning Commission and found in conformance with the adopted Preliminary Plan and Development Standards.

(1) Preliminary Plan. The Preliminary Plan is a conceptual plan submitted at the time of a request for rezoning generally describing the proposed uses for the site to be rezoned and their relationship with surrounding properties and uses. The Preliminary Plan should contain the following elements:

A. A topographic map of the site and adjacent property showing existing natural features including wooded areas and major trees. A description of how the proposed development has planned to utilize the existing site, identifying changes to the existing site grading and noting major trees that will be removed as part of the proposed development.

B. A schematic plan showing the general development of the tract, location of existing and proposed structures, parking lot layout and other development features including the location of all out parcels.

C. An engineering feasibility statement in sufficient detail to indicate how the proposed development will be serviced with water, sanitary sewer and storm drainage facilities.

D. The proposed traffic circulation pattern showing public and private streets and other transportation facilities, including major pedestrian routes, with evidence through a traffic study that the proposed development will not adversely impact existing transportation facilities.

E. A conceptual landscaping plan that shows the ability of the proposed development to meet all aspects of Chapter 1173.

F. A proposed schedule or phasing of development of the site.

G. Evidence that the applicant has sufficient control over the land to accomplish proposed and required land improvements.

H. Any additional information required by the Planning Commission necessary to determine that the proposed development meets the intent and purposes of the Planned Neighborhood District.

(2) Development Standards Text. A Development Standards Text shall be submitted as part of the Preliminary Plan and shall be narrative and graphics, as necessary, in order to detail the development standards to be applied to the development concept described in the Preliminary Plan. The Development Standards Text should clearly identify any standard

that is less than the standards established by this Chapter. These modifications shall be justified by fully stating what adjustments, amenities or other compensations are provided as part of the Preliminary Plan to offset the use of reduced standards and by demonstrating how the modified standards will result in the best possible development for the site. Unless specifically modified by the Development Standards Text, the standards established by this chapter shall apply to the proposed development.

(3) Development Plan. Following approval of the Preliminary Plan, and prior to issuance of a Zoning Certificate, a Development Plan shall be submitted to the Planning Commission for all or part of the area defined in the Preliminary Plan. The Development Plan is a detailed Site Plan which shall contain the following information and adhere to the Development Standards Text approved as part of the Preliminary Plan:

A. Site Survey. On a survey show boundary information, existing and proposed development, existing and proposed topography, existing and proposed easements, rights-of-way and utilities.

B. Setbacks. The Site Plan shall indicate building, service areas, parking lot and signage setbacks including front yard, rear yard and side yard areas and shall be in accordance with the approved Development Standards Text.

C. Modifications of Development Standards Text. Any desired modifications of the Development Standards Text approved as part of the Preliminary Plan shall be so indicated in a modified Development Standards Text document.

D. Height Requirements. Maximum height requirements, including mechanical areas, parapets, etc. shall be made per the Development Standards Text requirements and shown on building front, rear and side elevation drawings.

E. Parking and Loading. All parking and loading spaces shall be shown including typical dimensions of parking stalls, aisles and loading spaces, size, number of spaces and general location shall also be governed by the Development Standards Text.

F. Waste and Refuse. Handling of all waste and refuse materials shall be indicated and described by the Development Standards Text shall include appropriate screening and type of containerization.

G. Circulation. All major circulation routes, including arterial, adjacent curb cuts, collector and local streets shall be indicated including rights-of-way, dimensions, pavement widths and intersection improvements. All driveways/curb cuts shall be indicated, including major aisle ways and service routes. Major pedestrian circulation routes shall also be indicated including dimensions of path and pedestrian crossings, etc. plus any attempts at separating vehicular and pedestrian/recreation movement.

H. Landscaping. As part of the Development Plan, proposed landscaping shall be shown including the general landscaping pattern and type of materials, mounding and fencing. Landscaping may vary in density, spacing and other treatment to reflect variations of topography, existing landscaping or adjacent land uses and conform to Chapter 1173, Landscaping. Landscape features shall be shown as well as planting dimensions, height, caliper and type of plant materials per the Development Standards Text.

I. Signage and Graphics. All signage and graphics shall comply with the Development Standards Text. Letter and other graphic size, sign material, shape, color and illumination (internal only) shall be indicated. This includes dimensions of all ground and wall signage as well as distances from rights-of-way and intensity of illumination. Directional signage shall also be indicated.

J. Lighting. All exterior lighting fixtures shall be shown including parking lot lighting, street walkway or pedestrian lighting, walkway accent lighting and building accent lighting. Lighting intensity and installation height shall be indicated.

K. Accessory Structures, Decks, Patios and Fencing. All accessory structures, decks, patios and fences shall conform to the Development Standards Text and appropriate materials, heights, location and style indicated.

L. Architectural Treatment. As part of the Development Plan front, rear and side building elevations shall be shown in accordance with the Development Standards Text indicating building material, color and height. Color material samples shall also be made available for inspection.

(Ord. 2006-13. Passed 5-1-06.)

1135.06 REVIEW BASIS.

(a) Preliminary Plan. The basis for the approval of the Preliminary Plan shall be:

(1) That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Ordinance.

(2) That the proposed development is in conformity with appropriate comprehensive planning or portion thereof as it may apply.

(3) That the acceptability of setbacks, distances between buildings, yard space, suitability of open space systems, traffic accessibility and other elements having a bearing on the overall acceptability of the Development Plan shall contribute to the orderly development of land within the Village.

(4) That any modifications or minimum development standards established by the Planning and Zoning Code are properly identified and adequately justified in the Development Standards Text as necessary to insure a higher quality development.

(5) That the proposed development is in conformity with any design or site planning guidelines adopted by the Planning Commission.

(6) That the plan provides for the coordination and integration of individually designed buildings into one planned district.

(b) Development Plan. Basis for approval of a Development Plan shall be:

(1) That the plan is complete in all respects relative to the requirements set forth in Section 1135.05(a).

(2) That any modifications of the Development Standards Text approved as part of the Preliminary Plan support and enhance the purposes and intent of the Planning and Zoning Code, any applicable comprehensive planning program and any design or site planning guidelines adopted by Planning Commission.

(3) That all engineering issues have been resolved to the satisfaction of the appropriate Village staff and that final approval of the Development Plan is subject to the acceptance of final engineering of all phases of the development.

(Ord. 2006-13. Passed 5-1-06.)

1135.07 PROCEDURES FOR APPROVAL.

(a) Submission of Application for Preliminary Plan:

(1) Prior to filing an application for rezoning to a Planned Neighborhood District, the applicant shall meet with staff in a pre-application review meeting to discuss the requirements for a Preliminary Plan and Development Standards Text which are required as part of the rezoning request.

(2) The applicant shall submit the rezoning application along with the required number of copies of the proposed Preliminary Plan and Development Standards Text in accordance with the submission schedule established by the Planning Commission. In order to defray the cost of examination of the rezoning application and the Plan and Text and review by the Planning Commission, the applicant shall pay a fee in accordance with the fee schedule adopted and approved by Village Council. Staff shall circulate the Preliminary Plan and other comments to appropriate departments in the Village for review and comment.

(3) Once the applicant has submitted a completed application in accordance with the submission schedule, staff shall submit the application to the Planning Commission for their review and action, which shall be accomplished within a reasonable time. It shall be the duty of Planning Commission to review the Plan and determine whether it complies with the regulations of this Chapter. Planning Commission will forward a recommendation to Village Council.

(4) A Preliminary Plan shall be valid for five (5) years after Village Council approval. Construction of any phase of the development must begin within this period or a new Preliminary Plan is

required.

(b) Submission of Development Plan.

(1) Prior to filing for Development Plan Approval, the applicant shall meet with the Centerburg Planning staff to review the Development Plan relative to the previously approved Preliminary Plan and Development Standards Text as well as procedures for approval.

(2) The applicant shall submit an application to the Village including the required number of copies of the proposed Development Plan, Development Standards Text modification if appropriate and any other required information in accordance with the submission schedule of the Planning Commission. In order to defray the cost of examination of the materials and review by the Planning Commission, the applicant shall pay a fee in accordance with the fee schedule adopted and approved by Village Council.

(3) It shall be the duty of the Planning Commission to review the plan and determine whether it complies with the regulations of this Chapter. Such determination shall be made within a reasonable time. If the Planning Commission finds that the Development Plan complies in all respects with the regulations of this Chapter and the previously approved Preliminary Plan and Development Standards Text, the Commission shall approve the plan. With the approval of the Planning Commission, minor modifications of the approved preliminary plan may be made. Such modification shall not increase the overall density of the site or change the essential character of the approved plan. If the Planning Commission determines that such proposed changes significantly alter the approved plan, it is considered to be a major change and the plan must be resubmitted to Council for approval.

(4) In the event that the Planning Commission does not approve the plan, each applicant shall be notified in writing of the reason for disapproval or modification along with the decision of the Planning Commission. Decisions of the Planning Commission disapproving the plan or approving it with minor modifications are appealable to Village Council in accordance with the provisions of Section 1107.06(d).

(c) Conformance with the Development Plan. Development shall be in conformance with the Development Plan and construction of site improvements must be commenced within two years of Planning Commission or Council approval; otherwise no development of the land shall take place until a new Development Plan is approved pursuant to this section.

(d) Modification of the Development Plan. With the approval of the Planning Commission, minor modifications of the approved Development Plan may be made. Such modification shall not increase the overall density of the site or change the essential character of the approved plan. If the Planning Commission determines that such proposed changes significantly alter the approved plan, it is considered to be a major change and the plan must be resubmitted to Council for approval. Development of land shall not proceed prior to final approval of the Development Plan. Any development undertaken without such final approval is in violation of this Zoning Ordinance and an abatable nuisance.

(e) Variances from Development Standards. The Planning Commission and/or Village Council may approve variances from the Development Standards of this Chapter as part of the Development Standards Text and Development Plan. These variances shall be consistent with the intent of this zoning district. No action by the Board of Zoning Appeals is required for these variances.

(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1143

CC, Community Commercial District

1143.01 Purpose and intent.
1143.02 Permitted uses.
1143.03 Conditional uses.
1143.04 Development standards for a single free-standing use on an individual lot.
1143.05 Development standards for a shopping center.
1143.06 Supplementary standards for conditional uses.
1143.07 Variances from development standards.

CROSS REFERENCES

Off-street parking and loading requirements - see P. & Z. Ch. 1171
Supplemental yard and height regulations - see P. & Z. 1175.03
Nuisance control - see P. & Z. 1175.04

1143.01 PURPOSE AND INTENT.

This Chapter is designed to include a broad mix of commercial land uses. The Community Commercial District (CC) primarily accommodates commercial business, personal, professional and roadway service uses catering to the needs of both the regional and local market. Rather than maintain separate zoning districts for each category of commercial use, the Community Commercial District differentiates permitted uses from the more intensive commercial uses through a set of conditional use standards, landscaping and buffering requirements. Development standards for single, free-standing uses on individual lots and shopping centers are regulated separately to encourage consolidation of lots into shopping centers of five (5) acres or more.
(Ord. 2006-13. Passed 5-1-06.)

1143.02 PERMITTED USES.

(a) The following uses and any other use determined by Planning Commission to be compatible with these uses are permitted by right within the Community Commercial District as individual uses on an individual parcel:

(1) Specialty retail, commercial establishments and boutiques.
(2) Specialty food stores.
(3) Home furnishings, home improvement and miscellaneous materials and equipment stores which operate totally within principal structures and require no outside storage or display of products or materials.
(4) General merchandise stores and supermarkets.
(5) Personal services, performed for persons or their apparel.
(6) Business and cleaning services engaged in services to businesses or households on a fee or contract basis and operating totally within principal structures with no outside storage or display of products or materials.
(7) Commercial schools.
(8) Studios.
(9) Financial establishments with no drive-in or drive-thru facilities.
(10) Restaurant, standard.
A. Customers normally provided with a menu or served their food and beverage by restaurant employee at the same table or counter at which food and beverages are consumed.
B. A cafeteria type operation.
(11) Business and administrative offices including buildings with multiple tenants and/or sites with multiple buildings.
(12) Offices of business and professional associations including buildings with multiple tenants and/or sites with multiple buildings.
(13) Medical offices and clinics engaged in outpatient care with permanent facilities and with medical staff to provide diagnosis and/or treatment for patients who are ambulatory and who do not require inpatient care including buildings with multiple tenants and/or sites with multiple buildings.
(14) Professional offices.

(b) Shopping Centers, which are defined as multiple retail uses on one or more parcels of land of at least five (5) total acres, are also a permitted use in a Community Commercial District. The above listed uses are also permitted by right in a shopping center. Specific development standards for a shopping center are listed in Section 1143.05.
(Ord. 2006-13. Passed 5-1-06.)

1143.03 CONDITIONAL USES.

(a) The following uses are conditionally permitted within the Community Commercial District, both as individual uses on individual lots and within shopping centers. These uses may be appropriate as permitted uses within the district but require more detailed evaluation with respect to location, design, size, method and hours

of operation, intensity of use and traffic generation and potential impact on surrounding uses, in order to balance these uses in an equitable manner while safeguarding both individual property rights and general community welfare. It is the Planning Commission's responsibility to perform this evaluation and after review, to attach necessary conditions and safeguards. The development standards contained in this Chapter are minimum standards. Planning Commission may require more restrictive standards for a conditional use based on the merits of each application. Review and approval of these uses are further regulated in Chapter 1111 , Conditional Uses and Section 1143.06 , Supplementary Standards for Conditional Uses. Parenthetical reference to Section 1143.06 following a listed conditional use indicates that specific supplemental standards have been identified for that use in the referenced subsection.

(1) Cemeteries.
(2) Libraries and museums.
(3) Child care centers and nursery schools (Section 1143.06(b).).
(4) Elementary, junior high and high schools.
(5) Colleges and universities.
(6) Nursing Homes, Senior and Disabled Housing and Senior and Disabled independent Housing.(Section 1143.06(j).)
(7) Hospitals and medical centers.
(8) Place of worship provided a minimum lot size of three acres is available.
(9) Public offices and buildings.
(10) Public Use Facilities.
(11) Public Service Facilities (Section 1143.06(i).).
(12) Membership sports and recreation clubs.
(13) Outdoor recreation.
(14) Financial establishments with drive-thru facilities (Section 1143.06(c).).
(15) Animal hospital, veterinary clinics, kennels, animal grooming and pet stores (Section 1143.06(d).).
(16) Funeral home.
(17) Convenience food stores, carry-outs, mini-markets, drive-through and drive-in stores, including photo kiosks or free-standing automatic teller machines, but not including drive-in windows accessory to the operation of a financial establishment or fast food restaurant (Section 1143.06(e).).
(18) Restaurant, Fast Food (Section 1143.06(e).).
(19) Motels and hotels.
(20) Commercial entertainment, indoor.
(21) Commercial recreation, indoor.
(22) Theater and concert halls.
(23) Meeting and banquet halls.
(24) Commercial entertainment, outdoor.
(25) Vehicle sales, including the sale of new and used automobiles, normally using outdoor storage of such vehicles. It is the intent of this Chapter that the outdoor storage of automobiles be so located and screened as to minimize the visual impact of adjacent roadways and properties.
(26) Automobile service stations for automobile repair (excluding body shops), automobile washing (Section 1143.06(f).), and automobile accessory sales where installation is provided.
(27) Commercial Center containing two or more commercial uses on a site of less than five acres. Consistent with the intent of this Chapter, Commercial Centers should only be allowed if they are of a superior design and do not add to the effects of strip commercialization (Section 1143.06(h).).
(28) Gasoline Service Stations (Section 1143.06(g).).
(29) Uses that normally require outside storage including, but not limited to, nurseries and garden supply stores. It is the intent of this Chapter that such storage should be located and screened and/or covered so as to be or appear to be within an extension of the main store structure.
(30) Off-street parking facilities including surface lots and parking facilities operated with or without charge, but excluding that parking required for a specific use which shall be permitted in conjunction with the operation of a permitted or conditional use.

(31) Amusement arcades.
(Ord. 2006-13. Passed 5-1-06.)

1143.04 DEVELOPMENT STANDARDS FOR A SINGLE FREE-STANDING USE ON AN INDIVIDUAL LOT.

(a) Permitted uses within the Community Commercial District (CC) shall conform to the following standards. Conditional uses shall also conform to these standards and, where applicable, to the Supplemental Conditional Use Standards in Section 1143.06. In the event of a conflict between the development standards in Sections 1143.04 and 1143.06 the more specific Supplemental Conditional Use Standards of Section 1143.06 are to be used.

(b) Prior to the issuance of a Zoning Certificate for development in the Community Commercial District (CC), a site plan review as defined in Chapter 1108 is required.

(1) Lot requirements. Prior to determining setbacks, refer to Section 1173.06 (a). If a bufferyard is required and the minimum setback is less than the appropriate bufferyard width, then the setback shall be equal to the bufferyard width. If a bufferyard is required and the minimum setback is greater than the appropriate bufferyard width, then the setback shall be equal to the required setback.

A. Minimum lot area: None, except that lot size shall be adequate to meet all building and pavement setbacks, parking, circulation, open space and landscaping requirements.

B. Minimum lot width: None, except that all lots must abut a public street and have adequate width to meet all building and pavement setbacks, parking, circulation, open space and landscaping requirements.

C. Minimum front yard setback: Structure setback, thirty (30) feet; forty (40) feet on arterial streets; pavement setback, ten (10) feet.

D. Minimum side yard: Structure setback, fifteen (15) feet; pavement setback, ten (10) feet. In additional to the required side yard, bufferyard shall be provided per Chapter 1173.

E. Minimum rear yard: Structure setback, fifteen (15) feet; pavement setback, ten (10) feet. In addition to the required rear yard, bufferyard shall be provided per Chapter 1173.

F. Maximum lot coverage: All impervious surface areas including building, parking, etc. shall not cover more than eighty percent (80%) of the site. At least twenty percent (20%) of the site area shall be landscaped with natural vegetation.

G. Parking areas shall be no closer to main structures than ten (10) feet.

(2) Building requirements.

A. Maximum building height of forty (40) feet.

(3) Site development standards.

A. Outdoor storage of merchandise is prohibited, except that merchandise may be displayed on the sidewalk adjacent to the principal building, provided a minimum of a five (5) foot strip is left unobstructed for pedestrian traffic. Accessory buildings used for storage are prohibited.

B. All vending machines and display racks, except for telephone booths, shall be located inside the building.

C. Trash and litter shall be controlled, and stored in container systems which are located and/or enclosed in a manner to screen them from view from adjacent property.

D. Provision for storm drainage shall be adequate to protect the public and owners of surrounding land and meet the Village's requirements for storm water management.

E. All service and delivery shall be at the rear or side of the building for buildings in excess or 15,000 square feet; and appropriately screened from view with minimal impact on adjacent property.

(4) Parking, Loading, Access and Circulation Requirements for uses permitted in this district are set forth in Chapter 1171.

(5) Landscaping and Screening Requirements for uses permitted in this district are set forth in Chapter 1173.

(6) Signage Requirements for uses permitted in this district are set forth in Chapter 1181.

(7) Lighting Requirements for uses permitted in this district are set forth as follows:

A. All exterior lighting shall be designed to direct light downwardly, i.e. cut off type fixtures.
B. All lights shall be arranged to reflect light away from any street or adjacent property.
C. Direct or indirect glare into the eyes of motorists or pedestrians shall be avoided.
D. All types of parking, pedestrian and other exterior lighting shall be on poles or wall mounted cutoff fixtures and shall be from the same type and style.
E. Cut off type landscape lighting and building uplighting shall be permitted.
F. All building illuminations shall be from concealed sources.
G. Parking lot lighting shall be no higher than twenty-eight (28) feet.
H. No colored or flashing lights shall be used to light the exterior of buildings.

(Ord. 2006-13. Passed 5-1-06.)

1143.05 DEVELOPMENT STANDARDS FOR A SHOPPING CENTER.

(a) Permitted uses within a shopping center development within the Community Commercial District (CC) shall conform to the following standards. Conditional uses shall also conform to these standards and, where applicable, to the Supplemental Conditional Use Standards in Section 1143.06. In the event of a conflict between the development standards in Sections 1143.05 and 1143.06 the more specific Supplemental Conditional Use Standards of Section 1143.06 are to be used.

(b) Prior to the issuance of a Zoning Certificate for development of a shopping center in Community Commercial District (CC), a site plan review as defined in Chapter 1108 is required.

(1) Lot requirements.

A. Minimum lot area: Five acres, and sufficient area to accommodate building and pavement setbacks, parking, circulation, open space and landscaping requirements. Individual lots may be combined to attain this minimum area for the purposes of the site plan, and the entire site shall be treated as a single lot.
B. Minimum lot width: The site shall abut a public arterial street for a minimum total frontage distance of 350', and all parking and yard space requirements must be satisfied.
C. Minimum front yard requirements: In all cases, structures shall be set back from right-of-way lines a minimum of fifty (50) feet. All pavement areas shall be a minimum of fifteen (15) feet from rights of way.
D. Minimum side yard requirements: Structures shall be set back at least thirty (30) feet and pavement at least ten (10) feet from all side lot lines. Where side lot lines abut residential districts, structures shall be set back a minimum of fifty (50) feet from such lot lines and pavement areas shall be at least fifteen (15) feet from such lot lines.
E. Minimum rear yard: Structure shall be set back thirty (30) feet and pavement ten (10) feet. When rear lot lines abut a residential district, structures shall be set back a minimum of fifty (50) feet and pavement areas shall be fifteen (15) feet from such rear lot lines.
F. Maximum lot coverage: Structures or paved areas shall not cover more than 80 percent (80%) of the site. At least twenty percent (20%) of the site shall be landscaped with natural vegetation.
G. Parking areas shall be no closer to main structures than ten (10) feet.

(2) Building requirements.

A. Maximum building height: forty (40) feet.

(3) Site development requirements.

A. A service court shall be provided to the rear or side of structures which shall have a minimum width perpendicular to structures of 60'. Such loading areas or courts shall be enclosed by a solid wall, fence, landscaping or an acceptable combination thereof, as required in Chapter 1173.
B. Provision for storm drainage shall be adequate to protect the public and owners of surrounding land and meet the Village's requirements for Stormwater Management.
C. Trash and litter shall be controlled, and stored in container systems which are located and enclosed in a manner to screen them from view from all sides.
D. A plan shall be submitted showing building gross square footages, and additional auxiliary uses.
E. The Planning Commission may request additional information from the applicant and attach conditions for approval as are deemed necessary to meet the objectives of this Zoning Ordinance.

F. Outdoor storage and display of merchandise is prohibited, except that merchandise may be displayed on the sidewalk adjacent to the principal building during sales events, provided a minimum of a five (5) foot strip is left unobstructed for pedestrian traffic.

G. All vending machines and display racks, except for telephone booths, shall be located inside the building.

(4) Parking, Loading, Access and Circulations Requirements for uses permitted in this district are set forth in Chapter 1171.

(5) Landscaping and Screening Requirements for uses permitted in this district are set forth in Chapter 1173.

(6) Signage Requirements for uses permitted in this district are set forth in Chapter 1181.

(7) Lighting Requirements for uses permitted in this district are set forth as follows:

A. All exterior lighting shall be designed to direct light downwardly, i.e. cut off type fixtures.

B. All lights shall be arranged to reflect light away from any street or adjacent property.

C. Direct or indirect glare into the eyes of motorists or pedestrians shall be avoided.

D. All types of parking, pedestrian and other exterior lighting shall be on poles or wall mounted cutoff fixtures and shall be from the same type and style.

E. Cutoff type landscape and building uplighting shall be permitted.

F. All building illuminations shall be from concealed sources.

G. Parking lot lighting shall be no higher than twenty-eight (28) feet.

H. No colored or flashing lights shall be used to light the exterior of buildings.

(Ord. 2006-13. Passed 5-1-06.)

1143.06 SUPPLEMENTARY STANDARDS FOR CONDITIONAL USES.

All conditional uses shall meet the minimum requirements established by Sections 1143.04 and 1143.05 unless modified by this Section:

(a) Purpose and Intent. The purpose of this Section is to establish supplementary standards for certain land uses that may affect adjacent properties, the neighborhood, or the community even if all of the general standards of Sections 1143.04 and 1143.05 are met. It is the intent of this Section to establish appropriate standards for permit processing and for location, design and operation of conditional uses to assure that they will be developed in a manner consistent with the purpose of the Community Commercial District.

(b) Child Care Centers.

(1) Minimum lot area. Sufficient to accommodate an appropriately designed facility including buildings, required yards, landscaping, drop-off area and circulation space.

(2) Required outdoor play area. There shall be provided a fenced outdoor play area containing at a minimum, the number of square feet required for State of Ohio licensing requirements.

(3) Required access and loading/unloading.

A. An on-site drop-off area shall be provided at the main entrance to the facility sufficient to accommodate four automobiles for facilities with twenty (20) or fewer children plus one additional vehicle for each additional ten children served. The drop-off area may either be in the form of spaces parallel to an access drive adjacent to the building or additional parking spaces beyond Code requirements.

B. Access from an arterial or collector street is required or access shall be provided in a manner that does not cause heavy traffic on residential streets.

(4) Required fencing. All outdoor play areas shall be enclosed by a six-foot high wall, solid fence or chain link fence planted with a continuous evergreen screen.

(5) Hours of operation. Use of outdoor play areas shall be limited to between the hours of 8:00 a.m. and 8:00 p.m.

(c) Financial Establishments with Drive-Thru Facilities.

(1) Minimum lot area. Uses with drive-in facilities shall have a minimum lot area to accommodate building, required yards, landscaping, parking and circulation requirements.

(2) Setbacks and screening. Drive-in windows or lanes shall be located at least 50 feet from any residential property. A solid wood fence, hedge or masonry wall at least six feet in height shall be provided where a drive-in window is located adjacent to residential property.

(3) Off-street parking and circulation.

A. Stacking spaces shall be provided for every drive-in facility per Chapter 1171. Required stacking spaces shall not block or otherwise interfere with site circulation patterns.

B. Customer/employee parking shall be separated from driving activities and customer parking shall be located near the area with the highest accessibility to the principal building.

C. The circulation system shall provide continuous traffic flow with efficient movement throughout the site. Conflict between major pedestrian movement and vehicular circulation shall be minimized.

(d) Animal Hospitals Including Veterinary Clinics, Kennels, Animal Grooming and Pet Stores.

(1) Care and boarding shall be limited to small domestic animals and may not include cattle, horses or swine.

(2) Minimum lot area and setback: The minimum lot area for an animal hospital, veterinary clinic or kennel shall be sufficient to accommodate building, required yards, parking, landscaping and circulation requirements. Any structure used for such purposes shall be at least 100 feet from an adjacent residential property.

(3) Operational standards.

A. All activities other than off-street parking, loading/unloading shall be conducted from a fully enclosed structure. This includes exercise runways.

B. Each structure shall be designed and maintained in a manner to prevent the development of unsanitary conditions.

C. Rooms intended to accommodate animals shall be insulated, or otherwise soundproofed and vented so animal noises will not be audible at any point on the perimeter of the property.

(e) Convenience Food Stores and Fast Food Restaurants.

(1) Minimum lot area: The minimum lot area shall be 7,500 square feet except that uses with drive-in or drive-thru facilities shall be located on lots with a minimum area sufficient to accommodate building, required yards, parking, landscaping and circulation requirements.

(2) Setbacks: Drive-in or drive-thru windows and lanes shall be located at least 50 feet from any residential property. All other structures shall be located in accordance with required setbacks of the underlying zoning district.

(3) Screening: A solid wood fence or masonry wall six feet high shall be constructed where drive-thru facilities for convenience food stores, drive-in stores, or fast food restaurants are located adjacent to residential property.

(4) Off-street parking and circulation:

A. Stacking spaces shall be provided for every drive-thru facility per Chapter 1171. Required stacking lanes shall not block or otherwise interfere with site circulation patterns.

B. Customer/employee parking shall be separated from driving activities and customer parking shall be located in the area with the highest accessibility to dining or sales areas.

C. Circulation system shall provide continuous traffic flow with efficient, non-conflicting movement throughout the site. Conflict between major pedestrian movement and vehicular circulation shall be minimized.

(f) Automobile Washing.

(1) Minimum lot area. Sufficient to accommodate building, required yards, parking, landscaping and circulation requirements.

(2) Setbacks and screening.

A. All structures shall be located at least fifty (50) feet from any adjacent residential property.

B. A solid fence, wall or hedge six feet high shall be required when an automobile washing facility is adjacent to residential property.

(3) Limitation on use.

A. All washing facilities shall be located entirely within an enclosed building, except that entrance and exit doors may be left open during the hours of operation.

B. Vacuum and steam cleaning equipment may be located outside of the building, but shall not be placed in any yard adjoining residential property.

(4) Off-street waiting and circulation.

A. Off-street waiting spaces shall be provided for auto washing facilities per Chapter 1171. Required waiting spaces shall not block or otherwise interfere with site circulation patterns.

B. If at all possible, exit doors shall be oriented away from the street right-of-way. If not possible, a hard surface exit drive not less than forty (40) feet in length shall be provided between the exit doors and the street.

(g) Gasoline Service Stations. The basis for the following development standards is the assumption that all new service stations will include a convenience store in addition to the traditional pump islands covered by a canopy. It is also assumed that service bays will not be an integral part of the convenience store/gas pump complex. In those cases where car repair services are provided as part of the overall complex but in a separate structure, the entire complex shall be treated as a Commercial Center and fall under the supplemental standards set forth in Section 1143.06 (h).

(1) Minimum lot area: 15,000 square feet, provided, however, that the lot size shall be adequate to meet all building and pavement setbacks, parking, circulation, open space and landscaping requirements.

(2) Minimum frontage: None, provided that individually developed lots must abut a public street and have adequate width to meet all building and pavement setbacks, parking, circulation, open space and landscaping requirements. A minimum of 250 foot frontage is required if there are to be two curb cuts for the site.

(3) Maximum lot coverage: All impervious service areas including building and pavement shall not cover more than sixty percent (60%) of the site.

(4) The site design shall provide for traffic circulation that does not interfere with access to and from the pump islands.

(5) To the greatest extent possible, required parking for the site shall be located adjacent to the convenience store facility and not interfere with circulation on the site or access to and from the pump islands.

(6) Canopy size (dimensions) shall be kept to a minimum. Whenever possible the smallest dimension shall be parallel to the adjacent roadway. In no case shall the width of the dimension fronting on or parallel to the roadway exceed twenty-five percent (25%) of the width or frontage of the lot.

(7) Lighting contained within the canopy shall be flush with or recessed into the ceiling of the canopy (to avoid glare off the site).

(8) There shall be no parking or pavement permitted in the front yard.

(9) The front yard shall consist of adequate and varied landscaping to act as both a screen to the paved area as well as a bufferyard to the impact of the canopy.

(10) Accessory structures are prohibited. Pump island canopies, convenience store and garage with repair bays are not considered accessory structures.

(11) The exterior facade of the structures included in the overall complex shall be natural materials such as brick or stone or some alternative material acceptable to the Planning Commission. The roof of these structures shall be covered with natural or manmade shingles and shall be designed so as to expose said materials to the adjacent streets and properties (such as a gabled or mansard roof).

(12) Should one or more bays for servicing cars be included in the convenience store structure, the site shall provide additional parking consisting of two spaces for each service bay and one space for each employee and service vehicle.

(13) Should a car wash facility be included within the convenience store structure, the site shall provide an additional parking space for each employee and a stacking lane sufficient to accommodate four waiting automobiles for each washing stall or device.

(h) Commercial Centers. Commercial Centers shall be designed to fit with existing and anticipated development in the immediate area to minimize traffic congestion, conflicts, visual pollution and confusion.

(1) Minimum lot area. None, except that lot size shall be adequate to meet all building and pavement setbacks, parking, circulation, open space and landscaping requirements.

(2) Maximum lot area. For commercial centers containing two or more commercial uses, a maximum lot area of five contiguous acres shall be provided including sufficient space to accommodate buildings, required yards, landscaping, parking and circulation.

(3) Lot configuration. The width to depth ratio shall not exceed a ratio of two to one. The minimum depth of a Commercial Center lot shall be 300.

(4) Site layout. The applicant shall demonstrate how the proposed center will tie directly into adjacent commercial developments, both existing and anticipated, for pedestrian and vehicular traffic.

(5) Parking and circulation.

A. Customer/employee parking should be separated with customer parking located near the area with the most direct access to the principal building.

B. Continuous channelized traffic flow with sufficient movement throughout the site shall be provided. Conflict between pedestrian and vehicular movement shall be minimized.

C. Clear delineation of internal circulation roadways including directional signage and pavement markings shall be indicated.

(6) Curb cut controls. Curb cuts to adjacent arterial will be controlled in accordance with the following criteria:

A. A maximum of two curb cuts per street frontage may be allowed provided the minimum frontage if 450 feet and the curb cuts are separated by a minimum of 300 feet (centerline to centerline).

B. All curb cuts shall be located a minimum of 150 feet from an intersection and seventy-five (75) feet from any property line.

(7) Signage.

A. A graphic system shall be used that is uniform in size, shape and color for various tenant signage.

B. Ground mounted signage shall be integrated within the overall site landscaping and the use of foundation planting around the ground sign shall be encouraged.

(8) Lighting.

A. All external outdoor lighting shall be cutoff fixtures or downlighting.

B. Lighting within and in relation to any service area to the rear of the building shall also be cutoff fixtures so as not to allow spillage on adjacent property.

(9) Outlots. No outlots shall be created as part of a Commercial Center site plan.

(i) Wireless Telecommunication Facilities.

(1) Minimum lot area. The minimum required by the zoning district, but not less than one (1) acre.

(2) Setbacks. Equal to the height of the tallest structure, but in no case less than zoning district requirements. The setback requirement based on height is not applicable when the proposed facility is constructed on or in an existing structure and does not extend more than twenty (20) feet above the existing structure.

(3) Height: The maximum height of a tower shall be 150 feet including the antenna. The Planning Commission may allow the maximum height to increase to 200 feet to accommodate co-location. Equipment shelters shall meet district standards.

(4) Screening. Perimeter landscaping would be required around fencing at the base of the tower and around any building or equipment. The landscaping should have a year round opacity of seventy-five percent (75)%. A six (6) foot minimum height would be required at installation for landscaping around the base of a tower. The Planning Commission may elect, in certain instances, to accomplish screening by materials other than landscaping.

(5) Parking and access. A paved access drive and one paved parking space for a service vehicle.

(6) Lighting. On site: Cutoff style fixtures for control of light spread. On tower: None, unless required by the Federal Aviation Administration (FAA).

(7) Color. The tower shall be painted a non-contrasting gray or similar color to minimize its visibility unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).

(8) Emissions. Emissions standards for electromagnetic fields must be in compliance with current and future Federal Communication Commission (FCC) standards.

(9) Co-location. All approved installations must allow other providers to co- locate on the same pole to the extent technologically feasible at a reasonable and competitive market rate. All requests for new installation must demonstrate that there is no available space on existing towers or other suitable support structure within the established service area. New installations on an existing permitted tower are exempt from the conditional use process and may proceed with a standard building permit approval.

(10) Construction. All new towers shall be constructed to be capable of accommodating at least one additional wireless communication installation for another service provider.

(11) Removal. The applicant or any subsequent owner of the facility will remove it within ninety (90) days of obsolescence or abandonment. Obsolescence is defined as being replaced by new technology. Abandonment would occur when the provider is no longer operating a viable telecommunication network using this facility.

(12) Design. Preference will be given to monopole construction. Only monopole construction would be allowed in residential districts.

(13) Signage. signage or advertising is to be displayed on the tower structure.

(j) Nursing Homes, Senior and Disabled Housing and Senior and Disabled Independent Housing.

(1) Lot requirements.

A. Minimum lot area: None, except that lot size shall be adequate to meet all yard and parking requirements.

B. Minimum lot width: None, except that all lots must abut a public street and have adequate width to meet the parking and yard space requirements.

C. Minimum front yard: Thirty (30) feet; forty (40) feet for structures on lots fronting on major, minor arterial and major collectors as designated by the Official Thoroughfare Plan. Pavement areas shall be at least ten (10) feet from the right-of-way.

D. Minimum side yard: For structures, fifteen (15) feet. For pavement areas, ten (10) feet.

E. Minimum rear yard: For structures, fifteen (15) feet. When abutting single or two family districts the rear yard shall equal the rear yard requirement of the abutting district. For pavement areas, ten (10) feet.

F. Maximum lot coverage: Main and accessory structures and parking pavement areas shall occupy no more than fifty percent (50%) of the lot.

G. Parking areas shall be no closer to main structures than ten (10) feet.

H. Minimum lot area per dwelling unit shall be calculated on the basis of 1,450 square feet for Nursing Homes and Senior and Disabled Housing. For Senior and Disabled Independent Housing, minimum lot area per dwelling unit shall be calculated on the basis 5,445 square feet and may be reduced to 1,450 square feet with approval of the Planning Commission if the proposed development fully complies the requirements of Section 1143.06. For Nursing Homes and Senior and Disabled Housing, minimum lot area per unit may be varied by Planning Commission based upon the merits of the site development plan submitted.

The Commission shall consider the factors established by the Site Development Plan, the dwelling unit size and mix, the site configuration and the development incentives set forth in Section 1135.03(c)(3)A, B and C.

(2) Building requirements.

A. Maximum height: Thirty-five (35) feet. The maximum height may be increased to fifty (50) feet by Planning Commission if the lot is not adjacent to any single or two family dwellings. If the building is adjacent to a single family or two family dwelling, the building height may be increased to a maximum height of fifty (50) feet by Planning Commission if one (1) foot of additional setback is provided for each additional foot of height along the affected property line.

B. Accessory buildings have the same yard requirements as main buildings.

C. Minimum dwelling unit area: A minimum of 300 square feet of living space for efficiency apartments with private bathrooms, 220 square feet for efficiency apartments without private bathrooms, 500 square feet for one bedroom units and 700 square feet for two bedroom units. A minimum of 100 square feet of living space per person for nursing homes.

D. Housing shall be specifically designed for senior and disabled citizens and include facilities generally associated with the needs and interests of aged persons. Access to these facilities and common and public use areas shall be provided in accordance with the "Fair Housing Accessibility Guidelines" (FHAG) as prescribed in Ohio R.C. 3781.1.111.

E. Any facility containing two or more stories shall contain elevator access to all dwelling units above the first floor.

(3) Site development requirements.

A. All applicable subdivision regulations, sign regulations, as well as parking and landscaping regulations of this Zoning Ordinance must be satisfied. The location, size, design, and operating characteristics of the facility will be compatible with and not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to harmful effect, if any, upon desirable neighborhood character.

B. Parking accommodations and loading areas shall be provided pursuant to a layout plan designed by the owner of the land to be developed, conforming to Chapter 1171 and showing traffic movement, ingress and egress, traffic control points, the number and size of parking spaces and service areas. In addition, the expected peak hour traffic volume for employees, members of the public and deliveries shall be described by text. The facility shall not adversely affect the generation of traffic and the capacity of surrounding streets.

C. Provision for storm drainage shall be adequate to protect the public and owners of surrounding land.

D. Trash and litter shall be controlled and stored in container systems which are located and enclosed in a manner to screen them from view.

E. Provision shall be made for an Emergency Medical Service drive or zone.

F. Units are to be within reasonable walking distance, generally within two blocks of major traffic arteries, shopping, community facilities, and other daily activities. If this requirement cannot be met, daily service by shuttle bus for residents to these activities must be available.

G. The owner shall file with the Knox County Recorder a covenant, approved as to form by the Village Attorney, in which said owner shall covenant on behalf of himself, his heirs, executors, and assigns not to use the property for any other use than nursing homes, senior and disabled housing or senior and disabled independent housing, unless the use complies with all requirements of the Planning and Zoning Code. Required compliance includes, but is not limited to, density, unit sizes, parking, and setbacks.

H. In addition to the requirements of Section 1111.02(c), a Site Development Plan for any site plan shall be submitted to the Planning Commission. The plan for senior citizen and physically handicapped housing shall set forth:

1. Natural scenic characteristics preserved.
2. Recreational, educational and social facilities of the development.
3. Pedestrian and bicycle access to neighborhood facilities, parks and scenic areas.
4. Building architectural design and construction materials.

A minimum of twenty percent (20%) of the total site shall be designated as common open space for active and/or passive recreational uses. Common open space shall not include required setback and buffer yard areas. Up to forty (40%) of the required common open space area may be provided in the form of a common leisure/recreation room.

(Ord. 2006-13. Passed 5-1-06.)

1143.07 VARIANCES FROM DEVELOPMENT STANDARDS.

The Planning Commission and/or Village Council may approve variances from the development standards of this Chapter as part of Site Plan review pursuant to Chapter 1108. These variances shall be consistent with the intent of this zoning district. No action by the Board of Zoning Appeals is required for these variances.
(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1147

(Reserved)

CHAPTER 1148

Village Center District

1148.01 Purpose.
1148.02 Permitted uses.
1148.03 Conditional uses.
1148.04 Development standards.
1148.05 Supplemental Regulations.
1148.06 Variances from Development Standards.

1148.01 PURPOSE.

There is hereby created an Village Center District to preserve, protect, and promote the Village-scale central commercial environment through promotion of and limitation to Village-scale commercial pursuits developed in a manner that is pleasant, safe, and convenient, the promotion of adaptive reuse of older commercial structures, and those constructed originally as residences, for appropriate village-scale commercial purposes, retention of the village scale and character through the limitation of uses, use sizes and characteristics, provision for the realization of a fine-grained intermixture of small-scale residential, office, and retail uses that was the hallmark of Village life, and minimization of the impact of provisions for auto parking on loss of community character. (Ord. 2006-13. Passed 5-1-06.)

1148.02 PERMITTED USES.

(a) Administrative and business offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers consisting of:

(1) Brokers and dealers in securities, investments and associated services.
(2) Insurance agents and brokers and associates services.
(3) Professional, legal, engineering and architectural services, not including the outside storage of equipment.
(4) Accounting, auditing and other bookkeeping services.

(b) Retail stores primarily engaged in selling merchandise for personal or household consumption, and rendering incidental to the sale of these people.

(1) Food and food products, consisting of grocery, meat, fish, fruit or vegetable markets or combinations thereof, dairy or bakery products, specialty food stores such as candy or confectionery, and miscellaneous food stores.
(2) General merchandise, consisting of: limited price variety stores and other similar stores selling a variety of general merchandise.
(3) Home furnishings, consisting of: furniture and equipment sales, radio, television, and music stores.
(4) Building material retail stores, not having outside storage or material, consisting of: plumbing and electrical supplies, paint, wall paper, upholstery, and interior decorating stores, and hardware stores.
(5) Apparel, consisting of: clothing, furnishings, and accessory items for men, women and children, custom tailor shops and combined apparel sales and personal service operations, and miscellaneous apparel and accessory stores.
(6) Similar retail stores, including: drug stores, florists, gift and novelty stores, books and newspapers, camera, photographic and optical goods, jewelry, antique stores, specialty stores, and other stores which conform to the purpose and intent of the Village Center District.

(c) Personal Services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible property or the provision of tangible services for personal consumption including:

(1) Restaurants, but not including restaurants with drive-through facilities.
(2) Banks, savings and loans, and credit agencies, but not including establishments with drive-through facilities.
(3) Barber and beauty shops.
(4) Dry-cleaning establishments.

(5) Funeral services.
(6) Radio, television, or small appliance repair.
(7) On-premises duplication facilities.

(d) Business Services engaged in the providing of services to business establishments on a fee or contract basis, consulting services, protective services, office equipment rental, lease or purchase, commercial research and development.

(e) Community facilities such as governmental offices, post office, police and fire stations, libraries, museums, private schools, and public parks and other similar uses including, but not limited to, those identified in this section.

(f) Hotels, bed and breakfast inns and other lodging places.

(g) Similar Uses, which conform to the purpose and intent of the Village Center District, as determined by the Planning and Zoning Board in accordance with the provisions of Section 1131.02(e) of this Ordinance.

(h) The following consumer and trade service facilities that commonly provide home and office citizen services, or uses deemed to be substantially similar, shall be permitted "consumer and trade service" uses in this district; all other uses are prohibited:

copy shops letter services box and mail shops
gift wrap services

(Ord. 2006-13. Passed 5-1-06.)

1148.03 CONDITIONAL USES.

(a) Public parking areas.

(b) Permitted uses with drive-through facilities, provided a plan for the management of traffic on the site is submitted to and approved by the Planning and Zoning Board, and it is demonstrated to the Planning and Zoning Board that any adverse impacts on adjacent properties associated with the establishment of the drive-through facilities have been adequately addressed.

(c) Vehicle repair and maintenance services.

(d) Child day-care facilities must be architecturally compatible with the neighborhood, and provision must be made for adequate vehicular access and parking during peak pickup and dropoff periods, and fences must be provided to control the access of children to adjoining hazardous conditions such as roads, streets, lakes, creeks, ponds, and to adjacent property. If the adjacent property is residential, the childcare facility building must be no less than fifty (50) feet from the residential property line.

(Ord. 2006-13. Passed 5-1-06.)

1148.04 DEVELOPMENT STANDARDS.

(a) Lot Requirements in the Village Center District are:

(1) Minimum lot area: None.
(2) Minimum lot width: None.
(3) Minimum front yard: The front building line shall be determined by computing the average building setbacks for existing structures along the same block face. The setback line can be waived or modified by the Planning Commission for special design features such as arcades or special window details.
(4) Minimum side yard: For interior lots, none. For corner lots, five (5) feet for any structure.
(5) Minimum rear yard: None. All service and delivery areas shall be to the rear of the use, except when no rear access is available.
(6) Maximum lot coverage: The Planning Commission may require that at least five percent (5%) of the lot area, exclusive of publicly dedicated rights of way, shall be devoted to yard space, courtyard or pedestrian space. Service or delivery areas shall not be included in determining such yard space requirements.

(b) Building Requirements in the Village Center District are: Maximum height: forty (40) feet.

(c) Site Development Requirements in the Village Center District are:

(1) Parking requirements: The Planning Commission shall determine the nature and extent to which compliance with the provisions of Chapter 1171 is necessary.
(2) All applicable subdivision regulations, sign regulations as well as landscaping regulations of this Zoning Ordinance must be satisfied.

