

# **VILLAGE OF MILLERSPORT ZONING ORDINANCE**

---

**TABLE OF CONTENTS**

CHAPTER 1: TITLE, PURPOSE, INTERPRETATION, AND JURISDICTION..... 3

CHAPTER 2: DEFINITIONS ..... 5

CHAPTER 3: BOARDS AND COMMISSIONS – DUTIES AND RESPONSIBILITIES..... 45

CHAPTER 4: PROCEDURES AND PLANNED UNIT DEVELOPMENTS (PUDS) ..... 49

CHAPTER 5: VIOLATION, ENFORCEMENT, AND FEES..... 70

CHAPTER 6: NON-CONFORMING USES..... 75

CHAPTER 7: ZONING DISTRICTS ESTABLISHED – TYPES OF LOTS - USE CHARTS ..... 79

CHAPTER 8: AGRICULTURE DISTRICTS ..... 99

CHAPTER 9: VILLAGE RESIDENTIAL DISTRICTS ..... 103

CHAPTER 10: COMMERCIAL & INDUSTRIAL DISTRICTS..... 116

CHAPTER 11: CLUSTERED CONSERVATION RESIDENTIAL OVERLAY DISTRICT..... 133

CHAPTER 12: TRANSPORTATION AND ECONOMIC CORRIDOR OVERLAY DISTRICT..... 151

CHAPTER 13: MIXED-USE OVERLAY DISTRICT ..... 171

CHAPTER 14: LANDSCAPING ..... 196

CHAPTER 15: SIGNS..... 203

CHAPTER 16: PARKING..... 216

CHAPTER 17: GENERAL DEVELOPMENT STANDARDS ..... 220

CHAPTER 18: ADULT ENTERTAINMENT FACILITIES..... 245



---

## CHAPTER 1 TITLE, PURPOSE, INTERPRETATION, AND JURISDICTION

### 1.01 TITLE

### 1.04 APPLICABILITY

### 1.02 PURPOSE

### 1.05 SEPARABILITY

### 1.03 INTERPRETATION

---

#### 1.01 TITLE

This Zoning Code shall be known and may be cited as the “**Village of Millersport Zoning Ordinance**.” Unless otherwise provided herein or by the law or implication thereof, the same rules of construction, definition, and application shall govern the interpretation of this Code as those governing the interpretation of the Ohio Revised Code (ORC).

#### 1.02 PURPOSE

This Code is enacted for the general purpose of promoting and protecting the public health, safety, comfort, prosperity, and general welfare of the residents of the County by providing recommendations and regulations for limiting the subdivision and use of land areas and the erection and alteration of buildings. In addition, it is the intent of these regulations to:

- a) Protect the property rights of all individuals by assuring the compatibility of uses and practices within districts;
- b) Facilitate the adequate, economic, and efficient provision of public utilities and public services;
- c) Provide for safe and convenient traffic circulation, and lessen congestion on public streets, roads, and highways.
- d) Protect the character of existing areas and provide for the orderly development of lands hereafter within the County;
- e) Provide for the sufficient land for future provision of open spaces for schools, recreation, and other public purposes;
- f) Obtain accurate surveying of land; and
- g) Provide for the administration and enforcement of this Code, including the provision of penalties of penalties for its violation and any other purpose provided in this Code, the Ohio Revised Code, or under common law rulings.

#### 1.03 INTERPRETATION

The provisions of this Code shall be held as the minimum requirements, adopted for the promotion of public health, safety, and general welfare. It is not intended that the Code shall repeal, annul, or interfere with any easements, covenants, or other agreements between parties, unless they violate this Code. When a provision of this Code conflicts with any other

lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall apply.

#### **1.04 APPLICABILITY**

The regulations set forth in this Code shall be applicable to all buildings, structures, uses, and lands owned or controlled by any individual, organization, political subdivisions, district, taxing unit, or bond-issuing authority located within the jurisdiction boundaries, and any additional lands under future zoning or subdivision plans for the jurisdiction.

#### **1.05 SEPARABILITY**

The invalidation of any clause, sentence, paragraph, or section of this Code by a court of competent jurisdiction shall not affect the validity of the remainder of this Code either in whole or in part.

---

## CHAPTER 2 DEFINITIONS

### 2.01 INTERPRETATION

### 2.02 DEFINITIONS

---

#### 2.01 INTERPRETATION

For the purpose of this Code, 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 and terms not specifically defined carry their customarily understood meanings. Words used in the present tense include the future tense. The singular form shall include plural, and plural shall include singular. 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.”

Terms related to specific Chapters or sections may be defined within the specific portions of the Ordinance where these general requirements are found.

#### 2.02 DEFINITIONS

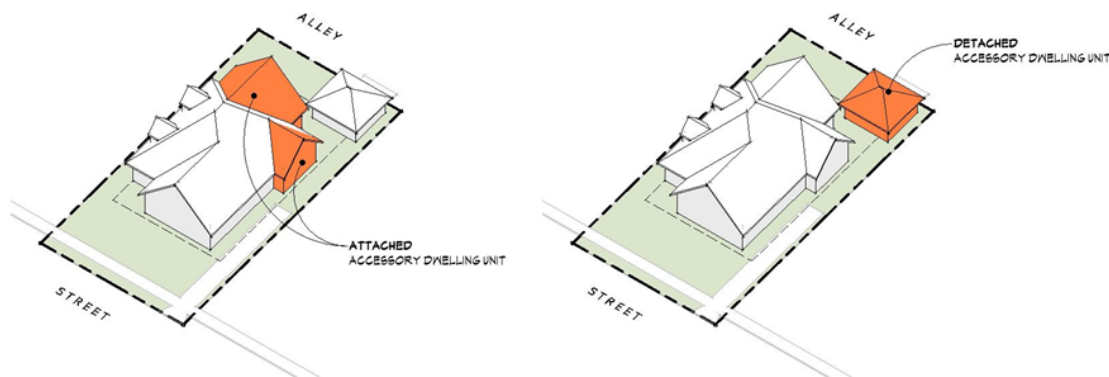
**ACCESS POINT** – The connecting area of a lot where a vehicle gains egress and ingress from a driveway to a public roadway.

**ACCESSORY DWELLING UNIT (ADU)** – A smaller, secondary Dwelling Unit on the same lot or within a primary Dwelling Unit. An ADU is an independent Dwelling Unit that provides for the basic requirements of shelter, heating, cooking, and sanitation.

**ADU, ACCESSORY SUITE** – An ADU that is adjacent and connected to or located completely within the primary dwelling unit, including but not limited to the basement, attic, attached garages, or an addition to primary structure.

**ADU, DETACHED** – An ADU located in a structure that is detached from primary dwelling unit, including but not limited to a detached garage or a newly constructed structure.

**ACCESSORY STRUCTURE, OR USE** – A use or structure subordinate to the principal use of a building on the lot or tract and serving a purpose customarily incidental to the use of the principal building. Accessory structures are located on the same lot as the primary structure and are not designed for human occupancy as a dwelling or commercial use. Examples of accessory structures are detached private garages, storage or garden sheds, pool houses, metal storage buildings, hot tubs, and other similar type buildings. This definition does not include gardens, patios, uncovered porches, and decks that are less than three and one half (3 ½) feet above the average finished Grade. Private swimming pools are regulated by Section 16.15.



**ACRE** – A division of land that is equal to 43,560 square feet.

**ADEQUATE BUFFERING** – A combination of landscaping and other buffering materials as provided in Section 13.12 that provide a one hundred percent (100%) opacity between the ground level and # feet above the ground level on a year-round basis to protect the adjoining property owners from noise, glare, dust, and visual nuisances.

**ADULT BOOKSTORE** – A commercial establishment where at least fifty-one percent (51%) of its interior floor area or retail merchandise is devoted to the sale, rent, lease, inspection, or viewing of books, films, video cassettes, DVDs, magazines, other periodicals or digital presentations whose dominant theme is the actual or simulated Specified Sexual Activities, display or exhibition of specified anatomical areas, removal of articles of clothing, or total nudity.

**ADULT CABARET** – A restaurant, coffee house, bar or cabaret which features topless dancers, strippers, male or female impersonators, or similar entertainers who provide live adult entertainment for commercial purposes.

**ADULT ENTERTAINMENT BUSINESS** – Any adult bookstore, adult cabaret, adult mini-theater, or adult motion picture theater.

**ADULT ENTERTAINMENT** – Any motion picture, live performance, display, or dance of any type whose dominant theme is actual or simulated Specified Sexual Activities, display or exhibition of anatomical areas, removal of articles of clothing, or total nudity, offered for commercial purposes.

**ADULT MINI-THEATER** – An enclosed building with a capacity of less than fifty (50) persons used for displaying adult entertainment through films, video, or other motion pictures for commercial purposes.

**ADULT MOTION PICTURE THEATRE** – An enclosed building with a capacity of fifty (50) or more persons used for displaying adult entertainment through films, video, or other motion pictures for commercial purposes.

**ADVANCED MANUFACTURING** – A use that involves computer technology, robotics, or other innovation to improve a product or process.

**AGRICULTURE** – The use of land for growing crops in the open, dairying, pasturage, horticulture, floriculture, and necessary accessory uses, including structures necessary for carrying out farming operations and the residence of the person who owns or operates the farm and family thereof, provided such agricultural use shall not include:

- a) Maintenance and operation of commercial greenhouses or hydroponic farms;
- b) Wholesale or retail sales as an accessory use, unless specifically permitted in a specific zoning District;
- c) Feeding, grazing, or sheltering of animals in pens or confined areas within 200 feet of any residential use;
- d) The storage or feeding of garbage to animals or operation or maintenance of a commercial stockyard or feed lot; and
- e) Raising fur-bearing animals as a principal use.

**AGRICULTURAL BUILDING** – A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, or sub-lessee or their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products grown or raised on the premises.

**AGRICULTURAL ENTERTAINMENT (AGRITOURISM)** – An enterprise at a working farm, ranch, or agricultural plant conducted for the enjoyment of visitors that generates income for the owner. Agritourism refers to the act of visiting a working farm or any Agriculture operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation that also adds to the economic viability of the site. Agritourism may include country-themed stores for the sale of goods and souvenirs, dining, tours (self-guided

or guided), wagon rides, trail rides, corn mazes, pick yourself operations, classes (gardening, cooking, crafts, etc.), fishing, bed and breakfast, in addition to guests partaking in other farm activities.

**AGRICULTURAL RELATED BUSINESS** – Feed mills, dairy supplies, poultry processing, creameries, auction yards (for livestock, farm implements, and other farm-related goods; this does not include commercial auction yards for automobiles, furniture, antiques, and other non-agricultural goods), veterinarians, and other businesses supporting local Agriculture.

**AIRPORT** – A location, such as the Fairfield County Airport, including any complex of runways and buildings for the takeoff, landing, and maintenance of civil aircraft that is approved and/or properly licensed by the Federal Aviation Authority or applicable agency.

**AIRPORT HAZARD** – Any structure, tree, or use of land that would exceed the federal obstructions standards and that obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

**ALLEY** – A secondary access way that is a public right-of-way dedicated to public use for travel or transportation and affording vehicular access to abutting property.

**ALTERATION** – Any change or rearrangement in the supporting members of an existing structure; enlargement, addition, relocation, repair, remodeling; change in number of living units; development of or change in an open area; development of or change in a sign, by painting or otherwise; or other change in a facility, but excluding painting except as provided above for signs; ordinary maintenance for which no building permit is required; and demolition or removal.

**ANIMAL SERVICES FACILITIES** – Any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases, and where the animals are not boarded or kept overnight except as necessary in the medical treatment of the animal. Animal care facilities may also include animal grooming establishments.

**APPEAL** – A request by an aggrieved party for a review of any adverse decision by the Board of Zoning Appeals.

**ARCHEOLOGY** – The scientific study of material remains (such as tools, pottery, jewelry, stone walls, and monuments) of past human life and activities.

**AREA OF SPECIAL FLOOD HAZARD** – The area subject to inundation by 1-percent-annual chance flood.

**ASSISTED LIVING FACILITY** – A residential facility designed to meet housing and care needs of older persons and individuals with disabilities in a residential rather than institutional environment, while maximizing independence, choice, and privacy. Assisted living programs provide personal care for persons with needs for assistance in the activities of daily living and can respond to unscheduled needs for assistance. Services typically provided include: meals, housekeeping, laundry and linen service, medication monitoring, transportation, and activities. Assisted living settings also typically provide features that enhance resident autonomy, such as lockable doors, full bathrooms, temperature control, and single occupancy, and may provide limited cooking facilities in individual units. Assisted Living Centers exclude nursing homes and other special housing facilities as elsewhere defined.

**AUTOMOBILE-ORIENTED USES** – A use that includes services rendered directly on, to, or for vehicles or where the patron does not exit the vehicle. Such uses include but are not limited to car washes (all types), gas stations (including convenience market), facilities specializing in oil changes, car repair, and other similar auto service facilities. The sale of vehicles (new and used) is not included in this definition. Any facility that provides a fixed parcel pickup location is not included within this definition. It also does not include Drive-Thrus or Pick Up – Banking Windows.

**AUTOMOBILE OIL CHANGING FACILITY** – A facility where oil is removed from a vehicle and new oil is placed into the vehicle without any repair services to the vehicle being provided.

**AUTOMOBILE REPAIR** – Any building or portion of a building used for the servicing and minor repair of automobile including but not limited to shall include the installation of exhaust systems, repair of the electrical system, transmission repair, brake repair, radiator repair, and tire repair.

**AVERAGE DAILY TRAFFIC, OR “ADT”** – The average number of motor vehicles per day that pass over a given point in a street or thoroughfare.

**AWNING** – 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.

**AQUIFER** – An underground area with a particularly large concentration of groundwater. Most often, Aquifers are found in those underground areas of porous rock or sand. Many rural well systems draw from Aquifers. For planning purposes, an Aquifer is often evaluated on its recharging rate and cleanliness.

**BANK** – A financial institution licensed to receive deposits and make loans. Such use may also include financial services including but not limited to wealth management, currency exchange, and safe deposit boxes.

**BASE FLOOD** – A Flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base Flood may also be referred to as the 100-year Flood.

**BASEMENT** – The portion of a building where the floor is not less than two (2) feet below and the ceiling is not more than four and a half (4 ½) feet, above the average Grade.

**BED AND BREAKFAST** – A residential use consisting of one dwelling unit with no more than eight (8) rooms or suites that are rented to the public for overnight or weekly accommodation for a fee. Only the breakfast meal may be prepared for the guests by the proprietor and no other meals are provided by the proprietor. The rented rooms do not contain cooking facilities and do not constitute separate dwelling units.

**BEVERAGE SALES, ALCOHOLIC** – A facility that is primarily devoted to the serving of alcoholic beverages. Food can be served but is incidental to the sale of beverages.

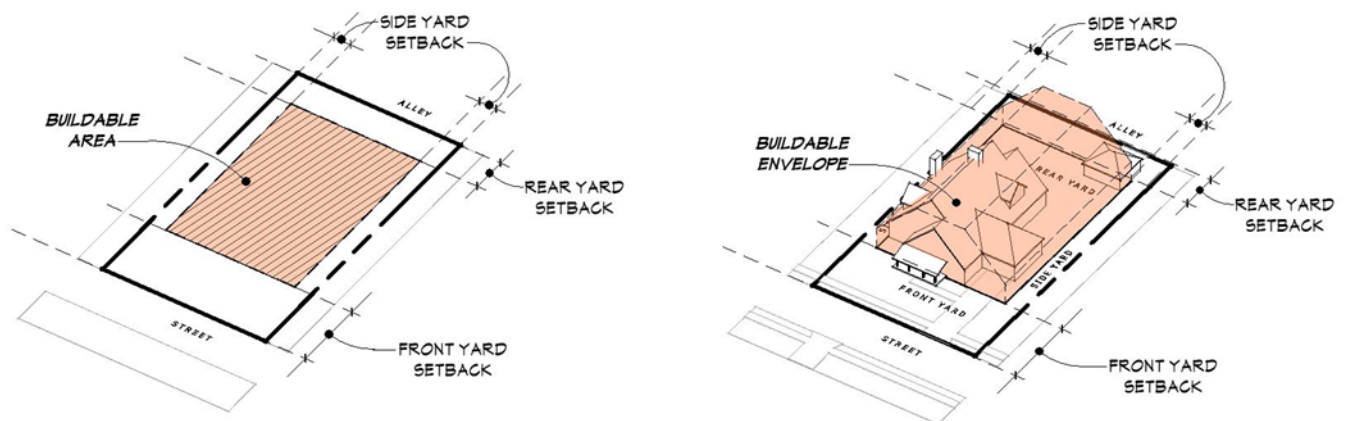
**BEVERAGE SALES, MICROBREWERY** – A limited production brewery, typically producing specialty beers and selling them on-site or for local distribution.

**BIO-TECHNOLOGY** – A facility designed to manipulate living organisms or their components to produce useful, common commercial products such as but not limited to pest resistant crops, new bacterial strains, and novel pharmaceuticals. This type of use is typically fully enclosed by four solid walls and a roof.

**BOARD OF ZONING APPEALS (BZA)** – The Board of Zoning Appeals established in Section 3.05.

**BODY ART ESTABLISHMENT** – A building or portion of a building in which a practitioner performs body piercing, tattooing, branding, or application of permanent cosmetics.

**BUILDABLE AREA** – The area of a lot, exclusive of the required front, side, and rear setbacks, where a building can be constructed.



**BUILDING** – A combination of materials to form a construction that is safe and stable and adapted to permanent or continuous occupancy for public, institutional, residential, business, or industrial purposes.

**BUILDING ENVELOPE** – A term to describe the area of a lot that is demarcated within the Front, Side, and Rear Setback Lines.

**BUILDING LINE** – A line parallel to the right-of-way line and at a distance there from equal to the required depth of the front setback (as determined by the applicable zoning district) and extending across the full width of the lot.

**BUSINESS** – 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.

**BUSINESS, RETAIL** – A use primarily engaged in the selling of merchandise including but not limited to clothes, food, furniture, guns, household goods, gifts, specialty items, and other similar goods, and the rendering of services that is incidental to the sale of the goods.

**BUSINESS, LARGE RETAIL** – A Retail or Wholesale business that is up to 20,000 square feet or larger.

**BUSINESS, MEDIUM RETAIL** – A Retail or Wholesale business that is up to 20,000 feet in area.

**BUSINESS, SMALL RETAIL** – A Retail or Wholesale business that is less than 5,000 +square feet in area and typically services nearby neighborhoods.

**BUSINESS, WHOLESALE** – A use that generally sells commodities in large quantities or by single items to the general public, business members, retailers, or other wholesale establishments.

**CANNABIS STORES, MEDICAL** – A business that is licensed under the state laws of Ohio to sell cannabis and marijuana products for medical purposes.

**CANNABIS STORES, RECREATIONAL** – A business that is licensed under the state laws of Ohio to sell cannabis and marijuana products for recreational purposes.

**CAMPGROUND** – Any tract of land upon which two or more portable camping units are placed, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such camp. A tract of land which is subdivided for lease or other contract of the individual lots is a campground if two or more portable camping units are placed thereon for temporary habitation. "Campground" does not include any tract of land used solely for the storage or display for sale of portable camping units.

**CEMETERY** – Land used for or intended to be used for the burial of human or animal remains and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of the cemetery.

**CERTIFICATE OF APPROPRIATENESS** – A certificate issued by the Historic Design Review Board confirming that the conditions of the Historic Design Review Board have been met according to Section 4.13.

**CERTIFICATE OF ZONING COMPLIANCE** – A certificate issued by the Zoning Inspector confirming that the requirements of this Code have been met and the building can be occupied.

**CODE** – This Model Zoning Code of Fairfield County, Ohio.

**CO-LOCATION** – The use of a telecommunication tower by more than one (1) telecommunications provider.

**COMMUNITY GARDEN** – An area for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family generally organized and managed by a public or not-for-profit organization.

**COMMENCEMENT OF WORK** – The time at which physical improvements begin to be made to a property or structure so that it may be utilized for its intended purpose stated in the zoning permit.

**COMMERCIAL RECREATIONAL FACILITY, LARGE** – A facility that is full enclosed by four solid walls and a roof for the provision of athletic and amusement facilities involving the active participation of the user – public in a sports related activity and includes but is not limited to racquet courts, billiards, bowling alleys, ax throwing, miniature golf courses and arcades. Large Commercial Recreational Facilities are greater than 5,000 square feet.

**COMMERCIAL RECREATIONAL FACILITY, OUTDOOR** – A facility that is not fully enclosed by four solid walls for the provision of athletic and amusement facilities involving the active participation of the user – public in a sports related activity and includes but is not limited to fields for soccer fields, football, baseball, lacrosse or other related sports, racquet courts, billiards, bowling alleys, ax throwing, miniature golf courses and arcades.

**COMMERCIAL RECREATIONAL FACILITY, SMALL** – A facility that is fully enclosed by four solid walls and a roof for the provision of athletic and amusement facilities involving the active participation of the user – public in a sports related activity and includes but is not limited to racquet courts, billiards, bowling alleys, ax throwing, miniature golf courses and arcades. Small Commercial Recreational Facilities are smaller than 5,000 square feet.

**COMMERCIAL VEHICLE** – Any vehicle used or designed to be used for business or commercial purposes which infringes on the residential character of a residential district and includes, but is not necessarily limited to: a bus, cement truck, commercial tree trimming equipment, construction equipment, dump truck, garbage truck, panel truck, semi-tractor, semi-trailer, or any other non-recreational trailer used for commercial purposes, stage bed truck, step van, tank truck, tar truck, or other commercial-type vehicle licensed by the Ohio State Bureau of Motor Vehicles as a commercial vehicle or truck.

**COMMUNICATION FACILITIES** – A lot or an area of a lot that includes a telecommunication tower, radio tower, or other similar communication tools including any associated appurtenances.

**COMMUNITY SERVICES** – Institutional uses that include but are not limited to community centers, museums, galleries, libraries, and other similar facilities.

**CONDOMINIUM** – A building in which each individual unit is held in separate private ownership and all floor space, facilities and outdoor areas used in common by all tenants are owned, administered, and maintained by a corporation created pursuant to the provisions of the appropriate statute.

**CONDITIONAL USE(S)** – A desirable use within a Zoning District that may more intensely affect the surrounding area than would a permitted use in said District. Such uses may require supplementary conditions and safeguards to ensure they blend with the surrounding area.

**CONNECTIVITY** – The idea of connections or throughways between examples of the same use, such as connecting parks, trails, landscaping buffers, etc.

**CONTRACTOR OFFICE** – facility or area for the storage of materials, equipment, and commercial vehicles utilized by building and construction contractors, craftsmen, and tradesmen, and may include accessory offices related to such activities.

**CONVICT PRE-RELEASE CENTERS/CORRECTIONAL COMMUNITY** – Secure facilities designed to facilitate an individual’s transition back into the Village from prison.

**COUNTY** – Fairfield County, Ohio.

**COUNTY ENGINEER** – The Professional Engineer who is employed by the County and authorized by the County to act within the specifications of this Code.

**DATA CENTER** – Real and personal property consisting of buildings or structures specifically designed or modified to house networked computers and data and transaction processing equipment and related infrastructure support equipment, including, without limitation, power and cooling equipment, used primarily to provide, as a service to persons other than the company operating the data center, data and transaction processing services, outsource information technology services and computer equipment colocation services, or, used primarily to provide, to a single user, including the user's affiliates, customers, lessees, vendors and other persons authorized by the user, data and transaction processing services.

**DAY-CARE CENTERS** – Any place in which child day care or publicly funded child day care is provided for thirteen (13) or more children at one time or any place that is not the permanent residence of the licensee or administrator. In counting children for purposes of this Code, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted.

**DAY-CARE HOME, FAMILY LARGE** – A permanent residence of the administrator in which childcare or publicly funded childcare is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which childcare is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age. In counting children for the purposes of this division, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. “Type A Family Day-Care Home” and “Type A home” do not include any child day camp (ORC Section 5104.01(RR)). This definition does not include a residence in which the needs of children are administered to if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. This definition shall not be construed to include child day camps.

**DAY-CARE HOME, FAMILY SMALL** – A permanent residence of the provider in which childcare is provided for one (1) to six (6) children at one time and in which no more than three (3) children under two (2) years of age at one time. In counting children for the purposes of this division, any children under six (6) years of age who are related to the provider and who are on the premises of the Type B home shall be counted. “Type B Family Day-Care Home” and “Type B home” do not include any child day camp (ORC Section 5104.01(SS)). This definition does not include a residence in which the needs of children are administered to if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is home of the siblings. This definition shall not be construed to include child day camps.

**DENSITY, NET** – The number of dwelling units permitted to be developed on a net acre of land. A net acre of land is the total acreage minus any wetlands, water bodies, public parks, open spaces, roads, or other public rights-of-way.

**DEVELOPMENT** – Any human-made change to improved or unimproved real estate, including but not limited to Buildings or other structures, mining, dredging, filling, grading, paving excavation or drilling operations or storage of equipment or materials located within the area of special Flood hazard.

**DRIVEWAY (ACCESS POINT)** – A private drive giving access from a public way to a detached single-family dwelling on abutting ground or to a group of multifamily, commercial, or industrial Buildings, which is not dedicated to the Village and for the maintenance of which the Village shall not be responsible.

**DRIVE-THRU** – A use where a patron places an order on site or in advance and waits for a product to be prepared without the need to exit their vehicle. Such uses include but are not limited to drive-through or drive-in restaurants with ordering areas, drive-in movie theaters. A drive-through facility does not include any vehicle repair facility, gas stations, fixed parcel pick up, and pick up - banking window.

**DWELLING, DUPLEX** – A building designed for two dwelling units where each dwelling shares one common wall and the remaining sides of the building are surrounded by open areas or street lines.

**DWELLING, MULTI-UNIT** – A building designed or used primarily as a residence with four (4) or more dwellings units.

**DWELLING, ONE UNIT** – A building designed exclusively for one detached Dwelling Unit that is situated on a parcel with no other principal structures and having a Front, Side, and Rear Yard.

**DWELLING, TRI-PLEX** – A building containing three (3) dwelling units, designed for occupancy by not more than three (3) families.

**DWELLING UNIT** – Any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking, and eating, which is designed or used for residential purposes. This definition does not include a cabin, hotel, or motel.

**DWELLING UNIT, ACCESSORY** – See Accessory Dwelling Unit.

**DWELLING UNIT, ONE BEDROOM UNIT** – A Dwelling Unit that is contained within a Multi-Unit Dwelling or Mixed-Use Building as defined herein that contains only one bedroom.

**DWELLING UNIT, STUDIO** – A Dwelling Unit that is contained within a Multi-Unit Dwelling or Mixed-Use Building as defined herein that combines a number of different types of rooms, such as living room, bedroom and kitchen, into a single room.

**DWELLING UNIT, THREE BEDROOM UNIT** – A Dwelling Unit that is contained within a Multi-Unit Dwelling or Mixed-Use Building as defined herein that contains three bedrooms.

**DWELLING UNIT, TWO BEDROOM UNIT** – A Dwelling Unit that is contained within a Multi-Unit Dwelling or Mixed-Use Building as defined herein that contains two bedrooms.

**EARLY CHILDHOOD EDUCATION CENTER** – An education establishment that provides learning space to children prior to beginning their compulsory education. This facility may also provide for the extended care of infants and young children.

**ELDERLY/RETIREMENT HOUSING** – A residential complex containing multifamily dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area but exclude institutional care such as medical or nursing care and are distinguished from life care retirement centers as elsewhere defined.

**EMERGENCY AND PROTECTIVE SHELTER** – A facility which provides room and board for the protection, counseling, and pre-placement screening for abused, displaced, or transient children or adults.

**ENCROACHMENT** – The intrusion on another person’s property or public right-of-way, intentional or unintentional.

**ENVIRONMENTALLY SIGNIFICANT RESOURCES** – The naturally occurring substances that are considered valuable in their relatively unmodified (natural) form. These may include but are not limited to sources of water, timber, geological formations, mineral deposits, and wildlife.

**EQUESTRIAN CENTER** – An establishment primarily engaged in the operation of a riding academy or riding stables.

**EQUIPMENT REPAIR, LARGE** – A facility that is fully enclosed by four solid walls and a roof that is used for the repair of contactor’s equipment, heavy machinery, repair equipment, motor vehicles or trucks.

**EQUIPMENT REPAIR, SMALL** – A facility that is fully enclosed by four solid walls and a roof that is used to repair small tools and equipment such as lawn mowers, small tractors, and other small equipment.

**FAÇADE** – The face of a building, especially the principal front that looks onto a street or open space.

**FARM MARKET** – Markets from which fifty percent (50%) or more of the gross income received is derived from produce raised or grown upon farms owned or operated by the market operation in a normal crop year.

**FEATHERED FLAG** – A vertical, portable, and temporary sign that contains a harpoon style pole or staff driven into the ground for support or supported by an individual stand.

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)** – The federal agency with the overall responsibility for administering the National Flood Insurance Program.

**FENCE** – Any structure composed of wood, metal, stone, plastic or other natural or permanent material erected in such a manner and positioned as to enclose or partially enclose any portion of a lot.

**FENCE, OPEN** – Any fence that has sixty-two percent (62%) or more of its vertical surface area open to light or air. An example of this type of fence is a Kentucky Three (3)-Board Fence.

**FENCE, PARTIALLY OPEN** – Any fence that has at least fifty percent (50%) of its vertical surface area open to light or air. An example of this type of fence is a picket fence.

**FENCE, PICKET** – A partially open fence made of upright poles or slats where the space between the poles/slats is greater than the width of the poles/slats.

**FENCE, SOLID** – Any fence that is designed to inhibit public view and provide seclusion, when viewed at right angles, and having more than fifty percent (50%) of its vertical surface area closed to light and air.

**FENCE, WROUGHT IRON** – A fence constructed of metal, including aluminum, iron or steel, pipe, tubes, or bar stock and having some type of decorative features or design. Wrought iron fences shall not have pointed ends exposed but may have finials with blunt ends.

**FIRE LANE** – Locations determined by the [insert operating fire department here] Village Fire Department; shall be a minimum of twenty-five (25) feet in width; and shall be properly signed and striped.

**FLEA MARKET** – An outdoor commercial activity, not including shopping centers, individual retail operations, or sales conducted by a non-profit or charitable organization, that is open to the general public and composed of five or more semi-enclosed or outdoor stalls, rooms, stands, or spaces used for the purpose of display and sale, exchange, or barter of merchandise.

**FLEX-OFFICE LABORATORIES** – A space for a combination of office and laboratory uses that has built out capabilities to meet individual needs.

**FLEX-OFFICE – RETAIL** – A space with store fronts with small rear warehousing that has built out capabilities to meet individual needs.

**FLEX-OFFICE WAREHOUSES** – A space for a combination of office and warehouse uses that has built out capabilities to meet individual needs.

**FLOOD OR FLOODING** – A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland waters; and/or
- b) The unusual and rapid accumulation or runoff of surface water from any source.

**FLOODWAY FRINGE** – The portion of the regulatory floodplain outside the floodway.

**FLOOD INSURANCE RATE MAP (FIRM)** – An official map on which the Federal Emergency Management Agency has delineated both the areas of special Flood hazards and the risk premium zones applicable to the Choose an item.

**FLOOD INSURANCE STUDY (FIS)** – 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.

**FLOOD PROTECTION ELEVATION** – The 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 Flood proofed to compensate for the many unknown factors that could contribute to Flood elevations greater than that calculated for a base Flood. In areas where no base Flood elevations exist from any authoritative source, the Flood protection elevation can be historical Flood elevations, of base Flood elevations determined and/or approved by the Floodplain administrator.

**FLOODPLAIN ENCROACHMENT** – Any Floodplain development that could obstruct Flood flows, such as fill, a bridge, or other development.

**FLOODWAY** – The channel of a river or other watercourse and the adjacent land areas that have been reserved to pass the base flood discharge. A Floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base Flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the Village. The Floodway is an extremely hazardous area and is usually characterized by any of the following: moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

**FLOOR AREA** – The sum of the gross horizontal areas of one or several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of common walls separating two buildings. Floor area for the purpose of these regulations will not include basement, elevator and stair bulkheads, attic space, terraces, breezeways, open porches, and uncovered steps.

**FLOOR AREA, LIVABLE** – The portion of floor area of a dwelling unit that is constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, entertainment, common space, areas for personal hygiene, or combination thereof. Unheated rooms, unfinished garages, basements, or rooms used exclusively for utilities or storage shall not be considered as livable floor area. In no case shall an area less than 6 feet in height be considered livable floor area.

**FOOD CART** – A small, wheeled vehicle typically pushed by hand, bicycle or propelled in some similar muscular manner to move it from place to place to offer already prepared or prepackaged food or ice cream for sale to the public. Any vehicle that is capable of preparing food within it shall not be included in the definition of a food cart.

**FOOD TENT** – An open-aided, temporary structure with four (4) legs and a canvas top used to prepare and sell food at special events where large groups of people are situated in a park, parade, fraternal organization, or other similar venue.

**FOOD TRUCK** – A vehicle from which food for human consumption is sold and dispensed. Said food can be prepackaged or prepared within the vehicle. Such vehicle may be self-propelled or towed by another vehicle and must be licensed in the state of Ohio.

**FRONTAGE** – The portion of a lot that directly abuts a public street or street right-of-way and provides primary access to the property. If a lot has two (2) or more segments that abut a public street or street right-of-way that are not continuous or abuts two (2) or more separate and distinct rights-of-way, the segments shall not be totaled together when calculating lot frontage. Rather each side of the lot abutting a public right-of-way shall be considered to the front of a lot and both must comply with the minimum frontage and front setback requirements (see requirements of the applicable zoning district). Property lines that abut limited access roads shall not be construed to be included within any calculation of lot frontage.

**FUNERAL SERVICES FACILITIES** – A Building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming, and the performance of other services used in the preparation of the dead for burial; (b) the storage of caskets, funeral urns, and other related funeral supplies; and (c) the storage of funeral vehicles. Funeral services facilities exclude crematoriums.

**GARAGE, PRIVATE** – An accessory building or an accessory portion of the main building enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling for which it is accessory.

**GARAGE, PUBLIC** – A building or portion of a building in which more than two motor vehicles are or are intended to be housed under arrangements made with patrons for renting or leasing such space and accommodation in which no repair work is carried out.

**GOVERNMENTAL SERVICES** – Any service provided by a governmental agency including but not limited to fire and safety protection services and other administrative services associated with a governmental agency.

**GRADE** – The elevation of the ground at any given point.

**GRADE, FINISHED** – The elevation of the finished surface of the ground adjoining the base of all exterior walls of a building or the elevation of the finished surface of the ground at the base of a structure, exclusive of any artificial embankment at the base of such building or structure. If the ground is not entirely level, the finished grade shall be determined by averaging the grade of the ground at each corner of the building or structure.

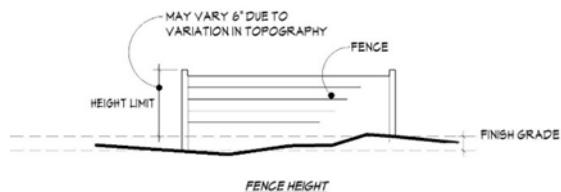


**HABITABLE** – Any room designed and used for living, sleeping, eating, cooking, or combinations thereof. The following are not to be considered habitable: bathrooms, toilet compartments, closets, halls, storage rooms, unfinished basements, laundry and utility rooms, garages, and similar areas.

**HEALTH CARE FACILITIES** – General and specialized hospitals and associated clinics providing health related services and involving the overnight or long term stay of patients.

**HEIGHT, BUILDING** – The vertical distance between the finished grade of the building and the highest point of the roof.

**HEIGHT, FENCE** – The vertical distance between the highest point of the fence and the finished grade.



**HEIGHT, SIGN** – See Chapter 14.

**HOME DAY-CARE FAMILY, LARGE** – See **DAY-CARE HOME, FAMILY LARGE**

**HOME DAY-CARE FAMILY, SMALL** – See **DAY-CARE HOME, FAMILY SMALL**

**HOME OCCUPATION** – An accessory use which is an activity, profession, occupation, service, craft, or revenue – enhancing hobby conducted by a person on the same premises as his principal place of residence which is clearly subordinate and incidental to the use of the premises for residential purposes. Home occupations may include, but are not limited to, home offices for insurance agents, financial planners, real estate agents, consultants, lawyers, architects, engineers, accountants, or other similar professional services, sewing, tailoring, teaching of music, dance lessons, or tutoring, or other similar uses that do not change the character of the residential neighborhood. Family Day Care Homes, Types A and B shall not be considered to be home occupations and shall be treated as permitted and conditional use as listed in the applicable zoning district.

**HOME OCCUPATION, MAJOR** – See, Section 16.09.

**HOME OCCUPATION, MINOR** – See, Section 16.09.

**HOTEL** – An establishment consisting of a group of attached or detached living or sleeping units with bathroom and closet space, located on a single lot, and designed for use by transient automobile travelers. A hotel furnishes customary services such as housekeeper service and laundering of linens, telephone, secretarial or desk service and the use of furniture. Ingress and egress to and from all rooms is made through an inside lobby.

**HOTEL, BOUTIQUE** – A small hotel with less than 50 rooms that is located in a pedestrian oriented business area. These hotels typically have a strong artisan sense and focus on the design of the building and rooms.

**IDENTITY** – A shared aesthetic and set of values within a neighborhood or municipality and their residents.

**IMPERVIOUS SURFACE** – All areas of a lot that have been or are proposed to be paved and/or covered with buildings and materials that do not readily and freely absorb and/or allow water to penetrate, including, but not limited to, concrete, asphalt, rooftop, blacktop, brick, blocks, and pavers.

**IMPROVEMENTS** – Any addition to the natural state of land which increases its value or utility, including buildings, street pavements, sidewalks, crosswalks, water mains, sanitary sewers, landscaping, street lighting, street trees, public utilities, paved parking areas, and other appropriate items.

**IMPROVEMENTS, SITE** – The improvements made to the land outside the exterior limits of a structure or structures.

**IMPROVEMENTS, PUBLIC** – All improvements financed entirely or in part by public funds or which have been dedicated to public use by plat, easement, or deed of transfer.

**INDUSTRIALIZED UNIT** – A building unit or assembly of closed construction fabrication in an off-site facility, which is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use, including units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity but does not include a permanently sited manufactured home or mobile home as defined in this Code.

**INSTITUTIONAL USES** – Those uses organized, established, used, or intended to be used for the promotion of public, civic, educational, charitable, cultural, or social or philanthropic activity and include but are not limited to art galleries, art studios, libraries, etc.

**JUNK YARDS AND SCRAP METAL PROCESSING FACILITIES** – An establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, selling or exchanging old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, iron, steel, or other old or scrap materials and where such business or operation is not completely conducted within an enclosed building.

**KENNEL** – Any enclosure, premises, building, structure, lot, area of one ownership where six (6) or more dogs, cats, or other animals are kept. These facilities also consist of services open to the public that includes, but are not limited to, boarding, training, and selling of animals.

**LANDSCAPE/HARDSCAPE BUSINESS** – A place where employees are housed and/or vehicles, machinery, and materials such as trees, shrubs, flowers, or other living vegetation, as well as irrigation systems, stone, brick pavers or other non-living components of a landscape design are stored. Typically, workers are dispatched from this site and said materials are transported to another location for installation.

**LANDSCAPE PLAN** – A plan that demonstrates how a proposal will adequately enhance the principal building and site; maintain existing trees and natural markings to the extent possible; buffer adjacent incompatible uses; break up large expanses of pavement with natural material; and provide appropriate plant materials for the buildings, site, and climate.

**LANDSCAPING** – The improvements of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects.

**LEGAL DESCRIPTION** – The geographical description of real estate that identifies the precise location, boundaries, and easements for the purpose of a legal transaction, such as a transfer of ownership. A legal description can include either a metes and bounds description or a subdivision plat.

**FAIRFIELD REGIONAL PLANNING COMMISSION (FPC)** – The regional planning commission of Fairfield County, Ohio.

**LIFE CARE RETIREMENT CENTER** – A residential facility containing dwellings designed for and principally occupied by senior citizens in a planned retirement community which includes a residential complex, an activity or community center, and a medical or nursing facility which is licensed by the State of Ohio as an Intermediate Care Facility or a Skilled Nursing Center.

**LOADING SPACE, OFF – STREET** – An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

**LOGISTICS** – A large building where material, products, or other manufactured goods are acquired, stored, and transported to their final destination. There is no production, processing, assembling, or packaging of products or materials in these buildings.

**LOT** – 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.

**LOT, CORNER** – A lot situated at the intersection of two streets, or which fronts a street on two or more sides forming an interior angle of less than 135 degrees. (Also see LOT LINE, FRONT)

**LOT, COVERAGE** – The total area of those portions of a lot that are covered by a building or structures, paved areas, and other impervious surfaces.

**LOT, INTERIOR** – A lot that abuts no more than one street and that fronts a street on not more than one side.

**LOT, MINIMUM AREA** – The area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.

**LOT LINE** – A line bounding or demarcating a plot of land or ground. May also be referred to as a Property Line.

**LOT LINE, FRONT** – The property line fronting a public roadway right-of-way. For purposes of a corner lot, both property lines abutting a public right-of-way shall be considered a front lot line (See Section 14.13).

**LOT LINE, REAR** – The lot line that is opposite the front lot line and farthest from it.

**LOT LINE, SIDE** – The lot line running from the front lot line to the rear lot line. This line is also the line dividing two interior lots.

**LOT OF RECORD** – Any lot or parcel of land that was lawfully created by a subdivision plat of record or by a metes and bounds description and recorded in the County Recorder’s Office prior to the effective date of this Resolution.

**LOT WIDTH** – The horizontal distance between the Side Lot Lines measured at right angles to the Lot Depth.

**LOT WIDTH, MINIMUM** – The smallest Lot Width, as defined herein, that is permitted within an applicable Zoning District.

**LOT WIDTH, ESTABLISHED** – The Lot Width measured at the Right-of-Way Line. This distance may be greater than the Minimum Lot Width required by the applicable Zoning District, but it shall not be less than the required minimum, unless a Variance is granted by the Board of Zoning Appeals.

**LUMBER YARD** – A building where bulk supplies of lumber and other building materials are stored, offered, or kept for retail sale and may include storage inside of the building. Any components of this use that include the outdoor storage of said materials shall all within the definition of an outdoor service facility.

**MACHINE SHOP** – A facility performing cutting, grinding, turning, honing, milling, deburring, lapping, electrochemical machining, etching, or other similar operations.

**MAKER SPACE, LARGE** – A facility that is 5,000 square feet or larger and serves as shared co-working space for independent craftsmen to produce woodwork, furniture, pottery, glass, or other related items. The facility can also have shared office space.



**MAKER SPACE, SMALL** – A facility that does not exceed 5,000 square feet that is utilized for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, glass, woodworking, or other related items. No odor, fumes or excess noise may be produced at the facility.



**MANEUVERING AISLE** – A paved area in an off-street parking lot or loading area which provides access to parking, stacking, or loading spaces, exclusive of driveways and is used for and/or is necessary for turning, backing, or driving forward a motor vehicle into such parking space. This area is not used as space for the parking or storage of motor vehicles or for loading or unloading.

**MANUFACTURED HOME** – A building unit or assembly of closed construction fabricated in an off-site facility, which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974” and that has a label

or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.

**MANUFACTURED HOME COMMUNITY** – Any tract of land upon which three (3) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and include any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. A tract of land which is subdivided and the individual lots are not for rent or rented but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park, even though three (3) or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.

**MANUFACTURED HOME, PERMANENTLY SITED** –A manufactured home, as defined herein, that meets all the following criteria:

- a) The structure is affixed to a permanent foundation such as masonry or concrete and is connected to appropriate facilities.
- b) The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area of at least nine hundred (900) square feet, excluding garages, porches, or attachments
- c) The structure has a minimum 3:12 roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering.
- d) The structure was manufactured after January 1, 1995.
- e) The structure is not located within a manufactured home park.
- f) Otherwise complies with the Manufactured Housing Construction and Safety Standards Act of 1974 and has a label or tag permanently affixed to it, certifying compliance with all applicable federal construction and safety standards.

**MANUFACTURING** – Any industry that makes products from raw materials using manual labor or machinery. This definition also includes the compounding, processing, assembling, and packaging of goods.

**MEDICAL MARIJUANA** – As defined in ORC Section 3769.01(A), effective September 8, 2016.

**MIXED USE BUILDING** – A building that contains retail, office or entertainment uses on the ground floor and residential units on the upper floors.

**MOBILE HOME** – A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length, or, when erected on site, is three hundred twenty (320) or more square feet, which is built on a permanent chassis and is transportable in one (1) or more sections, and does not qualify as a permanently sited

manufactured home or industrialized unit as defined in this Code. A mobile home shall not be considered to be a single-family detached dwelling for the purposes of this Code.

**MODEL HOME** – A residential unit used as a real estate office in any residential subdivision actively under construction for sales, office work, and/or example unit for show.

**MONOPOLE** – A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

**MOTEL** – An establishment consisting of a group of attached or detached living or sleeping units with bathroom and closet space, located on a single lot, and designed for use by transient automobile travelers. A motel furnishes customary services such as housekeeper service and laundering of linens, telephone, secretarial or desk service and the use of furniture.

**MOTOR VEHICLE** – A passenger vehicle, truck, tractor, tractor – trailer, trailer, boat recreation vehicle, semi-trailer, or any other vehicle propelled or drawn by mechanical power.

**MULTIFUNCTIONALITY** – The idea of addressing various solutions through one idea within a land use.

**MUNICIPAL SERVICES** – Any building, area and appurtenances owned and operated by a city for the purposes of road and maintenance services, providing water, wastewater, or transportation services.

**MURAL** – See Sign, Wall Display, Mural

**MURAL, GHOST** – A type of sign that has a primary purpose of displaying an historical advertisement painted directly on the exterior of a structure.

**MURAL, ORIGINAL ART** – A type of wall display that has a primary purpose of displaying an original work of visual art produced by hand that is tiled or painted directly upon directly to an exterior wall of a structure. Original Art Mural does not include:

- a) Mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl;
- b) Murals containing electrical or mechanical components; or
- c) Changing mural images.

**MURAL, VINTAGE ART** – A type of wall display that has a primary purpose of displaying an original work of visual art produced by hand that was tiled, painted directly upon, or affixed directly to an exterior wall of a structure prior to the date of adoption of this Code.

**MULTI-FAMILY BUILDING** – A building that is designed for and used exclusively for four or more dwelling units.

**NEW RESIDENTIAL MAJOR SUBDIVISION** – The subdivision of land involving more than five (5) lots or involving the opening, widening, or extending of streets, and as defined in the Fairfield County Subdivision Regulations.

**NEW SITE** – The new construction of any building, structure, or parking lot. This definition excludes individual single-family home lots except for the maintenance of any landscaping installed by the developer on these lots.

**NONCONFORMING STRUCTURE** – Any building or structure lawfully existing on the effective date of these regulations or amendment thereto, which does not conform to the development standards of the district in which it is located.

**NONCONFORMING USE** – Any use that was lawfully conducted within any building or on any land on the effective date of these regulations or amendment thereto but is not listed as a permitted use of the district in which it is located.

**NURSING HOME** – A residential health care facility, licensed by the State of Ohio, which provides institutional lodging, nursing care, personal care, and supervision to aged, chronically ill, physically infirm, or convalescent patients who are not related to the owner or administrator of the facility.

**O.D.O.T.** – The Ohio Department of Transportation.

**OFFICE, ADMINISTRATIVE, BUSINESS, MEDICAL OR PROFESSION, LARGE** – A building that is 5,000 gross square feet or larger in area and includes a set of rooms or tenant spaces used for commercial, professional, medical, or bureaucratic work.

**OFFICE, ADMINISTRATIVE, BUSINESS, MEDICAL OR PROFESSION, SMALL** – A building that is less than 5,000 gross square feet in area and includes a set of rooms or tenant spaces used for commercial, professional, medical, or bureaucratic work.

**OFF-STREET PARKING GARAGE** – A public or private structure that is principally utilized for the parking or storage of motor vehicles to meet the minimum parking requirements in this Zoning Code.

**OPEN SPACE** – An area required to be reserved in accordance with this Code for passive or active recreational purposes, an area for conservation of natural resources, reserved space for future school buildings, or some other similar green space. Such open space may include any required central green space utilized for the Village. That part of a zoned property,

including courts or yards, which are open and unobstructed from its lowest level to the sky, accessible to all tenants upon the zoning property. Open Space shall be limited to terrestrial features and shall not include ponds, stormwater retention facilities, or other water features.

**ORDINANCE** – A reference to a specific Chapter of this Code.

**OUTDOOR RECREATION FACILITY** – An area that is not fully enclosed by walls and a roof which includes, but are not limited to, uses such as athletic fields, parks, (excluding neighborhood parks) court sports, tracks, swimming pools, golf related activities, and similar outdoor recreation uses.

**SMALL, OUTDOOR RECREATIONAL FACILITY** – Less than 5,000 square feet.

**LARGE, OUTDOOR RECREATIONAL FACILITY** – 5,000 square feet or larger.

**OUTDOOR SEASONAL BUSINESS** – A use that is conducted on a temporary basis and is outside of a fully enclosed building. Such uses shall include, but are not limited to, holiday tree sales, pumpkin sales, sidewalk sales, etc.

**OUTDOOR SERVICE FACILITY** – An area that is not fully enclosed by solid walls and a roof and where services are rendered or goods are permanently displayed, sold, or stored. For the purposes of this Code, outdoor service facilities include, but are not limited to, restaurant patios, outdoor storage areas, and garden stores. This definition shall not include any use classified as an outdoor seasonal business as defined herein.

**OWNER** – Owner of record according to records contained in the County Recorder’s Offices.

**OVERLAY ZONE** – Zoning Districts that extend on top of more than one base Zoning District and are intended to protect certain critical features and resources. Where the standards of the Overlay Zone and base Zoning District are different, the more restrictive standards shall apply.

**PARCEL** – A piece of real estate described by metes and bounds in the deed of the land and recorded in the office the county recorder.

**PARK, COMMUNITY OR REGIONAL** – A park that is twenty (20) acres or larger and designed to service a larger region beyond a specific neighborhood and may include playground apparatus and other space for active recreational purposes, along with some areas for passive use.

**PARK, NEIGHBORHOOD** – A park that is up to twenty (20) acres in size, serving an area one to two miles in diameter and serving a population of less than 5,000 persons. Neighborhood parks are typically designed to service a specific neighborhood area and may include playground apparatus and other space for active recreational purposes, along with some areas for passive use.



Rock Mill – Fairfield County Park District

**PARKING AISLE** – The traveled path through an off-street parking or facility between one or two rows of parked vehicles.

**PARKING BAY** – A row of parking spaces typically separated by a parking island, or some other feature used to break up large spams of asphalt used for the parking surface.

**PARKING AREA** – An open area other than a street or other public way that is used for the parking of motor vehicles.

**PARKING SPACE, OFF-STREET** – Any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in this Code.

**PENNANT** – A flag or banner longer in the fly than in the hoist, usually tapering to a point.

**PERMANENT SUPPORTIVE HOUSING** – Community-based, long-term housing and supportive services, as appropriate, for homeless individuals with disabilities.

**PERMITTED USE(S)** – A use that is permitted within a District that is allowable by a matter of right when designated as such in a District, provided said use complies with all applicable setback and development standards and is issued a Zoning Permit from the Zoning Inspector, or their designee.

**PERSONAL SERVICES** – Uses that primarily provide services to a person or provide for the care and maintenance of personal goods. Such Uses include, but are not limited to, beauty shops, barber shops, salons, shoe repair shops, tailoring services, or garment repair

services. This includes laundry or dry cleaning drop off/pick up services, but the process of dry cleaning is not included in this definition.

**PICK-UP OR BANKING WINDOW** – A window used to pick up food, a prescription or other another similar product, parcel pick up, or where banking or financial services are conducted without a patron needing to exit their vehicle. Food orders and prescriptions are typically placed ahead of time online via the web or mobile device, and these windows are typically not utilized for placing and waiting for orders on site.

**PLACES OF ASSEMBLY, LARGE** – Any facility or business where 300 or more individuals gather to participate or observe programs or services or assemble for social purposes. This includes public halls, theatres, churches, worship facilities, and other similar meeting facilities.

**PLACES OF ASSEMBLY, SMALL** – Any facility or business where less than 300 individuals gather to participate or observe programs or services or assemble for social purposes. This includes public halls, theatres, churches, worship facilities, and other similar meeting facilities.

**PLANNED UNIT DEVELOPMENT** – A Planned Unit Development, or PUD, is a type of zoning district established to provide flexibility in the arrangement and design of a site by moving beyond the standard, more rigid, conventional Zoning District regulations. A PUD is designed to produce more efficient use of the land and more amenities and benefits for the Village and users of the development. The procedures for creating a PUD can be found in Section 4.14 and the development criteria that the particular PUD district must consist of can be found in Section 9.04.

**PLANTS, ASPHALT** – A stationary source that manufactures asphalt concrete by heating and drying aggregate and mixing asphalt cements. This includes any combination of dryers; systems for screening; handling; storing and weighing dried aggregate; systems for loading; transferring; and storing mineral filler; systems for mixing; transferring and storing asphalt concrete; and emission control systems within a stationary source.

**PLANTS, CONCRETE** – The production of concrete that uses a manufacturing process involving the mixing of a number of aggregates, sand, water, cement and/or other components. This use also includes the stockpiling of bulk materials required for the process and storage of the required equipment used in the operation.

**PORTABLE HOME STORAGE UNIT** – Any assembly of materials which is designed, constructed, or reconstructed to make it portable and capable of movement from one site to another and designed to be Used without a permanent foundation. Such Structures are typically utilized for temporarily storing household goods or other such materials on a residential property.

**PRACTICAL DIFFICULTY** – A standard utilized to determine whether an area variance should be granted. It is based on a number of criteria that are weighed against one another to determine if granting the variance will provide a reasonable use of the land without altering the essential character of the area.

**PRESERVE OR PRESERVATION** – The process, including maintenance, of treating an existing building to arrest or slow future deterioration, stabilize the structure and provide structural safety without changing or adversely affecting the character or appearance of the structure.

**PRIVATE CLUB OR LODGE** – A nonprofit association of persons, who are bona-fide members paying annual dues, which owns, hires, or leases a building or portion thereof, and the use of such premises is restricted to members and their guests. It shall be permissible to serve food and meals on such premises provided that adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed in conjunction with the operation of a dining room, for the purpose of serving food and meals, though such beverages may be served in a separate room or rooms, and provided that such sale of alcoholic beverages is in compliance with applicable local, state, and federal laws.

**PRIVATE LANDING STRIP** – A long flat piece of land from which private aircraft can take off and land that is properly licensed by the Federal Aviation Authority or applicable agency. It can be constructed of either grass or pavement.

**PRIVATE FAMILY SWIMMING POOL** – See, *Swimming Pool, Private Family*.

**PROPERTY LINE** – A line bounding or demarcating a plot of land or ground. May also be referred to as a Lot Line.

**PUBLIC PROTECTION FACILITY** – A facility operated by a public agency for the purposes of public safety including but not limited to fire stations, police stations, public safety dispatch facilities, civil defense, storm shelters, and other similar uses.

**RECONSTRUCTION** – The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

**REHABILITATION** – The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

**RESEARCH AND DEVELOPMENT** – A use where individuals are employed to search for knowledge and test processes that might be used to create new technologies, products, services, or systems.

**RESIDENTIAL FACILITY** – A publicly or privately operated home or facility that is further categorized as:

**RESIDENTIAL FACILITY CLASS 1** – A facility that provides accommodations, supervision, personal care services, and mental health services for one or more unrelated adults with mental illness or one or more unrelated children with adolescents with severe emotional disturbances.

**RESIDENTIAL FACILITY CLASS 2** – A facility that provides accommodations, supervision, and personal care services to any of the following:

- a) One or two unrelated persons with mental illness.
- b) One or two unrelated adults who are receiving payments under the residential state supplement program.
- c) Three to sixteen unrelated adults.

Residential facilities exclude hospitals, facilities licensed under ORC 5123.19, an institution subject to certification under ORC 5103.03, hospice care programs, nursing homes, residential care facilities, homes for the aging, a facility operating an opioid treatment program, a terminal care facility for the homeless, a facility approved exclusively for the placement and care of the veterans per Section 104(a) of the Veterans Health Care Amendments of 1983, or the residence of a relative or guardian of a person with mental illness.

**RESIDENTIAL FACILITY, LARGE** – Any facility licensed as a Class 2 Residential Facility per ORC 5119.34 and provides accommodations and personal care services to six to sixteen unrelated persons. (See ORC 5119.341)

**RESIDENTIAL FACILITY, SMALL** – Any facility licensed as a Class 2 Residential Facility per ORC 5119.34 and provides accommodations and personal care services to one to five unrelated persons. (See ORC 5119.341)

**RESIDENTIAL-OFFICE, ADMINISTRATION, BUSINESS, AND MEDICAL** – A small office for administrative, business, or medical services as defined in this section but located within a structure that was existing at the time of the effective date of this Code.

**RESIDENTIAL-RETAIL** – A small business retail as defined in this section but located within a structure that existed at the time of the effective date of this Code.

**RESIDENTIAL TREATMENT FACILITY** – A Residential Facility – Class 1 (ORC 5119.34) providing diagnostic or therapeutic services, counseling, or treatment and long-term room and board in a highly structured environment for its residents for alcoholism, drug abuse, or behavioral and/or mental disorders.

**RESPONSIBLE PARTY** – The owner of the property as determined by the County Auditor’s Tax List, the agent of the property owner authorized to be responsible for the premises, or the occupant of the property.

**RESTAURANT** – An establishment which offers food and/or drinks to the public, guests, or employees. The food may be prepared and consumed either on or off site.

**RIGHT-OF-WAY** – A strip of land occupied or intended to be occupied by transportation facilities, public utilities, street drainage ditches or other special public uses.

**SATELLITE DISH ANTENNA, SMALL** – Any antenna that is one meter or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite. It further means any antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via MMDS (wireless cable) or to receive or transmit fixed wireless signals other than via satellite.

**SCHOOL, HIGH SCHOOL** – A public or private institution providing secondary education prior to students starting college or obtaining a job. It typically includes grades nine through twelve (9-12).

**SCHOOL, POST-SECONDARY** – A public or private institution providing educational or training services to individuals who have completed high school.

**SCHOOL, PRIMARY, INTERMEDIATE, OR MIDDLE** – A public or private institution providing educational services to children in kindergarten through the eighth grade.

**SCHOOL, TECHNICAL** – A secondary or post-secondary school that provides designed training to students for a specific job or skilled trade.

**SELF SERVICE STORAGE FACILITY** – An individual compartment or stall used for the storage of customer’s goods or wares.

**SERVICE ROAD, OR ACCESS ROAD** – A minor Street parallel to a thoroughfare to afford abutting property owners access to the thoroughfare at limited points.

**SETBACK** – A required distance between a lot line and a principal structure established by the Zoning District in which the principal structure is located.

**SETBACK, AVERAGE FRONT** – The distance between a Front Lot Line and principal building that is established by averaging the front setbacks of two existing structures on adjacent lots. In no case shall an average front setback exceed any applicable maximum setback requirement.

**SETBACK, MAXIMUM** – The largest distance permitted between a lot line and a principal structure. The Zoning Inspector shall not administratively approve the location of a principal structure that is more than this required distance.

**SETBACK, MINIMUM** – The smallest distance permitted between a lot line and a principal structure established by the Zoning District in which the principal structure is located. The Zoning Inspector may not administratively approve the location of a principal structure that is less than this required distance but may administratively approve the location of a principal structure that is more than this required distance. In such cases, the area between the required minimum setback and the principal structure is considered to be “yard” space as defined in this Code.

**SEXUAL CONDUCT** – Acts of sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight. Any penetration of the vagina or anus, however slight, by an object. Any contact between persons involving the sex organs of one person and the mouth or anus of another. Masturbation, manual or instrumental, of oneself or of one person by another. Sexual touching, whether clothed or unclothed, of oneself or of one person by another.

**SHIPPING CONTAINER** – A structure designed for use as an individual shipping container designed to be mounted on a rail car as freight or designed as an enclosed truck trailer. These containers are typically prefabricated metal structures but also include other similar type containers such as shipping crates, boxes, or trailers constructed with other types of material.

**SHORT-TERM RENTAL** – Renting a home, or a space in a home, with five guestrooms or less that is reserved or rented wholly or partly for compensatory fee for less than thirty (30) consecutive days.

**SHOOTING RANGE, INDOOR** – The use of a structure for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

**SHOOTING RANGE, OUTDOOR** – The use of land for archery and/or the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions, such as turkey shoots. Excluded from this use type shall be general hunting and unstructured and nonrecurring discharging of firearms on private property with the property owner’s permission.

**SIGHT TRIANGLE** – The triangular area formed by a diagonal line connecting two points located on intersecting street rights-of-way or a right-of-way and the edge/curb of a driveway (See Section 16.23).

**SIGN** – Any device for visual communication which is designed, intended, or used to convey a message, advertise, inform, or otherwise direct attention to a person, institution, organization, activity, business, place, object, or product. Signs erected by the local, state, or federal government for the purposes of discharging in any normal governmental function, such as traffic control or safety, are likewise excluded from the regulations of this Chapter. This definition includes all signs visible from any public right-of-way or adjacent property, including interior signs oriented towards the exterior façade of any Building or structure that includes any name, number, symbol, identification, description, display, illustration, object, graphic, sign structure, or part thereof, which directs attention to any object, product, place, activity, person, institution, organization, or business.

**SIGN, ANIMATED** – Any sign that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene.

**SIGN, BILLBOARD** – A type of free-standing sign that is mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl and/or 3-D printed elements, which are typically attached or affixed to a pole or other type of free-standing support. Said signs are greater than 200 square feet.

**SIGN, Directional** – Any sign which provides direction or guidance to help navigate a person to a specific location of an institution, organization or business, or property.

**SIGN, ENTRY FEATURE** – A sign intended to provide the identity of a residential development or commercial development with more than one lot or tenant.

**SIGN, FLASHING** – 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.

**SIGN, FREESTANDING** – A sign erected on a pole, poles, pillars, or posts (pylon sign) or any monument type sign (sign with a base) which is wholly independent of any building or support.

**SIGN, GAS INFLATABLE** – Any device which is capable of being expanded by any gas and is typically tethered or otherwise anchored to the ground or structure and used on a permanent or temporary basis to attract attention to a product, event, or business.

**SIGN, GROUND MOUNTED** – A type of free-standing sign that is supported by a monument style base and does not include any poles, pillars, or posts.

**SIGN, PERMANENT** – A sign intended to be erected, displayed, or used, or in fact which is used for time period in excess of 30 days within any 180-day period.

**SIGN, PROJECTING** – A sign which extends outward perpendicular to the building face.

**SIGN, PYLON** – A type of free-standing sign that is supported by pole(s), pillars, posts, or other free-standing support and is less than 200 square feet.

**SIGN, ROOF** – Any sign erected upon or completely over the roof of any building.

**SIGN, TEMPORARY** – A display, banner, or other advertising device constructed of cloth, canvas, fabric, wood, or other temporary material, with or without a structural frame, including but not limited to portable signs, feathered flags, development signs, community event signs, garage sale signs, real estate signs, sandwich type signs, sidewalk or curb signs, and balloon or other air or gas filled figures.

**SIGN, TRAILER** – A sign that is constructed on a chassis intended for the mounting of wheels, thereby permitting the sign to be moved forward.

**SIGN, WALL** – A wall display that is less than 125 square feet.

**SIGN, WALL DISPLAY** – 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, messages, graphics and other designs painted along with any letters or numerals mounted directly on buildings or awnings.

**SIGN, WINDOW** – A sign, graphic, poster, symbol or other identification which is physically affixed to or painted on the glass or other structural component of the window.

**SOLAR, ARRAY** – A mechanically integrated assembly of modules or panels with a support structure and foundation, tracker and other components as required to form a direct-current power producing unit.

**SOLAR ENERGY** – Radiant energy (direct, diffused, or reflected) received from the sun at wavelengths suitable for conversion into thermal, mechanical, chemical, or electrical energy.

**SOLAR ENERGY SYSTEM (SES)** – An energy system that consists of one or more solar collection devices, solar energy-related equipment, and other associated infrastructure with the primary intention of generating electricity, storing electricity, or otherwise converting solar energy to a different form of energy. Solar energy systems may generate

---

energy in excess of the energy requirements of a property if it is to be sold back to a public utility in accordance with the law.

**SOLAR ENERGY SYSTEM, INTEGRATED** – A Village SES where solar materials are incorporated into building materials, such that the two are reasonably indistinguishable, or where solar materials are used in place of traditional building components, such that the SES is structurally an integral part of a house, building, or other structure. An Integrated SES may be incorporated into, among other things, a building facade, skylight, shingles, canopy, light, or parking meter.

**SOLAR ENERGY SYSTEM, GROUND-MOUNTED** – A Village SES where an array is mounted on a rack or pole that is ballasted on, or is attached to, the ground.

**SMALL-SCALE GROUND-MOUNTED SOLAR ENERGY SYSTEM (SMALL-SCALE SES)** – A Ground-Mounted SES with a footprint of between one (1) and five (5) acres.

**INTERMEDIATE-SCALE GROUND-MOUNTED SOLAR ENERGY SYSTEM (INTERMEDIATE SCALE SES)** – A Ground-Mounted SES with a footprint of between five (5) and fifteen (15) acres.

**LARGE SCALE GROUND MOUNTED SOLAR ENERGY SYSTEM (LARGE SCALE SES)** – A Ground-Mounted SES with a footprint of more than fifteen (15) acres.

**SOLAR ENERGY SYSTEM, ROOF-MOUNTED** – A Village SES mounted to the roof of a building or structure. Roof-mount systems are accessory to the primary use of a property.

**SPECIFIED SEXUAL ACTIVITIES** – Simulated or actual display of human genitals in a state of sexual stimulation or arousal, acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, or cunnilingus and fondling or erotic touching of human genitals, pubic region, buttocks, or female breasts.

**START OF CONSTRUCTION** – The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the state of excavation. 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 as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the “start of construction” includes the first permanent framing or assembly

of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, “start of construction” means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, “start of construction” is the date on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

**STATE ONE CALL** – Reference to the Ohio Utilities Protections Service/Dial: #811 that should be called prior forty-eight (48) hours prior to excavation or installation of ground-piercing equipment.

**STORABLE SWIMMING POOL** – A pool capable of holding water to a maximum depth of forty-two inches (42") and is constructed of non-metallic, molded polymeric or fabric walls supported on a rigid frame or by an inflatable ring and entirely on or above ground, and is designed and constructed to be readily disassembled for storage and re-assembled to its original integrity.

**STREET** – A paved public vehicular right-of-way which provides access to abutting properties from the front.

**STREET, ARTERIAL** – A Street connecting the Village with outside activity centers and serving as the primary routes through and within the Village. Arterial Streets carry the largest volume of traffic – over 5,000 vehicles per day ADT – usually on a continuous route. Service to the adjacent land is subordinate to the provision of travel service on Arterial Streets.

**STREET, MAJOR COLLECTOR** – A thoroughfare which carries vehicular traffic from Local Streets to Arterial Streets and is designed to accommodate 1,000-5,000 vehicles per day ADT.

**STREET, MINOR COLLECTOR** – A thoroughfare which primarily carries vehicular traffic from local street to Major Collector Streets and Arterial Streets and is designed to accommodate 500-1,000 vehicles per day ADT.

**STREET, LOCAL** – A street on which the majority of the traffic originates or terminates in the abutting properties. These Streets are designed to accommodate up to 500 vehicles per day ADT at low speeds.

**STREET, PRIVATE** – A strip of privately-owned land providing access to abutting properties.

**STREET, PUBLIC** – A strip of land providing public access to abutting property, as dedicated to the Village or Fairfield County upon a plat which has been duly approved, filed, and recorded in the Fairfield County Recorder’s Office.

**STRUCTURAL ALTERATIONS** – Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical contents of a building.

**STRUCTURE** – Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground, including outdoor advertising signs, (billboards), and farmers’ street-side stands.

**SUBSTANTIAL IMPROVEMENT/ALTERATION** – Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or the first other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety Code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places provided the alteration will not preclude the structure’s designation as a historic structure.

**SUBSTANTIALLY COMPLETE** – The stage in which the work, described in the Zoning Permit, is finished to a point that the applicant/owner can occupy or utilize the land or building for its intended purpose.

**SWIMMING POOL, COMMERCIAL** – A body of water in an artificial or natural receptacle or another container, whether located indoors or outdoors, used or intended to be used for public, semi-public, or private swimming by adults and/or children whether or not any charge or fee is imposed, operated by an owner, lessee, operator, licensee or concessionaires, exclusive of a family pool as defined herein, and shall include all structures, appurtenances, equipment, appliances, and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, and also, all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels, apartments and condominiums, and community associations.

**SWIMMING POOL, PRIVATE FAMILY** – A swimming pool used or intended to be used solely by the owner or lessee thereof and family, and by friends invited to use it without payment of any fee, and normally capable of containing water to a depth at any point greater than three (3) feet.

**TELECOMMUNICATION TOWER** – A structure situated on a site used to support antennas and radio or cellular communications equipment. Antennas used by amateur radio operators are excluded from this definition.

**TELECOMMUNICATION TOWER, ATTACHED** – Any structure that will be attached to a Building or other structure that meets the criteria for a telecommunication tower, as defined herein.

**TELECOMMUNICATIONS TOWER, FREE STANDING** – Any free-standing structure that meets the criteria for a telecommunication tower, as defined herein.

**TEMPORARY STRUCTURE, CONSTRUCTION TRAILER/OFFICE** – Any structure that is not permanent and is located on a construction site for purposes of storing materials and tools or for offices for construction management.

**TEMPORARY TENT** – See, Section 16.22.

**THOROUGHFARE PLAN** – The document now or hereafter adopted which sets forth the location, alignment, and/or classification of existing and proposed Streets.

**TRANSITIONAL LIVING CENTER** – A facility that provides short-term room and board in a supervised living environment utilizing counseling and rehabilitation services for persons with a history of juvenile delinquency, behavioral disorders, alcoholism, or drug abuse.

**TREE, LARGE** – Any tree species which normally attains a full-grown height above sixty feet (60).

**TREE, MEDIUM** – Any tree species which normally attains a full-grown height between thirty (30) and sixty (60) feet.

**TREE, SMALL** – Any tree species which normally attains a full-grown height of under thirty (30) feet.

**TRUCK SERVICE CENTER** – A commercial facility which provides refueling, parking, and often ready-made food for motorists and truck drivers. These facilities sometimes also include showers for truck drivers.

**UNNECESSARY HARDSHIP** – A standard utilized to determine whether a use variance should be granted. It is based on the deprivation of an owner’s right to the beneficial use of property that is caused by the strict enforcement of this Code. It must involve unique characteristics of the property itself and does not include economic difficulties of the owner/applicant.

**USE** – The purpose for which a Building or land may be arranged, designed, or intended to be occupied or maintained.

**VARIANCE** – A modification of the strict terms of this Code due to the strict enforcement of these regulations resulting in a practical difficulty or Unnecessary Hardship and where such modification will not be contrary to the public interest.

**VARIANCE, AREA** – A type of variance that is from a regulation based on the dimensions or physical requirements of applicable zoning regulations such as setbacks, height, or other similar requirement. This type of variance is typically reviewed using a Practical Difficulty standard.

**VARIANCE, USE** – A type of variance to allow a use that is otherwise prohibited within the district. This type of variance is typically reviewed using an Unnecessary Hardship standard.

**VEHICLE, CHARGING STATION** – The design and construction of a parking space with Electric Vehicle Supply Equipment that supplies electric energy for the recharging of electric vehicles.

**VEHICLE, RECREATIONAL** – Any motorized or non-motorized vehicle that is used for recreational purposes including, but not limited to all-terrain vehicles, dune buggies, motor bikes, recreational vehicle trailers, snowmobiles, trail bikes, and various watercraft including canoes, kayaks, boats, and jet skis.

**VEHICULAR SALES, EQUIPMENT** – An open area or building used for the display, sale or rental of farm, construction, or other similar machinery.

**VEHICULAR SALES, MOTORCYCLES** – An open area or building used for the display, sale, or rental of new or used motorcycles and where only incidental repair work is done.

**VEHICULAR SALES, NEW AND USED CARS** – An open area other than a street, used for the display, sale, or rental of new or used motor vehicles in operable condition and where only incidental repair work is done.

**VEHICULAR SALES, RECREATIONAL** – An open area or building used for the display, sale, or rental of new or used recreational vehicles and where only incidental repair work is done.

**WALL, DECORATIVE** – An architecturally designed wall that is intended to prohibit public view and provide seclusion, has more than fifty percent (50%) of its vertical surface area closed to light and air, and is not designed for purposes of retaining soil.

**WALL, RETAINING** – An engineered wall that is designed and intended to support soil laterally so that it can be retained at different levels on the two sides.

**WALLSCAPE** – A type of wall display that greater than 125 square feet and is mechanically produced or computer generate prints or images, including but not limited to digitally printed vinyl and/or 3D printed elements, which are typically attached to the side of a building.

**WATER AND WASTEWATER SERVICES** – Government services concerning the extraction, transportation, and treatment of water and wastewater within the Village.

**WIND ENERGY CONVERSION SYSTEM** – An energy system consisting of a wind turbine, a tower, and associated control or conversion electronics.

**WIND ENERGY CONVERSTION SYSTEM, INDIVIDUAL** – A Wind Energy Conversion System consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a single interconnection to the electrical grid, an aggregate rated capacity of not more than 100 kilowatts and is intended to primarily reduce on-site consumption of utility power.

**WIND ENERGY CONVERSTION SYSTEM, TOWER** – The support structure to which the nacelle and the rotor are attached.

**WIND ENERGY CONVERSION SYSTEM, TOWER HEIGHT OF** – The distance from the rotor blade at its highest point to the top surface of the tower foundation.

**WIND FARM, SMALL** – A Wind Energy Conversion System consisting of wind turbine(s), tower(s) and associated control or conversion electronics, which have an aggregate rated capacity of 100kW or more, but less than fifty (50) megawatts and has a single interconnection to the electrical grid. Any Wind Energy Conversion System that is five (5) megawatts or larger shall be reviewed by the Ohio Power Siting Board and shall not be subject to the regulations within this Zoning Resolution.

**YARD** – An open space on a lot with a building that is unoccupied and unobstructed by any portion of a principal structure. Fences and other accessory structures may be permitted within a yard as regulated in this Code.

**FRONT YARD** – The horizontal distance between the right-of-way line and the nearest foundation or structural appurtenance of the principal structure.

**REAR YARD** – The horizontal distance between the rear lot line and the nearest foundation or structural appurtenance of the principal structure.

**SIDE YARD** – The horizontal distance between the side lot line and the nearest foundation or structural appurtenance of the principal Building.

**ZONING DISTRICT** – Any section of the Zoning Map and/or legal description in which the zoning regulations are uniform.

**ZONING INSPECTOR** – The authorized representatives appointed by the Trustees to issue Zoning Permits and perform other duties as specified in this Code.

**ZONING MAP** – A map of Fairfield County, Ohio that legally denotes the boundaries of the Zoning Districts as they apply to the properties within the jurisdiction. The official zoning map shall be kept on file in the administrative offices.

**ZONING PERMIT** – A document issued by the zoning administrator authorizing the construction or alteration of a building, structure, or use consistent with this Code.

---

**CHAPTER 3**  
**BOARDS & COMMISSIONS – DUTIES & RESPONSIBILITIES**

<b>3.01 ESTABLISHMENT OF ZONING INSPECTOR</b>	<b>3.06 BOARD OF ZONING APPEALS DUTIES AND RESPONSIBILITIES</b>
<b>3.02 ZONING INSPECTOR DUTIES AND RESPONSIBILITIES</b>	<b>3.07 ESTABLISHMENT OF HISTORIC DESIGN REVIEW BOARD</b>
<b>3.03 ESTABLISHMENT OF PLANNING COMMISSION</b>	<b>3.08 HISTORIC DESIGN REVIEW BOARD DUTIES AND RESPONSIBILITIES</b>
<b>3.04 PLANNING COMMISSION DUTIES AND RESPONSIBILITIES</b>	<b>3.09 REMOVAL FROM OFFICE</b>
<b>3.05 ESTABLISHMENT OF THE BOARD OF ZONING APPEALS</b>	

---

**3.01 ESTABLISHMENT OF ZONING INSPECTOR**

- a) The Village Council shall appoint a Zoning Inspector who shall be responsible for administering and enforcing this Zoning Code. The Village Council may direct other persons to assist the Zoning Inspector in their duties.
- b) The Zoning Inspector, acting in good faith and without malice in the discharge of their duties during enforcement of this Resolution is relieved of all personal liability for any damage that may accrue to persons or property because of such acts of alleged failure to act. Further, they shall not be held liable for the costs in any action, suit or proceeding that may be instituted against them because of the enforcement of this Resolution.

**3.02 ZONING INSPECTOR DUTIES AND RESPONSIBILITIES**

For the purposes of this Zoning Code, the Zoning Inspector shall have the following duties and responsibilities:

- a) Interpret the meaning and application of this Zoning Code;
- b) Receive, process, and act on applications for a Zoning Permit;
- c) Review and process all applications for Zoning Amendments, Variances, and Conditional Uses with the appropriate boards/commissions;
- d) Investigate all written complaints received from residents alleging non-compliant activity;

- e) Conduct inspections of building and uses of lands to determine compliance with this Resolution; and
- f) Determine whether violations of this Zoning Code exist and take all necessary actions to remedy an identified violations in accordance with the procedures of the code.

### **3.03 ESTABLISHMENT OF PLANNING COMMISSION**

- a) The Village Council shall establish a Planning Commission of five (5) members, consisting of the mayor, one (1) member of the Council to be elected for the remainder of the individual's term as such member of the legislative authority, two (2) residents of the village, and one (1) public member to be appointed by the mayor.
- b) Every member of the Planning Commission shall be a resident of the Village.
- c) The terms for the Planning Commissions members are six (6) years each, except that the term of one (1) of the members of the first commission shall be for four (4) years and one for two (2) years.
- d) All Planning Commission members shall serve without compensation.
- e) All *Planning* Commission members are subject to ORC Section 2921.42 of the Revised Code.
- f) For the purposes of this Resolution, the members of the Planning Commission existing on the effective date of this amended Resolution shall remain in office. However, the expiration dates of the terms of such members shall be arranged to comply with the above. Any vacancies on the Commission shall be filled by the Village Council or Mayor and consistent with the provisions of ORC 713.

### **3.04 PLANNING COMMISSION DUTIES AND RESPONSIBILITIES**

For the purposes of this Zoning Code, the Planning Commission shall have the following duties and responsibilities:

- a) To review zoning applications, variance requests, comprehensive plans, Zoning Code amendments, and other planning-related documents and to write reports to summarize their contents;
- b) To offer recommendations to the Village Council regarding the documents reviewed in Sections 4.14 & 4.19; and

### **3.05 ESTABLISHMENT OF THE BOARD OF ZONING APPEALS**

- a) The Village Council may appoint five (5) members to the Board of Zoning Appeals. The Council may direct other persons to assist the Commission in their duties.
- b) Every member shall be a resident of the Village.
- c) The terms of members shall be of such length and so arranged that the term of one (1) member shall expire each year; however, each member shall serve until their successor is appointed. Vacancies shall be filled by resolution of the Village Council for the unexpired term of the member affected.

- d) For the purposes of this Resolution, the members of the Board of Zoning Appeals existing on the effective date of this amended Resolution shall remain in office; however, the expiration dates of the terms of such members shall be arranged to comply with the above. Any vacancies on the Board shall be filled by the Village Council, consistent with the provisions of Section 713 of the ORC.

### **3.06 BOARD OF ZONING APPEALS DUTIES AND RESPONSIBILITIES**

For the purposes of this Zoning Code, the Board of Zoning Appeals shall have the following duties and responsibilities:

- a) Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector, in accordance with Sections 4.09 & 4.10 of this Resolution;
- b) Authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to special conditions of the land, a literal enforcement of this Resolution will result in unnecessary hardship in accordance with the provisions of Chapter 5 – Violation, Enforcement, & Fees of the Resolution;
- c) Interpret the boundaries of the Official Zoning Map, in accordance with the provisions of this Resolution;
- d) Permit conditional uses as specified in the Official Schedule of District Regulations and under the conditions specified in Section 4.07 of this Resolution, and such additional safeguards as will uphold the intent of the Resolution;
- e) Authorize the substitution or extension of non-conforming uses, as specified in Chapter 6 – Non-Conforming Uses of this Resolution;
- f) Authorize extensions of time for completion of work specified in zoning certificate, in accordance with Section; and
- g) Declare zoning permits void, pursuant to Section 4.11(b) of this Resolution.

### **3.07 ESTABLISHMENT OF HISTORIC DESIGN REVIEW BOARD**

- a) The Village Council shall appoint three/five (3/5) members to the Historic Design Review Board. The Village Council may direct other persons to assist the Review Board in their duties.
- b) Every member of the Historic Design Review Board shall be a resident of the Village. The terms of members shall be of such length and so arranged that the term of one (1) member shall expire each year; however, each member shall serve until their successor is appointed. Vacancies shall be filled by resolution of the Village Council for the unexpired term of the member affected.
- c) For the purposes of this Resolution, the members of the Historic Design Review Board **[or similar existing committee]** existing on the effective date of this amended Resolution shall remain in office. However, the expiration dates of the terms of such members shall be arranged to comply with the above. Any vacancies on the Review

Board shall be filled by the Village Council consistent with the provisions of Chapter 719 of the ORC.

### **3.08 HISTORIC DESIGN REVIEW BOARD DUTIES AND RESPONSIBILITIES**

For the purposes of this Zoning Code, the Historic Design Review Board shall have the following duties and responsibilities:

- a) To create and periodically amend a Design Code for the Historic District. This code would include the following perimeters:
  - 1) Aesthetic guidelines;
  - 2) Acceptable building materials, colors, shapes, etc.; and
  - 3) Other material requirements to preserve the character of the Historic District;
- b) To review zoning applications, variance requests, comprehensive plans, and other planning-related documents and to write reports to summarize their contents; and
- c) To offer the documents of Sections 4.12 & 4.13, a Certificate of Appropriateness, if they comply with the Historic District Design Code.

### **3.09 REMOVAL FROM OFFICE**

As an employee or member of a board or committee of the Village, any person with a title or position established by this Chapter may be removed by the Board of Village Council for non-performance of duty, misconduct in office, or other just cause, after notification and a public hearing held no more than sixty (60) days after the charges are filed against the person.

---

**CHAPTER 4  
PROCEDURES & PLANNED UNIT DEVELOPMENTS (PUDS)**

<p><b>4.01 ZONING PERMIT APPLICATION</b></p> <p><b>4.02 ZONING PERMIT APPROVAL</b></p> <p><b>4.03 AMENDMENTS METHODS AND APPLICATIONS</b></p> <p><b>4.04 AMENDMENT PUBLIC NOTICES</b></p> <p><b>4.05 AMENDMENT REVIEW PROCESS</b></p> <p><b>4.06 CONDITIONAL USE APPLICATION</b></p> <p><b>4.07 CONDITIONAL USE APPROVAL</b></p> <p><b>4.08 CONDITIONAL USE EXPIRATION</b></p> <p><b>4.09 APPEAL/VARIANCE APPLICATION</b></p> <p><b>4.10 PUBLIC HEARING AND APPROVAL CRITERIA</b></p> <p><b>4.11 ACTION BY THE BOARD OF ZONING APPEALS AND EXPIRATION/ REVOCATION OF ZONING CERTIFICATE ISSUED UNDER CONDITIONAL USE PROCEDURES</b></p> <p><b>4.12 CERTIFICATE OF APPROPRIATENESS APPLICATION</b></p> <p><b>4.13 CERTIFICATE OF APPROPRIATENESS APPROVAL</b></p>	<p><b>4.14 PROCEDURES FOR AMENDING A PLANNED UNIT DEVELOPMENT DISTRICT</b></p> <p><i>OVERLAY DISTRICT</i></p> <p><b>4.15 OVERLAY DISTRICT: PRE-APPLICATION MEETING</b></p> <p><b>4.16 OVERLAY DISTRICT: FORMAL DEVELOPMENT PLAN APPLICATION</b></p> <p><b>4.17 OVERLAY DISTRICT: DEVELOPMENT PLAN REVIEW</b></p> <p><b>4.18 OVERLAY DISTRICT: CONDITION OF APPROVAL</b></p> <p><b>4.19 OVERLAY DISTRICT: CRITERIA FOR APPROVAL</b></p> <p><b>4.20 OVERLAY DISTRICT: CONSULTING SERVICES AND ADDITIONAL FEES</b></p> <p><b>4.21 ACCESSORY STRUCUTRE/USE PERMIT PROCESS</b></p> <p><b>4.22 FENCE OR WELL PERMIT PROCESS</b></p>
--	---

---

**4.01 ZONING PERMIT APPLICATION**

- a) A zoning permit is required for any of the limitations of Section 519.21 of the ORC. The failure to obtain a zoning permit shall be considered a violation of this Resolution and shall be punishable in accordance with Chapter 5 – Violations, Enforcement, & Fees.

- b) The applicant shall submit (1) paper copy and one (1) electronic PDF copy of an application for a zoning permit to the Zoning Inspector that contains the following information:
- 1) Name, address, phone number and email address of the applicant;
  - 2) Address and parcel number of the property subject to the application;
  - 3) Legal description of the property as recorded in the County Recorder’s office (if there is not a complete and accurate survey readily available from existing records, the Zoning Inspector may require the applicant to supply a survey of the property by a Registered Surveyor in the State of Ohio);
  - 4) Existing and proposed uses;
  - 5) The Zoning District in which the property is located; and
  - 6) Plans and/or drawings, to approximate scale, showing:
    - i) The dimensions of the property;
    - ii) The dimensions of existing and proposed buildings or structures on the property;
    - iii) The distance between the property lines and the existing and proposed structures;
    - iv) The dimensions and number of existing and proposed parking spaces;
    - v) Any existing or proposed signage (not required for single-unit dwelling permit);
    - vi) Any existing or proposed landscaping (not required for single-unit dwelling permit);
    - vii) The height of existing and proposed buildings;
    - viii) Number of proposed dwelling units, if applicable;
    - ix) The property owner is required to sign the application, or an affidavit authorizing a representative to sign and serve as the contact on behalf of the owner must be submitted;
    - x) Any other information as determined by the Zoning Inspector to determine compliance with this Code; and
    - xi) A copy of any required approvals including but not limited to any necessary variances or conditional use permits; and
  - 7) The zoning permit fee as prescribed in the Schedule of Fees.

**4.02 ZONING PERMIT APPROVAL**

- a) The Zoning Inspector shall approve or not approve the zoning permit application within thirty (30) days after the receipt.
- b) If the Zoning Inspector approves the zoning permit application:
  - 1) The Zoning Inspector shall mark the permit as approved, sign, date and return the approved permit to the applicant.
  - 2) The applicant shall commence work within one (1) year of the date of zoning permit approval unless an extension is granted by the Zoning Inspector. The Zoning Inspector may grant a one-time extension of up to six (6) months due

to unexpected delays that are not a result of any action of the applicant and provided there are no changes in area conditions, as determined by the Zoning Inspector. Otherwise, the permit shall be considered null, and void and a new zoning permit must be obtained.

- 3) The work described in the permit must be completed and a certificate of zoning compliance must be issued within two (2) years of the date of zoning permit approval. Any work described in the permit that has not been completed within this two (2)-year period or as extended by the Zoning Inspector shall not proceed unless and until a new zoning permit is obtained.
- c) If the Zoning Inspector does not approve the zoning permit:
- 1) The Zoning Inspector shall mark the permit as denied, sign and date it, provide a list of reasons for denying the permit, and return it to the applicant.
  - 2) The applicant shall have thirty (30) days from the date that the Zoning Inspector denied the zoning permit to file an appeal or variance application to the Board of Zoning Appeals.

#### **4.03 AMENDMENT METHODS AND APPLICATIONS**

- a) Map and Text Amendment to this Resolution may be initiated by any of the following methods:
- 1) By referral of a proposed amendment to the Planning Commission from Village Council;
  - 2) By adoption of a motion of the Planning Commission; or
  - 3) By filing a completed application by at least one (1) owner or lessee of property, or their designated agent, within the area proposed to be affected by the amendment.
- b) Each year the Planning Commission shall adopt a Zoning Amendment Schedule, which shall include monthly submittal deadlines for zoning amendment applications. The submittal deadline immediately following the submission of a completed application, as determined by the Zoning Inspector, shall be considered the “submittal date” of said application.
- c) For the method of Section 4.03(a)(3), the applicant shall submit one (1) paper copy and one (1) electronic PDF copy of an application for an amendment to the Zoning Inspector that contains the following information:
- 1) Name, address, phone number and email address of the applicant;
  - 2) Proposed text changes, which shall include the existing text of the section(s) of the code to be revised. Proposed additions shall be shown in bold text and proposed deletions shown with a strikethrough;
  - 3) Proposed map changes shall include:
    - i) A legal description, prepared, signed and stamped by a surveyor registered in the State of Ohio, of the Tract to be rezoned including all parcels within said Tract. An existing legal description on file with the County Recorder’s office may be utilized to meet this requirement;

- ii) A map showing the Tract and surrounding properties within 200 feet of that shows property lines of the Tract and surrounding parcels;
  - iii) A list of property owners(s) within 200 feet, contiguous to, and directly across the street from the Tract to be rezoned and their addresses as they appear on the County Auditor’s current tax list. This list shall be printed on mailing labels and must be printed, typed, or handwritten. This requirement may be waived when the Tract proposed to be rezoned includes more than ten (10) parcels; and
  - iv) Legal description of the property as recorded in the County Recorder’s office (if there is not a complete and accurate survey readily available from existing records, the Zoning Inspector may require the applicant to supply a survey of the property by a Registered Surveyor in the State of Ohio);
- 4) Existing and proposed uses;
  - 5) In accordance with Section ##### of the Village Roadway Design Manual (if adopted), a traffic study indicating the impact of future traffic on the existing and proposed roadway system;
  - 6) A narrative statement explaining how the proposed amendment will impact the adjacent neighborhood and the Village;
  - 7) Any other information required by the Zoning Inspector, or designee, to determine compliance with and enforcement of this Resolution; and
  - 8) The amendment application fee as prescribed in the Schedule of Fees.

**4.04 AMENDMENT PUBLIC NOTICES**

- a) Within thirty (30) days of the Submittal Date, as defined in Section 4.03(b), the Planning Commission shall schedule and hold a public hearing on the proposed amendment. During such thirty (30) days, the text or copy of the zoning application being considered by the Planning Commission shall be on file, for public examination, in the office of the Village Clerk. The Planning Commission shall give at least a twenty (20) day notice of the public hearing in a newspaper of general circulation in the Village and a twenty (20) day written mail notice to all owners of real property included in the proposed change and all owners contiguous to and directly across the street from the property included in the proposed change.
- b) The public notices shall include the following information:
  - 1) The newspaper notice shall include the following:
    - i) A map of the area to be affected which indicates street names or numbers, streams, or other significant landmarks;
    - ii) The date, time, and place of the public hearing;
    - iii) The name of the Board/Commission holding the hearing;
    - iv) The present and desired zoning classifications OR a summary of the amendment text;

- v) Other information that may be necessary to provide adequate and timely public notice.
- 2) The mailed notice shall contain:
  - i) All of the information in Section 4.03(c).
  - ii) The description of the property and the street address or its approximate location in the Village;
  - iii) The present District of the property and the District sought by the applicant; and
  - iv) The date, time, and place of the public hearing.

#### **4.05 AMENDMENT REVIEW PROCESS**

- a) Within thirty (30) days of the closing of the Planning Commission’s public hearing required in Section 4.04, it shall vote to recommend to the Village Council that the amendment be approved as submitted, as amended, or not approved.
- b) Within fifteen (15) days of the Planning Commission’s recommendation, the Zoning Inspector, or designee, shall transmit the proposed amendment with the Planning Commission’s report and recommendation to the Village Council.
- c) The Village Council shall schedule and hold a public hearing on each proposed amendment they receive pursuant to Section 4.05(c). The Council shall also provide a thirty (30) day notice of its public hearing. The notice requirements shall include the same information as required in Section 4.04(b). The Council shall approve the application as submitted, as amended, or not approve the application. No such ordinance, measure, or regulation which violates, differs from, or departs from the plan or report submitted by the Planning Commission shall take effect unless passed or approved by not less than three-fourths (3/4) of the membership of the Council.
- d) The Planning Commission and the Village Council shall use the following criteria to determine whether to recommend or approve the proposed amendment:
  - 1) The demonstrative need or reasons for the proposed amendment;
  - 2) The relationship the proposed amendment would have to the relevant areas, neighborhoods, or the Village as a whole; and
  - 3) Whether the proposed amendment complies with or actively supports the goals, strategies, and values of the Village Comprehensive Plan.

#### CONDITIONAL USE

#### **4.06 CONDITIONAL USE APPLICATION**

- a) A conditional use permit is required for any use listed as a conditional use in Section 7.10. The failure to obtain a conditional use permit shall be considered a violation of this Resolution and shall be punishable in accordance with this Chapter 5 – Violations, Enforcement, & Fees.

- b) The applicant shall submit one (1) paper copy(ies) and one (1) electronic PDF copy of an application for a conditional use permit to the Planning Commission that contains the following information:
- 1) All the information required for a Zoning Permit pursuant to Section 4.01(b);
  - 2) A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic circulation, open spaces, landscaping, trash disposal and service areas, utilities, signs, setbacks, and other information that the Board may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance;
  - 3) A narrative statement evaluating the effects on the adjoining property, and a discussion of the general compatibility with adjacent and other properties in the District;
  - 4) The names and addresses of all property owners within 100 feet, contiguous to and directly across the street from the property, as appearing on the County Auditor’s current tax list;
  - 5) The applicable review fee as prescribed in the Schedule Fee; and
  - 6) Such other information regarding the property, proposed use, or surrounding areas as may be pertinent to the deliberations of the Planning Commission.