(3) Trash and litter shall be controlled, and stored in container systems which are located and enclosed in a manner to screen them from view.

(4) The development of pedestrian facilities shall be encouraged. Such facilities include the development of pedestrian access ways to rear parking areas, outdoor sitting areas, and planters. Outdoor benches and planters shall be similar in design and material and be compatible with the existing character and architectural theme in the central Village center area.

(Ord. 2006-13. Passed 5-1-06.)

1148.05 SUPPLEMENTAL REGULATIONS.

(a) No structure shall be demolished in this district unless it is proven to the satisfaction of the Planning and Zoning Commission that the structure cannot be economically rehabilitated for use. Every effort shall be made to reuse existing structures through adaptive reuse and to restore their historic character. Where structures must be removed, they shall be replaced with buildings of similar historic character, scale, and qualities.

(b) The definition of "small", as in small retail uses, means that no structure in this district shall contain more than 1,500 square feet of floor space per floor devoted to any permitted or conditional use; no structure shall contain more than two floors of such floor space.

(c) Veterinarian's offices shall be conditionally permitted uses in this district provided that the practice is limited to small domestic animals, that no animals are boarded on the premises, and that no outside runs or exercise areas are provided.

(d) All commercial, retail or office uses shall have direct frontage on a public street.

(e) Where this district abuts a residential zone, side and rear yard spaces adjoining the residential zone shall be the same as for that residential zone.

(f) See the special off-street parking provision for this district in Section 1171.03.

(g) Adequate provision for storm drainage and sanitary sewerage shall be required for the approval of any development or the initiation of a new land use in this district.

(h) Except as specifically provided for in this Zoning Ordinance, no mobile home or mobile structure shall be placed or occupied in this district.

(i) All services and delivery shall be made to the rear of the structure or use except under unusual conditions for which service can be made to the side of the structure.

(j) Outdoor storage and display of merchandise on public sidewalks shall be prohibited unless written application is made to and approved by the Zoning Administrator.

(k) All apartment residence units in the Village Center District shall be subservient to the commercial use of the district and shall be executed in a "Village" setting, that is, each such unit shall be attached to, or above, such commercial uses, and not independent isolated structures.

(Ord. 2006-13. Passed 5-1-06.)

1148.06 VARIANCES FROM DEVELOPMENT STANDARDS.

The Planning Commission and/or Village Council may approve variances from the development standards of this Chapter as part of Site Plan review pursuant to Chapter 1108. These variances shall be consistent with the intent of this zoning district. No action by the Board of Zoning Appeals is required for these variances.

(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1149

RO - Residential Office District

1149.01 Purpose.
1149.02 Permitted uses.
1149.03 Conditional uses.
1149.04 Special provisions for conditional uses.
1149.05 Development standards.
1149.06 Variances from development standards.

1149.01 PURPOSE.

The RO District is to be used in areas along major thoroughfares that are occupied by older single family residences, but are subject to development pressure for commercial use. The intent of the district is to provide

for small low-intensity administrative and professional offices as an alternative use in such areas, while preserving the area's residential character.
(Ord. 2006-13. Passed 5-1-06.)

1149.02 PERMITTED USES.

(a) One family dwellings.
(b) Public parks, playgrounds and open space.
(c) Home occupations, as regulated in Section 1177 of this Ordinance.

(Ord. 2006-13. Passed 5-1-06.)

1149.03 CONDITIONAL USES.

(a) Administrative and business offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers, consisting of:

(1) Brokers and dealers in securities and investments, not including commercial banks and savings institutions.
(2) Insurance agents and brokers.
(3) Real Estate sales and associated services.

(b) Offices for professional services, such as physicians, dentists, lawyers, architects, engineers and similar professions.

(Ord. 2006-13. Passed 5-1-06.)

1149.04 SPECIAL PROVISIONS FOR CONDITIONAL USES.

(a) Hours. Permitted uses shall be conducted principally in daylight hours.
(b) Nuisance. Permitted uses shall not create a nuisance from noise, smoke or odor.
(c) Appearance. Structures shall maintain a residential appearance and be compatible with surrounding residences, in size and scale.
(d) Lighting. Lighting shall be limited to those types customarily found in residential neighborhoods. Any lights shall be arranged so as to not shine on adjacent properties.
(f) Storage. Storage of materials and equipment shall be within enclosed buildings.
(g) Parking. All parking shall be located in the rear yard.

(Ord. 2006-13. Passed 5-1-06.)

1149.05 DEVELOPMENT STANDARDS.

Minimum lot area, minimum lot width, minimum front yard depth, minimum side yard width, minimum sum of side yard widths, minimum rear yard depth, and maximum building height for all permitted and conditional uses shall be as required for the R-2 Single Family District.
(Ord. 2006-13. Passed 5-1-06.)

1149.06 VARIANCES TO DEVELOPMENT STANDARDS.

The Planning Commission and/or Village Council may approve variances from the development standards of this Chapter as part of Site Plan review pursuant to Chapter 1108. These variances shall be consistent with the intent of this zoning district. No action by the Board of Zoning Appeals is required for these variances.
(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1151

PCC, Planned Community Commercial District

1151.01 Purpose and intent.
1151.02 Permitted uses.
1151.03 Conditional uses.
1151.04 Development standards.
1151.05 Supplemental standards for conditional uses.
1151.06 Plan contents and requirements.
1151.07 Review basis.
1151.08 Procedures for approval.

CROSS REFERENCES

Community Commercial District permitted uses - see P. & Z. 1143.02(a)
Off-street parking and loading requirements - see P. & Z. Ch. 1171
Landscaping - see P. & Z. Ch. 1173
Nuisance control - see P. & Z. 1175.04

1151.01 PURPOSE AND INTENT.

(a) Based on the premise that the ultimate quality of a particular environment is determined not only by the type and arrangement of land uses but also the way in which such uses are developed, the procedures outlined in this Chapter are designed to:

(1) Encourage imaginative site and architectural design.

(2) Permit creation of flexible development standards that respect the unique characteristics of the site and surrounding uses.

(3) Result in more efficient and beneficial use of land.

(4) Regulate development and redevelopment of individual parcels within already improved areas.

(b) In order to accomplish the above purpose, the intent of this Chapter is to allow the applicant to lessen the development standards in some areas in exchange for an increase in development standards in another. The process for achieving the above purposes and intent is to require the submission and approval of a preliminary plan for the total proposed development and the submission and approval of a Development Plan for all or any part of the area defined in the Preliminary Plan prior to obtaining a Zoning Certificate as part of the approval of the construction of any portion of the area. As part of the Preliminary Plan, the applicant must prepare and submit a Development Standards Text that identifies any development standard that is less restrictive than the standards set forth in this Chapter or other referenced Chapters. As part of the Development Standards Text, the applicant must justify the modifications of these standards based on the fact that the proposed development goes beyond minimum requirements in other areas that will result in a superior development than if the standards set forth in this Chapter had been followed. As part of the final Development Plan, the applicant must reaffirm use of the previously approved Development Standards Text or submit as part of the Development Plan a modified Development Standards Text for approval by Planning Commission.
(Ord. 2006-13. Passed 5-1-06.)

1151.02 PERMITTED USES.

(a) Those uses permitted within the Planned Community Commercial District include those uses that are permitted in the Community Commercial District, Chapter 1143, and additional commercial uses the Planning Commission feels to be in character with the intent and purpose of the Planned Community Commercial District.
(Ord. 2006-13. Passed 5-1-06.)

1151.03 CONDITIONAL USES.

(a) Those uses conditionally permitted within the Planned Community Commercial District include those uses that are conditionally permitted in the Community Commercial District, Chapter 1143. The Planning Commission may consider additional uses it feels under certain conditions could be in character with the intent and purpose of the Planned Community Commercial District.
(Ord. 2006-13. Passed 5-1-06.)

1151.04 DEVELOPMENT STANDARDS.

(a) The following development standards shall be considered as minimal standards within the Planned Community Commercial District. These standards shall serve as base standards to be included and modified if desired as part of the Development Standards Text and Preliminary Plan and further refined as part of the Development Plan.

(1) <u>Lot requirements</u>: Prior to determining setbacks, refer to Section 1173.06 (a), Bufferyard Requirements. If a bufferyard is required and the minimum setback is less than the appropriate bufferyard width, then the setback shall be equal to the bufferyard width. If a bufferyard is required and the minimum setback is greater than the appropriate bufferyard width, then the setback shall be equal to the required setback.

A. Minimum site area: Five (5) acres and sufficient area to accommodate building and pavement setbacks, landscaping, parking, circulation and landscaping requirements.

Individual lots may be combined to attain this minimum area for purposes of the Development Plan.

B. Minimum lot width: None, except that all lots must abut a public street and have adequate width to meet all building and pavement setbacks, parking, circulation, open space and landscaping requirements.

C. Minimum front yard setback: Structure setback fifty (50) feet; pavement setback, fifteen (15) feet.

D. Minimum side yard: Structure setback thirty (30) feet; pavement setback fifteen (15) feet. In addition to the required side yard, bufferyards shall be provided per Chapter 1173.

E. Minimum rear yard: Structure setback thirty (30) feet; pavement setback twenty (20) feet. In addition to the required rear yard, bufferyards shall be provided per Chapter 1173.

F. Maximum lot coverage: Maximum lot coverage or impervious surface area shall be eighty percent (80%) with a total building coverage of thirty percent (30%), unless otherwise modified by the Planning Commission. At least twenty percent (20%) of the site area shall be landscaped with natural vegetation.

G. Parking areas shall be no closer to main structure than ten feet.

(2) Building requirements:

A. Maximum building height of forty (40) feet.

(3) Site development requirements:

A. Outdoor storage is prohibited. Merchandise may be displayed on the sidewalk adjacent to the principal building provided a minimum of a five (5) foot strip is left unobstructed for pedestrian traffic.

B. All vending machines and display racks, except for telephone booths and newspaper racks, shall be located inside the building.

C. Trash and litter shall be controlled, and stored in container systems which are located and enclosed in a manner to screen them from view on all sides.

D. Provision for storm drainage shall be adequate to protect the public and owners of surrounding land and meet the Village's requirements for storm water management.

E. All service and delivery shall be at the rear of the building; provided, however, where site layout and design would be enhanced, provisions may be made for service and delivery at the side of the building.

(Ord. 2006-13. Passed 5-1-06.)

1151.05 SUPPLEMENTAL STANDARDS FOR CONDITIONAL USES.

All conditional uses shall meet the minimum requirements established by Section 1151.04 unless modified by this section:

(a) Purpose and Intent. The intent of this section is to establish supplementary standards for certain land uses that may affect adjacent properties, the neighborhood, or the community even if all of the general standards of Section 1151.04 are met. It is the intent of this section to establish appropriate standards for permit processing and for location, design and operation of conditional uses to assure that they will be developed in a manner consistent with the purpose of the Planned Community Commercial District.

(b) Child Care Centers.

(1) Minimum lot area. Sufficient to accommodate an appropriately designed facility including buildings, required yards, landscaping, drop-off area, and circulation space.

(2) Required outdoor play area. There shall be provided a fenced outdoor play area containing at a minimum, the number of square feet required for State of Ohio licensing requirements.

(3) Required access and loading/unloading.

A. An on-site drop-off area shall be provided at the main entrance to the facility sufficient to accommodate four automobiles for facilities with twenty (20) or fewer children plus one additional vehicle for each additional ten (10) children served. The drop-off area may either be in the form of spaces parallel to an access drive adjacent to the building or additional parking spaces beyond code requirements.

B. Access from an arterial or collector street is required or access shall be provided in a manner that does not cause heavy traffic on residential streets.

(4) Required fencing. All outdoor play areas shall be enclosed by a six (6) foot high wall, solid fence or chain link fence planted with a continuous evergreen screen.

(5) Hours of operation. Use of outdoor play area shall be limited to between the hours of 8:00 a.m. and 8:00 p.m.

(c) Financial Establishments with Drive-Thru Facilities.

(1) Minimum lot area. Uses with drive-in facilities shall have a minimum lot area to accommodate building, required yards, landscaping, parking and circulation requirements.

(2) Setbacks and screening. Drive-in windows or lanes shall be located at least fifty (50) feet from any residential property. A solid wood fence, hedge or masonry wall at least six (6) feet in height shall be provided where a drive- in window is located adjacent to residential property.

(3) Off-street parking and circulation.

A. Stacking spaces shall be provided for every drive-in facility per Chapter 1171. Required stacking spaces shall not block or otherwise interfere with site circulation patterns.

B. Customer/employee parking shall be separated from drive-in activities and customer parking shall be located near the area with the highest accessibility to the principal building.

C. The circulation system shall provide continuous traffic flow with efficient movement throughout the site. Conflict between major pedestrian movement and vehicular circulation shall be minimized.

(d) Animal Hospitals including Veterinary Clinics, Kennels, Animal Grooming and Pet Stores.

(1) Care and boarding shall be limited to small domestic animals and may not include cattle, horses or swine.

(2) Minimum lot area and setback: The minimum lot area for an animal hospital, veterinary clinic or kennel shall be sufficient to accommodate building, required yards, parking, landscaping and circulation requirements. Any structure used for such purposes shall be at least 100 feet from an adjacent residential property.

(3) Operational standards:

A. All activities other than off-street parking, loading/unloading shall be conducted from a fully enclosed structure. This includes exercise runways.

B. Each structure shall be designed and maintained in a manner to prevent the development of unsanitary conditions.

C. Rooms intended to accommodate animals shall be insulated, or otherwise soundproofed and vented so animal noises will not be audible at any point on the perimeter of the property.

(e) Convenience Food Stores and Fast Food Restaurants.

(1) Minimum lot area: The minimum lot area shall be 7,500 square feet except that uses with drive-in or drive-thru facilities shall be located on lots with a minimum area sufficient to accommodate building, required yards, parking, landscaping and circulation requirements.

(2) Setbacks: Drive-in or drive-thru windows and lanes shall be located at least fifty (50) feet from any residential property. All other structures shall be located in accordance with required setbacks of the underlying zoning district.

(3) Screening: A solid wood fence or masonry wall six (6) feet high shall be constructed where drive-thru facilities for convenience food stores, drive-in stores, or fast food restaurants are located adjacent to residential property.

(4) Off-street parking and circulation:

A. Stacking spaces shall be provided for every drive-thru facility per Chapter 1171. Required stacking lanes shall not block or otherwise interfere with site circulation patterns.

B. Customer/employee parking shall be separated from drive-in activities and customer parking shall be located in the area with the highest accessibility to dining or sales areas.

C. Circulation system shall provide continuous traffic flow with efficient, non-conflicting movement throughout the site. Conflict between major pedestrian movement and vehicular circulation shall be minimized.

(f) Automobile Washing.

(1) Minimum lot area sufficient to accommodate building, required yards, parking, landscaping and circulation requirements.

(2) Setbacks and screening.

A. All structures shall be located at least fifty (50) feet from any adjacent residential property.

B. A solid fence, wall or hedge six (6) feet high shall be required when an automobile washing facility is adjacent to residential property.

(3) Limitations on use.

A. All washing facilities shall be located entirely within an enclosed building, except that entrance and exit doors may be left open during the hours of operation.

B. Vacuum and steam cleaning equipment may be located outside of the building, but shall not be placed in any yard adjoining residential property.

(4) Off-street waiting and circulation.

A. Off-street waiting spaces shall be provided for auto washing facilities per Chapter 1171. Required waiting spaces shall not block or otherwise interfere with site circulation patterns.

B. If at all possible, exit doors shall be oriented away from the street right-of-way. If not possible, a hard surface exit drive not less than forty (40) feet in length shall be provided between the exit doors and the street.

(g) Gasoline Service Stations. The basis for the following development standards is the assumption that all new service stations will include a convenience store in addition to the traditional pump islands covered by a canopy. It is also assumed that service bays will not be an integral part of the convenience store/gas pump complex. In those cases where car repair service is provided as part of the overall complex but in a separate structure, the entire complex shall be treated as a Commercial Center and fall under the supplemental standards set forth in Section 1143 .

(1) Minimum lot area: 15,000 square feet, provided however that the lot size shall be adequate to meet all building and pavement setbacks, parking, circulation, open space and landscaping requirements.

(2) Minimum frontage: None, provided that individually developed lots must abut a public street and have adequate width to meet all building and pavement setbacks, parking, circulation, open space and landscaping requirements. A minimum of 250 foot frontage is required if there are to be two curb cuts for the site.

(3) Maximum lot coverage: All impervious service areas including building and pavement shall not cover more than 60 percent of the site.

(4) The site design shall provide for traffic circulation that does not interfere with access to and from the pump islands.

(5) To the greatest extent possible, required parking for the site shall be located adjacent to the convenience store facility and not interfere with circulation on the site or access to and from the pump islands.

(6) Canopy size (dimensions) shall be kept to a minimum. Whenever possible the smallest dimension shall be parallel to the adjacent roadway. In no case shall the width of the dimension fronting on or parallel to the roadway exceed twenty-five percent (25%) of the width or frontage of the lot.

(7) Lighting contained within the canopy shall be flush with or recessed into the ceiling of the canopy (to avoid glare off the site).

(8) There shall be no parking or pavement permitted in the front yard.

(9) The front yard shall consist of adequate and varied landscaping to act as both a screen to the paved area as well as a buffer yard to the impact of the canopy.

(10) Accessory structures are prohibited.

(11) The exterior facade of the structures included in the overall complex shall be natural materials such as brick or stone or some alternative material acceptable to the Planning Commission. The roof of these structures shall be covered with natural or manmade shingles and shall be designed so as to expose said materials to the adjacent streets and properties (such as a gabled or mansard roof).

(12) Should one or more bays for servicing cars be included in the convenience store structure, the site shall provide additional parking consisting of two spaces for each service bay and one space for each employee and service vehicle.

(13) Should a car wash facility be included within the convenience store structure, the site shall provide an additional parking space for each employee and a stacking lane sufficient to accommodate four waiting automobiles for each washing stall or device.

(h) Commercial Centers. Commercial Centers shall be designed to fit with existing and anticipated development in the immediate area to minimize traffic congestion conflicts, visual pollution and confusion.

(1) Minimum lot area. None, except that the lot size shall be adequate to meet all building and pavement setbacks, parking, circulation, open space and landscaping requirements.

(2) Maximum lot area. For commercial centers containing two or more commercial uses, a maximum lot area of five contiguous acres shall be provided including sufficient space to accommodate buildings, required yards, landscaping, parking and circulation.

(3) Lot configuration. The width to depth ratio shall not exceed a ratio of two to one. The minimum depth of a Commercial Center lot shall be 300 feet.

(4) Site layout. The applicant shall demonstrate how the proposed center will tie directly into adjacent commercial developments, both existing and anticipated, for pedestrian and vehicular traffic.

(5) Parking and circulation.

A. Customer/employee parking should be separated with customer parking located near the area with the most direct access to the principal building.

B. Continuous channelized traffic flow with sufficient movement throughout the site shall be provided. Conflict between pedestrian and vehicular movement shall be minimized.

C. Clear delineation of internal circulation roadways including directional signage and pavement markings shall be indicated.

(6) Curb cut controls. Curb cuts to adjacent arterial will be controlled in accordance with the following criteria:

A. A maximum of two curb cuts per street frontage may be allowed provided the minimum frontage is 450 feet and the curb cuts are separated by a minimum of 300 feet (centerline to centerline).

B. All curb cuts shall be located a minimum of 150 feet from an intersection and seventy -five (75) feet from any property line.

(7) Signage.

A. A graphic system shall be used that is uniform in size, shape and color for various tenant signage.

B. Ground mounted signage shall be integrated within the overall site landscaping and the use of foundation planting around the ground sign shall be encouraged.

(8) Lighting.

A. All external outdoor lighting shall be cutoff fixtures or down lighting.

B. Lighting within and related to any service area to the rear of the building shall be cutoff fixtures so as not to allow spillage on adjacent property.

(9) Outlot. No outlot shall be created as part of a Commercial Center site plan.

(i) Wireless Telecommunication Facilities.

(1) Minimum lot area: The minimum required by the zoning district, but not less than one (1) acre.

(2) Setbacks: Equal to the height of the tallest structure, but in no case less than zoning district requirements. The setback requirement based on height is not applicable when the proposed facility is constructed on or in an existing structure and does not extend more than twenty (20) feet above the existing structure.

(3) Height: The maximum height of a tower shall be 150 feet including the antenna. The Planning Commission may allow the maximum height to increase to 200 feet to accommodate co-location. Equipment shelters shall meet district standards.

(4) Screening: Perimeter landscaping would be required around fencing at the base of the tower and around any building or equipment. The landscaping should have a year round opacity of seventy-five percent (75%). A six (6) foot minimum height would be required at installation for landscaping around the base of a tower. The Planning Commission may elect, in certain instances, to accomplish screening by materials other than landscaping.

(5) Parking and access: A paved access drive and one paved parking space for a service vehicle.

(6) Lighting. On site: Cutoff style fixtures for control of light spread. On tower: None, unless required by the Federal Aviation Administration (FAA).

(7) Color: The tower shall be painted a non-contrasting gray or similar color to minimize its visibility unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).

(8) Emissions: Emissions standards for electromagnetic fields must be in compliance with current and future Federal Communication Commission (FCC) standards.

(9) Co-location: All approved installations must allow other providers to co- locate on the same pole to the extent technologically feasible at a reasonable and competitive market rate. All requests for new installation must demonstrate that there is no available space on existing towers or other suitable support structure within the established service area. New installations on an existing permitted tower are exempt from the conditional use process and may proceed with a standard building permit approval.

(10) Construction: All new towers shall be constructed to be capable of accommodating at least one additional wireless communication installation for another service provider.

(11) Removal: The applicant or any subsequent owner of the facility will remove it within ninety (90) days of obsolescence or abandonment. Obsolescence is defined as being replaced by new technology. Abandonment would occur when the provider is no longer operating a viable telecommunication network using this facility.

(12) Design: Preference will be given to monopole construction. Only monopole construction would be allowed in residential districts.

(13) Signage: No signage or advertising is to be displayed on the tower structure.

(Ord. 2006-13. Passed 5-1-06.)

1151.06 PLAN CONTENTS AND REQUIREMENTS.

(a) As part of the request for rezoning to a Planned Community Commercial District, a Preliminary Plan must be submitted to the Planning Commission along with the text of all applicable development standards. Village Council must approve the zoning change, Preliminary Plan and Development Standards Text. A Zoning Certificate will not be issued for any site or portion thereof until a Development Plan is approved by the Planning Commission and found in conformance with the adopted Preliminary Plan and Development Standards.

(1) Preliminary Plan. The Preliminary Plan is a conceptual plan submitted at the time of a request for rezoning generally describing the proposed uses for the site to be rezoned and their relationship with surrounding properties and uses. The Preliminary Plan should contain the following elements:

A. A topographic map of the site and adjacent property showing existing natural features including wooded areas and major trees. A description of how the proposed development has planned to utilize the existing site, identifying changes to the existing site grading and noting major trees that will be removed as part of the proposed development.

B. A schematic plan showing the general development of the tract, location of existing and proposed structures, parking lot layout and other development features including the location of all out parcels.

C. An engineering feasibility statement in sufficient detail to indicate how the proposed development will be serviced with water, sanitary sewer and storm drainage facilities.

D. The proposed traffic circulation pattern showing public and private streets and other transportation facilities, including major pedestrian routes, with evidence through a traffic study that the proposed development will not adversely impact existing transportation facilities.

E. A conceptual landscaping plan that shows the ability of the proposed development to meet all aspects of Chapter 1173.

F. A proposed schedule or phasing of development of the site.

G. Evidence that the applicant has sufficient control over the land to accomplish proposed and required land improvements.

H. Any additional information required by the Planning Commission necessary to determine that the proposed development meets the intent and purposes of the Planned Community Commercial District.

(2) Development Standards Text. A Development Standards Text shall be submitted as part of the Preliminary Plan and shall, through a narrative and graphics, as necessary, in order to detail the development standards to be applied to the development concept described in the Preliminary Plan. The Development Standards Text should clearly identify any standard that is less than the standards established by this Chapter. These modifications shall be justified by fully stating what adjustments, amenities or other compensations are provided as part of the Preliminary Plan to offset the use of reduced standards and by demonstrating how the modified standards will result in the best possible development for the site. Unless specifically modified by the Development Standards Text, the standards established by this Chapter shall apply to the proposed development.

(3) Development Plan. Following approval of the Preliminary Plan, and prior to issuance of a Zoning Certificate, a Development Plan shall be submitted to the Planning Commission for all or part of the area defined in the Preliminary Plan. The Development Plan is a detailed Site Plan which shall contain the following information and adhere to the Development Standards Text approved as part of the Preliminary Plan:

A. Site survey. On a survey show boundary information, existing and proposed development, existing and proposed topography, existing and proposed easements, rights-of-way and utilities.

B. Setbacks. The Site Plan shall indicate building, service areas, parking lot and signage setbacks including front yard, rear yard and side yard areas and shall be in accordance with the approved Development Standards Text.

C. Modifications of Development Standards Text. Any desired modifications of the Development Standards Text approved as part of the Preliminary Plan shall be so indicated in a modified Development Standards Text document.

D. Height requirements. Maximum height requirements, including mechanical areas, parapets, etc. shall be made per the Development Standards Text requirements and shown on building front, rear and side elevation drawings.

E. Parking and loading. All parking and loading spaces shall be shown including typical dimensions of parking stalls, aisles and loading spaces, size, number of spaces and general location shall also be governed by the Development Standards Text.

F. Waste and refuse. Handling of all waste and refuse materials shall be indicated and described by the Development Standards Text to include appropriate screening and type of containerization.

G. Circulation. All major circulation routes, including arterials, adjacent curb cuts, collector and local streets shall be indicated including rights-of-way, dimensions, pavement widths and intersection improvements. All driveways/curb cuts shall be indicated, including major aisle ways and service routes. Major pedestrian circulation routes shall also be indicated including dimensions of path and pedestrian crossings etc. plus any attempts at separating vehicular and pedestrian/recreation movement.

H. Landscaping. As part of the Development Plan, proposed landscaping shall be shown including the general landscaping pattern and type of materials, mounding and fencing. Landscaping may vary in density, spacing and other treatment to reflect variations of topography, existing landscaping or adjacent land uses and conform to Chapter 1173, Landscaping. Landscape features shall be shown as well as planting dimensions, height, caliper and type of plant materials per the Development Standards Text.

I. Signage and graphics. All signage and graphics shall comply with the Development Standards Text. Letter and other graphic size, sign material, shape, color and illumination (internal only) shall be indicated. This includes dimensions of all ground and wall signage as well as distances from rights-of-way and intensity of illumination. Directional signage shall also be indicated.

J. Lighting. All exterior lighting fixtures shall be shown including parking lot lighting, street walkway or pedestrian lighting, walkway accent, lighting and building accent lighting. Lighting intensity and installation height shall be indicated.

K. Fencing. All fences shall conform to the Development Standards Text and appropriate materials, heights, location and style indicated.

L. Architectural treatment. As part of the Development Plan, front, rear and side building elevations shall be shown in accordance with the Development Standards Text indicating building material, color and height. Color material samples shall also be made available for inspection.

(Ord. 2006-13. Passed 5-1-06.)

1151.07 REVIEW BASIS.

(a) Preliminary Plan. The basis for the approval of the Preliminary Plan shall be:

(1) That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Ordinance.

(2) That the proposed development is in conformity with appropriate comprehensive planning or portion thereof as it may apply.

(3) That the acceptability of setbacks, distances between buildings, yard space, suitability of open space systems, traffic accessibility and other elements having a bearing on the overall acceptability of the Development Plan shall contribute to the orderly development of land within the Village.

(4) That any modifications or minimum development standards established by the Planning and Zoning Code are properly identified and adequately justified in the Development Standards Text as necessary to insure a higher quality development.

(5) That the proposed development is in conformity with any design or site planning guidelines adopted by the Planning Commission.

(6) That the plan provides for the coordination and integration of individually designed buildings into one planned district,.

(b) Development Plan. Basis for approval of a Development Plan shall be:

(1) That the plan is complete in all respects relative to the requirements set forth in Section 1151.06(a).

(2) That any modifications of the Development Standards Text approved as part of the Preliminary Plan support and enhance the purposes and intent of the Planning and Zoning Code, any applicable comprehensive planning programs and any design or site planning guidelines adopted by Planning Commission.

(3) That all engineering issues have been resolved to the satisfaction of the appropriate Village staff and that final approval of the Development Plan is subject to the acceptance of final engineering of all phases of the development.

(Ord. 2006-13. Passed 5-1-06.)

1151.08 PROCEDURES FOR APPROVAL.

(a) Submission of Application for Preliminary Plan.

(1) Prior to filing an application for rezoning to a Planned Community Commercial District, the applicant shall meet with staff in a pre-application review meeting to discuss the requirements for a Preliminary Plan and Development Standards Text which are required as part of the rezoning request.

(2) The applicant shall submit the rezoning application along with the required number of copies of the proposed Preliminary Plan and Development Standards Text in accordance with the submission schedule established by the Planning Commission. In order to defray the cost of examination of the rezoning application and the Plan and Text and review by the Planning Commission, the applicant shall pay a fee in accordance with the fee schedule adopted and approved by Village Council. Staff shall circulate the Preliminary Plan and other comments to appropriate departments in the Village for review and comment.

(3) Once the applicant has submitted a completed application in accordance with the submission schedule, staff shall submit the application to the Planning Commission for their review and action,

which shall be accomplished within a reasonable time. It shall be the duty of Planning Commission to review the Plan and determine whether it complies with the regulations of this Chapter. Planning Commission will forward a recommendation to Village Council.

(4) A Preliminary Plan shall be valid for five years after Village Council approval. Construction of any phase of the development must begin within this period or a new Preliminary Plan is required.

(b) Submission of Development Plan.

(1) Prior to filing for Development Plan Approval, the applicant shall meet with the Centerburg Planning staff to review the Development Plan relative to the previously approved Preliminary Plan and Development Standards Text as well as procedures for approval.

(2) The applicant shall submit an application to the Village including the required number of copies of the proposed Development Plan, Development Standards Text modification if appropriate, and any other required information in accordance with the submission schedule of the Planning Commission. In order to defray the cost of examination of the materials and review by the Planning Commission, the applicant shall pay a fee in accordance with the fee schedule adopted and approved by Village Council.

(3) It shall be the duty of the Planning Commission to review the plan and determine whether it complies with the regulations of this Chapter. Such determination shall be made within a reasonable time. If the Planning Commission finds that the Development Plan complies in all respects with the regulations of this Chapter and the previously approved Preliminary Plan and Development Standards Text, the Commission shall approve the plan. With the approval of the Planning Commission, minor modifications of the approved preliminary plan may be made. Such modification shall not increase the overall density of the site or change the essential character of the approved plan. If the Planning Commission determines that such proposed changes significantly alter the approval plan, it is considered to be a major change and the plan must be resubmitted to Council for approval.

(4) In the event that the Planning Commission does not approve the plan, each applicant shall be notified in writing of the reason for disapproval or modification along with the decision of the Planning Commission. Decisions of the Planning Commission disapproving the plan or approving it with minor modifications are appealable to Village Council in accordance with the provisions of Section 1107.06(d).

(c) Conformance with the Development Plan. Development shall be in conformance with the Development Plan and construction of site improvements must be commenced within two years of Planning Commission or Council approval; otherwise no development of the land shall take place until a new Development Plan is approved pursuant to this section.

(d) Modification of the Development Plan. With the approval of the Planning Commission, minor modifications of the approved Development Plan may be made. Such modification shall not increase the overall density of the site or change the essential character of he approved plan. If the Planning Commission determines that such proposed changes significantly alter the approved plan, it is considered to be a major change and the plan must be resubmitted to Council for approval. Development of land shall not proceed prior to final approval of the Development Plan. Any development undertaken without such final approval is in violation of this zoning ordinance and an abatable nuisance.

(e) Variances from Development Standards. The Planning Commission and/or Village Council may approve variances from the Development Standards of this Chapter as part of the Development Standards Text and Development Plan. These variances shall be consistent with the intent of this zoning district. No action by the Board of Zoning Appeals is required for these variances.

(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1155

O/I Office-Institutional District

1155.01 Purpose and intent.
1155.02 Permitted and conditional uses.
1155.03 Development standards for nonresidential uses.
1155.04 Supplementary standards for conditional uses.
1155.05 Variances from development standards.

CROSS REFERENCES

Off-street parking and loading - see P. & Z. Ch. 1171
Landscaping - see P. & Z. Ch. 1173
Nuisance control - see P. & Z. 1175.04

1155.01 PURPOSE AND INTENT.

The purpose of the Office-Institutional District (OI) is to encourage and provide for the orderly development of office and institutional uses with a view to their unique demands for traffic accessibility. This District will often serve as a compatible buffer between residential and commercial use areas
(Ord. 2006-13. Passed 5-1-06.)

1155.02 PERMITTED AND CONDITIONAL USES.

(a) Permitted Uses in the Office-Institutional District are:

(1) Administrative and business offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers, including:

A. Banks, credit and other financial institutions having no drive-in facilities.
B. Brokers and dealers in securities, investments and commodities and associated services.
C. Insurance agents and brokers, and associated services.
D. Real estate sales and associated services.

(2) Professional offices engaged in providing services to the general public, including:

A. Medical and medical-related activities, but not including veterinary offices or animal hospitals.
B. Other health and allied medical facilities
C. Legal, engineering and architectural services.
D. Accounting, auditing and other bookkeeping services.
E. Other professional services not specifically listed as permitted uses in other districts.

(3) Institutions providing social, cultural, educational, and health services to member agencies, organizations and individuals, or to the general public, including:

A. Hospitals.
B. Elementary and secondary schools.
C. Colleges, universities, professional schools, junior colleges and art galleries.
D. Library, museums and art galleries.
E. Religious organizations
F. Pre-schools and child-care centers.

(4) Organizations and associations organized for the promotion of membership interests to include:

A. Business and professional associations and organizations.
B. Labor unions and similar labor organizations.
C. Civic, social and fraternal associations.
D. Political, charitable and other nonprofit membership associations.

(5) Public use facilities.

(b) Conditional Uses in the Office-Institutional District are: The following uses are conditionally permitted within the Office-Institutional District. These uses may be appropriate as permitted uses within the district but require more detailed evaluation with respect to location, design, size, method and hours of operation, intensity of use and traffic generation and potential impact on surrounding uses, in order to balance these uses in an equitable manner while safeguarding both individual property rights and general community welfare. It is the Planning Commission's responsibility to perform this evaluation and after review, to attach necessary conditions

and safeguards. The development standards contained in this Chapter are minimum standards. Planning Commission may require more restrictive standards for a conditional use based on the merits of each application. Review and approval of these uses are further regulated in Chapter 1111 , Conditional Uses and Section 1155.04 , Supplementary Standards for Conditional Uses. Parenthetical reference to Section 1155.04 following a listed conditional use indicates that specific supplemental standards have been identified for that use in the referenced section.

(1) Funeral homes and related facilities.
(2) Veterinary offices and animal hospitals. (Section 1155.04(e)).
(3) Restaurants and eating places not as a free-standing use, but occupying space within an office building. Drive-in or fast food operations are not permitted in this district.
(4) Multiple family dwellings. (Section 1155.04(b)).
(5) Banks, credit and other financial agencies with drive-in facilities. (Section 1155.04(d)).
(6) Nursing Homes, Senior and Disabled Housing, Senior and Disabled Independent Housing.(Section 1155.04(c).
(7) Public Service Facilities. (Section 1155.04(f)).

(Ord. 2006-13. Passed 5-1-06.)

1155.03 DEVELOPMENT STANDARDS FOR NONRESIDENTIAL USES.

(a) Permitted uses within the Office-Institutional District (OI) shall conform to the following standards. Conditional uses shall also conform to these standards and, where applicable, to the Supplementary Standards for Conditional Use in Section 1155.04. In the event of a conflict between the development standards in Sections 1155.03 and 1155.04 the more specific Supplemental Conditional Use Standards of Section 1155.04 are to be used.

(b) Prior to the issuance of a Zoning Certificate for development in the Office Institutional District (OI) a site plan review as defined in Chapter 1108 is required.

(c) Lot Requirements in the Office-Institutional District are: Prior to determining setbacks, refer to Section 1173.06 (a). If a bufferyard is required and the minimum setback is less than the appropriate bufferyard width, then the setback shall be equal to the bufferyard width. If a bufferyard is required and the minimum setback is greater than the appropriate bufferyard width, then the setback shall be equal to the required setback.

(1) Minimum lot area: One-half (½) acre plus additionally sufficient area to accommodate building and pavement setbacks, landscaping, parking and circulation requirements.
(2) Minimum lot width: None, except that all lots must abut a public street and have adequate width to meet the parking and yard space requirements.
(3) Minimum front yard: Thirty (30) feet. Forty (40) feet on arterial streets. Pavement areas shall be at least ten (10) feet from the right-of-way.
(4) Minimum side yard: For structures, fifteen (15) feet. For pavement areas, ten (10) feet.
(5) Minimum rear yard: For structures, fifteen (15) feet, twenty (20) feet when abutting residential districts. For pavement areas, ten (10) feet.
(6) Maximum lot coverage: All impervious surface area including building, parking, etc. shall not cover more than seventy percent (70%) of the site.
(7) Parking areas shall be no closer to main structures than ten (10) feet.

(d) Building Requirements in the Office-Institutional District are: Maximum height: Thirty-five (35) feet; fifty (50) feet if structures have freeway orientation and the property lies within 150 feet of a freeway right-of-way.

(e) Site Development Requirements in the Office-Institutional District are:

(1) All applicable subdivision regulations, sign regulations, as well as parking and landscaping regulations of this Zoning Ordinance must be satisfied.
(2) Parking accommodations and loading areas shall be provided pursuant to a layout plan designed by the owner of the land to be developed, conforming to Chapter 1171, and showing traffic movement, ingress and egress, traffic control points, the number and size of parking spaces, and service areas. In addition, the expected peak hour traffic volume for employees, members of the public and deliveries shall be described by test.
(3) Provision for storm drainage shall be adequate to protect the public and owners of surrounding land.
(4) Trash and litter shall be controlled, and stored in container systems which are located and enclosed in a manner to screen them from view from all sides.

(5) All service and delivery shall be at the rear of structures; provided, however, that under hardship conditions provisions may be made for service and delivery at the side of structures.

(6) Parking, Loading, Access and Circulation Requirements for uses permitted in this district are set forth in Chapter 1171.

(7) Landscaping and Screening Requirements for uses permitted in this district are set forth in Chapter 1173.

(8) Signage Requirements for uses permitted in this district are set forth in Chapter 1181.

(9) Lighting Requirements for uses permitted in this district are set forth as follows:

A. All exterior lighting shall be designed to direct light downwardly, i.e. cut off type fixtures.

B. All lights shall be arranged to reflect light away from any street or adjacent property.

C. Direct or indirect glare into the eyes of motorists or pedestrians shall be avoided.

D. All types of parking, pedestrian and other exterior lighting shall be on poles or wall mounted cutoff fixtures and shall be from the same type and style.

E. Cutoff type landscape and building uplighting shall be permitted.

F. All building illuminations shall be from concealed sources.

G. Parking lot lighting shall be no higher than twenty-eight (28) feet.

H. No colored or flashing lights shall be used to light the exterior of buildings.

(Ord. 2006-13. Passed 5-1-06.)

1155.04 SUPPLEMENTARY STANDARDS FOR CONDITIONAL USES.

All conditional uses shall meet the minimum requirements established by Section 1155.03 unless modified by this section:

(a) Purpose and Intent. The purpose of this section is to establish supplementary standards for certain land uses that may affect adjacent properties, the neighborhood, or the community even if all of the general standards of Section 1155.03 are met. It is the intent of this section to establish appropriate standards for permit processing and for location, design and operation of conditional uses to assure that they will be developed in a manner consistent with the purpose of the Office-Institutional District.

(b) Development Standards for Multiple Family Use. The development standards are those required in the R-4 Multiple Family District.

(c) Development Standards For Nursing Homes, Senior and Disabled Housing and Senior and Disabled Independent Housing.

(1) Lot requirements.

A. Minimum lot area: None, except that lot size shall be adequate to meet all yard and parking requirements.

B. Minimum lot width: None, except that all lots must abut a public street and have adequate width to meet the parking and yard space requirements.

C. Minimum front yard: Thirty (30) feet; forty (40) feet for structures on lots fronting on major, minor arterial and major collectors as designated by the Official Thoroughfare Plan. Pavement areas shall be at least ten (10) feet from the right-of-way.

D. Minimum side yard: For structures, fifteen (15) feet. For pavement areas, ten (10) feet.

E. Minimum rear yard: For structures, fifteen (15) feet. When abutting single or two family districts the rear yard shall equal the rear yard requirement of the abutting district. For pavement areas, ten (10) feet.

F. Maximum lot coverage: Main and accessory structures and parking pavement areas shall occupy no more than fifty percent (50%) of the lot.

G. Parking areas shall be no closer to main structures than ten (10) feet.

H. Minimum lot area per dwelling unit shall be calculated on the basis of 1,450 square feet for Nursing Homes and Senior and Disabled Housing. For Senior and Disabled Independent Housing, minimum lot area per dwelling unit shall be calculated on the basis of 5,455 square feet and may be reduced to 1,450 square feet with approval of the Planning Commission if the proposed development fully complies the requirements of Section 1155.04. For Nursing Homes and Senior and Disabled Housing, minimum lot area per unit may be varied by Planning Commission based upon the merits of the site development plan submitted. The Commission shall

consider the factors established by the Site Development Plan, the dwelling unit size and mix, the site configuration and the development incentives set forth in Section 1135.03(c)(3)A, B and C.

(2) Building requirements.

A. Maximum height: Thirty-five (35) feet. The maximum height may be increased to fifty (50) feet by Planning Commission if the lot is not adjacent to any single or two family dwellings. If the building is adjacent to a single family or two family dwelling, the building height may be increased to a maximum height of fifty (50) feet by Planning Commission if one (1) foot of additional setback is provided for each additional foot of height along the affected property line.

B. Accessory buildings have the same yard requirements as main building.

C. Minimum dwelling unit area: A minimum of 300 square feet of living space for efficiency apartments with private bathrooms, 220 square feet for efficiency apartments without private bathrooms, 500 square feet for one bedroom units and 700 square feet for two bedroom units. A minimum of 100 square feet of living space per person for nursing homes.

D. Housing shall be specifically designed for senior and disabled citizens and include facilities generally associated with the needs and interests of aged persons. Access to these facilities and common and public use areas shall be provided in accordance with the "Fair Housing Accessibility Guidelines" (FHAG) as prescribed in Ohio R.C. 3781.1.111.

E. Any facility containing two or more stories shall contain elevator access to all dwelling units above the first floor.

(3) Site development requirements.

A. All applicable subdivision regulations, sign regulations, as well as parking and landscaping regulations of this Zoning Ordinance must be satisfied. The location, size, design, and operating characteristics of the facility will be compatible with and not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to harmful effect, if any, upon desirable neighborhood character.

B. Parking accommodations and loading areas shall be provided pursuant to a layout plan designed by the owner of the land to be developed, conforming to Chapter 1171 and showing traffic movement, ingress and egress, traffic control points, the number and size of parking spaces and service areas. In addition, the expected peak hour traffic volume for employees, members of the public and deliveries shall be described by text. The facility shall not adversely affect the generation of traffic and the capacity of surrounding streets.

C. Provision for storm drainage shall be adequate to protect the public and owners of surrounding land and meet the Village's requirements for Storm water Management.

D. Trash and litter shall be controlled and stored in container systems, which are located and enclosed in a manner to screen them from view.

E. Provision shall be made for an Emergency Medical Service drive or zone.

F. Units are to be within reasonable walking distance, generally within two blocks, of major traffic arteries, shopping, community facilities, and other daily activities. If this requirement cannot be met, daily service by shuttle bus for residents to these activities must be available.

G. The owner shall file with the Knox Count Recorder a covenant, approved as to form by the Village Attorney, in which said owner shall covenant on behalf of himself, his heirs, executors, and assigns not to use the property for any other use than nursing homes, senior and disabled housing or senior and disabled independent housing, unless the use complies with all requirements of the Planning and Zoning Code. Required compliance includes, but is not limited to, density, unit sizes, parking, and setbacks.

H. In addition to the requirements for any site plan, a plan for nursing homes, senior and disabled housing and senior and disabled independent housing shall set forth:

1. Natural scenic characteristics preserved.
2. Recreational, educational and social facilities of the development.
3. Pedestrian and bicycle access to neighborhood facilities, parks and scenic areas.
4. Building architectural design and construction materials.

I. A minimum of twenty percent (20%) of the total site shall be designated as common open space for active and/or passive recreational uses. Common open space shall not include required setback and buffer yard areas. Up to forty percent (40%) of the required common open space area may provided in the form of a common leisure/recreation room.

(d) Financial Establishments with Drive-Thru Facilities.

(1) Minimum lot area: Uses with drive-in facilities shall have a minimum lot area to accommodate building, required yards, landscaping, parking and circulation requirements.

(2) Setbacks and screening: Drive-in windows or lanes shall be located at least fifty (50) feet from any residential property. A solid wood fence, hedge or masonry wall at least six(6) feet in height shall be provided where a drive-in window is located adjacent to residential property.

(3) Off-street parking and circulation:

A. Stacking space shall be provided for every drive-in facility for at least five automobiles. Required stacking spaces shall not block or otherwise interfere with site circulation patterns.

B. Customer/employee parking shall be separated from driving activities and customer parking shall be located near the area with the highest accessibility to the principal building.

C. The circulation system shall provide continuous traffic flow with efficient movement throughout the site. Conflict between major pedestrian movement and vehicular circulation shall be minimized.

(e) Animal Hospitals including Veterinary Clinics, Kennels, Animal Grooming and Pet Stores.

(1) Care and boarding shall be limited to small domestic animals and may not include cattle, horses or swine.

(2) Minimum lot area and setback: The minimum lot area for an animal hospital, veterinary clinic or kennel shall be sufficient to accommodate building, required yards, parking, landscaping and circulation requirements. Any structure used for such purposes shall be at least 100 feet from an adjacent residential property.

(3) Operational standards:

A. All activities other than off-street parking, loading/unloading shall be conducted from a fully enclosed structure. This includes exercise runways.