#### **4.07 CONDITIONAL USE APPROVAL**

- a) The Planning Commission shall hold a public hearing and provide notification of such hearing as follows:
- 1) Notice of the public hearing shall be placed in one (1) or more newspapers of general circulation in the Village at least ten (10) days before the day of said hearing. The notice shall set forth the date, time and place of the public hearing, and the nature of the proposed appeal or variance.
  - 2) At least ten (10) days before the public hearing, notices shall also be sent by first class mail to all parties of interest. Parties of interest shall include at a minimum, owners of property within 100 feet from, contiguous to, and directly across the street from the property being considered. The notice shall contain the same information as required for the notice published in the newspaper as specified in Section 4.03(c). Failure of delivery of such notice shall not invalidate the findings of the Board.
- b) The Planning Commission shall send notification of their decision to the applicant within thirty (30) days from date of the hearing.
- c) The Planning Commission shall use the following considerations to determine whether to approve the conditional use application:
- 1) Whether it will be harmonious with the existing or intended character of the area or neighborhood and that such use will not change its general character;
  - 2) Whether it will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, trash disposal, water and sewers, and schools, or that the person or agencies

responsible for the establishment of the proposed use shall be able to provide adequately any such service;

- 3) Whether it will not create excessive additional requirements for public facilities and services;
- 4) Whether it will have vehicular approaches to the property that do not interfere with traffic circulation on the surrounding public streets or roads; and
- 5) Whether it complies with any other requirements or standards that are cited under the specific zoning district regulations of this Code.

#### **4.08 CONDITIONAL USE EXPIRATION**

- a) A Conditional Use which has not been utilized within twenty-four (24) months from date of the order granting same shall thereafter be void, provided that the Board has not extended the time for utilization. For the purposes of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, provided construction is diligently carried out to completion.
- b) If the application is approved with supplementary conditions, the Planning Commission shall direct the Zoning Inspector, or designee, to issue a zoning permit listing the specific conditions listed by the Planning Commission for approval.
- c) If the Planning Commission takes no action within the timeframe specified in Section 4.07(b), the application shall be considered approved.

#### APPEAL/VARIANCE

#### **4.09 APPEAL/VARIANCE APPLICATION**

The applicant for a Variance or an Appeal shall submit one (1) paper copy(ies) and one (1) electronic PDF copy of the application that includes the following information:

- a) The name, address, phone number and email address of the applicant and property owner(s);
- b) The address and parcel number of the property;
- c) The Section of the Code from which the variance or appeal is being sought;
- d) The existing zoning district in which this property is located.
- e) A legal description of the property;
- f) A plot plan drawn to an appropriate scale, as determined by the Zoning Inspector, showing at a minimum the following information:
  - 1) The entire lot(s) subject to the application request;
  - 2) All adjacent rights-of-way;
  - 3) The location and height of all existing and proposed buildings and structures with a notation of the setbacks of each from all property lines and rights-of-way;
  - 4) All parking lots, driveway or other vehicular use areas;
  - 5) All existing and proposed signs;

- 6) Proposed landscaping;
- 7) Distances to any residential district if less than 1,000 feet from the lot(s);
- 8) The existing use of the lots on all adjacent lands; and
- 9) Building elevations, if determined necessary by the Zoning Inspector to better understand potential impacts on adjacent properties.
- g) The names and addresses of all property owners within 200 feet of the subject property as appearing on the County Auditor’s current tax list;
- h) A narrative statement explaining the following:
  - 1) A description of the existing and proposed uses;
  - 2) For an appeal:
    - i) The reasons the applicant believes they have been aggrieved by the Zoning Inspector’s or other applicable reviewing authority’s decision; and
    - ii) The reasons why the appeal is justified.
  - 3) For an area variance: [IF SEPERATING USE AND AREA VARIANCE]
    - i) The proposed variance as requested; and
    - ii) A response as to how the proposed variance satisfies the practical criteria listed in Section 4.10; and
  - 4) For a use variance:
    - i) The proposed variance as requested; and
    - ii) A response as to how the proposed variance satisfies the unnecessary hardship criteria listed in Section 4.10; and
- i) The appeal/variance fee as prescribed in the Schedule of Fees.

**4.10 PUBLIC HEARING AND APPROVAL CRITERIA**

- a) The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of a completed application for a variance or appeal.
- b) Notice of the public hearing shall be pursuant to the same method as Section 4.03.
- c) Any person with interest may appear and testify at the public hearing in person or by attorney.
- d) [IF SEPERATING USE AND AREA VARIANCE] The Board of Zoning Appeals may grant a use variance only upon a finding by clear and convincing evidence of an “unnecessary hardship.” The factors the Board shall consider to determine whether unnecessary hardship exists include, but are not limited to, the following:
  - 1) Whether the requested use variance stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or District;
  - 2) Whether the claimed hardship was created by actions of the applicant;
  - 3) Whether granting the variance will adversely affect the rights of adjacent property owners;
  - 4) Whether granting the variance will adversely affect the public health, safety or general welfare;

- 5) Whether the variance will be consistent with the general spirit and intent of this Code;
  - 6) Whether the variance sought is the minimum which will afford relief to the applicant; and
  - 7) Whether there is an economically viable use of the property which is permitted in the District.
- e) The Board of Zoning Appeals may grant an area variance upon a finding by clear and convincing evidence of “practical difficulty” in meeting Code requirements. The factors the Board shall consider to determine whether a property owner has encountered practical difficulties include, but are not limited to, the following:
- 1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
  - 2) Whether the variance is substantial;
  - 3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
  - 4) Whether the variance would adversely affect the delivery of governmental services, for example, water, sewer, garbage, etc.;
  - 5) Whether the property owner purchased the property with knowledge of the Zoning restriction;
  - 6) Whether the property owner’s practical difficulty can be eliminated through some method other than a variance, and
  - 7) Whether the spirit and intent behind the Zoning requirement can be observed and substantial justice can be done by granting a variance.

**4.11 ACTION BY THE BOARD OF ZONING APPEALS AND EXPIRATION/RECVOATION OF ZONING CERTIFICATE ISSUED UNDER CONDITIONAL USE PROCEDURES**

- a) Action by the Board of Zoning Appeals.
- Within thirty (30) days after the public hearing pursuant to Section 4.10, the Board shall either approve with supplementary conditions or disapprove the application as presented. If the Board approves the application, it shall direct the Zoning Inspector to issue a Zoning Permit listing the specific conditions listed by the Board for approval. If the application is disapproved, the applicant may seek relief through Court of Common Pleas.
- b) Expiration and Revocation of Zoning Permit Issued Under Conditional Use Provisions.
- The approval of the Conditional Use Zoning Permit issued in accordance with Section 4.10 shall become null and void if such use is not carried out within one (1) year after date of approval. The Board may revoke the zoning certificate upon written evidence by any resident or official of the Village of violation of the Zoning Resolution and/or written terms and conditions upon which approval was based.

---

#### **4.12 CERTIFICATE OF APPROPRIATENESS APPLICATION**

- a) The failure to obtain a Certificate of Appropriateness shall be considered a violation of this Resolution and shall be punishable in accordance with this Chapter 5 – Violations, Enforcement, & Fees.
- b) The applicant shall submit one (1) paper copy(ies) and one (1) electronic PDF copy of an application for a Certificate of Appropriateness to the Historic Design Review Board that contains the following information:
  - 1) Name, address, phone number and email address of the applicant;
  - 2) Address and parcel number of the property subject to the application;
  - 3) Legal description of the property as recorded in the County Recorder’s office (if there is not a complete and accurate survey readily available from existing records, the Historic Design Review Board may require the applicant to supply a survey of the property by a Registered Surveyor in the State of Ohio);
  - 4) Existing and proposed uses; and
  - 5) Colored plans and drawings, to approximate scale, showing:
    - i) The dimensions of the property;
    - ii) The dimensions of existing and proposed buildings or structures on the property;
    - iii) The distance between the property lines and the existing and proposed structures;
    - iv) The dimensions and number of existing and proposed parking spaces;
    - v) Any existing or proposed signage (not required for single-unit dwelling permit);
    - vi) Any existing or proposed landscaping (not required for single-unit dwelling permit);
    - vii) The height of existing and proposed buildings;
    - viii) Number of proposed dwelling units, if applicable;
    - ix) A description of the aesthetics of existing buildings and structures on the property, and how the proposed uses will compliment, affect, or change the current aesthetics;
    - x) The property owner is required to sign the application, or an affidavit authorizing a representative to sign and serve as the contact on behalf of the owner must be submitted;
    - xi) Any other information as determined by the Historic Design Review Board to determine compliance with the Design Code; and
    - xii) The Certificate of Appropriateness fee as prescribed in the Schedule of Fees.

#### **4.13 CERTIFICATE OF APPROPRIATENESS APPROVAL**

- a) The Historic Design Review Board shall approve or not approve the Certificate of Appropriateness application within thirty (30) days after the receipt.

- b) If the Historic Design Review Board approves the zoning permit application, they shall mark the permit as approved, sign, date and return the approved Historic Design Review Board to the applicant and a copy to the Zoning Inspector.
- c) If the Zoning Inspector does not approve the Certificate of Appropriateness:
  - 1) They shall mark the application as denied, sign and date it, provide a list of reasons for denying the permit, and return it to the applicant.
  - 2) The applicant shall have thirty (30) days from the date that the Historic Design Review Board denied the Certificate of Appropriateness to file an appeal application to the Board of Zoning Appeals.

**4.14 PROCEDURES FOR AMENDING TO A PLANNED UNIT DEVELOPMENT DISTRICT**

- a) A Planned Unit Development (PUD) District may be approved as a district on the Zoning Map in accordance with the procedures set forth in this Section. The PUD standards in Section 4.14 shall also apply. It is the intent of this Section to incorporate the review and approval of a Development Plan with the zoning amendment process.
- b) Sketch Plan (Optional). Prior to submitting an application for amending to a Planned Unit Development (PUD) District, the applicant may submit a sketch plan for an informal review by the Planning Commission. One (1) paper copy(ies) and one (1) electronic copy of the said plan shall be submitted.
- c) Sketch Plan Contents
  - 1) Boundaries of the area proposed to be zoned PUD, dimensions and total acreage;
  - 2) A topographic map at vertical intervals of not more than two (2) feet;
  - 3) Location of wetlands (and potential wetlands), the floodway boundary and floodway elevations as delineated by the Federal Emergency Management Agency, rivers, streams, and their related river or stream bank, ponds, and water courses;
  - 4) All existing rights-of-way and easements;
  - 5) Existing soil classifications;
  - 6) Location of all wooded areas, tree lines, hedgerows and specimen trees;
  - 7) Existing drainage patterns on the property, public sanitary, public storm sewer, and public water;
  - 8) Existing vegetation and agricultural lands by type;
  - 9) Existing buildings, structures, and other significant man-made features on the site and within 200 feet of the project boundary;
  - 10) All structures and areas of known historical significance;
  - 11) Existing view sheds and identification of unique vistas;
  - 12) A summary of the proposed development including the total acreage, the general description of each proposed use, and number and type(s) of residential dwelling units (if any);
  - 13) A sketch layout of proposed lots and building setback lines. If applicable;
  - 14) Dwelling unit types and the total number of dwelling units;

- 
- 15) General location, type, and size of non–residential Uses;
  - 16) The general location of proposed open space, community spaces, and other similar areas;
  - 17) General location of public street rights-of-way;
  - 18) Natural features to be conserved and natural features that have potential to be altered.
- d) Site Visit During Sketch Plan Review. Within thirty (30) days of sketch plan submittal, the Planning Commission may, together with the applicant and the applicant’s landscape architect or engineer, visit the site to gain a thorough understanding of the characteristics of the site. The Planning Commission may invite any applicable representatives of village agencies, the Fire District and the local school district to attend the site visit and sketch plan review.
- e) Review by the Planning Commission. Within sixty (60) days of a sketch plan submittal, the Planning Commission shall review the sketch plan during one of its regular meetings or a special meeting called for that purpose. The Planning Commission may provide informal feedback to the applicant during this meeting. No binding decisions or votes will be made during the sketch plan review.
- f) Zoning Amendment Application. The applicant shall submit one (1) copy(ies) of an application to amend a tract of land to the PUD designation which shall be filed with the Zoning Inspector. The application shall be signed by all owners of parcels within the tract of land for which the PUD District is proposed. The application shall include the same information required in Section 4.03 for a zoning amendment application plus the following additional information:
- 1) A Development Plan that includes the following information:
    - i) All information listed in the sketch plan requirements;
    - ii) A site plan drawn at a scale not less than 1” = 100’ indicating:
      - A) Boundaries of the area proposed for development, accurate dimensions and total Acreage;
      - B) Layout of proposed Lots and Building setback lines. If applicable, dwelling unit types and the total number of dwelling units shall be indicated on the proposed Development Plan;
      - C) Layout, dimensions, and names of existing and proposed streets and rights-of-way;
      - D) The location, type, and size of non–residential uses;
      - E) Proposed utility easements, drainage easements, or any other type of easement;
      - F) Proposed parks, community spaces, and open spaces and any proposed amenities included within these areas;
      - G) Preliminary improvement drawings including any proposed water, sewer, and drainage improvements;
      - H) Proposed Landscaping;
      - I) Proposed signage;
      - J) The proposed schedule of site development;

- 2) Name, address, and phone number of registered surveyor, registered engineer, and/or licensed landscape architect who prepared the Development Plan;
  - 3) Verification by at least one owner of the tract of land that all information in the application is true and correct to the best of the owner’s knowledge;
  - 4) A written statement from the property owner(s) setting forth the reasons why, in the applicant’s opinion, the planned unit development service district would be in the public interest and would be consistent with the stated intent of the applicable requirements;
- g) PUD Amendment Procedure. The PUD Amendment Procedure to a PUD shall follow the procedures in Section 4.05
- h) Planning Commission Findings. Prior to making its recommendation to the Council/Trustees, the Planning Commission shall determine if the facts submitted with the application/Development Plan and presented at the public hearing establish that:
- 1) The site has been designed in the most efficient manner possible;
  - 2) The proposed roads will be able to carry the traffic generated by the development;
  - 3) The proposed development will not be detrimental to the existing road networks outside of the proposed District;
  - 4) The land has been designed in a manner that protects existing critical resources;
  - 5) Adequate water and waste disposal systems have been provided to accommodate the proposed development;
  - 6) Adequate storm drainage improvements have been proposed.
- i) Action by Council/Trustees. If the application for rezoning is granted, the area of land included in the application shall be designated as a Planned Unit Development on the Zoning Map upon the effective date of the rezoning. The resolution passed by the Council/Trustees approving the rezoning application shall incorporate the Development Plan, including any conditions that may be imposed by the Council/Trustees. Any violation of such conditions when made part of the terms under which the Development Plan is approved, shall be deemed a violation of this Zoning Ordinance/Resolution and subject to the provisions of Chapter 5 – Violations, Enforcement, & Fees of this Resolution.
- j) Zoning Permit. The Zoning Inspector shall not issue a Zoning Permit for any structure in any portion of a PUD District for which a plat is required by the Village Subdivision Regulations until the plat has been approved by the applicable Village agencies and is recorded. Any modifications to a Development Plan approved by the Council/Trustees that may be required during the Platting process must be approved in accordance with Section 4.14.K
- k) Modifications to Approved Development Plan. The Planning Commission may approve minor modifications to an approved Development Plan without a public hearing. If major modifications are proposed, such as a substantial change in use,

density, layout of roads, or access points, the modification shall be considered through the public hearing process followed in the original application for rezoning.

- l) Expiration. If construction has not commenced within two (2) years of the effective date of the rezoning, the Development Plan shall be void and a new Development Plan must be applied for and may be approved through the process followed in the original application for rezoning, unless an extension is granted by the Planning Commission.

## OVERLAY DISTRICT

### **4.15 OVERLAY DISTRICT: PRE-APPLICATION MEETING**

- a) The developer may meet with the Zoning Inspector and up to two (2) members of the Planning Commission prior to submitting the development plan. The purpose of this meeting is to informally discuss the purposes of this section, its criteria and standards, other provisions of this Resolution, and the drainage, water, and sewer location and capacities to service this site.
- b) No statement or action taken by any Village official during these informal consultations shall be construed to be a waiver of any legal obligation of the applicant or of any procedure of formal approval required by the Village's statutes or rules.
- c) Ohio's Open Meeting Laws (Section 121.22 of the ORC) apply at all meetings involving a meeting of members of the Planning Commission or the Village Council.

### **4.16 OVERLAY DISTRICT: FORMAL DEVELOPMENT PLAN APPLICATION**

After the conclusion of the pre-application meeting, an owner or their applicant may file one (1) paper copy(ies) and one (1) electronic PDF copy of a formal application with a development plan and supplemental materials to the Zoning Inspector prior to the Submittal Due Date as prescribed by the Planning Commission. The Zoning Inspector shall transmit the complete application package to the Planning Commission and other parties as deemed appropriate for review and comment. The Development Plan must cover the entire contiguous ownership of the applicant unless the applicant specifically stated in writing that they do not intend to develop the withheld portion of the tract for at least five (5) years. At a minimum, the application must include the following:

- a) Name, address, email address and phone number of applicant;
- b) Paid fee as prescribed in the Schedule of Fees
- c) Legal description of property;
- d) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres on the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population, anticipated timing for each unit; and population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning

- 
- districts or other resolution governing development;
- e) Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations, waste disposal facilities, and street improvements;
  - f) Site plan, showing building(s), various functional use areas, circulation, and their relationship;
  - g) Architectural renderings and accompanying narrative to discuss in detail the design treatment of all buildings and structures where applicable;
  - h) Plans for landscaping and signs;
  - i) A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the tract to be developed.
  - j) A grading plan drawn to scale of 1" = 100', or to another scale acceptable to the Zoning Inspector, and a contour interval of two (2) feet showing all information pertaining to surface and subsurface drainage for the tract.
  - k) An explanation of the method/structure and proposed documentation and instruments to be used to perpetually own, maintain and preserve the required open space. The location, size, and proposed use(s) of all open space shall be detailed.
  - l) A Traffic Analysis when required by and in accordance with Section ##### of the Village Roadway Design Manual (if adopted).
  - m) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of land, and the improvements thereon, including those areas which are commonly owned and maintained; and
  - n) A development plan drawn to scale a scale of at least 1" = 100', or to another scale acceptable to the Zoning Inspector, with a minimum of two (2) foot contour intervals, prepared by a registered architect, registered engineer, and/or registered landscape architect, containing the following:
    - 1) Proposed name of the development and its location;
    - 2) Names and addresses of the applicant, owners, and developers;
    - 3) Date and north arrow;
    - 4) A list, description and location of the precise uses proposed for the development and phases for construction;
    - 5) Boundary lines of the proposed development and the total acreage of the proposed project;
    - 6) The adjoining lines of adjacent Tracts, Parcels or Lots, with:
      - i) Layout, numbering, and dimensions of Lots, if more than one; and
      - ii) Labels for the existing zoning districts for the Tract and adjacent Parcels.
    - 7) Sight Line Diagram for adjacent residential districts;
    - 8) Locations, widths, and names of all existing and proposed public streets or other public rights-of-way, railroad and utility rights-of-way or easements,

- parks and other public open spaces, and section and corporation lines within the Tract;
- 9) Existing sewers, water mains, culverts, and other underground facilities within the Tract, adjacent to the Tract or that will be used or are proposed to be used in developing the Tract, indicating pipe sizing, grades, and locations;
  - 10) Existing ground configuration, drainage channels, wooded areas, watercourses, and other significant physical features within the Tract. An exhibit demonstrating environmentally sensitive areas such as the 100-year floodplain, wetlands, and slopes greater than twenty percent (20%);
  - 11) Any stream or wetland delineations and mitigation setbacks required by the Army Corps of Engineers or Ohio Environmental Protection Agency;
  - 12) Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the condition proposed for such covenant, and for the dedications;
  - 13) The proposed provisions for water, fire hydrants, sanitary sewer, all underground utilities, and surface drainage with engineering feasibility studies or other evidence of reasonableness. Preliminary water, sanitary sewer, and storm sewer line sizes and location, detention basins and drainage structures shall be drawn. Detailed engineering is not required;
  - 14) Proposed street grades and preliminary sewer size slope;
  - 15) Building setback lines with dimensions;
  - 16) Layout, location, dimensions of any existing and proposed structures. Any existing structures to be demolished when developing the Tract must be labeled as “to be removed;”
  - 17) Building locations depicting the bulk, height, and spatial relationships of building masses with adjacent development;
  - 18) Preliminary drawings for buildings to be constructed, including preliminary floor plans, exterior elevations, and sections;
  - 19) Color renderings of proposed and existing Structures (except those that are “to be removed”), complete with a listing of all colors referenced by the Pantone Color Reference System (latest edition) or if Pantone is not available, the manufacturer’s reference/serial number with samples and materials to be used;
  - 20) Intended measures to screen rooftop mechanical equipment, production areas, service areas, storage areas, trash containers, and loading zones from view;
  - 21) Detailed Parking and Loading Plan showing layout, location and design of parking and loading areas, number of parking and loading spaces, traffic circulation, curb cuts, pedestrian walks, and lane improvements on existing public roads;
  - 22) Accommodation and access for emergency and fire-fighting apparatus;
  - 23) A detailed Exterior Lighting Plan;

- 24) A Landscape Plan which depicts and identifies all proposed landscaping features. The Landscape Plan shall identify the caliber, height, and numbers of each plant, shrub, or tree, its name, its size at planning and rendering(s) of how that section of the development would look in elevation;
- 25) A divergence from the development standards;
  - i) An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals, with a request that the proposed divergence be approved as part of and as shown on the Development Plan.
  - ii) Unless specifically supplemented by the standards contained in the Development Plan, the development shall comply with the requirements contained in Chapter 16 – General Development Standards
- 26) Any other information, as may be required by the Planning Commission, to determine compliance with this Zoning Code.
- 27) All drawings that are a part of the Development Plan shall respectively bear the seals of the preparing architect, landscape architect, and/or professional engineer. The respective professional attaching their seal to the drawings must be licensed to practice in the state of Ohio.

**4.17 OVERLAY DISTRICT: DEVELOPMENT PLAN REVIEW.**

- a) After receipt of completed application materials and required fees, the Zoning Inspector shall forward said materials to the Planning Commission.
- b) Within thirty (30) days from submittal date of a completed application for a development plan, the Planning Commission shall hold a public meeting and with public notice pursuant to the same method as Section 4.04.
- c) No later than thirty (30) days after the public hearing, the Planning Commission shall approve, approve with modification, or not approve the development plan. This is a final administrative action on the Development Plan Review and subject to appeal under ORC 2506.
- d) Upon approval of a Final Development Plan, an applicant shall apply for a Zoning Permit for each individual structure prior to commencing construction.

**4.18 OVERLAY DISTRICT: CONDITION OF APPROVAL**

Unless otherwise excluded by Ordinance by the Village Council, no real property shall be included in an Application and Development Plan unless said property is a part of an existing New Community Authority or a petition has been filed to initiate a New Community Authority for said property in accordance with Ohio Revised Code Chapter 349. No Application and Development Plan shall be approved unless this condition is met at the time of filing the complete Application. In the event that an NCA is not yet in existence at the time of filing of an Application, an Applicant shall include as part of the development

text contained in the Development Plan a requirement that the Applicant shall affirmatively take all steps necessary to assist in the creation of a new NCA by agreeing to add all real property be put to an NCA. In the course of assisting in the creation of this new NCA the Applicant shall be required to fulfil all statutory requirements of Ohio Revised Code Chapter 349. No permits or Certificates of Zoning Compliance shall be issued by the Zoning Department until such time that all real property that is part of an Application has joined an NCA as required herein.

#### **4.19 OVERLAY DISTRICT: CRITERIA FOR APPROVAL**

In determining whether to approve an application and Development Plan, the Planning Commission shall consider the following:

- a) Whether the application and proposed Development Plan are consistent in all aspects with the purpose, criteria, intent, and standards of the Overlay, improved arrangement and design of the proposed development.
- b) Whether the application and proposed Development Plan meet all the design features required in this Zoning Ordinance.
- c) Whether the application and proposed Development Plan are compatible with the character of existing land use, consistent with the intent and purpose of the overlay standards of this Ordinance and are in keeping with the intent of the most recent Village's Comprehensive Plan and other applicable public plans for the area.
- d) Whether the proposed development will be adequately served by essential public facilities and services including, without limitation, roads, walkways and bike paths, police and fire protection, drainage features, potable water and centralized sanitary sewers.
- e) Whether the application and proposed Development Plan promote greater efficiency in providing public and utility services and encourage innovation in the planning and building of all types of development.
- f) Whether the proposed development can be made accessible through existing Village roadways or roadways and lane improvements actually being constructed and opened prior to the use and occupancy of the proposed development without creating unreasonable traffic congestion in the immediate vicinity of the proposed development or elsewhere in the Village.
- g) Whether an adequate funding source for the construction and long-term maintenance of the required open space and Village improvements has been provided.
- h) Whether the proposed development is designed in such a way as to minimize any unreasonable adverse impact on the surrounding areas of the Village.
- i) Whether the drainage plan is designed as to not negatively impact surrounding properties.
- j) In approving the application and Development Plan, the Planning Commission may impose such conditions, safeguards, and restrictions deemed necessary to carry out the purpose and intent of the overlay district.

#### **4.20 OVERLAY DISTRICT: AMENDMENT OF DEVELOPMENT PLAN**

Any change to an approved Development Plan shall be approved by the Planning Commission following the same process for the original Development Plan approval under Section 4.17.

#### 4.21 ACCESSORY STRUCTURE OR USE PERMIT PROCESS

- a) Permit Required. No Accessory Structure or Use shall be erected, constructed, or maintained within the Village unless a permit for the same has been issued by the Zoning Inspector, or their designee. Application for a permit to construct or erect an Accessory Structure or Use shall be made by the owner of the Structure or Use or the property, or their agent. The applicant shall submit one (1) paper copy and one (1) PDF copy of an application for a permit to erect an Accessory Structure or Use and shall contain, at a minimum and drawn to scale:
- 1) The dimensions of the property;
  - 2) The dimensions of existing buildings or structures on the property;
  - 3) The dimensions and setbacks of proposed Accessory Structures and uses;
  - 4) The number of Accessory Dwelling Units, if applicable;
  - 5) A statement showing compliance with Section 16.01, Accessory Dwelling Units, if applicable; and
  - 6) A statement showing compliance with Section 16.02 Accessory Structures and Uses.
- b) Action on Accessory Structure or Use. Within thirty (30) days after the receipt of the application, the Zoning Inspector, or their designee, shall issue a Fence or Wall Permit upon submittal of a completed application and payment of applicable fees if they determine that the provisions of this chapter have been met. If the application for a Fence or Wall Permit is denied, the applicant shall be given written notice of such denial, along with the reasons for the denial.
- c) Appeals. Any decision made by the Zoning Inspector, or their designee, under the terms of this chapter may be appealed to the Planning Commission through the method of in Section 4.09.

#### 4.22 FENCE OR WALL PERMIT PROCESS

- b) Permit Required. No fence or wall shall be erected, constructed, or maintained within the Village unless a permit for the same has been issued by the Zoning Inspector, or their designee. Application for a permit to construct or erect a fence or wall shall be made by the owner of the fence or wall or the property upon which the sign is proposed, or their agent. The applicant shall submit one (1) paper copy of an application for a permit to erect a fence or wall and shall contain, at a minimum and drawn to scale:
- 1) The dimensions and weight of the fence or wall;
  - 2) The maximum and minimum height of the fence or wall;
  - 3) The proposed location of the fence or wall in relation to the primary use of the lot;
  - 4) The name and address of the user, or owner of the fence or wall;
  - 5) The name and address of the fence or wall installer. In addition, if the proposed fence or wall requires an installation permit from the State of Ohio, a copy of such permit shall be provided prior to erection of the fence or wall; and

- 6) A statement showing compliance with Section 16.07.
- d) Action on Fence or Wall Permit. Within thirty (30) days after the receipt of the application, the Zoning Inspector, or their designee, shall issue a Fence or Wall Permit upon submittal of a completed application and payment of applicable fees if they determine that the provisions of this chapter have been met. If the application for a Fence or Wall Permit is denied, the applicant shall be given written notice of such denial, along with the reasons for the denial.
- e) Appeals. Any decision made by the Zoning Inspector, or their designee, under the terms of this chapter may be appealed to the Planning Commission through the method of Section 4.09.

---

**CHAPTER 5  
VIOLATION, ENFORCEMENT, & FEES**

<b>5.01 VIOLATIONS</b>	<b>5.07 DATE OF SERVICE FOR NOTICE OF VIOLATION</b>
<b>5.02 COMPLAINTS REGARDING VIOLATIONS</b>	<b>5.08 RE-INSPECTION AND CITATION NOTIFICATION</b>
<b>5.03 ENTRY AND INSPECTION OF PROPERTY</b>	<b>5.09 CITATIONS FOR VIOLATION</b>
<b>5.04 ZONING PERMIT REVOCATION</b>	<b>5.10 ADDITIONAL REMEDIES</b>
<b>5.05 STOP WORK ORDER</b>	<b>5.11 SCHEDULE OF FEES, CHARGES AND EXPENSES</b>
<b>5.06 NOTICE OF VIOLATION</b>	

---

**5.01 VIOLATIONS**

A violation of this code occurs when a person, lot owner, or lessee fail to:

- a) Obtain a Zoning Permit or Certificate of Zoning Compliance prior to the commencement of the construction, alteration, or use for which the permit or certificate is required;
- b) Comply with the requirements of an approved Zoning Permit;
- c) Comply with an order issued by the Zoning Inspector, the Planning Commission, Board of Zoning Appeals or any other board or commission authorized to act under this Zoning Code; or
- d) A separate offense shall be deemed committed each day upon which a violation occurs or continues.

**5.02 COMPLAINTS REGARDING VIOLATIONS**

Any person who believes a violation of this Zoning Code has occurred may file a complaint. The Zoning Inspector shall report the complaint, immediately investigate, and take such appropriate action as necessary and provided by this Zoning Code.

**5.03 ENTRY AND INSPECTION OF PROPERTY**

- a) The Zoning Inspector, or designee, is authorized to make inspections from a location they are legally entitled to observe (e.g., public sidewalks, streets, or public property) in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Zoning Code.

- b) Prior to seeking entry to any property or structure for such examination or survey, the Zoning Inspector shall attempt to obtain the permission of the Owner or occupant to inspect.
- c) If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the applicable law enforcement agency, when the matter is an immediate hazard to life safety.
- d) Nothing in this section limits the ability of the Zoning Inspector to work with its Law Director to secure a valid search warrant prior to entry.

#### **5.04 ZONING PERMIT REVOCATION**

The Zoning Inspector may revoke a permit which was issued contrary to this Zoning Code or based upon false information or misrepresentation in the application. Such revocation shall be made in writing and sent to the property owner by certified mail in accordance with Section 5.05.

#### **5.05 STOP WORK ORDER**

- a) When the Zoning Inspector determines a violation of this code has occurred for any work being completed on a property, the Zoning Inspector shall write a stop work order, which shall be:
  - 1) Posted on the premises involved; and
  - 2) Sent to the property owner via Certified Mail.
- b) Removal of a stop work order, except by the order of the Zoning Inspector, shall constitute a punishable violation of this Zoning Code.

#### **5.06 NOTICE OF VIOLATION**

Whenever the Zoning Inspector determines that there is a violation of any provision of this Zoning Code, a written Notice of Violation shall be issued to the Responsible Party as defined in Chapter 2 – Definitions. Such notice shall:

- a) Be in writing.
- b) Identify the violation.
- c) Include a statement of the reason or reasons why it is being issued and refer to the sections of this Zoning Code being violated.
- d) Include a statement that the violation shall be corrected within thirty (30) days of the Date of Service of the Notice of Violation (which shall be referred to as the Violation Remedy Date). Failure to correct the violation prior to the Violation Remedy Date shall be cause for a citation to be issued by the Zoning Inspector in accordance to Section 5.09.

#### **5.07 DATE OF SERVICE FOR NOTICE OF VIOLATION**

The Date of Service for the Notice of Violation shall be one of the following:

- i) The date the Notice of Violation is personally delivered to the Responsible Party;
- ii) The date the Notice of Violation is sent by certified mail in the US Post Office to the both the property owner address as listed on the County Auditor's Tax List and the address for the property; or
- iii) The date the Notice of Violation is posted in a conspicuous place on the property in violation. Service of this notice shall be deemed complete on the date the Zoning Inspector certifies that the Notice of Violation was delivered via one of the above methods.

#### **5.08 RE-INSPECTION AND CITATION NOTIFICATION**

Within three (3) business days after the Violation Remedy Date, the Zoning Inspector shall re-inspect the property in question. If, upon re-inspection following the issuance of a notice of violation, the condition has not been corrected by the Responsible Party a Citation shall be issued in accordance with Section 5.07. Such Citation Notification shall:

- a) Be served by one of the methods specified in Section 5.06; and
- b) Be in writing; and
- c) Identify the violation. State the amount of the penalty being assessed in accordance with Section 5.09.
- d) Shall direct the Responsible Party to remedy the violations within seven (7) days of the date of the Citation Notification and failure to do so will result in additional citations in escalating amounts specified in Section 5.09. The Citation Notification shall also inform the Responsible Party that a civil complaint or criminal summons may be filed if the code violation is not remedied in accordance with this Zoning Code.

#### **5.09 CITATIONS FOR VIOLATION**

The following citations shall apply to all violations:

- a) The first citation for a violation shall constitute a minor misdemeanor and the penalty shall be \$150.
- b) The second citation for a violation shall constitute a fourth-degree misdemeanor and the penalty shall be \$250.
- c) Each additional citation shall constitute a third-degree misdemeanor and the penalty shall be \$500 and up to sixty (60) days in jail.
- d) There shall be a minimum of seven (7) days between the dates of each citation for the same violation. The Zoning Inspector shall be required to re-inspect the property and document the continued violation prior to issuing additional citations for the same

violation. Each additional Citation Notification shall follow the requirements of Section 5.08.

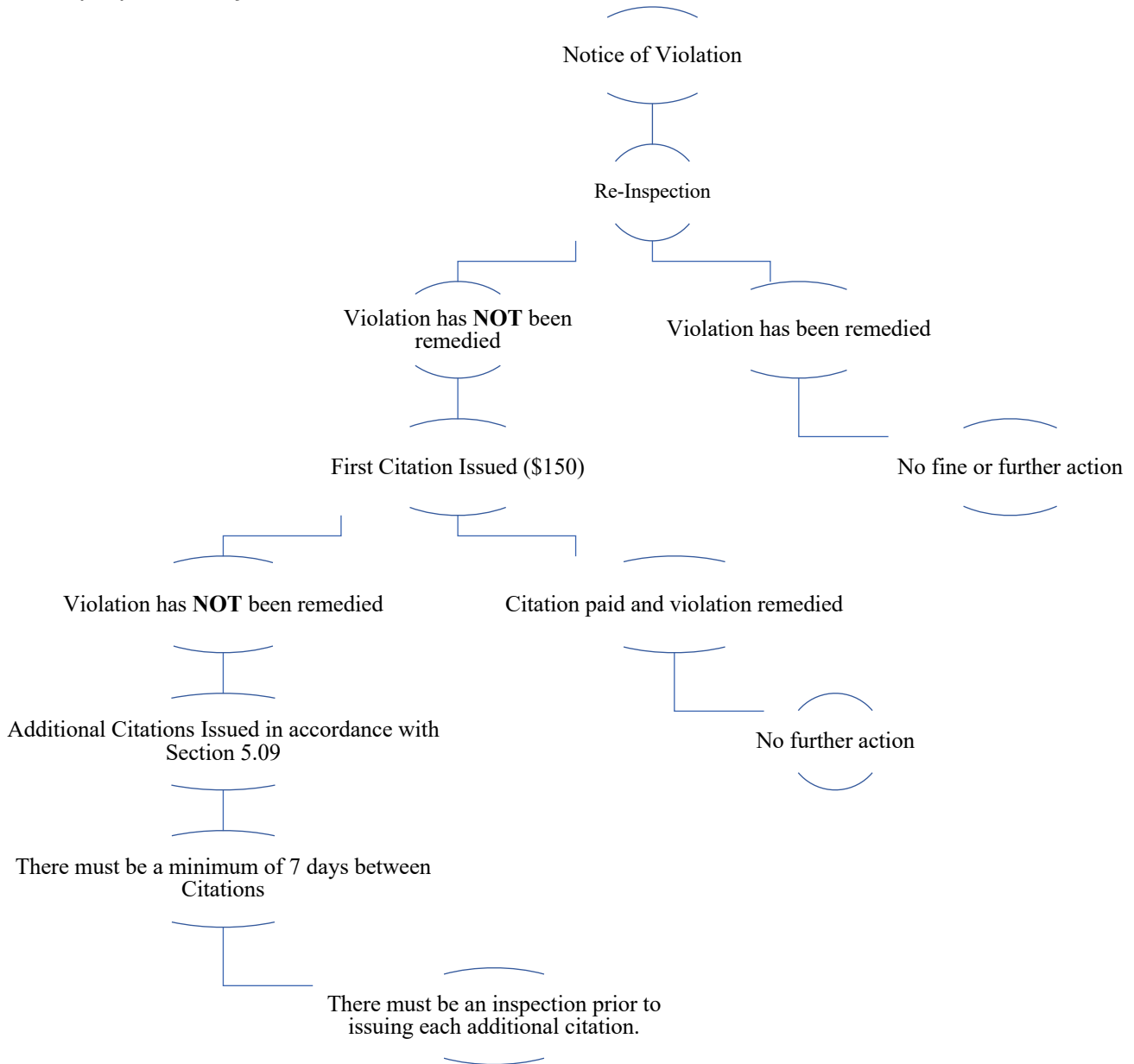
#### **5.10 ADDITIONAL REMEDIES**

Nothing in this Zoning Code shall be deemed to abolish, impair, or prevent other additional remedies as provided by law, including but not limited to civil procedures. In the event of a violation of any provision or requirement of this Zoning Code, or in the case of an imminent threat of such a violation, the Zoning Inspector, the Law Director, or the Owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation.

#### **5.11 SCHEDULE OF FEES, CHARGES, AND EXPENSES**

The Village shall establish a schedule of fees, charges, and expenses and a collection procedure for Zoning Permits, certificates of zoning compliance, appeals and other matters pertaining to this Zoning Code. The schedule of fees shall be posted in Village's administrative office and may be altered or amended only by Village's legislative body. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

*Flowchart is for guidance purposes only*



---

## CHAPTER 6 NON-CONFORMING USES

**6.01 PURPOSE****6.02 GRACE PERIOD****6.03 CONFORMANCE REQUIRED****6.04 LOTS OF RECORD****6.05 NON-CONFORMING  
STRUCTURES****6.06 NON-CONFORMING USES****6.07 DAMAGE OR DESTRUCTION**

---

**6.01 PURPOSE**

The purpose of this Chapter is to allow for the continuation of uses and structures that were lawfully permitted prior to the enactment of this Code or amendments thereto but do not conform to the currently adopted regulations.

**6.02 GRACE PERIOD**

The construction, change, or remodeling of a use, structure, or building that was legally commenced prior to the effective date of this Zoning Code or amendment thereto but does not conform to these regulations may be continued if the following criteria are met:

- a) The property was purchased or otherwise legally acquired prior to the effective date of this Zoning Code or amendment thereto making it non-conforming.
- b) Said work has been completed within two (2) years of the effective date of this Zoning Code or amendment making it non-conforming.

**6.03 CONFORMANCE REQUIRED**

Unless otherwise specifically permitted by this Chapter, all buildings, structures and uses shall comply with the regulations for the zoning district in which they are located.

**6.04 LOTS OF RECORD**

- a) A Lot of Record is any lot or parcel of land that was lawfully created by a subdivision plat of record or by a metes and bounds description and recorded in the County Recorder's Office prior to the effective date of this Resolution.
- b) Any lot of record existing on the initial effective date of this Resolution may be used for any single family dwelling when such use is permitted in the district, regardless of the width or area of said lot, provided all of the following criteria are met:
  - 1) The side setback for any lot of record shall not exceed ten percent (10%) of the width of the lot, but in no case shall a side yard be less than five (5) feet; and

- 2) The rear setback for any lot of record shall not exceed twenty percent (20%) percent of the depth of the lot, but in no case shall the rear yard be less than ten (10) feet.
- c) Accessory structure shall comply with all side and rear setback requirements in the applicable district regulations.
- d) Any lot of record that contains a structure that complies with the regulations in this Section shall be considered to be in compliance with these Zoning Regulations.

**6.05 NON-CONFORMING STRUCTURES**

- a) A non-conforming structure is any building or structure lawfully existing on the effective date of these regulations or amendment thereto, which does not conform to the development standards of the district in which it is located.
- b) A non-conforming structure may continue to exist in accordance with the provisions of this Chapter.
- c) A non-conforming structure may be enlarged, maintained, repaired, or structurally altered, provided, the existing non-conformity is not increased or extended, and no new non-conformities are created.
- d) A non-conforming structure shall not be moved in whole or in part for any distance to any other location on the same or any other lot. If such structure is moved, the entire structure shall conform to the regulations of the applicable zoning District in which it is located. A Zoning Permit shall be required prior to moving such Structure.
- e) A nonconforming mobile home, as defined in this Code, located in any district, once removed shall not be relocated on such lot, or replaced with another mobile home.

**6.06 NON-CONFORMING USES**

- a) A non-conforming use is any use that was lawfully being conducted within any building or on any land on the effective date of these regulations or amendment thereto but is not listed as a permitted use of the district in which it is located.
- b) A non-conforming use may continue to operate in its current location in accordance with the provisions of this Chapter.
- c) The Board of Zoning Appeals may authorize a non-conforming use to be changed to another non-conforming use, provided the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. The Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this Zoning Code, which if violated are punishable under Chapter 5 – Violations, Enforcement, & Fees of this Zoning Code.
- d) Unless otherwise permitted by this Chapter, a nonconforming use shall not be enlarged, extended, or expanded.
- e) The Board of Zoning Appeals may permit, on a once-only basis, the expansion of a nonconforming use, provided such expansion does not exceeding twenty-five (25) percent of the ground floor area of the existing building or buildings devoted to a

nonconforming use at the time of enactment of this Zoning Code or at the time of its amendment making a use nonconforming. The Board of Zoning Appeals shall not authorize any enlargement which would:

- 1) Result in a violation of the provisions of this Zoning Code with respect to any adjoining premises;
  - 2) Occupy ground space required for meeting the setback or other requirements of this Zoning Code.
- f) A non-conforming use which has been replaced or abandoned shall not be returned to a non-conforming use. A non-conforming use shall be considered abandoned when there is intent either express or implied to cease the nonconforming use for a period of two (2) years. Abandonment may be evidenced by an overt act or failure to act indicating that the Owner has not been using the nonconforming use for said time period. A nonconforming use shall be considered replaced when either one of the following conditions exists:
- 1) When a nonconforming use has been changed to a permitted use in the applicable district.
  - 2) When it has been changed to another nonconforming use under permit from the Board of Zoning Appeals.

### **6.07 DAMAGE OR DESTRUCTION**

In the event that any non-conforming building, structure or use is damaged or destroyed by any means, to the extent of more than fifty percent (50%) of its fair market value at the time of damage, such building or other structure shall not be restored unless such building or other structure and the use thereof conform to the regulations of the District in which it is located. If such damage is fifty percent (50%) or less of its current fair market value, it may be restored or reconstructed to its previous size, shape, and dimensional characteristics and the previous use may be permitted if the following criteria are met:

- a) A Zoning Permit is obtained;
- b) Restoration actually commences within one (1) year after the date of such destruction; and
- c) The restoration is substantially completed within two and half (2 ½) years from when the Zoning Permit is issued.

**CHAPTER 7  
ZONING DISTRICTS ESTABLISHED – TYPES OF LOTS – USE CHARTS**

<b>7.01 ZONING DISTRICT ESTABLISHED</b>	<b>7.06 TYPES OF ENCROACHMENT</b>
<b>7.02 OFFICIAL ZONING MAP ESTABLISHED</b>	<b>7.07 RULES OF MEASUREMENT</b>
<b>7.03 DISTRICT BOUNDARY DESCRIPTION AND INTERPRETATION</b>	<b>7.08 TYPES OF LOTS</b>
<b>7.04 LIMITATION ON LAND USES</b>	<b>7.09 REGULATIONS OF USES AND DEVELOPMENT OF LAND OR STRUCTURES</b>
<b>7.05 SIMILAR USES</b>	<b>7.10 USE TABLES</b>

---

**7.01 ZONING AND OVERLAY DISTRICTS ESTABLISHED**

- a) The Zoning Districts and Planned Zoning Districts set forth below are hereby established in three (3) separate categories:
- 1) Agriculture
  - 2) Village Residential;
  - 3) Commercial and Industrial; and
  - 4) Planned Districts
- b) The following Zoning Districts are hereby established:

## Agriculture

- 1) Traditional Agriculture (TA)

## Village Residential

- 1) Village SF
- 2) Village TF
- 3) Village MF

## Village Mixed Use Districts

- 1) Village Mixed Use (VMU)

## Commercial Districts

- 1) Crossroads-Neighborhood Center (CNC)
- 2) Employment Center (EC)

### 7.02 OFFICIAL ZONING MAP ESTABLISHED

The location and boundaries of the various Zoning Districts as defined herein shall be established by ordinance and shall be shown and delineated on the Zoning Map. The Zoning Map shall be maintained by the Service Department of the Village, and may be divided into parts, and such parts may be separately employed for identification purposes when adopting or amending the Zoning Map or for any reference to the Zoning Map.

### 7.03 DISTRICT BOUNDARY DESCRIPTION AND INTERPRETATION

District boundary lines shall be described by legal description or by a map. When a legal description is used, the boundary line shall be deemed to extend to the centerline of abutting streets and shall be so designated on the Zoning Map. When a map is used, District boundary lines shall be established by dimensions, property lines, recorded Lot Lines, or the centerline abutting street, alley, or railroad right-of-way, as the same were of record at the

time of adoption. In all cases, if there is doubt as to the exact location of District boundary lines, the same shall be determined by the Board of Zoning Appeals.

#### **7.04 LIMITATION ON LAND USES**

- a) No person, firm, or corporation shall use or permit to be used any land or buildings, nor shall any person, firm, or corporation make, erect, construct, move, alter, enlarge or rebuild or permit the making, erection, construction, moving, altering, enlarging or rebuilding of any building, structure, or improvement, which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the use, height, area, yard, setback, and other requirements established in the District in which such land, building, structure, or improvement is located, except as provided by Chapter 6 – Non-conformities.
- b) Nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any building, lot, or use, where a Zoning Permit has been lawfully issued prior to the effective date of this Code, and pursuant to such permit, construction or the use is diligently carried to completion. Upon completion, such building or use shall be deemed legally non-conforming and may continue as regulated by Chapter 6 – Non-conforming Uses.