B. Each structure shall be designed and maintained in a manner to prevent the development of unsanitary conditions.

C. Rooms intended to accommodate animals shall be insulated, or otherwise soundproofed and vented so animal noises will not be audible at any point on the perimeter of the property.

(f) Wireless Telecommunication Facilities.

(1) Minimum lot area: The minimum required by the zoning district, but not less than one (1) acre.

(2) Setbacks: Equal to the height of the tallest structure, but in no case less than zoning district requirements. The setback requirement based on height is not applicable when the proposed facility is constructed on or in an existing structure and does not extend more than twenty (20) feet above the existing structure.

(3) Height: The maximum height of a tower shall be 150 feet including the antenna. The Planning Commission may allow the maximum height to increase to 200 feet to accommodate co-location. Equipment shelters shall meet district standards.

(4) Screening: Perimeter landscaping would be required around fencing at the base of the tower and around any building or equipment. The landscaping should have a year round opacity of seventy-five percent (75%). A six (6) foot minimum height would be required at installation for landscaping around the base of a tower. the Planning Commission may elect, in certain instances, to accomplish screening by materials other than landscaping.

(5) Parking and access: A paved access drive and one paved parking space for a service vehicle.
(6) Lighting. On site: Cutoff style fixtures for control of light spread. On tower: None, unless required by the Federal Aviation Administration (FAA).
(7) Color: The tower shall be painted a non-contrasting gray or similar color to minimize its visibility unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
(8) Emissions: Emissions standards for electromagnetic fields must be in compliance with current and future Federal Communication Commission (FCC) standards.
(9) Co-location: All approved installations must allow other providers to co- locate on the same pole to the extent technologically feasible at a reasonable and competitive market rate. All requests for new installation must demonstrate that there is no available space on existing towers or other suitable support structure within the established service area. New installations on an existing permitted tower are exempt from the conditional use process and may proceed with a standard building permit approval.
(10) Construction: All new towers shall be constructed to be capable of accommodating at least one additional wireless communication installation for another service provider.
(11) Removal: The applicant or any subsequent owner of the facility will remove it within ninety (90) days of obsolescence or abandonment. Obsolescence is defined as being replaced by new technology. Abandonment would occur when the provider is no longer operating a viable telecommunication network using this facility.
(12) Design: Preference will be given to monopole construction. Only monopole construction would be allowed in residential districts.
(13) Signage: No signage or advertising is to be displayed on the tower structure.
(Ord. 2006-13. Passed 5-1-06.)

1155.05 VARIANCES TO DEVELOPMENT STANDARDS.
The Planning Commission and/or Village Council may approve variances from the development standards of this Chapter as part of Site Plan review pursuant to Chapter 1108. These variances shall be consistent with the intent of this zoning district. No action by the Board of Zoning Appeals is required for these variances.
(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1156

PO, Planned Office District

1156.01 Purpose and intent.
1156.02 Permitted uses.
1156.03 Conditional uses.
1156.04 Development standards.
1156.05 Supplementary standards for conditional uses.
1156.06 Plan contents and requirements.
1156.07 Review basis.
1156.08 Procedures for approval.

CROSS REFERENCES
Uses permitted in O/I District - see P. & Z. 1155.02

1156.01 PURPOSE AND INTENT.
(a) The purpose of the Planned Office District (PO) is to permit and encourage the development of office and office-related uses within one planned district and:
(1) Allow a development pattern which preserves and utilizes the natural topography, geologic features, vegetation and drainage of the site as part of its design.
(2) Encourage provision of site, open space and recreation amenities to serve the immediate development and link to other surrounding community facilities.
(3) Respect the unique characteristics of the site and surrounding uses.
(4) Incorporate other office-related uses within same overall development.

(b) In order to accomplish the above purposes, the intent of this Chapter is to allow the applicant to lessen the development standards in some areas in exchange for an increase in development standards in another. The process for achieving the above purposes and intent is to require the submission and approval of a preliminary plan for the total proposed development and the submission and approval of a Development Plan for all or any part of the area, defined in the Preliminary Plan prior to obtaining a Zoning Certificate as part of the approval for the construction of any portion of the area. As part of the Preliminary Plan, the applicant must prepare and submit a Development Standards Text that identifies any development standard that is less restrictive than the standards set forth in this Chapter or other referenced Chapters. As part of the Development Standards Text, the applicant must justify the modifications of these standards based on the fact that the proposed development goes beyond minimum requirements in other areas that will result in a superior development than if the standards set forth in this Chapter had been followed. As part of the final Development Plan the applicant must reaffirm use of the previously approved Development Standards Text or submit as part of the Development Plan a modified Development Standards Text for approval by Planning Commission.
(Ord. 2006-13. Passed 5-1-06.)

1156.02 PERMITTED USES.

Those uses permitted within the Planned Office District include those uses that are permitted in the Office Institutional District (Chapter 1155) and additional uses that the Planning Commission feels to be in character with the intent and purpose of the Planned Office District.
(Ord. 2006-13. Passed 5-1-06.)

1156.03 CONDITIONAL USES.

Those uses conditionally permitted within the Planned Office District include those uses that are conditionally permitted in the Office Institutional District and the following additional uses:

(a) Public indoor recreation.
(b) Membership sports and recreation clubs.
(c) Outdoor recreation.
(d) Personal service as part of the principally permitted use and with no exterior signage or direct outside access (beauty and barber shops, shoe repair, photo finishing, tailoring, watch, clock and jewelry repair, and other services performed for persons and/or their apparel).
(e) Mixed warehouse and office uses (with less than fifty percent (50%) of the gross floor area as warehouse.

(Ord. 2006-13. Passed 5-1-06.)

1156.04 DEVELOPMENT STANDARDS.

The following development standards shall be considered as minimal standards within the Planned Office District. These standards shall serve as base standards to be included and modified if desired as part of the Development Standards Text and Preliminary Plan and further refined as part of the Development Plan.

(a) Lot Requirements. Prior to determining setbacks, refer to Section 1173.06 (a). If a bufferyard is required and the minimum setback is less than the appropriate bufferyard width, then the setback shall be equal to the bufferyard width. If a bufferyard is required and the minimum setback is greater than the appropriate bufferyard width, then the setback shall be equal to the required setback.
  (1) Minimum site size: Five (5) acres and sufficient area to accommodate building and pavement setbacks, landscaping, parking and circulation. If abutting a major or minor arterial, the minimum continual street frontage shall be 250 feet.
  (2) Minimum lot width: None, but sufficient width to accommodate building and pavement setbacks, landscaping, parking and circulation. If abutting a major or minor arterial, the minimum continual street frontage shall be 250 feet.
  (3) Minimum yard requirements: Building setback: fifty (50) feet from an arterial street, thirty (30) feet from other public rights-of-way, thirty (30) feet from all other property lines. Pavement setback: Parking is not permitted in the required front yard setback; twenty (20) feet from all other property lines.
  (4) Maximum lot coverage: All impervious surface areas including, but not limited to, building and pavement shall not cover more than sixty percent (60%) of the site.
(b) Building Requirements.
  (1) Maximum building height to be established by Planning Commission as part of the Development Plan.
(c) Site Development Standards.

(1) Trash and litter shall be controlled, and stored in container systems which are located and/or enclosed in a manner to screen them from view from adjacent property.
(2) Provision for storm drainage shall be adequate to protect the public and owners of surrounding land and meet the Village's requirements for storm water management.
(3) All service and delivery shall be at the rear or side of the building for buildings in excess of 15,000 square feet; and appropriately screened from view with minimal impact on adjacent property.
(4) No materials, supplies, equipment or products shall be stored or permitted to remain on any portion of a parcel outside a permanent structure.
(5) Parking, Loading, Access and Circulation Requirements for uses permitted in this district are set forth in Chapter 1171.
(6) Landscaping and Screening Requirements for uses permitted in this district are set forth in Chapter 1173.
(7) Signage Requirements for uses permitted in this district are set forth in Chapter 1181.
(8) Lighting Requirements for uses permitted in this district are set forth as follows:
A. All exterior lighting shall be designed to direct light downwardly, i.e. cut off type fixtures.
B. All lights shall be arranged to reflect light away from any street or adjacent property.
C. Direct or indirect glare into the eyes of motorists or pedestrians shall be avoided.
D. All types of parking, pedestrian and other exterior lighting shall be on poles or wall mounted cutoff fixtures and shall be from the same type and style.
E. Cutoff type landscape and building up lighting shall be permitted.
F. All building illuminations shall be from concealed sources.
G. Parking lot lighting shall be no higher than twenty -eight (28) feet.
H. No color or flashing lights shall be used to light the exterior of buildings.
(Ord. 2006-13. Passed 5-1-06.)

1156.05 SUPPLEMENTARY STANDARDS FOR CONDITIONAL USES.

All conditional uses shall meet the minimum requirements established by Section 1156.04 unless modified by this section.

(a) Purpose and Intent. The purpose of this section is to establish supplementary standards for certain land uses that may affect adjacent properties, the neighborhood, or the community even if all of the general standards of Section 1156.04 are met. It is the intent of this section to establish appropriate standards for permit processing and for location, design and operation of conditional uses to assure that they will be developed in a manner consistent with the purpose of the Planned Office District.
(b) Development Standards for Multiple Family Use. The Development Standards are those required in the R-4 Multiple Family District.
(c) Development Standards for Senior Citizen Housing and Physically Handicapped Housing.
(1) Lot requirements.
A. Minimum lot area: None, except that lot size shall be adequate to meet all yard and parking requirements.
B. Minimum lot width: None, except that all lots must abut a public street and have adequate width to meet the parking and yard space requirements.
C. Minimum front yard: Thirty (30) feet. Pavement areas shall be at least ten (10) feet from the right-of-way.
D. Minimum side yard: For structures, fifteen (15) feet. For pavement areas, seven (7) feet.
E. Minimum rear yard: For structures, fifteen (15) feet, twenty (20) feet when abutting residential districts. For pavement areas, seven (7) feet.
F. Maximum lot coverage: Main and accessory structures and parking pavement areas shall occupy no more than fifty percent (50%) of the lot.
G. Parking areas shall be no closer to main structures than ten (10) feet.
H. Minimum lot area per dwelling unit shall be calculated on the basis of 1,450 square feet. Minimum lot area per unit may be varied by Planning Commission based upon the merits of the site development plan submitted. The Commission shall consider the factors established by the Site Development Plan, the dwelling unit size and mix, the site

configuration and the development incentives set forth in Section 1135.03(c)(3)A, B and C.

(2) Building requirements.

A. Maximum height: Fifty (50) feet.

B. Accessory buildings have the same yard requirements as main buildings.

C. Minimum dwelling unit area: A minimum of 400 square feet of living space for efficiency apartments, 500 square feet for one bedroom units and 700 square feet for two bedroom units.

(3) Site development requirements.

A. All applicable subdivision regulations, sign regulations, as well as parking and landscaping regulations of this Zoning Ordinance must be satisfied.

B. Parking accommodations and loading areas shall be provided pursuant to a layout plan designed by the owner of the land to be developed, conforming to Chapter 1171 and showing traffic movement, ingress and egress, traffic control points, the number and size of parking spaces and service areas. In addition, the expected peak hour traffic volume for employees, members of the public and deliveries shall be described by text.

C. Provision for storm drainage shall be adequate to protect the public and owners of surrounding land.

D. Trash and litter shall be controlled and stored in container systems which are located and enclosed in a manner to screen them from view.

E. Provision shall be made for an Emergency Medical Service drive or zone.

F. In addition to the requirements of Section 1111.02(c), a Site Development Plan for any site plan, shall be submitted to the Planning Commission. The plan for senior citizen and physically handicapped housing shall set forth:

1. Natural scenic characteristics preserved.
2. Recreational, educational and social facilities of the development.
3. Pedestrian and bicycle access to neighborhood facilities, parks and scenic areas.
4. Building architectural design and construction materials.

(d) Financial Establishments with Drive-Thru Facilities.

(1) Minimum lot area: Uses with drive-in facilities shall have a minimum lot area sufficient to accommodate building, required yards, landscaping, parking and circulation requirements.

(2) Setbacks and screening:

A. Drive-in windows or lanes shall be located at least fifty (50) feet from any residential property. A solid wood fence, hedge or masonry wall at least six (6) feet in height shall be provided where a drive-in window is located adjacent to residential property and is not required as part of the Landscaping Standards in Chapter 1173.

(3) Off-street parking and circulation:

A. Stacking space and parking shall meet the standards set forth in Chapter 1171. Required stacking spaces shall not block or otherwise interfere with site circulation patterns.

B. Customer/employee parking shall be separated from driving activities and customer parking shall be located near the area with the highest accessibility to the principal building.

C. The circulation system shall provide continuous traffic flow with efficient movement throughout the site. Conflict between major pedestrian movement and vehicular circulation shall be minimized.

(e) Animal Hospitals Including Veterinary Clinics.

(1) Care and boarding shall be limited to small domestic animals and may not include cattle, horses or swine.

(2) Minimum lot area and setback: The minimum lot area for an animal hospital, veterinary clinic or kennel shall be sufficient to accommodate building, required yards, parking, landscaping and circulation requirements. Any structure used for such purposes shall be at least 100 feet from an adjacent residential property.

(3) Operational standards:

A. All activities other than off-street parking, loading/unloading shall be conducted from a fully enclosed structure. This includes exercise runways.

B. Each structure shall be designed and maintained in a manner to prevent the development of unsanitary conditions.

C. Rooms intended to accommodate animals shall be insulated, or otherwise soundproofed and vented so animal noises will not be audible at any point on the perimeter of the property.

(f) Wireless Telecommunication Facilities.

(1) Minimum lot area: The minimum required by the zoning district, but not less than one (1) acre.

(2) Setbacks: Equal to the height of the tallest structure, but in no case less than zoning district requirements. The setback requirement based on height is not applicable when the proposed facility is constructed on or in an existing structure and does not extend more than twenty (20) feet above the existing structure.

(3) Height: The maximum height of a tower shall be 150 feet including the antenna. The Planning Commission may allow the maximum height to increase to 200 feet to accommodate co-location. Equipment shelters shall meet district standards.

(4) Screening: Perimeter landscaping would be required around fencing at the base of the tower and around any building or equipment. The landscaping should have a year round opacity of seventy-five (75%). A six (6) foot minimum height would be required at installation for landscaping around the base of a tower. the Planning Commission may elect, in certain instances, to accomplish screening by materials other than landscaping.

(5) Parking and access: A paved access drive and one paved parking space for a service vehicle.

(6) Lighting. On site: Cutoff style fixtures for control of light spread. On tower: None, unless required by the Federal Aviation Administration (FAA).

(7) Color: The tower shall be painted a non-contrasting gray or similar color to minimize its visibility unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).

(8) Emissions: Emissions standards for electromagnetic fields must be in compliance with current and future Federal Communication Commission (FCC) standards.

(9) Co-location: All approved installations must allow other providers to co- locate on the same pole to the extent technologically feasible at a reasonable and competitive market rate. All requests for new installation must demonstrate that there is no available space on existing towers or other suitable support structure within the established service area. New installations on an existing permitted tower are exempt from the conditional use process and may proceed with a standard building permit approval.

(10) Construction: All new towers shall be constructed to be capable of accommodating at least one additional wireless communication installation for another service provider.

(11) Removal: The applicant or any subsequent owner of the facility will remove it within ninety (90) days of obsolescence or abandonment. Obsolescence is defined as being replaced by new technology. Abandonment would occur when the provider is no longer operating a viable telecommunication network using this facility.

(12) Design: Preference will be given to monopole construction. Only monopole construction would be allowed in residential districts.

(13) Signage: No signage or advertising is to be displayed on the tower structure.

(Ord. 2006-13. Passed 5-1-06.)

1156.06 PLAN CONTENTS AND REQUIREMENTS.

(a) As part of the request for rezoning to a Planned Office District, a Preliminary Plan must be submitted to the Planning Commission along with the text of all applicable development standards. Village Council must approve the zoning change, Preliminary Plan and Development Standards Text. A Zoning Certificate will not be issued for any site or sites until a Development Plan is approved by the Planning Commission and found in conformance with the adopted Preliminary Plan and Development Standards.

(1) Preliminary Plan. The Preliminary Plan is a conceptual plan submitted at the time of a request for rezoning generally describing the proposed uses for the site to be rezoned and their relationship with surrounding properties and uses. The Preliminary Plan should contain the following elements:

A. A topographic map of the site and adjacent property showing existing natural features including wooded areas and major trees. A description of how the proposed development

was planned to utilize the existing site, identifying changes to the existing site grading and noting major trees that will be removed as part of the proposed development.

B. A schematic plan showing the general development of the tract, location of existing and proposed structures, parking lot layout and other development features including the location of all out parcels.

C. An engineering feasibility statement in sufficient detail to indicate how the proposed development will be serviced with water, sanitary sewer and storm drainage facilities.

D. The proposed traffic circulation pattern showing public and private streets and other transportation facilities, including major pedestrian routes, with evidence through a traffic study that the proposed development will not adversely impact existing transportation facilities.

E. A conceptual landscaping plan that shows the ability of the proposed development to meet all aspects of Chapter 1173.

F. A proposed schedule of phasing of development of the site.

G. Evidence that the applicant has sufficient control over the land to accomplish proposed and required land improvements.

H. Any additional information required by the Planning Commission necessary to determine that the proposed development meets the intent and purposes of the Planned Office District.

(2) Development Standards Text. A Development Standards Text shall be submitted as part of the Preliminary Plan and shall, through narrative and graphics, as necessary, detail the development standards to be applied to the development concept described in the Preliminary Plan. The Development Standards Text should clearly identify any standard that is less than the standards established by this Chapter. These modifications shall be justified by fully stating what adjustments, amenities or other compensations are provided as part of the Preliminary Plan to offset the use of reduced standards and by demonstrating how the modified standards will result in the best possible development for the site. Unless specifically modified by the Development Standards Text, the standards established by this Chapter shall apply to the proposed development.

(3) Development Plan. Following approval of the Preliminary Plan, and prior to issuance of a Zoning Certificate, a Development Plan shall be submitted to the Planning Commission for all or part of the area defined in the Preliminary Plan. The Development Plan is a detailed Site Plan which shall contain the following information and adhere to the Development Standards Text approved as part of the Preliminary Plan:

A. Site survey: On a survey show boundary information, existing and proposed development, existing and proposed topography, existing and proposed easements, rights-of-way and utilities.

B. Setbacks: The Site Plan shall indicate building, service areas, parking lot and signage setbacks including front yard, rear yard and side yard areas and shall be in accordance with the approved Development Standards Text.

C. Modifications of Development Standards Text: Any desired modifications of the Development Standards Text approved as part of the Preliminary Plan shall be so indicated in a modified Development Standards Text document.

D. Height requirements: Maximum height requirements, including mechanical areas, parapets, etc. shall be made per the Development Standards Text requirements and shown on building front, rear and side elevation drawings.

E. Parking and loading: All parking and loading spaces shall be shown including typical dimensions of parking stalls, aisles and loading spaces, size, number of spaces and general location shall also be governed by the Development Standards Text.

F. Waste and refuse: Handling of all waste and refuse materials shall be indicated and described by the Development Standards Text to include appropriate screening and type of containerization.

G. Circulation: All major circulation routes, including arterials, adjacent curb cuts, collector and local streets shall be indicated including rights-of-way, dimensions, pavement widths and intersection improvements. All driveways/curb cuts shall be indicated, including major aisle ways and service routes. Major pedestrian circulation routes shall also be indicated including dimensions of path and pedestrian crossings, etc. plus any attempts at separating vehicular and pedestrian/recreation movement.

H. Landscaping: As part of the Development Plan, proposed landscaping shall be shown including the general landscaping pattern and type of materials, mounding and fencing. Landscaping may vary in density, spacing and other treatment to reflect variations of topography, existing landscaping or adjacent land uses and conform to Chapter 1173, Landscaping. Landscape features shall be shown as well as planting dimensions, height, caliper and type of plant materials per the Development Standards text.

I. Signage and graphics: All signage and graphics shall comply with the Development Standards Text. Letter and other graphic size, sign material, shape, color and illumination (internal only) shall be indicated. This includes dimensions of all ground and wall signage as well as distances from rights-of-way and intensity of illumination. Directional signage shall also be indicated.

J. Lighting: All exterior lighting fixtures shall be shown including parking lot lighting, street walkway or pedestrian lighting, walkway accent lighting and building accent lighting. Lighting intensity and installation height shall be indicated.

K. Fencing: All fences shall conform to the Development Standards Text and appropriate materials, heights, location and style indicated.

L. Architectural treatment: As part of the Development Plan, front, rear and side building elevations shall be shown in accordance with the Development Standards Text indicating building material, color and height. Color material samples shall also be made available for inspection.

(Ord. 2006-13. Passed 5-1-06.)

1156.07 REVIEW BASIS.

(a) Preliminary Plan. The basis for the approval of the Preliminary Plan shall be:

(1) That the proposed development is consistent in all respects with the purpose intent and applicable standards of the Zoning Ordinance.

(2) That the proposed development is in conformity with appropriate comprehensive planning or portion thereof as it may apply.

(3) That the acceptability of setbacks, distances between buildings, yard space, suitability of open space systems, traffic accessibility and other elements having a bearing on the overall acceptability of the Development Plan shall contribute to the orderly development of land within the Village.

(4) That any modifications or minimum development standards established by the Planning and Zoning Code are properly identified and adequately justified in the Development Standards Text as necessary to insure a higher quality development.

(5) That the proposed development is in conformity with any design or site planning guidelines adopted by the Planning Commission.

(6) That the plan provides for the coordination or integration of individually designed buildings into one planned district.

(b) Development Plan. Basis for approval of a Development Plan shall be:

(1) That the plan is complete in all respects relative to the requirements set forth in Section 1156.06(a).

(2) That any modifications of the Development Standards Text approved as part of the Preliminary Plan support and enhance the purposes and intent of the Planning and Zoning Code, any applicable comprehensive planning programs and any design or site planning guidelines adopted by Planning Commission.

(3) That all engineering issues have been resolved to the satisfaction of the appropriate Village agency and that final approval of the Development Plan is subject to the acceptance of final engineering of all phases of the development.

(Ord. 2006-13. Passed 5-1-06.)

1156.08 PROCEDURES FOR APPROVAL.

(a) Submission of application for Preliminary Plan.

(1) Prior to filing an application for rezoning to a Planned Office District, the applicant shall meet with staff in a pre-application review meeting to discuss the requirements for a Preliminary Plan and Development Standards Text which are required as part of the rezoning request.

(2) The applicant shall submit the rezoning application along with the required number of copies of the proposed Preliminary Plan and Development Standards Text in accordance with the submission schedule established by the Planning Commission. In order to defray the cost of examination of the rezoning application and the Plan and Text and review by the Planning Commission, the applicant shall pay a fee in accordance with the fee schedule adopted and approved by Village Council. Staff shall circulate the Preliminary Plan and other comments to appropriate departments in the Village for review and comment.

(3) Once the applicant has submitted a completed application in accordance with the submission schedule, staff shall submit the application to the Planning Commission for their review and action, which shall be accomplished within a reasonable time. It shall be the duty of Planning Commission to review the Plan and determine whether it complies with the regulations of this Chapter. Planning Commission will forward recommendations to Village Council.

(4) A Preliminary Plan shall be valid for five (5) years after Village Council approval. Construction of any phase of the development must begin within this period or a new Preliminary Plan is required.

(b) Submission of Development Plan.

(1) Prior to filing for Development Plan approval, the applicant shall meet with the Centerburg Planning staff to review the Development Plan relative to the previously approved Preliminary Plan and Development Standards Text as well as procedures for approval.

(2) The applicant shall submit an application to the Village including the required number of copies of the proposed Development Plan, Development Standards Text modification if appropriate, and any other required information in accordance with the submission schedule of the Planning Commission. In order to defray the cost of examination of the materials and review by the Planning Commission, the applicant shall pay a fee in accordance with the fee schedule adopted and approved by Village Council.

(3) It shall be the duty of the Planning Commission to review the plan and determine whether it complies with the regulations of this Chapter. Such determination shall be made within a reasonable time. If the Planning Commission finds that the Development Plan complies in all respects with the regulations of this Chapter and the previously approved Preliminary Plan and Development Standards Text, the Commission shall approve the plan. With the approval of the Planning Commission, minor modifications of the approved preliminary plan may be made. Such modification shall not increase the overall density of the site or change the essential character of the approved plan. If the Planning Commission determines that such proposed changes significantly alter the approval plan, it is considered to be a major change and the plan must be resubmitted to Council for approval.

(4) In the event that the Planning Commission does not approve the plan, each applicant shall be notified in writing of the reason for disapproval or modification along with the decision of the Planning Commission. Decisions of the Planning Commission disapproving the plan or approving it with minor modifications are appealable to Village Council in accordance with the provisions of Section 1107.06(d).

(c) Conformance with the Development Plan. Development shall be in conformance with the Development Plan and construction of site improvements must be commenced within two years of Planning Commission or Council approval; otherwise no development of the land shall take place until a new Development Plan is approved pursuant to this section.

(d) Modification of the Development Plan. With the approval of the Planning Commission, minor modifications of the approved Development Plan may be made. Such modification shall not increase the overall density of the site or change the essential character of the approved plan. If the Planning Commission

determines that such proposed changes significantly alter the approved plan, it is considered to be a major change and the plan must be resubmitted to Council for approval. Development of land shall not proceed prior to final approval of the Development Plan. Any development undertaken without such final approval is in violation of this Zoning Ordinance and an abatable nuisance.

(e) Variances from Development Standards. The Planning Commission and/or Village Council may approve variances from the Development Standards of this Chapter as part of the Development Standards Text and Development Plan. These variances shall be consistent with the intent of this zoning district. No action by the Board of Zoning Appeals is required for these variances.

(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1159

Industrial District (ID)

1159.01 Purpose and intent.
1159.02 Permitted uses.
1159.03 Conditional uses.
1159.04 Development standards for industrial uses.
1159.05 Supplementary standards for conditional uses.
1159.06 Variances from development standards.

CROSS REFERENCES

Off-street parking and loading - see P.& Z. Ch. 1171
Landscaping - see P.& Z. Ch. 1173
Nuisance control - see P.& Z. 1175.04

1159.01 PURPOSE AND INTENT.

The purpose of the Industrial District (ID) is to provide suitable areas for industrial activities. Uses developed within this district are intended to maintain an environment relative to noise, odor, dust, smoke, light, glare or vibration that is compatible with adjacent land uses and in compliance with applicable State and Federal environmental regulations. Uses within this district are intended to operate without imposing any unusual burdens upon utility or government services.

In order to maintain an environment that is compatible with adjacent land uses, uses in the Industrial District must operate within enclosed primary structures except for a restricted amount of outdoor storage as defined in Section 1159.04(e)(1) regulations. Any industrially zoned parcel that is more than 660 feet from the nearest residential district, measured from the nearest property lines of the affected properties, shall be presumed to operate within an industrial environment relative to the interpretation of "maintaining an environment compatible with adjacent land uses."

Industrially zoned parcels within 660 feet of a residential district, measured from the nearest property lines of the affected properties, may be required to provide additional evidence or guarantees that the proposed use will not adversely impact on neighboring residential uses. In addition, Planning Commission may require additional buffering, air treatment, screening, etc. to insure that developments are compatible with residential uses.

(Ord. 2006-13. Passed 5-1-06.)

1159.02 PERMITTED USES.

(a) Permitted uses in the Industrial District must operate within enclosed primary structures except for a restricted amount of outdoor storage defined in Section 1159.04(c)(1). Permitted uses are:

(1) Office-Institutional uses listed in Section 1155.02(a)(1) and (2).

(2) Manufacturing uses involving processing, fabrication, packaging, assembly and related functions whether using machinery or labor and associated with the industrial operations of producing goods, components, and other related items.

(3) Wholesaling and storage uses which conform to the purpose of this chapter including transporting, storing, handling or selling merchandise primarily to retailers, industrial, institutional, or professional uses, or to other wholesalers, or acting as agents in buying merchandise for such persons or organizations.

(4) Research and development uses which conform to the purpose of this chapter including research relating to product development in conjunction with testing, laboratory, and minor fabricating and assembly operations.

(5) Business service uses which conform to the purpose of this chapter including, but not limited to:

A. Duplicating, addressing, blueprinting or photocopying,

B. Stenographic, mailing and advertising.

C. Business machine service and repair.

D. Telephone or telegraph communications operations including service and repair operations.

(6) Repair service uses which conform to the purpose of this chapter including but not limited to:

A. Electrical appliance repair shops, including television and radio repair.

B. Watch, clock and jewelry repair.

C. Reupholster and furniture repair.

(7) Trade service uses which conform to the purpose of this chapter including, but not limited to, establishments engaged in the general construction, maintenance, or the repair of real or other tangible property.

(Ord. 2006-13. Passed 5-1-06.)

1159.03 CONDITIONAL USES.

(a) Conditional uses may be appropriate as permitted uses within the district but require more detailed evaluation with respect to location, design, size, method and hours of operation, intensity of use and traffic generation and potential impact on surrounding uses, in order to provide an opportunity for these uses while safeguarding both individual property rights and general, community welfare. It is the Planning Commission's responsibility to perform this evaluation and after review, to attach necessary conditions and safeguards. The development standards contained in this Chapter are minimum standards. Planning Commission may require more restrictive standards for a conditional use based on the merits of each application. Review and approval of these uses are further regulated in Chapter 1111, Conditional Uses, and Section 1159.05, Supplementary Standards for Conditional Uses. Parenthetical reference to Section 1159.05 following a listed Conditional Use indicates that specific supplemental standards have been identified for that use in the referenced section.

(b) The following uses are conditionally permitted within the Industrial District. These uses generally display one or more of three characteristics which result in its conditional status: inherently cannot operate within an enclosed structure; involve retail sales beyond the limited, ancillary retail associated with permitted uses; require specific site characteristics for compatible development.

(1) Office-Institutional uses listed in Section 1155.02(a)(3) (4), and (5). (See Section 1159.05(b)).

(2) Building material retail sales including:

A. Paint, glass and wallpaper.

B. Plumbing and electrical supplies.

C. Lumber and other home improvement sales.

(3) Photographic development shops not already part of a permitted use.

(4) Recreational uses except amusement arcades, operated for commercial profit, including:

A. Golf course of any size, and golf-driving ranges.

B. Miscellaneous recreation facilities or centers operated outdoors or indoors.

(5) Retail sales or rental of recreational vehicles such as campers, trailers and other such vehicles principally for recreational use, being sold or rented separately or in conjunction with a permitted use.

(6) Farm implement sales.

(7) Movers and moving equipment with temporary, limited storage of moved goods.

(8) Nursery operations and sales.

(9) Aviation-oriented facilities to include airfields, aviation maintenance and aviation rental.

(10) Rental of miscellaneous goods and equipment, including the rental of trucks, trailers and other heavy equipment.

(11) Auto repair, including body shops.

(12) Public Service Facilities. (Section 1159.05(c))

(Ord. 2006-13. Passed 5-1-06.)

1159.04 DEVELOPMENT STANDARDS FOR INDUSTRIAL USES.

(a) Except as provided in Section 1159.02(a)(8), permitted uses within the Industrial District shall conform to the following standards. Conditional uses shall also conform to these standards and, where applicable, to the Supplementary Standards for Conditional Use in Section 1159.05. In the event of a conflict between the development standards in Section 1159.04 and l159.05, the more specific Supplemental Conditional Use Standards of Section 1159.05 are to be used.

(b) Prior to the issuance of a Zoning Certificate for development in the Industrial District, a site plan review as defined in Chapter 1108 is required.

(c) Lot Requirements. Prior to determining setbacks, refer to Section 1173.06 (a). If a bufferyard is required and the minimum setback is less than the appropriate bufferyard width, then the setback shall be equal to the bufferyard width. If a bufferyard is required and the minimum setback is greater than the appropriate bufferyard width, then the setback shall be equal to the required setback.

(1) Minimum lot area: None, except that lot size shall be adequate to meet all building and pavement setbacks, parking, circulation, open space and landscaping requirements.

(2) Minimum lot width: None, except that all lots must abut a public street and have adequate width to meet all building and pavement setbacks, parking, circulations, open space and landscaping requirements.

(3) Minimum front yard setback: Structure setback thirty (30) feet, forty (40) feet on an arterial street. No parking shall be permitted in the front yard.

(4) Minimum side and rear yard: Fifteen (15) feet for both structures, except fences, and pavement areas or storage lots; fifty (50) feet for structures pavement areas and storage areas if adjacent to residential districts.

(5) Maximum lot coverage: For structures, outdoor storage, open service and pavement areas, eighty-five percent (85%). The remainder of the site shall be landscaped with natural vegetation.

(6) Parking areas shall be no closer to main structures than ten (10) feet.

(d) Building Requirements in the Industrial District are: Maximum height: Forty (40) feet.

(e) Site Development Requirements in the Industrial District are:

(1) All open service areas, outdoor storage areas or loading docks shall be screened by walls or fences, seven (7) feet minimum height, twelve (12) feet maximum height, that effectively conceal such operations from adjacent streets or adjacent residential districts. Open service and outdoor storage areas may not exceed ten percent (10%) of the lot area.

(2) A traffic concept plan shall be provided illustrating traffic flow patterns, traffic control points, points of access, loading areas, parking areas and parking spaces. In addition, expected peak hour traffic use by employees, the general public and deliveries shall be described by text.

(3) All applicable State and Federal air and water quality standards shall be considered as additional Industrial District use requirements.

(4) Parking, Loading, Access and Circulations Requirements for uses permitted in this district are set forth in Chapter 1171.

(5) Landscaping and Screening Requirements for uses permitted in this district are set forth in Chapter 1173.

(6) Signage Requirements for uses permitted in this district are set forth in Chapter 1181.

(7) Lighting Requirements for uses permitted in this district are set forth as follows:

A. All exterior lighting shall be designed to direct light downwardly, i.e. cut off type fixtures.

B. All lights shall be arranged to reflect light away from any street or adjacent property.

C. Direct or indirect glare into the eyes of motorists or pedestrians shall be avoided.

D. All types of parking, pedestrian and other exterior lighting shall be on poles or wall mounted cutoff fixtures and shall be from the same type and style.

E. Cutoff type landscape and building uplighting shall be permitted.

F. All building illuminations shall be from concealed sources.

G. Parking lot lighting shall be no higher than 28'.

H. No colored or flashing lights shall be used to light the exterior of buildings.

(8) A descriptive text shall be provided indicating the nature of the activity to be carried on, expected levels of noise, odor, dust, smoke, light, glare or vibration to result from normal operation of such activity; and the expected number of employees per shift at the outset and at full expansion (if planned). Trash collection systems shall be both shown by plan and

described by text. Exact descriptions of uses for outdoor areas is also required. Other information as required by the Planning Commission shall be submitted either in text or on plans.

(Ord. 2006-13. Passed 5-1-06.)

1159.05 SUPPLEMENTARY STANDARDS FOR CONDITIONAL USES.

All conditional uses shall meet the minimum requirements established by Section 1159.04 unless modified by this section:

(a) Purpose and Intent. The purpose of this section is to establish supplementary standards for certain land uses that may affect adjacent properties, the neighborhood, or the community even if all of the general standards of Sections 1159.04 are met. It is the intent of this section to establish appropriate standards for permit processing and for location, design and operation of conditional uses to assure that they will be developed in a manner consistent with the purpose of the Industrial District.

(b) Child Care Centers.

(1) Minimum lot area: Sufficient to accommodate an appropriately designed facility including buildings, required yards, landscaping, drop-off area, and circulation space.

(2) Required outdoor play area: There shall be provided a fenced outdoor play area containing at a minimum, the number of square feet required for State of Ohio licensing requirements.

(3) Required access and loading/unloading:

A. An on-site drop-off area shall be provided at the main entrance to the facility sufficient to accommodate four automobiles for facilities with twenty (20) or fewer children plus one additional vehicle for each additional ten children served. The drop-off area may either be in the form of spaces parallel to an access drive adjacent to the building or additional parking spaces beyond code requirements.

B. Access from an arterial or collector street is required or access shall be provided in a manner that does not cause heavy traffic on residential streets.

(4) Required fencing: All outdoor play areas shall be enclosed by a six (6) foot high wall, solid fence or chain link fence planted with a continuous evergreen screen.

(5) Hours of operation: Use of outdoor play areas shall be limited to between the hours of 8:00 a.m. and 8:00 p.m.

(c) Wireless Telecommunication Facilities.

(1) Minimum lot area: The minimum required by the zoning district, but not less than one (1) acre.

(2) Setbacks: Equal to the height of the tallest structure, but in no case less than zoning district requirements. The setback requirement based on height is not applicable when the proposed facility is constructed on or in an existing structure and does not extend more than twenty (20) feet above the existing structure.

(3) Height: The maximum height of a tower shall be 150 feet including the antenna. The Planning Commission may allow the maximum height to increase to 200 feet to accommodate co-location. Equipment shelters shall meet district standards.

(4) Screening: Perimeter landscaping would be required around fencing at the base of the tower and around any building or equipment. The landscaping should have a year round opacity of seventy-five percent (75%). A six (6) foot minimum height would be required at installation for landscaping around the base of a tower. The Planning Commission may elect, in certain instances, to accomplish screening by materials other than landscaping.

(5) Parking and access: A paved access drive and one paved parking space for a service vehicle.

(6) Lighting. On site: Cutoff style fixtures for control of light spread. On tower: None, unless required by the Federal Aviation Administration (FAA).

(7) Color: The tower shall be painted a non-contrasting gray or similar color to minimize its visibility unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).

(8) Emissions: Emissions standards for electromagnetic fields must be in compliance with current and future Federal Communication Commission (FCC) standards.

(9) Co-location: All approved installations must allow other providers to co- locate on the same pole to the extent technologically feasible at a reasonable and competitive market rate. All requests

for new installation must demonstrate that there is no available space on existing towers or other suitable support structure within the established service area. New installations on an existing permitted tower are exempt from the conditional use process and may proceed with a standard building permit approval.

(10) Construction: All new towers shall be constructed to be capable of accommodating at least one additional wireless communication installation for another service provider.

(11) Removal: The applicant or any subsequent owner of the facility will remove it within ninety (90) days of obsolescence or abandonment. Obsolescence is defined as being replaced by new technology. Abandonment would occur when the provider is no longer operating a viable telecommunication network using this facility.

(12) Design: Preference will be given to monopole construction. Only monopole construction would be allowed in residential districts.

(13) Signage: No signage or advertising is to be displayed on the tower structure.

(Ord. 2006-13. Passed 5-1-06.)

1159.06 VARIANCES FROM DEVELOPMENT STANDARDS.

The Planning Commission and/or Village Council may approve variances from the development standards of this Chapter as part of Site Plan review pursuant to Chapter 1108. These variances shall be consistent with the intent of this zoning district. No action by the Board of Zoning Appeals is required for these variances.

(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1161

PID Planned Industrial District

1161.01 Purpose and intent.
1161.02 Permitted and conditional uses.
1161.03 Development standards.
1161.04 Supplementary standards for conditional uses.
1161.05 Plan contents and requirements.
1161.06 Review basis.
1161.07 Procedures for approval.

CROSS REFERENCES

Office-Institutional District uses - see P.& Z. 1155.02
Light Industrial District uses - see P.& Z. 1159.02
Off-street parking and loading requirements - see P.& Z. Ch. 1171
Landscaping - see P.& Z. Ch. 1173
Nuisance control - see P.& Z. 1175.04

1161.01 PURPOSE AND INTENT.

(a) The purpose of the Planned Industrial District (PID) is to encourage the coordination and integration of industrial uses designed as separate elements into one comprehensive site layout for the entire district. The plan is intended to provide for industrial uses which are compatible in terms of activity, parking needs, traffic accessibility, sign systems and space requirements in an industrial park setting.

The Planned Industrial District is intended to provide suitable areas for light industrial activities which are clean and quiet. Uses within this district are intended to create an environment free from noise, odor, dust, smoke, light, glare or vibration in a manner compatible with adjacent land uses and in compliance with applicable State and Federal environmental regulations. Uses within this district are intended to operate without imposing any unusual burdens upon utility or government services.

Permitted uses in the Planned Industrial District, in order to create a clean and quiet environment, must operate within enclosed primary structures except for a restricted amount of outdoor storage defined in Section 1161.03(d)(4).

Conditional uses in the Planned Industrial District are potentially compatible uses which inherently cannot operate within an enclosed structure.

(b) In order to accomplish the above purposes, the intent of this Chapter is to allow the applicant to lessen the development standards in some areas in exchange for an increase in development standards in another. The process for achieving the above purposes and intent is to require the submission and approval of a preliminary plan for the total proposed development and the submission and approval of a Development Plan for all or any part of the area defined in the Preliminary Plan prior to obtaining a Zoning Certificate as part of the approval for the construction of any portion of the area. As part of the Preliminary Plan, the applicant must prepare and submit a Development Standards Text that identifies any development standard that is less restrictive than the standards set forth in this Chapter or other referenced Chapters. As part of the Development Standards Text, the applicant must justify the modifications of these standards based on the fact that the proposed development goes beyond minimum requirements in other areas that will result in a superior development than if the standards set forth in this Chapter had been followed. As part of the final Development Plan, the applicant must reaffirm use of the previously approved Development Standards Text or submit as part of the Development Plan a modified Development Standards Text for approval by Planning Commission.
(Ord. 2006-13. Passed 5-1-06.)

1161.02 PERMITTED AND CONDITIONAL USES.

(a) Permitted Uses in the Planned Industrial District are:

(1) Office-Institutional uses listed in Section 1155.02(a)(1) and (2).

(2) Manufacturing uses which conform to the purpose of this chapter including uses involving processing, fabrication, packaging, assembly and related functions whether using machinery or labor and associated with the industrial operations of producing goods, components, and other related items.

(3) Wholesaling and storage uses which conform to the purpose of this chapter including transporting, storing, handling or selling merchandise primarily to retailers, industrial, institutional, or professional uses, or to other wholesalers, or acting as agents in buying merchandise for such persons or organizations.

(4) Research and development uses which conform to the purpose of this chapter including research relating to product development in conjunction with testing, laboratory, and minor fabricating and assembly operations.

(5) Business service uses which conform to the purpose of this chapter including, but not limited to:

A. Duplicating, addressing, blueprinting or photocopying.

B. Stenographic, mailing and advertising.

C. Business machine service and repair.

D. Telephone or telegraph communications operations including service and repair operations.

(b) Conditional Uses in the Planned Industrial District are:

(1) Conditional uses may be appropriate as permitted uses within the district but require more detailed evaluation with respect to location, design, size, method and hours of operation, intensity of use and traffic generation and potential impact on surrounding uses, in order to provide an opportunity for these uses while safeguarding both individual property rights and general, community welfare. It is the Planning Commission's responsibility to perform this evaluation and after review, to attach necessary conditions and safeguards. The development standards contained in this Chapter are minimum standards. Planning Commission may require more restrictive standards for a conditional use based on the merits of each application. Review and approval of these uses are further regulated in Chapter 1111, Conditional Uses and Section 1161.04, Supplementary Standards for Conditional Uses. Parenthetical reference to Section 1161.04 following a listed conditional use indicates that specific supplemental standards have been identified for that use in the referenced section.

(2) The following uses are conditionally permitted within the Planned Industrial District. These uses generally display one or more of three characteristics which result in its conditional status: inherently cannot operate within an enclosed structure; involve retail sales beyond the limited, ancillary retail associated with permitted uses; require specific site characteristics for compatible development.

A. Repair service uses which conform to the purpose of this chapter including, but not limited to:

1. Electrical appliance repair shops, including television and radio repair.
2. Watch, clock and jewelry repair.
3. Reupholster and furniture repair.

B. Trade service uses which conform to the purpose of this Chapter including establishments engaged in the general construction, maintenance, or the repair of real or other tangible property.

C. Office-Institutional uses listed in Section 1155.02(a)(3), (4) and (5). (Section 1161.04(a).)

D. Building material retail sales including:
1. Paint, glass and wallpaper,
2. Plumbing and electrical supplies.
3. Lumber and other home improvement sales but excluding any on-site processing or milling operations.

E. Photographic developing shops not already part of a permitted use.

F. Recreational uses except amusement arcades, operated for commercial profit, including:
1. Golf course of any size, and golf-driving ranges.
2. Miscellaneous recreation facilities or centers operated outdoors or indoors.

G. Retail sales or rental of recreational vehicles such as campers, trailers and other such vehicles principally for recreational use, being sold or rented separately or in conjunction with a permitted use.

H. Farm implement sales.

I. Movers and moving equipment with temporary, limited storage of moved goods.

J. Nursery operations and sales.

K. Aviation-oriented facilities to include airfields, aviation maintenance and aviation rental.

L. Rental of miscellaneous goods and equipment, including the rental of trucks, trailers and other heavy equipment.

M. Public Service Facilities (Section 1161.04(d))

(Ord. 2006-13. Passed 5-1-06.)

1161.03 DEVELOPMENT STANDARDS.

(a) The following development standards shall be considered as minimal standards within the Planned Industrial District. These standards shall serve as base standards to be included and modified if desired as part of the Development Standards Text and Preliminary Plan and further refined as part of the Development Plan.

(b) Lot Requirements. Prior to determining setbacks, refer to Section 1173.06 (a). If a bufferyard is required and the minimum setback is less than the appropriate bufferyard width, then the setback shall be equal to the bufferyard width. If a bufferyard is required and the minimum setback is greater than the appropriate bufferyard width, then the setback shall be equal to the required setback.

(1) Minimum lot area: Three acres and adequate area to meet all building and pavement setbacks, parking, circulation, open space and landscaping requirements.

(2) Minimum lot width: The site shall abut a major arterial or minor arterial street for a minimum continual frontage distance of 200 feet plus have adequate width to meet all building and pavement setbacks, parking, circulation, open space and landscaping requirements.

(3) Minimum front yard setback: Structure setback, forty (40) feet on arterial streets, thirty (30) feet from other public rights-of-way. No parking is permitted in the front yard.

(4) Minimum side and rear yard requirements. All structures, except fences, shall be set back a minimum of fifteen (15) feet from side and rear property lines, fifty (50) feet if adjacent to a residential district. Pavement, outdoor storage and loading areas shall also be at least fifteen (15) feet from all other property lines, fifty (50) feet if adjacent to a residential district.