#### **7.05 SIMILAR USES**

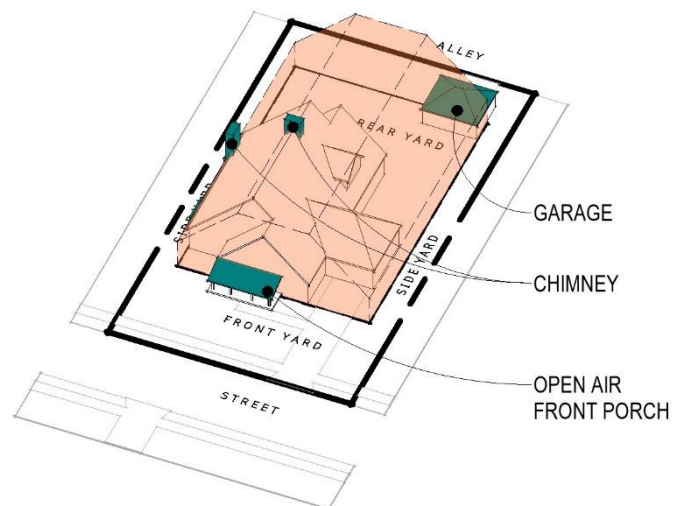
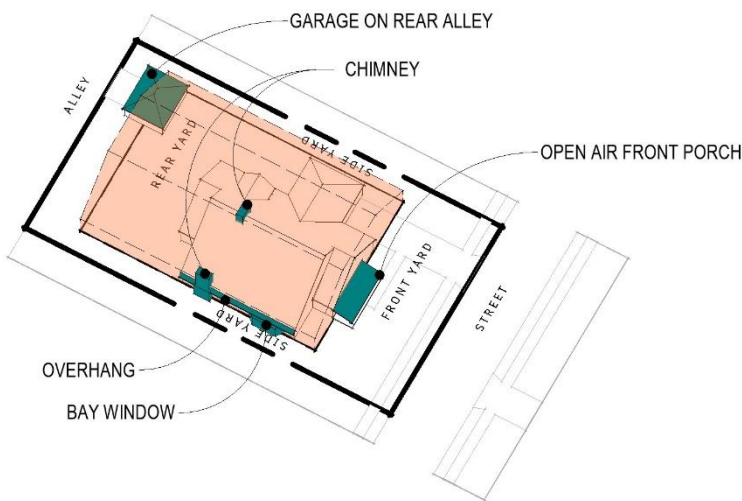
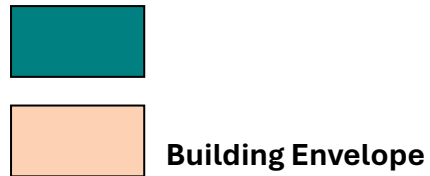
- a) On occasion, new uses of land may arise that may not have been contemplated at the time of the Code's adoption. This section sets forth a process to identify the location for such uses. Since this action is an interpretation matter, the Board of Zoning Appeals shall be the body designated for determining similar uses. Determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of use regulations of the of the District and not as a variance applying to a particular situation. Any similar use found shall thereafter be considered as a Permitted Use in that District.
- b) Application for Zoning Permits for uses not specifically listed in the permitted building or use classifications of the Zoning District, which the applicant feels qualify as a similar use under the provisions of this section, shall be submitted to the Board of Zoning Appeals, or their designee, one (1) paper copy and one (1) digital pdf copy of a completed application shall be submitted. The following information shall be included in the application:
  - 1) Name, address, phone number, and email of the applicant;
  - 2) The address and parcel number of the address in question;

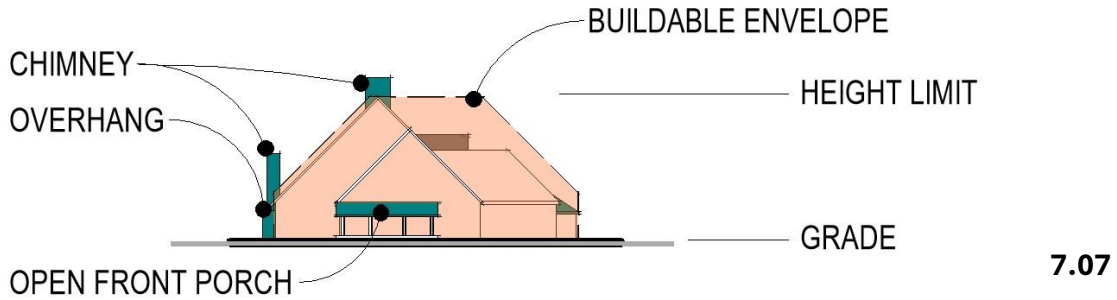
- 3) If the applicant is not the owner of the property, a signed letter from the property owner shall be submitted authorizing the applicant to serve as their agent for the application;
- 4) Legal description of the property;
- 5) The existing Zoning District in which the property is located;
- 6) A vicinity map drawn at a suitable scale, showing property lines, streets, existing zoning of surrounding parcels adjacent to and within 200 feet; and
- 7) The names and addresses of all property owners within 100 feet of the subject property as appearing on the County Auditor's current tax list.

### 7.06 TYPES OF ENCROACHMENTS

Each District allows various types of encroachments. Refer to the Lot Area, Setback and Height Tables in each District to identify the types of permitted encroachments for said District.

#### Encroachment Elements

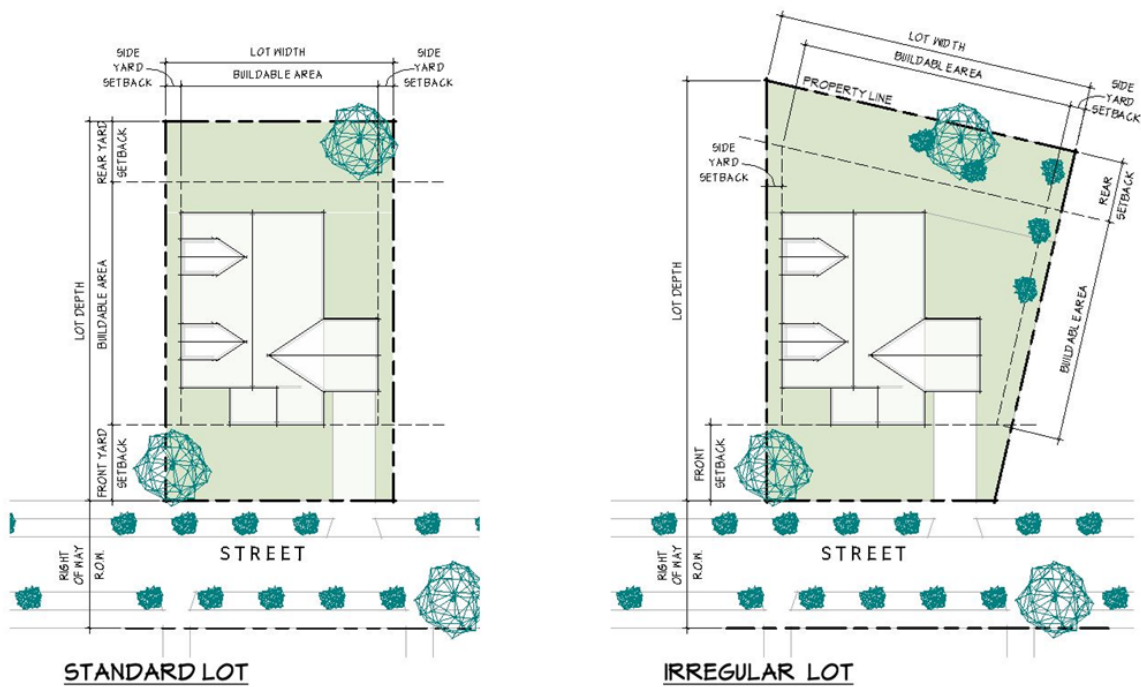




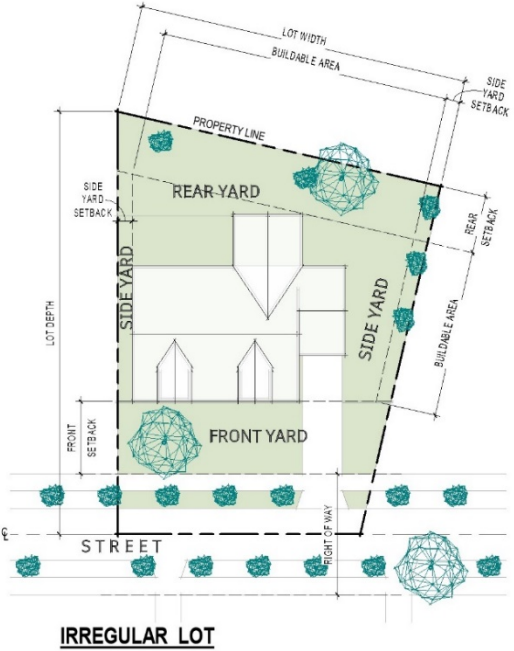
VIEW FROM FRONT ELEVATION

**RULES OF MEASUREMENT**

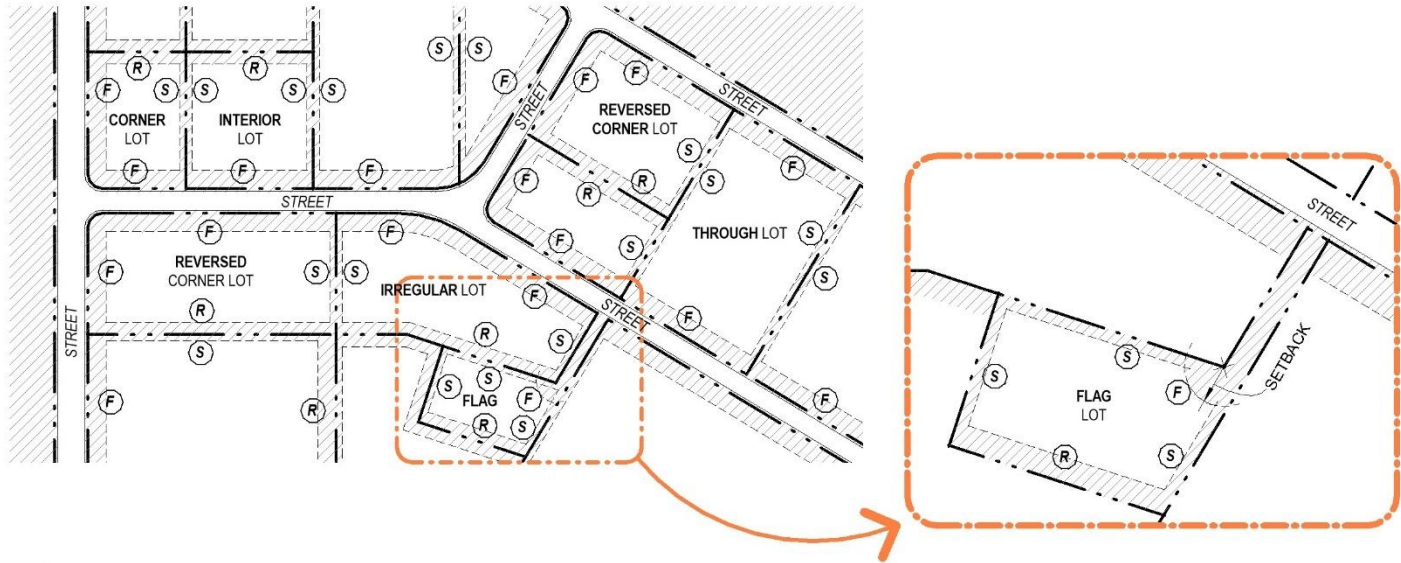
a) Front lot line is the right-of-way line.



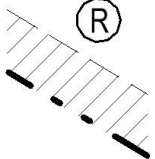

b) Front lot line is the center line of the roadway.



**7.08 TYPES OF LOTS**



**LEGEND**

- (F) FRONT SETBACK
- (S) SIDE SETBACK
- (R) REAR SETBACK
-  AREA OUTSIDE OF BUILDABLE AREA
-  PROPERTY LINE

a) Front, rear and side setbacks must comply with the requirements of the applicable zoning district. The purpose of the above graphic is to illustrate which lot lines serve as front, rear and side lot lines for each type of lot.

b) In the scenario that a Lot is bisected by a public road, the road-facing property line that does not have a Dwelling on it shall be considered a Side Yard for Setback purposes. The road-facing property line that contains a Dwelling shall be considered a Front Yard for Setback purposes. If a Lot is bisected, the Lot is not split in the legal sense and shall still only be able to contain one Dwelling.

c) For a flag lot, the front yard shall be determined by identifying the midpoint of the terminus of the panhandle (or the terminus of an easement outside of the panhandle) and drawing a semi-circle with a radius that is equal to the minimum front setback for the applicable zoning district (see Chapters 8 & 9)

**7.09 REGULATIONS OF USES AND DEVELOPMENT OF LAND OR STRUCTURES**

- a) Identified Uses. Each District includes a list of permitted, conditional uses and accessory uses. Listed uses are to be defined by their customary name or identification, except as specifically defined or limited by this Zoning Code. If a use is not listed as permitted, conditional, or accessory in a District, it shall be considered prohibited in said District.
- b) Permitted Uses. A use listed as permitted is allowed by a matter of right when designated as such in a District, provided said use complies with all applicable setback and development standards and is issued a Zoning Permit from the Zoning Inspector. Such uses are designated with a “P” in each zoning district.
- c) Conditional Uses. A use listed as conditional may be allowed when designated as such in a District, provided it complies with the criteria in 4.07 and a Conditional Use Permit is issued by the Board of Zoning Appeals in accordance with 4.07 of this Code. Such uses are designated with a “C” in each zoning district.
- d) Accessory Uses. A use listed as accessory may be allowed when designated as such in a District, provided it is subordinate to the permitted use, complies with the requirements of ## and is issued an Accessory Permit from the Zoning Inspector. Such uses are designated with a “A” in each zoning district.
- e) Development Standards. Within in each District, there is a set of Development Standards to which each use and structure must comply. These standards include, but are not limited to, height, lot width, lot size and front, side, and rear setbacks. In addition to the Development Standards in each District, all uses must comply with Chapter 16 – General Development Standards.

**7.10 USE TABLES**

Tables 7.01, 7.02 and 7.03 Provides a Summary of All Districts and Permitted, Conditional, and Accessory Uses noted as follows on the next page:

**TABLE 7.01  
USE TABLE – AGRICULTURE**

Use	Traditional Agriculture (TA)
<b>Accessory Dwelling Unit, Accessory Suite (Subject to Section 17.01)</b>	P

Use	Traditional Agriculture (TA)
Accessory Dwelling Unit, Detached (Subject to Section 17.01)	P
Accessory Structures (Subject to Section 17.02)	P
Agriculture	Exempt from Township Zoning under ORC 519.211
Agritourism	P
Airports/Private Landing Strips	C
Bed and Breakfast Facilities	C
Community Gardens (Subject to Section 17.06)	P
Dwelling, One Unit	P
Equestrian Center	P
Farm Market	P
Food Truck (Subject to Section 17.08)	C
Governmental Services	P
Home Day Care Family, Large	C
Home Day Care Family, Small	P
Home Occupations, Major	C
Home Occupations, Minor (Subject to Section 17.09)	P
Junk Yards and Scrap Metal Processing Facilities	C
Kennel	C

<b>Use</b>	<b>Traditional Agriculture (TA)</b>
<b>Landscape and Hardscape Business</b>	C
<b>Maker Space, Small</b>	C
<b>Manufactured Home, Permanently Sited</b>	P
<b>Model Home</b>	C
<b>Mixed Use Building</b>	
<b>Municipal Services</b>	P
<b>Off-Street Parking and Garages as a Principal Use (Subject to Chapter 16)</b>	C
<b>Outdoor Service Facilities</b>	C
<b>Outdoor Seasonal Businesses</b>	C
<b>Park, Neighborhood</b>	P
<b>Park, Community or Regional</b>	C
<b>Places of Assembly, Large</b>	C
<b>Places of Assembly, Small</b>	P
<b>Portable Home Storage Units, (Subject to Section 17.13)</b>	P
<b>Private Clubs or Lodges</b>	P
<b>Private Swimming Pools</b>	P
<b>Residential Facility, Large (Subject to Section 17.10)</b>	C
<b>Residential Facility, Small (Subject to Section 17.10)</b>	P
<b>School, Primary, Intermediate, or Middle</b>	C

Use	Traditional Agriculture (TA)
School, High or Technical	C
Self-Storage Facilities	C
Shipping Containers (Subject to Section 17.17)	A
Shooting Range-Indoor	C
Shooting Range-Outdoor	C
Short-Term Rentals	C
Solar Energy Systems	See Section 17.19
Telecommunication Tower, Attached	P
Telecommunication Tower, Free Standing	C
Temporary Structures (Subject to Section 17.21)	C
Temporary Tents (Subject to Section 17.22)	C
Tiny Homes	
Wind Energy Conversion Systems (See Section 17.24)	C

**TABLE 7.02  
USE TABLE – VILLAGE RESIDENTIAL**

<b>Use</b>	<b>Village SF</b>	<b>Village TF</b>	<b>Village MF</b>
<b>Accessory Dwelling Unit, Accessory Suite(Subject to Section 16.01)</b>	P	P	P
<b>Accessory Dwelling Unit, Detached (Subject to Section 16.01)</b>	P	P	P
<b>Accessory Structures (Subject to Section 16.02)</b>	P	P	P
<b>Assisted Living Facilities</b>		C	C
<b>Bed and Breakfast Facilities</b>	C	C	C
<b>Community Gardens</b>	P	P	P
<b>Community Services</b>	C	C	C
<b>Contractor Office</b>			
<b>Day Care Centers</b>	C	C	C
<b>Dwelling, One Unit</b>	P	P	P
<b>Dwelling, Duplex</b>		P	P
<b>Dwelling, Tri-Plex</b>			P
<b>Dwelling, Multi-Unit</b>			P
<b>Dwelling, Studio, One, Two-, or Three-Bedroom Units</b>			P
<b>Early Childhood Learning Center</b>	C	C	C
<b>Elderly/Retirement Housing</b>			C
<b>Emergency and Protective Services Shelter</b>			C
<b>Farm Market</b>	C	C	C

<b>Use</b>	<b>Village SF</b>	<b>Village TF</b>	<b>Village MF</b>
<b>Funeral Service Facilities</b>			C
<b>Governmental Services</b>	P	P	P
<b>Health Care Facilities</b>			C
<b>Home Day Care Family, Large</b>	C	C	C
<b>Home Day Care Family, Small</b>	P	P	P
<b>Home Occupations, Major</b>	C	C	C
<b>Home Occupations, Minor (Subject to Section 17.09)</b>	P	P	P
<b>Life Care Retirement Center</b>			C
<b>Maker Space, Small</b>	C	C	C
<b>Manufactured Home, Permanently Sited</b>	P	P	P
<b>Mixed Use Building</b>			C
<b>Model Home</b>	C	C	C
<b>Municipal Services</b>	P	P	P
<b>Nursing Home</b>			C
<b>Offices, Administration, Business Medical or Professional, Small</b>			C
<b>Park, Neighborhood</b>	P	P	P
<b>Park, Community or Regional</b>	C	C	C
<b>Permanent Supportive Housing</b>			C
<b>Personal Services</b>			
<b>Pick-Up Window</b>			C
<b>Places of Assembly, Large</b>	C	C	C
<b>Places of Assembly, Small</b>	P	P	P
<b>Portable Home Storage Units</b>	C	C	C

<b>Use</b>	<b>Village SF</b>	<b>Village TF</b>	<b>Village MF</b>
<b>Private Clubs or Lodges</b>	C	C	C
<b>Private Swimming Pools</b>	P	P	P
<b>Residential Facility, Large (Subject to Section 17.10)</b>	C	C	C
<b>Residential Facility, Small (Subject to Section 17.10)</b>	P	P	P
<b>Residential Treatment Center (Subject to Section 17.10)</b>			C
<b>School, Primary, Intermediate, or Middle</b>	C	C	C
<b>School, High or Technical</b>		C	C
<b>School, Post-Secondary</b>			C
<b>Self-Storage Facilities</b>			
<b>Shipping Containers (Subject to Section 17.17)</b>	A	A	A
<b>Short-Term Rentals</b>	C	C	C
<b>Solar Energy Systems</b>	See, Section 17.19		
<b>Telecommunication Tower, Attached</b>	A	A	A
<b>Telecommunication Tower, Free Standing</b>	C	C	C
<b>Temporary Structures (Subject to Section 17.21)</b>	C	C	C
<b>Transitional Living Center (Subject to Section 17.10)</b>			C

Use	Village SF	Village TF	Village MF
<b>Wind Energy Conversion Systems (Subject to Section 17.24)</b>	C	C	C

**TABLE 7.03**

**USE TABLE – COMMERCIAL & EMPLOYMENT**

Use	Village Mixed Use (VMU)	Crossroads-Neighborhood Center (CNC)	Employment Center (EC)
<b>Accessory Dwelling Unit, Accessory Suite (Subject to Section 17.01)</b>	A		
<b>Accessory Dwelling Unit, Detached (Subject to Section 17.01)</b>	A		
<b>Accessory Structures (Subject to Section 17.02)</b>	A	A	A
<b>Adult Entertainment Uses (Chapter 18)</b>			C
<b>Advanced Manufacturing</b>			P
<b>Airports/Private Landing Strips</b>			P
<b>Animal Service Facilities</b>		P	P
<b>Assisted Living Facilities</b>	P	P	P
<b>Automobile Oriented Uses</b>	C	C	P
<b>Automobile Oil Change Facility</b>		C	C
<b>Automobile Repair</b>		C	C

<b>Use</b>	<b>Village Mixed Use (VMU)</b>	<b>Crossroads-Neighborhood Center (CNC)</b>	<b>Employment Center (EC)</b>
<b>Bank, with Banking Window</b>	C	C	C
<b>Bank, without Banking Window</b>	P	P	P
<b>Bed and Breakfast Facilities</b>	P	P	
<b>Bio-Technology Facilities</b>			C
<b>Body Art Establishments</b>	P	P	P
<b>Beverage Sales, Microbrewery</b>	P	P	P
<b>Beverage Sales, Alcoholic</b>	P	P	P
<b>Business, Retail Small (With Drive Thru)</b>	C	C	C
<b>Business, Retail Small With Pick Up Window (No Drive Thru)</b>	P	P	P
<b>Business, Retail Small (No Drive Thru or Pick Up Window)</b>	P	P	P
<b>Business, Retail Medium (With Drive Thru)</b>	C	C	C
<b>Business, Retail Medium With Pick-Up Window (No Drive Thru)</b>	P	P	P
<b>Business, Retail Medium (No Drive Thru or Pick Up Window)</b>	P	P	P
<b>Business, Retail Large (May include Drive Thrus and Pick Up Windows)</b>	C	C	C
<b>Business, Wholesale</b>			P

Use	Village Mixed Use (VMU)	Crossroads-Neighborhood Center (CNC)	Employment Center (EC)
<b>Cannabis Stores, Recreational (Subject to Section 17.03)</b>	Leave Blank (Village Discretion)	Leave Blank (Village Discretion)	
<b>Cannabis Stores, Medicinal (Subject to Section 17.03)</b>	Leave Blank (Village Discretion)	Leave Blank (Village Discretion)	
<b>Cemetery</b>	C	C	C
<b>Commercial Recreation Facilities, Small</b>	C	P	P
<b>Commercial Recreation Facilities, Large</b>	C	C	P
<b>Commercial Recreation Facilities, Outdoor</b>	C	C	P
<b>Community Gardens (Subject to Section 17.06)</b>	C	C	C
<b>Community Services</b>	P	P	P
<b>Contractor Office</b>	C	P	P
<b>Convict Pre-Release Centers/Correctional Community</b>			C
<b>Data Centers</b>			P
<b>Day Care Centers</b>			P
<b>Dwelling, One Unit</b>	P		
<b>Dwelling, Duplex</b>	P		
<b>Dwelling, Tri-Plex</b>	P		
<b>Dwelling, Multi-Unit</b>	P		
<b>Dwelling, Studio, One, Two-, or Three-Bedroom Units</b>	P		
<b>Early Childhood Learning Center</b>	P	C	

Use	Village Mixed Use (VMU)	Crossroads-Neighborhood Center (CNC)	Employment Center (EC)
Elderly/Retirement Housing	P	P	P
Emergency and Protective Services Shelter	C		
Equipment Repair, Small		C	P
Equipment Repair, Large		P	P
Farm Market	P	P	P
Flea Market		C	C
Flex Office – Laboratory/Research/Development		C	C
Flex Office – Retail		C	P
Flex Office – Warehouse		C	P
Food Truck (Subject to Section 17.08)	P	P	P
Funeral Service Facilities	C	P	P
Governmental Services	C	C	C
Health Care Facilities	P	P	P
Home Day Care Family, Large	P	P	P
Home Day Care Family, Small	C		
Home Occupations, Major	P		
Home Occupations, Minor (Subject to Section 17.09)	C		
Hotels/Motels	P		P
Hotels, Boutiques		P	P

<b>Use</b>	<b>Village Mixed Use (VMU)</b>	<b>Crossroads-Neighborhood Center (CNC)</b>	<b>Employment Center (EC)</b>
<b>Junk Yards and Scrap Metal Processing Facilities</b>			C
<b>Kennel</b>		C	P
<b>Landscape and Hardscape Business</b>		C	P
<b>Life Care Retirement Center</b>		P	P
<b>Logistics</b>			P
<b>Lumberyard</b>			P
<b>Machine Shop</b>			P
<b>Maker Space, Small</b>		C	P
<b>Maker Space, Large</b>		C	P
<b>Manufacturing</b>			C
<b>Mixed Use Building</b>	P	P	P
<b>Model Home</b>	C		
<b>Municipal Services</b>	P	P	P
<b>Nursing Home</b>	P	P	P
<b>Offices, Administration, Business Medical or Professional, Large</b>	C	P	P
<b>Offices, Administration, Business Medical or Professional, Small</b>	P	P	P
<b>Off-Street Parking and Garages as a Principal Use (Subject to Chapter 16)</b>	C	P	P
<b>Outdoor Seasonal Businesses</b>	C	C	P
<b>Outdoor Service Facilities</b>	C	C	C
<b>Park, Neighborhood</b>	P	P	P

<b>Use</b>	<b>Village Mixed Use (VMU)</b>	<b>Crossroads-Neighborhood Center (CNC)</b>	<b>Employment Center (EC)</b>
<b>Park, Community or Regional</b>	P	P	P
<b>Permanent Supportive Housing</b>	C		
<b>Personal Services</b>	P	P	P
<b>Pick-Up Window</b>	P	P	P
<b>Places of Assembly, Large</b>	P	P	P
<b>Places of Assembly, Small</b>	C	C	P
<b>Portable Home Storage Units (Subject to Section 17.13)</b>	P	P	P
<b>Plants for mixing and/or processing concrete and/or asphalt (Subject to Section 17.14)</b>			C
<b>Private Clubs or Lodges</b>			C
<b>Private Swimming Pools</b>	C		
<b>Public Protection Facility</b>	P		
<b>Research and Development</b>		C	P
<b>Residential Facility, Large</b>	C		
<b>Residential Facility, Small</b>	P		
<b>Residential Treatment Center</b>	C		
<b>Restaurants with Drive Thru</b>	C		C
<b>Restaurant with Pick Up Window (No Drive Thru)</b>	C	C	C

<b>Use</b>	<b>Village Mixed Use (VMU)</b>	<b>Crossroads-Neighborhood Center (CNC)</b>	<b>Employment Center (EC)</b>
<b>Restaurants with No Drive Thru or Pick Up Window</b>	P	P	P
<b>School, Primary, Intermediate, or Middle</b>	P	P	P
<b>School, High or Technical</b>	C	C	C
<b>School, Post-Secondary</b>	C		
<b>Self-Storage Facilities</b>	C	C	C
<b>Shooting Range-Indoor</b>		C	
<b>Shooting Range-Outdoor</b>		C	
<b>Short-Term Rentals (Subject to Section 17.19)</b>	C		
<b>Solar Energy Systems (Subject to Section 17.19)</b>	C	C	C
<b>Telecommunication Tower, Attached (Subject to Section 17.20)</b>	A	A	A
<b>Telecommunication Tower, Free Standing (Subject to Section 17.20)</b>	C	P	P
<b>Temporary Structures (Subject to Section 17.21)</b>	C	C	C
<b>Temporary Tents (Subject to Section 17.22)</b>	C	C	C
<b>Transitional Living Center (Subject to Section 17.10)</b>	C	C	C

<b>Use</b>	<b>Village Mixed Use (VMU)</b>	<b>Crossroads-Neighborhood Center (CNC)</b>	<b>Employment Center (EC)</b>
<b>Truck and Travel Service Centers</b>			C
<b>Vehicle Charging Stations</b>		P	P
<b>Vehicular Sales, New and Used Cars</b>			C
<b>Vehicular Sales, Motorcycles</b>			C
<b>Vehicular Sales, Recreational Vehicles</b>			C
<b>Vehicular Sales, Equipment</b>			C
<b>Wind Energy Conversion Systems (Subject to Section 17.24)</b>		C	C

---

## CHAPTER 8 AGRICULTURE DISTRICT

### 8.01 Traditional Agriculture (TA)

---

#### 8.01 TRADITIONAL AGRICULTURE (TA)

a) **Purpose.**

- 1) Conserve the County's farmland to ensure long-term viability of working farms.
- 2) Continue to recognize the role of farming in the County.
- 3) Discourage significant numbers of new homesites within these agricultural areas.

b) **Target Areas.**



c) **Permitted, Conditional, and Accessory Uses.**

See, Section 7.01 - Use Table – Agriculture.

d) **Lot Area, Setback, Height, and Lot Coverage Requirements.**

<b>Development Standards</b>	<b>Traditional Agriculture</b>
<b>Minimum Lot Size (Acres)</b>	2
<b>Maximum Density (utilize net acres)</b>	1 dwelling unit per 2 acres
<b>Minimum Frontage (Feet)</b>	500'
<b>Minimum Front Setback (Feet)</b>	50
<b>Maximum Front Setback (Feet)</b>	N/A
<b>Minimum Side Setback (Feet)</b>	20
<b>Minimum Rear Setback (Feet)</b>	50
<b>Maximum Height (Feet)</b>	35
<b>Maximum Lot Coverage (Percent)</b>	35

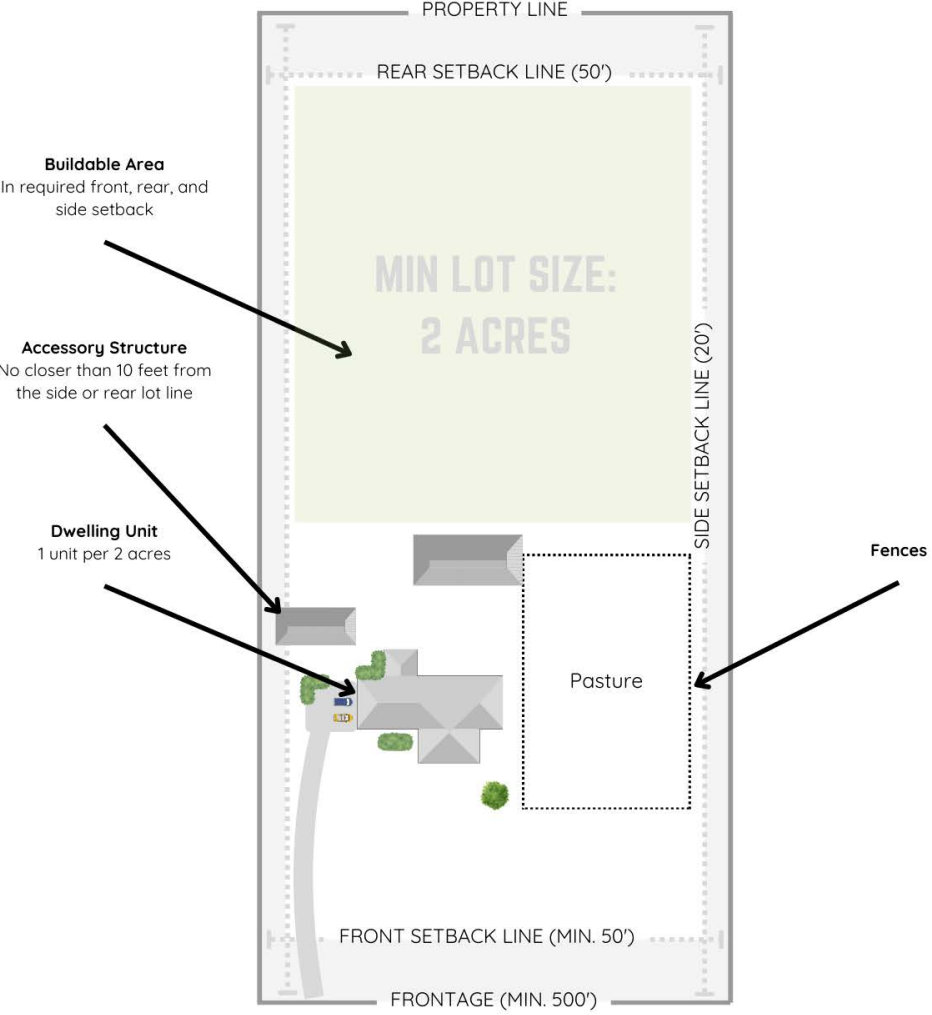
**Projection into required setback**

Cornices, canopies, eaves (roof overhang), fireplaces-chimneys, bay window, porch, stoop, or other similar architectural features may project into a required setback up to two (2) feet.

**Exemptions from required side and rear setbacks**

Swimming pools, tennis courts, clotheslines, barbeque pits, playground equipment, portable or permanent dog run, house or kennel and similar structures customary and ancillary to the primary residential use of the property may be placed in a required minimum side or rear setback, but in no case shall such uses be closer than ten (10) feet from a side or rear lot line.

e) **Example Lot Layout and Rendering.**



f) **General Development Regulations.**

	<b>Applicable</b>	<b>Section Reference</b>	<b>Notes</b>
<b>Accessory Structures</b>	Y	Section 17.02	Detached Accessory Structures may encroach a side or rear setback but shall be no closer than ten (10) feet from the side or rear lot line. Accessory structures shall also comply with all other requirements in Section 17.02.
<b>Fences</b>	Y	Section 17.07	Fences and walls may be placed in a required minimum setback provided they comply with Section 17.07.
<b>Landscaping/ Buffering</b>	Y	Chapter 14	Plant material and berms may be placed in any required minimum setback provided they do not constitute a nuisance as provided in the [insert community's] Code.
<b>Parking</b>	Y	Chapter 16	Parking must be provided in accordance with Chapter 16. Parking is prohibited on lawns or other unpaved areas.
<b>Signs</b>	Y	Chapter 15	Signs, provided they comply with Chapter 15 may be located within a front setback.

---

**CHAPTER 9  
VILLAGE RESIDENTIAL DISTRICTS**

**9.01 VILLAGE SINGLE FAMILY (VSF)**

**9.02 VILLAGE TWO FAMILY (VTF)**

**9.03 VILLAGE MULTI FAMILY (VMF)**

---

**9.01 VILLAGE SINGLE FAMILY (VSF)**

**a) Purpose**

- 1) To allow for typical single-family residential development in the County's village spaces; and
- 2) To allow for minimal non-residential uses, such as schools and parks, that are compatible with and maintain the overall residential character of the area and to provide for pedestrian connections between such uses.

**b) Target Areas**



**c) Permitted, Conditional, and Accessory Uses.**

See, Table 7.02 - Use Table – Village Residential.

d) **Lot Area, Setback, Height, and Lot Coverage Requirements.**

<b>Development Standards</b>	<b>Village Single Family</b>
<b>Minimum Lot Size (Square Feet)</b>	5,000
<b>Maximum Density (utilize net acres)</b>	8.71 dwelling units/acre
<b>Minimum Frontage (Feet)</b>	50
<b>Minimum Front Setback (Feet)</b>	35 (Arterial roadways) 25 (All other roadways)
<b>Maximum Front Setback (Feet)</b>	N/A
<b>Minimum Side Setback (Feet)</b>	5
<b>Minimum Rear Setback (Feet)</b>	10
<b>Maximum Height (Feet)</b>	35
<b>Maximum Lot Coverage (Percent)</b>	35

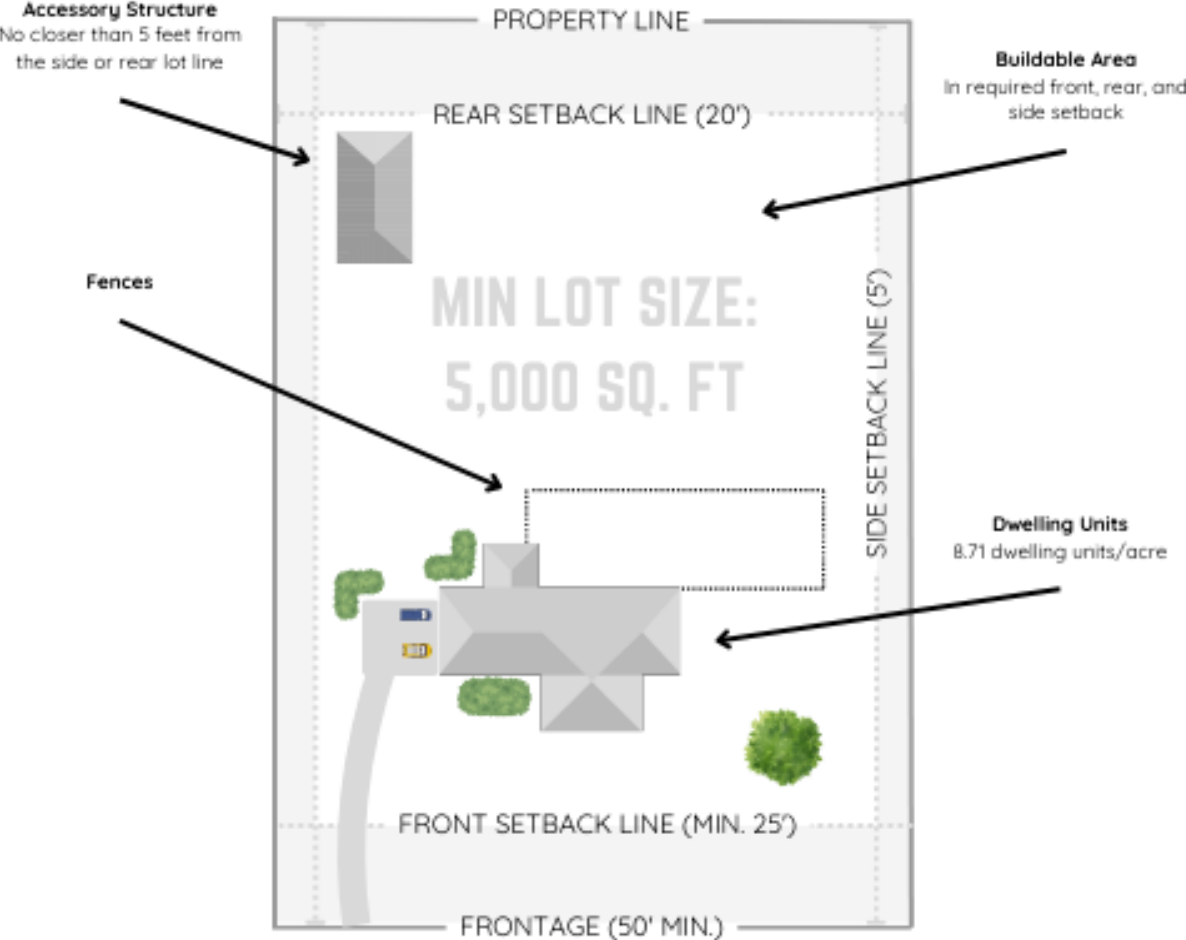
**Projection into required setback**

Cornices, canopies, eaves (roof overhang), fireplaces-chimneys, bay window, porch, stoop, or other similar architectural features may project into a required setback up to two (2) feet.

**Exemptions from required side and rear setbacks**

Swimming pools, tennis courts, clotheslines, barbeque pits, playground equipment, portable or permanent dog run, house or kennel and similar structures customary and ancillary to the primary residential use of the property may be placed in a required minimum side or rear setback, but in no case shall such uses be closer than five (5) feet from a side or rear lot line.

e) **Example Lot Layout and Rendering.**



f) **General Development Regulations.**

	<b>Applicable</b>	<b>Section Reference</b>	<b>Notes</b>
<b>Accessory Structures</b>	Y	Section 17.01	Detached Accessory Structures may encroach a side or rear setback but shall be no closer than five (5) feet from the side or rear lot line. Accessory structures shall also comply with all other requirements in Section 17.01.
<b>Fences</b>	Y	Section 17.07	Fences and walls may be placed in a required minimum setback provided they comply with the permit of Section 4.22 and the requirements of Section 17.07.
<b>Landscaping/ Buffering</b>	Y	Chapter 14	Plant material and berms may be placed in any required minimum setback provided they do not constitute a nuisance as provided in the Village's Code.
<b>Parking</b>	Y	Chapter 16	Parking must be provided in accordance with Chapter 16. Parking is prohibited on lawns or other unpaved areas.
<b>Signs</b>	Y	Chapter 15	Signs, provided they comply with Chapter 15, may be located within a front setback.

## 9.02 VILLAGE TWO FAMILY (VTF)

a) **Purpose.**

- 1) To allow for the development of duplexes in more densely populated areas in the County's village spaces.
- 2) To foster reinvestment into vacant and/or deteriorating structures integrated into existing residential areas.
- 3) To encourage residential infill development on existing, narrow lots.
- 4) To allow for minimal non-residential uses, such as schools and parks, that are compatible with and maintain the overall residential character of the area and to provide for pedestrian connections between such uses.

b) **Target Areas.**



c) **Permitted, Conditional, and Accessory Uses.**

See, Table 7.02 - Use Table – Village Residential.

d) **Lot Area, Setback, Height, and Lot Coverage Requirements.**

<b>Development Standards</b>	<b>Village Two Family</b>
<b>Minimum Lot Size (Square Feet)</b>	5,000 (One-Unit Dwelling) 9,000 (Two-Unit Dwelling)
<b>Maximum Density (utilize net acres)</b>	8.71 dwelling units/acre (One-Unit Dwellings) 9.68 dwelling units/acre (Two-Unit Dwellings)
<b>Minimum Frontage (Feet)</b>	40
<b>Minimum Front Setback (Feet)</b>	35 (Public Arterial, Collector, and Local Streets) 25 (Internal Private Streets)
<b>Maximum Front Setback (Feet)</b>	N/A
<b>Minimum Side Setback (Feet)</b>	5
<b>Minimum Rear Setback (Feet)</b>	10
<b>Maximum Height (Feet)</b>	35
<b>Maximum Lot Coverage (Percent)</b>	80

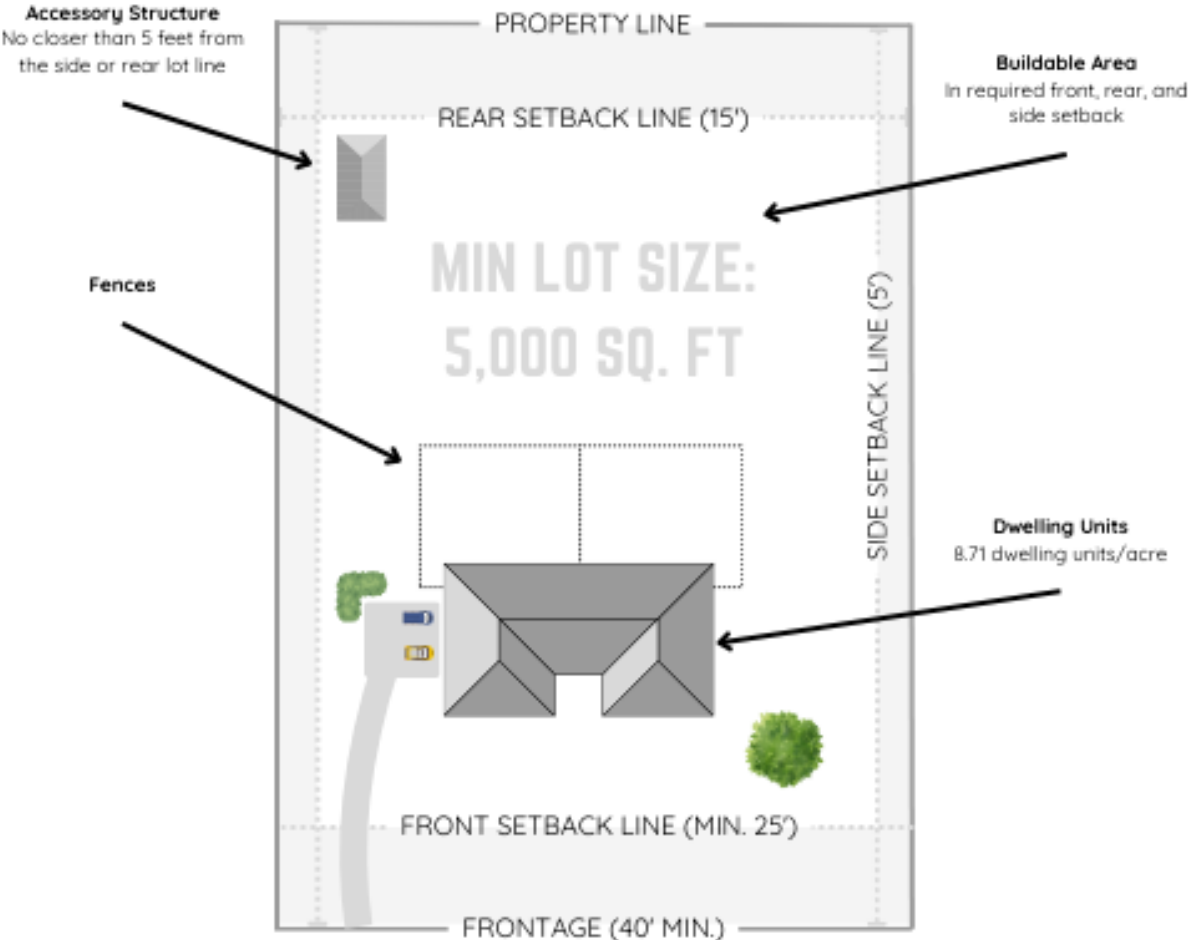
**Projection into required setback**

Cornices, canopies, eaves (roof overhang), fireplaces-chimneys, bay window, porch, stoop, or other similar architectural features may project into a required setback up to two (2) feet.

**Exemptions from required side and rear setbacks**

Swimming pools, tennis courts, clotheslines, barbeque pits, playground equipment, portable or permanent dog run, house or kennel and similar structures customary and ancillary to the primary residential use of the property may be placed in a required minimum side or rear setback, but in no case shall such uses be closer than five (5) feet from a side or rear lot line.

e) **Example Lot Layout and Rendering.**



f) **General Development Regulations.**

	<b>Applicable</b>	<b>Section Reference</b>	<b>Notes</b>
<b>Accessory Structures</b>	Y	Section 17.01	Detached Accessory Structures may encroach a side or rear setback but shall be no closer than five (5) feet from the side or rear lot line. Accessory structures shall also comply with all other requirements in Section 17.01.
<b>Fences</b>	Y	Section 17.07	Fences and walls may be placed in a required minimum setback provided they comply with the permit of Section 4.22 and the requirements of Section 17.07.
<b>Landscaping/ Buffering</b>	Y	Chapter 14	Plant material and berms may be placed in any required minimum setback provided they do not constitute a nuisance as provided in the insert Village's Code.
<b>Parking</b>	Y	Chapter 16	Parking must be provided in accordance with Chapter 16. Parking is prohibited on lawns or other unpaved areas. Parking for multi-unit buildings should be placed on the side or rear of the principal structure.
<b>Signs</b>	Y	Chapter 15	Signs, provided they comply with Chapter 15, may be located within a front setback.

## 9.03 VILLAGE MULTI FAMILY (VMF)

a) **Purpose.**

- 1) To provide for larger, denser multi-unit developments, which include apartment complexes, condominiums, triplexes, and townhomes.
- 2) To allow for a broad spectrum of housing choices including senior housing options to accommodate the aging population.
- 3) To create walkability within these developments and create pedestrian connections to adjacent areas.

b) **Target Areas.**



c) **Permitted, Conditional, and Accessory Uses.**

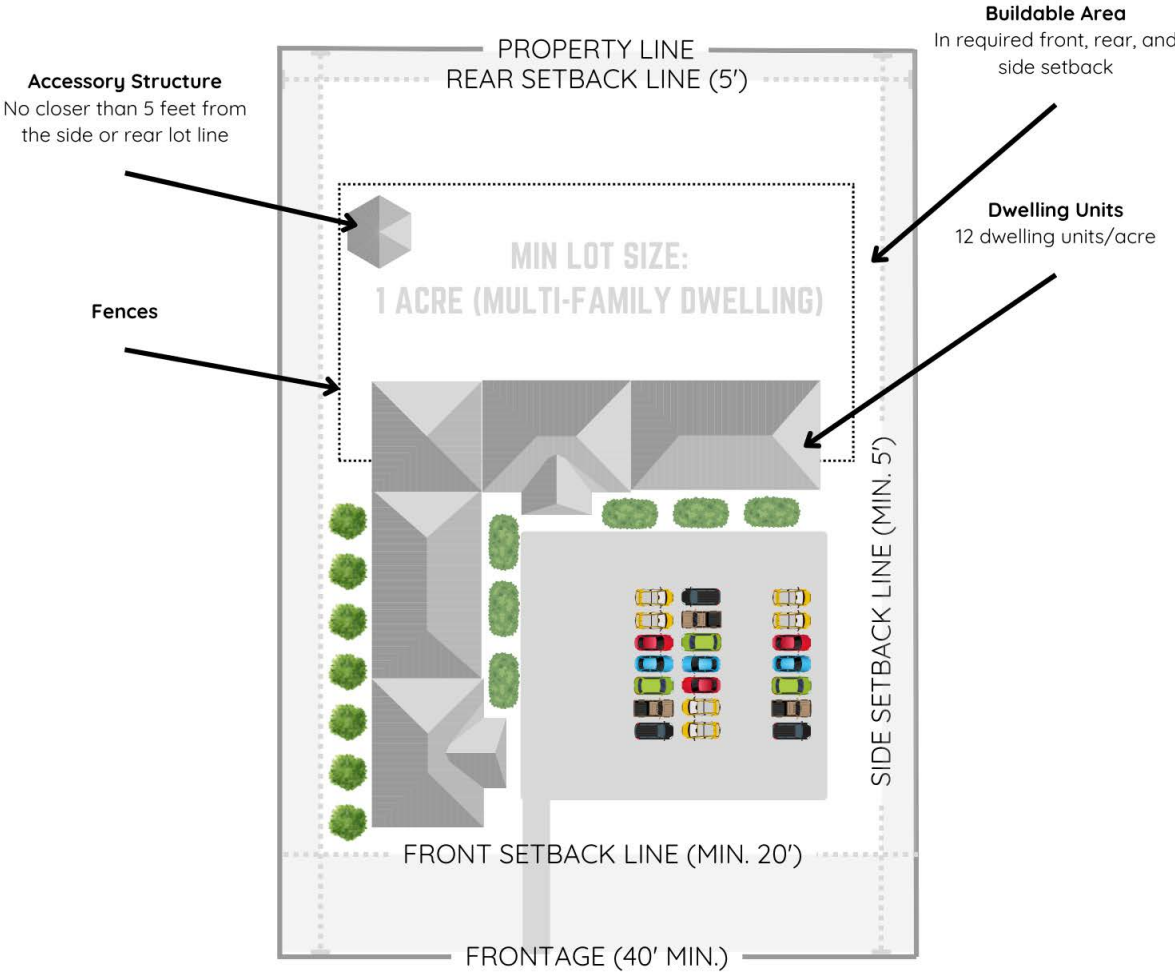
See, Section 7.01 - Use Table – Village Residential.

d) **Lot Area, Setback, Height, and Lot Coverage Requirements.**

<b>Development Standards</b>	<b>Village Multi Family</b>
<b>Minimum Lot Size (Square Feet)</b>	5,000 (One-Unit Dwelling) 9,000 (Two-Unit Dwelling) 1 acre (Multi-Family Dwelling)
<b>Maximum Density (utilize net acres)</b>	12 dwelling units/acre
<b>Minimum Frontage (Feet)</b>	40 feet
<b>Minimum Front Setback (Feet)</b>	20 (Main Façade of Multi-Unit Building and Internal Private Streets) 40 (Garages for Multi-Unit Buildings)
<b>Maximum Front Setback (Feet)</b>	N/A
<b>Minimum Side Setback (Feet)</b>	One-Unit Dwelling, Duplexes, and Triplexes = 5 Multi-Unit Dwellings = 5' Non-Residential Buildings = 1' setback per 1' of building height
<b>Minimum Rear Setback (Feet)</b>	One-Unit Dwelling, Duplexes, and Triplexes = 5 Multi-Unit Dwellings = 5' Non-Residential Buildings = 1' setback per 1' of building height
<b>Maximum Height (Feet)</b>	50
<b>Maximum Lot Coverage (Percent)</b>	80
<b>Projection into required setback</b> Cornices, canopies, eaves (roof overhang), fireplaces-chimneys, bay window, porch, stoop, or other similar architectural features may project into a required setback up to two (2) feet.	
<b>Exemptions from required side and rear setbacks</b> Swimming pools, tennis courts, clotheslines, barbeque pits, playground equipment, portable or permanent dog run, house or kennel and similar structures customary and ancillary to the primary residential use of the property may be placed in a required minimum side or rear setback, but in no case shall such uses be closer than five (5) feet from a side or rear lot line.	



e) **Example Lot Layout and Rendering.**



f) **General Development Regulations.**

	<b>Applicable</b>	<b>Section Reference</b>	<b>Notes</b>
<b>Accessory Structures</b>	Y	Section 17.01	Detached Accessory Structures may encroach a side or rear setback but shall be no closer than five (5) feet from the side or rear lot line. Accessory structures shall also comply with all other requirements in Section 17.01.
<b>Fences</b>	Y	Section 17.07	Fences and walls may be placed in a required minimum setback provided they comply with the permit of Section 4.22 and the requirements of Section 17.07.
<b>Landscaping/ Buffering</b>	Y	Chapter 14	Plant material and berms may be placed in any required minimum setback provided they do not constitute a nuisance as provided in the Village’s Code.
<b>Parking</b>	Y	Chapter 16	Parking must be provided in accordance with Chapter 16. Parking is prohibited on lawns or other unpaved areas. Parking for multi-unit buildings should be placed on the side or rear of the principal structure.
<b>Signs</b>	Y	Chapter 15	Signs, provided they comply with Chapter 15, may be located within a front setback.

---

## CHAPTER 10 COMMERCIAL & INDUSTRIAL DISTRICTS

### 10.01 VILLAGE MIXED-USE (VMU)

### 10.03 EMPLOYMENT CENTER (EC)

### 10.02 CROSSROADS- NEIGHBORHOODS CENTER (CNC)

### 10.04 PLANNED UNIT DEVELOPMENT (PUD)

---

## 10.01 VILLAGE MIXED-USE (VMU)

### a) Purpose.

- 1) To promote and foster the economic and physical mixed-use residential spaces and retail services of historic village centers in the County.
- 2) To recognize the unique physical characteristics of the area and preserve the historic mixed use, character, and pedestrian focuses of the village center.
- 3) To continue to promote a mixture of uses, to support entrepreneurship and start-up businesses.
- 4) To encourage walkability by creating pedestrian connections between these mixed uses.
- 5) To encourage investment in and adaptive reuse of existing structures.

### b) Target Areas.



c) **Permitted, Conditional, and Accessory Uses.**

See, Table 7.03 - Use Table – Commercial and Industrial.

d) **Lot Area, Setback, Height, and Lot Coverage Requirements.**

<b>Development Standards</b>	<b>Village Mixed-Use</b>
<b>Minimum Lot Size (Square Feet)</b>	N/A
<b>Minimum Frontage (Feet)</b>	N/A
<b>Minimum Front Setback (Feet)</b>	None, except when the proposed structure is located between two existing structures on adjacent lots, then utilize the Average Front Setback, as defined in Chapter 2 – Definitions.
<b>Maximum Front Setback (Feet)</b>	10, except however, up to fifty (50) percent of a building's façade may be setback more than the required maximum Front Setback, if the required public gathering space is located in front of this portion of the building. In such cases, a decorative wall or fence shall be installed in front of the public gathering space to help enhance the overall streetscape.
<b>Minimum Side Setback (Feet)</b>	N/A
<b>Minimum Rear Setback (Feet)</b>	N/A
<b>Residential Density</b>	30 units/acre
<b>Parking in Front of Principal Building</b>	Prohibited
<b>Maximum Height (Feet)</b>	50, except however, mechanical equipment and/or ventilation systems may extend up to ten (10) feet above the height of the building. Said mechanical equipment/ventilation systems must be screened from view by parapet walls, mansard roofs, or other screening material approved the jurisdiction's planner, or equivalent officer, provided said material has

---

	one-hundred (100) percent opacity year round.
<b>Minimum Amount of Private Gathering Spaces for Residential Units (Patio/Balcony)</b>	25 sq. ft. per unit
<b>Public Open/Gathering Space (may include plazas, public patios, outdoor dining areas, courtyards, or common rooftop garden areas)</b>	Five (5) percent of gross square footage of all building

e) **Example Lot Layout and Rendering.**



f) **General Development Regulations.**

	<b>Applicable</b>	<b>Section Reference</b>	<b>Notes</b>
<b>Accessory Structures</b>	Y	Section 17.01	Detached Accessory Structures may encroach a side or rear setback but shall be no closer than five (5) feet from the side or rear lot line. Accessory structures shall also comply with all other requirements in Section 17.01.
<b>Fences</b>	Y	Section 17.07	Fences and walls may be placed in a required minimum setback provided they comply with the permit of Section 4.22 and the requirements of Section 17.07.
<b>Landscaping/ Buffering</b>	Y	Chapter 14	Plant material and berms may be placed in any required minimum setback provided they do not constitute a nuisance as provided in the Village's Code.
<b>Parking</b>	Y	Chapter 16	Parking must be provided in accordance with Chapter 16. Parking is prohibited on lawns, in front of the principal structures, or other unpaved areas. Parking may encroach a Side or Rear Setback provided the parking is no closer than five (5) feet from said Lot Line.
<b>Signs</b>	Y	Chapter 15	Signs, provided they comply with Chapter 15, may be located within a front setback.

## 10.02 Crossroad-Neighborhood Center (CNC)

a) **Purpose.**

- 1) To cultivate the emerging concentrations of retail and services, generally located at key intersections in the County.
- 2) To provide neighborhood commercial uses within villages.
- 3) To minimize adjacent Zoning District impacts through enhanced landscaping, graphics, and lighting standards.

b) **Target Areas.**



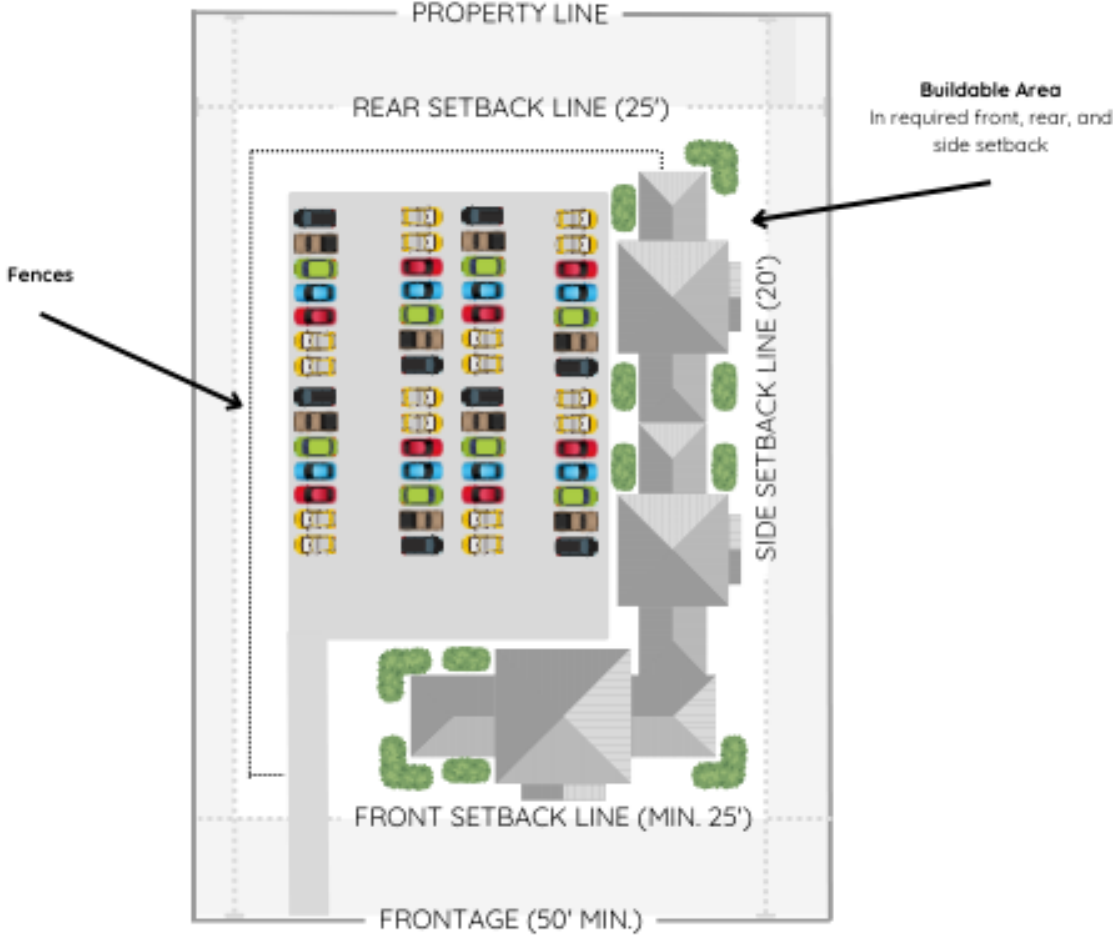
c) **Permitted, Conditional, and Accessory Uses.**

See, Table 7.03 - Use Table – Commercial and Industrial.

d) **Lot Area, Setback, Height, and Lot Coverage Requirements.**

<b>Development Standards</b>	<b>Crossroads-Neighborhood Center</b>
<b>Minimum Lot Size (Square Feet)</b>	N/A
<b>Minimum Frontage (Feet)</b>	50 ft.
<b>Minimum Front Setback (Feet)</b>	50 (Arterial and Collector) 25 (All other Roads)
<b>Maximum Front Setback (Feet)</b>	N/A
<b>Minimum Side Setback (Feet)</b>	20, except however, when a Side or Rear Lot Line abuts an existing Residential use or District that permits Sing-Unit Dwellings, then a buffer shall be provided in accordance with Section 14.12.
<b>Minimum Rear Setback (Feet)</b>	25, except however, when a Side or Rear Lot Line abuts an existing Residential use or District that permits Sing-Unit Dwellings, then a buffer shall be provided in accordance with Section 14.12.
<b>Maximum Height (Feet)</b>	45, except however, mechanical equipment and/or ventilation systems may extend up to ten (10) feet above the height of the building. Said mechanical equipment/ventilation systems must be screened from view by parapet walls, mansard roofs, or other screening material approved the jurisdiction's planner, or equivalent officer, provided said material has one hundred (100) percent opacity year round.
<b>Minimum Lot Coverage (Percentage)</b>	80

e) **Example Lot Layout and Rendering.**



f) **General Development Regulations.**

	<b>Applicable</b>	<b>Section Reference</b>	<b>Notes</b>
<b>Accessory Structures</b>	Y	Section 17.01	Detached Accessory Structures may encroach a side or rear setback but shall be no closer than five (5) feet from the side or rear lot line. Accessory structures shall also comply with all other requirements in Section 17.01.
<b>Fences</b>	Y	Section 17.07	Fences and walls may be placed in a required minimum setback provided they comply with the permit of Section 4.22 and the requirements of Section 17.07.
<b>Landscaping/ Buffering</b>	Y	Chapter 14	Plant material and berms may be placed in any required minimum setback provided they do not constitute a nuisance as provided in the insert Village's Code.
<b>Parking</b>	Y	Chapter 16	Limited – Parking is permitted in front of a principal building, but it is encouraged to be placed to the side or rear of the principal building. Parking may encroach a Front, Side, or Rear Setback provided the parking is no closer than five (5) feet from said Lot Line.
<b>Signs</b>	Y	Chapter 15	Signs, provided they comply with Chapter 15, may be located within a front setback.

## 10.03 Employment Center (EC)

- a) **Purpose.**
  - 1) Promote sites for larger employers, including hi-tech, advanced manufacturing, Data Centers, light industry, logistics, and office uses;
  - 2) Integrate development into the surrounding landscape and provide enhanced landscaping for abutting Zoning Districts; and
  - 3) To broaden the economic development opportunities of Fairfield County by creating development standards that will promote innovation and employment opportunities.

- b) **Target Areas.**



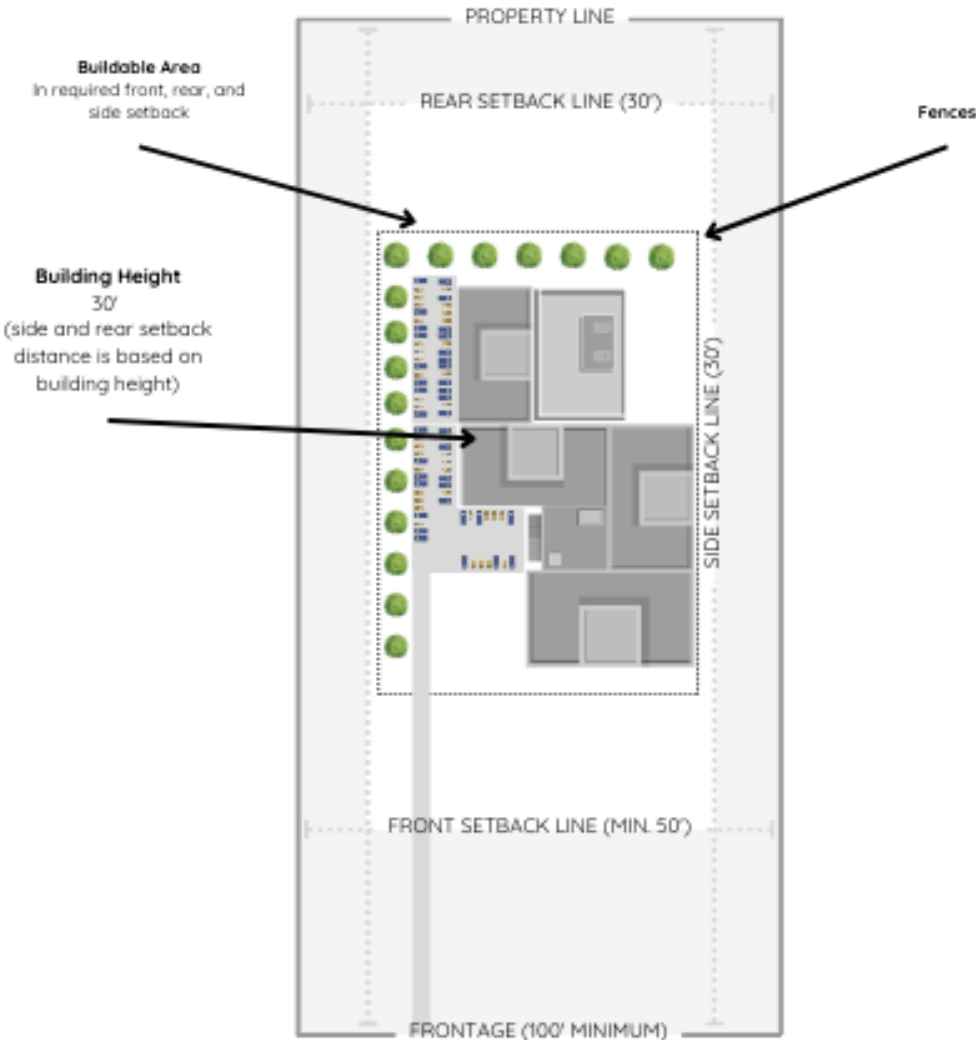
- c) **Permitted, Conditional, and Accessory Uses.**

See, Table 7.03 - Use Table – Commercial and Industrial.

d) **Lot Area, Setback, Height, and Lot Coverage Requirements.**

<b>Development Standards</b>	<b>Employment Center</b>
<b>Minimum Lot Size (Square Feet)</b>	N/A
<b>Minimum Frontage (Feet)</b>	100
<b>Minimum Front Setback (Feet)</b>	35
<b>Maximum Front Setback (Feet)</b>	N/A
<b>Minimum Side Setback (Feet)</b>	15
<b>Minimum Rear Setback (Feet)</b>	45
<b>Maximum Height (Feet)</b>	65 for structures excluding parapets, dunnage and mechanical equipment, maintenance equipment, utility facilities, rooftop enclosure provided for elevator roof access and elevator machinery, and a stairway or a service room used for no purpose other than for service to the building.
<b>Minimum Lot Coverage (Percentage)</b>	80

e) **Example Lot Layout and Rendering.**



f) **General Development Regulations.**

	<b>Applicable</b>	<b>Section Reference</b>	<b>Notes</b>
<b>Accessory Structures</b>	Y	Section 17.01	Detached Accessory Structures may encroach a side or rear setback but shall be no closer than five (5) feet from the side or rear lot line. Accessory structures shall also comply with all other requirements in Section 17.01.
<b>Fences</b>	Y	Section 17.07	Fences and walls may be placed in a required minimum setback provided they comply with the permit of Section 4.22 and the requirements of Section 17.07.
<b>Landscaping/ Buffering</b>	Y	Chapter 14	Plant material and berms may be placed in any required minimum setback provided they do not constitute a nuisance as provided in the insert Village's Code.
<b>Parking</b>	Y	Chapter 16	Parking may encroach a Front, Side, or Rear Setback provided the parking is no closer than five (5) feet from said Lot Line.
<b>Signs</b>	Y	Chapter 15	Signs, provided they comply with Chapter 15, may be located within a front setback.

---

#### 10.04 PLANNED UNIT DEVELOPMENT (PUD) - PLANNING AND DEVELOPMENT PRINCIPLES

The PUD zoning text shall be submitted in accordance with [Section 4.12](#) and shall include development standards designed according to the following planning and development principles:

- a) Arrangement of Use Areas.
  - 1) Buildings and uses within the proposed development shall be located to reduce any adverse influences and to protect and enhance the character of areas adjacent to development;
  - 2) Whenever a proposed development includes areas of higher intensity than that permitted in adjacent areas, the location and arrangement of use areas shall include appropriate buffers, open spaces, setbacks, or other transitional areas to ensure compatibility with the lower intensity areas.
  - 3) Buildings, structures, and parking areas shall be designed and located within the PUD to conserve environmentally sensitive or unique natural, historical, or cultural features while minimizing environmental impacts.
- b) Arrangement of Buildings and Yards.
  - 1) The physical relationship of buildings and other site improvements to one another and the surrounding open space, as created by building size, mass, height, shape, and setback, shall result in a harmonious development within the PUD and adjacent to it.
  - 2) Minimum lot size; width; and front, side, and rear yard setbacks should be clearly denoted by subarea.
  - 3) The bulk and height of buildings within the proposed development shall be compatible with the surrounding development and sufficiently buffered from the surrounding development to mitigate any potential adverse impact(s).
- c) Density. The density of residential areas within a PUD shall be specifically defined with the PUD text.
- d) Landscaping, Screening, and Buffering.
  - 1) The pattern of landscaping shall be coordinated in design and type of materials, mounding, and fencing used. Landscaping may vary in density, spacing, and other treatments to reflect variations of topography, existing landscapes, or land uses.
  - 2) Privacy for residential buildings shall be maintained using landscaping, screening, and buffering.

- 
- 3) Appropriate buffer zones with adequate landscaping shall be provided between the proposed development and adjacent areas.
  - 4) Alternative design approaches to meet the intent of the landscape regulations may be incorporated.
  - e) Open Space. Adequate open spaces shall be integrated throughout the development as follows:
    - 1) Open space shall be sufficiently aggregated to create large useable areas of planned open space.
    - 2) Open space shall conserve significant natural features within the PUD to the extent practicable.
    - 3) Open space shall provide a scenic natural environment along existing public streets characterized by large building setbacks that enable the preservation of natural features.
    - 4) All open space shall be easily accessible to residents of the PUD.
    - 5) Where possible, open space areas shall be connected with open space areas on abutting parcels, and wherever possible, by open space corridors.
    - 6) Thirty (30) percent of the land shall be dedicated to open space.
  - f) Protection of Natural Features.
    - 1) Trees shall be preserved, protected, and replaced in compliance with the requirements set forth in [Section 14.08](#).
    - 2) A riparian buffer shall be provided along the entire length and on both sides of a river or perennial stream channel. Walkways may be located within riparian buffers when the Planning Commission determines that such walkways will create minimal change to the riparian buffer.
    - 3) Floodplains shall be protected to incorporate adequate buffers around the Flood Hazard Area.
    - 4) Wetlands that are to be retained in their natural state within the PUD shall be protected. A buffer area not less than twenty (20) feet in width measured from the edge of the delineated wetland shall be provided along the entire perimeter of the designated wetland. Minimum building and pavement setbacks to protect such wetlands and buffer areas shall be established and shall be measured from the edge of such wetlands.
  - g) Pedestrian Circulation Systems. A pedestrian circulation system shall be included and designed to provide convenient and safe pedestrian access throughout the PUD, and to connect the neighboring developments and community facilities. The pedestrian circulation system may include sidewalks and other walkways not

located along streets. Trails with public right of passage should also be incorporated in the pedestrian circulation system.

- h) Bike Paths and Other Trail Systems. Trail systems for bikes and other purposes shall be included and designed in accordance with the city’s plan for bike paths. Such trail system shall have a minimum width of 10 feet and be properly buffered from any adjacent residential areas. Protected bike lanes, where appropriate as determined by the Commission, may also be utilized to meet this requirement.
- i) Street Design and Vehicular Circulation.
  - 1) The proposed vehicular circulation system shall provide adequate connections to the existing street network.
  - 2) The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement and access.
  - 3) Street alignments should be designed to conserve natural features and minimize the need for cut and fill practices.
  - 4) The function of adjacent thoroughfares shall be maintained by limiting access points to the minimum needed, relating them to existing access points, the street patterns on surrounding development, and the intensity of proposed uses.
  - 5) Private streets that utilize a common easement may provide access to clustered lots and/or structures.
  - 6) Street lighting and street signs shall be adequate for safety and security.
  - 7) The applicant shall provide and construct on-site and off-site street improvements for the PUD in accordance with the zoning approved zoning text and consistent with recommendations included in traffic studies and with any agreements submitted as supporting documentation for the PUD.
- j) Off-Street Parking. The layout of parking areas, service areas, and related entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed and located to protect the character of the area as well as those areas adjacent to the development. The number of minimum and maximum parking space requirements shall comply with [Chapter 15](#), unless the approved development text states otherwise.
- k) Signs. All signs and graphics within the PUD shall be compatible in size, location, height, material, shape, color, and illumination.
  - 1) A sign plan for the entire PUD shall set forth the design parameters for the entire project to ensure a consistent and comprehensive character throughout the project. The sign plan shall include the design, layout, and dimensions of all ground, window, canopy, awning, projecting, and wall signs

as well as distances from rights-of-way and the type and intensity of illumination.

- 2) Signs should contribute to an overall cohesive design, reflect simplicity, and avoid visual clutter.
  - 3) The overall design and placement of buildings should consider the general placement of signs so that all permanent signs and their associated lighting fixtures complement the appearance and architecture of the buildings and the PUD.
  - 4) Ground signs should be designed to relate to and share common design elements with the building.
  - 5) The materials and colors of the sign, sign background and sign frame should be compatible with the building's materials and colors.
- l) Utilities. The applicant shall provide and construct on-site and offsite water, sewer, and other infrastructure improvements for the PUD in accordance with Section 4.14 and any agreements submitted as supporting documentation for the PUD.
- m) Project Phasing. If the PUD is to be implemented in phases, each phase shall have adequate provision for access, parking, stormwater management, utilities, and other public improvements to serve the development in accordance with the applicable criteria set forth above. Each phase shall be provided with temporary and/or permanent transitional features, buffers, and adjoining property. Open space areas shall be reasonably proportioned in each phase of the project.

Common Facilities. Common facilities and park areas, regardless of ownership, require maintenance. Adequate access to these facilities for vehicular traffic shall be provided at all times so that fire, police, health, sanitation, and other public utility vehicles can serve the area. All streets and roadways not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

---

**CHAPTER 11  
CLUSTERED CONSERVATION RESIDENTIAL OVERLAY DISTRICT**

<b>11.01 PURPOSE</b>	<b>11.06 CCR DEVELOPMENT PLAN STANDARDS</b>
<b>11.02 OVERLAY AREA</b>	
<b>11.03 EFFECT OF CCR OVERLAY</b>	<b>11.07 OWNERSHIP AND MAINTENANCE OF COMMON OPEN SPACE</b>
<b>11.04 PERMITTED USES</b>	
<b>11.05 PROHIBITED USES</b>	

---

**11.01 PURPOSE**

The Clustered Conservation Residential Overlay (CCR) is an overlay district created pursuant to Section 713.06 of the ORC to promote the general public welfare, encourage the efficient use of land and resources, provide public and utility services with greater efficiency, and innovate planning and development. The Village is to apply the CCR to areas that are identified as Low Impact/Conservation areas on the Fairfield County Future Land Use map where water and sewer are not available. The CCR also can be located over areas identified as Village Single Family (Village SF) and Village Two Family (Village TF) on the Fairfield County Future Land Use map where water and sewer are available. The CCR achieves these goals by allowing the development of clustered conservation subdivisions that:

- a) Permanently preserve and integrate open space within residential developments;
- b) Offer landowners alternatives to standard tract development of their land;
- c) Establish a less sprawling, more efficient use of land, streets, and utilities on tracts where central water and sewer are available;
- d) Protect and conserve farmland, historical and cultural features, and minimizes topographical changes and damage to existing landscapes and vegetation;
- e) Create usable and accessible open spaces, recreational areas, gathering places, and green corridors for wildlife, walking trails, and/or bike paths;
- f) Encourage creativity and environmental responsibility in design through a controlled process of review and approval of the Development Plan and related documents;
- g) Enable an extensive review of design characteristics to ensure that projects are properly integrated into the surroundings and are compatible with adjacent development; and

- h) Encourage unified development projects that exhibit creative planning and design in ways that cannot be achieved through standard zoning districts yet are imaginative in architectural design and are consistent with applicable public plans for the area.

### **11.02 OVERLAY AREA**

The CCR is created pursuant to Chapter 713 of the ORC and encompasses, includes, and overlays all land shown with a crosshatch on the Zoning Map on the effective date of this resolution.

### **11.03 EFFECT OF CCR OVERLAY**

The underlying zoning district shall apply to all property within the CCR, unless the Village Trustees in accordance with Section 4.18, approves a Development Plan application submitted by a property owner and/or their agent (the "Applicant"), to subject the provisions of the CCR. Such an application shall be made in accordance with the provisions of this Section 4.16 and all other applicable Chapters of this Code.

### **11.04 PERMITTED USES**

- a) One Unit detached dwellings;
- b) Two Unit Dwellings;
- c) Triplexes;
- d) Open Space – Fifty percent (50%) of the gross tract acreage reserved for open space as required in Section 11.06.B #####. Whether this space is utilized for active or passive recreation shall be determined by the developer and/or the homeowners but must comply with the approved Development Plan. Limited agricultural uses may be approved as open space in the Development Plan;
- e) Sports Facilities / Fields & Neighborhood Parks within the required open space as permitted by an approved Development Plan. These uses are only permitted in areas where water and sewer are provided, and Fairfield County’s Future Land Use map has designated as SR; and
- f) Accessory service buildings and structures incidental and pertinent to permitted uses above, where said accessory service buildings and structures are necessary to the pursuit of a permitted use on the premises.

### **11.05 PROHIBITED USES**

- a) Uses not specifically authorized by Section 7.10.
- b) The outdoor storage of inoperable, unlicensed, or unused vehicles, including trailers detached from semi- tractors, for a period exceeding fourteen (14) consecutive days is prohibited, except for necessary construction equipment that is in working order;
- c) No trailer of any type; no boats, no motor homes and no equipment of any type shall be parked in front of the established front building line on any lot within this district.

If a structure is located on said lot, the building line shall be considered the front wall of the structure, even if said structure is located behind the minimum setback line established by the Village Zoning Ordinance, the restrictions in the plat or deed or the Development Plan;

- d) Except as specifically permitted, no mobile home or mobile office structure shall be placed or occupied in this district;
- e) No trash, debris, unused property, or discarded materials shall be permitted to accumulate on any lot or parcel which creates an eyesore, hazard, or nuisance to the neighborhood or general public, as determined by the Village Planning Commission.
- f) No commercial or business activity shall be conducted in a unit designed for residential use except for Limited Home Occupations; and
- g) No outside storage of any kind shall be permitted. All permitted uses shall be conducted completely within an enclosed building.

#### **11.06 CCR DEVELOPMENT PLAN STANDARDS**

- a) Minimum gross tract size for a CCR Subdivision – Twenty-five (25) acres;
- b) Open Space – At least fifty percent (50%) of the gross tract acreage shall be designated as permanent open space, not to be further developed. Open space locations shall be identified on the Development Plan and shall be subject to the approval of the Planning Commission. Open space shall be owned, administered, and maintained as identified on the Development Plan pursuant to Section 11.07. With prior consent through resolution of the Village Council, land may be transferred to the Village for public purposes if approved as a part of the Development Plan. Uses of land transferred to the Village for public purposes must be approved as a part of the Development Plan and may include but are not limited to passive and active recreation areas. The decision whether to accept an applicant's offer to dedicate open space for public use shall be at the discretion of the Village Planning Commission. Land dedicated to public purposes may count toward the open space requirement if approved on the Development Plan:
  - 1) In calculating open space, the areas of fee simple lots conveyed to homeowners shall not be included;
  - 2) Primary conservation areas, stormwater management detention/retention ponds, and constructed wetlands acting as detention basins may count in their combined aggregate for up to fifty percent (50%) of the required open space;
  - 3) Any area of natural open space that is proposed to be disturbed during construction or otherwise not preserved in its natural state shall be shown on the Development Plan and, if required, shall be restored with vegetation that is compatible with the natural characteristics of the site. The method and timing of any restoration shall be set forth in the Development Plan; and

- 
- 4) Open space must be clustered to achieve the purpose of creating large open tracts. Consideration must be taken for surrounding developments to ensure that the open space for neighboring developments is located connecting or close to the open space for the new development in the CCR.
- c) Site Design Process:
- 1) Delineate primary conservation areas: preserve as natural open space;
  - 2) Delineate secondary conservation areas: preserve selected areas as improved or natural open space;
  - 3) Draw house footprints and lot lines outside the conservation areas based upon the permitted density calculations based on Section 11.01 and
  - 4) Site Design Standards:
    - i) To reduce visual impact, locate dwellings along the edges rather than in the center of an open field if they will be seen from existing public roads. Avoid new construction on prominent hilltops or ridges;
    - ii) Front dwellings on internal roads, not on external roads;
    - iii) Locate all house lots within 400 feet of the permanent open space;
    - iv) Retain or restore native vegetation adjacent to wetlands and surface waters;
    - v) Preserve existing hedge and tree lines to the extent practicable;
    - vi) Preserve scenic views;
    - vii) Protect wildlife habitat areas of species listed as endangered, threatened, or of special concern by the Ohio Department of Natural Resources;
    - viii) Preserve historic or archaeological sites (e.g. earthworks, burial grounds, etc.);
    - ix) Landscape or retain vegetation in common areas with native trees and shrubs;
    - x) Place shade trees along internal roads at fifty (50) foot intervals on at least one side of the road;
    - xi) Provide active recreational areas in suitable locations;
    - xii) Include a viable pedestrian circulation system, meaning a minimum of a five (5) foot wide bike and walking path throughout the development. Provide for connection to surrounding neighborhoods (existing and potential);
    - xiii) Protect natural drainage swales and creeks. No construction of buildings is allowed inside the 100-year floodplain. In addition, no residential structures are permitted within 100 feet of the ordinary high-water line of a riparian or wetland area as determined by a professional engineer' and
    - xiv) Provide permanent open space.
- d) Determining The Number of Dwelling Units Permitted - The number of dwelling units permitted is based upon the underlying zoning district.

- 
- e) Sewage Disposal – A feasibility letter shall be provided by the Village Sanitary Engineer indicating that sewer service is available with the capacity needed;
  - f) Perimeter Setback – No building shall be constructed within fifty (50) feet of the external boundary of the conservation subdivision, except, however, no building shall be located within 200 feet of the proposed right-of-way for an existing state, county, or Village roadway. For purpose of this Overlay, the proposed right-of-way shall be considered: **[LIST RIGHTS-OF-WAY #####]**
  - g) Stormwater – Features shall be designed to manage stormwater retention and prevent erosion, flooding, or standing water within and through the site to maintain, as far as practicable, usual and normal swales, water courses and drainage areas and prevent any upstream or downstream impacts. No water shall be allowed to be released above and beyond what was released pre-development. Regional detention ponds and wetlands shall be utilized with soft edges to integrate the stormwater feature into the natural landscape and effectively manage stormwater without the excessive use of multiple ponds;
  - h) Subdivision Standards – Public streets and all drainage improvements shall conform to the subdivision standards for Fairfield County or as otherwise approved per the Development Plan;
  - i) Pavement Standards for Private Drives – All private drives that are not dedicated for public maintenance shall be constructed to a pavement width and cross section that meets the average daily traffic and weights anticipated in the Fairfield County Engineer’s Design, Construction and Surveying Standards Manual or shall have a design life of twenty (20) years;
  - j) Pavement Standards for Parking Lots – Parking lots and private driveways do not have to meet street cross sectional standards, but parking lot drive aisles that connect to the public streets shall be constructed to public street cross sectional and design life standards within fifty (50) feet of the edge of the public paved road;
  - k) Paths – A minimum of five (5) foot wide walking or ten (10) foot wide bike path is required for conservation subdivisions. Paths shall be constructed as to meander through the development, in line with the rural character and feel of the area and to connect existing and potential residential areas and open spaces. The Village may also require paved or unpaved walkways to connect residential areas and open spaces;
  - l) Street Trees – Native deciduous, broad leaf street trees with a minimum caliper of three (3) inches at planting shall be planted (or retained) at least every fifty (50) lineal feet along at least one side of the street(s);
  - m) Bulk and Area requirements see Table 11.01:

**TABLE 11.01**

	<b>CCR with Sewer</b>
<b>Minimum Tract Size (Acres)</b>	25
<b>Minimum Setback from new Local Road ROW (Feet)</b>	25
<b>Minimum Lot Size (Square Feet)</b>	7,500
<b>Minimum Lot Width (Feet)</b>	60' for a maximum of 40% of the total single family lots
	70' for a maximum of 50% of the total single family lots
	80' or wider for at least 10% of the total single family lots. 80' or wider for all common wall attached dwellings.
<b>Minimum Side Yards (Feet) for 60' Lot</b>	5' each side
<b>Minimum Side Yards (Feet) for 70' Lot</b>	Combined 15', no less than 5' on one side
<b>Minimum Side Yards (Feet) for 80' Lot</b>	Combined 15', no less than 5' on one side
<b>Minimum Side Yard (Feet) for 100' Lot</b>	n/a
<b>Minimum Front Setback (Feet) for Main Façade of Multi-Unit Building / Minimum Front Setback (Feet) for Garages for Multi-Unit Buildings</b>	20 / 40
<b>Maximum Building Height (Feet)</b>	35*
<b>Minimum Driveway Setback from Side Lot Line (Feet)**</b>	2***
<b>Minimum Rear Yard (Feet)</b>	25
<b>Minimum Setback for Accessory Structures (Feet)</b>	15

*\*Building Height is measured at the highest point of the roof from the established building pad grade as shown on the approved grading plan for the development.*

*\*\* A shared driveway is allowed when required by the Driveway Permitting Authority due to sight distance or spacing purposes.*

*\*\*\* Side-load garages shall provide at least twenty-four (24) feet of paved apron, exclusive of the two (2) foot side lot line for single family detached dwellings on fee simple ownership lots.*

Minimum Dwelling Unit Floor Area – No dwelling shall be constructed in said zoned district of the Village of **Village of Millersport** unless the same shall have at least the minimum square feet of living area, exclusive of basements, porches, breezeways, utility areas, and garages 1,200 square feet of living area above grade. All dwellings shall include a garage (attached or unattached) of a minimum of four hundred eighty (480) square feet, minimum front setback of forty (40) feet, and complete with operating doors; this area is not to be included in the living area of the dwelling;

n) Building Design – The intent of the building design requirements is to create a Rural Design theme that is representative of traditional rural architectural design by focusing on materials and colors that transcends design fads while simultaneously allowing for a unique design approach for individual projects through the review and guidance from the Planning Commission. Buildings and structures shall be designed to enhance both areas within and surrounding the development, giving due regard to building footprints, building orientation, massing, roof shape, pitch, and exterior materials. The following material and design element requirements have been established to achieve the Rural Design theme:

1) Building Materials and Design Elements: Buildings for all uses shall be designed to be seen from three hundred sixty degrees (360°) and have the same caliber of finish on all elevations. Building additions and accessory structures, whether attached or detached, shall be of similar design, materials, and construction to that of the existing principal structure. Additionally, the following standards shall apply to the specific uses.

2) For all buildings in the CCR, the following design requirements apply:

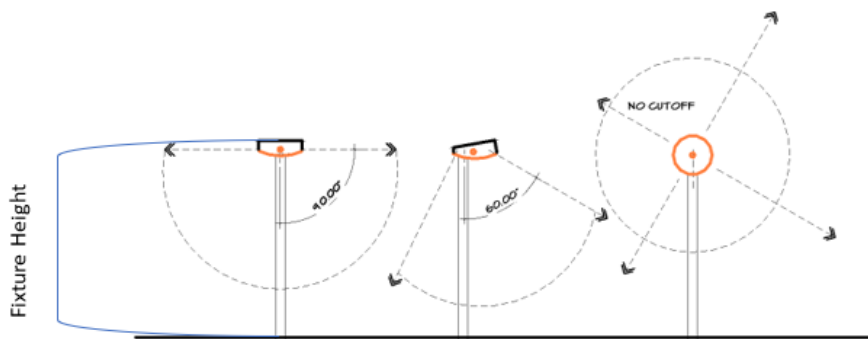
i) **Building Materials:** All exterior elevations shall be comprised of wood, fiber cement, board and batten, brick, or native or cultured stone. Foundations must be clad with the same natural material utilized on the building to blend with the overall architecture of the structure. If brick or stone are utilized on the building, the same brick or stone must be used for the foundation. Exposed cement block or split face block foundations shall be prohibited. Vinyl and/or aluminum shall be prohibited except when used for trim details such as downspouts, soffits, gutters, and shutters and shall be made to visually appear as a natural material. The use of frosted, black, gold, green, silver, opaque or any other reflective or colored glass on a building is prohibited;



Photo Credit: Pikeproperties.com

- ii) **Building Colors:** Building colors shall consist of earth tones limited to browns, tans, and grays. Building colors may also consist of white and barn red. Leaf greens and gray sky blues may be utilized as an accent and shall not be the predominant building color; and
- iii) **Roofing:** Flat roofs are prohibited; the roof shall have a minimum of 6:12 pitch for the main roof. Pitched roofs must be constructed of dimensional shingles, standing seam metal, slate, or simulated slate, and are limited to hip, gable, gambrel, or mansard roof types. Other roof types may be approved where appropriate as determined by the Planning Commission and Planning Commission with Development Plan approval.

**FIGURE 11.01**



- o) Landscaping – All yards, front, side, and rear, shall be landscaped to comply with the following regulations. All improved common open space shall be landscaped per the approved Development Plan. A landscape plan for the common open space and streetscape within road right-of-way shall be prepared by a licensed landscape architect showing the caliper, height, numbers, name, and placement of all material, and shall be submitted with and approved as a part of the Development Plan;
  - 1) All proposed landscaping material shall align with the established Rural Design theme utilizing native plantings and grasses such as Karl Foerster Grass;
  - 2) Unless otherwise provided, landscaping material shall be installed to provide a minimum of fifty percent (50%) winter opacity and a seventy percent (70%) summer opacity, between one foot above finished grade level to the top of the required planting, hedge, fence, wall, or earth mound within four years after installation;
  - 3) All plants shall meet or exceed American Standards for nursery stock as set forth by the American Association of Nurserymen;



*Karl Foerster Grass - Photo Credit: Gardenia.net*

- 4) All trees and landscaping shall be well maintained. Dead trees, shrubs and other landscaping material shall be promptly removed and, when required, shall be replaced within six (6) months;
- 5) Existing tree lines must be preserved, and a two hundred (200) foot woodland buffer must be established from the proposed right-of-way of an existing state, county, or Village roadway to any new development:
  - i) The 200-foot buffer shall consist of a minimum of forty (40) feet in width of native vegetation and trees and shall mimic the natural condition of a forest edge for the purpose of greatly reducing noise pollution and visual impacts of the development from any state, county or Village roadway;
  - ii) Figure 11.02 shows the ideal woodland buffer where grasses, sedges and perennials give way to woody shrubs, before finally transitioning to small flowering trees and young canopy trees;

**FIGURE 11.02**



iii) All trees required by these regulations, or other applicable standards, shall be live plants and meet the following minimum tree sizes at the time of planting:

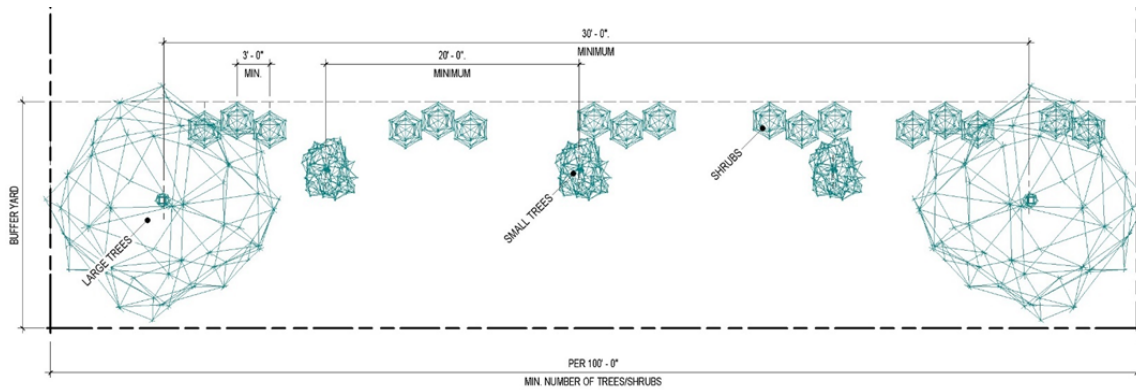
Tree Type	Minimum Size at Time of Planting
Deciduous Trees	2-inch caliper
Coniferous/Evergreen	5 feet in height
Shrubs and Hedges	3 feet in height

All trees shall be subject to the list of invasive plant species regulated under ORC 901.50.