(5) Maximum lot coverage: Structures, outdoor storage areas and pavement areas shall not cover more than seventy-five percent (75%) of the total lot area.

(6) Parking areas shall be no closer to main structures than ten feet.

(c) Building Requirements in the Planned Industrial District are: Maximum height to be established at the time of development plan review.

(d) Site Development Requirements in the Planned Industrial District are:

(1) Trash and litter shall be controlled, and stored in container systems which are located and/or enclosed in a manner to screen them from view from adjacent property.

(2) Provision for storm drainage shall be adequate to prevent the public and owners of surrounding land and meet the Village's requirements for storm water management.

(3) All service and delivery shall be at the rear or side of the building for buildings in excess of 15,000 square feet; and appropriately screened from view with minimal impact on adjacent property.

(4) All open service areas, outdoor storage areas or loading docks shall be screened by walls or fences, seven feet minimum height, twelve (12) feet maximum height, that effectively conceal such operations from adjacent streets or adjacent residential districts. Open service and outdoor storage areas may not exceed ten percent (10%) of the lot area.

(5) All applicable State and Federal air and water quality standards shall be considered as additional Planned Industrial District use requirements.

(e) Parking, Loading, Access and Circulation Requirements for uses permitted in this district are set forth in Chapter 1171.

(f) Landscaping and Screening Requirements for uses permitted in this district are set forth in Chapter 1173.

(g) Signage Requirements for uses permitted in this district are set forth in Chapter 1181.

(h) Lighting Requirements for uses permitted in this district are set forth as follows:

(1) All exterior lighting shall be designed to direct light downwardly, i.e. cut off type fixtures.

(2) All lights shall be arranged to reflect light away from any street or adjacent property.

(3) Direct or indirect glare into the eyes of motorists or pedestrians shall be avoided.

(4) All types of parking, pedestrian and other exterior lighting shall be on poles or wall mounted cut off fixtures and shall be from the same type and style.

(5) Cut off type landscape lighting and building up lighting shall be permitted.

(6) All building illuminations shall be from concealed sources.

(7) Parking lot lighting shall be no higher than twenty-eight (28) feet.

(8) No colored or flashing lights shall be used to light the exterior of buildings.

(Ord. 2006-13. Passed 5-1-06.)

1161.04 SUPPLEMENTARY STANDARDS FOR CONDITIONAL USES.

All conditional uses shall meet the minimum requirements established by Section 1161.03 unless modified by this section.

(a) Purpose and Intent. The purpose of this section is to establish supplementary standards for certain land uses that may affect adjacent properties, the neighborhood, or the community even if all of the general standards of Sections 1161.03 are met. It is the intent of this section to establish appropriate standards for permit processing and for location, design and operation of conditional uses to assure that they will be developed in a manner consistent with the purpose of the Planned Industrial District.

(b) Child Care Centers.

(1) Minimum lot area: Sufficient to accommodate an appropriately designed facility including buildings, required yards, landscaping, drop-off area, and circulation space.

(2) Required outdoor play area: There shall be provided a fenced outdoor play area containing at a minimum, the number of square feet required for State of Ohio licensing requirements.

(3) Required access and loading/unloading:

A. An on-site drop-off area shall be provided at the main entrance to the facility sufficient to accommodate four automobiles for facilities with twenty (20) or fewer children plus one additional vehicle for each additional ten (10) children served. The drop-off area may either be in the form of spaces parallel to an access drive adjacent to the building or additional parking spaces beyond code requirements.

B. Access from an arterial or collector street is required or access shall be provided in a manner that does not cause heavy traffic on residential streets.

(4) Required fencing: All outdoor play areas shall be enclosed by a six (6) foot high wall, solid fence or chain link fence planted with a continuous evergreen screen.

(5) Hours of operation: Use of outdoor play areas shall be limited to between the hours of 8:00 a.m. and 8:00 p.m.

(c) Wireless Telecommunication Facilities.

(1) Minimum lot area: The minimum required by the zoning district, but not less than one (1) acre.

(2) Setbacks: Equal to the height of the tallest structure, but in no case less than zoning district requirements. The setback requirement based on height is not applicable when the proposed facility is constructed on or in an existing structure and does not extend more than twenty (20) feet above the existing structure.

(3) Height: The maximum height of a tower shall be 150 feet including the antenna. The Planning Commission may allow the maximum height to increase to 200 feet to accommodate co-location. Equipment shelters shall meet district standards.

(4) Screening: Perimeter landscaping would be required around fencing at the base of the tower and around any building or equipment. The landscaping should have a year round opacity of seventy-five (75%). A six (6) foot minimum height would be required at installation for landscaping around the base of a tower. The Planning Commission may elect, in certain instances, to accomplish screening by materials other than landscaping.

(5) Parking and access: A paved access drive and one paved parking space for a service vehicle.

(6) Lighting. On site: Cutoff style fixtures for control of light spread. On tower: None, unless required by the Federal Aviation Administration (FAA).

(7) Color: The tower shall be painted a non-contrasting gray or similar color to minimize its visibility unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).

(8) Emissions: Emissions standards for electromagnetic fields must be in compliance with current and future Federal Communication Commission (FCC) standards.

(9) Co-location: All approved installations must allow other providers to co- locate on the same pole to the extent technologically feasible at a reasonable and competitive market rate. All requests for new installation must demonstrate that there is no available space on existing towers or other suitable support structure within the established service area. New installations on an existing permitted tower are exempt from the conditional use process and may proceed with a standard building permit approval.

(10) Construction: All new towers shall be constructed to be capable of accommodating at least one additional wireless communication installation for another service provider.

(11) Removal: The applicant or any subsequent owner of the facility will remove it within ninety (90) days of obsolescence or abandonment. Obsolescence is defined as being replaced by new technology. Abandonment would occur when the provider is no longer operating a viable telecommunication network using this facility.

(12) Design: Preference will be given to monopole construction. Only monopole construction would be allowed in residential districts.

(13) Signage: No signage or advertising is to be displayed on the tower structure.

(Ord. 2006-13. Passed 5-1-06.)

1161.05 PLAN CONTENTS AND REQUIREMENTS.

(a) As part of the request for rezoning to a Planned Industrial District, a Preliminary Plan must be submitted to the Planning Commission along with the text of all applicable development standards. Village Council must approve the zoning change, Preliminary Plan and Development Standards Text. A Zoning Certificate will not be issued for any site or sites until a Development Plan is approved by the Planning Commission and found in conformance with the adopted Preliminary Plan and Development Standards.

(1) Preliminary Plan. The Preliminary Plan is a conceptual plan submitted at the time of a request for rezoning generally describing the proposed uses for the site to be rezoned and their relationship with surrounding properties and uses. The Preliminary Plan should contain the following elements:

A. A topographic map of the site and adjacent property showing existing natural features including wooded areas and major trees. A description of how the proposed development was planned to utilize the existing site, identifying changes to the existing site grading and noting major trees that will be removed as part of the proposed development.

B. A schematic plan showing the general development of the tract, location of existing and proposed structures, parking lot layout and other development features including the location of all out parcels.

C. An engineering feasibility statement in sufficient detail to indicate how the proposed development will be serviced with water, sanitary sewer and storm drainage facilities.

D. The proposed traffic circulation pattern showing public and private streets and other transportation facilities, including major pedestrian routes, with evidence through a traffic study that the proposed development will not adversely impact existing transportation facilities.

E. A conceptual landscaping plan that shows the ability of the proposed development to meet all aspects of Chapter 1173 .

F. A proposed schedule or phasing of development of the site.

G. Evidence that the applicant has sufficient control over the land to accomplish proposed and required land improvements.

H. A description of the activities to be carried on at the site and the expected levels of noise, dust, smoke, glare, odor and vibration resulting from those activities.

I. Any additional information required by the Planning Commission necessary to determine that the proposed development meets the intent and purposes of the Planned Industrial District.

(2) Development Standards Text. A Development Standards Text shall be submitted as part of the Preliminary Plan and shall be narrative and graphics, as necessary, in order to detail the development standards to be applied to the development concept described in the Preliminary Plan. The Development Standards Text should clearly identify any standard that is less than the standards established by this Chapter.

These modifications shall be justified by fully stating what adjustments, amenities or other compensations are provided as part of the Preliminary Plan to offset the use of reduced standards and by demonstrating how the modified standards will result in the best possible development for the site. Unless specifically modified by the Development Standards Text, the standards established by this Chapter shall apply to the proposed development.

(3) Development Plan. Following approval of the Preliminary Plan, and prior to issuance of a Zoning Certificate, a Development Plan shall be submitted to the Planning Commission for all or part of the area defined in the Preliminary Plan. The Development Plan is a detailed Site Plan which shall contain the following information and adhere to the Development Standards Text approved as part of the Preliminary Plan:

A. Site survey: On a survey show boundary information, existing and proposed development, existing and proposed topography, existing and proposed easements, rights-of-way and utilities.

B. Setbacks: The Site Plan shall indicate building, service areas, parking lot and signage setbacks including front yard, rear yard and side yard areas and shall be in accordance with the approved Development Standards Text.

C. Modifications of Development Standards of Text. Any desired modifications of the Development Standards Text approved as part of the Preliminary Plan shall be so indicated in a modified Development Standards Text document.

D. Height requirements. Maximum height requirements, including mechanical areas, parapets, etc. shall be made per the Development Standards Text requirements and shown on building front, rear and side elevation drawings.

E. Parking and loading. All parking and loading spaces shall be shown including typical dimensions of parking stalls, aisles and loading spaces, size, number of spaces and general location shall also be governed by the Development Standards Text.

F. Waste and refuse. Handling of all waste and refuse materials shall be indicated and described by the Development Standards Text to include appropriate screening and type of containerization.

G. Circulation. All major circulation routes, including arterials, adjacent curb cuts, collector and local streets shall be indicated including rights-of-way, dimensions, pavement widths and intersection improvements. All driveways/curb cuts shall be indicated,

including major aisle ways and service routes. Major pedestrian circulation routes shall also be indicated including dimensions of path and pedestrian crossings, etc. plus any attempts at separating vehicular and pedestrian/recreation movement.

H. Landscaping. As part of the Development Plan, proposed landscaping shall be shown including the general landscaping pattern and type of materials, mounding and fencing. Landscaping may vary in density, spacing and other treatment to reflect variations of topography, existing landscaping or adjacent land uses and conform to Chapter 1173, Landscaping. Landscape features shall be shown as well as planting dimensions, height, caliper and type of plant material per the Development Standards Text.

I. Signage and graphics. All signage and graphics shall comply with the Development Standards Text. Letter and other graphic size, sign material, shape, color and illumination (internal only) shall be indicated. This includes dimensions of all ground and wall signage as well as distances from rights-of-way and intensity of illumination. Directional signage shall also be indicated.

J. Lighting. All exterior lighting fixtures shall be shown including parking lot lighting, street walkway or pedestrian lighting, walkway accent lighting and building accent lighting. Lighting intensity and installation height shall be indicated.

K. Fencing. All fences shall conform to the Development Standards Text and appropriate materials, heights, location and style indicated.

L. Architectural treatment. As part of the Development Plan, front, rear and side building elevations shall be shown in accordance with the Development Standards Text indicating building material, color and height. Color material samples shall also be made available for inspection.

(Ord. 2006-13. Passed 5-1-06.)

1161.06 REVIEW BASIS.

(a) Preliminary Plan. The basis for the approval of the Preliminary Plan shall be:

(1) That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the zoning ordinance.

(2) That the proposed development is in conformity with appropriate comprehensive planning or portion thereof as it may apply.

(3) That the acceptability of setbacks, distances between buildings, yard space, suitability of open space systems, traffic accessibility and other elements having a bearing on the overall acceptability of the Development Plan shall contribute to the orderly development of land within the Village.

(4) That any modifications or minimum development standards established by the Planning and Zoning Code are properly identified and adequately justified in the Development Standards Text as necessary to insure a higher quality development.

(5) That the proposed development is in conformity with any design or site planning guidelines adopted by the Planning Commission.

(6) That the plan provides for the coordination and integration of individually designed buildings into one planned district.

(b) Development Plan. Basis for approval of a Development Plan shall be:

(1) That the plan is complete in all respects relative to the requirements set forth in Section 1161.05(a).

(2) That any modifications of the Development Standards Text approved as part of the Preliminary Plan support and enhance the purposes and intent of the Planning and Zoning Code, any applicable comprehensive planning programs and any design or site planning guidelines adopted by Planning Commission.

(3) That all engineering issues have been resolved to the satisfaction of the appropriate Village agency and that final approval of the Development Plan is subject to the acceptance of final engineering of all phases of the development.

(Ord. 2006-13. Passed 5-1-06.)

1161.07 PROCEDURES FOR APPROVAL.

(a) Submission of Application for Preliminary Plan.

(1) Prior to filing an application for rezoning to a Planned Industrial District, the applicant shall meet with staff in a pre-application review meeting to discuss the requirements for a Preliminary Plan and Development Standards Text which are required as part of the rezoning request.

(2) The applicant shall submit the rezoning application along with the required number of copies of the proposed Preliminary Plan and Development Standards Text in accordance with the submission schedule established by the Planning Commission. In order to defray the cost of examination of the rezoning application and the Plan and Text and review by the Planning Commission, the applicant shall pay a fee in accordance with the fee schedule adopted and approved by Village Council. Staff shall circulate the Preliminary Plan and other comments to appropriate departments in the Village for review and comment.

(3) Once the applicant has submitted a completed application in accordance with the submission schedule, staff shall submit the application to the Planning Commission for their review and action, which shall be accomplished within a reasonable time. It shall be the duty of Planning Commission to review the Plan and determine whether it complies with the regulations of this Chapter. Planning Commission will forward a recommendation to Village Council.

(4) A Preliminary Plan shall be valid for five (5) years after Village Council approval. Construction of any phase of the development must begin within this period or a new Preliminary Plan is required.

(b) Submission of Development Plan.

(1) Prior to filing for Development Plan Approval, the applicant shall meet with the Centerburg Planning staff to review the Development Plan relative to the previously approved Preliminary Plan and Development Standards Text as well as procedures for approval.

(2) The applicant shall submit an application to the Village including the required number of copies of the proposed Development Plan, Development Standards Text modification if appropriate, and any other required information in accordance with the submission schedule of the Planning Commission. In order to defray the cost of examination of the materials and review by the Planning Commission, the applicant shall pay a fee in accordance with the fee schedule adopted and approved by Village Council.

(3) It shall be the duty of the Planning Commission to review the plan and determine whether it complies with the regulations of this Chapter. Such determination shall be made within a reasonable time. If the Planning Commission finds that the Development Plan complies in all respects with the regulations of this Chapter and the previously approved Preliminary Plan and Development Standards Text, the Commission shall approve the plan. With the approval of the Planning Commission, minor modifications of the approved preliminary plan may be made. Such modification shall not increase the overall density of the site or change the essential character of the approved plan. If the Planning Commission determines that such proposed changes significantly alter the approval plan, it is considered to be a major change and the plan must be resubmitted to Council for approval.

(4) In the event that the Planning Commission does not approve the plan, each applicant shall be notified in writing of the reason for disapproval or modification along with the decision of the Planning Commission. Decisions of the Planning Commission disapproving the plan or approving it with minor modifications are appealable to Village Council in accordance with the provisions of Section 1107.06(d).

(c) Conformance with the Development Plan. Development shall be in conformance with the development Plan and construction of site improvements must be commenced within two years of Planning Commission or Council approval; otherwise no development of the land shall take place until a new Development Plan is approved pursuant to this section.

(d) Modification of the Development Plan. With the approval of the Planning Commission, minor modifications of the approved Development Plan may be made. Such modification shall not increase the overall density of the site or change the essential character of the approved plan. If the Planning Commission determines that such proposed changes significantly alter the approved plan it is considered to be a major change and the plan must be resubmitted to Council for approval. Development of land shall not proceed prior to final

approval of the Development Plan. Any development undertaken without such final approval is in violation of this Zoning Ordinance and an abatable nuisance.

(e) Variances from Development Standards. The Planning Commission and/or Village Council may approve variances from the Development Standards of this Chapter as part of the Development Standards Text and Development Plan. These variances should be consistent with the intent of this zoning district. No action by the Board of Zoning Appeals is required for these variances.

(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1162

PD, Planned Development District

1162.01 Purpose and intent.
1162.02 Permitted uses.
1162.03 Conditional uses.
1162.04 Development standards.
1162.05 Supplementary standards for conditional uses.
1162.06 Plan contents and requirements.
1162.07 Review basis.
1162.08 Procedures for approval.

1162.01 PURPOSE AND INTENT.

(a) The purpose of the Planned Development District (PD) is to allow for a mixture of a wide variety of land use types within one planned district in order to:

(1) Respect the unique characteristics of the site and surrounding uses.

(2) Encourage imaginative arrangements of land use types and recognize the need to mitigate the impacts of incompatible land uses.

(3) Allow a development pattern which preserves and utilizes the natural topography, geologic features, vegetation and drainage.

(4) Encourage provision of site amenities to serve the immediate development and surrounding community.

(5) Allow the potential for a self-sufficient development area, thus reducing the requirement for non-essential vehicular trips.

(b) The intent of this Chapter is to allow the applicant to lessen the development standards in some areas in exchange for an increase in development standards in another. The process for achieving the stated purposes and intent is to require the submission and approval of a preliminary plan for the total proposed development and the submission and approval of a Development Plan for all or any part of the area defined in the Preliminary Plan prior to obtaining a Zoning Certificate as part of the approval for the construction of any portion of the area. As part of the Preliminary Plan, the applicant must prepare and submit a Development Standards Text that identifies any development standard that is less restrictive than the standards set forth in this Chapter or other referenced Chapters. As part of the Development Standards Text, the applicant must justify the modifications of these standards based on the fact that the proposed development goes beyond minimum requirements in other areas that will result in a superior development than if the standards set forth in this Chapter had been followed. As part of the final Development Plan, the applicant must verify that he is using the previously approved Development Standards Text or submit as part of the Development Plan a modified Development Standards Text for approval by Planning Commission.

(Ord. 2006-13. Passed 5-1-06.)

1162.02 PERMITTED USES.

Those uses permitted within the Planned Development District include those uses that are permitted in the Planned Neighborhood District, Planned Community Commercial District, Planned Office District and Planned Industrial District; provided, however, Council may refuse to approve any use(s) permitted by the above Planned Districts on the grounds that it fails to provide unity of development with other properties, fails to protect the public health, safety or welfare, or conflicts with any plan or policy of the Village.

(Ord. 2006-13. Passed May 1, 2006.)

1162.03 CONDITIONAL USES.

Those uses conditionally permitted within the Planned Development District include those uses that are conditionally permitted in the Planned Neighborhood District, Planned Community Commercial District, Planned Office District, and Planned Industrial District.
(Ord. 2006-13. Passed 5-1-06.)

1162.04 DEVELOPMENT STANDARDS.

(a) The following development standards shall be considered as minimal standards within the Planned Development District. These standards shall serve as base standards to be included and modified if desired as part of the Development Standards Text and Preliminary Plan and further refined as part of the Development Plan.

(1) Lot requirements: Prior to determining setbacks, refer to Section 1173.06 (a), Bufferyard Requirements. If a bufferyard is required and the minimum setback is less than the appropriate bufferyard width, then the setback shall be equal to the bufferyard width. If a bufferyard is required and the minimum setback is greater than the appropriate bufferyard width, then the setback shall be equal to the required setback.

A. Minimum site area: Fifty (50) acres and sufficient area to accommodate building and pavement setbacks, parking, circulation and landscaping requirements. Individual lots may be combined to attain this minimum area for purposes of the Development Plan.

B. Minimum lot width: None, except that all lots must abut a public street and have adequate width to meet all building and pavement setbacks, parking, circulation, open space and landscaping requirements.

C. Minimum yard requirements: None, except as specified in the Development Standards Text, but with sufficient setback area to accommodate landscape buffer, screening and planting requirements, per Chapter 1173.

D. Maximum lot coverage: Maximum lot coverage or impervious surface area shall be eighty percent (80%) with a total building coverage of thirty percent (30%) unless otherwise modified by the Planning Commission.

E. Density: The development's overall residential density, including single-family and multi-family areas, shall not exceed five units per acre.

(2) Building requirements:

A. Maximum building height of forty (40) feet or as established by Planning Commission as part of the Development Plan.

(3) Site development requirements:

A. Outdoor storage is prohibited. Merchandise may be displayed on the sidewalk adjacent to the principal building provided a minimum of a five (5) foot strip is left unobstructed for pedestrian traffic.

B. All vending machines and display racks, except for telephone booths and newspaper racks, shall be located inside the building.

C. Trash and litter shall be controlled, and stored in container systems which are located and enclosed in a manner to screen them from view on all sides.

D. Provision for storm drainage shall be adequate to protect the public and owners of surrounding land and meet the Village's requirements for storm water management.

E. All service and delivery shall be at the rear of the building; provided, however, where site layout and design would be enhanced, provisions may be made for service and delivery at the side of the building.

(b) Parking, Loading, Access and Circulation Requirements for uses permitted in this district are set forth in Chapter 1171.

(c) Landscaping and Screening Requirements for uses permitted in this district are set forth in Chapter 1173.

(d) Signage Requirements for uses permitted in this district are set forth in Chapter 1181.

(e) Lighting Requirements for uses permitted in this district are set forth as follows:

(1) All exterior lighting shall be designed to direct light downwardly, i.e. cut off type fixtures.

(2) All lights shall be arranged to reflect light away from any street or adjacent property.

(3) Direct or indirect glare into the eyes of motorists or pedestrians shall be avoided.

(4) All types of parking, pedestrian and other exterior lighting shall be on poles or wall mounted cutoff fixtures and shall be from the same type and style.

(5) Cutoff type landscape and building up lighting shall be permitted.
(6) All building illuminations shall be from concealed sources.
(7) Parking lot lighting shall be no higher than twenty-eight (28) feet.
(8) No colored or flashing lights shall be used to light the exterior of buildings.
(Ord. 2006-13. Passed 5-1-06.)

1162.05 SUPPLEMENTARY STANDARDS FOR CONDITIONAL USES.

All conditional uses shall meet the minimum requirements established by Section 1162.04 unless modified by this section:

(a) Purpose and Intent. The purpose of this section is to establish supplementary standards for certain land uses that may affect adjacent properties, the neighborhood, or the community even if all of the general standards of Section 1162.04 are met. It is the intent of this section to establish appropriate standards for permit processing and for location, design and operation of conditional uses to assure that they will be developed in a manner consistent with the purpose of the Planned Development District.

(b) Development Standards For Nursing Homes, Senior and Disabled Housing, Senior and Disabled Independent Housing.

(1) Lot requirements.

A. Minimum lot area: None, except that lot size shall be adequate to meet all yard and parking requirements.

B. Minimum lot width: None, except that all lots must abut a public street and have adequate width to meet the parking and yard space requirements.

C. Minimum front yard: Thirty (30) feet; forty (40) feet for structures on lots fronting on major, minor arterial and major collectors as designated by the Official Thoroughfare Plan. Pavement areas shall be at least ten (10) feet from the right-of-way.

D. Minimum side yard: For structures, fifteen (15) feet. For pavement areas, ten (10) feet.

E. Minimum rear yard: For structures, fifteen (15) feet. When abutting single or two family districts, the rear yard shall equal the rear yard requirement of the abutting district. For pavement areas, ten (10) feet.

F. Maximum lot coverage: Main and accessory structures and parking pavement areas shall occupy no more than fifty percent (50%) of the lot.

G. Parking areas shall be no closer to main structures than ten (10) feet.

H. Minimum lot area per dwelling unit shall be calculated on the basis of 1,450 square feet for Nursing Homes and Senior and Disabled Housing. For Senior and Disabled Independent Housing, minimum lot area per dwelling unit shall be calculated on the basis of 5,455 square feet and may be reduced to 1,450 square feet with approval of the Planning Commission if the proposed development fully complies the requirements of Section 1162.05. For Nursing Homes and Senior and Disabled Housing, minimum lot area per unit may be varied by Planning Commission based upon the merits of the site development plan submitted. The Commission shall consider the factors established by the Site Development Plan, the dwelling unit size and mix, the site configuration and the development incentives set forth in Section 1135.03(c)(3)A, B and C.

(2) Building requirements.

A. Maximum height: Thirty-five (35) feet. The maximum height may be increased to fifty (50) feet by Planning Commission if the lot is not adjacent to any single or two family dwellings. If the building is adjacent to a single family or two family dwelling, the building height may be increased to a maximum height of fifty (50) feet by Planning Commission if one (1) foot of additional setback is provided for each additional foot of height along the affected property line.

B. Accessory buildings have the same yard requirements as main buildings.

C. Minimum dwelling unit area: A minimum of 300 square feet of living space for efficiency apartments with private bathrooms, 220 square feet for efficiency apartments without private bathrooms, 500 square feet for one bedroom units and 700 square feet for two

bedroom units. A minimum of 100 square feet of living space per person for nursing homes.

D. Housing shall be specifically designed for senior and disabled citizens and include facilities generally associated with the needs and interests of aged persons. Access to these facilities and common and public use areas shall be provided in accordance with the "Fair Housing Accessibility Guidelines" (FHAG) as prescribed in Ohio R.C. 3781.1.111.

E. Any facility containing two or more stories shall contain elevator access to all dwelling units above the first floor.

(3) Site development requirements.

A. All applicable subdivision regulations, sign regulations, as well as parking and landscaping regulations of this Zoning Ordinance must be satisfied. The location, size, design, and operating characteristics of the facility will be compatible with and not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to harmful effect, if any, upon desirable neighborhood character.

B. Parking accommodations and loading areas shall be provided pursuant to a layout plan designed by the owner of the land to be developed, conforming to Chapter 1171 and showing traffic movement, ingress and egress, traffic control points, the number and size of parking spaces and service areas. In addition, the expected peak hour traffic volume for employees, members of the public and deliveries shall be described by text. The facility will not adversely affect the generation of traffic and the capacity of surrounding streets.

C. Provision for storm drainage shall be adequate to protect the public and owners of surrounding land.

D. Trash and litter shall be controlled and stored in container systems which are located and enclosed in a manner to screen them from view.

E. Provision shall be made for an Emergency Medical Service drive or zone.

F. Units are to be within reasonable walking distance, generally within two blocks of major traffic arteries, shopping, community facilities, and other daily activities. If this requirement cannot be met, daily service by shuttle bus for residents to these activities must be available.

G. Community water and sewerage facilities are required.

H. The owner shall file with the Knox County Recorder a covenant, approved as to form by the Village Attorney, in which said owner shall covenant on behalf of himself, his heirs, executors, and assigns not to use the property for any other use than nursing homes, senior and disabled housing or senior and disabled independent housing, unless the use complies with all requirements of the Planning and Zoning Code. Required compliance includes, but is not limited to, density, unit sizes, parking, and setbacks.

I. In addition to the requirements for any site plan, a plan for nursing homes, senior and disabled housing or senior and disabled independent housing shall set forth:

1. Natural scenic characteristics preserved.
2. Recreational, educational and social facilities of the development.
3. Pedestrian and bicycle access to neighborhood facilities, parks and scenic areas.
4. Building architectural design and construction materials.

J. A minimum of twenty percent (20%) of the total site shall be designated as common open space for active and/or passive recreational uses. Common open space shall not include required setback and buffer yard areas. Up to forty percent (40%) of the required common open space area may be provided in the form of a common leisure/recreation room.

(c) Child Care Centers.

(1) Minimum lot area: Sufficient to accommodate an appropriately designed facility including buildings, required yards, landscaping, drop-off area, and circulation space.

(2) Required outdoor play area: There shall be provided a fenced outdoor play area containing at a minimum, the number of square feet required for State of Ohio licensing requirements.

(3) Required access and loading/unloading:

A. An on-site drop-off area shall be provided at the main entrance to the facility sufficient to accommodate four automobiles for facilities with 20 or fewer children plus one additional vehicle for each additional ten children served. The drop-off area may either be in the form of spaces parallel to an access drive adjacent to the building or additional parking spaces beyond code requirements.

B. Access from an arterial or collector street is required or access shall be provided in a manner that does not cause heavy traffic on residential streets.

(4) Required fencing: All outdoor play areas shall be enclosed by a six foot high wall, solid fence or chain link fence planted with a continuous evergreen screen.

(5) Hours of operation: Use of outdoor play areas shall be limited to between the hours of 8:00 a.m. and 8:00 p.m.

(d) Financial Establishments with Drive-Thru Facilities.

(1) Minimum lot area: Uses with drive-in facilities shall have a minimum lot area to accommodate building, required yards, landscaping, parking and circulation requirements.

(2) Setbacks and screening: drive-in windows or lanes shall be located at least 50 feet from any residential property. A solid wood fence, hedge or masonry wall at least six feet in height shall be provided where a drive-in window is located adjacent to residential property.

(3) Off-street parking and circulation:

A. Stacking spaces shall be provided for every drive-in facility per Chapter 1171. Required stacking spaces shall not block or otherwise interfere with site circulation patterns.

B. Customer/employee parking shall be separated from driving activities and customer parking shall be located near the area with the highest accessibility to the principal building.

C. The circulation system shall provide continuous traffic flow with efficient movement throughout the site. Conflict between major pedestrian movement and vehicular circulation shall be minimized.

(e) Animal Hospitals Including Veterinary Clinics, Kennels, Animal Grooming and Pet Stores.

(1) Care and boarding shall be limited to small domestic animals and may not include cattle, horses or swine.

(2) Minimum lot area and setback: The minimum lot area for an animal hospital, veterinary clinic or kennel shall be sufficient to accommodate building, required yards, parking, landscaping and circulation requirements. Any structure used for such purposes shall be at least 100 feet from an adjacent residential property.

(3) Operational standards:

A. All activities other than off-street parking, loading/unloading shall be conducted from a fully enclosed structure. This includes exercise runways.

B. Each structure shall be designed and maintained in a manner to prevent the development of unsanitary conditions.

C. Rooms intended to accommodate animals shall be insulated, or otherwise soundproofed and vented so animal noises will not be audible at any point on the perimeter of the property.

(f) Convenience Food Stores and Fast Food Restaurants.

(1) Minimum lot area: The minimum lot area shall be 7,500 square feet except that uses with drive-in or drive-thru facilities shall be located on lots with a minimum area sufficient to accommodate building, required yards, parking, landscaping and circulation requirements.

(2) Setbacks: Drive-in or drive-thru windows and lanes shall be located at least fifty (50) feet from any residential property. All other structures shall be located in accordance with required setbacks of the underlying zoning district.

(3) Screening: A solid wood fence or masonry wall six (6) feet high shall be constructed where drive-thru facilities for convenience food stores, drive-in stores, or fast food restaurants are located adjacent to residential property.

(4) Off-street parking and circulation:

A. Stacking spaces shall be provided for every drive-thru facility per Chapter 1171. Required stacking lanes shall not block or otherwise interfere with site circulation patterns.

B. Customer/employee parking shall be separated from driving activities and customer parking shall be located in the area with the highest accessibility to dining or sales areas.

C. Circulation system shall provide continuous traffic flow with efficient, non-conflicting movement throughout the site. Conflict between major pedestrian movement and vehicular circulation shall be minimized movements.

(g) Automobile Washing.

(1) Minimum lot area: sufficient to accommodate building, required yards, parking, landscaping and circulation requirements.

(2) Setbacks and screening:

A. All structures shall be located at least fifty (50) feet from any adjacent residential property.

B. A solid fence, wall or hedge six (6) feet high shall be required when an automobile washing facility is adjacent to residential property.

(3) Limitations on use:

A. All washing facilities shall be located entirely within an enclosed building, except that entrance and exit doors may be left open during the hours of operation.

B. Vacuum and steam cleaning equipment may be located outside of the building, but shall not be placed in any yard adjoining residential property.

(4) Off-street waiting and circulation:

A. Off-street waiting spaces shall be provided for auto washing facilities per Chapter 1171. Required waiting spaces shall not block or otherwise interfere with site circulation patterns.

B. If at all possible, exit doors shall be oriented away from the street right-of-way. If not possible, a hard surface exit drive not less than forty (40) feet in length shall be provided between the exit doors and the street.

(h) Gasoline Service Stations. The basis for the following development standards is the assumption that all new service stations will include a convenience store in addition to the traditional pump islands covered by a canopy. It is also assumed that service bays will not be an integral part of the convenience store/gas pump complex. In those cases where car repair services are provided as part of the overall complex but in a separate structure, the entire complex shall be treated as a Commercial Center and fall under the supplemental standards set forth in Section 1143.06 .

(1) Minimum lot area: 15,000 square feet, provided however that the lot size shall be adequate to meet all building and pavement setbacks, parking, circulation, open space and landscaping requirements.

(2) Minimum frontage: None, provided that individually developed lots must abut a public street and have adequate width to meet all building and pavement setbacks, parking, circulation, open space and landscaping requirements. A minimum of 250 foot frontage is required if there are to be two curb cuts for the site.

(3) Maximum lot coverage: All impervious service areas including building and pavement shall not cover more than sixty percent (60%) of the site.

(4) The site design shall provide for traffic circulation that does not interfere with access to and from the pump islands.

(5) To the greatest extent possible, required parking for the site shall be located adjacent to the convenience store facility and not interfere with circulation on the site or access to and from the pump islands.

(6) Canopy size (dimensions) shall be kept to a minimum. Whenever possible the smallest dimension shall be parallel to the adjacent roadway. In no case shall the width of the dimension fronting on or parallel to the roadway exceed twenty-five percent (25%) of the width or frontage of the lot.

(7) There shall be no parking or pavement permitted in the front yard.

(8) The front yard shall consist of adequate and varied landscaping to act as both a screen to the paved area as well as a bufferyard to the impact of the canopy.

(9) Accessory structures are prohibited.

(10) The exterior facade of the structures included in the overall complex shall be natural materials such as brick or stone or some alternative material acceptable to the Planning Commission. The roof of these structures shall be covered with natural or manmade shingles and shall be designed so as to expose said materials to the adjacent streets and properties (such as a gabled or mansard roof).

(11) Should one or more bays for servicing cars be included in the convenience store structure, the site shall provide additional parking consisting of two spaces for each service bay and one space for each employee and service vehicle.

(12) Should a car wash facility be included within the convenience store structure, the site shall provide an additional parking space for each employee and a stacking lane sufficient to accommodate four waiting automobiles for each washing stall or device.

(i) Commercial Centers. Commercial Centers shall be designed to fit with existing and anticipated development in the immediate area to minimize traffic congestion, conflicts, visual pollution and confusion.

(1) Minimum lot area: None, except that lot size shall be adequate to meet all building and pavement setbacks, parking, circulation, open space and landscaping requirements.

(2) Maximum lot area: For commercial centers containing two or more commercial uses, a maximum lot area of five (5) contiguous acres shall be provided including sufficient space to accommodate buildings, required yards, landscaping, parking and circulation.

(3) Lot configuration: The width to depth ratio shall not exceed a ratio of two to one. The minimum depth of a Commercial Center lot shall be 300 feet.

(4) Site layout: The applicant shall demonstrate how the proposed center will tie directly into adjacent commercial developments, both existing and anticipated, for pedestrian and vehicular traffic.

(5) Parking and circulation:

A. Customer/employee parking should be separated with customer parking located near the area with the most direct access to the principal building.

B. Continuous channelized traffic flow with sufficient movement throughout the site shall be provided. Conflict between pedestrian and vehicular movement shall be minimized.

C. Clear delineation of internal circulation roadways including directional signage and pavement markings shall be indicated.

(6) Curb cut controls: Curb cuts to adjacent arterial will be controlled in accordance with the following criteria:

A. A maximum of two curb cuts per street frontage may be allowed provided the minimum frontage is 450 feet and the curb cuts are separated by a minimum of 300 feet (centerline to centerline).

B. All curb cuts shall be located a minimum of 150 feet from an intersection and seventy-five (75) feet from any property line.

(7) Signage:

A. A graphic system shall be used that is uniform in size, shape and color for various tenant signage.

B. Ground mounted signage shall be integrated within the overall site landscaping and the use of foundation planting around the ground sign shall be encouraged.

(8) Lighting:

A. All external outdoor lighting shall be cutoff fixtures or down lighting.

B. Lighting within and relation to any service area to the rear of the building shall also be cutoff fixtures so as not to allow spillage on adjacent property.

(9) Outlot: No outlot shall be created as part of a Commercial Center site plan.

(j) Wireless Telecommunication Facilities.

(1) Minimum lot area: The minimum required by the zoning district, but not less than one (1) acre.

(2) Setbacks: Equal to the height of the tallest structure, but in no case less than zoning district requirements. The setback requirement based on height is not applicable when the proposed facility is constructed on or in an existing structure and does not extend more than twenty (20) feet above the existing structure.

(3) Height: The maximum height of a tower shall be 150 feet including the antenna. The Planning Commission may allow the maximum height to increase to 200 feet to accommodate co-location. Equipment shelters shall meet district standards.

(4) Screening: Perimeter landscaping would be required around fencing at the base of the tower and around any building or equipment. The landscaping should have a year round opacity of seventy-five percent (75%). A six (6) foot minimum height would be required at installation for landscaping around the base of a tower. the Planning Commission may elect, in certain instances, to accomplish screening by materials other than landscaping.

(5) Parking and access: A paved access drive and one paved parking space for a service vehicle.

(6) Lighting. On site: Cutoff style fixtures for control of light spread. On tower: None, unless required by the Federal Aviation Administration (FAA).

(7) Color: The tower shall be painted a non-contrasting gray or similar color to minimize its visibility unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).

(8) Emissions: Emissions standards for electromagnetic fields must be in compliance with current and future Federal Communication Commission (FCC) standards.

(9) Co-location: All approved installations must allow other providers to co- locate on the same pole to the extent technologically feasible at a reasonable and competitive market rate. All requests for new installation must demonstrate that there is no available space on existing towers or other suitable support structure within the established service area. New installations on an existing permitted tower are exempt from the conditional use process and may proceed with a standard building permit approval.

(10) Construction: All new towers shall be constructed to be capable of accommodating at least one additional wireless communication installation for another service provider.

(11) Removal: The applicant or any subsequent owner of the facility will remove it within ninety (90) days of obsolescence or abandonment. Obsolescence is defined as being replaced by new technology. Abandonment would occur when the provider is no longer operating a viable telecommunication network using this facility.

(12) Design: Preference will be given to monopole construction. Only monopole construction would be allowed in residential districts.

(13) Signage: No signage or advertising is to be displayed on the tower structure.

(Ord. 2006-13. Passed 5-1-06.)

1162.06 PLAN CONTENTS AND REQUIREMENTS.

(a) As part of the request for rezoning to a Planned Development District, a Preliminary Plan must be submitted to the Planning Commission along with the text of all applicable development standards. Village Council must approve the zoning change, Preliminary Plan and Development Standards text. A Zoning Certificate will not be issued for any site or sites until a Development Plan is approved by the Planning Commission and found in conformance with the adopted Preliminary Plan and Development Standards.

(1) Preliminary Plan. The Preliminary Plan is a conceptual plan submitted at the time of a request for rezoning generally describing the proposed uses for the site to be rezoned and their relationship with surrounding properties and uses. The Preliminary Plan should contain the following elements:

A. A topographic map of the site and adjacent property showing existing natural features including wooded areas and major trees. A description of how the proposed development was planned to utilize the existing site, identifying charges to the existing site grading and noting major trees that will be removed as part of the proposed development.

B. A schematic plan showing the general development of the tract, location of existing and proposed structures, parking lot layout and other development features including the location of all out parcels.

C. An engineering feasibility statement in sufficient detail to indicate how the proposed development will be serviced with water, sanitary sewer and storm drainage facilities.

D. The proposed traffic circulation pattern showing public and private streets and other transportation facilities, including major pedestrian routes, with evidence through a traffic study

that the proposed development will not adversely impact existing transportation facilities.

E. A conceptual landscaping plan that shows the ability of the proposed development to meet all aspects of Chapter 1173.

F. A proposed schedule or phasing of development of the site.

G. Evidence that the applicant has sufficient control over the land to accomplish proposed and required land improvements.

H. Any additional information required by the Planning Commission necessary to determine that the proposed development meets the intent and purposes of the Planned Development District.

(2) Development Standards Text. A Development Standards Text shall be submitted as part of the Preliminary Plan and shall, through a narrative and graphics, as necessary, in order to detail the development standards to be applied to the development concept described in the Preliminary Plan. The Development Standards Text should clearly identify any standard that is less than the standards established by this Chapter. These modifications shall be justified by fully stating what adjustments, amenities or other compensations are provided as part of the Preliminary Plan to offset the use of reduced standards and by demonstrating how the modified standards will result in the best possible development for the site. Unless specifically modified by the Development Standards Text, the standards established by this Chapter shall apply to the proposed development.

(3) Development Plan. Following approval of the Preliminary Plan, and prior to issuance of a Zoning Certificate, a Development Plan shall be submitted to the Planning Commission for all or part of the area defined in the Preliminary Plan. The Development Plan is a detailed Site Plan which shall contain the following information and adhere to the Development Standards Text approved as part of the Preliminary Plan:

A. Site survey: On a survey show boundary information, existing and proposed development, existing and proposed topography, existing and proposed easements, rights-of-way and utilities.

B. Setbacks: The Site Plan shall indicate building, service areas, parking lot and signage setbacks including front yard, rear yard and side yard areas and shall be in accordance with the approved Development Standards Text.

C. Modifications of Development Standards of Text: Any desired modifications of the Development Standards Text approved as part of the Preliminary Plan shall be so indicated in a modified Development Standards Text document.

D. Height requirements: Maximum height requirements, including mechanical areas, parapets, etc. shall be made per the Development Standards Text requirements and shown on building front, rear and side elevation drawings.

E. Parking and loading: All parking and loading spaces shall be shown including typical dimensions of parking stalls, aisles and loading spaces, size, number of spaces and general location shall also be governed by the Development Standards Text.

F. Waste and refuse: Handling of all waste and refuse materials shall be indicated and described by the Development Standards Text to include appropriate screening and type of containerization.

G. Circulation: All major circulation routes, including arterial, adjacent curb cuts, collector and local streets shall be indicated including rights-of-way, dimensions, pavement widths and intersection improvements. All driveways/curb cuts shall be indicated, including major aisle ways and service routes. Major pedestrian circulation routes shall also be indicated, including dimensions of path and pedestrian crossings, etc. plus any attempts at separating vehicular and pedestrian/recreation movement.

H. Landscaping: As part of the Development Plan, proposed landscaping shall be shown including the general landscaping pattern and type of materials, mounding and fencing. Landscaping may vary in density, spacing and other treatment to reflect variations of topography, existing landscaping or adjacent land uses and conform to Chapter 1173, Landscaping. Landscape features shall be shown as well as planting

dimensions, height, caliper and type of plant materials per the Development Standards Text.

I. Signage and graphics: All signage and graphics shall comply with the Development Standards Text. Letter and other graphic size, sign material, shape, color and illumination (internal only) shall be indicated. This includes dimensions of all ground and wall signage as well as distances from rights-of-way and intensity of illumination. Directional signage shall also be indicated.

J. Lighting: All exterior lighting fixtures shall be shown including parking lot lighting, street walkway or pedestrian lighting, walkway accent lighting and building accent lighting. Lighting intensity and installation height shall be indicated.

K. Fencing: All fences shall conform to the Development Standards Text and appropriate materials, heights, location and style indicated.

L. Architectural treatment: As part of the Development Plan, front, rear and side building elevations shall be shown in accordance with the Development Standards Text indicating building material, color and height. Color material samples shall also be made available for inspection.

(Ord. 2006-13. Passed 5-1-06.)

1162.07 REVIEW BASIS.

(a) Preliminary Plan. The basis for the approval of the Preliminary Plan shall be:

(1) That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Ordinance.

(2) That the proposed development is in conformity with appropriate comprehensive planning or portion thereof as it may apply.

(3) That the acceptability of setbacks, distances between buildings, yard space, suitability of open space systems, traffic accessibility and other elements having a bearing on the overall acceptability of the Development Plan shall contribute to the orderly development of land within the Village.

(4) That any modifications or minimum development standards established by the Planning and Zoning Code are properly identified and adequately justified in the Development Standards Text as necessary to insure a higher quality development.

(5) That the proposed development is in conformity with any design or site planning guidelines adopted by the Planning Commission.

(6) That the plan provides for the coordination and integration of individually designed buildings into one planned district.

(b) Development Plan. Basis for approval of a Development Plan shall be:

(1) That the plan is complete in all respects relative to the requirements set forth in Section 1162.06(a).

(2) That any modifications of the Development Standards Text approved as part of the Preliminary Plan support and enhance the purposes and intent of the Planning and Zoning Code, any applicable comprehensive planning programs and any design or site planning guidelines adopted by Planning Commission.

(3) That all engineering issues have been resolved to the satisfaction of the appropriate Village agency and that final approval of the Development Plan is subject to the acceptance of final engineering of all phases of the development.

(Ord. 2006-13. Passed 5-1-06.)

1162.08 PROCEDURES FOR APPROVAL.

(a) Submission of application for Preliminary Plan:

(1) Prior to filing an application for rezoning to a Planned Development District, the applicant shall meet with staff in a pre-application review meeting to discuss the requirements for a Preliminary Plan and Development Standards Text which are required as part of the rezoning request.

(2) The applicant shall submit the rezoning applications along with the required number of copies of the proposed Preliminary Plan and Development Standards Text in accordance with the

submission schedule established by the Planning Commission. In order to defray the cost of examination of the rezoning application and the Plan and Text and review by the Planning Commission, the applicant shall pay a fee in accordance with the fee schedule adopted and approved by Village Council. Staff shall circulate the Preliminary Plan and other comments to appropriate departments in the Village for review and comment.

(3) Once the applicant has submitted a completed application in accordance with the submission schedule, staff shall submit the application to the Planning Commission for their review and action, which shall be accomplished within a reasonable time. It shall be the duty of Planning Commission to review the Plan and determine whether it complies with the regulations of this Chapter. Planning Commission will forward a recommendation to Village Council.

(4) A Preliminary Plan shall be valid for five (5)years after Village Council approval. Construction of any phase of the development must begin within this period or a new Preliminary Plan is required.

(b) Submission of Development Plan.

(1) Prior to filing for Development Plan Approval, the applicant shall meet with the Centerburg Planning staff to review the Development Plan relative to the previously approved Preliminary Plan and Development Standards Text as well as procedures for approval.

(2) The applicant shall submit an application to the Village including the required number of copies of the proposed Development Plan, Development Standards Text modification, if appropriate, and any other required information in accordance with the submission schedule of the Planning Commission. In order to defray the cost of examination of the materials and review by the Planning Commission, the applicant shall pay a fee in accordance with the fee schedule adopted and approved by Village Council.

(3) It shall be the duty of the Planning Commission to review the plan and determine whether it complies with the regulations of this Chapter. Such determination shall be made within a reasonable time. If the Planning Commission finds that the Development Plan complies in all respects with the regulations of this Chapter and the previously approved Preliminary Plan and Development Standards Text, the Commission shall approve the plan. With the approval of the Planning Commission, minor modifications of the approved preliminary plan may be made. Such modification shall not increase the overall density of the site or change the essential character of the approved plan. If the Planning Commission determines that such proposed changes significantly alter the approval plan, it is considered to be a major change and the plan must be resubmitted to Council for approval.

(4) In the event that the Planning Commission does not approve the plan, each applicant shall be notified in writing of the reason for disapproval or modification along with the decision of the Planning Commission. Decisions of the Planning Commission disapproving the plan or approving it with minor modifications are appealable to Village Council in accordance with the provisions of Section 1107.06(d).

(c) Conformance with the Development Plan. Development shall be in conformance with the Development Plan and construction of site improvements must be commenced within two years of Planning Commission or Council approval; otherwise no development of the land shall take place until a new Development Plan is approved pursuant to this section.

(d) Modification of the Development Plan. With the approval of the Planning Commission, minor modifications of the approved Development Plan may be made. Such modification shall not increase the overall density of the site or change the essential character of the approved plan. If the Planning Commission determines that such proposed changes significantly alter the approved plan, it is considered to be a major change and the plan must be resubmitted to Council for approval. Development of land shall not proceed prior to final approval of the Development Plan. Any development undertaken without such final approval is in violation of this Zoning Ordinance and an abatable nuisance.

(e) Variances from Development Standards. The Planning Commission and/or Village Council may approve variances from the Development Standards of this Chapter as part of the Development Standards Text and Development Plan. These variances shall be consistent with the intent of this zoning district. No action by the Board of Zoning Appeals is required for these variances.

(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1165

OS Open Space District

1165.01 Purpose.
1165.02 Permitted and conditional uses.
1165.03 Development standards.
1165.04 supplementary standards for conditional uses.
1165.05 Variances from development standards.

CROSS REFERENCES

Off-street parking and loading requirements - see P.& Z. Ch. 1171
Landscaping - see P.& Z. Ch. 1173
Nuisance control - see P.& Z. 1175.04

1165.01 PURPOSE.

The purpose of the Open Space District is to recognize and protect unique natural, scenic areas for conservation of open space and for recreational uses. Areas so designated are intended to provide not only for present open space needs, but also for future expected demand for open space that requires the conservation of environmentally unique assets.
(Ord. 2006-13. Passed 5-1-06.)

1165.02 PERMITTED AND CONDITIONAL USES.

(a) Permitted Uses in the Open Space District are:

(1) Public or private parks, preserves or sanctuaries and accessory structures such as shelters and picnic areas.
(2) Public or private golf courses including clubhouse facilities.
(3) Pasturage in relation to a permitted agricultural operation.
(4) Other public or private uses, including cemeteries, which, in the opinion of the Planning Commission conform to the purpose of the Open Space District.
(5) Any agricultural use other than pasturage. The Planning Commission shall judge the acceptability of such uses on the basis of whether or not the proposed use is incompatible with the interest of the community in preserving any unique ecological or environmental attributes which the land may possess.
(6) Nursery production.

(b) Conditional Uses in the Open Space District are: The following uses are conditionally permitted within the Open Space District. These uses may be appropriate as permitted uses within the district but require more detailed evaluation with respect to location, design, size, method, and hours of operation, intensity of use and traffic generation and potential impact on surrounding uses, in order to balance these uses in an equitable manner while safeguarding both individual property rights and general, community welfare. It is the Planning Commission's responsibility to perform this evaluation and after review, to attach necessary conditions and safeguards. The development standards contained in this Chapter are minimum standards. Planning Commission may require more restrictive standards for a conditional use based on the merits of each application. Review and approval of these uses are further regulated in Chapter 1111, Section 1165.03 and Section 1165.04, Conditional Use Supplementary Standards. Parenthetical reference to Section 1165.04 following a listed conditional use indicates that specific supplemental standards have been identified for that use in the referenced subsection.

(1) Public Service Facilities. (Section 1165.04(b))

(Ord. 2006-13. Passed 5-1-06.)

1165.03 DEVELOPMENT STANDARDS.

(a) Lot Requirements in the Open Space District are: Structures, except fences, must be set back from all public rights of way and adjacent property lines a minimum of fifty (50) feet.

(b) Building Requirements in the Open Space District are: Maximum height: thirty (30) feet.

(c) Site Requirements in the Open Space District are: The Planning Commission shall review and prescribe traffic ingress and egress plans that affect public rights of way. Such traffic plans shall not be so designed as to create unnecessary burdens upon public streets. The Planning Commission shall impose such further conditions as are necessary to comply with the purpose of the Open Space District.
(Ord. 2006-13. Passed 5-1-06.)

1165.04 SUPPLEMENTARY STANDARDS FOR CONDITIONAL USES.

All conditional uses shall meet the minimum requirements established by Section 1122.03 unless modified by this section:

(a) Purpose and Intent. The purpose of this section is to establish supplementary standards for certain land uses that may affect adjacent properties, the neighborhood, or the community even if all of the general standards of Section 1122.03 are met. It is the intent of this section to establish appropriate standards for permit processing and for location, design and operation of conditional uses to assure that they will be developed in a manner consistent with the purpose of the Open Space District.

(b) Wireless Telecommunication Facilities.

(1) Minimum lot area: The minimum required by the zoning district, but not less than one (1) acre.

(2) Setbacks: Equal to the height of the tallest structure, but in no case less than zoning district requirements. The setback requirement based on height is not applicable when the proposed facility is constructed on or in an existing structure and does not extend more than twenty (20) feet above the existing structure.

(3) Height: The maximum height of a tower shall be 150 feet including the antenna. The Planning Commission may allow the maximum height to increase to 200 feet to accommodate co-location. Equipment shelters shall meet district standards.

(4) Screening: Perimeter landscaping would be required around fencing at the base of the tower and around any building or equipment. The landscaping should have a year round opacity of seventy-five percent (75%). A six (6) foot minimum height would be required at installation for landscaping around the base of a tower. The Planning Commission may elect, in certain instances, to accomplish screening by materials other than landscaping.

(5) Parking and access: A paved access drive and one paved parking space for a service vehicle.

(6) Lighting. On site: Cutoff style fixtures for control of light spread. On tower: None, unless required by the Federal Aviation Administration (FAA).

(7) Color: The tower shall be painted a non-contrasting gray or similar color to minimize its visibility unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).

(8) Emissions: Emissions standards for electromagnetic fields must be in compliance with current and future Federal Communication Commission (FCC) standards.

(9) Co-location: All approved installations must allow other providers to co- locate on the same pole to the extent technologically feasible at a reasonable and competitive market rate. All requests for new installation must demonstrate that there is no available space on existing towers or other suitable support structure within the established service area. New installations on an existing permitted tower are exempt from the conditional use process and may proceed with a standard building permit approval.

(10) Construction: All new towers shall be constructed to be capable of accommodating at least one additional wireless communication installation for another service provider.

(11) Removal: The applicant or any subsequent owner of the facility will remove it within ninety (90) days of obsolescence or abandonment. Obsolescence is defined as being replaced by new technology. Abandonment would occur when the provider is no longer operating a viable telecommunication network using this facility.

(12) Design: Preference will be given to monopole construction. Only monopole construction would be allowed in residential districts.

(13) Signage: No signage or advertising is to be displayed on the tower structure.

(Ord. 2006-13. Passed 5-1-06.)

1165.05 VARIANCES FROM DEVELOPMENT STANDARDS.

The Planning Commission and/or City Council may approve variances from the development standards of this Chapter as part of Site Plan review pursuant to Chapter 1108. These variances shall be consistent with the intent of this zoning district. No action by the Board of Zoning Appeals is required for these variances.
(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1166

Source Water Protection Overlay District

1166.01 Purpose.
1166.02 Applicability to underlying zoning districts.
1166.03 Determination of applicability.
1166.04 Basis for establishing the Source Water Protection Overlay District.
1166.05 Parcels split by district boundary.
1166.06 Underlying zoning districts.
1166.07 Special uses, prohibited uses, and non-conforming uses.
1166.08 Groundwater protection standards.
1166.09 Hazard potential ranking system for nonconforming uses.
1166.10 Regulated materials activity inventory.
1166.11 Regulated or hazardous materials.

1166.01 PURPOSE.

The purpose of the Source Water Protection Overlay District is to safeguard the public health, safety and welfare of the persons and property in the Village of Centerburg by protecting the ground water that serves as the Village's source of drinking water. The Source Water Protection Overlay District is intended to provide for the protection of the water supply into the future, maintain the natural aquifer recharging ability, reduce the potential for contamination of the water supply, and heighten awareness of the need to protect the Village's water supply. The District regulations of this Chapter are for the purpose of protecting the Village's potable water supply from contamination from existing and future potential pollution sources through the regulation of the use of those substances which could pose a threat to the Village's existing and future wellheads and the surrounding aquifer.

The area ofthe Source Water Protection Overlay is described on the Official Zoning Map.
(Ord. 2011-01. Passed 1-3-11.)

1166.02 APPLICABILITY TO UNDERLYING ZONING DISTRICTS.

The provisions ofthis section shall be applicable to all lands shown as being located within the boundaries of the Source Water Protection Overlay District on the Zoning Map and shall be supplemental to the regulations of the underlying zoning district. Where the requirements of this section are in conflict with the regulations of the underlying district, the more restrictive regulations shall apply.
(Ord. 2011-01. Passed 1-3-11.)

1166.03 DETERMINATION OF APPLICABILITY.

This Chapter applies to any use, structure, storage, activity or operation by a facility within the Source Water Protection Overlay District as shown on the Zoning District Map of the Village of Centerburg. Said District includes all existing and proposed land uses within a 300 foot radius of the Village's wells which are maintained by the Village as a drinking water source. Any use, change in use or occupancy, construction, grading, structural relocation, alteration, addition or demolition shall be in conformance with the provisions of this Zoning Ordinance. Property owners, facility operators, and occupants shall comply with all applicable Federal, state and local regulations in addition to this Zoning Ordinance. Where other applicable regulations are in conflict with this Chapter, the more restrictive provision shall apply.

It shall be the responsibility of any person owning real property or owning or operating a business within the Village of Centerburg to make a determination of the applicability of this section as it pertains to the property or business or operation, and failure to do so shall not excuse any violations of this section.
(Ord. 2011-01. Passed 1-3-11.)

1166.04 BASIS FOR ESTABLISHING THE SOURCE WATER PROTECTION OVERLAY DISTRICT.

The basis for establishing the Source Water Protection Overlay District is the guidance received from the Ohio Environmental Protection Agency, including but not limited to the February 2003 Drinking Water Source

Assessment for the Village of Centerburg on file at the Village office with the Village Clerk.
(Ord. 2011-01. Passed 1-3-11.)

1166.05 PARCELS SPLIT BY DISTRICT BOUNDARY.

Where the boundary of the Source Water Protection Overlay District bisects a parcel of land, only the portion of the parcel within the District shall be considered as being subject to these zoning district restrictions unless the Zoning Officer or Planning Commission makes the determination that the property needs to be monitored for potential adverse impacts on the source waters that this Chapter is intended to protect. Factors that shall be taken into consideration when such determinations are made include, but are not limited to, the amount of area within and outside of the Source Water Protection Overlay District, the size and shape of the parcel, access to the parcel, the degree to which the parcel may be subdivided, environmental features of the parcel, the proposed use of the parcel, and the ability to develop the parcel using that portion outside of the District.

(Ord. 2011-01. Passed 1-3-11.)

1166.06 UNDERLYING ZONING DISTRICTS.

Except as otherwise prohibited by this Chapter, permitted uses and conditional uses shall be those of the underlying zoning district. The development standards of the underlying zoning district shall apply to sites within the Source Water Protection Overlay District. Where a conflict exists between the standards of the underlying zoning district and this Chapter, the standards of this Chapter shall apply.
(Ord. 2011-01. Passed 1-3-11.)

1166.07 SPECIAL USES, PROHIBITED USES, AND NON-CONFORMING USES.

The special uses within the Source Water Protection Overlay District shall be those of the underlying zoning districts subject to any more restrictive regulations of this Overlay District.

(a) Sanitary landfills, drywells and the filling in of land with demolition debris or other non-approved matter, and junkyards, are prohibited.

(b) Commercial or other facilities for the washing of vehicles or equipment shall be permitted only if the wastewater from such facilities is entirely channeled into the sanitary sewer system.

(c) Wastewater treatment plant discharges are permitted when subject to discharge limitations prescribed by the appropriate state and national regulatory agencies.

(d) If a nonconforming use of any land, building or structure is discontinued for six months or more, any further use shall be in conformity with this District.

(Ord. 2011-01. Passed 1-3-11.)

1166.08 GROUNDWATER PROTECTION STANDARDS.

(a) Use, storage, handling and/or production of Regulated or Hazardous Substances in conjunction with permitted and conditional uses in this district shall be limited as to each use, to:

(1) The aggregate of Regulated or Hazardous Substances in use, storage, handling and/or production may not exceed 20 gallons or 160 pounds at any time.

(2) The total use, storage, handling and/or production of Regulated or Hazardous Substances may not exceed 50 gallons or 400 pounds in any twelve month period.

(b) Storage of fuel and lubricants is prohibited except for Regulated Substances that are an integral component of and stored on individual vehicles or equipment that are used specifically and solely for the operation of the equipment in which the substances are contained.

(c) No substitutions of a non-conforming use shall be permitted which results in an increase of the Hazardous Potential Ranking System on a parcel within this district. If the Hazardous Potential Ranking decreases for a non-conforming use for a period of twelve months or more, the non-conforming right to the higher Hazardous Potential Ranking shall be deemed to have been lost through non-use for that period of time.

(d) Heating fuels for residential use in tanks having a capacity of 500 gallons or less are exempt from this ordinance.

(Ord. 2011-01. Passed 1-3-11.)

1166.09 HAZARD POTENTIAL RANKING SYSTEM FOR NONCONFORMING USES.

(a) Any existing uses legally storing, handling using and/or producing Regulated or Hazardous Substances in amounts equal to or less than the requirements under Section 1166.07 are considered conforming uses and this

section does not apply. Any new use or change of uses shall maintain the conforming status of the property.

(b) Existing non-conforming uses shall be permitted to maintain the reported maximum quantity for each reportable Regulated or Hazardous Substance, as determined by peak business cycle. Existing uses and maximum quantities, in combination with a hazard potential rating shall run with the land and be administered in conformance with all other applicable nonconforming
provisions of the Village of Centerburg Code.

(c) In order to assess the risk for potential groundwater contamination, a hazard ranking has been developed for various activities categorized by their Standard Industrial Classification (SIC) code. This ranking is based on the kind of materials commonly associated with each use looking only at the most critical hydrologic factors. This ranking, published and updated regularly by the USEP A, is hereby incorporated by reference.

(Ord. 2011-01. Passed 1-3-11.)

1166.10 REGULATED MATERIALS ACTIVITY INVENTORY.

(a) Except as provided in Section 1166.07 (b) through (d), any owner or occupant of any land in the Source Water Protection Overlay District at the effective date of the section, shall file a Regulated Substance Activity Inventory Report with the Utilities Superintendent. Said report shall be filed within one hundred eighty (180) days of the effective date of this section and at twelve (12) month intervals thereafter.

(b) Except as provided in 1166.06 (b) through (d), any new owner or occupant of any land in the Source Water Protection Overlay District shall file a Regulated Substance Activity Report prior to receipt of a Certificate of Occupancy and at twelve (12) month intervals following the date of occupancy. For purposes of this section, new shall be defined as subsequent to the effective date of this Section.

(c) Where a person owns, operates or occupies more than one location, Regulated Substances Activity Reports shall be made for each location.

(d) Agricultural uses shall file a Regulated Substance Activity Report within one hundred eighty (180) days after the effective date of this Section and at twelve (12) month intervals thereafter. Regulated Substance Activity Reports for agricultural uses shall include total annual on-site application of regulated substances for the reporting property.

(Ord. 2011-01. Passed 1-3-11.)

1166.11 REGULATED OR HAZARDOUS MATERIALS.

The materials, chemicals or substances regulated by this chapter, and particularly restricted by Section 1166.07, are listed and published under the authority of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), Title III of the Superfund Amendments and Reauthorization Act (SARA), and the Emergency Planning and Community Right to Know Act of 1986, which list(s) as are currently in effect and may be revised, are hereby adopted by reference. Said Regulated or Hazardous Materials, include but are not limited to:

(a) Petroleum or petroleum-based liquid products;
(b) Antifreeze, transmission fluids, brake fluids and coolants;
(c) Solvents (raw or spent), alcohols, hydrocarbons, and ketones;
(d) Inks, pigments, printing and photography chemicals;
(e) Paints, primers, thinners, stains, wood preservatives, varnishes, and cleaning compounds;
(f) Industrial and commercial cleaning supplies, drain cleaners, and sanitizers;
(g) Pesticides, herbicides, bactericides, algaecides and fertilizers;
(h) Acids and Bases with pH of 2 or less or greater than 12;
(i) Aqueous metals;

(j) The materials, chemicals or substances regulated by this chapter, and particularly restricted by Section 1166.06, are listed and published under the authority of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), Title III of the Superfund Amendments and Reauthorization Act (SARA), and the Emergency Planning and Community Right to Know Act of 1986, which list(s) as are currently in effect and may be revised, are hereby adopted by reference.

(Ord. 2011-01. Passed 1-3-11.)

CHAPTER 1167

SFH Special Flood Hazard Areas

1167.01 Purpose.
1167.02 Definitions.
1167.03 Basis for establishing the flood plain.
1167.04 Delineation of floodway and floodway fringe overlay.
1167.05 Availability of maps delineating flood plain.
1167.06 Permitted uses in the floodway.
1167.07 Prohibited uses in the floodway.
1167.08 Permitted uses in the floodway fringe.
1167.09 Prohibited uses in the floodway fringe.
1167.10 Certificate of zoning clearance required for development in the flood plain.
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CROSS REFERENCES

Variances - see P.& Z. Ch. 1113
Off-street parking and loading - see P.& Z. Ch. 1171
Landscaping - see P.& Z. Ch. 1173
Nuisance control - see P.& Z. 1175.04

1167.01 PURPOSE.

It is the purpose of this chapter to promote and provide for the proper use and development of lands subject to periodic flooding and to encourage the development of such lands in a manner that will promote the public health, safety and general welfare of the residents of the Village. The intent of this chapter is to secure safety from flooding, minimize flood damage to persons and property, minimize public expenditures for flood relief and flood control projects, and to reduce the height and violence of floods insofar as such are caused by any natural or artificial obstruction.

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

(a) Restricting or prohibiting uses which are dangerous to health, safety and property due to flooding, or which result in damaging increases in erosion, in flood heights or in flood water velocity;

(b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(c) Controlling the alteration of the flood plain, watercourse channels and natural protective barriers, which help accommodate or channel flood waters;

(d) Controlling the filling, grading, dredging and other development which may increase flood damage; and

(e) Preventing or regulating the creation of floodway obstructions or encroachments which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

(Ord. 2006-13. Passed 5-1-06.)

1167.02 DEFINITIONS.

(a) “Area of special flood hazard” means the land in the flood plain identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Rate Map for the Village of Centerburg, Knox County, Ohio and Incorporated Areas, dated January 6, 1982, and any revisions thereto, which is subject to a one percent (1%) or greater chance of flooding in any given year. Areas of special flood hazard are designated by FEMA as Zone A4, A2, and A7.

(b) “Base Flood” means the 100-year recurrence internal flood as shown on the Flood Profiles and the Flood Insurance Rate Map; that flood, having a one percent (1%) chance of being equaled or exceeded in any given year, which defines the flood plain.

(c) "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

(d) "Development" means any man-made change to real property, including but not limited to structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

(e) “Encroachment" means any intrusion into the floodway that by itself or in conjunction with other intrusions could decrease the floodway's ability to carry and discharge the base flood or could increase the surface elevation of a base flood.

(f) "Flood" or "flooding" means a general and temporary condition of inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any source.

(g) "Flood Insurance Rate Map" (FIRM) means the official map dated January 6, 1982, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the Village, and any revisions thereto and is a part of this Zoning Ordinance. There can be on file a letter of map revision (LOMR) or letter of map amendment (LOMA) which would, in fact, be a revision to a FIRM map.

(h) "Flood Insurance Study" means the official report provided by the Federal Emergency Management Agency that includes flood profiles, floodway boundaries, and the water surface elevation of the base flood.

(i) "Flood protection elevation" means that elevation not less than one and one-half feet above the base flood elevation to which uses regulated by the special Flood Hazard Regulations are required to be elevated or floodproofed to compensate for the many unknown factors that could contribute to flood elevations greater than that calculated for a base flood.

(j) "Floodway" means the channel of a 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-half foot.

(k) "Historic structure" means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

(2) Certified or preliminarily determined by the Secretary as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

A. By an approved state program as determined by the Secretary, or

B. Directly by the Secretary in states without approved programs.

(l) "Lowest floor" means the lowest floor of the lowest enclosed area, including 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 in this chapter for enclosures below the lowest floor.

(m) "Manufactured home" means 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. "Manufactured home" does not include a "recreational vehicle".

(n) "Manufactured home park or subdivision" means land divided into two or more manufactured home lots for rent or sale. "Manufactured home park or subdivision" shall exclude any manufactured home park as defined in Ohio R.C. 3733.01, over which the Public Health Council has exclusive rule-making power.

(o) "New construction" means structures for which the "start of construction" commenced on or after the initial effective date of the Village of Centerburg's Flood Insurance Rate Map, and includes any subsequent improvements to such structures.

(p) "Recreational vehicle" means a vehicle which is:

(1) Built on a single chassis,

(2) 400 square feet or less when measured at the largest horizontal projection,

(3) Designed to be self-propelled or permanently towable by a light duty truck, and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

(q) "Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either 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 manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it

include the installation of streets and/or walkways; nor does it 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 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 means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

(r) "Substantial damage" means 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 percent (50%) of the market value of the structure before the damage occurred. Substantial damage also means flood related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

(s) "Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. "Substantial improvement" includes structures which have incurred substantial damage, regardless of the actual repair work performed. "Substantial improvement" 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 an historic structure, provided that the alteration will not preclude the structure's continued designation as an "historic structure"; or

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

(Ord. 2006-13. Passed 5-1-06.)

1167.03 BASIS FOR ESTABLISHING THE FLOOD PLAIN.

To secure this degree of safety from flooding and damages of flooding, the objectives of this chapter are to assure the retention of sufficient natural floodway area to convey flood flows; to designate a minimum flood protection elevation; to reduce the height and violence of floods insofar as such are increased by any encroachment or flood obstruction:

(a) The flood plain constitutes two overlays which are hereby established for and effective in the floodway and floodway fringe of the Village and which shall be subject to the regulations of this chapter. These overlays, the floodway overlay and the floodway fringe overlay, are detailed on the flood profile and Flood Insurance Rate Map (FIRM) contained in the Flood Insurance Study and are subject to the provisions of this chapter.

These two overlays distinguish between:

(1) The hazards to life and property associated with that portion of the flood plain required to carry and discharge the waters of a base flood (the floodway overlay) and

(2) The remaining portion of the flood plain that is subject to inundation during a base flood (the floodway fringe overlay).

(b) The regulations of this chapter shall be construed as being supplementary to the regulations imposed on the same lands by virtue of the land being part of a zoning district. It is not intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this chapter. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

(c) It shall be the intent of this chapter to use the most current data available for identifying the flood plain, floodway and floodway fringe. Such data may be supplied by the Ohio Department of Natural Resources, Federal Emergency Management Agency or an approved technical institute or governmental agency. Consideration shall be given to an engineer-certified specific site survey and study which presents detailed elevation information which is not otherwise available.

(Ord. 2006-13. Passed 5-1-06.)

1167.04 DELINEATION OF FLOODWAY AND FLOODWAY FRINGE OVERLAY.

(a) The selection of the floodway overlay shall be based on the principle that the area chosen for the floodway must be sufficient to carry the waters of the base flood without increasing the water surface elevation of that

flood more than one-half foot at any point within the watercourse or an affected watercourse reach. This floodway overlay designation is established on the Flood Insurance Rate Map (FIRM).

(b) The landward boundary of the floodway fringe overlay shall be that of the base flood. The channelward boundary of the floodway fringe overlay shall be that of the abutting floodway.

(Ord. 2006-13. Passed 5-1-06.)

1167.05 AVAILABILITY OF MAPS DELINEATING FLOOD PLAIN.

(a) The Village shall make available and maintain information as to the flood plain which will provide descriptive data delineating the floodway and floodway fringe overlay boundaries along the major watercourses within the Village by which the location of individual properties can be determined in relation to the flood plain.

(b) To further facilities the implementation of the Special Flood Hazard Area Regulations, the landward boundary of the flood plain shall be delineated on the Zoning Map to provide notice that the properties within the flood plain are subject to qualifications and restrictions in addition to those of the underlying zoning district.

(c) Where a watercourse meanders through or extensively borders a given subdivision or other parcel of land resulting in varying flood elevations, the highest flood elevation affecting a given parcel of land may be used to determine a flood protection elevation for the entire parcel or subdivision.

(Ord. 2006-13. Passed 5-1-06.)

1167.06 PERMITTED USES IN THE FLOODWAY.

(a) Within a floodway, no buildings or structures shall be used and no buildings or structures shall be erected, constructed, altered or enlarged for any purpose and no premises shall be used which are arranged, intended or designed to be used for other than one of the following uses as permitted by the underlying zoning district.

(1) Agricultural use;

(2) Public or private recreational use;

(3) Public or private water-oriented facility for recreational or navigational use and water measuring and control device;

(4) Public utility such as an underground culvert or pipe, street or railroad not requiring fill, and watercourse-crossing bridge or transmission line above the flood protection elevations.

(b) No building, alteration of an existing building, structure or other encroachment, whether public or private, shall be permitted in the floodway which acting alone or in combination with existing or reasonably anticipated uses would impair the designated floodway's ability to carry and discharge the water resulting from the base flood.

(c) No structure associated with use listed in subsection (a)(1) to (4) hereof, including the supporting members of bridges and other public facilities crossing a watercourse, shall be permitted unless an engineering analysis by a registered engineer demonstrates that encroachment will not result in any increase in the water surface elevation during the base flood.

(d) Any building expansion or structure in addition to being floodproofed in accordance with Section 1167.12 shall meet the following requirements:

(1) Have a low flood damage potential;

(2) Be located on the site outside the floodway whenever possible;

(3) Be aligned so as to minimize its potential as an obstruction to the flow of water;

(4) Minimize the barrier effect of appurtenant works such as fences and walls; and

(5) Maintain the terrain.

(Ord. 2006-13. Passed 5-1-06.)

1167.07 PROHIBITED USES IN THE FLOODWAY.

(a) Within the floodway no building, structure or premises shall be used, and no building or structure shall be erected which is designed to be used for overnight accommodations by human habitants.

(b) Any alteration of the floodway terrain through the shifting, addition or removal of material acting alone or in combination with other reasonably anticipated alterations would impair the designated floodway's ability to carry and discharge the waters resulting from the base flood is prohibited. The applicant shall provide an engineering analysis performed in accordance with standard engineering practices for any proposed alteration of the floodway terrain.

(Ord. 2006-13. Passed 5-1-06.)

1167.08 PERMITTED USES IN THE FLOODWAY FRINGE.

(a) Any use expressly permitted by the underlying zoning district is also permitted in the floodway fringe.

(b) Any building, structure or premises located on any portion of any parcel that is within, or partially within, the floodway fringe shall be erected, arranged or designed to be used as specified by the underlying zoning district and in accordance with the following specifications.

(1) Residential. Each residential building or alteration of an existing residential building shall be elevated such that the lowest floor, including the basement, cellar or crawl space, is equal to or above the flood protection elevation for the site. A residential building shall have a means of ingress and egress to land outside the flood plain that is above the flood protection elevation and substantial enough for both pedestrian and vehicular access during a base flood.

(2) Commercial, manufacturing and other. New construction of, or substantial improvement to, any building, structure or appurtenant work shall be elevated as provided for in subsection (b) (1) hereof, or, together with attendant utility and sanitary facilities, shall be floodproofed as provided in Section 1167.12 to a point at or above the flood protection elevation. Accessory land uses such as yards, railroad tracks and parking lots may be at lower elevations.

(3) Public streets. Public streets shall be at a point equal to or above the flood protection elevation, or in developed areas shall meet the maximum elevation already established.

(4) Railroads, transmission lines, pipes, well fields and related facilities. Protection to a point equal to or above the flood protection elevation shall be provided where failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area.

(5) Storage of material. Material that, in time of flooding, is buoyant, flammable, explosive or could be injurious to human, animal or plant life shall be stored at or above the flood protection elevation, floodproofed or protected by structural measures consistent with the standards set forth in Section 1167.12 .

(6) Utilities. Any new or replacement water supply system or sanitary sewage system shall be designed to minimize or eliminate infiltration of flood waters into the system. Any new or replacement sanitary sewage system shall also be designed to minimize discharge from the system into flood waters. An on-site waste disposal system shall be located so as to avoid impairment or contamination during flooding.

(Ord. 2006-13. Passed 5-1-06.)

1167.09 PROHIBITED USES IN THE FLOODWAY FRINGE.

(a) Within the floodway fringe no building, structure or premises shall be used and no building or structure shall be erected in such a manner as to result in an encroachment into the floodway.

(b) Landfill is prohibited in the floodway fringe unless associated with a specific site development the extent of which shall be fully detailed on the application for a certificate of zoning clearance and the certificate issued therefor.

(Ord. 2006-13. Passed 5-1-06.)

1167.10 CERTIFICATE OF ZONING CLEARANCE REQUIRED FOR DEVELOPMENT IN THE FLOOD PLAIN.

Within the flood plain, no building or structure shall be erected, constructed, altered or enlarged and no development or use shall occur except upon the issuance of a zoning certificate.

(a) Application. Application for a zoning certificate shall be made to the Zoning Administrator on a form signed by the applicant stating that the information provided is accurate and truthful, and containing:

(1) The name, address and telephone number of the applicant, and of the owner of the property.

(2) An accurate legal description of the property.

(3) The existing use and proposed use and proposed development of the property and the zoning district in which the property is located.

(4) Two copies of a plot plan drawn to scale and showing:

A. The shape and dimensions of the property.

B. The area of special flood hazard located on the property.

C. Locations and dimensions of existing structures and improvements.

D. Means for traffic access and provisions for parking.

E. Location and description of trees and shrubs.

F. Elevation in relation to mean sea level, of the lowest floor, including basement, of all structures.

G. Elevation in relation to mean sea level to which any structure has been flood-proofed.

H. Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria in Section 1167.12(a)(6).

I. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

J. Any additional information required by the Zoning Administrator to determine compliance with this Zoning Ordinance.

(b) Approval or Disapproval of Zoning Certificate.

(1) The Zoning Administrator shall not issue a zoning certificate until:

A. It has been determined that sites affected by the flood plain as designated by the Flood Insurance Study meet all the provision of this chapter; or

B. In unnumbered A zones where FEMA has not provided data, the Village Engineer has determined based on data supplied by the applicant's engineer or architect that the proposed development will not adversely affect the flood-carrying capacity of the area of special flood hazard. "Adversely affect" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one-half foot at any point. The Village Engineer may require additional engineering data as part of the application in order to make such a determination.

(2) The Zoning Administrator shall either approve or disapprove all applications for zoning certificate within thirty days of their filing.

(3) Disapproval of an application for a zoning certificate shall be accompanied by written findings of fact by the Zoning Administrator explaining the reason for disapproval. Except as provided in subsection (b)(4) hereof, an applicant may appeal the decision of the Zoning Administrator disapproving his application to the Board of Zoning Appeals. Notice of appeal shall be filed with the Zoning Administrator within fifteen days after the decision of the Zoning Administrator is mailed to the applicant at the address listed on the application.

(4) The Zoning Administrator shall disapprove an application, which he determines contains information which is clearly and demonstrably false. There is no administrative appeal from such disapproval. Should the applicant file an amended application containing correct information, it shall be treated as a new application.

(5) Review all applications to assure that all necessary permits have been received from those federal, state and local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required.

(6) Make interpretations, where needed, as to the exact location of the boundaries of special flood hazards when there appears to be a conflict between a mapped boundary and actual field conditions. Where a map boundary and elevation disagree, the elevations delineated in the flood elevation profile shall prevail. The applicant may appeal the interpretation as per Section 1167.11.

(Ord. 2006-13. Passed 5-1-06.)

1167.11 APPEALS AND VARIANCES.

(a) Appeals. The Board of Zoning Appeals shall determine appeals from the decisions of the Zoning Administrator disapproving applications for zoning certificates based upon alleged errors in the application of the provisions of this chapter.

(b) Variances.

(1) Applications for variances from the development standards of this chapter shall be filed for determination by the Board of Zoning Appeals pursuant to Chapter 1113.

(2) No variance shall be granted unless the Board of Zoning Appeals determines the application complies with Section 1113.03.

(3) No variance shall be granted by the Board of Zoning Appeals until it has considered all the following:

A. The danger that materials may be swept onto other land to the injury of others.

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

C. The susceptibility of the proposed development to flood damage and the effect of such damage on the owner.

D. The importance of the services provided by the proposed development to the Village.

E. The necessity to the development of a waterfront location, where applicable.

F. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.

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

H. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area.

I. The safety of access for vehicles to the property in times of flood.

J. 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.

1 K. The costs 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.

L. Whether the land proposed to be developed consists of less than one-half acre and is contiguous to and surrounded by lots with existing structures constructed below the base flood level. The granting of variances is more appropriate for such small tracts than for larger tracts.

(4) No variance shall be granted by the Board of Zoning Appeals where the variance will result in increased flood heights, additional threats to public safety, extraordinary public expense or nuisances.

(5) The Board of Zoning Appeals shall grant the minimum variance from development standards of the chapter necessary to grant relief to the applicant consistent with the flood hazard to the area.

(6) No variance shall be granted by the Board of Zoning Appeals for land located within any designated floodway where the variance will result in any increase in flood levels during the base flood discharge.

(7) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(8) 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.

(Ord. 2006-13. Passed 5-1-06.)

1167.12 DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION.

(a) General Standards. The following development standards apply to all areas within the floodway fringe.

(1) Anchoring.

A. 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.

B. All manufactured homes not otherwise regulated by the Ohio 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 over-the-top or frame ties to ground anchors.

(2) Construction materials and methods.

A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

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

C. 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.

(3) Utilities.

A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

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

(4) Subdivision proposals.

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

B. 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.

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

D. All subdivision proposals, including manufactured home subdivisions, shall meet the specific standards of subsection (d) hereof.

(5) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the flood protection elevation.

(6) Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or, together with attendant utility and sanitary facilities, shall:

A. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.

B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

C. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection.

(b) Manufactured Home Standards.

(1) The following standards shall apply to all new and substantially improved manufactured homes not subject to the manufactured home requirements of Ohio R.C. 3733.01.

A. Manufactured homes shall be anchored in accordance with subsection (a)(1) hereof.

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

(c) Enclosures Below the Lowest Floor.

(1) The following standards apply to all new and substantially improved residential and nonresidential structures which are elevated to the base flood elevation using pilings, columns or posts. Fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall:

A. Be certified by a registered professional engineer or architect; or

B. Must meet or exceed the following criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other openings provided that they permit the automatic entry and exit of floodwaters.

(2) Any enclosure which meets these criteria shall be considered as having met the requirements of subsection (a)(1) hereof.

(d) Subdivisions and Large Developments. In all areas of special flood hazard where base flood elevation data have not been provided in accordance with Section 1167.03 or 1167.13 (b), the following standards apply to all subdivision proposals, including manufactured home subdivisions, and other proposed developments containing at least fifty lots or five acres (whichever is less):

(1) The applicant shall provide base flood elevation data performed in accordance with standard engineering practices;

(2) If subsection (d)(1) hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.

(Ord. 2006-13. Passed 5-1-06.)

1167.13 GENERAL PROVISIONS.

(a) Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter does not create liability on the part of the Village, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(b) Use of Other Base Flood Elevation 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 1167.03 , are designated as Zone A on the community's Flood Insurance Rate Map. Within these areas, the Zoning Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data obtained under the provisions of Section 1167.12 (d), in order to administer the provisions of this chapter.

(c) Alteration of Watercourses. The Village Administrator shall notify all adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, submit evidence of such notification to the Federal Emergency Management Agency and require that maintenance is provided within the altered or relocated portion of a watercourse so that its flood-carrying capacity is not diminished.

(d) Reports of Variances Granted. The Village Administrator shall report any variances granted from the development standards of this chapter to the Federal Emergency Management Agency upon its request.

(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1169

Special Overlay District

1169.01 Purpose and intent.
1169.02 Permitted uses.
1169.03 Conditional uses.
1169.04 Development standards.
1169.05 Requirements for creating a district.
1169.06 Application procedure.
1169.07 Criteria for district jurisdiction; procedure for adoption.
1169.08 Plan content.
1169.09 Site development.
1169.10 Procedure for amending a plan.

1169.01 PURPOSE AND INTENT.

The purpose of the Special Overlay District (SOD) is to supplement land uses and development standards already in effect under current zoning with more specific development standards, uses and review guidelines that recognize the unique characteristics of an area. These characteristics may be associated with existing structures, natural features and/or site locations. Existing structures may be important to the community from an historical or architectural design perspective. Natural features include topographic features, watercourses, woodlands and wildlife habitats. Site location provides for sites which are important for community image and/or function.
(Ord. 2006-13. Passed 5-1-06.)

1169.02 PERMITTED USES.

Permitted uses shall be those of the underlying zoning district(s). The permitted uses of the underlying zoning district(s) may be reduced or expanded when justified by the Plan required by Section 1169.08.
(Ord. 2006-13. Passed 5-1-06.)

1169.03 CONDITIONAL USES.

Conditional uses shall be those of the underlying zoning district(s). The conditional uses of the underlying zoning district(s) may be reduced or expanded when justified by the Plan required by Section 1169.08.
(Ord. 2006-13. Passed 5-1-06.)

1169.04 DEVELOPMENT STANDARDS.

Development standards from both the Special Overlay District and the underlying zoning district shall apply to sites within a Special Overlay District. In the event of conflict between the standards of the underlying zoning district(s) and a Special Overlay District, the standards of the Special Overlay District shall apply.
(Ord. 2006-13. Passed May 1, 2006.)

1169.05 REQUIREMENTS FOR CREATING A DISTRICT.

Enactment of a Special Overlay District shall require:

(a) Delineation of the area and basis for a District.
(b) Approval by the Planning Commission of the need or justification for the District.
(c) Preparation of a conceptual plan governing the district.
(d) Creation of applicable uses and development standards that differ from the underlying zoning district.
(e) Recommendation of approval of the Plan, development standards, uses and zoning of the area as a Special Overlay District by the Commission.
(f) Passage by Council pursuant to Chapter 1109, development standards, uses and zoning of the area as a Special Overlay District.

(Ord. 2006-13. Passed 5-1-06.)

1169.06 APPLICATION PROCEDURE.

(a) Special Overlay District zoning may be initiated by the Planning Commission, Council or by a property owner(s) pursuant to Section 1109.01. The application shall be filed in the office of the secretary of the Commission and shall contain the following:

(1) All data required by Section 1109.02(a).
(2) The description should specifically address the characteristics of the area which the applicant feels justify or establish the need or justification for creation of the district.
(3) The map should be drawn to scale and show the location and characteristics of the structures, natural features and/or site locations which are the basis of the district.

(b) The secretary of the Commission shall schedule the application for Commission consideration. The Commission shall determine whether there is adequate justification or need for the creation of a Special Overlay District. If the Commission decides that there is adequate justification or need, it shall direct the secretary to prepare a Plan governing the District and develop applicable development standards and uses. In the event the Commission determines that there is not adequate justification or need for the district or that the district boundaries and characteristics should be modified, the applicant or any aggrieved or affected party, including the administrative staff of the Village, may appeal the decision of the Commission to Council pursuant to Section 1107.06.
(Ord. 2006-13. Passed 5-1-06.)

1169.07 CRITERIA FOR DISTRICT JUSTIFICATION; PROCEDURE FOR ADOPTION.

(a) The Planning Commission shall consider the following criteria in deciding whether there is justification or need for a Special Overlay District (SOD):

(1) The district boundaries are clearly defined and identifiable so that the district is distinct and separate from adjacent property.

(2) The boundaries of the district include all of the properties and only the properties which possess the unique characteristics associated with the district.

(3) The characteristics of the district are clearly articulated so as to separate the proposed district from adjacent property or other locations in the Village.

(4) The characteristics of the district fulfill the purpose and intent of a Special Overlay District as is articulated in Section 1169.01.

(5) Creation of the district is consistent with established Village plans and/or policies.

(b) Upon the Commission determining that there is adequate justification or need for a Special Overlay District, the Commission shall become the applicant for the zoning change pursuant to Section 1109.01(a) and the provisions of Section 1109.03 shall govern the procedures for adopting the Special Overlay District.

(c) As part of its direction to staff to prepare the development plan standards and uses for the district, the Commission shall also generally establish a time frame for completion of this work.

(Ord. 2006-13. Passed 5-1-06.)

1169.08 PLAN CONTENT.

(a) At the direction of the Planning Commission, the secretary shall prepare a Plan which:

(1) Delineates the boundaries of the district by map and legal description.

(2) Identifies and describes those structures, site locations or natural features of the area which contributed to the creation of the district.

(3) Identifies specific uses and development standards or guidelines which are intended to create or preserve the unique characteristics of the district. The content of these uses and standards may vary from district to district but may include uses, building and pavement setbacks, minimum lot area, minimum lot width, lot coverage, building height limits, landscaping standards, signage standards, building materials usage, architectural style, parking standards and other site development standards which vary from the development standards of the underlying district(s).

(b) As a part of the Plan, the secretary shall prepare a specific list of the permitted and conditional uses and development standards that are applicable in the Special Overlay District and which vary from the uses and development standards permitted in the underlying zoning district(s).

(Ord. 2006-13. Passed 5-1-06.)

1169.09 SITE DEVELOPMENT PROCEDURE.

Development proposals for individual sites within an approved Special Overlay District shall be reviewed by the Planning Commission for compliance with the regulations of the underlying zoning district as modified by the Special Overlay District. In reviewing proposals for compliance with the regulations, the Commission shall consider the review guidelines contained in the Plan for the Special Overlay District. Any applicant whose specific development proposal is not approved, or any applicant whose proposal is approved subject to modifications may appeal to Council in accordance with the provisions of Section 1107.06.

(Ord. 2006-13. Passed 5-1-06.)

1169.10 PROCEDURE FOR AMENDING A PLAN.

The uses and development standards approved for a Special Overlay District may be amended only by following the procedures for amendment to the Zoning Code as set forth in Chapter 1109. Otherwise, minor modification to an approved Plan may be made by the Planning Commission provided such modification does not increase the overall density of the site or change the essential character of the approved Plan. If the Commission determines that the proposed changes significantly alter the approved Plan, the Plan shall be resubmitted to Council for approval.

(Ord. 2006-13. Passed 5-1-06.)

TITLE FIVE - Additional Zoning Requirements

Chap. 1171. Off-Street Parking and Loading Facilities.
Chap. 1173. Landscaping.
Chap. 1174. Swimming Pools.

Chap. 1175. Supplementary District Regulations.
Chap. 1177. Home Occupations.
Chap. 1179. Fences and Hedges.
Chap. 1181. Signs.
Chap. 1183. Medical Marijuana Activities.

CHAPTER 1171

Off-Street Parking and Loading Facilities

1171.01 Purpose.
1171.02 General specifications and requirements.
1171.03 General development standards.
1171.04 Required number of parking spaces by use.
1171.05 Required number of loading spaces by use.
1171.06 **Parking regulations in residential districts.**

CROSS REFERENCES
Loading space defined - see P.& Z. 1105.5400
Parking definitions - see P.& Z. 1105.7200 et seq.

1171.01 PURPOSE.
The purpose of requirements for off-street parking and loading facilities is to promote the orderly development of land within the Village and to promote the safety of residents of the Village by assuring the orderly handling of vehicles and vehicular traffic.
(Ord. 2006-13. Passed 5-1-06.)

1171.02 GENERAL SPECIFICATIONS AND REQUIREMENTS.
(a) In all districts, at any time any building, structure or use of land is constructed, enlarged, increased in capacity, used or occupied, including change of occupancy, there shall be provided for every use off-street parking spaces for automobiles in accordance with the provisions of this Chapter (1171). A parking plan shall be required for all uses except for single or two- family residential uses. The parking plan shall be submitted to Planning Commission as part of the site plan or development plan review process and to the Zoning Administrator as a part of the application for a Zoning Certificate. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage plans and perimeter screening/landscaping as appropriate.
(b) Parking Space Dimensions. Parking spaces shall conform to the following minimum area and dimensions exclusive of driveways and aisles:

	Minimum Width (Feet)	Minimum Length (Feet)
(1) Ninety degree parking	9	19
(2) Parallel parking	7	23
(3) Sixty degree angle parking	9	19
(4) Forty-five degree angle parking	9	19

(5) Excess parking spaces above the minimum required by this chapter may be designed to accommodate small cars for uses having little turnover such as apartments, general business offices or industrial plants. Commercial uses, medical offices and other high turnover uses are not permitted to designate small car spaces. The minimum width and length of such spaces shall be 8' x 17'. Approved small car spaces shall be grouped and clearly marked rather than scattered throughout the lot.