**TABLE 11.02**

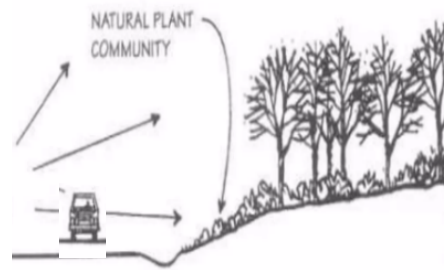
CCR Overlay Buffer			
	Min. # of trees per 100 lineal feet of adjoining lot lines must include the following:		
Minimum Buffer Width (Feet)	# of Large Trees (a)	# of Small Trees (b)	# of Shrubs (c)
40	4	10	33

**FIGURE 11.03 - EXAMPLE BUFFER**



**Figure 10.04**

- 2) Additionally, low maintenance ground covers shall be used for earth berms, when earth berms are determined as necessary. Long-term self-maintaining natural plant communities can be used as low maintenance ground covers for earth berms. Berms shall be constructed with a three to one (3:1) slope.



- h) Existing landscape material shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when such material meets the requirements and achieves the objectives of these Design Standards;
- i) An entryway feature may also be used, as approved in the Development Plan, as a portion of the required buffer. The entryway feature must be in line with rural design characteristics and should be predominantly made of natural materials, such as wood, stone, or brick;
- j) Landscaping at Driveway and Street Intersections: To ensure that landscape materials do not constitute



Photo Credit: Was-design.com

a driving hazard, a sight triangle shall be observed at all street intersections or intersections of driveways with streets. Within this sight triangle, neither landscape material nor parked vehicles, except for required grass or ground cover, shall be permitted. Within this sight triangle, trees shall be permitted as long as, except during the early growth stages, only the tree trunk is visible between the ground and eight (8) feet above the ground, or otherwise does not present a traffic hazard. The sight triangle is defined in the following sections:

- 1) **Driveway Intersection Triangle:** At intersections of driveways with streets, the sight triangle shall be established by locating the intersection of the street curb or edge with the driveway edge, and by measuring from this point and ten (10) feet along the driveway to a point and a distance of twenty (20) feet along the street curb to a point connecting these points; and
  - 2) **Street Intersection Sight Triangle:** At the street intersections, the sight triangle shall be formed by measuring at least fifty (50) feet along curb lines or edge of pavement and connecting these points.
- q) **Parking – Off-street parking shall be provided. Construction traffic may park in the street, but only on one side to allow for safe access by emergency equipment. Off-street parking shall comply with the following regulations in Table 11.03:**

**TABLE 11.03**

<b>Use</b>	<b>Minimum Number of Required Off-Street Parking Spaces</b>
<b>Common Wall Dwelling Units</b>	4 spaces per dwelling unit
<b>Single Family Units</b>	4 spaces per dwelling unit
<b>Sports Facilities / Fields</b>	50 spaces per field
<b>Neighborhood Parks</b>	20 spaces

- r) **Signs – All signs shall be in accordance with the following regulations, or as approved per the Development Plan:**
- 1) Signs shall be designed as to adhere to the Rural Design theme utilizing natural materials such as stone, wood, or brick for eighty percent (80%) of the sign. Sign colors and fonts should also align with the rural character of the area, utilizing greens, browns, tans, whites, muted blue, or barn red. Signs colors and materials shall match that of the primary building.
  - 2) **Temporary Signs:** The following Temporary Sign regulations apply to all uses within all subareas:
    - i) Temporary Signs shall be prohibited within the right-of-way.

- ii) Two (2) Small Temporary Signs shall be permitted per parcel per street frontage without a permit. Each Small Temporary Sign shall be seven (7) square feet in area or less and less than three (3) feet in height;
- iii) One (1) Large Temporary Signs shall also be permitted per parcel provided a Sign permit is issued in accordance with the following regulations. Large Temporary Signs shall not:
  - A) Exceed eight (8) feet in height;
  - B) Exceed thirty-two (32) square feet in area (per Sign face); and
  - C) On parcels of five (5) acres or less, such signs shall be displayed for no more than thirty (30) consecutive days and no more than three (3) times per calendar year. A new permit must be obtained for each thirty (30) day or less period. After said permits have been exhausted, the Zoning Inspector may grant one (1) extension for up to ninety (90) days per Sign. No other extensions may be administratively approved and must be approved by the Village Planning Commission. On parcels that are greater than five (5) acres, such signs may be displayed for up to 180 days. Upon the expiration of this permit, the Zoning Inspector may grant one (1) extension up to an additional 180 days. No other extensions may be administratively approved and must be approved by the Village Planning Commission. In no case, shall such signs be erected for more than 365 days.
- iv) The sign permit number for Large Temporary Signs must be printed on the sign in a visible location; and
- v) The majority of the temporary sign must be constructed with wood.
- 3) Window Signs: All window signs shall comply with the following requirements in Table 11.04:



*Photo Credit: Destinpropertyexpert.com*

**TABLE 11.04**

	<b>CCR</b>
<b>Maximum Number of Signs Permitted Per Lot</b>	1
<b>Maximum Square Footage</b>	10% of window area
<b>Maximum Height (Feet)</b>	15

- 4) Residential Subdivision Identification Sign:
  - i) Such identification shall be limited to wall or ground mounted signs or graphics only, for example, with placement on a brick wall, 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 logo of the subdivision. 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 (4) square feet;
  - ii) Such identification signs shall be made of at least eighty percent (80%) natural materials including wood, brick, or stone;
  - iii) Such identification features may not be located in the public right-of-way;
  - iv) 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;
  - v) Any Residential Subdivision Identification Sign shall not be placed closer than ten (10) feet from the right-of-way; and
  - vi) The maximum height for each sign is six (6) feet above grade.
- s) Utilities – All utilities in the CCR Subdivision shall be buried underground;
- t) Supplemental Conditions and Safeguards – If the Planning Commission determines that additional measures are needed to buffer existing land uses, they may require such as part of the Development Plan approval; and
- u) Divergences – The Planning Commission, as a part of a Development Plan approval process outlined in Section 4.16(n)(25) may grant divergences from any standard or requirement in this Chapter with the exception of the density of dwelling units per acre, permitted uses, and the percentage of required open space. An applicant requesting a divergence shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals with a request that the proposed divergence be approved “per plan”.

**11.07 OWNERSHIP AND MAINTENANCE OF COMMON OPEN SPACE**

- a) Different ownership and management options may apply to the permanently protected common open space created through the development process. The common open space shall remain in perpetuity and may be owned as identified in this section below. A public land dedication, not exceeding ten percent (10%) of the total parcel size, may be required by the Village to facilitate trail or pathway connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities, and open spaces. Common open space within the development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the Village. Funding generated through a New Community Authority (NCA) may be used to manage the required open space.
- 1) Offer of Dedication. The Village shall have the right of first refusal for common open space in the event said land is to be conveyed to a public agency. Dedication shall take the form of a fee simple ownership. The Village may but is not required to accept common open space provided:
    - i) Such land is accessible to all the residents of the Village;
    - ii) There is no cost of acquisition other than incidental costs related to the transfer of ownership;
    - iii) The Village agrees to maintain such lands; and
    - iv) Where the Village accepts dedication of common open space that contains improvements, the Village may require the posting of financial security to ensure structural integrity of improvements for a term not to exceed eighteen (18) months.
  - 2) Homeowners Association. The common open space and associated facilities may be held in common ownership by a homeowners association. The association shall be formed and operated under the following regulations:
    - i) The developer shall provide a description of the association, including its bylaws and methods for maintaining the common open space.
    - ii) The association shall be organized by the developer and shall be operated by the developer, before the sale of any lots within the development.
    - iii) Membership in the association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.
    - iv) The association shall be responsible for payment of insurance and taxes on the common open space. The association may establish rules to ensure proper maintenance of common open space, including monetary liens on the homes and home sites of its members who fail to pay their association dues in a timely manner. Such liens may impose a penalty of interest charges.

- 
- v) The members of the association shall share equitably the costs of maintaining and developing, where appropriate, such common open space. Shares shall be defined within the association bylaws
  - vi) In the event of transfer, within the methods herein permitted, of common open space by the homeowners’ association, or the assumption of maintenance of common open space by the Village, notice of such pending action shall be given by the homeowners’ association to all property owners within the development.
  - vii) The homeowners’ association shall provide for adequate staff to administer common facilities and property and continually maintain the common open space.
  - viii) The homeowners’ association may lease common open space to any qualified person or corporation, for operation and maintenance of common open space, but such lease agreement shall provide:
    - A) That the residents of the development shall at all times have access to the common open space contained therein (except croplands during the growing season);
    - B) That the common open space shall be maintained for purposes set forth in the approved Development Plan; and
    - C) That the operation of common open space may be for the benefit of the residents only or may be open to all residents of the Village, at the election of the developer and/or homeowners association. In cases where public trails or paths are provided as linkage between developments or as a continuous link of common open space within the Village, all residents of the Village shall have access to such identified paths/walkways.
  - ix) The lease shall be subject to the approval of the homeowners’ association board and any transfer or assignment of the lease shall be further subject to the approval of the board. Lease agreements shall be recorded with the Fairfield County Recorder’s office and notification shall be provided to the Village Planning Commission within thirty (30) days of action by the board.
- b) Condominium Agreements. The common open space and associated facilities may be controlled through using condominium agreements, approved by the Village. Such agreements shall be in conformance with all applicable laws and regulations. All common open space shall be held as a common element.
  - c) Dedication of Easements. The Village may, but shall not be required to accept easements for public use of any portion or portions of common open space, title of which is to remain in ownership by condominium or homeowners’ associations, provided:
    - 1) Such land is accessible to Village residents;

- 2) There is no cost of acquisition other than incidental transfer of ownership costs; and
  - 3) A satisfactory maintenance agreement is reached between the developer, association, and the Village.
- d) Transfer of Easements to a Private Conservation Organization. With the permission of the Village, an owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources; provided that:
- 1) The organization is acceptable to the Village, and is a bona fide conservation organization with perpetual existence;
  - 2) The conveyance contains whatever provisions are agreed to between the Village Planning Commission, the owner and the organization.
- e) With the approval of the Village, common open space may be owned by a third party if protected by either:
- 1) An open space easement which permanently and irrevocably transfers the development rights for the common open space to a homeowners or condominium association, the Village or a private conservation organization; or
  - 2) An unmodifiable deed restrictions that permanently restrict the use of the common open space to those uses identified in the approved Development Plan. Common open space to be transferred to a third party other than a homeowners' association, condominium association or the Village shall also be located in a reserve with an open space notation on a recorded final plat.
- f) Maintenance of Common Open Space
- 1) The ultimate owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc. The owner shall be authorized under the homeowners' association bylaws to place liens on the property of residents who fall delinquent in payment of dues or assessments.
  - 2) In the event that the organization established to own and maintain common open space shall at any time after establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the Development Plan, the Village Planning Commission may serve written notice upon such organization or upon the residents of the planned development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Village Planning Commission may modify the terms of the original notice, add to the deficiencies, and may give an extension of time within which they shall be cured.

- 3) If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said thirty (30) days or any extension thereof, the Village Planning Commission may pursue the enforcement as a zoning violation.

---

**CHAPTER 12  
TRANSPORTATION & ECONOMIC CORRIDOR OVERLAY DISTRICT**

**12.01 PURPOSE**

**12.02 APPLICABILITY**

**12.03 PERMITTED USES**

**12.04 LOT SIZE, LOT WIDTH AND  
SETBACK REQUIREMENTS**

**12.05 GENERAL DEVELOPMENT  
STANDARDS**

---

**12.01 PURPOSE**

a) The Transportation and Economic Corridor Overlay District (TECO) is created pursuant to ORC Section 713.06 to further the purpose of promoting the general welfare, encouraging the efficient use of land and resources, promoting public and utility services, and encouraging innovation in the planning and building of appropriate types of retail, office, and commercial development. This Overlay encourages flexibility of design to promote and accommodate environmentally sensitive and efficient use of the land, thereby allowing for a unified development that:

- 1) Proactively concentrates new development along major corridors or at significant intersections/interchanges;
- 2) Protects the rural character along the major corridors ;
- 3) Adopts common and consistent development standards among local jurisdictions;
- 4) Preserve unique or sensitive natural resources;
- 5) Assures compatibility between proposed land uses through appropriate development controls; and
- 6) Enhances the welfare and economy of Fairfield County by making available a variety of employment opportunities, providers of goods, as well as providing a variety of housing options for the County residents.

**12.02 APPLICABILITY**

The TECO is a designation in addition to the standard Zoning District that each property within the TECO boundaries retains. The TECO provides a mechanism to review a development plan for any of the properties in the TECO to ensure substantial compliance with the TECO standards.

**Reserved for future  
use**

**12.03 PERMITTED USES**

The standard Zoning District contains all information regarding permitted and conditionally permitted uses. However, the development standards and regulations of the TECO shall apply to said properties in lieu of the underlying zoning district.

**TABLE 12.01**

<b>TECO PERMITTED USES</b>	
<b>Accessory Structure</b>	<b>Government Services, including Transportation, Water, and Wastewater</b>
<b>Advanced Manufacturing</b>	<b>Health Care Services</b>
<b>Animal Services Facilities</b>	<b>Hotels/Motels</b>
<b>Automobile Oriented Uses (including gas stations and quick lube facilities)</b>	<b>Landscape and Hardscape Businesses</b>
<b>Automobile Repair</b>	<b>Logistics (being no more than 49% of a Tracts use)</b>
<b>Bank, with Banking Window</b>	<b>Lumberyard</b>
<b>Bank, without Banking Window</b>	<b>Machine Shop</b>
<b>Bio-Technology</b>	<b>Maker Space, Large</b>
<b>Beverage Sales, Alcoholic</b>	<b>Maker Space, Small</b>
<b>Beverage Sales, Microbrewery</b>	<b>Manufacturing</b>
<b>Business, Retail Medium (With Drive Thru)</b>	<b>Mixed-Use Building</b>
<b>Business, Retail Medium With Pick Up Window (No Drive Thru)</b>	<b>Nursing Home</b>
<b>Business, Retail Medium (No Drive Thru or Pick Up Window)</b>	<b>Offices, Administration, Business Medical or Professional, Large</b>
<b>Business, Retail Small (With Drive Thru)</b>	<b>Offices, Administration, Business Medical or Professional, Small</b>
<b>Business, Retail Small With Pick Up Window (No Drive Thru)</b>	<b>Outdoor Service Facilities</b>
<b>Business, Retail Small (No Drive Thru or Pick Up Window)</b>	<b>Outdoor Seasonal Business</b>
<b>Business, Wholesale</b>	<b>Personal Services</b>
<b>Commercial Recreation Facilities, Large</b>	<b>Places of Assembly, Large</b>
<b>Commercial Recreation Facilities, Outdoor</b>	<b>Places of Assembly, Small</b>
<b>Commercial Recreation Facilities, Small</b>	<b>Research and Development</b>
<b>Community Services</b>	<b>Restaurants with Drive Thru</b>
<b>Contractor Office</b>	<b>Restaurant with Pick Up Window (No Drive Thru)</b>
<b>Data Center</b>	<b>Restaurants with No Drive Thru or Pick Up Window</b>
<b>Day Care Centers</b>	<b>Solar Energy Systems, Roof-Mounted</b>
<b>Equipment Repair, Large</b>	<b>Temporary Structures, Construction/Trailer/Office, Subject to Section 17.21</b>
<b>Equipment Repair, Small</b>	<b>Trash Service Centers</b>
<b>Flex-Office – Retail/Office</b>	<b>Wind Energy Systems</b>
<b>Food Truck/Trailers, in accordance with Section 17.08</b>	

**12.04 LOT SIZE, LOT WIDTH, SETBACK REQUIREMENTS AND DENSITY REQUIREMENTS.**

Table 12.02 – The standards outlined in Table 12.02 shall apply to all development within the TECO.

**TABLE 12.02**

Use	TECO
Minimum Tract Size	N/A
Minimum Lot Size	1 AC
Minimum Lot Width	½ the lot depth
Minimum Building and Parking Setback from Major Arterial*	100
Minimum Building Setback from Collector Road Right-of-Way Line*	60
Minimum Building Setback from Local Road Right-of-Way Line*	60
Minimum Rear Building Setback*	25**
Minimum Side Building Setback*	25**
Maximum Building Height†	60
Maximum Lot Coverage	60
Density of Residential Portion of Mixed-Use Buildings	12 DU/AC

\*Parking may encroach the Right-of-Way setback in accordance with Section 12.05.F

\*\*When a property abuts an existing structure being utilized for residential purposes, the building and parking setback shall be increased to 50 feet. This includes abutting properties within the TECO that have not yet following the TECO, are following the underlying zoning and contain an existing single-family structure.

†Mechanical and HVAC units may extend above the maximum building height by 10 feet provided such units are screened in accordance with Section #####. This applies to all uses.

## 12.05 GENERAL DEVELOPMENT STANDARDS.

The general development standards of the TECO shall apply to all new developments, redevelopments, additions, accessory structures, and major site modifications for all uses including, but not limited to, commercial, office, industrial, institutional, religious, governmental, mixed use, and multi-family residential. These general development standards ensure consistency and quality throughout the TECO and each Parcel's development.

- a) **Architectural Requirements.** Buildings in all subareas shall be designed to be seen from 360 degrees and have the same caliber of finish on all elevations. Building additions and accessory structures, whether attached or detached, shall be of similar design, materials, and construction to that of the existing or principal structure. The following standards shall also apply to structures for the following uses:

1) Industrial Uses.

- i) Building Scale. The scale of each building shall be aided through the use of articulated building elements such as recesses, offsets, canopies, or other such elements to break up the building mass. Long expanses of exterior walls and any building façade visible from a public right-of-way shall be broken up with architectural design elements, landscaping, or a combination thereof, including but not limited to access bands, texture changes, fenestrations or painted bands or patterns.
- ii) The building shall be constructed of one or more of the following materials: Pre-cast concrete, cast stone, pre-cast concrete, wall panel systems, brick, glazed brick, integrally colored, painted, or stained split face concrete masonry units or brick. No standard concrete masonry unit (cinder block) shall be permitted. EIFS may be utilized as an accent provided it is utilized at eight (8) feet above the finished grade or higher. Pre-engineered metal and pole buildings shall be prohibited.
- iii) Canopies. All exterior canopies and entrance features, including loading dock canopies, on a single building shall be a consistent color scheme.
- iv) The main building entrance shall incorporate a sufficient amount of glass curtainwall to provide an appropriate scale to the overall building. One color/finish of aluminum curtainwall or window opening framing will be permitted per building. One (1) primary exterior glass color will be permitted per building. Colored spandrel glass may be used as an accent or to conceal interior framing or ductwork. All other colored glass shall be prohibited.
- v) Use of Color. Earth tones, muted hues, and natural tones are permitted as a structure's base color. Brighter hues are permitted only as an accent feature on building elements such as awnings, doors and trim.

A mixed color palette on a single building should be carefully selected so all colors harmonize with each other.

- vi) Roofs. Flat roofs are permitted and shall be designed and constructed with positive drainage to prevent water ponding and to shed water in a reasonable time. The slope shall be the minimum recommended by the manufacturer of the proposed roofing systems to achieve proper drainage.
- vii) Overhead doors and seals. All overhead doors within a building shall be a single color. No exterior graphics will be permitted on the exterior face of the overhead doors. All dock seals shall be black.
- viii) For buildings with Drive-Thrus: A drive thru, if deemed appropriate for the site, shall be designed as an integral part of the structure it serves. Features incorporated with a drive thru including, but not limited to, canopies, awning, and support posts shall match the materials and color scheme of the building they are serving. Drive-thru features shall not have any pickup windows, ordering areas, signage, or other related items located on the front elevation of a building or located between the building and a street right-of-way.

2) Commercial, Mixed Use Buildings and Multi-Family Uses.

- i) Blank walls shall not be permitted. There shall be a minimum of three (3) design elements for every 100 feet of elevation width for an elevation facing a public Right of Way and a minimum of two (2) design elements for every hundred (100) feet of elevation for each side and rear elevation that does not front on a public right-of-way. Typical design elements are as follows:
  - A) A door of at least twenty-eight (28) square feet in area with an awning, window, faux window or other feature subject to approval by the Planning Commission, as applicable;
  - B) A window of at least six (6) square feet in area. Windows closer than ten (10) feet shall be considered as one (1) element. A set of adjacent windows, such as double or bay windows, shall be considered one element;
  - C) Portico;
  - D) Dormers;
  - E) Projecting canopy;
  - F) Masonry water table;
  - G) Trellis containing plantings;
  - H) A gabled vent of at least four (4) square feet in area;
  - I) Patio, deck, or similar feature; or



- J) A similar significant permanent architectural feature consistent with the style of the building upon approval of the Planning Commission as applicable.
- ii) All elevations shall have similar style, materials, colors, and details.
- iii) Façade Appearance. A building frontage that exceeds a width of fifty (50) feet shall incorporate sectioning and offset of the wall plane to inhibit a large expanse of blank wall and add interest to the façade. Such offsets may be met through using bay windows, porches, porticos, building extensions, gables, dormers, or other architectural treatments.
- iv) Materials. All exterior elevations shall be comprised of eighty (80) percent of wood, fiber cement, and native or cultured stone. Foundations must be clad with the same natural material utilized on the building to blend with the overall architecture of the structure. Exposed cement block or split face block foundations shall be prohibited. Brick or other natural materials may be utilized as an accent material provided it does not exceed twenty (20) percent of the gross exterior building wall square footage. Vinyl and/or aluminum shall be prohibited except when used for trim details such as downspouts, soffits, gutters and shutters. The use of black, gold, green, silver, opaque or any other reflective or colored glass on a building is prohibited. Frosted glass may be permitted in some cases, subject to review and recommendation of the Architectural Review Board with final approval of the Planning Commission.
- v) Accent Materials. Fiber cement, E.I.F.S., and like materials may be used as accents provided the total square footage of accent material does not exceed twenty (20) percent of the gross exterior building wall square footage. Other natural materials may also be incorporated into the building's exterior design. Vinyl and/or aluminum shall be prohibited except when used for trim details such as downspouts, soffits, gutters, and shutters.
- vi) Roofing. All single-story buildings shall have a minimum 4:12 pitched roof. Multi-story buildings may be permitted to have flat roofs. When



pitched roofs are utilized, they shall be constructed of dimensional shingles, standing seam metal, slate, or simulated slate.

- vii) **In-Line Retail Exemption.** Side or rear elevations of an in-line retail development may be exempt from the building design standards of the TECO if such elevations are not visible to customer traffic, a public right-of-way, or if a future phase of the in-line retail development is forthcoming adjacent to the elevation. Such exempt elevations shall use materials complimentary to the primary elevation and be screened by landscaping, mounding fencing, or a combination thereof, as deemed appropriate.
- viii) **For buildings with Drive-Thrus.** A drive thru, if deemed appropriate for the site, shall be designed as an integral part of the structure it serves. Features incorporated with a drive thru including, but not limited to, canopies, awning, and support posts shall match the materials and color scheme of the building they are serving. Drive thru features shall not have any pickup windows, ordering areas, signage, or other related items located on the front elevation of a building or located between the building and a street right-of-way.

b) **Landscaping: Buffering, Landscaping, Open Space and Screening.**

- 1) The following Requirements Apply to All Subareas:
  - i) Grass (seed or sod), shrubs, trees, garden planting areas or other appropriate landscaping materials shall be planted in all exterior areas. Other groundcover such as ivy, may be planted in exterior areas which are not occupied by required landscaping material or required for drainage.
  - ii) All trees required by these TECO Development Standards, Example: Street Trees or other applicable standard, shall meet the following minimum tree sizes at the time of planting:
    - A) Deciduous Tree: two (2)-inch caliper
    - B) Coniferous Tree: five (5)-feet in height
    - C) Shrubs and Hedges: Three (3)-feet in height
  - iii) The following types of trees shall be prohibited:
    - A) Callery Pear (*Pryus calleryana* – any cultivar)
    - B) Tree of Heaven/Ailanthus – (*Ailanthus altissima*)
    - C) White Mulberry – (*Morus alba*)
    - D) Russian Olive – (*Elaeagnus angustifolia*)
    - E) Autumn Olive – (*Elaeagnus umbellate*)
  - iv) All plants shall meet or exceed American Standards for nursery stock as set forth by the American Association of Nurserymen.



- v) All trees and landscaping shall be well maintained. Dead trees, shrubs and other landscaping material shall be promptly removed and, when required, shall be replaced within six (6) months.
  - vi) Tree Preservation. Reasonable and good faith efforts will be made to preserve existing trees. Consideration shall be given to laying out service roads, lots, structures, and parking areas to avoid the unnecessary destruction of wooded areas and individual trees. Additionally, standard tree preservation practices must be used to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.
- 2) In addition to the above standards, the following regulations shall apply:
- i) Parking Lot Screening. Any surface parking areas adjacent to an existing or planned public right-of-way shall be screened from the respective right-of-way with a minimum of a thirty-six (36)-inch continuous planting hedge and tree combination. The height shall be measured from the adjacent parking area.
  - ii) Parking Island Landscaping. All parking islands required in Section 12.04 shall have a minimum of one shade tree with a minimum of two (2) inches in caliper and include a minimum of fifty (50) square feet of other plant material. The remaining area of the landscaped island shall be covered with stone or planted with grass. The use of mulch shall be prohibited within the landscaped islands.
  - iii) Right-of-Way – Setback Landscape Zone. Throughout the Setback area along an existing or planned public Right-of-Way, there shall be a landscape zone that complies with the following:
    - A) Arterial Road shall:
      - I) Minimum of forty (40) feet in depth; and
      - II) Three (3) foot mound; and
      - III) A cluster of the following trees at 100-foot intervals for the entire frontage that includes a minimum of three (3) coniferous trees and two (2) deciduous trees.
    - B) Collector and Local Road Setback Landscape Zones shall be a minimum of ten (10) feet in depth and contain deciduous trees every thirty (30) feet for the entire frontage.
  - iv) Screening Between Uses. When a proposed use abuts an existing one-unit dwelling, a continuous planting hedge and tree combination to provide screening between non-residential and residential uses shall be installed. The required planting hedge and tree combination shall be a minimum of five (5) feet in height at the time of installation. Mounding may be used to achieve the required height and fencing may be incorporated to provide additional screening. Mounding and fencing can only be utilized in addition to and not in lieu of the planting hedge and tree combination.



- 3) Mechanical Equipment, Service Areas, Trash Containers, Loading Zones.
- i) Mechanical Equipment. All external mechanical equipment shall be screened from adjacent existing or planned public rights-of-way with materials that are similar to or the same as those used on the adjacent building façade, or with landscaping. This requirement shall include rooftop equipment and ground mounted mechanical equipment.
  - ii) Service Areas, Production areas, Service areas, Storage Areas, Trash Containers, and Loading Zones. Production areas, service areas, storage areas, trash containers and loading zones shall be located at the rear or the side of the building, except however, these areas are prohibited along a side of a building facing an existing or proposed single-family residential use. These areas shall be effectively screened from all adjacent property lines, existing or planned public rights-of-way and private streets.
  - iii) Production areas, service areas, and loading zones: Screening of such areas shall consist of either landscaping or walls accented with landscaping materials. Screening consisting of walls shall utilize the same or similar materials as those used on the principals building.
  - iv) Trash containers and storage areas: Trash containers and storage areas shall be screened on three sides with a solid wall or fence that is a minimum of one foot taller than the trash container or the material within the storage area to be screened. Said wall or fence must be constructed with the same or similar materials as those used on the principal building and must be accented with landscaping. So that the trash container or storage area can be accessed, a solid, decorative

gate of the same height as the wall/fence shall be utilized as screening on the fourth side of said trash container or storage area.

- v) The use of green infrastructure is encouraged where applicable and may include the use of pervious pavements, green roofs, or rain gardens as approved by the Council.
- c) **Parking.** Parking lot areas shall be designed and constructed to minimize the visual impact of the parking area, minimize production of excess heat, and prohibit any adverse effects on drainage. Appropriately sized landscaped areas shall be provided within each parking lot area allowing for a variety of shade trees to be planted. In order to accomplish these goals, all off-street parking lot areas shall be designed and constructed using the “Parking Bay” concept, which consists of parking spaces grouped together, with each Parking Bay separated by landscaped tree islands as further defined in the following sections.
- 1) **Parking Lot Location.** All parking lots shall be located behind or to the side of the principal building, except as otherwise provided for herein.
    - i) Parking lots, when possible, should be located to the side or rear of the principal building. In all subareas, except in Subarea B, parking may encroach a right-of-way setback line, but in no case shall parking be less than twenty (20) feet from the road right-of-way line. No parking shall be permitted in the required 200 foot minimum setback along US-33.
    - ii) Parking lots may encroach into a required internal Side or Rear Setback but in no case shall the parking be closer than five (5) feet to internal lot lines, except in cases where the **Village Council** determines that parking lots need to straddle internal lot lines in order to comply with the connectivity requirements of Section 12.05(e). In such cases, appropriate cross access easements must be established. In no case, shall a parking lot be permitted closer than 100 feet from a Side or Rear Lot Line, if such lot line abuts an existing or proposed single family residential use.
    - iii) Parking lots and garages are encouraged to be located underneath buildings to mitigate floodplain disturbance and flooding events.
  - 2) **Parking Bays.** No Parking Bay shall contain more than twenty-four (24) parking spaces, with a maximum of twelve (12) spaces in a single row in Subarea B. In Subarea A, no Parking Bay shall contain more than forty-eight (48) parking spaces, with a maximum of twenty-four (24) spaces in a single row.
    - i) **Parking Lot Islands.** Each landscape island in a single loaded parking stall design shall have a minimum area of 162 square feet with a minimum width of nine (9) feet. Each landscape island in a double

loaded parking stall design shall have a minimum of 324 square feet with a minimum width of nine (9) feet.

- ii) Parking Lot Screening. All parking lots shall be screened in accordance with Section 14.09.
- iii) Number of Parking Spaces. Every Development Plan within the TECO shall include a detailed Parking and Loading Space Plan, which shall comply with these general requirements as well as any specific parking requirements within the applicable subarea standards. Due to the unique nature of the TECO, parking requirements for all development within the TECO are being established to encourage efficient use of parking areas by establishing a maximum number of spaces required and permitting sensible shared parking to reduce Impervious Surfaces and increase green space. The Total Number of Required Parking Spaces shall be calculated for each separate use within the proposed Development Plan. In no case shall the total number of parking spaces for a particular use be less than the Minimum nor more than the Maximum Number of Required Parking Spaces for said use based upon the below chart. When calculating the required number of spaces, fractional numbers shall be increased to the next whole number.

**TABLE 12.03 - PARKING**

<b>USE</b>	<b>MINIMUM NUMBER OF REQUIRED PARKING SPACES</b>	<b>MAXIMUM NUMBER OF REQUIRED PARKING SPACES</b>
<b>General Retail - Personal Services</b>	1 space per 265 square feet	1 space per 225 square feet
<b>Restaurants, Bars, Coffee, and Ice Cream Shops</b>	1 space per 100 square feet	1 space per 75 square feet
<b>Library</b>	1 space per 250 square feet	1 space per 200 square feet
<b>Movie Theater</b>	.25 spaces per seat	.3 spaces per seat
<b>Hospital/Nursing Home/Hospice</b>	1 space for every bed plus 1 space for each employee on largest shift	1 space for every bed, 4 spaces for every 1,000 square feet of inpatient treatment area, and 5 parking spaces for every 1,000 square feet of outpatient treatment area
<b>Professional Offices - Open Floor Plan</b>	1 space per square 175 feet	1 space per 150 square feet
<b>Professional Offices - Traditional Floor Plan</b>	1 space per 300 square feet	1 space per 250 square feet
<b>Medical Office</b>	1 per 225 square feet	1 space per 200 square feet
<b>Flex/Advanced Manufacturing</b>	2 spaces per 1,000 square feet	2.5 spaces per 1,000 square feet
<b>Warehouses</b>	1 space per employee on largest shift	1.5 space per employee on largest shift plus 1 space per vehicle stored on site
<b>Daycare</b>	1 space for every 7 children and 1 space for each employee on the largest shift	1 space for every 5 children and 1 space for each employee on the largest shift

USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES	MAXIMUM NUMBER OF REQUIRED PARKING SPACES
<b>Assisted Living Facilities</b>	1 space for every 2.5 Dwelling Units plus 1 space for every 2 employees	1 space for 2 Dwelling Units plus 1 space for every 2 employees on largest shift
<b>Independent Senior Living Facilities</b>	.85 spaces per Dwelling Unit	1 space per Dwelling Unit
<b>Mixed Use Buildings</b>	1 Space per Dwelling Unit	3 spaces per Dwelling Unit
<b>Recreational Uses</b>		
<b>Mini-Golf, Batting Cage</b>	1 per tee or cage	1.5 per tee or cage
<b>Bowling Alley</b>	3 per lane	4 per lane
<b>Recreation/Fitness Centers</b>	7 spaces per 1,000 square feet	8 spaces per 1,000 square feet
<b>Outdoor recreation fields</b>	50 per field	75 per field
<b>Ice or Skating Rink</b>	1 per 200 square feet	1 per 150 square feet

\*utilize gross square footage whenever there is a reference to square feet

- iv) Handicap accessible parking spaces shall be provided in accordance with the American with Disability Act requirements.
- v) All parking spaces shall be a minimum of nine (9) feet in width and eighteen (18) feet in length measured rectangularly and shall be served by aiseways of a minimum of twenty-four (24) feet in width to permit easy and smooth access to all spaces.
- vi) All common areas and adjacent driveways shall be paved with asphalt material or cement and parking spaces shall be striped. Green or pervious pavers/pavement may be approved by the Planning Commission provided they meet the requirements of the Fire

Department and mechanisms for long term maintenance are provided. The use of gravel for parking lots shall be prohibited.

- vii) **Mixed-Use Development Parking.** When a mix of uses creates staggered peak periods of parking (see Table 12.04) the total parking requirements for the uses in a Development Plan may be reduced up to fifteen (15) percent below the Total Minimum Parking Requirements for all uses, provided a shared Parking Plan is approved by the Village **Council** during Development Plan approval. The shared parking plan must be based upon the number of originally required spaces for differed uses or facilities sharing the same parking area and documentation that the required parking needed for different uses at different days and times generally based upon Table 12.04. Parking spaces included in the shared parking plan must be distributed in a manner that provides parking spaces within a reasonable distance from all proposed uses as determined by the **Village Council** during Development Plan approval. Shared parking must remain under common ownership providing access to all users of the shared parking. If common ownership is not proposed, the Planning Commission may require documentation of shared access agreements to be provided.

**TABLE 12.04 – PEAK PARKING PERIODS**

Weekday Peaks	Evening Peaks	Weekend Peaks
Banks	Bars	Retails Uses
Professional Offices	Ice Cream Shops	Movie Theaters
Medical Offices	Restaurants	
Library	Movie Theaters	
Daycare		
Coffee Shops		

- viii) **Loading Spaces.**
  - A) All loading spaces must be located to the side or rear of the principal structure and screened in accordance with Section 16.08 and are prohibited within any Right-of-Way Setback.
  - B) A loading space shall consist of a rectangular area adequate for loading and unloading and be accessible from a maneuvering area.
  - C) All loading spaces and maneuvering areas shall be located on the same Lot as the use they are intended to serve.
  - D) A required loading space shall have a clearance height of not less than fifteen (15) feet and shall have minimum dimensions

of not less than twelve (12) feet in width and fifty (50) feet in length, exclusive of any driveway, aisle, or other circulation area.

- E) The number of off-street loading spaces required for various types of uses shall be no less than as set forth in the following:
- F) Each use in this subarea shall provide loading spaces based on gross floor area as follows:
  - I) Under 10,000 square feet = None.
  - II) 10,000 square feet or more but less than 75,000 square feet = One space.
  - III) 75,000 square feet or more but less than 150,000 square feet = Two spaces.
  - IV) 150,000 square feet or more but less than 300,000 square feet = Three spaces
  - V) Over 300,000 square feet = One space for each 100,000 square feet or portion thereof.
  - VI) The loading space requirements for buildings with multiple uses or tenants shall be determined based on the aggregate total of gross floor area of all uses or tenants.

d) **Drive-Thru Stacking Requirements.**

- 1) Developments providing an order and drive through service, pick up window, or other automobile-oriented use on the site shall be designed so that vehicles do not interfere with the parking and movement of other vehicles. Stacking lanes shall be provided to achieve this in accordance with the Stacking Requirements table below.

**TABLE 12.05 – DRIVE THRU STACKING**

Activity	Minimum Stacking Spaces (per lane)	Measured From and Including
Banks and ATMs	3	Teller/Window or ATM machine
Restaurant, Coffee Shop, or other similar use	8	First pick up window
Full Service Car Wash*	20	Entrance of tunnel
Self Service – Automated Car Wash	4	Washing Bay
Fuel/Gasoline Pump Island	1 (at each end of the outermost gas pump island)	Pump Island

2) Design and Layout:

- i) Pump spaces can count toward the stacking space requirement.
- ii) Stacking spaces shall be a minimum of nine (9) feet by twenty (20) feet in size.
- iii) Stacking spaces may not impede on- or off-site traffic movements or movements in or out of off-street parking spaces. There shall be a separate drive aisle allowing ingress and egress of vehicles that are not waiting in the drive thru lanes.
- iv) Stacking spaces shall be separated from other internal driveways by surface markings or raised medians.
- v) These stacking space requirements shall be in addition to the off-street parking space requirements.
- vi) When adjacent to residential uses, stacking spaces shall be required to be located on sides of the lot opposite the adjacent residential use.

e) Access, Connectivity, and Visibility.

- 1) All access points shall be limited to those locations approved by the permitting authority (state, county, or Village as applicable).
- 2) Visibility at intersections shall comply with Section 16.23 of this Code.
- 3) The internal circulation of a parking area shall comply with the Section 15.08(d) of this Code.
- 4) The overall design within the Development Plan must provide for vehicular connectivity between properties within the Development Plan as well as future connections to adjacent properties outside of the Development Plan boundaries. This requirement could be achieved through access roads (at the rear of the property or running parallel to an existing/proposed public road) and/or through the use of cross access easements between parking lots. The **Village Council** may rely upon recommendations from the Village’s Engineer to determine that the proposed method for providing connectivity is the most suitable in each particular development.
- 5) If access roads are utilized to comply with this connectivity requirement, there shall be a minimum distance of 200 feet between intersections, or otherwise approved by the Village’s Engineer.
- 6) Multi-Use Path and Sidewalks. All Collector and Local Roads in all subareas shall have a ten (10)-foot multi use path along each side of the road (within a fifteen (15)-foot MUP easement). All local roads shall have a five (5)-foot sidewalk on both sides of the road within a ten (10)-sidewalk easement which

must be located outside of the right-of-way. Curb ramps and crosswalks shall be installed per the American Disability Act requirements. Multi-use paths and sidewalks shall be constructed immediately outside the road right-of-way within a fifteen (15)-foot MUP easement, or ten (10)-foot sidewalk easement designated for such public use.

- 7) Sidewalks shall connect to the building entrances and to existing sidewalks on adjacent abutting Tracts and to nearby pedestrian destination points including any transit stops.
- f) **Lighting.**
- 1) All Exterior Lighting shall comply with these standards unless specifically exempted.
  - 2) **Exemptions:**
    - i) All exterior lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps are exempt from the requirements of this section.
    - ii) Holiday lighting shall be exempt from the requirements of this section.
    - iii) All temporary emergency lighting needed by the police, fire department, other emergency service vehicles, and public service vehicles, as well as all vehicular luminaries, shall be exempt from the requirements of this section including flashing or blinking lights.
    - iv) Street lights shall be exempt from the provisions of this section.
  - 3) **Prohibited Lighting.** Search lights, beacons, laser source lights, or any similar high-intensity or flashing lights are prohibited, except in emergencies by police and/or fire department personnel.
  - 4) **Types of Fixtures:** All light fixtures shall be full cut-off type fixtures except for decorative light fixtures.
  - 5) **Fixture Height:**
    - i) The fixture height in parking lots shall not exceed twenty (20) feet.
    - ii) Lighting located under canopies shall be flush mounted or recessed within the canopy.
    - iii) Fixture height shall be measured from the finished grade to the topmost point of the fixture.
  - 6) **Kelvin Levels.** The color temperature for each light shall not exceed 4,000K.
  - 7) Exterior lighting shall be designed and located to have the following maximum illumination levels. The levels shall be measured at the finished grade at the Lot Line as demonstrated by a lighting plan:
    - i) The maximum illumination at a Lot Line that abuts a lot zoned for single family or multi-family uses shall be 0.3 foot-candles.
    - ii) The maximum illumination at a Lot Line that abuts any other use shall be one (1) foot-candles.
    - iii) The maximum illumination at a Lot Line for properties used for outdoor sports and recreation shall be reviewed for compliance regarding the intent of these guidelines to minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way.
    - iv) The illumination across any property shall be designed to not create excessively dark spots that may create safety issues.
- g) **Signs.** All signs in the TECO shall comply with the requirements of Chapter 14 – Signs of Village’s Zoning Code.
- h) **Utilities, Water and Drainage.**
- 1) All developments shall be served by central water and sewer systems.
  - 2) Dry detention basins are prohibited in all subareas.
  - 3) All stormwater basins shall be wet basins and aeration devices may be required. Bioretention basins, or rain gardens, may be used only when

- 4) approved by Village Council.
- 4) All stormwater requirements must also comply with the Ohio Department of Natural Resources Rainwater and Land Development Handbook, the Village Subdivision Regulations, and any applicable requirements of Village’s Engineer.
- 5) A comprehensive regional stormwater plan for each sub area is encouraged.
- i) **Accessory Structures.**
  - 1) In all Subareas, Accessory Structures for all uses, except for those on individual lots or parcels shall be identified on and constructed in accordance with an approved Development Plan.
  - 2) Accessory Structures must comply with the architectural requirements in Section 12.05(a) and all setback requirements in this overlay. All Accessory Structures shall be located behind the front plane of the Principal Building. Sheds in all zoning districts that are 100 square feet or less are exempt from these requirements.

**TABLE 12.06 - ACCESSORY STRUCTURE REQUIREMENTS**

Maximum Height (Feet)	25
Total Maximum Square Footage of Accessory Structures	10 percent of the Lot Size
Minimum Distance from Principal Building or any other Accessory Structure (Feet)	40
Minimum Setback from Rear and Side Lot Line (Feet)	40 (Commercial Use)

- j) **Fences.** Fences shall be permitted if they comply with the following regulations:
  - 1) **Industrial Uses.** The following types of Fences are permitted provided they are located behind the front building line, outside of the right-of-way and do not exceed eight (8) feet in height:
    - i) Chain Link provided they are painted black or have a black vinyl coating; and
    - ii) Privacy Fences.
  - 2) **All Uses (Except Industrial).** The following types of fences are permitted provided they are less than four (4) feet in height and located behind the front façade of a single-family structure.
    - i) Brick or stone walls;
    - ii) Wrought Iron;
    - iii) Brick or stone columns with wrought iron fence in between
    - iv) Accent Fence; and
    - v) Chain Link provided they are painted black or have a black vinyl coating.

- 3) The following fences are permitted only when providing the required screening per Section 12.05(b)2(iv) and they do not exceed five (5) feet in height:
  - i) Privacy Fences.
- 4) The following materials are considered non-suitable materials and are prohibited for all fences in all districts:
  - i) Barbed wire;
  - ii) Electrically charged wire;
  - iii) Temporary snow fence (unless used temporarily when a site is actively under construction);
  - iv) Solid concrete block;
  - v) Pallets; and
  - vi) Prongs, spikes, or other sharpened edged materials.
- k) **Noise.** There shall be quiet hours between the hours of 10:00 p.m. and 6 a.m. every day of the week.

---

**CHAPTER 13  
MIXED-USE OVERLAY DISTRICT**

**13.01 PURPOSE**

**13.02 APPLICABILITY**

**13.03 PERMITTED USES**

**13.04 LOT SIZE, RESIDENTIAL DENSITY  
AND UNIT SIZE, MIXED USE  
FLOOR AREA RATIO  
REQUIREMENTS**

**13.05 GENERAL DEVELOPMENT  
STANDARDS**

---

**13.01 PURPOSE**

- a) The Mixed-Use Overlay District is created pursuant to ORC Section 713.06 to further the purpose of promoting the general welfare, encouraging the efficient use of land and resources, promoting public and utility services, and encouraging innovation in the planning and building of appropriate types of retail, office, and commercial development. This Overlay encourages flexibility of design to promote and accommodate environmentally sensitive and efficient use of the land, thereby allowing for a unified development that:
- 1) Encourages unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district yet are imaginative in architectural design and are consistent with the Village's Comprehensive Plan;
  - 2) Preserves unique or sensitive natural resources by integrating open space within developments.
  - 3) Plans the appropriate amount of infrastructure, including paved surfaces and utility easements necessary for development.
  - 4) Reduces erosion and sedimentation by minimizing land disturbance.
  - 5) Provides an opportunity for an appropriate mix of uses.
  - 6) Enables an extensive review of design characteristics to ensure that projects are properly integrated into surroundings and are compatible with adjacent development.
  - 7) Assures compatibility between proposed land uses through appropriate development controls.
  - 8) Preserves the streetscape along the roadways, maintaining the character and promoting safe pedestrian movement.
  - 9) Enhances the welfare and economy of the Village by making available a variety of employment opportunities, providers of goods and services, as well as providing a variety of housing options for the Village's residents.

### **13.02 APPLICABILITY**

The Mixed-Use Overlay is a designation in addition to the standard Zoning District that each property within the Mixed-Use Overlay boundaries retains. The Mixed-Use Overlay provides a mechanism to review a development plan for any of the properties in the Mixed-Use Overlay to ensure substantial compliance with the Mixed-Use Overlay standards. The Village should use the ##### the underlying district.

### **13.03 PERMITTED USES.**

The standard Zoning District contains all information regarding permitted and conditionally permitted uses. However, the development standards and regulations of the Mixed-Use Overlay shall apply to said properties in lieu of the underlying zoning district.

*This Area Intentionally Left Blank*

**TABLE 13.01**

<b>MIXED-USE OVERLAY DISTRICT PERMITTED USES</b>		
<b>Accessory Dwelling Unit</b>	<b>Dwelling, Single-Family</b>	<b>Nursery School</b>
<b>Accessory Structures</b>	<b>Dwelling, Row Houses, Townhomes (up to four Units per Building)</b>	<b>Nursing Home</b>
<b>Animal Service Facilities</b>	<b>Dwelling, Studio, One or Two Bedroom Units</b>	<b>Offices, Administration, Business Medical or Professional, Large</b>
<b>Assisted Living Facilities</b>	<b>Dwelling, Duplex</b>	<b>Offices, Administration, Business Medical or Professional, Small</b>
<b>Automobile Oriented Uses (including gas stations and quick lube facilities)</b>	<b>Equipment Repair, Large</b>	<b>Outdoor Service Facilities</b>
<b>Automobile Repair</b>	<b>Equipment Repair, Small</b>	<b>Outdoor Seasonal Business</b>
<b>Bank, with Banking Window</b>	<b>Flex-Office – Retail/Office</b>	<b>Park, Community or Regional</b>
<b>Bank, without Banking Window</b>	<b>Food Truck/Trailer</b>	<b>Park, Neighborhood</b>
<b>Bed and Breakfast Facilities</b>	<b>Golf Courses and Country Clubs</b>	<b>Personal Services</b>
<b>Beverage Sales, Alcoholic</b>	<b>Health Care Facilities</b>	<b>Places of Assembly, Large</b>
<b>Beverage Sales, Microbrewery</b>	<b>Home Day Care Family, Large</b>	<b>Places of Assembly, Small</b>
<b>Business, Retail Small (With Drive Thru)</b>	<b>Home Day Care Family, Small</b>	<b>Restaurants with Drive Thru</b>
<b>Business, Retail Small With Pick Up Window (No Drive Thru)</b>	<b>Home Occupation, Major</b>	<b>Restaurant with Pick Up Window (No Drive Thru)</b>
<b>Business, Retail Small (No Drive Thru or Pick Up Window)</b>	<b>Home Occupation, Minor</b>	<b>Restaurants with No Drive Thru or Pick Up Window</b>
<b>Commercial Recreation Facilities, Large</b>	<b>Hotel, Boutique</b>	<b>School, High or Technical</b>
<b>Commercial Recreation Facilities, Outdoor</b>	<b>Hotels/Motels</b>	<b>School, Post-Secondary</b>
<b>Commercial Recreation Facilities, Small</b>	<b>Machine Shop</b>	<b>School, Primary, Middle, or Intermediate</b>
<b>Community Services</b>	<b>Manufactured Home, Permanently-Sited</b>	<b>Solar Energy Systems, Roof-Mounted</b>
<b>Contractor Office</b>	<b>Maker Space, Large</b>	<b>Swimming Pool, Commercial</b>
<b>Day Care Centers</b>	<b>Maker Space, Small</b>	<b>Temporary Structures</b>

<b>Dwelling, Multi-Family (Four or more Units per Building)</b>	<b>Mixed-Use Building</b>	<b>Wind Energy Systems</b>
---	---------------------------	----------------------------

**13.04 LOT SIZE, RESIDENTIAL DENSITY AND UNIT SIZE, MIXED USE FLOOR AREA RATIO REQUIREMENTS**

- a) Minimum Tract Size per development Plan. Twenty-five (25) acres
- b) Ownership. Any land area proposed for development shall be in one ownership or shall be subject to a joint application filed by every owner of the land area proposed for development, under single direction, using one overall plan and complying with all requirements of this Chapter.
- c) Open Space. At least twenty (20) percent of the Gross Tract Acreage shall be designated as permanent open space. "Gross Tract Acreage" is defined as all of the acreage in the proposed development, including features such as wetlands and steep slopes, to be considered as open space.
  - 1) Open space locations and uses shall be identified on the Development Plan and shall be subject to the approval of the **Planning** Commission.
  - 2) Open space shall be owned, administered, and maintained as identified on the Development Plan.
  - 3) Uses of land transferred to the Village for public purposes must be approved as a part of the Development Plan and may include but are not limited to trails and active recreation.
  - 4) The decision whether to accept an applicant's offer to dedicate open space for public use shall be at the discretion of the **Council**. Open space may be maintained by a private entity. Land dedicated to public purposes may count toward the open space requirement if approved on the Development Plan.
  - 5) Funding generated through a New Community Authority or a Joint Economic Development Plan, as applicable, or similar funding mechanisms may be used to build and maintain the required open space.
- d) Residential Density and Unit Sizes.
  - 1) The maximum density of any portion of a Tract devoted to single-family or duplex dwellings shall be limited to two (2) dwelling units per gross acre.
  - 2) The maximum density of any portion of a Tract devoted to Townhome or Multi-Family Buildings shall not exceed eight (8) dwelling units per gross acre.
  - 3) The density requirements outlined in this Section do not apply to dwelling units in Multi-Use Buildings. The number of units permitted within Multi-Use Buildings shall be determined by the Floor Area Ratio requirements in Section 13.04(e).
  - 4) The overall average gross density of all types of dwelling units within a Tract shall not exceed an average of two (2) dwelling units per gross acre. Once this overall average gross density is achieved in each Tract, then no additional dwelling units shall be permitted in said Tract.
  - 5) The following minimum unit sizes shall apply to all Mixed-Use Buildings and Multi-Family Buildings:

<b>Unit Type</b>	<b>Minimum Unit Size (Sq. Ft.)</b>
Studio	600
One Bedroom	750
Two Bedroom	1,000
Three Bedroom	1,200

6) No more than thirty-five (35) percent of the multi-family units within an approved development plan shall be studio or one-bedroom units.

e) Mixed Use Buildings – Maximum Floor Area Ratio.

Mixed-Use Buildings shall have a maximum Floor Area Ratio of 0.5 Residential uses may only be permitted on the upper floors of a Mixed-Use building and each unit must be a minimum of 600 square feet.

*This Area Intentionally Left Blank*

**Example Building Uses**

**Example Site and Building Footprint**

Lot Size (Acres)	2.00
Max. Floor Area Ratio	0.50
Total Building Size Permitted (SF)	43,560
# of Floors	4
Total SF Per Floor	10,980

	Use	Number of Dwelling Units	SF
First Floor Use	Restaurant/Ice Cream/Coffee	N/A	2,178
	Retail	N/A	6,212
	Office	N/A	2,300
Upper Floors	Studio (600 SF)	11	6,600
	One Bedroom (750)	11	8,250
	Two Bedroom (1,000 SF)	11	11,000
	Three Bedrooms (1,000 SF)	9	9,000
	Hallways/Elevator/Back of House	N/A	5,920
<b>Total Square Footage</b>			<b>51,460</b>

f) General Layout Requirements.

- 1) In general, mixed-use developments are planned for areas located along Arterial or Collector Roads and around a Central Park area. Existing mixed use or multi-family zonings shall not be required to meet this general goal.
- 2) Streets shall be interconnected with other streets within the Mixed-Use subarea and shall also with the connectivity requirements in Section 13.05(e).
- 3) The use of cul-de-sacs should be minimized within the Mixed-Use subareas. When the use of a cul-de-sac is necessary, then its length shall not exceed 400 feet.

- 4) Sidewalks shall extend from the multi-use paths and/or sidewalks required in Section 13.05.H.6 to the front building entrances, parking areas, Central Green Space areas, and any other area that generates pedestrian activities.
- g) **Lot Area, Setback, Height, and Lot Coverage Requirements for Mixed Use Subareas.**

<b>Subarea B</b>	<b>Commercial – Office (including Mixed Use Buildings)</b>	<b>Townhomes</b>	<b>Multi-Family Buildings</b>	<b>Single-Family Dwellings</b>
<b>Minimum Lot Size</b>	10,000 sq. ft.	2,400 sq. ft. per dwelling unit	10,000 sq. ft. per building	7,500 sq. ft.
<b>Minimum Lot Width</b>	70 feet	24 feet per interior unit and 45 feet per end unit	100 feet	60 feet
<b>Minimum Building and Parking Setback from Arterial right-of-way line*</b>	50 feet	50 feet	50 feet	50 feet
<b>Minimum Building and Parking Setback from Collector Road future right-of-way line*</b>	40 feet	40 feet	40 feet	40 feet
<b>Minimum Building and Parking Setback from Local Road future right-of-way Line*</b>	30 feet	30 feet	30 feet	30 feet
<b>Minimum Side Setback</b>	15 feet**	12 feet**	15 feet**	5 feet
<b>Minimum Rear Setback</b>	25 feet**	25 feet**	25 feet**	25 feet
<b>Tract Boundary Setback when abutting a single-family residential area</b>	100 feet	100 feet	100 feet	N/A
<b>Maximum Lot Coverage</b>	70 percent	70 percent	70 percent	35 percent
<b>Maximum Building Height*** (Subarea B)</b>	45 feet	45 feet	45 feet	35 feet

Subarea B	Commercial – Office (including Mixed Use Buildings)	Townhomes	Multi-Family Buildings	Single-Family Dwellings
<b>Min. Distance Between Buildings on Same Lot</b>	20 feet	12 feet	20 feet	N/A
<p>* In no case, shall a parking lot encroach into the minimum setback from the right-of-way. The setback from the right-of-way should be landscaped and may include the required multi-use path or sidewalk, fences, or a development entry features or sign that meets the requirements of this Chapter.</p> <p>**Parking may encroach into a side or rear setback, but in no case shall parking be located closer than five feet from the internal lot line, except in cases where the <b>City Council</b> determines that parking lots need to straddle internal lot lines in order to comply with the connectivity requirements of Section 13.04. In such cases, appropriate cross access easements must be established.</p> <p>***Rooftop mechanical units, antennas, etc., may extend an additional 10 feet above the building.</p>				

- a) **Building Design and Materials:** The design and materials for all uses in the Mixed-Use subareas uses must comply with the requirements in Section 13.05(a).

**13.05 GENERAL DEVELOPMENT STANDARDS.**

The general development standards of the Mixed-Use Overlay District shall apply to all new developments, redevelopments, additions, accessory structures, and major site modifications for all uses including, but not limited to, commercial, office, institutional, religious, governmental, mixed use, and residential. These general development standards ensure consistency and quality throughout the Mixed-Use Overlay and each Tract’s development.

- a) **Architectural Requirements** Buildings shall be designed to be seen from 360 degrees and have the same caliber of finish on all elevations. Building additions and accessory structures, whether attached or detached, shall be of similar design, materials, and construction to that of the existing or principal structure. The following standards shall also apply to structures for the following uses:
  - 1) Commercial, Mixed Use and Multi-Unit.
    - i) Blank walls shall not be permitted. There shall be a minimum of three (3) design elements for every 100 feet of elevation width for an elevation facing a public Right of Way and a minimum of two (2) design elements for every hundred (100) feet of elevation for each side and rear elevation that does not front on a public right-of-way. Typical design elements are as follows:

- ii) A door of at least twenty-eight (28) square feet in area with an awning, window, faux window or other feature subject to approval by the Planning Commission, as applicable;
- iii) A window of at least six (6) square feet in area. Windows closer than ten (10) feet shall be considered as one (1) element. A set of adjacent windows, such as double or bay windows, shall be considered one element:
  - A) Portico;
  - B) Dormers;
  - C) Projecting canopy;
  - D) Masonry water table;
  - E) Trellis containing plantings;
  - F) A gabled vent of at least four (4) square feet in area;
  - G) Patio, deck, or similar feature; or
  - H) A similar significant permanent architectural feature consistent with the style of the building upon approval of the Planning Commission as applicable.



- iv) All elevations shall have similar style, materials, colors, and details.
- v) Façade Appearance. A building frontage that exceeds a width of 50 feet shall incorporate sectioning and offset of the wall plane to inhibit a large expanse of blank wall and add interest to the façade. Such offsets may be met through using bay windows, porches, porticos, building extensions, gables, dormers, or other architectural treatments.



- vi) Materials. All exterior elevations shall be comprised of eighty (80) percent of wood, fiber cement, and native or cultured stone. Foundations must be clad with the same natural material utilized on the building to blend with the overall architecture of the structure. Exposed cement block or split face block foundations shall be prohibited. Brick or other natural materials may be utilized as an accent material provided it does not exceed twenty (20) percent of the gross exterior building wall square footage. Vinyl and/or aluminum shall be prohibited except when used for trim details such as downspouts, soffits, gutters and shutters. The



use of black, gold, green, silver, opaque or any other reflective or colored glass on a building is prohibited. Frosted glass may be permitted in some cases, subject to review and recommendation of the Architectural Review Board with final approval of the Planning Commission.

- vii) Accent Materials. Fiber cement, E.I.F.S., and like materials may be used as accents provided the total square footage of accent material does not exceed twenty (20) percent of the gross exterior building wall square footage. Other natural materials may also be incorporated into the building's exterior design. Vinyl and/or aluminum shall be prohibited except when used for trim details such as downspouts, soffits, gutters, and shutters.
- viii) Roofing. All single-story buildings shall have a minimum 4:12 pitched roof. Multi-story buildings may be permitted to have flat roofs. When pitched roofs are utilized, they shall be constructed of dimensional shingles, standing seam metal, slate, or simulated slate.
- ix) In-Line Retail Exemption. Side or rear elevations of an in-line retail development may be exempt from the building design standards of the Mixed-Use Overlay if such elevations are not visible to customer traffic, a public right-of-way, or if a future phase of the in-line retail development is forthcoming adjacent to the elevation. Such exempt elevations shall use materials complimentary to the primary elevation and be screened by landscaping, mounding fencing, or a combination thereof, as deemed appropriate.
- x) For buildings with Drive-Thru. A drive thru, if deemed appropriate for the site, shall be designed as an integral part of the structure it serves. Features incorporated with a drive thru including, but not limited to, canopies, awning, and support posts shall match the materials and color scheme of the building they are serving. Drive thru features shall not have any pickup windows, ordering areas, signage, or other related items located on the front elevation of a building or located between the building and a street right-of-way.

e) **Landscaping: Buffering, Landscaping, Open Space and Screening.**

1) The following General Requirements apply to all development within this overlay:

i) Grass (seed or sod), shrubs, trees, garden planting areas or other appropriate landscaping materials shall be planted in all exterior areas. Other groundcover such as ivy, may be planted in exterior areas which are not occupied by required landscaping material or required for drainage.

ii) All trees required by these Development Standards or other applicable standard, shall meet the following minimum tree sizes at the time of planting:

- A) Deciduous Tree: two (2)-inch caliper
- B) Coniferous Tree: five (5)-feet in height
- C) Shrubs and Hedges: Three (3)-feet in height

iii) The following types of trees shall be prohibited:

- A) Callery Pear (*Pryus calleryana* – any cultivar)
- B) Tree of Heaven/Ailanthus – (*Ailanthus altissima*)
- C) White Mulberry – (*Morus alba*)
- D) Russian Olive – (*Elaeagnus angustifolia*)
- E) Autumn Olive – (*Elaeagnus umbellate*)

iv) All plants shall meet or exceed American Standards for nursery stock as set forth by the American Association of Nurserymen.

v) All trees and landscaping shall be well maintained. Dead trees, shrubs and other landscaping material shall be promptly removed and, when required, shall be replaced within six (6) months.

vi) Street Trees. Street trees shall be provided along all roadways containing One Unit Dwellings. One tree shall be provided for every forty (40) linear feet of frontage, or fraction thereof, along each public right-of-way. The minimum spacing between trees shall be forty (40) feet for large trees, thirty (30) feet for medium trees and twenty (20) feet for small trees. The tree location shall be at least thirty (30) feet from street intersections, twenty (20) feet from fire hydrants or utility poles, and ten (10) feet from driveways.



Example: Street Trees

vii) Tree Preservation. Reasonable and good faith efforts will be made to preserve existing trees. Consideration shall be given to laying out service roads, lots, structures, and parking areas to avoid the unnecessary destruction of wooded areas and individual trees. Additionally, standard tree preservation practices must be used to preserve and protect trees

during all phases of construction, including the installation of snow fencing at the drip line.

- 2) In addition to the above standards, the following regulations shall apply:
  - i) Parking Lot Screening. Any surface parking areas adjacent to an existing or planned public right-of-way shall be screened from the respective right-of-way with a minimum of a thirty-six (36)-inch continuous planting hedge and tree combination. The height shall be measured from the adjacent parking area.
  - ii) Parking Island Landscaping. All parking islands required in Section 13.05.2.I shall have a minimum of one shade tree with a minimum of two (2) inches in caliper and include a minimum of fifty (50) square feet of other plant material. The remaining area of the landscaped island shall be covered with stone or planted with grass. The use of mulch shall be prohibited within the landscaped islands.
  - iii) Right-of-Way – Setback Landscape Zone. Throughout the Setback area along an existing or planned public Right-of-Way, there shall be a landscape zone that complies with the following:
    - A) Arterial Road shall:
      - I) Minimum of forty (40) feet in depth; and
      - II) Three (3) foot mound; and
      - III) A cluster of the following trees at 100-foot intervals for



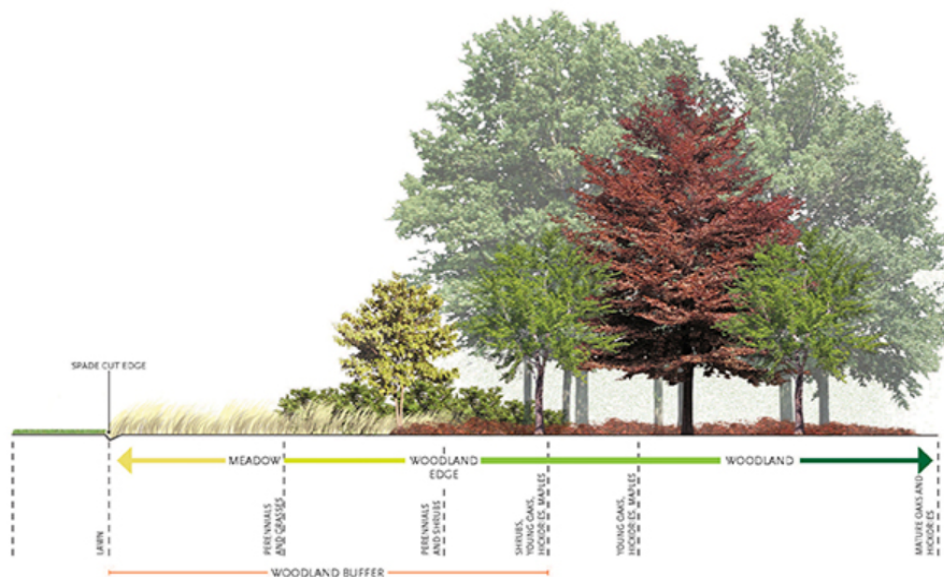
the entire frontage that includes a minimum of three (3) coniferous trees and two (2) deciduous trees.

- B) Collector and Local Road Setback Landscape Zones shall be a minimum of ten (10) feet in depth and contain deciduous trees every thirty (30) feet for the entire frontage.
  - iv) Screening Between Uses. When a mixed-use, multi-unit or commercial buildings abuts a one or two unit dwelling, a continuous planting hedge

and tree combination to provide screening between non-residential and residential uses shall be installed. The required planting hedge and tree combination shall be a minimum of five (5) feet in height at the time of installation. Mounding may be used to achieve the required height and fencing may be incorporated to provide additional screening. Mounding and fencing can only be utilized in addition to and not in lieu of the planting hedge and tree combination.

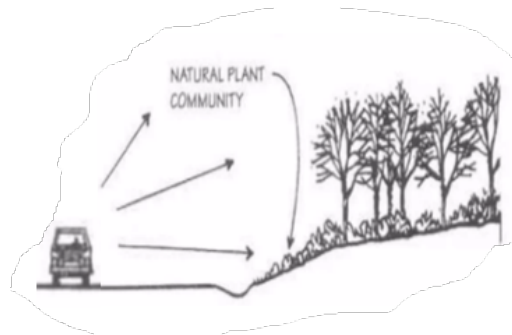
**TABLE 13.02 - WOODLAND BUFFER**

Woodland Buffer Along Major Thoroughfare			
	Min. # of trees and shrubs per 100 lineal feet of frontage or fraction thereof shall include the following:		
Minimum Buffer Width (Feet)	Min. # of Large Trees	Min. # of Small Trees	Min. # of Shrubs
40	4	10	33



- A) All trees required by these regulations, or other applicable standards, shall be live plants and meet the following minimum tree sizes at the time of planting listed in Section 14.04.

- B) Trees and shrubs listed in Section 14.05 shall be prohibited as well as any other invasive or undesirable species as listed by the list of invasive plant species regulated under ORC 901.50.
- C) Additionally, low maintenance ground covers shall be used for earth berms, when earth berms are determined as necessary along an existing roadway. Long-term self-maintaining natural plant communities can be used as low maintenance ground covers for earth berms. Berms shall be discouraged, but when necessary, shall be constructed with a three to one (3:1) slope.



- 3) Mechanical Equipment, Service Areas, Trash Containers, Loading Zones.
  - i) Mechanical Equipment. All external mechanical equipment shall be screened from adjacent existing or planned public rights-of-way with materials that are similar to or the same as those used on the adjacent building façade, or with landscaping. This requirement shall include rooftop equipment and ground mounted mechanical equipment.
  - ii) Service Areas, Production areas, Service areas, Storage Areas, Trash Containers, and Loading Zones. Production areas, service areas, storage areas, trash containers and loading zones shall be located at the rear or the side of the building, except however, these areas are prohibited along a side of a building facing an existing or proposed single-family residential use. These areas shall be effectively screened from all adjacent property lines, existing or planned public rights-of-way and private streets.
  - iii) Production areas, service areas, and loading zones: Screening of such areas shall consist of either landscaping or walls accented with landscaping materials. Screening consisting of walls shall utilize the same or similar materials as those used on the principals building.
  - iv) Trash containers and storage areas: Trash containers and storage areas shall be screened on three sides with a solid wall or fence that is a minimum of one foot taller than the trash container or the material within the storage area to be screened. Said wall or fence must be constructed with the same or similar materials as those used on the principal building and must be accented with landscaping. So that the

trash container or storage area can be accessed, a solid, decorative gate of the same height as the wall/fence shall be utilized as screening on the fourth side of said trash container or storage area.

- v) The use of green infrastructure is encouraged where applicable and may include the use of pervious pavements, green roofs, or rain gardens as approved by the Council.
- f) **Parking.** Parking lot areas shall be designed and constructed to minimize the visual impact of the parking area, minimize production of excess heat, and prohibit any adverse effects on drainage. Appropriately sized landscaped areas shall be provided within each parking lot area allowing for a variety of shade trees to be planted. In order to accomplish these goals, all off-street parking lot areas shall be designed and constructed using the “Parking Bay” concept, which consists of parking spaces grouped together, with each Parking Bay separated by landscaped tree islands as further defined in the following sections.
- 1) **Parking Lot Location.** All parking lots shall be located behind or to the side of the principal building, except as otherwise provided for herein.
    - i) Parking lots, when possible, should be located to the side or rear of the principal building. In all subareas, except in Subarea B, parking may encroach a right-of-way setback line, but in no case shall parking be less than twenty (20) feet from the road right-of-way line. No parking shall be permitted in the required 200 foot minimum setback along US-33.
    - ii) Parking lots may encroach into a required internal Side or Rear Setback but in no case shall the parking be closer than five (5) feet to internal lot lines, except in cases where the Village Council determines that parking lots need to straddle internal lot lines in order to comply with the connectivity requirements of Section 16.03. In such cases, appropriate cross access easements must be established. In no case, shall a parking lot be permitted closer than 100 feet from a Side or Rear Lot Line, if such lot line abuts an existing or proposed single family residential use.
    - iii) Parking lots and garages are encouraged to be located underneath buildings to mitigate floodplain disturbance and flooding events.
  - 2) **Parking Bays.** No Parking Bay shall contain more than forty-eight (48) parking spaces, with a maximum of twenty-four (24) spaces in a single row.
    - i) **Parking Lot Islands.** Each landscape island in a single loaded parking stall design shall have a minimum area of 162 square feet with a minimum width of nine (9) feet. Each landscape island in a double loaded parking stall design shall have a minimum of 324 square feet with a minimum width of nine (9) feet.
    - ii) **Parking Lot Screening.** All parking lots shall be screened in accordance with Section 14.09.

- iii) Number of Parking Spaces. Every Development Plan within the Mixed-Use Overlay shall include a detailed Parking and Loading Space Plan, which shall comply with these general requirements as well as any specific parking requirements within the applicable subarea standards. Due to the unique nature of the Mixed-Use Overlay, parking requirements for all development within the Mixed Use Overlay are being established to encourage efficient use of parking areas by establishing a maximum number of spaces required and permitting sensible shared parking to reduce Impervious Surfaces and increase green space. The Total Number of Required Parking Spaces shall be calculated for each separate use within the proposed Development Plan. In no case shall the total number of parking spaces for a particular use be less than the Minimum nor more than the Maximum Number of Required Parking Spaces for said use based upon the below chart. When calculating the required number of spaces, fractional numbers shall be increased to the next whole number.

*This Area Intentionally Left Blank*

**TABLE 13.03 - PARKING**

<b>USE</b>	<b>MINIMUM NUMBER OF REQUIRED PARKING SPACES</b>	<b>MAXIMUM NUMBER OF REQUIRED PARKING SPACES</b>
<b>General Retail - Personal Services – Flex Office/Retail</b>	1 space per 265 square feet	1 space per 225 square feet
<b>Restaurants, Bars, Coffee, and Ice Cream Shops</b>	1 space per 100 square feet	1 space per 75 square feet
<b>Library</b>	1 space per 250 square feet	1 space per 200 square feet
<b>Movie Theater</b>	.25 spaces per seat	.3 spaces per seat
<b>Hospital/Nursing Home/Hospice</b>	1 space for every bed plus 1 space for each employee on largest shift	1 space for every bed, 4 spaces for every 1,000 square feet of inpatient treatment area, and 5 parking spaces for every 1,000 square feet of outpatient treatment area
<b>Professional Offices - Open Floor Plan</b>	1 space per square 175 feet	1 space per 150 square feet
<b>Professional Offices - Traditional Floor Plan</b>	1 space per 300 square feet	1 space per 250 square feet

<b>USE</b>	<b>MINIMUM NUMBER OF REQUIRED PARKING SPACES</b>	<b>MAXIMUM NUMBER OF REQUIRED PARKING SPACES</b>
<b>Medical Office</b>	1 per 225 square feet	1 space per 200 square feet
<b>Daycare</b>	1 space for every 7 children and 1 space for each employee on the largest shift	1 space for every 5 children and 1 space for each employee on the largest shift
<b>Assisted Living Facilities</b>	1 space for every 2.5 Dwelling Units plus 1 space for every 2 employees	1 space for 2 Dwelling Units plus 1 space for every 2 employees on largest shift
<b>Independent Senior Living Facilities</b>	.85 spaces per Dwelling Unit	1 space per Dwelling Unit
<b>Multi-Family Dwelling Units, Townhomes</b>	1 Space per Dwelling Unit	3 spaces per Dwelling Unit
<b>Recreational Uses</b>		
<b>Mini-Golf, Batting Cage</b>	1 per tee or cage	1.5 per tee or cage
<b>Bowling Alley</b>	3 per lane	4 per lane
<b>Recreation/Fitness Centers</b>	7 spaces per 1,000 square feet	8 spaces per 1,000 square feet
<b>Outdoor recreation fields</b>	50 per field	75 per field
<b>Ice or Skating Rink</b>	1 per 200 square feet	1 per 150 square feet

\*utilize gross square footage whenever there is a reference to square feet

- iv) Handicap accessible parking spaces shall be provided in accordance with the American with Disability Act requirements.
- v) All parking spaces shall be a minimum of nine (9) feet in width and eighteen (18) feet in length measured rectangularly and shall be served by aiseways of a minimum of twenty-four (24) feet in width to permit easy and smooth access to all spaces.
- vi) All common areas and adjacent driveways shall be paved with asphalt material or cement and parking spaces shall be striped. Green or pervious pavers/pavement may be approved by the Planning Commission provided they meet the requirements of the Fire Department and mechanisms for long term maintenance are provided. The use of gravel for parking lots shall be prohibited.
- vii) **Mixed-Use Development Parking.** When a mix of uses creates staggered peak periods of parking (see Table 13.04), the total parking requirements for the uses in a Development Plan may be reduced up to fifteen (15) percent below the Total Minimum Parking Requirements for all uses, provided a shared Parking Plan is approved by the **Planning** Commission during Development Plan approval. The shared parking plan must be based upon the number of originally required spaces for differed uses or facilities sharing the same parking area and documentation that the required parking needed for different uses at different days and times generally based upon Table 13.04. Parking spaces included in the shared parking plan must be distributed in a manner that provides parking spaces within a reasonable distance from all proposed uses as determined by the **Planning** Commission during Development Plan approval. Shared parking must remain under common ownership providing access to all users of the shared parking. If common ownership is not proposed, the Planning Commission may require documentation of shared access agreements to be provided.

**TABLE 13.04 – PEAK PARKING PERIODS**

Weekday Peaks	Evening Peaks	Weekend Peaks
Banks	Bars	Retails Uses
Professional Offices	Ice Cream Shops	Movie Theaters
Medical Offices	Restaurants	
Library	Movie Theaters	
Daycare		
Coffee Shops		

viii) **Loading Spaces.**

- A) All loading spaces must be located to the side or rear of the principal structure and screened in accordance with Section 16.08 and are prohibited within any Right-of-Way Setback.
- B) A loading space shall consist of a rectangular area adequate for loading and unloading and be accessible from a maneuvering area.
- C) All loading spaces and maneuvering areas shall be located on the same Lot as the use they are intended to serve.
- D) A required loading space shall have a clearance height of not less than fifteen (15)-feet and shall have minimum dimensions of not less than twelve (12)-feet in width and fifty (50)-feet in length, exclusive of any driveway, aisle, or other circulation area.
- E) The number of off-street loading spaces required for various types of uses shall be no less than as set forth in the following:
- F) Each use shall provide loading spaces based on gross floor area as follows:
  - I) Less than 5,000 square feet = None
  - II) 5,000 square feet - 250,000 square feet = One space
  - III) Over 250,000 square feet = One (1) space for each 250,000 square feet or portion thereof.

g) **Drive-Thru Stacking Requirements.**

- 1) Developments providing an order and drive through service, pick up window, or other automobile-oriented use on the site shall be designed so that vehicles do not interfere with the parking and movement of other vehicles. Stacking lanes shall be provided to achieve this in accordance with the Stacking Requirements table below.

**TABLE 13.05 – DRIVE THRU STACKING**

<b>Activity</b>	<b>Minimum Stacking Spaces (per lane)</b>	<b>Measured From and Including</b>
Banks and ATMs	3	Teller/Window or ATM machine
Restaurant, Coffee Shop, or other similar use	8	First pick up window
Full Service Car Wash*	20	Entrance of tunnel
Self Service – Automated Car Wash	4	Washing Bay

Fuel/Gasoline Pump Island	1 (at each end of the outermost gas pump island)	Pump Island
---------------------------	--	-------------

2) **Design and Layout:**

- i) Pump spaces can count toward the stacking space requirement.
- ii) Stacking spaces shall be a minimum of nine (9)-feet by twenty (20)-feet in size.
- iii) Stacking spaces may not impede on- or off-site traffic movements or movements in or out of off-street parking spaces. There shall be a separate drive aisle allowing ingress and egress of vehicles that are not waiting in the drive thru lanes.
- iv) Stacking spaces shall be separated from other internal driveways by surface markings or raised medians.
- v) These stacking space requirements shall be in addition to the off-street parking space requirements.
- vi) When adjacent to residential uses, stacking spaces shall be required to be located on sides of the lot opposite the adjacent residential use.

h) **Access, Connectivity, and Visibility.**

- 1) All access points shall be limited to those locations approved by the permitting authority (state, county, or Village as applicable).
- 2) Visibility at intersections shall comply with Section 17.23 of this Code.
- 3) The internal circulation of a parking area shall comply with the Section 16.03 of this Code.
- 4) The overall design within the Development Plan must provide for vehicular connectivity between properties within the Development Plan as well as future connections to adjacent properties outside of the Development Plan boundaries. This requirement could be achieved through access roads (at the rear of the property or running parallel to an existing/proposed public road) and/or through the use of cross access easements between parking lots. The **Planning Commission** may rely upon recommendations from Village’s Engineer to determine that the proposed method for providing connectivity is the most suitable in each particular development.
- 5) If access roads are utilized to comply with this connectivity requirement, there shall be a minimum distance of 200 feet between intersections, or otherwise approved by Village’s Engineer.
- 6) **Multi-Use Path and Sidewalks.** All Collector and Local Roads in all subareas shall have a ten (10)-foot multi use path along each side of the road (within a fifteen (15)-foot MUP easement). All local roads shall have a five (5)-foot sidewalk on both sides of the road within a ten (10)-sidewalk easement which must be located outside of the right-of-way. Curb ramps and crosswalks shall be installed per the American Disability Act requirements. Multi-use paths and sidewalks shall be constructed immediately outside the road right-of-way

within a fifteen (15)-foot MUP easement, or ten (10)-foot sidewalk easement designated for such public use.

- 7) Sidewalks shall connect to the building entrances and to existing sidewalks on adjacent abutting Tracts and to nearby pedestrian destination points including any transit stops.
- i) **Lighting.**
  - 8) All Exterior Lighting shall comply with these standards unless specifically exempted.
  - 9) Exemptions:
    - i) All exterior lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps are exempt from the requirements of this section.
    - ii) Holiday lighting shall be exempt from the requirements of this section.
    - iii) All temporary emergency lighting needed by the police, fire department, other emergency service vehicles, and public service vehicles, as well as all vehicular luminaries, shall be exempt from the requirements of this section including flashing or blinking lights.
    - iv) Street lights shall be exempt from the provisions of this section.
  - 10) Prohibited Lighting. Search lights, beacons, laser source lights, or any similar high-intensity or flashing lights are prohibited, except in emergencies by police and/or fire department personnel.
  - 11) Types of Fixtures: All light fixtures shall be full cut-off type fixtures except for decorative light fixtures.
  - 12) Fixture Height:
    - i) The fixture height in parking lots shall not exceed twenty (20) feet.
    - ii) Lighting located under canopies shall be flush mounted or recessed within the canopy.
    - iii) Fixture height shall be measured from the finished grade to the topmost point of the fixture.
  - 13) Kelvin Levels. The color temperature for each light shall not exceed 4,000K.
  - 14) Exterior lighting shall be designed and located to have the following maximum illumination levels. The levels shall be measured at the finished grade at the Lot Line as demonstrated by a lighting plan:
    - i) The maximum illumination at a Lot Line that abuts a lot zoned for single family or multi-family uses shall be 0.3 foot-candles.
    - ii) The maximum illumination at a Lot Line that abuts any other use shall be one (1) foot-candles.
    - iii) The maximum illumination at a Lot Line for properties used for outdoor sports and recreation shall be reviewed for compliance regarding the intent of these guidelines to minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way.
    - iv) The illumination across any property shall be designed to not create excessively dark spots that may create safety issues.

- v) This subsection applies to any development that abuts a property zoned for One Unit residential purposes.
  - A) All non-essential outdoor lighting fixtures for non-residential uses, including lighting for parking areas, signs, displays and aesthetic lighting shall be turned off after business hours.
  - B) Only lighting needed for safety or security may remain lit after close of business, in which case the lighting shall be reduced to the minimum level necessary.
  - C) Automatic shut-off fixtures, auto-dimming to adjust lighting based on ambient lighting and the use of as little lighting as necessary without creating safety issues is encouraged.
- j) **Signs.** All signs in the Mixed Use Overlay shall comply with the requirements of Chapter 14 – Signs of the **Village** code.
- h) **Utilities, Water and Drainage.**
  - 1) All developments shall be served by central water and sewer systems.
  - 2) Dry detention basins are prohibited in all subareas.
  - 3) All stormwater basins shall be wet basins and aeration devices may be required. Bioretention basins, or rain gardens, may be used only when approved by the **Village Council**.
  - 4) All stormwater requirements must also comply with the Ohio Department of Natural Resources Rainwater and Land Development Handbook, the **[Fairfield County or Village’s]** Subdivision Regulations, and any applicable requirements of Village’s Engineer.
  - 5) A comprehensive regional stormwater plan for each sub area is encouraged.
- i) **Accessory Structures.**
  - 1) In all Subareas, Accessory Structures for all uses, except for those on individual lots or parcels shall be identified on and constructed in accordance with an approved Development Plan.
  - 2) Accessory Structures must comply with the architectural requirements in Section 17.01 and all setback requirements in this overlay. All Accessory Structures shall be located behind the front plane of the Principal Building. Sheds in all zoning districts that are 100 square feet or less are exempt from these requirements.

**TABLE 13.06 - ACCESSORY STRUCTURE REQUIREMENTS**

<b>Maximum Height (Feet)</b>	25
<b>Total Maximum Square Footage of Accessory Structures</b>	10 percent of the Lot Size
<b>Minimum Distance from Principal Building or any other Accessory Structure (Feet)</b>	5
<b>Minimum Setback from Rear and Side Lot Line (Feet)</b>	15 (Residential Use) 40 (Commercial Use)

- l) **Fences.** Fences shall be permitted if they comply with the following regulations:
- 1) **All Uses.** The following types of fences are permitted provided they are less than four (4) feet in height and located behind the front façade of a single-family structure.
    - i) Brick or stone walls;
    - ii) Wrought Iron;
    - iii) Brick or stone columns with wrought iron fence in between
    - iv) Accent Fence; and
    - v) Chain Link provided they are painted black or have a black vinyl coating.
  - 2) Fences may encroach in front of the front building façade provided these fences do not fully enclose an area are utilized for decorative purposes to enhance the entry to an overall development. These fences shall not interfere with sight distance. Fences are prohibited within the right-of-way.
  - 3) The following fences are permitted only when providing the required screening per Section 17.07 and they do not exceed five (5) feet in height:
    - i) Privacy Fences.
  - 4) The following types of Fences are permitted to fully enclose a patio or other similar feature immediately adjacent to a building provided they do not exceed six (6) feet in height.
    - i) Any type of Fence permitted in Section 17.07; and
    - ii) Privacy Fence.
  - 5) The following materials are considered non-suitable materials and are prohibited for all fences in all districts:
    - i) Barbed wire;
    - ii) Electrically charged wire;
    - iii) Temporary snow fence (unless used temporarily when a site is actively under construction);
    - iv) Solid concrete block;
    - v) Pallets; and
    - vi) Prongs, spikes, or other sharpened edged materials.
- m) **Home Occupations.** Home Occupations, when permitted, shall comply with the following requirements:

- 1) A Home Occupation shall be conducted entirely within a dwelling unit and shall be clearly subordinate to the use of the dwelling unit. Home occupations shall not be conducted within Accessory Structures, such as garages or sheds;
  - 2) The appearance of the dwelling unit in which a Home Occupation is conducted shall not be altered or the occupation within the dwelling shall not be conducted in a manner which would cause the premises to differ from its surrounding character either by colors, materials, construction, or lighting;
  - 3) The Home Occupation shall not generate traffic greater in volume than normal for the subarea;
  - 4) The Home Occupation shall not involve delivery trucks other than normal parcel delivery services;
  - 5) No equipment or processes shall be used in a Home Occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses on the lot. No equipment or processes shall be used which creates visual, audible, or electrical interference in any radio or television receiver or computer terminal off the premises or causes fluctuations in voltage off the premises;
  - 6) The Home Occupation shall not occupy more than twenty percent (20%) of the livable floor area of the dwelling unit; and
  - 7) No person shall operate or be employed by a Home Occupation unless the person is a resident of the dwelling unit in which the Home Occupation is conducted.
- n) **Noise.** There shall be quiet hours between the hours of 10:00 p.m. and 6 a.m. every day of the week.

**CHAPTER 14  
LANDSCAPING**

<b>14.01 PURPOSE</b>	<b>14 .09 PARKING LOT SCREENING</b>
<b>14 .02 GUIDING PRINCIPLES</b>	<b>14 .10 LANDSCAPING IN PARKING LOT ISLANDS</b>
<b>14 .03 SITES AFFECTED</b>	<b>14 .11 RIGHT-OF-WAY SETBACK LANDSCAPING</b>
<b>14 .04 MINIMUM STANDARDS</b>	<b>14 .12 BUFFER YARD REQUIREMENT</b>
<b>14 .05 PERMITTED AND PROHIBITED TREE SPECIES</b>	<b>14 .13 SCREENING OF MECHANICAL EQUIPMENT, SERVICE AREA, STORAGE AREAS, TRASH CONTAINERS, AND LOADING ZONE</b>
<b>14 .06 STREET TREES AND TREE LAWNS</b>	
<b>14 .07 INVASIVE PLANTS</b>	
<b>14 .08 PRESERVATION</b>	

**14 .01 PURPOSE**

The purpose of this Chapter is to improve the landscaping of the Village and enhance its aesthetics, thereby increasing the quality of life for residents through the principles of multifunctionality, connectivity, and identity. It is further the intent of this Chapter to promote the reasonable preservation and replacement of valued trees and landscaping, to aid in the establishing of ecological balance by contributing to air purification, oxygen regeneration, ground water recharge and stormwater runoff, and to promote public health and safety through the reduction in noise, air, and visual pollution. The purpose of these regulations is to align with the guiding principles of multifunctionality, connectivity, identity, and balancing compatibility and appropriateness through landscaping.

**14 .02 GUIDING PRINCIPALS**

- a) Three main principles: multifunctionality, connectivity (with other landscaping, land uses, and residents) and identity (with the local areas and residents).
- b) Balancing compatibility and appropriateness for landscaping projects. Zoning codes used to separate uses based on compatibility, while many codes today focus on intertwining uses, utilizing landscaping and buffers to create an appropriate mix of uses. Therefore, landscaping is vital in the proper implementation of mixed-use districts and development.
- c) Best practices for conserving water through proper irrigation methods and plant selection.
  - 1) Native plants. Preferably drought resistant and/or less water intensive.

- 2) Conserving original natural landscape to work within the landscaping if possible.
- d) Decreasing vacant lawns for native ground covers, hardscapes, or decorative gardens.
  - 1) If there is to be a larger lawn, have it to be useful for people, such as for recreation, rather than just decoration (multifunctionality principle).
- e) Include plans for maintenance and future improvements in initial landscaping proposals to demonstrate the ability to preserve the previous goals.

#### **14 .03 SITES AFFECTED**

- a) Individual One Dwelling Unit Lots Exempted. Individual One Unit Dwellings are exempt from the requirements of this Chapter following the transfer of ownership from a developer or builder to the homeowner except that One Dwelling Unit lot owners must maintain and replace street trees with trees on the approved tree list and must comply with vegetative cover requirements in Section 14.06.
- b) New Construction. No Zoning Permit shall be granted for any new construction of any building, structure or parking lot, unless the landscaping standards in this Article are met.
- c) Redeveloped Sites. Landscaping for redeveloped sites shall comply with Section 14.03. Redeveloped for purposes of this section means the expansion of more than twenty-five percent (25%) of a building or parking lot or the alteration of more than twenty-five percent (25%) of the interior of the building.
- d) Overlay District Development Sites. Landscaping for sites located within overlay districts shall comply with the respective overlay district chapter (**see, Chapter 14 – Clustered Conservation Residential Overlay District & Chapter 12 – Mixed-Use Overlay District**).

#### **14 .04 MINIMUM STANDARDS**

- a) Grass (seed or sod), shrubs, trees, garden planting areas or other appropriate landscaping materials shall be planted in all exterior areas. Other groundcover, such as ivy, may be planted in exterior areas which are not occupied by required landscaping material or required for drainage.
- b) All trees required by these regulations, or other applicable standards, shall be live plants and meet the following minimum tree sizes at the time of planting:

**TABLE 14.01**

Tree Type	Minimum Size at Time of Planting
Deciduous Trees	2-inch caliper
Coniferous	5 feet in height
Shrubs and Hedges	3 feet in height

- c) All plants shall meet or exceed American Standards for nursery stock as set forth by the American Association of Nurserymen.
- d) Artificial plant materials, except for artificial grass for recreational amenities, shall be prohibited.
- e) All trees and landscaping shall be well maintained. Dead trees, shrubs and other landscaping material shall be promptly removed and, when required, shall be replaced within six (6) months.
- f) Landscaping shall be planted in a manner so that it does not extend beyond a property line at full growth.
- g) New trees installed under power lines shall be maintained so that there is a minimum overhead clearance of thirty (30) feet.
- h) Landscaping shall be planted and kept trimmed so that it complies with the Visibility at Intersection requirements in Section 17.23.
- i) Include statement in plan to explain maintenance and future improvements in initial landscaping proposals to demonstrate the ability to continuously fulfill Section 14.04.
- j) For non-residential, new site developments, recommendation for landscaping plans to be multifunctional and to avoid large, grass lawns.

**14 .05 PERMITTED AND PROHIBITED TREE SPECIES (VILLAGES WITHOUT A TREE COMMISSION)**

The Village shall establish and adopt an Approved and Prohibited Tree Species list in this section. All trees required by this Chapter shall adhere to the then current Approved and Prohibited Tree Species list. To fulfill Section 14.05, the Zoning Code recommends that the Village primarily approve trees that are native to the area and are non-water intensive.

**14 .05 PERMITTED AND PROHIBITED TREE SPECIES (VILLAGES WITH A TREE COMMISSION)**

The Village Tree Commission shall establish and adopt an Approved and Prohibited Tree Species list. This list may be amended from time to time by the Tree Commission. All trees required by this Chapter shall adhere to the then current Approved and Prohibited Tree Species list. To fulfill Section 14.07, the Zoning Code recommends that the Tree Commission primarily approve trees that are native to the area and are non-water intensive.