(c) Access.
(1) Each site shall have an access drive into the parking area with a minimum width as follows:

MINIMUM
DRIVEWAY

USE	WIDTH (FEET)
Single Family	10'
Two-family	16' (combined drive)
All other uses	12' (one way)
	20' (two way)

(2) Parking aisles adjacent to parking spaces shall contain the following minimu widths:

PARKING PATTERN	MINIMUM AISLE WIDTH (FEET)
90°	22'
60°	18' (one way)
45°	12' (one way)
	22' (two way)
Parallel	12' (one way)
	22' (two way)

(3) All parking spaces, except those required for single or two-family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.

(Ord. 2006-13. Passed 5-1-06.)

1171.03 GENERAL DEVELOPMENT STANDARDS.

(a) Location of Parking Spaces.

(1) Parking spaces for single and two-family residential uses shall be located on the same lot as the use which is to be served.

(2) Except as permitted in the Village Center District, and in the instance of joint parking facilities authorized by this section, parking spaces for all nonresidential uses shall be located on the same lot as the use which is to be served.

(3) Parking spaces for multiple family uses, dormitories or similar residential uses shall be located not more than 250 feet from the principal use served.

(4) No commercial vehicles weighing more than two tons shall be parked in any residential district except for service or delivery purposes.

(b) Required Improvements for Parking Areas.

(1) All off-street parking and loading areas including spaces, driveways, aisles, circulation drives and other vehicular maneuvering areas shall be paved in conformance with Centerburg Engineering Design Standards, as adopted by Council, which shall be adequately drained and lighted, except for:

A. Permitted uses located in the RR, Rural Residential District.

B. Parking areas behind the front yard building setback in the single family and two-family residential districts.

(2) Lighting shall be arranged to reflect the light away from adjoining property.

(3) The owner of a lot used for parking and loading shall maintain the parking area in good condition to be free of holes, trash and debris. The demarcation of parking spaces shall be adequately maintained either through periodic re-striping or other means.

(c) Traffic Control Devices.

(1) Entrances, exits and directional signs shall be provided where practicable, and signs shall conform to Village sign regulations.

(2) All parking areas having a capacity in excess of ten vehicles shall be striped.

(3) When a parking area extends to a property line, or where the extension of a vehicle beyond the front line of the parking space would interfere with drive or aisle access, wheel blocks or other devices shall be used to prevent such extension.

(d) Determination of Required Spaces. In computing the number of parking spaces required by this chapter, the following rules shall apply:

(1) Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a non-residential building

measured from the faces of the exterior walls.

(2) Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated or each eighteen (18) lineal inches of benches, or pews, except where occupancy standards are set by the fire marshal.

(3) Fractional numbers shall be increased to the next whole number.

(4) The parking space requirements for a use not specified in this chapter shall be determined by the Planning Commission or by the Zoning Administrator if the use is substantially similar to another use for which a standard has been established.

(e) Joint or Collective Parking Facilities.

(1) Where two or more uses are provided on the same lot, the total number of spaces required shall equal or exceed the sum of the individual requirements. In computation, a fractional space shall be rounded to the next highest number.

(2) All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not farther than 250 feet from the building served.

(3) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel, approved as to content by Planning Commission and filed with the application for a zoning certificate.

(4) Upon prior approval by the Planning Commission of the terms of a written agreement entered into by owners of property in the Village providing for the joint use of parking spaces, two or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap.

(f) Parking Spaces for Handicapped Persons.

(1) Parking spaces for the handicapped shall meet the requirements of the Ohio Basic Building Code. Each such space may be included in the computation of required number of spaces by use.

(Ord. 2006-13. Passed 5-1-06.)

1171.04 REQUIRED NUMBER OF PARKING SPACES BY USE.

Parking spaces shall be provided according to the following schedule:

(a) Residential Uses.

(1) Single-family detached and semi-detached, two-family, and single-family attached: two (2) per dwelling unit.

(2) Multi-family: two (2) per dwelling unit, plus guest parking at a rate of one (1) space per four (4) units.

(b) Special Residential Uses.

(1) Dormitories, convents and monasteries: one (1) space per six (6) residents plus one (1) space per employee.

(2) Bed & Breakfast: two (2) spaces plus one (1) space per guest room.

(3) Corporate guest houses: one (1) space per two (2) bedrooms, plus one (1) space per employee.

(4) Family and group care homes: one (1) space per four (4) residents plus one (1) space per employee.

(5) Retirement Villages and senior citizen housing: three-fourths (3/4) space per dwelling unit, plus one (1) space per employee.

(c) Institutional and Recreational Uses. All such uses shall provide the total number of spaces required for the specific combination of recreation facilities provided, based on the following:

(1) Cemeteries: one (1) space per employee, plus one (1) space per four (4) seats in the chapels.

(2) Community centers, libraries, museums, art galleries, botanical gardens and other establishments of historical, education and cultural interest; one (1) space per two hundred fifty (250) square feet of gross floor area, plus one (1) space per employee on the largest work shift.

(3) Daycare centers and nursery schools: one (1) space per employee, plus one (1) space per five (5) children at capacity, plus a drop-off area at the main entrance sufficient to accommodate four (4) automobiles with twenty (20) or fewer children plus one additional vehicle for each additional ten (10) children served. The drop-off area may either be in the form of

spaces parallel to an access drive adjacent to the building or additional parking spaces beyond code requirements.

(4) Elementary and junior high schools: one (1) space per employee, plus one (1) space per two (2) classrooms.

(5) High schools: one (1) space per employee, plus one (1) space per five (5) students at capacity.

(6) Hospitals and medical centers: one (1) space for every two (2) beds, plus one (1) space for every staff and employee on the largest work shift.

(7) Junior colleges, colleges and universities: one (1) space for every three (3) students, plus one (1) space per employee.

(8) Places of worship: one (1) space per four (4) seats at maximum capacity.

(9) Public offices and buildings: one (1) space for every two hundred fifty (250) square feet of gross floor area.

(10) Nursing and personal care facilities, including nursing homes, extended care facilities, rest homes and convalescent homes: one (1) space per six (6) beds, plus one (1) space for each staff and employee on the largest work shift.

(11) Recreation uses, indoor and outdoor:

A. Auditoriums, arenas, stadiums, gymnasiums, and playing fields with stands: one (1) space for every four (4) seats at capacity.

B. Golf courses: ten (10) spaces per hole, plus fifty percent (50%) of the spaces otherwise required for any accessory use (e.g., restaurants, pro shops).

C. Parks, playgrounds, nature areas and other open space: one (1) space for every five (5) users at maximum capacity, except that the Planning Commission may waive the parking requirements for neighborhood parks under five (5) acres in size.

D. Recreation centers: one (1) space for every two hundred fifty (250) square feet of floor area, except those designed for use exclusively by senior citizens or youth under age 16, in which case there shall be one (1) space for every seven hundred fifty (750) square feet.

E. Skating rinks: one (1) space per three hundred (300) square feet of gross floor area.

F. Swimming pools: one (1) space for every seventy-five (75) square feet of water surface area.

G. Tennis, racquetball and handball courts: indoor - four (4) spaces for each playing court; outdoor tennis courts - two (2) spaces for each court.

In addition to the above requirements, all recreational uses shall provide one (1) space for every two (2) employees on the largest work shift.

(d) <u>Business and Professional Offices.</u>

(1) Business and professional offices and associations: one (1) space per three hundred (300) square feet of gross floor area, but not less than two (2) spaces per office.

(2) Medical offices and clinics: three (3) spaces per treatment or examination room or chair, plus one (1) space per staff and employee, but not less than five (5) spaces per office.

(e) <u>Retail Commercial and Service Uses.</u>

(1) Animal hospitals and veterinary clinics: three (3) spaces for each treatment area, plus one (1) space for each staff and employee, except that pet stores shall provide parking as retail commercial space.

(2) Commercial schools and studios: one (1) space for every three (3) students at capacity and one (1) space for each employee.

(3) Financial establishments, banks and savings and loan associations: one (1) space per two hundred (200) square feet of gross floor area, plus one (1) space per employee on the largest work shift, plus five (5) off-street waiting spaces per drive-in window or drive-through teller machine.

(4) Funeral homes and mortuaries: one (1) space per every fifty (50) square feet of public floor area, plus one (1) space for each employee, plus one (1) space for each business vehicle.

(5) General merchandise stores and supermarkets: one (1) space for each one hundred fifty (150) square feet of gross floor area used for sales and display and one (1) space for every two hundred fifty (250) square feet of storage, warehouse and office area.

(6) Home furnishings, home improvements and equipment stores: one (1) space for each four hundred (400) square feet of indoor and outdoor sales and display area and one (1) space for each eight hundred (800) square feet of office, storage and warehouse area.

(7) Nurseries and garden supply stores: one (1) space for each employee on the largest shift, one (1) space for each two hundred (200) square feet of gross floor area of inside sales or display and one (1) space for each one thousand (1,000) square feet of exterior sales and display area.

(8) Restaurant, standard: one (1) space per one hundred (100) square feet of gross floor area, plus one (1) space per employee on the largest work shift.

(9) Specialty retail commercial, specialty food stores, personal services and commercial centers: one (1) space for every two hundred (200) square feet of gross floor area less than two thousand (2,000) and one (1) space for every two hundred fifty (250) square feet of gross floor area greater than two thousand (2,000) square feet, and no use shall have less than five (5) spaces.

(10) Business and cleaning services: one (1) space for every three hundred (300) square feet of sales and office area, plus one (1) space for every employee on the largest work shift, plus one (1) space for every company or service vehicle regularly stored on the premises.

(f) Road Service and Commercial Entertainment Uses.

(1) Automobile accessories sale and installation: two (2) spaces for every service bay, plus one (1) space for each employee, plus one (1) space for every four hundred (400) square feet of sales area.

(2) Automobile service stations and auto repair, painting and body shops: two (2) spaces for each service bay, plus one (1) space for each employee and service vehicle, with a minimum of six (6) spaces.

(3) Automobile washing facilities: one (1) space for each employee with a minimum of four (4) spaces, plus four (4) off-street waiting spaces for each car washing device or stall, or eight (8) off-street waiting spaces for an assembly line type washing establishment, and two (2) parking spaces at the end of each washing bay for drying and hand-finishing vehicles.

(4) Commercial Entertainment:

A. Bowling alleys: five (5) spaces for each alley, plus any additional spaces required for a bar, restaurant or other accessory use.

B. Dance halls, bingo halls, assembly and exhibition halls: one (1) space for every fifty (50) square feet of floor area.

C. Drive-in theatre: one (1) space for each automobile station, plus one (1) space per employee.

D. Game rooms and pool halls: one (1) space for every two (2) patrons at maximum capacity, plus one (1) space for every two (2) employees on the largest work shift.

E. Golf driving range: one (1) space per tee, plus one (1) space per employee on the largest work shift.

F. Miniature golf: one and one-half (1-1/2) spaces per hole, plus one (1) space per employee on the largest work shift.

G. Other outdoor commercial entertainment: one (1) space for every four (4) patrons at maximum capacity, plus one (1) space for every two (2) employees on the largest work shift.

H. Theatres, concert halls and meeting and banquet halls: one (1) space for every two and one-half (2-1/2) seats of capacity.

(5) Convenience food stores, mini-markets and carry-outs: one and one-half (1-1/2) spaces for every two hundred (200) square feet of floor area, plus one (1) space for each employee.

(6) Drive-through stores, including photo kiosks and freestanding automatic teller machines: one (1) space for each employee, plus off-street stacking space for five (5) vehicles, plus one (1) space for each two hundred (200) square feet of sales area open to the public.

(7) Fraternal and social associations and private clubs: one (1) space for every fifty (50) square feet of floor area in assembly or meeting rooms, plus one (1) space for every two hundred (200) square feet of other floor area.

(8) Hotels and motels: one (1) space per room or suite, plus one (1) space for every three (3) employees on the largest work shift, plus one (1) space for three (3) persons to the maximum capacity of each public meeting and/or banquet room, plus fifty percent (50%) of the spaces otherwise required for accessory uses (e.g., restaurants).

(9) Restaurants, fast food: one (1) space per fifty (50) gross square feet of floor area, plus one (1) space per employee on the largest shift with a minimum of fifteen (15) total spaces and with off-street stacking space for five (5) vehicles for each drive-in window, with such stacking spaces to be located behind the point where a drive-in order is placed.

(10) Vehicle sales and service: one (1) parking space for each 800 square feet of floor area, plus one (1) space for each 3,000 square feet of open lot area devoted to the sale and display of motor vehicles.

(g) Industrial.

(1) Construction trades and contractor offices and industrial craft shops: one space for every 300 square feet of floor area, plus one space for every business vehicle.

(2) Lumberyards and buildings materials sales: one parking space for each 800 square feet of floor area, plus one space for every 3,000 square feet of lot area devoted to the storage and display of building materials.

(3) Manufacturing, printing and publishing establishments and laundry and dry cleaning plants: one space for each employee on the largest work shift, plus one visitor parking space for every 10,000 square feet of floor area, plus one space for every company vehicle regularly stored on the premises.

(4) Recycling centers: one space for each employee or volunteer on the largest work shift, plus one parking space for each collection vehicle and two drop- off spaces for each bay and/or collection vehicle and container.

(5) Warehouses and mini-warehouses: one space for every 4,000 square feet of gross floor area, plus one space per employee on the largest work shift.

(6) Wholesaling facilities: one space for every 300 square feet of office and sales area, plus one space for every 4,000 square feet of warehouse and storage area, plus one space per employee on the largest work shift.

(Ord. 2006-13. Passed 5-1-06.)

1171.05 REQUIRED NUMBER OF LOADING SPACES BY USE.

(a) Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.

(b) Loading spaces shall conform to the following minimum dimensions:

(1) Class A space - (for semi-truck vehicles) fourteen feet minimum width, fifty-five feet minimum length, fifteen feet height clearance. The space shall not inhibit service access to neighboring facilities or loading areas.

(2) Class B space - twelve feet minimum width, thirty feet minimum length, fifteen feet height clearance, and arranged so as not to inhibit other service traffic.

(c) Number of Spaces Required.

COMMERCIAL AND INDUSTRIAL BUILDINGS:	
Gross Floor Area	**Number and Type of Loading Space**
Less than 5,000 square feet	0
Equal to or greater than 5,000 sq. ft. but less than 15,000 sq. ft.	One Type B
Equal to or greater than 15,000 sq. ft. but less than 30,000 sq. ft.	One Type A
Equal to or greater than 30,000 sq. ft.	One Type A and one Type B
For each additional 50,000 sq. ft. or fraction thereof	One Type A
OFFICE INSTITUTIONAL BUILDINGS (excluding churches):	

Gross Floor Area	Number and Type of Loading Space
Less than 20,000 sq. ft.	0
Equal to or greater than 20,000 sq. ft. but less than 100,000 sq. ft.	One Type A
Equal to or greater than 100,000 sq. ft. but less than 350,000 sq. ft.	Two Type A
350,000 sq. ft or more	Two Type A plus one for each additional 300,000 sq. ft. or fraction thereof

(d) Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way, and complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

(e) No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

(f) Whenever there exists a lot with one or more structures on it constructed before the effective date of this chapter, and a change in use that does not involve any enlargement of a structure is proposed for such lot, and the loading area requirements of this section cannot be satisfied because there is not sufficient area available on the lot that can practicably be used for loading and unloading, then the developer need only comply with this section to the extent reasonably possible.

(g) A loading space may occupy all or any part of any required side or rear yard. No loading or unloading shall occur in a front yard, except for structures less than 15,000 square feet.

(h) No loading space shall be located closer than fifty (50) feet to any residential district.

(Ord. 2006-13. Passed 5-1-06.)

1171.06 PARKING REGULATIONS IN RESIDENTIAL DISTRICTS.

The provisions for the parking or storage of vehicles within a residential zoning district, Planned Residential Zoning District, or Planned Neighborhood District shall be subject to the following conditions:

(a) Parking of Motor Vehicles.

(1) In a residential zoning district, all automobiles, motorcycles, or other motor vehicle shall be parked on an improved impervious parking surface (e.g., driveway or parking area) or within a private garage, carport, etc.

(2) All motor vehicles on the premises shall be in operating condition and in compliance with all motor vehicle safety, equipment, and registration and licensing laws displaying proper tags and validation stickers unless parked or stored within an enclosed structure. A violation of this section may result in the vehicle being declared a Nuisance under the provisions of Section 1175.03 of this Zoning Code.

(b) Parking and Storage of Commercial Vehicles.

(1) For purposes of this section, "commercial vehicle" means any motor vehicle or trailer that is registered with the Ohio Bureau of Motor Vehicles as a commercial motor vehicle or a commercial trailer pursuant to Chapter 4503 of the Ohio Revised Code.

(2) With the exception of the vehicles listed in subsection (b)(3) below, no commercial vehicle shall be parked in any residential district except for the purpose of delivery to or the receiving of goods or other articles, or in connection with the construction, repair or other services being performed, during the actual parking time.

(3) The following commercial vehicles may be parked in a residential district. Such vehicles shall be parked in a garage or on an improved impervious surface in a location least intrusive:

A. Vehicles associated with legally established home occupations pursuant to Chapter 1177;

B. Vehicles with a GVWR (Gross Vehicle Weight Rating) less than ten thousand pounds (10,000 lbs).;

C. Any vehicle required to respond on an emergency basis for the public health, safety and welfare, and has received a certificate of exemption from the Mayor or his designee.

(c) Parking and Storage of Recreational Vehicles and Watercraft. Not more than two vehicles or watercraft for personal use, such as, but not limited to, boats, campers, recreational vehicles, travel trailers, or motor homes shall be stored or parked outdoors. These vehicles shall be parked or stored on a paved surface behind the front building line. Vehicles may be parked in front of the building line

for loading or unloading, for a period of time not greater than seventy-two hours in any thirty (30) day period without the permission of the Zoning Officer or his designee.

(Ord. 2016-06. Passed 5-2-16.)

CHAPTER 1173

Landscaping

1173.01 Intent and purpose.
1173.02 Definitions.
1173.03 Preservation of trees and wooded areas.
1173.04 Tree replacement.
1173.05 Procedure.
1173.06 Landscaping and screening standards.
1173.07 Plant material specifications (for bufferyards, landscaping and screening).
1173.08 Maintenance and replacement requirements.

CROSS REFERENCES
Landscaping defined - see P.& Z. 1105.5300

1173.01 INTENT AND PURPOSE.

The intent of landscaping regulations is to promote and protect the public health, safety and welfare through the preservation, protection and enhancement of the environment, by recognizing the vital importance of tree growth in the ecological system. It is further the purpose of this chapter to:

(a) Promote the preservation, replacement and augmentation of major trees removed in the course of land development, so as to mitigate the impact of development.

(b) Promote the proper utilization of landscaping as a buffer between certain land uses and to minimize the possibility of nuisances including potential noise, glare, litter and visual clutter of parking and service areas.

(c) Protect, preserve and promote the aesthetic appeal, character and value of the surrounding neighborhoods.

(d) Offer a minimum standard for the consistent appearance of plant material in the community landscape.

(e) Soften the appearance of building masses and paved areas and reduce generation of heat and stormwater runoff.

(Ord. 2006-13. Passed 5-1-06.)

1173.02 DEFINITIONS.

The following words and phrases shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise:

(a) "Landscaping" means the use of natural plant materials including, but not limited to, groundcovers, shrubs, and trees (deciduous and evergreen). Landscaping also involves the placement, preservation and maintenance of said plant materials and includes such elements as fences, walls, lighting and earth mounding.

(b) "Major tree" means a living tree with a trunk diameter of at least six inches, measured twenty-four (24) inches above ground level.

(c) "Bufferyard" means a unit of land, together with a specified type and amount of planting thereon, intended to eliminate or minimize conflicts between land uses.

(d) "Canopy Tree" means a large tree which provides canopy over streets and other areas, both paved and unpaved. At maturity, such a canopy tree will achieve a canopy spread of forty (40) or more feet in diameter.

(e) "Crown" means the upper mass or head of a tree.

(f) "Cultivar" means a cultivated variety of plant material grown for its special form and characteristics.

(g) "Deciduous" means plant material which normally sheds its foliage at the end of the growing season.

(h) "Evergreen" means plant material that has foliage that remains green throughout the year.

(i) "Heavily Wooded Site" means a site which has an existing tree canopy coverage prior to development of sixty percent (60%) or greater.

(j) "Opacity" means the degree to which a structure, use or view is screened from adjacent properties.

(k) "Parking Area" means any part of a site used by vehicles not totally enclosed within a structure. This includes parking space and aisles, drives, loading areas and vehicle storage areas. This does not include driveways and permitted off street parking spaces for single and two-family residential uses.

(l) "Registered Professional" means a registered landscape architect or other allied landscape professional, such as an arborist, horticulturist, nurseryman, or forester, certified in their respective field and with experience in plant materials and proper planting design.

(m) "Two Growing Seasons" means two full summer seasons, with summer ending on September 30 of every year.

(Ord. 2006-13. Passed 5-1-06.)

1173.03 PRESERVATION OF TREES AND WOODED AREAS.

(a) All major trees shall be preserved unless exempted, as follows: The Zoning Administrator may approve the cutting down, removal or destruction of a major tree when the tree interferes with the proper development of a lot, provided that the lot is the subject of application for approval of a zoning certificate, a site plan, a development plan, a variance, or a conditional use permit and one of the following applies:

(1) The tree will be located within a public right-of-way or easement.

(2) The tree is located within the area to be covered by proposed structures or within twelve feet from the perimeter of structures, and the proposed structures cannot be located in a manner to avoid removal of the tree at the same time permitting desirable and logical development of the lot.

(3) The tree will be located within a proposed driveway designed to service a single-family home.

(4) The tree is damaged, diseased or a safety hazard.

(5) The tree is an undesirable species in its present location.

(b) Preservation of Wooded Areas. When preparing and reviewing subdivision plans and landscaping plans, good faith effort shall be made to preserve natural vegetation areas. Streets, lots, structures and parking areas shall be laid out to avoid the unnecessary destruction of heavily wooded areas or outstanding tree specimens. Developers of land are encouraged to designate heavily wooded areas as park reserves.

(Ord. 2006-13. Passed 5-1-06.)

1173.04 TREE REPLACEMENT.

(a) During the course of development of a single lot or a subdivision, excepting for heavily wooded sites, the developer or owner shall be required to replace major trees removed pursuant to Section 1173.03 in accordance with the following schedule with trees having a trunk diameter of at least two and one-half (2½) inches, measured twenty-four (24) inches above the ground level:

(1) Major trees having a trunk diameter up to twelve (12) inches are to be replaced on a one-for-one basis;

(2) Major trees having a trunk diameter of twelve (12) inches up to eighteen (18) inches are to be replaced on a two-for-one basis;

(3) Major trees having a trunk diameter of eighteen (18) inches up to twenty- four (24) inches are to be replaced on a three-for-one basis;

(4) Major trees having a trunk diameter of twenty-four (24)inches up to thirty (30) inches are to be replaced on a four-for-one basis; and

(5) Major trees having a trunk diameter of thirty inches and over are to be replaced on a five-for-one basis.

(b) Replacement Schedule for Heavily Wooded Sites. In lieu of the provisions in Section 1173.04 (a) above, the developer or owner of a heavily wooded site shall, during the course of development, be required to retain or replace major trees pursuant to Section 1173.03 in accordance with the following provisions:

(1) A minimum of forty percent (40%) of the development site shall remain under canopy coverage.

(2) At the conclusion of development and installation of landscaping, a sufficient number of large canopy trees shall have been planted or retained so as to return the development site to the percentage of canopy coverage existing prior to development. The canopy coverage shall be achieved over a thirty (30) year period.

A. For calculation purposes, a canopy tree will achieve a canopy spread at maturity of forty (40) feet or more in diameter--a radius of twenty (20) feet or more. The canopy coverage for

one mature tree will be r^2 or $3.1416(20)^2$ = 1,257 square feet. Total canopy coverage on one acre is equal to 43,560/1257 = 35 large canopy trees per acre.

B. The requirement for tree canopy coverage shall be considered as being in addition to any other landscaping required by Section 1173.07.

(3) Replacement canopy trees shall have a trunk diameter at planting of at least two and one-half (2½) inches, measured twenty-four (24) inches above the ground level.

(4) In the event that the developer or owner of a heavily wooded site is unable to plant the number of trees required to achieve the canopy outlined above, said developer or owner shall replace such trees in compliance with (c) below.

(c) Where it is impractical or not feasible to replace all of the trees on the affected lot or within the affected subdivision, staff may approve one, or any combination of, the following alternatives as a means of meeting the tree replacement requirements:

(1) Replace as many trees as is practical on the affected lot;

(2) Replace as many trees as is practical within this affected subdivision phase;

(3) Replace as many trees as is practical within the affected subdivision;

(4) For those trees that cannot be replaced through steps one through three above, the developer or owner shall be required to replace the trees elsewhere in the Village; or

(5) Pay a fee per tree in accordance with the fee schedule adopted and approved by the Village Council to support the Village's effort to replace the trees.

(6) Use larger caliper replacement trees to achieve a planting of equal or greater value with fewer numbers. This option would require approval of the Planning Commission or Board of Zoning Appeals.

(d) Failure to replace a major tree as required by subsection (a) or a canopy tree as required by subsection (b) hereof within one year of the approval of the application referred to in Section 1173.03 is a violation of the Zoning Ordinance, subject to the penalties described in Chapter 1107.99 or bond forfeiture provisions of Section 1173.05 below.

(Ord. 2006-13. Passed 5-1-06.)

1173.05 PROCEDURE.

(a) Any person seeking a zoning certificate, a variance, a conditional use permit, subdivision plat approval, development plan approval or site plan approval, shall file with his application a landscaping plan prepared by a registered professional, which, by plot plan and description shall include:

(1) The present location and size of all major trees, with a designation of major trees sought to be removed. In the case of a heavily wooded site, a recent aerial photo, or other format acceptable to the Zoning Administrator, delineating the existing canopy coverage and the canopy coverage to be removed may be required in lieu of the above.

(2) The location, size and description of landscaping materials proposed to be placed on the lot in order to comply with this chapter.

(3) The location and size of any structures presently on the lot, and those proposed to be placed on the lot.

(4) The proposed location and description of screening proposed to be placed on the lot in order to comply with this chapter.

(b) The Planning Commission shall consider a landscape plan as part of its review of any conditional use permit, subdivision plat, development plan or site plan application. The Board of Zoning Appeals shall consider a landscape plan as part of the action on a variance application.

(c) The Zoning Administrator shall either approve or disapprove all landscaping plans submitted as part of a Zoning Certificate application within thirty (30) days of their filing. On reviewing the application and receiving suggestions or recommendations from the Zoning Administrator, the applicant may agree to modify his application including the plans and specifications submitted. The Zoning Certificate will not be issued until plans reflecting the agreed upon changes are submitted to the Zoning Administrator. An applicant may appeal a decision of the Zoning Administrator disapproving his landscaping plan to the Board of Zoning Appeals. Notice of appeal must be filed with the Zoning Administrator within fifteen (15) days after the decision of the Zoning Administrator is mailed to the applicant at the address listed on his application.

(d) No variance, zoning certificate, development plan approval, site plan approval or conditional use permit shall be granted or issued until final approval of the landscaping plan.

(e) Zoning Certificate. No Zoning Certificate shall be issued until the installation of the landscaping as shown on the approved plan is complete and accepted by the Zoning Enforcement Officer unless a performance bond, cash bond or irrevocable letter of credit is posted at the time the Zoning Certificate is issued.

(1) Posting of bond or letter of credit. The bond or letter of credit shall be in an amount equal to one hundred percent (100%) of the estimated cost of landscaping and installation as specified in the approved landscape plan and in a form acceptable to the Village. The property owner shall provide the landscape contract for completion of the approved landscaping plan, upon which the required amount of bond or letter of credit shall be based.

(2) The bond or letter of credit shall remain in effect until such time as the installation of the landscaping is completed and has been determined by the Village to be in accordance with the final approved landscaping plan.

(3) Forfeiture proceedings shall be brought against the bond or letter of credit if the required landscaping has not been installed within six (6) months of the approval of the zoning certificate.

In the event of failure to install the required landscaping, written notice shall be served upon the holder of the performance guarantee. Such notice shall state that the failure to install the landscaping as required shall result in the forfeiture of the performance guarantee and that such failure shall be deemed an implied consent for the Village to cause said landscape to be installed.

(Ord. 2006-13. Passed 5-1-06.)

1173.06 LANDSCAPING AND SCREENING STANDARDS.

Consistent with the objectives established in the Intent and Purpose section of this chapter, landscaping shall be provided in the following areas: At the perimeter of sites to buffer, separate and/or screen adjacent land uses; at the perimeter of parking lots to shade, separate and/or screen the view of parked cars from adjacent streets and adjacent land uses; in the interior of parking lots to shade and beautify the paved surface; around the perimeter of buildings to soften, shade and enhance the appearance of structures.

Screening is required to block the view of trash dumpsters, loading areas, service courts and storage areas. Screening is also required between residential and non-residential land uses. Parking lots shall be screened to minimize the view of cars from adjacent streets and adjacent residential uses. It is not necessary to screen, but only to separate adjacent non-residential parking areas.

(a) Bufferyards (perimeter lot landscaping). The bufferyard is a designated unit of yard or open area together with any plant materials, barriers, or fences required thereon. Both the amount of land and the type and amount of landscaping specified are designated to lessen impacts between adjoining land uses. By using both distance and landscaping, the impact of such items as noise, glare, activity, dirt, and unsightly parking areas will be minimized. It is a further intent of the following provisions to provide flexibility to the property owner through the manipulation of four basic elements -distance, plant material type, plant material density, and structural or land forms.

(1) Location of bufferyards. Bufferyards shall be located on the side and rear lot lines of a parcel extending to the lot or parcel boundary line. Bufferyards shall not extend into or be located within any portion of an existing street right-of-way.

(2) Determination of bufferyard requirements. To determine the type of bufferyard required between two adjacent parcels, the following procedure shall be followed:

A. Identify the land use class of the proposed use by referring to Table I.

B. Identify the land use class of each adjoining use by referring to Table I.

C. Determine the bufferyard requirements for those side and rear lot lines or portion thereof on the subject parcel by referring to Table II. Existing plant material or fences may be counted as contributing to the total bufferyard requirement. The bufferyards specified are to be provided on each lot or parcel independent of adjoining uses or adjoining bufferyards.

D. Should a developed use increase in intensity from a given land use class to a higher one (e.g., Class III to Class IV), the Planning Commission shall, during the site plan or development plan review process, determine if additional bufferyard is needed and, if so, to what extent and type.

E. Bufferyard requirements are stated in terms of the width of the bufferyard and the number of plant units required per 100 linear feet of bufferyard. The requirements may be satisfied

by any of the options indicated in Table III and illustrated in Exhibit I.

(3) Bufferyard requirements for non-conforming structures or sites. If a non- conforming site is unable to comply with the minimum bufferyard requirements of this chapter, the applicant shall not be entitled to the permit for which application has been made unless a variance is granted. Existing paved areas beyond the minimum code requirements for number of spaces, maneuvering/access aisles or loading areas, shall be removed if necessary to provide the required buffer.

TABLE I LAND USE

CLASSIFICATION

Class I:
- Agriculture
- Single-Family Detached Residences
- Two Family Dwellings

Class II:
- Office Institutional:
  - Administrative and Business Offices Professional Offices
  - Institutions, religious, social, cultural, educational, health & public
- Multi-Family Dwellings

Class III:
- Commercial:
  - General retail, entertainment, restaurants, specialty retail, business services

Class IV:
- Light Industrial:
- Light manufacturing, wholesaling, research, and development

TABLE II BUFFERYARD REQUIREMENTS

	Adjacent Existing Land Use Class			
	I	II	III	IV
Land Use Class				
I	*	E	E	E
II	E	A	C	D
III	E	C	A	B
IV	E	D	B	A

*No bufferyard required.

TABLE III QUANTITY OF PLANT MATERIAL

Bufferyard	Width	Deciduous(1) Trees	Deciduous (1)Trees	Evergreens (1) Berm(2) Fence(2)
A	15' 10'	2 2	- 2	2 2
B	20' 15' 10	2 2 2	- 2 4	2 2 4
C	25' 20' 15'	2 2 3	2 4 4	2 2 4
D	30' 25' 20'	2 2 3	2 2 4	2 4 4

	10'	3	4	4
E	30' 25' 20' 15'	2 3 3 3	2 4 4 4	2 4 4 4

(1) Required minimum plant units per 100'.
(2) Entire length of bufferyard, 3'-4' berm or 4'-6' opaque fence.

EXHIBIT l PAGE 1

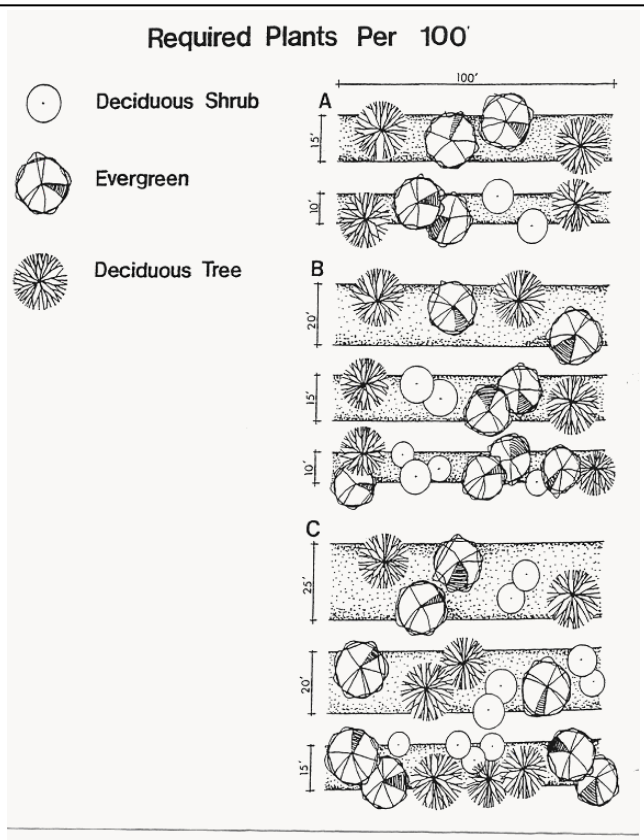
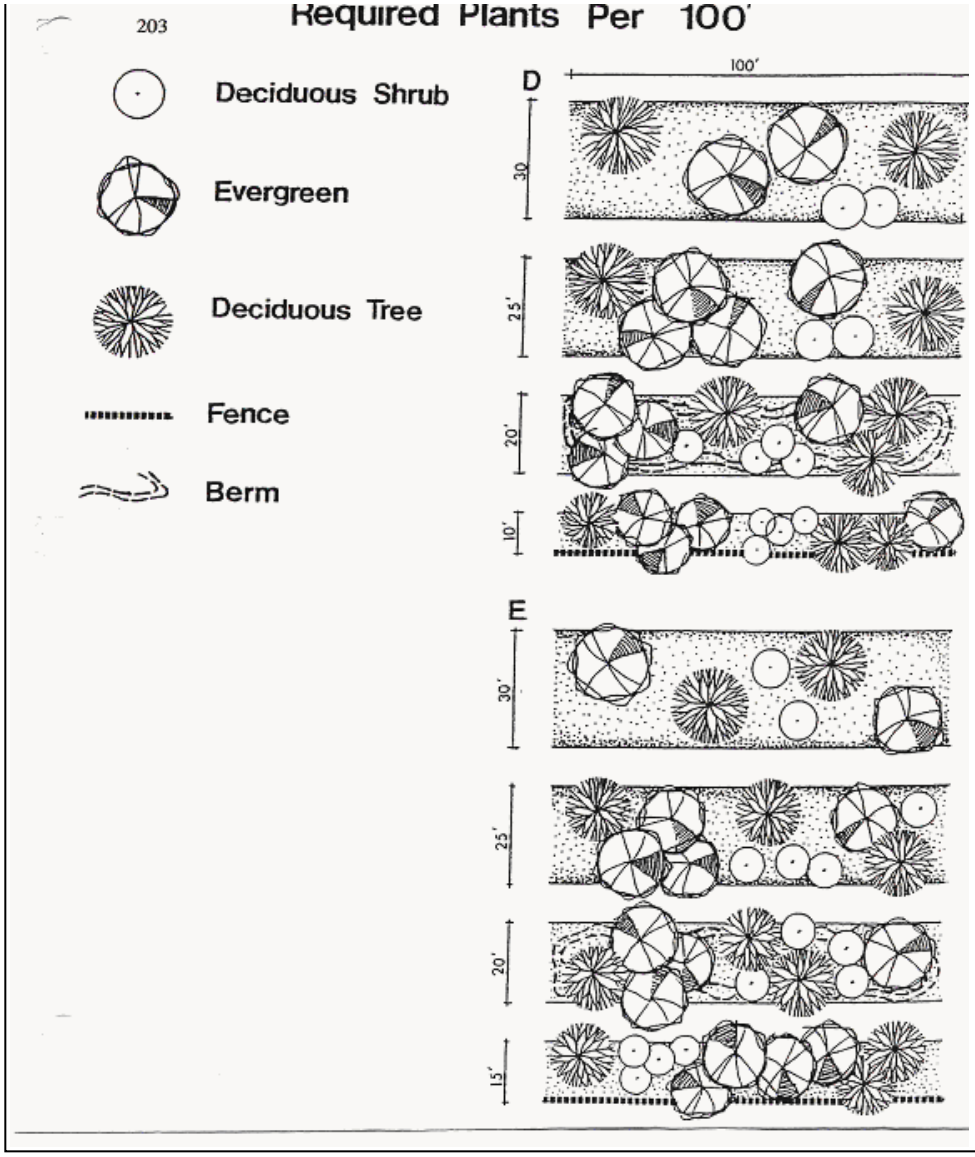


EXHIBIT 1 PAGE 2



(b) Screening of Service Court, Storage Areas and Loading Dock Areas.

(1) For commercial, industrial, office-institutional and community service uses, all areas used for service, loading and unloading activities shall be screened along the entire rear lot line and side lot lines from the rear lot line to the building setback line, if adjacent to or abutting a residential district.

(2) Screening shall consist of walls, fences, natural vegetation or an acceptable combination of these elements, provided that screening must be at least seven (7) feet, and walls and fencing no more than twelve (12) feet in height. Natural vegetation shall be a variety which will attain seven (7) feet in height within five (5) years of planting.

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

(c) Screening of Trash Container Receptacles.

(1) For commercial, community service, industrial, office-institutional and multiple family uses, all trash containers or receptacles shall be screened or enclosed. Trash containers designed to service more than one residential unit or to service a non-residential structure shall be screened on all sides by walls, fences, or natural vegetation or an acceptable combination of these elements. Trash containers shall not be located in the front yard building setback and shall otherwise conform to the side and rear yard pavement setbacks of the applicable zoning district.

(2) The height of such screening shall be at least six (6) feet. The maximum height of walls and fences shall not exceed ten (10) feet. Natural vegetation shall have a minimum opaqueness of

seventy-five percent (75%) at all times. The use of year-round vegetation, such as pines or evergreens is encouraged. Natural vegetation shall be a variety which will attain six (6) feet in height within five (5) years of planting.

(d) Parking Lot Screening and Landscaping.

(1) Perimeter screening. Effectively concealing vehicles within a parking area from the adjacent roadway or adjoining property requires the selective use of plant, mounding or fence material for visual separation. Located adjacent to the parking lot edge, the perimeter screening is designed to supplement required bufferyard material. The perimeter of parking areas, except those for single-family and two-family residential uses, shall be screened as follows:

A. Parking areas adjacent to a public street or private roadway shall be developed with plant, mounding or fence/wall material which conceals the view of parked cars from the street. The height of walls/fences in this location shall be minimized with a maximum height of four (4) feet and plant material should be used to soften and add visual interest to a wall/fence. A plant material screen shall have a minimum opaqueness of seventy-five percent (75%) at all times. The use of year-round vegetation, such as pines or evergreens is encouraged.

B. Parking areas for non-residential uses and for residential uses such as churches, schools, parks and public facilities adjacent to residentially zoned or used land shall be developed with plant, mounding or fence/wall material which conceals the view of parked cars from the residential property. The height of wall/fences located in front of the building line should be minimized with a maximum height of four (4) feet. Plant material should be used to soften and add visual interest to a wall/fence. A plant material screen shall have a minimum opaqueness of seventy-five percent (75%) at all times. The use of year round vegetation, such as pines or evergreens is encouraged.

C. The separation and landscaping of the required bufferyard will provide adequate screening for all other parking lot perimeters.

(2) Interior parking area landscaping. Landscaping within parking areas, whether ground cover or other upright plant material, is necessary not only to reduce the generation of heat and runoff, but to break up visually the expanse of paved areas. The use of parking islands or peninsulas strategically placed throughout the parking lot is one of the most effective ways to landscape parking lot interiors. The use of shade trees in these landscape areas is encouraged. Any open parking area (including loading areas) containing more than 6,000 square feet of area or fifteen (15) or more parking spaces shall provide the following interior landscaping in addition to the required perimeter screening:

A. An area equal to five percent (5%) of the total size in square feet of parking areas smaller than 15,000 square feet shall be landscaped and permeable. For lots between 15,000 and 29,999 square feet, the landscaped area shall equal seven and one half percent (7.5%). For lots larger than 30,000 square feet, the landscaped area shall be ten percent (10%).

B. Whenever possible, large parking areas of 30,000 square feet or larger shall be designed so as to break up their visual expanse and create the appearance of smaller parking lots. This distinction or separation can be achieved by interspersing yard space and buildings in strategic areas and by taking advantage of natural features such as slope, existing woodland or vegetation, drainage courses and retention areas.

C. Landscaping in parking areas shall be dispersed throughout in peninsulas or islands. Minimum island or peninsula size shall be 200 square feet, with a two (2) feet minimum distance between all trees or shrubs and the edge of pavement where vehicles overhang and a minimum width of ten (10) feet.

D. The Planning Commission, as part of the site plan review process, may vary the requirements for minimum and maximum size of parking islands and peninsulas if situations including, but not limited to, the following exist:

1. The need to concentrate landscape areas for the purpose of stormwater detention;

2. The need to relocate required landscaping on the perimeter of a parking area in the case of a small or unusually shaped lot or where additional screening is desired.

(3) Required plant materials for the interior of parking areas:

A. One deciduous tree shall be required for every 3,000 square feet of parking area or for every ten (10) parking spaces.

B. Where site distance or maneuvering conflicts exist, trees shall have a clear trunk of at least five feet above the ground, and the remaining required landscape areas shall be planted with shrubs or groundcover not to exceed two feet in height.

(e) General Landscaping For Lots and Building Foundations. To visually soften the building mass or help define exterior spaces, the following landscaping shall be required for all lots in addition to the landscaping for bufferyards and parking areas. All required planting shall be located in areas which do not include any bufferyard or right-of-way. If the lot consists primarily of impervious surface, such trees may be placed close to the building or may be used to add to required parking area landscaping. Existing plant materials which meet the requirements of this Ordinance may be counted as contributing to the landscaping required of this section.

(1) Lot interior landscaping. Three (3) deciduous trees shall be required for each 100 linear feet of building perimeter of non-residential uses or per dwelling unit of single-family residential uses and one deciduous tree for each multi-family unit.

(2) Building foundation planting requirements.

A. Foundation plantings are intended to soften building edges and screen foundations, and shall be placed within five (5) feet of the building perimeter if feasible. If the Zoning Administrator determines that, because of site design considerations such as the location of sidewalks, plazas or service areas, this is not feasible, such plant materials may be located in planter boxes or in other areas of the site in a manner that enhances the overall landscape plan for the development.

B. Five (5) shrubs shall be required per dwelling unit.

C. Foundation shrubbery for non-residential uses shall be used to enhance and highlight building architecture. The use of foundation plantings is particularly important on blank walls (i.e. to window or door openings).

D. Ten (10) shrubs shall be required for every 100 linear feet of building perimeter for non-residential uses.

(Ord. 2006-13. Passed 5-1-06.)

1173.07 PLANT MATERIAL SPECIFICATIONS (FOR BUFFERYARDS, LANDSCAPING AND SCREENING.

The following sections include specifications for plant materials. Alternatives to these materials which can be demonstrated to meet both the intent and requirements of this Ordinance may be approved as part of a Landscape Plan.

(a) Deciduous Trees. Size at planting: A minimum caliper of at least two and one-half (2½) inches measured twenty-four (24) inches above ground level.

(b) Evergreen Trees. Size at planting: A minimum of five (5) feet high and a minimum spread of three (3) feet.

(c) Shrubs. Shrubs shall be at least twenty-four (24) inches average height and spread at the time of planting and, where required for screening, shall form a continuous, year-round solid visual screen within five (5) years after planting.

(d) Groundcover and Grass.

(1) Groundcover. Groundcover shall be planted a maximum of eight (8) inches on center and shall be planted in such a manner so as to present a finished appearance and seventy-five percent (75%) coverage after one complete growing season. If approved as part of a Landscape Plan, groundcover may also consist of rocks, pebbles, sand, wood chips and other material.

(2) Grass. Grass shall be planted in species normally grown as permanent lawns in Centerburg, Ohio, and may be sodded or seeded, except in swales or other areas subject to erosion, where solid sod, erosion-reducing net, or suitable mulch shall be used. Grass sod shall be clean and free of weeds and noxious pests or disease.

(Ord. 2006-13. Passed 5-1-06.)

1173.08 MAINTENANCE AND REPLACEMENT REQUIREMENTS.

The owner shall be responsible for the maintenance of all landscaping in good condition so as to present a healthy, neat and orderly appearance. This should be accomplished by the following standards:

(a) All plant growth in landscaped areas shall be controlled by pruning, trimming or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard.

(b) All planted areas shall be maintained in a relatively weed-free condition, clear of undergrowth and free from refuse and debris.

(c) All landscaping materials contained on a landscape plan approved by the Planning Commission, Board of Zoning Appeals, or Zoning Administrator or his designee must be properly maintained. All plant materials shall be replaced if they die or become unhealthy because of accidents, drainage problems, disease or other causes. Replacement plants shall conform to the size standards that govern original installation. Deciduous trees must be replaced with deciduous trees, coniferous trees must be placed with coniferous trees and shrubbery must be replaced with shrubbery. Plants intended for screening must maintain the required minimum opacity. Dead or unhealthy plants shall be replaced within the next planting season, or within six (6) months, whichever comes first. Other defective landscape material shall be replaced within three (3) months.

(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1174

Swimming Pools

1174.01 Definitions and purpose.
1174.02 Application of requirements.
1174.03 Permits and operation.
1174.04 Location, height and area requirements.
1174.05 Fences.
1174.06 Lights.
1174.07 Drainage.

CROSS REFERENCES
Swimming pool defined - P.& Z 1105.10200

1174.01 DEFINITIONS AND PURPOSE.

This chapter is enacted to provide regulations for the construction and operation of swimming pools. It is applicable to bodies of water used for swimming or recreational bathing and is not applicable to storm drainage retention or detention ponds authorized by the Village Engineer.

(a) "In-ground pool" means a swimming pool including its decks, walks and sidewalls, which project less than two (2) feet above the average finished grade of the pool site or portion of the lot immediately surrounding the pool to a distance of twenty (20) feet beyond the pool.

(b) "Above-ground pool" means a swimming pool including its decks, walks and sidewalls, which project more than two (2) feet above the average finished grade of the pool site or portion of the lot immediately surrounding the pool to a distance of twenty (20) feet beyond the boundary of the pool.

(Ord. 2006-13. Passed May 1, 2006.)

1174.02 APPLICATION OF REQUIREMENTS.

All of the provisions of this chapter shall apply to private swimming pools. The provisions of Section 1174.04 to 1174.07, inclusive, shall apply to all swimming pools.

(Ord. 2006-13. Passed 5-1-06.)

1174.03 PERMITS AND OPERATION.

(a) Permit Required. No person, firm or corporation shall locate, construct, or install any swimming pool or make any alterations thereto without first having submitted an application and plans therefor and having

obtained a permit from the Zoning Administrator.

(b) A permit shall not be issued unless and until the plans and specifications have been approved as to structural safety and compliance with this chapter and such pools shall not be used until the construction thereof has been approved by the Zoning Administrator.

(c) Every swimming pool shall be provided with a filtration system approved by the Board of Health.

(d) No person shall use, operate, repair or maintain any swimming pool in violation of any of the provisions of this chapter or of any lawful order of the Zoning Administrator, or in violation of any regulations of the Board of Health.

(Ord. 2006-13. Passed 5-1-06.)

1174.04 LOCATION, HEIGHT AND AREA REQUIREMENTS.

(a) Location. No in-ground or above-ground swimming pool and the decks, walks and appurtenances thereto, shall be located nearer than ten (10) feet from the side or rear property line of the lot or parcel upon which it is situated or nearer to any street on which the lot or parcel abuts than a distance of ten (10) feet greater than the front building setback line as established by Part Eleven of the Codified Ordinances.

Pumps and/or filtering systems shall be located not less than ten (10) feet from any property line and not less than ten (10) feet from the building setback line established by Part Eleven of the Codified Ordinances.

(b) Area Limitations. The area of a swimming pool exclusive of decks, walks and other appurtenances shall not exceed ten percent (10%) of the area of the lot or parcel on which the pool is located. The area of a swimming pool is not counted in the calculation of total lot coverage contained in each zoning district. The area of decks, walks and appurtenances is included in lot coverage calculations.

(c) Height Limitations. Lights, diving boards, slides or other accessories shall not project more than ten feet above the average grade of the pool site.

(Ord. 2006-13. Passed 5-1-06.)

1174.05 FENCES.

Every swimming pool, or the entire property on which is it located shall be completely enclosed by a fence or other barrier at least forty-eight (48) inches in height consistent with the height and material specifications prescribed by the standards set forth in the Building Code for the City of Columbus and designed and constructed in order to prevent uncontrolled access to the swimming pool from public rights-of-way or from adjacent properties. Each gate in the fence shall be secured as prescribed in said Building Code.

(Ord. 2006-13. Passed 5-1-06.)

1174.06 LIGHTS.

All lights used for the illumination of the swimming pool and the swimming pool area shall be designed, located and installed to confine the direct beams thereof to the lot or parcel on which the pool is located.

(Ord. 2006-13. Passed 5-1-06.)

1174.07 DRAINAGE.

All swimming pools shall be provided with drainage into a public storm sewer or natural watercourse of sufficient size and grade to provide for the drainage of the pool. A pool shall be drained in whole or in part with a drainage flow which exceeds the capacity of the storm sewer or natural watercourse. The chlorine level in pool water shall be reduced prior to release into a public storm sewer or natural watercourse to a concentration no greater than 1 part per million or less such that the pool water shall not cause harm to the receiving waters.

(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1175

Supplementary District Regulations

1175.01 Purpose.
1175.02 Supplemental yard and height requirements.
1175.03 Nuisance control.
1175.04 Satellite dish antennas.
1175.05 Residential accessory structures.

1175.01 PURPOSE.

The purpose of these supplementary district regulations is to set specific regulations for frequently encountered problem areas, for exceptions to regulations established by this Zoning Ordinance and for establishing criteria for acceptability of certain uses.
(Ord. 2006-13. Passed 5-1-06.)

1175.02 SUPPLEMENTAL YARD AND HEIGHT REQUIREMENTS.

(a) Setback Requirements for Corner Lots. On a corner lot, the principal building and accessory structures shall be required to have the same setback distance from all street right-of- way lines as required for the front yard in the district in which such structures are located.

(b) Setback Requirements for Alleys. Setbacks from property lines abutting an alley shall meet the appropriate side or rear yard setback for the applicable district.

(c) Visibility of Intersections. No use of structures, signs or landscaping shall materially impede vision at the intersection of two public streets or the intersection of a private street with a public street, such determination to be made by the Village Administrator or his designee.

(d) Architectural Projections. Any permanent architectural projections, including but not limited to, open structures such as porches, decks, bay windows, fireplaces, canopies, balconies, platforms, carports, covered patios and similar architectural projections shall be considered parts of the building to which such projections are attached and shall not project into the required minimum set backs for front, side or rear yards.

(e) Exceptions to Height Regulations. The height limitations of this Zoning Ordinance shall not apply to silos, spires, flag poles, cupolas, antennas, chimneys, or other appurtenances usually required to be placed above the roof level, but shall not be erected beyond a safe height as determined by the Village Administrator or his designee.
(Ord. 2006-13. Passed 5-1-06.)

1175.03 NUISANCE CONTROL.

(a) Nuisance Control Required. No person, whether the owner, lessee, agent, tenant or other person or entity having charge or care of land in the Village, shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance outside of any building within the Village. These requirements are not intended to restrict any use permitted by this Zoning Ordinance provided all regulations pertaining to that use are followed.

(b) Public Nuisance Defined. As used in this Ordinance, a public nuisance shall mean any act, thing, occupation or use of property which shall be of such a nature and shall continue for such length of time as to do any of the following:

(1) Substantially annoy, injure or endanger the public health and safety of the public.

(2) Cause conditions which adversely affect the legitimate use and enjoyment of surrounding areas.

(3) Unlawfully and/or substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.

(c) Illustrative Enumeration. Public nuisances shall include but not be limited to the following acts, conduct, omissions, conditions or things:

(1) Any accumulation of garbage, refuse, rubbish, trash, junk or accumulation of metals, plumbing fixtures, appliances, auto parts, lumber, furniture, clothing, household items or other materials, such as to create an unsightly appearance or in a manner in which flies, mosquitos, disease-carrying insects, rodents, or other vermin may breed or may reasonably be expected to breed.

(2) Abandoned unlicensed or inoperable motor vehicles and equipment including inoperable, disabled, obsolete, cannibalized and/or incomplete contractor equipment, construction equipment or farming equipment.

(3) Any concentration of building materials including concrete, wood, steel or masonry which are not suitable for building construction, alterations or repairs, and which are in open places.

(4) Any improper or inadequate drainage on property which causes flooding, interferes with the use of, or endangers in any way the streets, sidewalks, parks or other Village-owned property of any kind; or any unauthorized condition which blocks, hinders or obstructs, in any way, the natural flow of branches, streams, creeks, surface waters, ditches or drains; or any collection of water not dedicated as a wetland for which no adequate natural drainage is provided and which is or is likely to become a nuisance and a menace to health; or any storm water retention or impoundment device which is operating improperly.

(5) Any use of property, substances or things within the Village, emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, effluvia or stenches extremely repulsive to the physical sense of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village.

(6) All exterior lighting that is not shaded or inwardly directed so that no direct lighting is cast upon adjacent property. All outdoor recreational/ sports facility lighting will be reviewed for compliance with regard to the intent to minimize the impact of light trespass and glare on all surrounding properties and public rights of way.

(7) Such other actions, conduct, omissions, conditions or things defined or specified in the Codified Ordinances as nuisances or as public nuisances.

(8) Any well, hole or similar excavation which is left uncovered or in such a condition as to constitute a hazard to any child or any person coming on the premises where it is located.

(9) Any accumulation of materials, structure or condition which is capable of being a fire hazard or contributes to the spread of fire in the sole discretion of the Fire Chief.

(10) Any other condition specifically declared by ordinance to be a danger to the public health, safety, morals, and general welfare of inhabitants of the Village and public nuisance by Council.

(d) Filing Complaints, Inspections.

(1) All complaints alleging the existence of a public nuisance shall be filed with the Zoning Administrator or his/her designee.

(2) The Zoning Administrator or his/her designee shall promptly inspect the premises or cause them to be inspected and shall make a written report of the findings of the inspection. Whenever practical, photographs of the premises shall be attached to the written report. The Zoning Administrator shall keep all such written reports on file for at least three (3) years.

(e) Notice to Abate. Upon determining that a public nuisance exists on a property and that there is a great and immediate danger to the public health and safety, the Zoning Administrator or his/her designee shall cause written notice to be served upon the owners, in accordance with this subsection (e). The notice shall state that unless such nuisance is so abated or removed, the cost thereof will be charged to the owner, occupant or person causing, permitting or maintaining the nuisance and such cost shall be a lien on the real property where the nuisance was abated or removed. Such notice shall also state that the failure of such owner, occupant or person to abate the nuisance as required by such notice shall be deemed an implied consent for the Village to abate or remove such nuisance. Such implied consent shall be deemed to form a contract between such owner, occupant or person and the Village. If the public nuisance does not constitute a great and immediate danger to the public health, safety or welfare, the Zoning Administrator or his designee may serve the owner or occupant of such premises or the person in whose name such real estate was last billed for property tax purposes a notice to demand the abatement or removal of the violation within fifteen (15) days. Service may be had by certified mail or personal service; or by posting the notice on the property and mailing the notice by first class mail. The notice to abate shall contain a statement as to the right to request an opinion.

(f) Request for Opinion. The person upon whom a notice to abate a nuisance is served, the property owner, lessee, agent, tenant or person having charge or care of the subject land may request an opinion from the Board of Zoning Appeals as to the determination of nuisance as provided in Section 1107.02 (e). The written appeal must be made within the time period in which to abate the nuisance given in the notice. The Board of Zoning Appeals may extend the time in which the nuisance must be abated, determine that a nuisance does not or no longer exists, or that the nuisance must be abated within the time period set out in the notice or immediately if the period set out in the notice has run. Provided, however, that if the nuisance was determined to be an emergency and that the opportunity for an appeal was not available due to the short period of time to abate the nuisance, an appeal may be heard after the abatement of the nuisance by the Village. In that event, the Board of Zoning Appeals may determine that the appellant is not liable for the costs, or that, upon good cause shown, the appellant is not liable for the costs that a lien shall not be filed by the Village upon the property.

(g) Procedure When Owner Fails to Comply. The Zoning Administrator may determine that the public nuisance for which a notice has been issued under subsection (e) hereof constitutes a public nuisance pursuant to subsection (b) hereof and that the person having charge or care of the land has failed to comply with the notice within the time specified in the notice. The Zoning Administrator or his designee may cause the abatement of such public nuisance by use of Village force and equipment or by the hiring of private contractors. The

reasonable cost thereof shall be a lien on the real property where the nuisance was abated or removed less any monies accruing to the Village from disposal of abated nuisances.

(h) Statement of Cost. Upon completion of abatement of the nuisance, the Zoning Administrator shall determine the cost of abatement and shall cause a statement thereof to be mailed to the owner of the land. Such statement of costs shall include:

(1) Village equipment charge;
(2) Village equipment operator charge;
(3) Equipment transportation charge;
(4) Administration and supervision charge;
(5) Removal charge;
(6) Contractual charges; and
(7) Any attorneys' fees or other costs.

(i) Payment of Cost. The owner shall pay such costs as are charged in accordance with this section to the Clerk-Treasurer within thirty days after the statement of charges has been mailed to the owner at the address of record in the office of the County Treasurer. Such payments shall be credited to the appropriation from which such cost was paid by the Village. If the charge is not paid within thirty (30) days after mailing, the Clerk-Treasurer shall certify the charges for services as provided in subsection (g) hereof to the County Auditor, together with a proper description of the premises. Such amounts shall be entered upon the tax duplication, shall be a lien upon such lands from the date of the entry, and shall be collected as other taxes and returned to the Village with the General Fund pursuant to Ohio R.C. 731.54.

(Ord. 2006-13. Passed 5-1-06.)

1175.04 SATELLITE DISH ANTENNAS.

(a) Purpose. The purpose of these regulations is to regulate the proper development and use of satellite dish antenna systems. In addition to protecting from distractions and obstructions, it is the intent of these regulations that satellite dish antennas are as much subject to control as noise, odors, debris and like characteristics of a use that, if not controlled and regulated, can become a nuisance factor to adjacent properties or the community in general. To protect the general health, safety and welfare, and to protect and encourage a more attractive economic, business and overall physical appearance of the community, all satellite dish antennas are subject to the regulations set forth in this section.

(b) Definitions. "Satellite dish antenna" means an antenna of any size, shape, material or description, which receives or transmits microwave signals, either directly or indirectly, to or from satellites, provided however, video antennas used to receive video programming, including direct-to-home satellite dishes that are less than one meter (39.37") in diameter, TV antennas, and wireless cable antennas are specifically excepted from any restrictions under this Zoning Ordinance.

(c) Permit Required.

(1) No satellite dish antenna shall be erected in the Village unless a permit has first been issued by the Zoning Administrator.

(2) Written application for a satellite dish antenna permit shall be made to the Zoning Administrator. The application shall include:

A. The address of the property, and the name, address and telephone number of the owner and occupant of the property.
B. A site plan of the property showing the exact location of the proposed satellite dish antenna and all other structures on the premises.
C. A description of the proposed satellite dish antenna, including information regarding its construction, method of assembly and installation.
D. Plans showing the specifications and elevations of the proposed satellite dish antennas.
E. A landscaping plan showing the size, quantity and types of landscaping materials to be used for screening.
F. If the applicant is not the owner of the premises, the application shall include a statement by the owner giving the applicant written consent to install the satellite dish antenna on the premises.

(d) Regulations. No satellite dish antenna permit shall be issued, and no satellite dish antenna shall be installed or maintained, unless the satellite dish antenna complies with the following regulations:

(1) Residential uses.

A. Satellite dish antennas shall not be permanently mounted or located in front yards. Rooftop installations on side or rear of buildings or mobile satellite dish antennas mounted on trailers or vehicles are permitted.

B. Satellite dish antennas shall be located not closer than five (5) feet to the rear lot line and five (5) feet to the side lot line.

C. The maximum diameter of a satellite dish antenna shall not exceed six (6) feet. The maximum height of the satellite dish antenna shall not exceed eight (8) feet from grade level.

D. The satellite dish antenna foundation shall be concrete. The satellite dish antenna shall consist of metal supports and/or galvanized construction. The structure, including foundation, shall be designed to withstand wind forces in conformance with generally accepted engineering practices and shall comply with all requirements of the National Electric Code.

(2) Nonresidential uses. Except as to the following, the regulations set forth for residential uses in subsection (d) above shall apply:

A. Rooftop installations shall be permitted, provided that the satellite dish antenna, including mounting hardware and guywires, are permanently screened so as not to be visible from the street level.

B. When adjacent to a residential district, a satellite dish antenna shall be located not closer than fifty (50) feet to the rear and/or side lot line.

C. Whenever the Village Engineer determines that good engineering practice has not been used in the preparation of the construction plans, he may require that the plans be sealed by a registered engineer of the State.

D. The maximum diameter of a satellite dish antenna shall not exceed twelve (12) meters.

(e) Compliance with this section shall be made by and subject to reasonable inspection of the Zoning Administrator.

(Ord. 2010-5. Passed 7-6-10.)

1175.05 RESIDENTIAL ACCESSORY STRUCTURES.

(a) Purpose. The purpose of this section is to regulate and control the size, type, location and operation of accessory structures and uses in residential zoning districts.

(b) Intent. Unless otherwise specified, accessory structures and uses shall be permitted on a lot in a residential zoning district in association with a principal use or structure provided the accessory use or structure meets the requirements of this section and the development standards, in particular, lot coverage of the applicable residential zoning district. In the event of a conflict between the development standards in this section and the development standards in the applicable use district, the standards of this section are to be used.

(c) Definitions.

(1) An accessory use or structure shall be defined as a use of land or of a structure or building or portion thereof, customary, incidental and subordinate to the principal use of land or structure, and located on the same lot with such principal use or structure. For the purposes of this section, a fence and a storage building equal to or less than 100 square feet in area not permanently attached to the ground, are not considered structures. Only one such storage building equal to or less than 100 square feet may be placed on the lot without a permit, any additional buildings shall be considered Accessory Structures as defined in Section 1175.05 and shall be subject to the regulations of 1175.05. Storage buildings equal to or under 100 square feet shall be located completely to the rear of the principal structure.

(2) Accessory structures shall be detached from and subordinate to the principal structure. Examples of accessory structures include, but are not limited to, garages, workshops, studios, greenhouses, picnic shelters, gazebos, pool houses, storage buildings, decks, patios, swimming pools (above or below ground), satellite dish antennas, and athletic/recreational facilities (tennis courts, basketball courts, soccer goals, baseball batting cages and skateboard ramps).

(3) Accessory uses are subordinate to the principal use of the land or structure and include, but are not limited to, home occupations, bed and breakfast facilities, "in-law suites", home child care, yard/garage sales and storage.

(d) Development Standards for Accessory Structures. The following development standards shall apply to all accessory structures:

(1) Location. Accessory structures shall be located completely to the rear of the principal structure and shall be no closer than ten (10) feet from any part of the principal structure.

(2) Setbacks. Accessory structures shall meet the rear and side yard setback requirements of the applicable zoning district.

(3) Area. Any accessory structure covered by an impervious roof or consisting of an impervious or paved surface shall meet the lot coverage requirement of the applicable zoning district. In addition, the maximum permitted area of an accessory structure placed on a lot in a residential zoning district shall be based on the following lot size categories.

A. Lot size of less than 20,000 square feet: An accessory structure shall be no larger than 720 square feet, shall contain no more than one (1) story, nor shall it exceed a total height of fifteen (15) feet as measured from the grade at the lowest entrance to the top of the roof. No door serving the accessory structure shall exceed nine (9) feet in height.

B. Lot size of 20,000 square feet and greater: An accessory structure shall be no larger than 1,200 square feet and shall not exceed a height of twenty-five (25) feet as measured from the grade at the lowest entrance to the top of the roof.

C. Agricultural land in the RR, Rural Residential District (minimum lot size three acres): Accessory buildings used for agricultural purposes in the RR, Rural Residential District where the lot size is greater than three (3) acres and the land is used for agricultural purposes, do not have a maximum structure size other than the limitations defined by the lot coverage requirements of that zoning district. The height limit for these agricultural structures is forty feet. Residential accessory structures in this district shall meet the requirement of subsection (d)(3)B. hereof.

(4) Height. Except as otherwise provided in this chapter, no accessory structures shall exceed fifteen (15) feet in height.

(5) Compatibility. In order to protect property values and encourage neighborhood stability, an accessory structure shall have an exterior which meets the intent of this subsection and which is compatible in appearance, design, siting, architectural character, color and building materials to the principal building on the parcel or lot. For the purposes of this chapter, compatibility shall be defined as capable of existing or operating together in harmony.

(6) Maintenance. Accessory structures shall be maintained in good condition and kept secure from the deteriorating affects of natural elements.

(7) Special requirements.

A. Garages: Garage space on a residential lot shall be limited to parking for four (4) vehicles. Four (4) additional spaces may be permitted as a Conditional Use. The Planning Commission, in evaluating the Conditional Use application, shall consider lot size, impact on adjacent properties and future use.

B. Swimming pools: See Chapter 1174.

(e) Development Standards for Accessory Uses. The following development standards shall apply to all the listed accessory uses:

(1) Home Child Care. Consistent with the licensing requirements of the State of Ohio for a Type B home in a Single Family Residential District, a resident may provide day care services for one (1) to six (6) children, including the provider's own children under the age of six (6), and including no more than three (3) children under the age of two (2). Any numbers or combinations of ages beyond these limitations would be considered a child care center and in a Single Family Residential District would require a Conditional Use Permit.

(2) Home Occupation. See Chapter 1177.

(3) In-Law Suite. Under the following circumstances, a separate dwelling unit with independent cooking facilities may be included in a single family residence:

A. The occupants of this second dwelling unit are related to the primary residents by blood, adoption or marriage.

B. There is no separate outside entrance to the second unit. The use of a separate outside entrance would require a Conditional Use Permit from the Planning Commission.

C. The second unit is part of the principal structure and not located in an accessory structure. The use of an accessory structure would require a Conditional Use Permit from the Planning Commission.

(4) Storage.

A. No outdoor storage is permitted in any residential district other than wood, intended for the personal use of household residents in a fireplace or wood stove, and not more than two (2) vehicles for personal use, such as, but not limited to, boats, campers, recreational vehicles, travel trailers or motor homes. These vehicles shall be stored behind the front building line.

B. Not more than one inoperable or unlicensed motor vehicle shall be parked on any residential lot. Such vehicle may be parked only for a period not to exceed thirty (30) days unless the vehicle is kept in an enclosed structure.

C. For the purpose of this section, storage means retention on the site for more than thirty (30) days.

(5) Yard/garage sales. Yard or garage sales are limited to one occasion within a six (6) month period for up to three (3) consecutive days.

(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1177

Home Occupation

1177.01 Purpose.
1177.02 Permitted use.
1177.03 Conditional use.
1177.04 Violation of regulations; permit revocation; appeal.

CROSS REFERENCES
Home occupation defined - P.& Z. 1105.4600

1177.01 PURPOSE.

The purpose of this Chapter is to define and regulate those occupations which may be carried on in residential districts. Certain limited nonresidential activities may be appropriate in residential districts and structures because they are compatible with the character of those districts. The standards provided for herein are intended to insure compatibility of home occupations with other permitted uses and with the residential character of the neighborhood. Some types of home occupations can be conducted without any impacts to adjacent residences and therefore are permitted uses. Other home occupations are more intensive and require conditions or limitations to insure compatibility. Uses with these characteristics require a Conditional Use Permit.
(Ord. 2006-13. Passed 5-1-06.)

1177.02 PERMITTED USE.

Any home occupation meeting all of the following requirements shall be permitted in a dwelling unit.

(a) The home occupation shall only be conducted within a principal structure and shall not be conducted within an accessory structure.

(b) No structural changes to the residence or changes to the external appearance of the principal structure shall be made to accommodate the home occupation.

(c) Only members of the family residing on the premises shall be engaged in such occupation.

(d) The home occupation shall be incidental and subordinate to the residential use of the premises. Not more than the lesser of twenty percent (20%) or four hundred square feet of heated square footage of the premises shall be used in conducting a home occupation. Unheated square footage shall not be used in conducting a home occupation or in determining square footage allowed.

(e) Signage indicating the non-residential use of the premises is prohibited. In addition, no site features of a nonresidential nature shall be incorporated.

(f) Any vehicle which is used in conjunction with the home occupation, except for noncommercial personal vehicles bearing no advertising of the home occupation, must be garaged.

(g) No goods may be sold on the premises.

(h) The home occupation may not generate traffic in greater volume than normal for a residential neighborhood. The number of deliveries, pickups, or general destination trips or customer/client visits relating to the non-residential use of the premises shall not exceed two (2) per day. Uses which are dependent on customer/client traffic to the residents require a Conditional Use Permit.

(i) If the occupation is conducted in a single family residence, no equipment or process may be used in the home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. If the occupation is conducted in other than a single family residence, such noise, vibration, glare, fumes, odors or electrical interference shall not be detectable to the normal senses outside of the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line of voltage off the premises. There shall be no increased burden placed upon existing Village services provided to the residence as a result of a home occupation.

(Ord. 2006-13. Passed 5-1-06.)

1177.03 CONDITIONAL USE.

It is recognized that there may exist certain home occupations that fail to meet the criteria of 1177.02, but which may be appropriate for a residential area provided additional criteria are met through the Conditional Use procedure of Chapter 1111 including the requirements therein.

(a) Any home occupation, with the exception of a "Bed and Breakfast" as outlined in Section 1177.03 (b), which fails to meet the criteria established in 1177.02 must obtain a Conditional Use permit and shall be limited by the following criteria and/or any other conditions as determined by the Planning Commission in order to protect the residential character of the subject area.

(1) Only members of the family residing on the premises shall be engaged in such occupation.

(2) The home occupation shall be incidental and subordinate to the residential use of the premises. Not more than the lesser of twenty percent (20%) or 400 square feet of the heated square footage of the premises shall be used in conducting the home occupation. Unheated square footage shall not be used in conducting the home occupation or in determining square footage allowed.

(3) Signage indicating the non-residential use of the premises is prohibited. The residential character of the dwelling shall be preserved and no structural alterations, construction features or site features of a nonresidential nature shall be incorporated. Any vehicle which is used in conjunction with the home occupation or profession, except for noncommercial personal vehicles bearing no advertising of the home occupation or profession must be garaged. No accessory buildings shall be used for the home occupation or profession.

(4) Only goods and services produced or provided on the premises may be sold on the premises. The nature and extent of compliance with this requirement shall be determined by the Planning Commission.

(5) The home occupation may not generate traffic in greater volume than normal for a residential neighborhood. The number of deliveries, pick-ups, origin or destination trips, or customer/client visits relating to the non- residential use of the premises shall not exceed five per day. Any need for parking generated by the home occupation shall conform to the off-street parking requirements of this zoning ordinance, and shall not be located in a required front yard.

(6) If the occupation is conducted in a single-family residence, no equipment or process may be used in the home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. If the occupation is conducted in other than a single-family residence, such noise, vibration, glare, fumes, odors, or electrical interference shall not be detectable to the normal senses outside of the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. There shall be no increased burden placed upon existing Village services provided to the residence as a result of a home occupation.

(b) A "Bed and Breakfast" is a home occupation in an owner-occupied residence wherein lodging and breakfast are provided to transient guests for compensation; such provision is subordinate to the principal residential use of the structure. A Bed and Breakfast facility must obtain a Conditional Use permit and shall be limited by the following criteria and/or any other conditions as determined by the Planning Commission in order to protect the residential character of the subject area.

(1) Single-family, detached dwelling. A Bed and Breakfast shall only be permitted as a conditional use in a single-family, detached dwelling.

(2) Residential character. The residential character of the dwelling shall be preserved and no structural alterations, construction features, or site features of a nonresidential nature shall be incorporated. No accessory buildings shall be used for Bed and Breakfast activities.

(3) Owner/operator. The owner/operator of the Bed and Breakfast shall live full-time on the premises.

(4) Employees. Only members of the family residing on the premises shall be engaged in such occupation.

(5) Guest rooms. A Bed and Breakfast shall have a maximum of three (3) guest rooms with no more than two (2) guest rooms sharing a single bath and no more than six (6) adult guests at one time. For the purpose of this section, "adult" means any person over the age of eighteen (18).

(6) Consecutive nights. The maximum length of stay for any guest is fourteen (14) consecutive days.

(7) Parking. Two (2) spaces plus one (1) space for each guest room shall be provided; the location and screening of said places shall be determined by the Planning Commission.

(8) Exterior appearance/signage. There shall be no change in the outside appearance of the building or premises that detracts from the residential character of the residence or from the residential character of the neighborhood, or other visible evidence of the conduct of such Bed and Breakfast residence other than one sign, not to exceed two (2) feet square in area and not internally illuminated. Said sign shall be mounted flat against the wall of the principal building or attached to a residential lamp post; the lamp post shall not exceed seven (7) feet in height nor be located closer than five (5) feet to any property line.

(Ord. 2006-13. Passed 5-1-06.)

1177.04 VIOLATION OF REGULATIONS; PERMIT REVOCATIONS; APPEAL.

(a) If one or more of the regulations of Section 1177.03 are violated, the Planning Commission may revoke the home occupation permit.

(b) Revocation of a home occupation permit may be appealed to Council as per Section 1107.06.

(c) A home occupation Conditional Use ceases to be valid once the premises used for the home occupation is no longer occupied by the original applicant to whom the Conditional Use Permit was granted.

(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1179

Fences and Hedges

1179.01 Definitions and application.
1179.02 Regulations.
1179.03 Permit and inspection.
1179.04 Shrubbery and hedges.
1179.05 Construction on embankments.
1179.99 Penalty.

CROSS REFERENCES

Electric and barbed wire fences - see GEN. OFF. 529.06
Swimming pool fences - P.& Z. Ch. 1174

1179.01 DEFINITIONS AND APPLICATION.

The words "fence" and "wall" mean any structure composed of wood, metal, stone, brick or other material erected in such a manner and position as to enclose, partially enclose or divide any premises or any part of any premises. Trellises or other structures supporting or for the purpose of supporting vines, flowers or other

vegetation when erected in such a position as to enclose, partially enclose or divide any premises or any part of any premises shall also be considered a fence.

The provisions of this chapter shall apply to any single family or two-family residential zoning district and to no other districts. In all other zoning districts, fences shall be approved as part of the site plan or development plan review.

(Ord. 2006-13. Passed 5-1-06.)

1179.02 REGULATIONS.

In any residential district no fence or wall shall exceed six (6) feet in height and no fence shall exceed thirty (30) inches in height between the street right-of-way line and the building setback lines. Supporting members for walls and fences shall be installed so as not to be visible from any other property which adjoins or faces the fences or walls being installed. This regulation shall not apply to fences or walls which are designed so that the supporting members are identical in appearance on both sides of the fence or wall. Fences shall be kept in proper repair and maintained so as not to create conditions which endanger the health, comfort and safety of the public.

(Ord. 2006-13. Passed 5-1-06.)

1179.03 PERMIT AND INSPECTION.

No fence or wall shall be erected or constructed until a fence permit has been issued by the Zoning Administrator who shall review each request to determine its compliance with this chapter. In order to defray the cost of examination of plans and inspections, an applicant seeking a fence permit shall pay a fee in accordance with the fee schedule adopted and approved by Village Council. Each property owner shall determine property lines and ascertain that the fence or wall does not encroach upon another lot or parcel of land. The Village shall furnish such inspection as is deemed necessary. An inspection by the Village shall not be construed to mean that the Village has determined that the fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed upon him herein or otherwise.

(Ord. 2006-13. Passed 5-1-06.)

1179.04 SHRUBBERY AND HEDGES.

No shrubbery or hedge shall be planted beyond the property lines. The owner or occupant of realty on which there is shrubbery, hedges or trees so located as to affect the vision of drivers on the public streets shall keep shrubbery and hedges trimmed to a maximum of thirty (30) inches in height, and keep trees trimmed in order to avoid creating traffic hazards. Where trimming is not done within ten (10) days after notice by the Zoning Administrator, the employees of the Village shall enter upon the property and trim the shrubbery, hedges or trees at the expense of the property owner. Any shrub, hedge or tree found to be located upon public property may be removed by the Village at any time.

(Ord. 2006-13. Passed 5-1-06.)

1179.05 CONSTRUCTION ON EMBANKMENTS.

Where a fence or wall is constructed on an embankment, or where the ground under a fence has been graded to a higher level than the surrounding ground, the permissible height of the fence, as set forth in this chapter, shall be reduced by the height of the embankment or grading.

(Ord. 2006-13. Passed 5-1-06.)

1179.99 PENALTY.

If any provision of this chapter is violated, the Zoning Administrator may order that the fence, wall or hedge be removed. If the fence, wall or hedge is not removed within ten (10) days of the order, the owner shall be fined $100.00 each day the violation exists.

(Ord. 2006-13. Passed 5-1-06.)

CHAPTER 1181

Signs

1181.01 Purpose and intent.
1181.02 Definitions.
1181.03 Permit required.
1181.04 Administration.
1181.05 Variances.

1181.06 Measurement.
1181.07 Signs which do not require a permit.
1181.08 Temporary signs and temporary sign permits.
1181.09 Permanent signs.
1181.10 Nonconforming signs and illegal signs.
1181.11 Street numbers required.
1181.99 Penalty.
Schedule of Sign Regulations

CROSS REFERENCES
Power to regulate advertising - see Ohio R. C. 715.65
Unauthorized traffic control signs or signals - see TRAF. 313.07

1181.01 PURPOSE AND INTENT.

The purpose of these sign regulations is to encourage the proper development and use of planned graphic signing systems and to permit and regulate signs in such a way as to support and complement land-use objectives set forth in the Zoning Ordinance. In addition to protecting from distractions and obstructions that can contribute to traffic and pedestrian accidents, it is the intent of these regulations that signs are as much subject to control as noise, odors, debris and like characteristics of a use that, if not controlled and regulated, can become a nuisance factor to adjacent properties or the community in general. To protect the general health, safety and welfare, and to protect and encourage a more attractive economic, business and overall physical appearance of the community, all signs and signing systems are subject to the regulations that follow in this chapter.
(Ord. 2006-13. Passed 5-1-06.)

1181.02 DEFINITIONS.

As used in this chapter, the following words and phrases shall have the meanings herein.

(a) "Awning" means a hood or cover that projects from the wall of a building and which can be retracted, folded or collapsed against the face of the supporting building.

(b) "Banner" means a nonrigid cloth, plastic or canvas sign typically related to a special event or promotion. National flags, state or municipal flags shall not be considered banners. The official flag of any institution or business shall notbe considered a banner.

(c) "Billboard" means an off-premiseoutdoor ground sign exceeding 60 square feet in area.

(d) "Canopy" means a projection from a building made from any material, which is cantilevered, suspended or supported on columns intended only for shelter or ornamentation.

(e) "Changeable copy sign (manual)" means a sign, or portion thereof, on which characters, letters, or illustrations are changed manually in the field without altering the face or surface of the sign, including without limitation, a readerboard with changeable letters.

(f) "Changeable copy sign (mechanical or electronic)" means a sign, or portion thereof, on which characters, letters, or illustrations are changed mechanically or electronically in the field without altering the face or surface of the sign, including without limitation, an electronic or mechanical message center.

(g) "Clear Sight Triangle" means the triangular area formed by a diagonal line connecting two points located on intersecting lines of a right-of-way, easement of access, or pavement edge of an access drive, each point being twenty (20) feet from the intersecting lines and extending vertically from a height of three (3) feet above grade to ten (10) feet above grade.

(h) "Flag" means any fabric or bunting containing distinctive colors, patterns or symbols used as a symbol of a government or political subdivision.

(i) "Flashing" means a sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.

(j) "Ground sign" means a free standing detached sign whose support structure is imbedded in the ground.

(k) "Joint identification sign" means a sign intended to provide the identity or name, whether through logo, type, graphics or other symbols, for two or more uses within one building or on one property or the name of the building or its address for property occupied by two or more businesses.

(l) "Informational window sign" means window signage with a total area of two (2) square feet or less and bearing only information about entry and exit, business hours, authorized service representative information and/or discount and credit systems accepted in that establishment (e.g., American Express, MasterCard, Visa, Golden Buckeye Card, etc.).

(m) "Marquee" means a canopy that provides additional loading for graphics.

(n) "Menu board" means a permanently mounted sign displaying the bill of fare for a restaurant, drive-in or drive-thru restaurant or instructions or services for other drive-thru establishments.

(o) "Moving sign" means any sign, all or any part of which physically moves up or down or sideways, revolves, or is animated so as to give the appearance of movement.

(p) "Pennant" means a triangular shaped banner.

(q) "Permanent residential subdivision identification signage" means those signage features specifically relating to the denotation of a major entrance or entrances to a residential subdivision.

(r) "Permanent sign" means a sign intended to be erected and used or in fact which is used for a time period in excess of one year.

(s) "Portable sign" means a sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

(t) "Projecting nameplate" means a sign indicating only the name and/or address of an occupant which extends outward perpendicular to the building face.

(u) "Private traffic and on site directional signs" means a temporary or permanent sign that provides information regarding location, instructions for use, or functional/directional data.

(v) "Roof line" means the lowest point of a roof which is closest to the ground.

(w) "Roof sign" means a sign erected upon the roof of a building, any portion of which is above the roof line of the building.

(w1) "Sandwich Board Sign" means any sign temporarily placed in the right-of-way of the zoned lot or on the land between the building and the right-of-way as a freestanding sign, which may include chalk and dry erase boards, also known as "A" or "T" frame signs.

(x) "Sign" means a name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel or lot and which directs attention to an object, product, place, activity, person, institution, organization or business. The word "sign(s)" as used throughout this chapter means sign(s) that are externally visible from adjacent properties or streets. Signage that is placed internally within a structure or building that is not externally visible shall be excluded from sign regulations.

(y) "Streamer" means any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, string or cord, usually in series, designed to move in the wind. A streamer may have pennants and/or banners attached.

(z) "Temporary sign" means a sign intended to be used and in fact used for a time period of one year or less.

(aa) "Wall sign" means a sign attached to a building face, with the exposed face thereof in a plane parallel to the plane of the wall. Wall signs include painted murals, messages, graphics and other designs painted along with any letters or numerals mounted on buildings and any extensions thereon.

(bb) "Window sign" means a sign, graphic, poster, symbol or other identification or information about the use or premises which is physically affixed to or painted on the glass or other structural component of the window or a sign, graphic, poster, symbols, or other identification or information about the use or premises erected on the inside of the building within two (2) feet of the window and intended to be viewed through the window from the exterior of the premises.

(cc) "Digital Display" means a display of a sign message that is made up of internally illuminated components that display an electronic image, which may or may not include text and can change the message periodically. Digital Displays may include but are not limited to television screens, holographic displays, programmable ink, LCD, LED or plasma displays.

(dd) "Nit"means a photometric unit of measurement of the amount of light a source emits. One nit is equal to one Candela per meter squared (cd/m2).

(ee) "Owner" as used in Section 1181.09, means the title holder of record for the property on which a Digital Display is located, or the legal representative of the title holder of record, or the user or operator of the Digital Display located on the property of the title holder of record.

(ff) "Parcel" means a platted parcel or other tract of land separately identified with a unique parcel identification in the County Auditor's records.

(Ord. 2018-12. Passed 5-7-18.)

1181.03 PERMIT REQUIRED.

All temporary and permanent signs to be erected, placed, constructed or modified within the Village limits, except those specifically excluded herein, shall require a permit before work is initiated.

(Ord. 2006-13. Passed 5-1-06.)

1181.04 ADMINISTRATION.

(a) Application and Permit Procedure.

(1) Applications for sign permits shall contain the following information:

A. Two copies of plans and/or blueprints to scale of signage including details of fastenings, lighting and any lettering, symbols or other identification which will be on the sign.

B. A site plan of a proposed ground sign location showing the distance from the public right-of-way and relationship to access drives, parking areas and buildings or a facade elevation of proposed wall or window signs showing the height and proportions of the sign.

C. Any information peculiar to a particular sign application, which is necessary to uphold the provisions of this chapter.

(2) Except as otherwise provided above, all applications for sign permits shall be submitted to the Zoning Administrator, who shall act on the application within thirty (30) days of receipt of the completed application.

(b) Zoning Administrator.

(1) The Zoning Administrator shall regulate and enforce the requirements of this chapter, and shall be in charge of issuing all sign permits.

(2) The Zoning Administrator shall have the power to approve or disapprove all requests for temporary sign permits.

(3) No sign, except for municipally owned signs and signs authorized by the Village Administrator for community events and programs which are sponsored by nonprofit, public, educational, religious and charitable organizations, shall be placed in, on or above the public right-of-way including on utility poles. The Zoning Administrator or his designee may effect removal of any sign illegally placed within the right of way of any road within the Municipality. The Zoning Administrator shall maintain said sign for five (5) days. If the owner fails to contact the Zoning Administrator or claim the same sign within five (5) days, said sign may be destroyed.

(c) Sign Fees. In order to defray the cost of examination of plans and inspections, an applicant for a sign permit and/or a variance shall pay a fee in accordance with the fee schedule adopted and approved by Village Council.

(d) Abandoned Signs. Except as otherwise provided in Section 1181.04 (a)(2), the Board of Zoning Appeals shall determine at public hearing when a sign is abandoned as is provided for in Section 1181.10 .

(Ord. 2006-13. Passed 5-1-06.)

1181.05 VARIANCES.

Variances to this chapter may be granted pursuant to the procedure and criteria set forth in Chapter 1113 or Chapter 1108.

(Ord. 2006-13. Passed 5-1-06.)

1181.06 MEASUREMENT.

(a) Measurement.

(1) Sign area shall include the face of all the display area of the sign not including the bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the sign or are determined by the Zoning Administrator to be intended solely to make the sign more visible rather than serving any aesthetic or structural purpose. For internally illuminated signs or internally illuminated awnings, canopies or marquees, the entire lighted surface shall be considered the sign area. The lighted surface area of internally illuminated canopies, awnings or marquees is counted as signage regardless of whether it contains graphics.

(2) Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign unless two display faces join back to back, are parallel to

each other and not more than twenty- four (24) inches apart, or form a V-angle of less than forty-five (45) degrees. For spherical signs, the sphere shall be dissected by an imaginary line through the center of the sphere and the surface area of the half sphere shall be counted as the sign face. For cubical signs, the area of all display faces shall be included in determining the area of the sign. See illustration on following page.

(3) The area of letters, numbers or emblems mounted on a building wall or wall extension shall be computed by enclosing such sign with the smallest single continuous perimeter around the letters, numbers or emblems and determining its area.

(4) The term frontage as used in calculating ground signs shall refer to the dimension of the lot along the street. The term frontage as used in calculating wall signs shall refer to the building wall dimension facing the street or parking lot.

(5) For structures and uses having no direct frontage on public roads, as within shopping centers, frontage shall be counted as the intersection of the building line onto adjacent drives or parking areas.

(Ord. 2006-13. Passed 5-1-06.)

1181.07 SIGNS WHICH DO NOT REQUIRE A PERMIT.

The following signs may be erected without a permit:

(a) Address and name of occupant of premises for a residential structure, not include designations as to employment or home occupation and to be limited in size to two (2) square feet.

(b) Signs required or authorized for a public purpose by any law, statute or ordinance, such signs to include traffic control devices provided that such signs contain no supplementary advertising.

(c) On site directional signs indicating points of entry or exit for a facility or off-street parking area, provided such signs are limited to a maximum of two (2) square feet in area and three (3) feet in height and do not interfere with safe vehicular or pedestrian traffic circulation and are not located within the clear sight distance triangle. No more than two (2) such signs are allowed per vehicular access point. Such signs may contain information such as “in”, “enter”, “entrance”, “out”, “exit”, “do not enter” or similar language as approved by the Planning Administrator or his designee or arrows indicating desired traffic movement. Such signs may contain no advertising, including logos and must be of a rectangular shape. Such signs must be on the property to which they refer and may not be placed within a public right-of-way. Private Traffic and on site Directional Signs are excluded from total sign count.

(d) Signs that are in the nature of cornerstones, commemorative tables and historical signs, provided that such signs are less than nine square feet in size and not illuminated.

(e) Signs clearly in the nature of decorations customarily associated with any national, local or religious holiday, to be limited to sixty (60) days in any one year and to be displayed not more than sixty (60) consecutive days. Such signs must meet the sign area limitations of the applicable zoning district. Such signs may be illuminated or animated provided that safety and visibility hazards are not created.

(f) Political signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election, to be displayed beginning no more than forty-five (45) days prior to election and to be removed no later than three days after such election, subject to penalty. Such signs shall not exceed six (6) square feet in area, shall not be illuminated, and shall not create a safety or visibility hazard, nor be affixed to any public utility pole or tree or be located within a public right-of-way. This section is not applicable to political campaign headquarters signs which shall require a temporary sign permit pursuant to Section 1181.08.

(g) Signs that indicate the sale, rental or lease of a particular one or two family residential structure or one or two family residential land area, to be limited in size to six (6) square feet, with one sign allowed per street front of the zoned property being sold. Such signs shall not be located in a public right-of-way, and shall not be illuminated. Signs advertising a one or two family residential structure or land area must be removed within fourteen (14) days after the sale, rental, or lease has occurred. In addition to the above sign(s) permitted under this subsection (g), said zoned property can also have two directional signs, to be limited in size to six (6) square feet, for the purpose of directing traffic to said zoned property, which directional signs can be located in the right-of-way at up to two intersections (only one sign per intersection), provided that the property

owner in whose property the directional sign is placed at said intersection approves the sign being placed at said location.

(h) Informational window signs are limited in size to two (2) square feet per sign.

(i) Signs which are less than two (2) square feet in size and mounted or attached flat or parallel onto a building face of an administrative, business or professional office building which denotes the name and address of an occupant in a building where more than one tenant is located and which has individual and separate entries.

(j) A sign which advertises the sale of personal property such as a garage, yard, porch or moving sale sign provided that it is limited to one sign, not greater than four (4) square feet in size and which sign is located on the sale premises for a time period not greater than two consecutive days. Such signs shall not be located in a public right-of-way.

(k) Construction signs which display the identification of the contractors, architects and other construction principals and temporary development signs which shall include signs indicating or promoting the development of land, facilities, or structures. Construction and/or development signs shall not be illuminated. No more than one such sign shall be permitted per street frontage and such signs shall be installed on the property to which they refer. For sites having at least 100 feet of frontage on each of two public rights-of-way, a second sign may be permitted facing the second right-of-way if both signs comply with Code requirements. The two signs shall be no closer than seventy-five (75) feet. The distance shall be measured by drawing two straight lines from the edge of each sign, forming a ninety (90) degree angle. Such signs shall be limited to thirty-two (32) square feet and eight (8) feet in height. They shall be placed at least ten (10) feet from any public right-of-way. In residential subdivisions, development signs must be removed when seventy-five percent (75%) of the lots in the first subdivision phase have received any certificate of occupancy or the permanent subdivision sign has been erected. For other than single family residential development, development signs must be removed when more than fifty percent (50%) of the space is rented, sold or leased. For construction signs in developed residential neighborhoods, such sign shall conform to the size requirements of the zoning district in which they are located and must be removed upon completion of construction or the commencement of occupancy, whichever event occurs first.

(l) Signs for community events and programs which last for a time period of fourteen (14) days or less and which are sponsored by nonprofit, public, educational, religious and charitable organizations. Four signs may be displayed during the event for a period of fourteen (14) days immediately preceding the commencement of the event. One sign may be located at the site of the event provided it does not exceed twenty-four (24) square feet in size. All off-site signs shall not exceed twenty-four (24) square feet in size and must be located on private property with the permission of the property owner. Each sign shall be placed at a different site and shall be removed not later than forty-eight (48) hours after the scheduled activity. If the program or event is for a continuing period of time in excess of fourteen (14) days, only one sign, not larger than ten square feet, is permitted and such sign must be located either at the site of the event or program or at the location of the sponsoring organization.

(m) Signs that indicate the sale, rental, or lease of a particular residential or non- residential undeveloped parcel over three acres in area, multi-family, commercial structure or industrial land area, to be limited in size to sixteen (16) square feet in area and eight feet in height, with one sign allowed per street front. They shall be placed at least ten feet from any public right-of-way, and shall not be illuminated. Individual tenant spaces within a parcel are allowed a window or wall sign in compliance with Section 1181.07(n) and 1181.08.

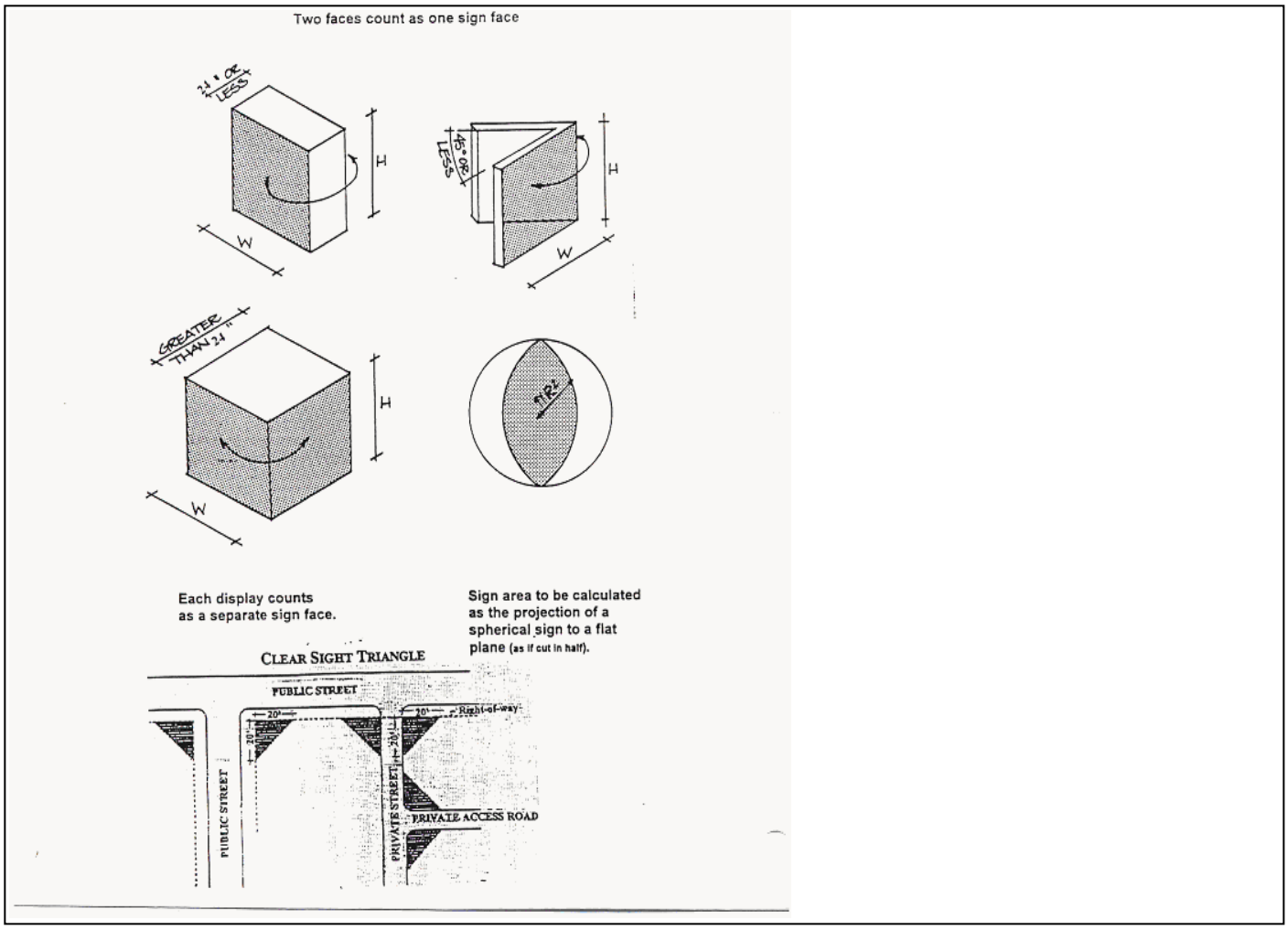
(n) Temporary window signs that are limited in size to twenty-five percent (25)% of the window area in which it is placed, and which are not illuminated. Such signs may be placed only in ground level windows where no other temporary signs are placed and be limited to only one sign per window. Such signs may be displayed not more than 120 days per calendar year if they indicate or promote special sales or special occasions. The date upon which a temporary window sign is first displayed shall be legibly marked on the sign. It will be assumed that a sign has been displayed continuously from the date marked. Merchandise may be displayed within individual store display windows.

(o) Business flags, not exceeding one per parcel and displaying the corporate or business emblem or seal, may be displayed if flown on a vertical staff or pole and in conjunction with the national flag. Such business flags shall be flown on the same staff or pole and below the national flag or on a separate staff or pole at a lower level than the national flag if such separate staff or pole is not in front of the national flag. The business flag shall not be larger than the national flag and in no instance exceed three (3) feet in width or five (5) feet in length. The business flag shall not display a product and shall contain no advertising copy.

(p) Menu Boards, provided such signs are oriented solely for the use of patrons utilizing the drive-thru and are not intended to be visible from adjacent property or the right-of-way.

(q) Messages displayed upon approved Manual Changeable Copy Signs provided for in Section 1181.09(b)(3) may be changed without permit.

(Ord. 2006-13. Passed 5-1-06.)



1181.08 TEMPORARY SIGNS AND TEMPORARY SIGN PERMITS.

(a) General Restrictions for Temporary Signs.

(1) All signs not previously exempted by Section 1181.07 and which are not permanent signs as provided in Section 1181.09 shall require a temporary sign permit as provided in Section 1181.04.

(2) All temporary signs shall be issued permits subject to the restrictions set forth in the schedule of sign regulations of this chapter and the regulations required for permanent signs as is set forth in Section 1181.09 except as otherwise provided herein.

(3) Banners, temporary wall signs and pennants less than sixteen (16) square feet are permitted provided that they are attached at each corner, point and/or end so as to prevent movement. Banners may be attached to ground signs within the frame provided that they are attached at each corner, point and/or end so as to prevent movement. Streamers are prohibited. Only one (1) banner is permitted per establishment. No business shall display such signs for more than ninety (90) days per calendar year or for more than thirty (30) continuous

days. The date each sign is first displayed and the time period for which the sign will be displayed shall be legibly marked on the sign. The area of each banner shall not count toward the minimum sign area as specified in the Schedule of Sign Regulations.

(4) Portable signs, "A" or "T" frame signs, and sandwich board signs which can be moved from one location to another without any change in its structural components or members, including trailer signs, are prohibited. Sandwich board signs, however, are permitted in the Village Center District provided such signs comply with the provisions in this Chapter.

(5) All temporary signs shall be located at the site or location of the event being promoted or of the headquarters for the sponsoring organization except as otherwise provided for community events in Section 1181.07(l).

(6) The date upon which a temporary sign is first displayed shall be legibly marked on the sign.

(7) The construction requirement set forth in Section 1181.09(b)(5) shall not be applicable to temporary signs.

(b) Political campaign headquarters signs shall require a temporary sign permit and must meet the requirements of the district in which the headquarters is located.

(Ord. 2006-13. Passed May 1, 2006.)

1181.09 PERMANENT SIGNS.

(a) All permanent signs shall require a permit. Permitted permanent signs shall be classified into one of the three following types: wall signs; window signs; and ground signs.

(1) Wall signs may be erected on a building wall or extension of a building wall which faces a street, parking lot or service drive, and such sign may not extend beyond any building setback lines. Wall signs shall be attached parallel to the building face and extend outward perpendicular from the building face a maximum of ten inches except as follows:

A. Signs may be painted on an awning area or attached to a canopy or marquee which projects beyond the building provided that no part of such sign may extend above the roof line, canopy or marquee.

B. Projecting nameplates provided that:

1. The nameplate does not exceed four (4) square feet in size; is placed not less than eight (8) feet above the sidewalk or ground level; projects no more than three (3) feet outward from the building face; and

2. Is used only by a business having its own separate and individual entrance and located in a building having no front yard or is used by a number of businesses which share a common entry way in a building with no front yard and whose nameplate identifies the name and/or street address of the building, and not the names of the individual businesses.

(2) Ground signs, to include pole signs and other types of free standing signs, may be erected on a lot provided the location, height and other characteristics of the sign meet the regulations of this chapter. Only one ground sign per street front is permitted for any lot in any zoning district.

(3) Permanent window signs shall be limited to signs denoting the identification of the occupant, the address of the premises and its use. Except for the Village Center District where a business does not occupy first floor space, such signs shall be limited to use solely on the ground or first floor. Permanent window signs must comply with the Schedule of Sign Regulations.

(b) The following general requirements shall apply for characteristics of permanent signs:

(1) <u>Illumination</u>. Illumination of signs shall be permitted in all districts. Illumination shall be from a concealed or indirect light source and shall not flash, blink, fluctuate, travel, move or in any manner fail to provide constant illumination and shall not create a hazard or visibility problem or interfere with or impair vehicular movement on any street from which the sign may be viewed. Illuminated signs shall be constructed and maintained so that the source of illumination is shielded or otherwise prevented from beaming directly onto adjacent properties or streets.

(2) <u>Animation, mechanical or electronic changeable copy signs and moving signs</u>. With the exception of Digital Displays permitted under subsection (c), mechanical or electronic changeable copy

signs, flashing signs, moving signs and the animation of signs are prohibited.

(3) Manual changeable copy signs. Manual changeable copy signs shall be permitted on ground signs only. Manual changeable copy signs shall comprise no more than one third (33.3%) of the total area of the sign per side or ten square feet per side, whichever is more, and shall comply with the maximum height standards specified in the schedule of sign regulations, and shall be an integral part of the sign. In residential districts, manual changeable copy signs shall not be internally illuminated and may be illuminated only between 6:00 a.m. and 11:00 p.m.

(4) Pennants, streamers, etc. No sign shall contain or consist of banners, pennants, ribbons, streamers or similar moving devices.

(5) Construction. The construction of all signs, including any electrical wiring necessary for the operation of illuminated signs shall conform to the specifications of the Building Code for the City of Columbus, Ohio except for Chapter 1, Section 4101:2-1-35 of the Ohio Basic Building Code. All signs shall be adequately maintained and shall not constitute a safety hazard. The sign faces of a sign shall be kept neatly painted or posted at all times and, where applicable, shall be painted or replaced with blank panel(s) when copy is removed.

(6) Location.

A. All permanent signs shall be located on the site being promoted, identified or advertised. Off premise signs are prohibited.

B. In no case shall any part of a sign be placed in, over, or extend onto any public right-of-way except for projecting nameplates on lots where no front yard exists and for publicly owned signs such as traffic control and directional signs. In no case shall any part of a sign be placed in, over or extend above the roof line of any structure.

(7) Maximum number, height, and area of signs. In addition to placement of signs, the heights, area and number of permitted signs allowed per use or lot shall be regulated by districts and uses as listed under the Schedule of Sign Regulations of this chapter, except as specifically regulated elsewhere in this chapter. The height of a ground sign shall be measured from the established grade of the adjacent public street at the proposed sign location.

(8) Joint identification signs. Joint identification signs shall be limited to wall or ground signs and to premises where there are two or more uses located on a property having frontage on at least one public street. If the property fronts on one street, only one joint identification sign is permitted. A second joint identification sign is permitted, if the property fronts on two streets provided that the frontage for each street is not less than one hundred lineal feet. Additionally, a second joint identification sign is permitted in the Village Center District if the premises has pedestrian access open to the public from parking facilities both in the front and in the rear of the property. The size of a joint identification sign shall not exceed a total of twenty-five (25) square feet nor shall less than four (4) square feet be utilized by any one occupant of the property.

(9) Billboards. Billboards are prohibited as off-premise signs.

(10) Roof signs. Roof signs are prohibited.

(11) Permanent residential subdivision identification signage.

A. Such identification shall be limited to wall mounted signs or graphics only, for example, with placement on a brick wall, railroad ties, entrance columns on each side of a street or on a similar architectural or landscaping entrance feature that may be used. The reverse sides of identification features shall be finished to match the fronts. Pole type signage is hereby prohibited. Sign copy shall be limited to the name and logoof the subdivision. One manual changeable copy sign is permitted per entrance. Manual changeable copy signs are to be mounted on the rear of an entrance feature. Maximum area for residential manual changeable copy signs is four square feet.

B. Such identification features may not be located in the public right- of-way. Under no circumstances shall such feature be located in the tree lawn nor the clear sight triangle defined in Section 1181.02, nor impair the future utilization or expansion of public streets.

C. The maximum area for such identification is twenty (20) square feet at any one entry location. A maximum of one permanent residential subdivision identification sign is permitted on each side of the street at each entry location to a development.

D. No part of any such sign shall be closer to any public right-of-way than ten (10) feet.

E. The maximum height for such identification is six (6) feetabove grade.

F. Applications for permanent subdivision identification signs must demonstrate provisions for future maintenance and maintenance easements at the time of final platting. Written consent of the property owner of each proposed sign location shall be submitted with each permit application.

(c) Digital Displays. Digital Displays are permitted in all zoning districts subject to the following:

(1) General.

A. Not more than one Digital Display shall be permitted on a Parcel, provided such parcel must have a minimum of 250 feet of frontage located on a state route within the Village that is designated as a 45 MPH speed limit zone or greater speed limit.

B. A Digital Display shall only be allowed on ground-mounted signs.

C. The Digital Display will not be larger than ninety percent (90%) of the maximum permitted signage for the Parcel as defined in Chapter 1181 of the Village ordinances.

(2) Copy (Lettering).

A. Copy (lettering) shall be limited to red letters on a black background.

B. Letters shall not be smaller than four inches (4") nor greater than eight inches (8") in height. Letters shall be of an appropriate width proportionate to height to be clearly legible.

C. Each Digital Display will not display more than four (4) rows of text at any time.

(3) Brightness.

A. Maximum Daytime Brightness: luminance shall not exceed 5,000 nits between sunrise and sunset.

B. Maximum Nighttime Brightness: except when prohibited to operate as set forth in C., the Digital Display shall automatically adjust luminance to a maximum of 250 nits from sunset to sunrise.

C. Automated Shut off. Where a residential dwelling is located within 30m (98.42ft) of the Digital Display face, and for all Digital Displays on Parcels zoned Institutional, the Digital Display must be turned off between the hours of 10:00 p.m. and 5:30 a.m. Where a business located on the Parcel is open to the public past 10:00 p.m., the Digital Display may remain functional until the close of business hours. An application should provide evidence to demonstrate no conflict will occur with any adjacent residential development.

(4) Message Timing.

A. Minimum Display Time ("dwell time"). Each message shall appear static for a minimum of 10 seconds.

B. Transition Time.

1. If a fade or dissolve effect is used, the effect will take no more than three (3) seconds to complete transition.

2. If a fade or dissolve effect is not used, the Digital Display will not display a blank screen between messages for more than one (1) second before the next message appears.

(5) Permitted Effects. The Digital Display may use the following effects:

A. Dissolve: an effect accomplished by varying the light intensity and pattern an effect in which one message gradually appears to dissipate and lose the legibility with the gradual appearance and legibility of the second message.

B. Fade: an effect accomplished by varying the light intensity, where a message is gradually reduced in intensity to the point of not being legible followed by a subsequent message which gradually increases intensity to the point of legibility.

(6) Prohibited Effects. The Digital Display shall not use the following effects:

A. Flashing: exhibiting changing light or color effect by any means to provide intermittent illumination that changes light intensity in sudden transitory bursts and creates the illusion of intermittent flashing light by streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling or sparkling (except Dissolve or Fade).

B. Spinning or Rotating;

C. Interactive display;

D. Sequencing: An effect where a message is not completed in one display, and is continued on a subsequent display.

E. Scroll: an effect in which a message appears to move vertically across the display surface.

F. Travel: an effect in which a message appears to move horizontally across the display surface.

G. Video: the display of photographic image in sequence.

(7) Operating Regulations.

A. Maintenance. The Owner will regularly perform maintenance on the Digital Display to ensure each component and part operates as designed. If more than ten percent (10%) of the components are not functional, the Owner will cease operating the Digital Display until it is repaired and fully functioning.

B. Security. The Owner will use reasonable means to control and secure access to the Digital Display programming and message capabilities to ensure that those messages approved to appropriate owner personnel are displayed.

C. Nuisance/Hazard. At no time will the Owner permit the Digital Display to constitute a nuisance which would include but not be limited to being inoperable, malfunctioning, abandoned, etc., to neighboring property owners or the community, or to be a hazard to traffic safety. While operating the Digital Display outside these guidelines will be a nuisance and/or hazard, it is not yet known whether a nuisance or hazard may result from the operation within these guidelines. Once the Digital Display is operational, if the Village determines that their operation constitutes a nuisance or hazard, the Owner will coordinate with the Village to mitigate and resolve the nuisance or hazard.

D. Default Display. In the case of malfunction, the Digital Display shall contain a default design to freeze the sign message in one position. (Ord. 2018-12. Passed 5-7-18.)

1181.10 NONCONFORMING SIGNS AND ILLEGAL SIGNS.

(a) The continuance of an existing sign which does not meet the regulations and requirements of this chapter shall be deemed a nonconforming sign which shall terminate by abandonment. A sign shall be considered abandoned:

(1) When the sign is associated with an abandoned use.

(2) When the sign remains after the termination of a business. A business has ceased operations if it is closed to the public for at least ninety (90) consecutive days and no active building permit is on file for remodeling or reconstruction. Seasonal businesses are exempt from this determination.

(3) When the sign is not maintained or does not conform to the following:

A. All signs, together with all supports, braces, guys and anchors shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be subject to periodic inspection.

B. Every sign and the immediately surrounding premises shall be maintained by the owner or person in charge thereof in a clean, sanitary and inoffensive condition free and clear of all obnoxious substances, rubbish and weeds.

C. Should any sign be or become unsafe or in danger of falling, the owner thereof or the person responsible for maintaining the sign shall proceed at once to put such sign in a safe and secure condition or shall remove the sign. When the Zoning Administrator or his designee finds, upon investigation, that a sign is unsafe or unsound structurally, he shall notify the owner of said sign, together with the owner of the land on which the sign is located, by certified mail of his findings. Such notice shall advise the owner that the sign has been declared abandoned and/or unsafe and/or structurally unsound and must be removed with ten (10) days for an unsafe or structurally unsound sign. The owner may request an opinion as to the existence of a violation from the Board of Zoning Appeals as provided for in Section 1107.02(e) of this Zoning Code. If an unsafe, or structurally unsound sign is not removed as orderedand the owner has not requested an opinion as to the existence of the violation from the Board of Zoning Appeals, the same may be removed at the expense of the lessee or owner after ten (10) days of notice for an unsafe or structurally unsound sign. If the Municipality is not immediately reimbursed for such costs, the amount thereof shall be certified to the County Auditor for collection as a special assessment against the property on which the sign is located.

(4) Abandonment shall be determined based upon the above definitions, at a public hearing of the Board of Zoning Appeals. Upon a finding that the signage is abandoned, the right to maintain and use such sign shall terminate immediately.

(b) A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this chapter. Should any replacement or relocation take place without being brought into compliance, the sign shall be existing illegally.

(c) A nonconforming sign shall be maintained as required in accordance with the following provisions:

(1) The size and structural shape shall not be changed or altered. The copy may be changed provided that the change applies to the original nonconforming use associated with the sign and that the change is made by the owner of the sign at the time the sign became nonconforming; the copy area shall not be enlarged. Any subsequent owner or user shall bring the sign into compliance within thirty (30) days.

(2) In case damage occurs to the sign to the extent of fifty percent (50%) or more of either the structure or the replacement value of the sign, the sign shall be brought into compliance. Where damage in the sign is less than fifty percent (50%) of the structure or its replacement value, the sign shall be repaired within sixty (60) days.

(d) If any sign is installed, erected, constructed or maintained in violation of any provision of this Chapter, except for nonconforming signs in compliance with Section 1181.10,the Zoning Administrator or his designee shall notify the owner of user thereof to comply with the provisions of this chapter by certified mail. If the owner or user fails to comply with such notice, and the owner has not requested an opinion as to the existence of the violation from the Board of Zoning Appeals, or, after a reasonable search, cannot be found, the Zoning Administrator or his designee shall cause such graphic or such portion thereof as is constructed or maintained in violation of this chapter to be taken down; the expense of which shall be paid by the owner or user. Unless clearly specified otherwise, the property owner will be considered to be the presumptive owner of said sign. However, nothing herein contained shall prevent the Zoning Administrator or his designee from adopting such precautionary measures as may seem to him necessary or advisable in case of imminent danger to place the graphic in safe condition, the expense of which shall be paid by the owner of the premises or recovered against him in the manner as furtherdescribed in this section.

No owner or person in charge, possession or control of thetemporarysign(s) mentioned in Chapter 1181 shall fail to comply with the notices provided in Section 1107.01 within five (5)days of mailing of the notice. No owner or person in charge, possession or control of permanent sign(s) mentioned in Chapter 1181 shall fail to comply with the notices provided in Section 1107.01 within twenty-one (21) days of mailing of the notice.

If a violationof a provision of this Chapter is repeated within ninety (90) days of a previous violationof the same provision of this Chapter by the owner or user subject of the previous violationon the same property as the previous violation, such sign may be seized immediately and a charge assessed for removal without additional notification.

Fees for removal shall be immediately due and payable to the Municipality. Notice of such assessment shall be given to the owner or user by mailing such notice to the address utilized by the County Treasurer for tax billing purposes and by posting a Notice of Assessment at the subject premises where the sign owner and property owner are the same. All assessments not paid within ten (10) days after such mailing and posting, after approval by Council, shall be certified by the Finance Director to the County Auditor to be placed on the tax duplicate and collected as other taxes are collected.

The Village may also collect such costs together with interest through a civil action in the appropriate court of law having jurisdiction thereof and seek such additional orders from a court of competent jurisdiction as may be necessary from time to time in order to enforce the provisions of this section.

Every owner or occupant of real estate in the Municipality impliedly grants a license to the Zoning Administrator, his designee or Municipal employees to enter upon real property in the Municipality without the consent of the owner or user for the purposes of fulfilling the provisions of this section.

(Ord. 2006-13. Passed 5-1-06.)

1181.11 STREET NUMBERS REQUIRED.

An owner, occupant or person having control of a residential, industrial, commercial or public building shall display the numerical address of the building in Arabic numbers not less than four inches in height.

(a) The color of the numbers shall contrast to the color of the surface on which they are mounted and the numbers shall be clearly visible from the street on which the building is numbered.

(b) The numbers shall be placed on the front of the building facing the street on which the building is numbered.

(c) For buildings not having entrance doors facing the street on which the buildings are numbered, numbers of all units within such building shall be placed either on the wall of the building facing the street on which the building is numbered or on a sign in compliance with this chapter.

(d) The owner of a residential building may post additional sets of address numbers provided that one set complies with the provision of this section.

(e) Whoever violates this section or any part thereof, upon being notified in writing of such violation by the Zoning Administrator, shall have thirty (30) days in which to comply with the provisions of this section. Upon expiration of the thirty (30) days and failure to comply with the provisions of this section within that period the owner, occupant or person having control of a building shall be deemed in violation. Each subsequent day shall constitute a separate violation.

(Ord. 2006-13. Passed 5-1-06.)

1181.99 PENALTY.

(a) Any person, firm, corporation, partnership, or association violating any provision of this chapter or failing to obey any lawful order issued pursuant to its terms shall be fined subject to penalties consistent with Section 1107.99 of this Planning and Zoning Ordinance.

(b) An organization may be convicted of a violation of a provision of this Chapter under any of the following circumstances:

(1) The offense is a minor misdemeanor committed by an officer, agent or employee of the organization acting in its behalf and within the scope of his office or employment, except that if the section defining the offense designates the officers, agents or employees for whose conduct the organization is accountable or the circumstances under which it is accountable, such provision shall apply.

(2) A purpose to impose organizational liability plainly appears in the section defining the offense, and the offense is committed by an officer, agent or employee of the organization acting in its behalf and within the scope of his office or employment, except that if the section defining the offense designates the officers, agents or employees for whose conduct the organization is accountable or the circumstances under which it is accountable, such provisions shall apply.

(3) The offense consists of an omission to discharge a specific duty imposed by law on the organization.

(4) If, acting with the kind of culpability otherwise required for the commission of the offense, its commission was authorized, requested, commanded, tolerated or performed by the board of directors, trustees, partners or by a high managerial officer, agent or employee acting in behalf of the organization and within the scope of his office or employment.

(c) Regardless of the penalties provided in Section 1107.99, an organization convicted of a violation or a provision of this chapter shall be fined, which fine shall be fixed by the court as follows:

Type of Misdemeanor	Maximum Fine
First degree	$5,000.00
Second degree	$4,000.00
Third degree	$3,000.00
Fourth degree	$2,000.00
Minor	$1,000.00

SCHEDULE OF SIGN REGULATIONS

RESIDENTIAL: 1 & 2 FAMILY (RR, ER, R, R-1, R-2, R-3)						
	NUMBER OF SIGNS PER TYPE				MAXIMUM SIGN AREA	
SIGN TYPE	PER UNIT	PER BUILDING	PER ST FRONT	MAXIMUM HEIGHT	COMMENTS	MIN. SETBACK

				(FT.)		FROM ROW (FT.)
Ground	1	---	---	4	Maximum size 2 sq. ft.; either 1 ground sign or 1 wall sign per unit	10
Wall	1	---	---	---	Maximum size 2 sq. ft.; either 1 ground sign or 1 wall sign per unit	---
Window	---	---	---	---	---	---

RESIDENTIAL: MULTIPLE FAMILY (R-4)						
	NUMBER OF SIGNS PER TYPE				MAXIMUM SIGN AREA	
SIGN TYPE	PER UNIT	PER BUILDING	PER ST FRONT	MAXIMUM HEIGHT (FT.)	COMMENTS	MIN. SETBACK FROM ROW (FT.)
Ground	1	1	---	4	Maximum size 2 sq. ft.; either 1 ground sign or 1 wall sign per unit	10
Wall	1	1	---	---	Maximum size 2 sq. ft.; either 1 ground sign or 1 wall sign per unit	---
Window	---	---	---	---		---

RESIDENTIAL: MULTIPLE FAMILY PROJECT IDENTIFICATION						
	NUMBER OF SIGNS PER TYPE				MAXIMUM SIGN AREA	
SIGN TYPE	PER UNIT	PER BUILDING	PER ST FRONT	MAXIMUM HEIGHT (FT.)	COMMENTS	MIN. SETBACK FROM ROW (FT.)
Ground	---	---	1	6	Maximum size 20 sq. ft.; either 1 ground sign or 1 wall sign per street front	10
Wall	---	---	1	---	Maximum size 20 sq. ft.; either 1 ground sign or 1 wall sign per street front	---
Window	---	---	---	---		---

RESIDENTIAL: SALES/RENTAL OFFICE OR MODEL HOME						
	NUMBER OF SIGNS PER TYPE				MAXIMUM SIGN AREA	
SIGN TYPE	PER UNIT	PER BUILDING	PER ST FRONT	MAXIMUM HEIGHT (FT.)	COMMENTS	MIN. SETBACK FROM ROW (FT.)
Ground	---	1	---	4	Maximum size 20 sq. ft.; either 1 ground sign or 1 wall sign per building	10
Wall	---	1	---	---	Maximum size 20 sq. ft.; either 1 ground sign or 1 wall sign per building	---
Window	—	—	—	—		---

RESIDENTIAL: BOARDING HOUSE OR FRATERNITY/SORORITY							
	NUMBER OF SIGNS PER TYPE				MAXIMUM SIGN AREA		
SIGN TYPE	PER UNIT	PER BUILDING	PER ST FRONT	MAXIMUM HEIGHT (FT.)	SQ. FT.	COMMENTS	MIN. SETBACK

							FROM ROW (FT.)
Ground	---	1	---	4	10	Maximum size 10 sq. ft.; either 1 ground sign or 1 wall sign per unit.	10
Wall	---	1	---	---	10	Maximum size 10 sq. ft.; either 1 ground sign or 1 wall sign per unit.	---
Window	—	—	—	---			---

COMMERCIAL: GENERAL RETAIL (INDIVIDUAL USE)					
	NUMBER OF SIGNS PER TYPE			MAXIMUM SIGN AREA	
SIGN TYPE	PER UNIT	PER ST FRONT[1]	MAXIMUM HEIGHT (FT.)	COMMENTS	MIN. SETBACK FROM ROW (FT.)
Ground	---	1	8	One sq. ft. per lineal foot of frontage as defined in Section 1181.06 (a)(4) or 40 sq. ft., whichever is less.	10
Wall	---	1	15	Cumulative sum of 1 sq. ft. lineal foot of frontage as defined in Section 1181.06 (a)(4) up to 60 lineal ft.; 1 sq. ft. per 2 lineal ft. up to 120 lineal ft., 1 sq. ft. per 3 lineal ft. up to 180 lineal ft.; 1 sq. ft. per 4 lineal ft. up to 240 lineal ft. Lineal building frontage above 240 sq. ft. is not counted.	---
Window	—	1[2]	8	25% window coverage for the combined area of informational, permanent and temporary window signs.	

1 In the case of a corner lot or other situation where the building abuts more than one improved public right-of-way, additional signage is prohibited adjacent to residential districts unless the distance from the signage to the nearest residential property is at least 150 feet.

2 Permanent

COMMERCIAL: SHOPPING CENTER					
	NUMBER OF SIGNS PER TYPE			MAXIMUM SIGN AREA	
SIGN TYPE	PER UNIT	PER ST FRONT[3]	MAXIMUM HEIGHT (FT.)	COMMENTS	MIN. SETBACK FROM ROW (FT.)
Ground	---	1	15	No ground signs for center out lots;1 sq. ft. per lineal ft. of frontage as defined in Section 1181.06 (a)(4) or 60 sq. ft., whichever is less; 1 center I.D. sign per street front.	10
Wall	1	---	15	Cumulative sum for each tenant of 1 sq. ft. per lineal foot of frontage as defined in Section 1181.06 (a)(4) & (5) up to 60 lineal ft.; 1 sq. ft. per 2 lineal ft. of up to 120 lineal ft., 1 sq. ft. per 3 lineal ft. up to 180 lineal ft.; 1 sq. ft. per 4 lineal ft. up to 240 lineal ft. Lineal building frontage above 240 sq. ft. is not counted.	---

Window	1 4	—	8	25% window coverage for the combined area of informational, permanent and temporary window signs.	---

3 In the case of a corner lot or other situation where the building abuts more than one improved public right-of-way, additional signage is prohibited adjacent to residential districts unless the distance from the signage to the nearest residential property is at least 150 feet.

4 Permanent

COMMERCIAL: COMMERCIAL CENTER					
	NUMBER OF SIGNS PER TYPE			MAXIMUM SIGN AREA	
SIGN TYPE	PER UNIT	PER ST FRONT 5	MAXIMUM HEIGHT (FT.)	COMMENTS	MIN. SETBACK FROM ROW (FT.)
Ground	---	1	8	One sq. ft. per lineal ft. of frontage as defined in Section 1181.06 (a)(4) or 40 sq. ft., whichever is less; 1 center I.D. sign per street front.	10
Wall	1	---	15	Cumulative sum for each tenant of 1 sq. ft. per lineal foot of frontage as defined in Section 1181.06 (a)(4) & (5) up to 60 lineal ft.; 1 sq. ft. per 2 lineal ft. of up to 120 lineal ft., 1 sq. ft. per 3 lineal ft. up to 180 lineal ft.; 1 sq. ft. per 4 lineal ft. up to 240 lineal ft. Lineal building frontage above 240 sq. ft. is not counted.	---
Window	1 6	—	8	25% window coverage for the combined area of informational, permanent and temporary window signs.	

5 In the case of a corner lot or other situation where the building abuts more than one improved public right-of-way, additional signage is prohibited adjacent to residential districts unless the distance from the signage to the nearest residential property is at least 150 feet.

6 Permanent

OFFICE/INSTITUTIONAL: INDIVIDUAL USE OR MULTIPLE OCCUPANCY COMMON ENTRANCE					
	NUMBER OF SIGNS PER TYPE			MAXIMUM SIGN AREA	
SIGN TYPE	PER UNIT	PER ST FRONT 7	MAXIMUM HEIGHT (FT.)	COMMENTS	MIN. SETBACK FROM ROW (FT.)
Ground	---	1	8	One sq. ft. per 4 lineal feet of frontage as defined in Section 1181.06 (a)(4) or 30 sq. ft., whichever is less	10
Wall	---	1	15	Cumulative sum of 1 sq. ft. per 4 lineal feet of frontage as defined in Section 1181.06 (a)(4) or 100 sq. ft., whichever is less	---
Window	---	1 8	8	25% window coverage for the combined area of informational, permanent and temporary window signs.	

7 In the case of a corner lot or other situation where the building abuts more than one improved public right-of-way, additional signage is prohibited adjacent to residential districts unless the distance from the signage to the nearest residential property is at least 150 feet.

8 Permanent

OFFICE INSTITUTIONAL: INDIVIDUAL USE OR MULTIPLE OCCUPANCY COMMON ENTRANCE					
	NUMBER OF SIGNS PER TYPE			MAXIMUM SIGN AREA	
SIGN TYPE	PER UNIT	PER ST FRONT [9]	MAXIMUM HEIGHT (FT.)	COMMENTS	MIN. SETBACK FROM ROW (FT.)
Ground	---	1	8	One sq. ft. per 4 lineal feet of frontage as defined in Section 1181.06 (a)(4) or 30 sq. ft., whichever is less	10
Wall	1	---	15	Cumulative sum of 1 sq. ft. per 4 lineal feet of frontage as defined in Section 1181.06 (a)(4) or 100 sq. ft., whichever is less	---
Window	1 [10]	---	8	25% window coverage for the combined area of informational, permanent and temporary window signs.	---

9 In the case of a corner lot or other situation where the building abuts more than one improved public right-of-way, additional signage is prohibited adjacent to residential districts unless the distance from the signage to the nearest residential property is at least 150 feet.

10 Permanent

INDUSTRIAL: INDIVIDUAL USE OR MULTIPLE OCCUPANCY WITH COMMON ENTRANCE					
	NUMBER OF SIGNS PER TYPE			MAXIMUM SIGN AREA	
SIGN TYPE	PER UNIT	PER ST FRONT [1]	MAXIMUM HEIGHT (FT.)	COMMENTS	MIN. SETBACK FROM ROW (FT.)
Ground	---	1	8	One sq. ft. per 4 lineal feet of frontage as defined in Section 1181.06 (a)(4) or 30 sq. ft., whichever is less	10
Wall		1	15	Cumulative sum of 1 sq. ft. per 4 lineal feet of frontage as defined in Section 1181.06 (a)(4) or 100 sq. ft., whichever is less	---
Window	---	---	---		---

11 In the case of a corner lot or other situation where the building abuts more than one improved public right-of-way, additional signage is prohibited adjacent to residential districts unless the distance from the signage to the nearest residential property is at least 150 feet.

INDUSTRIAL: MULTIPLE OCCUPANCY WITH INDIVIDUAL ENTRANCES

	NUMBER OF SIGNS PER TYPE			MAXIMUM SIGN AREA	
SIGN TYPE	PER UNIT	PER ST FRONT[12]	MAXIMUM HEIGHT (FT.)	COMMENTS	MIN. SETBACK FROM ROW (FT.)
Ground	---	1	8	One sq. ft. per 4 lineal feet of frontage as defined in Section 1181.06(a)(4) or 30 sq. ft., whichever is less	10
Wall	1	---	15	Cumulative sum of 1 sq. ft. per 4 lineal feet of frontage as defined in Section 1181.06(a)(4) or 100 sq. ft., whichever is less.	---
Window	---	---	---		---

12 In the case of a corner lot or other situation where the building abuts more than one improved public right-of-way, additional signage is prohibited adjacent to residential districts unless the distance from the signage to the nearest residential property is at least 150 feet.

ALL DISTRICTS:
SCHOOLS, PARKS, CHURCHES, LIBRARIES, CEMETERIES AND PUBLIC FACILITIES

	NUMBER OF SIGNS PER TYPE			MAXIMUM SIGN AREA	
SIGN TYPE	PER UNIT	PER ST FRONT	MAXIMUM HEIGHT (FT.)	COMMENTS	MIN. SETBACK FROM ROW (FT.)
Ground	---	1	6	Maximum size 15 sq. ft.	10
Wall	---	1	8	Maximum size 15 sq. ft.	---
Window	---	---	---		---

ALL DISTRICTS:
PARKING LOTS AND OUTDOOR COMMERCIAL RECREATION FACILITIES

	NUMBER OF SIGNS PER TYPE			MAXIMUM SIGN AREA	
SIGN TYPE	PER UNIT	PER ST FRONT[13]	MAXIMUM HEIGHT (FT.)	COMMENTS	MIN. SETBACK FROM ROW (FT.)
Ground	---	1	8	One sq. ft. per 4 lineal feet of lot frontage as defined in Section 1181.06 (a) (4) or 40 sq. ft., whichever is less.	10
Wall	---	---	---		---
Window	—	—	—		---

13 In the case of a corner lot or other situation where the building abuts more than one improved public right-of-way, additional signage is prohibited adjacent to residential districts unless the distance from the signage to the nearest residential property is at least 150 feet.

VILLAGE CENTER DISTRICT:

	NUMBER OF SIGNS PER TYPE			MAXIMUM SIGN AREA	

SIGN TYPE	PER UNIT	PER ST FRONT[14]	MAXIMUM HEIGHT (FT.)	COMMENTS	MIN. SETBACK FROM ROW (FT.)
Ground	---	1	6	One sq. ft. per 4 lineal feet of lot frontage as defined in Section 1181.06(a) (4) or 15 sq. ft., whichever is less.	---
Wall	1	---	15	One sq. ft. per 4 lineal feet of building frontage as defined in Section 1181.06(a) (4) or 15 sq. ft., whichever is less.	---
Window	1 [15]	—	8	25% window coverage for the combined area of informational, permanent and temporary window signs.	---
Sandwich Board	1	1[16]	4	Maximum width is 2 feet and only one per business frontage. Location must be approved by Zoning Administrator. No trademark or other logos of commercial businesses or products are permitted on the sign, except for the specific business occupant. Sign must be of a permanent weather proof material such as painted wood or metal. Must be removed and secured indoors during non-business hours.	----

14 In the case of a corner lot or other situation where the building abuts more than one improved public right-of-way, additional signage is prohibited adjacent to residential districts unless the distance from the signage to the nearest residential property is at least 150 feet.

15 Permanent

16 One per business entrance along said street front, such that if one building has two separate entrances along a street front, then both units would be able to have a sandwich board sign.

ADDITIONAL REQUIREMENTS FOR THE VILLAGE CENTER DISTRICT:

Maximum Number of Signs:

Directional signs and projecting nameplates are excluded from total sign count.

Minimum Sign Area:

A minimum sign area of four square feet shall be permitted for all signs.

Second Floor:

Second floor signs shall comprise no more than thirty-three percent (33%) of the total sign area allowed. Where second floors are in use the permitted sign area may be increased by one square foot per 7.6 lineal feet of frontage; 15 square feet maximum additional square footage; one additional sign per building.

Buildings with Multiple Business Occupants:

Buildings with two or more occupants which have an additional and separate entryway for each occupant shall be permitted to one sign per occupant in addition to directional signage. Maximum sign area shall not exceed the total sign area as set forth in the above schedule. Buildings with multiple business occupants who share a common entryway shall be required to provide joint identification signage conforming to the requirements specified for Village Center District.

Property Frontage Within the Village Center:

Property frontage within the Village Center District shall include frontage on parking lots, alleys and secondary streets.

RESIDENTIAL OFFICE SERVICE DISTRICT:					
	NUMBER OF SIGNS PER TYPE			MAXIMUM SIGN AREA	
SIGN TYPE	PER UNIT	PER ST FRONT [17]	MAXIMUM HEIGHT (FT.)	COMMENTS	MIN. SETBACK

					FROM ROW (FT.)
Ground	---	1	6	One sq. ft. per 4 lineal feet of lot frontage as defined in Section 1181.06(a) (4) or 12 sq. ft., whichever is less. Either 1 ground, wall or window sign per street front.	---
Wall	--	1	8	One sq. ft. per 4 lineal feet of building frontage as defined in Section 1181.06(a) (4) or 12 sq. ft., whichever is less. Either 1 ground, wall or window sign per street front.	---
Window	--	1 [18]	8	25% window coverage for the combined area of informational, permanent and temporary window signs. Either 1 ground, wall or window sign per street front.	---

17 In the case of a corner lot or other situation where the building abuts more than one improved public right-of-way, additional signage is prohibited adjacent to residential districts unless the distance from the signage to the nearest residential property is at least 150 feet.

18 Permanent

ADDITIONAL REQUIREMENTS:

Maximum Number of Signs:

Directional signs and projecting nameplates are excluded from total sign count.

Minimum Sign Area:

A minimum sign area of four square feet shall be permitted for all signs.

Second Floor:

Second floor signs shall comprise no more than 33% of the total sign area allowed. Where second floors are in use the permitted sign area may be increased by one square foot per 7.6 lineal feet of frontage; 15 square feet maximum additional square footage; one additional sign per building.

Buildings with Multiple Business Occupants:

Buildings with two or more occupants which have an additional and separate entryway for each occupant shall be permitted to one sign per occupant in addition to directional signage. Maximum sign area shall not exceed the total sign area as set forth in the above schedule. Buildings with multiple business occupants who share a common entryway shall be required to provide joint identification signage conforming to the requirements specified for Village Center District.

Property Frontage Within the Village Center District:

Property frontage within the Village Center shall include frontage on parking lots, alleys and secondary streets. (Ord. 2006-13. Passed May 1, 2006.)

CHAPTER 1183

Medical Marijuana Activities

1183.01 Purpose and intent.
1183.02 Definitions.
1183.03 Prohibition of medical marijuana activities.

1183.01 PURPOSE AND INTENT.

(a) The purpose and intent of this Chapter is to provide for the regulation of medical marijuana land uses within the Village pursuant to Chapter 3796 of the Ohio Revised Code and any administrative rules promulgated thereunder.

(b) Nothing herein is intended to regulate or prohibit a physician from recommending medical marijuana for a qualifying medical condition, or a registered patient from possessing or using medical marijuana as permitted

under Chapter 3796 of the Ohio Revised Code and any administrative rules promulgated thereunder.

(c) The provisions of this chapter are severable, and if any one or more should be found unenforceable for any reason, the remaining provisions shall remain in full force and effect.
(Ord. 2018-03. Passed 2-5-18.)

1183.02 DEFINITIONS.

As used in this chapter, the following words and phrases shall have the meanings herein:

(a) "Academic medical center" has the same meaning as in section 4731.297 of the Ohio Revised Code.

(b) "Cultivation" means to grow, harvest, package, and transport medical marijuana pursuant to a certificate of operation issued by the Ohio Department of Commerce as permitted under Chapter 3796 of the Ohio Revised Code and any administrative rules promulgated thereunder.

(c) "Medical marijuana" means marijuana that is cultivated, processed, dispensed, tested, possessed or used for a medical purpose, including the leaves, stems, buds, and flowers of the medical marijuana plant, or as otherwise defined in Ohio Revised Code Section 3796.01(A)(2).

(d) "Medical marijuana product" means a product that contains cannabinoids that have been extracted from medical marijuana for administration to a registered patient, including but not limited to oils, tinctures, edibles, patches and other forms approved under division (A)(6) of Section 3796.06 of the Ohio Revised Code.

(e) "Processing" means converting harvested Medical Marijuana into Medical Marijuana Product and packaging, selling and delivering Medical Marijuana Product for Retail Dispensing in accordance with a certificate of operation by the Ohio Department of Commerce as permitted under Chapter 3796 of the Ohio Revised Code and any administrative rules promulgated thereunder.

(f) "Retail Dispensing" means to distribute, sell, or otherwise provide a Medical Marijuana Product to qualifying patients and caregivers pursuant to a certificate of operation issued by the State of Ohio Board of Pharmacy as permitted under Chapter 3796 of the Ohio Revised Code and any administrative rules promulgated thereunder.

(g) "State university" has the same meaning as in Section 3345.011 of the Ohio Revised Code.

(Ord. 2018-03. Passed 2-5-18.)

1183.03 PROHIBITION OF MEDICAL MARIJUANA ACTIVITIES.

(a) The Cultivation of Medical Marijuana, or the Processing or Retail Dispensing of Medical Marijuana Product within
the Village is hereby prohibited.

(b) This section does not prohibit research related to marijuana conducted at a state university academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity, if otherwise permitted under Chapter 3796 of the Ohio Revised Code and any administrative rules promulgated
thereunder. (Ord. 2018-03. Passed 2-5-18.)