#### **14.06 STREET TREES AND TREE LAWNS**

- a) In all Zoning Districts, new subdivisions with curbs, gutters, and sidewalks shall plant and maintain street trees along public roadways in compliance with the following:
- 1) The tree to be planted shall be listed on the Approved Tree Species List adopted in Section 14.05;
  - 2) One tree shall be provided for every thirty (30) linear feet of frontage, or fraction thereof, along each public right-of-way;
  - 3) The minimum spacing between trees shall be forty (40) feet for large trees, thirty (30) feet for medium trees and twenty (20) feet for small trees;
  - 4) The minimum distance between the tree and the edge of the curb shall be two and one-half (2.5) feet for a large tree, two (2) feet for a medium tree and one and one-half (1.5) feet for a small tree. In areas where a sidewalk exists or is proposed, the minimum distance between the tree trunk and both the edge of the street and the sidewalks shall be two (2) feet for a large tree, one and one-half (1.5) feet for a medium tree and one (1) foot for a small tree;
  - 5) The tree location shall be at least thirty (30) feet from street intersections, twenty (20) feet from fire hydrants or utility poles, and ten (10) feet from driveways; and
  - 6) A small tree shall be used when planting under or within ten lateral feet of overhead utility wires. A small or medium tree shall be used when planting within ten (10) to twenty (20) lateral feet of overhead utility wires.
- b) Required Tree Lawn. A minimum tree lawn shall be established for all new sites involving a new publicly dedicated right-of-way with curbs, gutters and sidewalks. The required tree lawn shall comply with the following requirements:
- 1) The tree lawn along any new roadway shall be a minimum of seven (7) feet in width; and
  - 2) No person shall reduce the width of a tree lawn without first procuring permission from the Tree Commission.

#### **14.07 INVASIVE PLANTS**

Invasive plants may not be planted (i.e., are prohibited) and must be removed from the development area. Methods to remove and control invasive plant species must be included on the development plans. A statement must also be included on the development plan that the development area will be maintained free from invasive plant species in perpetuity. For the list of invasive plant species regulated by this section, see ORC 901.50.

#### **14.08 PRESERVATION**

Reasonable and good faith efforts will be made to preserve existing trees and major vegetation terrain and to implement them within landscaping plans. Consideration shall be

given to laying out service roads, lots, structures, and parking areas to avoid the unnecessary destruction of wooded areas and individual trees. Additionally, standard preservation practices must be used to preserve and protect trees and vegetation during all phases of construction, including the installation of snow fencing at the drip line.

**14.09 PARKING LOT SCREENING**

All parking lots for New Sites shall comply with the following parking lot screening requirements:

- a) Any surface parking areas adjacent to an existing or planned public right-of-way shall be screened from the respective right-of-way with a minimum of a thirty-six (36) inch continuous planting hedge and tree combination; and
- b) The height of the required hedge or wall shall be measured from the elevation of the finished grade of the adjacent parking area.

**14.10 LANDSCAPING IN PARKING LOT ISLANDS**

All parking islands required in Section 14. 10 shall have a minimum of one shade tree with a minimum of two (2) inches in caliper and one (1) tree per ten (10) parking spaces. The remaining area of the landscaped island shall be planted with grass or covered with stone.

**14.11 RIGHT-OF-WAY SETBACK LANDSCAPING**

Right-of-way setback landscaping is required for all new sites abutting an arterial or collector road, except for those located within the # Districts. Throughout the setback area along an existing or planned public right-of-way, there shall be a minimum of four (4) trees per one hundred (100) linear feet. Trees may be deciduous, coniferous or a combination thereof. This requirement shall not apply to the areas of ingress and egress, or to existing trees which are undisturbed by the project.

**14.12 BUFFER YARD REQUIREMENTS**

The following buffer yard and screening requirements apply:

**TABLE 14.02**

				Min # of trees per 50 lineal feet** adjoining lot lines must including the following:		
District of Proposed Use	Abutting Districts	Yard	Buffer Yard Width (ft)*	# of Large Trees (a)	# of Small Trees (b)	# of Shrubs (c)

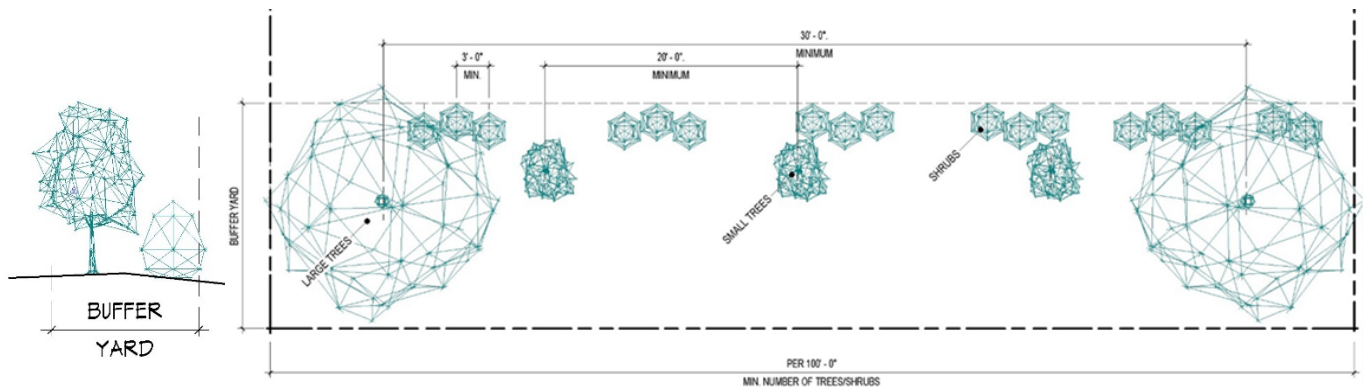
CNC	VSF; VTF; VMF; VMU	Side or rear	10	2	3	17
EC	VSF; VTF; VMF, VMU	Side or rear	20	3	5	25

Minimum Spacing Requirement:

- a) Planted 25 feet on center
- b) Planted 10 feet on center
- c) Planted 3 feet on center

\* A six-foot tall buffer fence may be utilized to take the place of shrubs. For purposes of this section, a “Buffer Fence” is a fence constructed of bricks, stone, treated wood, or other commercially produced synthetic fencing material so long as it is durable, uniform, and attractive. Opaque gates matching the type, height, etc. of the fence shall be provided for access. The use of chain link fencing or gates with mesh screening, tarps, and similar materials shall not be considered as Buffer Fences.

\*\* If adjoining lots have less than 100 lineal feet, utilize the spacing standards above to determine the number of plantings required on a prorated basis. For lots with more than 100 lineal feet, all units of 100 lineal feet must meet the buffer standard in the chart, and the fractional remainder will be determined using the minimum spacing requirements above.



**14 .13 SCREENING OF MECHANICAL EQUIPMENT, SERVICE AREA, STORAGE AREAS, TRASH CONTAINERS, AND LOADING ZONES**

- a) Mechanical Equipment. All external mechanical equipment in all Districts, except the # Districts and one (1) or two (2)-unit dwellings in the # Districts, shall be screened from adjacent existing or planned public rights-of-way or when located adjacent to a District that permits one-unit residential dwellings. Said screening shall comply with one of the following requirements:

- 1) A wall or fence that is a minimum of one (1) foot taller than the mechanical units to be screened. Said wall or fence must be constructed with the same or similar materials as those used on the principal building.
  - 2) A landscape screen that consists of evergreen trees that are a minimum of one (1) foot taller than said mechanical units at the time of installation. The evergreen trees or shrubs shall be installed in linear fashion around all sides of the mechanical unit(s) and shall have a maximum spacing of twelve (12) linear feet between each tree.
- b) Rooftop mechanicals shall be screened by a parapet wall or other similar screening mechanism that extends a minimum of one foot above said mechanical units. Service Areas, Production Areas, Storage Areas, Trash Containers, and Loading Zones. All production areas, service areas, storage areas, trash containers and loading zones for all uses in all Districts shall be located at the rear or the side of the building. They shall be effectively screened on all sides from all adjacent property lines, existing or planned public rights-of-way and private streets as follows:
- 1) Production areas, service areas, and loading zones: Screening of such areas shall consist of either landscaping or a minimum 6-foot wall accented with landscaping materials that extends the entire length of the production area, service area or loading zone. Screening consisting of walls shall utilize the same or similar materials as those used on the principal building. When landscaping is utilized in lieu of a wall, it shall consist of evergreen trees that are a minimum of six (6) in height at the time of installation and spaced a maximum of twelve (12) feet between each tree.
  - 2) Trash containers and storage areas: Trash containers and storage areas shall be screened on three sides with a solid wall or fence that is a minimum of one foot taller than the trash container or the material within the storage area to be screened. Said wall or fence must be constructed with the same or similar materials as those used on the principal building and must be accented with landscaping for the entire screening perimeter. So that the trash container or storage area can be accessed, a solid, decorative gate of the same height as the wall/fence shall be utilized as screening on the fourth side of said trash container or storage area.
  - 3) Accent landscaping, as utilized in this section, means shrubs planted no more than five feet apart and adjacent to the entire perimeter of the fence or wall utilized to screen the production area, service area, loading zone, or trash storage area as required by this section.

**CHAPTER 15  
SIGNS**

<b>15.01 PURPOSE</b>	<b>15.11 DIRECTIONAL SIGNS</b>
<b>15.02 SIGNS EXEMPT FROM OBTAINING ZONING PERMITS</b>	<b>15.12 ENTRANCE WALL SIGNS</b>
<b>15.03 REGULATIONS FOR ALL SIGNS</b>	<b>15.13 DRIVE-THRU SIGNS</b>
<b>15.04 PROHIBITED SIGNS</b>	<b>15.14 TOTAL MAXIMUM SQUARE FOOTAGE OF ALL SIGNS</b>
<b>15.05 CANOPY SIGNS</b>	<b>15.15 SIGN LIGHTING</b>
<b>15.06 GROUND SIGNS</b>	<b>15.16 TEMPORARY SIGNS</b>
<b>15.07 PROJECTING SIGNS</b>	<b>15.17 CHANGEABLE COPY AND ELECTRONIC MESSAGE DISPLAYS</b>
<b>15.08 WALL SIGNS</b>	<b>15.18 MURALS AND WALLSCAPES</b>
<b>15.09 PYLON SIGNS</b>	<b>15.19 SIGN PERMIT PROCESS</b>
<b>15.10 WINDOW SIGNS</b>	

**15.01 PURPOSE**

This Chapter identifies various types of signs and the districts in which each type of sign would be suitable. This Chapter also establishes time, place, and manner standards to help appropriately integrate the signs into the intended design and character of each District. It is further the intent of this Chapter to prevent signs from becoming a distraction or obstruction to the safe and efficient flow of pedestrian and vehicular traffic and to prevent signs from having an adverse impact on adjacent properties or uses to help promote the health, safety, and welfare of the residents, drivers, and pedestrians of the Village.

**15.02 SIGNS EXEMPT FROM OBTAINING ZONING PERMITS**

Unless otherwise exempted below, a Zoning Permit shall be obtained prior to erecting any sign in any district. The following types of signs are exempt from obtaining a Zoning Permit:

- a) Signs not exceeding two (2) square feet in area that are customarily associated with a residential use and are not of a commercial nature, including the address and/or the name of the occupants;
- b) Signs erected by a governmental entity for a recognized public purpose and duly authorized by any law, statute, or code. Such Signs include legal notices and traffic control devices, provided such signs carry no supplementary advertising;
- c) Signs that are on the inside of a structure or building that are designated or located to not be typically visible from outside the window. This does not include:

- 1) Signs that are not affixed to the window but can be seen from outside the window. Such signs shall be considered as Temporary Signs as defined in Chapter 2 – Definitions and shall be regulated per Section 15.15; and
  - 2) Signs that are physically affixed to or painted on to the window – such signs are considered Window Signs as defined in Chapter – Definitions, and shall be regulated per Section 15.10.
- d) Temporary Signs clearly in the nature of decorations customarily associated with a national, local, or religious holiday. Such Signs shall be of any illumination or animation provided that a safety and/or visibility hazard is not clearly created; and
- e) All signage and graphics shall be carefully coordinated with the building and architecture.

### **15.03 REGULATIONS FOR ALL SIGNS**

The following regulations apply to all Signs within the Village:

- a) No part of any Sign shall extend higher than the eave of any building, except when placed on the parapet of a building;
- b) Each building and unit, if applicable, shall have an address number that is clearly visible from the public right-of-way. Such Signs shall not require a permit; and
- c) Original Art Mural and Vintage Art Murals as defined in Chapter 2– Definitions, shall only be permitted in accordance with Section 15.17.
- d) If a sign is to be installed into the ground, the owner of the lot should consider contacting 811/Ohio Utilities Protection Service 48 hours prior to installation as a safety precaution.

### **15.04 PROHIBITED SIGNS**

The following signs are prohibited:

- a) Signs painted directly on the surface of a fence;
- b) Roof signs and roof mounted sign;
- c) Portable displays or mobile display (except sandwich board signs);
- d) Any sign painted directly on the surface of a fence;
- e) Roof signs or roof mounted signs shall be prohibited. No part of any sign shall extend higher than the eave of any building, except when placed on the parapet of a building;
- f) Any sign that resembles or is intended to resemble a traffic control device or is located in such a manner to obscure or impact the effectiveness of such traffic control device or signal, pursuant to ORC 4522.26 and per this ordinance;
- g) Any permanent or temporary sign located on a utility pole, public signpost or otherwise displayed within the public right-of-way.; and
- h) Feathered flags;
- i) Any sign that obstructs any part of a direct access doorway, exit or fire escape;
- j) Portable displays or mobile signs that are not anchored or secured to prevent collapse or unintended movement;

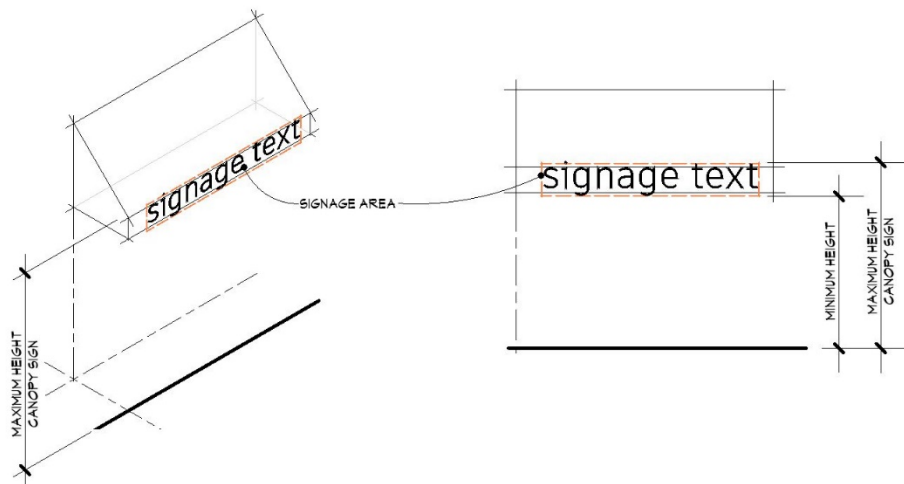
- k) Any sign located within the Sight Visibility Triangle in Section 17.23;
- l) Gas or air-filled devices, revolving or rotating signs, exposed neon signs, exposed LED signs, signs with flashing messages or bare bulbs, flashing or high intensity lights mounted on a sign, signs on backlit awnings, or signs with moving text or pictures;
- m) Off-Premises signs;
- n) Billboards

**15.05 CANOPY SIGNS**

All Canopy Signs shall comply with the following requirements:

**TABLE 15.01**

	VMU, CNC, EC	PUD
Maximum Number of Signs Per Business	1	Per Approved Development Plan
Maximum Square Footage	2 sf/lf of canopy	Per Approved Development Plan
Maximum Height (Feet)	15	Per Approved Development Plan
Minimum Height (Feet)	9	Per Approved Development Plan



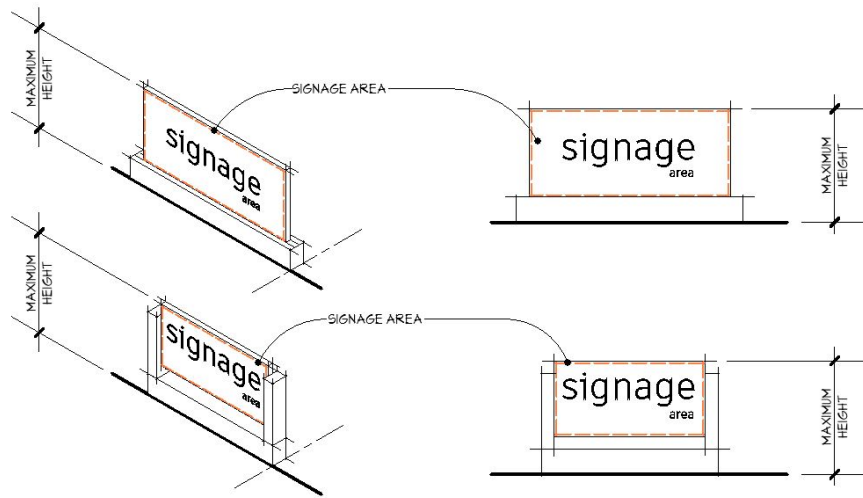
**15.06 GROUND SIGNS**

All ground signs shall comply with the following requirements:

**TABLE 15.02**

	<b>SF/TF (Conditional)</b>	<b>MF /CNC/EC</b>	<b>PUD</b>
<b>Maximum Number of Signs Permitted Per Public Road Frontage</b>	1	1	Per Approved Development Plan
<b>Maximum Square Footage</b>	12	40	Per Approved Development Plan
<b>Maximum Height (Feet)</b>	6	8	Per Approved Development Plan
<b>Minimum Distance from ROW (Feet)</b>	10	20	Per Approved Development Plan

- a) The maximum square footage in the above table is per sign face. Each sign face shall count towards the maximum size of the sign and total maximum square footage of all signs. There shall be a maximum of two (2) Sign faces per Sign.
- b) All Ground Mounted Signs shall have a solid base consistent with the primary building material and have a minimum of fifty (50) square feet of landscaping around all sides of the Ground Mounted Sign. Sign shall be affixed directly to a base having a width at least equal to that of the sign.
- c) Ground Mounted Signs shall not be permitted along alleys.
- d) Measurement of Ground Mounted Sign Area and Height:

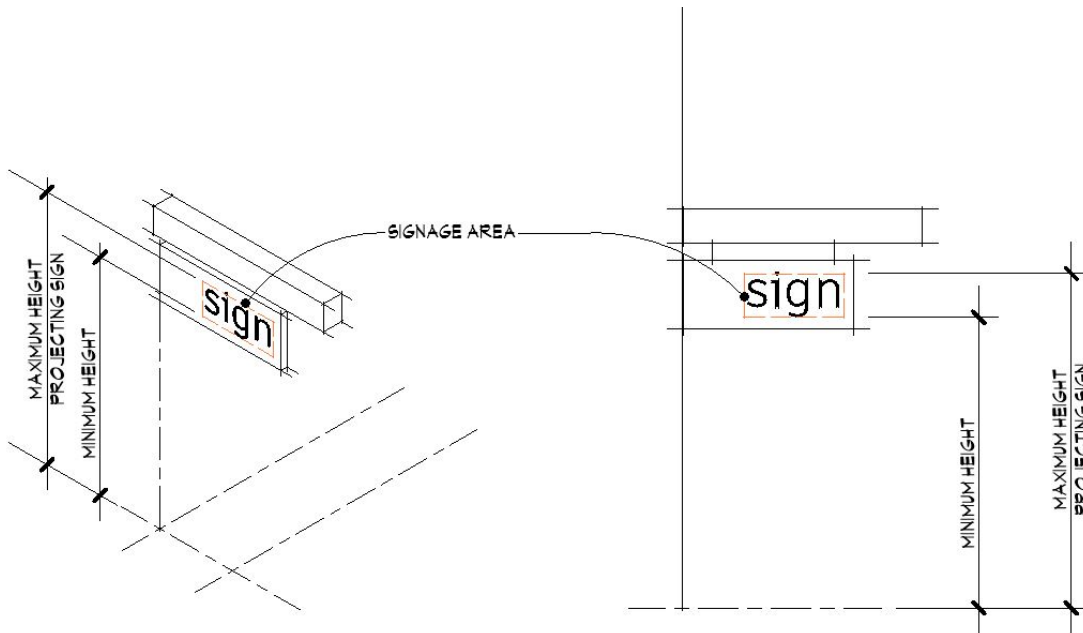


**15.07 PROJECTING SIGNS**

When permitted, such signs should be scaled with the building design and should blend with the architectural design of the building to which it is attached. Each sign face shall count to the maximum size of the sign and total maximum square footage of all signs. There shall be a maximum of two (2) Sign faces per Sign. Projecting signs are permitted as follows:

**TABLE 15.03**

	<b>VMU</b>	<b>MR</b>	<b>PUD</b>
<b>Number of Signs Per Business</b>	1	1	Per Approved Development Plan
<b>Maximum Square Footage</b>	12	24	Per Approved Development Plan
<b>Maximum Height (Feet)</b>	Height of Eave	Height of Eave	Per Approved Development Plan
<b>Minimum Height (Feet)</b>	9	9	Per Approved Development Plan
<b>Maximum Projection from Edge of Building (Feet)</b>	8	8	Per Approved Development Plan

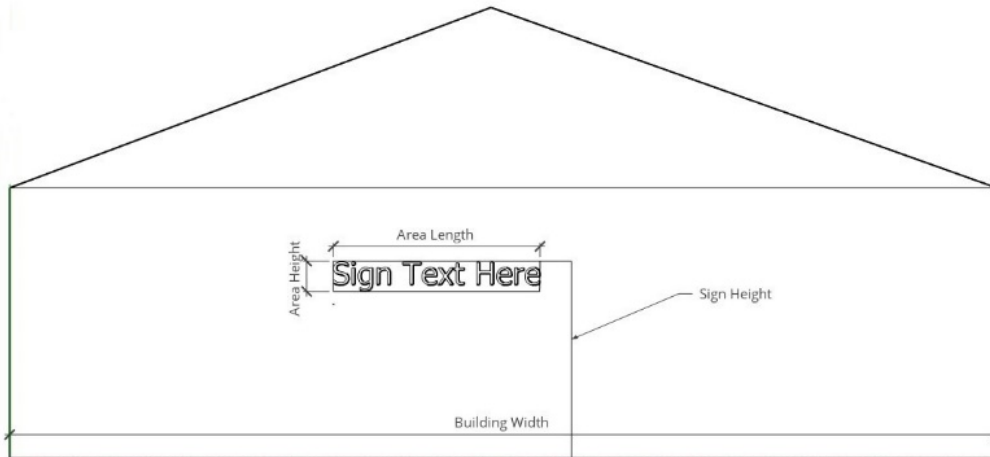


**15.08 WALL SIGNS**

All wall signs shall comply with the following requirements:

**TABLE 15.04**

	SF/TF	MF/VMU	CNC/EC	PUD
<b>Maximum Number of Signs Permitted Per Public Road Frontage</b>	1	1	1	Per Approved Development Plan
<b>Maximum Square Footage</b>	2	1 sq. ft. per 1 lienal ft. of tenant space	2 sq. ft. per 1 lienal foot of tenant space	Per Approved Development Plan
<b>Maximum Height (Feet)</b>	8	15	Height of Eave	Per Approved Development Plan



\*Fractional numbers are rounded down to the lower whole number

### 15.09 PYLON SIGNS

All pylon signs, which are only permitted in PUDS, shall comply with the following requirements:

**TABLE 15.05**

	<b>PUD</b>
<b>Maximum Number of Signs Permitted Per Public Road Frontage</b>	Per Approved Development Plan
<b>Maximum Square Footage</b>	Per Approved Development Plan
<b>Maximum Height (Feet)</b>	Per Approved Development Plan
<b>Minimum Distance from ROW (Feet)</b>	Per Approved Development Plan

### 15.10 WINDOW SIGNS

All window signs shall comply with the following requirements:

**TABLE 1190.05**

	<b>SF, TF, MF, VMU, CNC, EC</b>	<b>PUD</b>
<b>Maximum Number of Signs Permitted</b>	1 per window	Per Approved Development Plan
<b>Maximum Square Footage</b>	20 percent of window area	Per Approved Development Plan
<b>Maximum Height (Feet)</b>	15	Per Approved Development Plan

The window area shall be the total square footage of the glass within the frame (or other type of support) of the window. Each window within a recessed store front shall count as a separate window for the purpose of this section. Window signs shall not count toward the maximum total square footage for all signs.

**15.11 DIRECTIONAL SIGNS**

There may be two directional signs per access driveway connecting to a public or private street. Directional signs shall be limited to a maximum height of three (3) feet, a maximum area of six (6) square feet per side and shall be located outside of the right-of-way and on the property of the user(s) of which they are identifying the entry or exit.

**15.12 ENTRANCE WALL SIGN**

- a) One (1) sign may be placed on an entrance wall or on each parallel entrance wall as permitted in Section 15.08.
- b) Lighting for said sign(s) shall be restricted to external illumination that complies with Section 17.11. Internal illumination of said signs are prohibited.
- c) Each sign shall not extend above the height of the wall and shall not exceed the following maximum area:

**TABLE 15.06**

<b>Type</b>	<b>Max Area (sq ft)</b>
Residential Entrance Sign	15
Multi-Tenant Commercial Sign	20/25

**15.13 DRIVE THRU SIGNS**

Signs accessory and adjacent to drive-thru food and beverage establishments, car washes, and other similar uses are subject to the following standards:

- a) One large drive-thru board shall be permitted per drive thru lane. Said sign shall not exceed fifty (50) square feet, must be located a minimum of one (1) foot from and a maximum of five (5) feet from the edge of pavement of the drive through lane to which it serves and shall not exceed eight (8) feet in height.
- b) One medium drive thru board shall be permitted per drive thru lane. Said sign shall not exceed fifteen (15) square feet in area, must be located a minimum of one (1) foot and a maximum of five (5) feet from the edge of pavement of the drive through lane to which is serves and shall not exceed eight (8) feet in height.
- c) One small drive-thru sign board shall be permitted per drive through lane shall be permitted. Said sign shall not exceed two and half (2.5) square feet area, must be located on the drive thru speaker and shall not exceed five (5) feet in height.
- d) Drive thru board signs shall be permitted to have changeable copy electronic display messages may be permitted provided the graphics and/or words on the sign change no more than once per car service. Video, flashing images or effects, or moving content shall be prohibited.

**15.14 TOTAL MAXIMUM SQUARE FOOTAGE OF ALL SIGNS (CNC/EC=SUBJECT TO REVISION TO SUIT THE NEEDS OF THE VILLAGE)**

**TABLE 15.07**

	<b>Total Maximum Square Footage for All Signs</b>
<b>VMU</b>	150 for internal lots 250 for corner or double frontage lots
<b>CNC/EC</b>	400 for internal lots 500 for corner lots or double frontage lots
<b>PUD</b>	Per Approved Development Plan

**15.15 SIGN LIGHTING**

Sign lighting shall be consistent, understated, and properly disguised. Unless noted in this code, one of the following methods of lighting may be employed:

- a) A white, steady, stationary light that does not glare onto surrounding areas, is directed solely at the Sign, and is otherwise prevented from beaming directly onto adjacent properties or rights-of-way; or
- b) A white interior light with primary and secondary images lit or silhouetted on an opaque background. The background must be opaque. No additional background lighting or illuminated borders or outlines shall be permitted.
  - 1) The color temperature of the sign lighting shall not exceed 4,000K.
  - 2) The level of illumination emitted or reflected from a Sign shall not be of an intensity sufficient to constitute a demonstrable hazard to vehicular traffic on any Right of Way or parking lot from which the sign can be viewed.
  - 3) Light fixtures shall be screened from view by site grading or landscaping.

### **15.16 TEMPORARY SIGNS**

The following Temporary Sign regulations apply to all uses within all subareas:

- a) Temporary Signs shall be prohibited within the right-of-way.
- b) In all residential zoning districts, three (3) Small Temporary Signs shall be permitted per parcel per street frontage without a permit. In all other zoning districts, up to six (6) Small Temporary Signs shall be permitted per parcel per street frontage without a permit. Each Small Temporary Sign shall be seven (7) square feet in area or less and less than three (3) feet in height.
- c) In all districts, one (1) temporary banner is permitted per parcel per street frontage without a permit. Each temporary banner shall not exceed eight (8) feet in height and thirty-two (32) square feet in area and shall not be displayed for more than fourteen (14) days within any one hundred eighty (180) day period
- d) In the ##### Districts, two (2) Large Temporary Signs shall also be permitted per parcel provided a Sign permit is issued in accordance with the following regulations. Large Temporary Signs shall not:
  - 1) Exceed eight (8) feet in height;
  - 2) Exceed thirty-two (32) square feet in area (per Sign face); and
  - 3) On parcels of five (5) acres or less, such signs shall be displayed for no more than thirty (30) consecutive days and no more than three (3) times per calendar year. A new permit must be obtained for each thirty (30) day or less period. After said permits have been exhausted, the Zoning Inspector may grant one (1) extension for up to ninety (90) days per Sign. No other extensions may be administratively approved and must be approved by the Board of Zoning Appeals. On parcels that are greater than five (5) acres, such signs may be displayed for up to one-hundred eighty (180) days. Upon the expiration of this permit, the Zoning Inspector may grant one (1) extension up to an additional one-hundred eighty (180) days. No other extensions may be

administratively approved and must be approved by the Board of Zoning Appeals. In no case, shall such signs be erected for more than three hundred sixty-five (365) days.

- e) Small and Large Temporary Signs and Temporary Banners shall not count toward the total maximum square footage of signs permitted on a lot.
- f) The sign permit number for Large Temporary Signs must be printed on the sign in a visible location.

### **15.17 CHANGEABLE COPY AND ELECTRONIC MESSAGE DISPLAYS**

These Changeable Copy and Electronic Message Display standards are applicable to all signs, except drive thru boards since the purpose of those boards are to service those utilizing the drive thru lane where cars are typically stopped to view said sign. All other changeable copy and electronic messaging displays shall:

- a) Be limited to fifty percent (50%) of the overall sign area and have no more than 1 sign on the lot;
- b) Be static, shall not move, scroll, or flash, and shall not exceed nighttime (one hour after sunset). Shall not change more than [NOTE TO DISCUSS WITH COMMUNITIES] once/8 times a day; and
- c) Be turned off no later than one hour after the close of business and shall remain off until 6:30 a.m. the following morning.

### **15.18 MURALS AND WALLSCAPES**

- a) Original Art Mural and Wallscape Requirements. Original Art Murals that meet all the following requirements shall be issued a Mural Permit by the Zoning Inspector:
  - 1) Original Art Murals are permitted in all districts;
  - 2) The mural shall remain in place without alteration, for a period of five (5) years. The applicant shall certify in the permit application that the applicant agrees to maintain the mural in accordance with this regulation;
  - 3) The applicant, if different from the property owner, must obtain an affidavit from the building’s owner giving permission for the applicant to adhere the mural to the building;
  - 4) Murals shall only be permitted on sides and rear elevations and shall be prohibited on front elevations of buildings;
  - 5) No part of the mural shall exceed the height of the structure to which it is tiled or painted;
  - 6) The materials or paint utilized to create the mural shall be weatherproofed or resistant to wear;

- 7) The mural shall be properly maintained through repair and paint, or any necessary treatment to prevent decay. Defective or insufficient weather protection for exterior treatments and façades, including fading paint or materials or graffiti shall be promptly repaired or shall otherwise be subject to Chapter 5 – Violations, Enforcement, & Fees of this code;
  - 8) Murals on properties within any planned district must be part of the originally approved development plan or an amendment to said plan must be approved by Section 15.19 prior to the Planning Commission issuing a Mural Permit; and
  - 9) Murals that would result in a property becoming out of compliance with any other Village Ordinance shall be prohibited.
- b) Vintage Art Mural Requirements. All murals created prior to the date of adoption of this code shall be considered existing non-conforming and may be maintained in accordance with Chapter 6, Non-conforming Uses of this code.

#### **15.19 SIGN PERMIT PROCESS**

- a) Permit Required. No sign, except as exempted in Section 15.02, shall be erected, constructed, or maintained within the city unless a permit for the same has been issued by the Zoning Inspector, or their designee. Application for a permit to construct or erect a sign shall be made by the owner of the sign or the property upon which the sign is proposed, or their agent. An application for a permit to erect a sign shall contain, at a minimum and drawn to scale;
- 1) The dimensions and weight of the sign, and where applicable, the dimension of the wall surface of the building to which it is to be attached;
  - 2) The dimension and weight of the sign's supporting members;
  - 3) The maximum and minimum height of the sign;
  - 4) The proposed location of the sign in relation to the face of the building, in front of or above which it is to be erected;
  - 5) Where the sign is to be attached to an existing building, a diagram of the face of the building to which the sign is to be attached;
  - 6) A color rendering of the proposed sign image;
  - 7) The name and address of the user, or owner of the sign and the location of the sign; and
  - 8) The name and address of the sign installer. In addition, if the proposed sign requires an installation permit from the State of Ohio, a copy of such permit shall be provided prior to erection of the sign.
- b) Action on Sign Permit. The Zoning Inspector, or their designee, shall issue a Sign Permit upon submittal of a completed application and payment of applicable fees if they determine that the provisions of this chapter have been met. If the application for a Sign Permit is denied, the applicant shall be given written notice of such denial, along with the reasons for the denial.

- c) Appeals. Any decision made by the Zoning Inspector, or their designee, under the terms of this chapter may be appealed to the Board of Zoning Appeals through the method set forth in Chapter

---

**CHAPTER 16  
PARKING**

<b>16.01 PURPOSE</b>	<b>16.06 SCHEDULE OF REQUIRED OFF-STREET SPACES</b>
<b>16.02 PROVISION FOR PARKING REQUIRED</b>	<b>16.07 COMMERCIAL VEHICLES PARKING IN RESIDENTIAL DISTRICTS</b>
<b>16.03 GENERAL REQUIREMENTS</b>	<b>16.08 LOADING SPACES</b>
<b>16.04 JOINT-USE PARKING</b>	
<b>16.05 PUBLIC PARKING FACILITIES</b>	

---

**16.01 PURPOSE**

The purpose of this chapter is to encourage the orderly development of parking areas within the Village and to promote the safety of residents and visitors by insuring the efficient handling of vehicular traffic.

**16.02 PROVISION FOR PARKING REQUIRED**

Unless otherwise indicated in this Code, in all zoning districts, off-street parking requirements shall be pursuant to this chapter.

**16.03 GENERAL REQUIREMENTS**

- a) Surfacing and Drainage. All off-street parking areas for commercial or industrial projects within the CNC, EC, and PUD Districts shall be properly graded, marked, and surfaced to provide a hard, durable, and dustless surface. All parking areas shall be graded and drained to dispose of surface water which might accumulate within or upon such area and shall be designed to prevent the excessive drainage of surface water onto adjacent properties or public roadways. The developer of the project shall demonstrate that adequate provisions have been made to direct storm runoff to a suitable and adequate storm water drainage system.
- b) Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect light away from any adjoining premises in any zoning district where residences are a permitted use. In addition, such lighting shall be so arranged as not to interfere with traffic on any adjoining street or to be confused with any traffic control lighting. Other provisions in Section 17.11 also apply.
- c) Location of Parking Spaces. A five (5) foot clear zone shall be maintained between the roadway right-of-way and any parking space. Parking areas shall be so designed and

arranged so as not to allow the protruding of any vehicle (or portion thereof) over the clear zone.

- d) Parking of Inoperable or Disabled Equipment or Vehicles. The exterior parking or storage of inoperable, unlicensed, or disabled pieces of equipment or vehicles for a period of time exceeding thirty (30) consecutive days, outside of an approved junk yard licensed and regulated pursuant to Sections 4737.05-12 of the ORC, shall be prohibited. The Village reserves the right to remove junk cars from private property pursuant to Section 4513.65 of the ORC.
- e) Landscaping, Parking Bays, and/or Parking Lot Islands. See Sections 13.09 & 13.10.
- f) Parking of Recreational Equipment. The storage of travel trailers, motor homes, pick-up campers, folding tent trailers, boats or boat trailers and similar recreational equipment shall be subject to the following requirements:
  - 1) Not more than two (2) pieces of such equipment, or vehicles, shall be permitted to be stored outside on a parcel containing a single family or two-family dwelling. For the purpose of this Section, a boat stored on a boat trailer shall be deemed one piece of recreational equipment;
  - 2) Recreational equipment shall not be used for permanent occupancy; and
  - 3) Recreational equipment may be used for temporary occupancy for a period of time not exceeding three (3) months.

#### **16.04 JOINT-USE PARKING**

Two (2) or more uses may jointly provide and use parking spaces, provided that together they meet the parking space requirements of Section 16.06.

#### **16.05 PUBLIC PARKING FACILITIES**

- a) Property within a 500-foot radius of a public parking facility shall not be required to provide or maintain a specific number of off-street parking spaces. All other properties shall conform to Section 16.06.
- b) Public parking facilities shall not be required to provide a specific number of parking spaces. However, the Planning Commission can recommend a desired number of parking spaces based on expected traffic.

#### **16.06 SCHEDULE OF REQUIRED OFF-STREET SPACES**

Parking spaces shall be provided according to the following schedule of uses that do not apply to Section 16.05. If a use consists of more than one component use (such as a school with a stadium) the required minimum number of parking spaces shall be the sum of the required spaces for those component uses. For uses not listed, the Board of Zoning Appeals shall determine the number of required spaces, based on comparing the proposed use with similar uses listed in the schedule:

- a) Residential. One (1) parking space for every residential dwelling unit on a property.
- b) Commercial. One (1) parking space for every 100 ft in GFA with the following exceptions:
  - 1) Campground: One (1) per each campsite and one per employee for the largest shift;
  - 2) Hotels and Motels: One (1) per sleeping room; and
  - 3) Office: Four (4) spaces per 1,000 square feet in GFA.
- c) Institutional. One (1) parking space for every 500 feet in GFA with the following exceptions:
  - 1) Assisted living, nursing homes, and hospitals: One (1) for each employee on the largest shift and one (1) for every four (4) beds;
  - 2) Places of assembly: One (1) for every six (6) seats in the main area of assembly.
  - 3) Schools: One (1) for every ten (10) students and one (1) for each employee on the largest shift; and
  - 4) Daycares: One (1) for each employee on the largest shift.
- d) Industrial. One-half (½) space per 1,000 square feet in GFA AND/OR one (1) for each employee on the largest shift, with the following exception:
  - 1) Data Centers: One (1) for each employee on the largest shift.

**16.07 COMMERCIAL VEHICLES PARKING IN RESIDENTIAL DISTRICTS**

- a) There is no maximum time limit for Commercial Vehicles that are parked within an area zoned as a Residential District. A Commercial Vehicle may be stored in a fully enclosed structure within a Residential District.
- b) Commercial Vehicles exceeding 8,000 pounds are not permitted within areas zoned as a Residential District.

**16.08 LOADING SPACES**

- a) All loading spaces must be located to the side or rear of the principal structure and screened in accordance with Section 13.09 and are prohibited within any front yard.
- b) A loading space shall consist of a rectangular area adequate for loading and unloading and be accessible from a maneuvering area.
- c) All loading spaces and maneuvering areas shall be located on the same Lot as the use they are intended to serve.
- d) A required loading space shall have a clearance height of not less than fifteen (15) feet and shall have minimum dimensions of not less than twelve (12) feet in width and fifty (50) feet in length, exclusive of any driveway, aisle, or other circulation area.
- e) The number of off-street loading spaces required for [districts. Non-residential and non-planned] shall be no less than as set forth in the following:
  - 1) Less than 5,000 square feet in GFA: None required;
  - 2) 5,000 to 250,000 square feet in GFA: One (1) space; and

- 3) Over 250,000 square feet in GFA: One space for each 250,000 square feet in GFA.

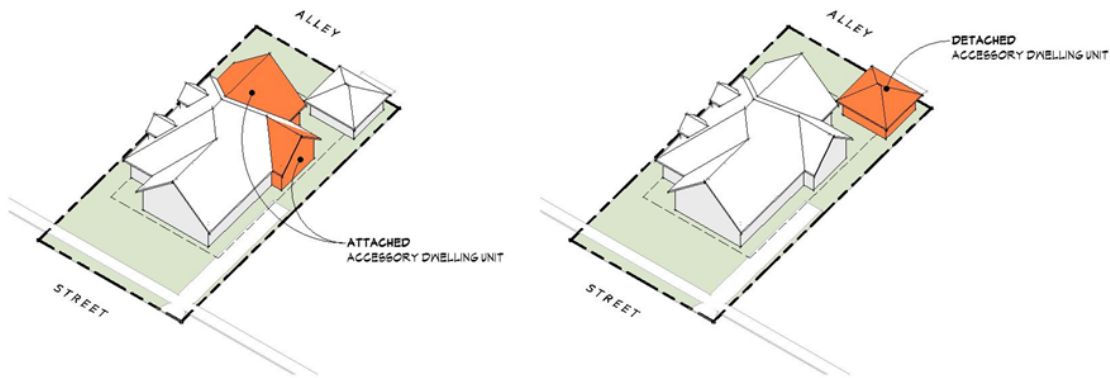
**CHAPTER 17  
GENERAL DEVELOPMENT STANDARDS**

- 17.01 ACCESSORY DWELLING UNITS**
- 17.02 ACCESSORY USES AND STRUCTURES**
- 17.03 CANNABIS STORES**
- 17.04 CEMETERIES**
- 17.05 CLUSTERED MAILBOXES**
- 17.06 COMMUNITY GARDENS**
- 17.07 FENCES AND WALLS**
- 17.08 FOOD TRUCKS**
- 17.09 HOME OCCUPATIONS**
- 17.10 LARGE RESIDENTIAL FACILITIES, EMERGENCY AND PROTECTIVE SHELTERS, TRANSITIONAL LIVING CENTERS, AND PERMANENT SUPPORTIVE HOUSING**
- 17.11 LIGHTING**
- 17.12 MODEL HOMES**
- 17.13 PORTABLE HOME STORAGE UNITS**
- 17.14 PLANTS FOR MIXING AND/OR PROCESSING CONCRETE AND/OR ASPHALT**
- 17.15 PRIVATE SWIMMING POOLS**
- 17.16 RECREATIONAL VEHICLES**
- 17.17 SHIPPING CONTAINERS**
- 17.18 SHORT-TERM RENTALS**
- 17.19 SOLAR ENERGY SYSTEMS**
- 17.20 TELECOMMUNICATIONS TOWERS**
- 17.21 TEMPORARY STRUCTURES**
- 17.22 TEMPORARY TENTS**
- 17.23 VISIBILITY AT INTERSECTIONS**
- 17.24 WIND ENERGY SYSTEMS**

**17.01 ACCESSORY DWELLING UNITS**

- a) Purpose. The purpose of the Accessory Dwelling Unit (ADU) regulations is to:
  - 1) Respond to changes in housing needs and increasing housing costs, while simultaneously respecting the curb appeal and scale of the dwelling units within the surrounding residential area;
  - 2) Increase affordable housing options to vulnerable populations such as the elderly and persons with disabilities;
  - 3) Support increased efficient use of the existing housing stock and associated infrastructure; and
  - 4) Reduce the carbon footprint by allowing smaller dwelling units.
- b) Applicability. The standards apply to any Residential District where ADUs are listed as a Permitted – Accessory Use.
  - 1) Number. Only one (1) ADU shall be permitted on a lot in the SR-2, VSF, VTF, VMF, VMU, MR, and CNC.
  - 2) Density. ADUs do not count toward the density calculations for the District in which they are located.

- 3) Accessory Suite (Attached) Standards. All Accessory Suite ADUs shall comply with the following general ADU design standards:
  - i) The primary dwelling in which the ADU is located shall be owner occupied;
  - ii) An ADU may be no larger than 800 square feet or the size of the primary dwelling unit, whichever is less;
  - iii) ADU's shall be limited to residential uses including a Minor Home Occupation and shall not be utilized for any other purpose;
  - iv) One additional parking space is required for the ADU;
  - v) No new entrances into the primary dwelling shall be created for the Accessory Suite ADU; and
  - vi) Any required fire escapes or exterior stairs for access to an upper-level Accessory Suite ADU shall not be located along the front façade of the primary dwelling.
  
- 4) Detached ADUs. In addition to the general ADU design standards, Detached ADUs must comply with the following requirements:
  - i) A Detached ADU shall not exceed twenty-five (25) feet in height as defined in Chapter 2 – Definitions;
  - ii) The ground coverage of the Detached ADU shall not exceed the ground coverage of the Primary dwelling Unit;
  - iii) All Detached ADUs shall be located at or behind the front plane of the primary dwelling;
  - iv) All Detached ADUs shall comply with the minimum setback requirements of the applicable Zoning District; and
  - v) All Detached ADUs that are new construction shall comply with the following requirements:
    - A) Be setback a minimum of five (5) feet from the primary dwelling;
    - B) The exterior finish materials must visually match in type, size, and placement to the exterior finish materials of the primary dwelling or existing structure on the property; and
    - C) The roof pitch must be the same as the predominant roof pitch of the primary dwelling or existing structure on the property.



**17.02 ACCESSORY USES AND STRUCTURES**

- a) Applicability. These standards shall apply to all Accessory Uses and Structures as defined in Chapter 2 – Definitions.
- b) Location. All Accessory Structures shall be located to the side or rear of the principal structure. In no case, shall an accessory structure be located to the Front Lot Line than the principal building. Accessory structures greater than five hundred eighty (580) square feet in floor area shall only be located in the Rear Yard.
- c) Accessory structures may encroach a required Side or Rear Yard Setbacks as follows:

**TABLE 17.01**

<b>District</b>	<b>Minimum Distance Between Accessory Structure and Side or Rear Lot Lines (Ft.)</b>
Agriculture & Residential Districts	10*
Commercial Districts	5*

\* If a Side or Rear Yard Setback abuts an alley, an Accessory Structure must be setback a minimum of twenty (20) feet from the alley.

- d) An Accessory Structure shall not be located closer than five (5) feet from the principal building or any other accessory structure.
- e) Height. The following height regulations apply dependent upon the District described:
  - 1) Accessory Structures located in Any Residential Districts shall not exceed eighteen (18) OR twenty-four (24) feet in height.
  - 2) Accessory Structures located in the Non-Residential Districts shall not exceed the height of the principal building.
- f) Size
  - 1) In Residential Districts, the cumulative area of the Accessory Structures shall not exceed 800 square feet or ten percent (10%) of the lot area, whichever is smaller. In any District, if ten percent (10%) of the lot size is less than 580 square feet, the lot shall be permitted to have one accessory structure up to 580 square feet.
  - 2) In the VTF and VMF Districts, a lot containing one or more multi-unit residential building(s) may have Accessory Structures devoted to each unit (i.e., detached garage) or may have one or more larger structures accessible to all units (i.e., club house). The cumulative maximum size of all Accessory Structures on a lot shall be calculated on a rate of 290 square feet of Accessory Structure per residential unit on said lot.
  - 3) In the VMU and CNC Districts, the cumulative area of all Accessory Structures shall not exceed 1,000 square feet or ten percent (10%) of the Lot Area, whichever is smaller.
  - 4) There is no maximum cumulative square footage of the Accessory Structures in the EC Districts. However, the total square footage of all Accessory Structures may not exceed the size of the principal building.

### 17.03 CANNABIS STORES

#### *RESERVED FOR FUTURE USE* 17.04 CEMETERIES

- a) Purpose. To maintain and manage the current death care land uses in the Village by encouraging the orderly development of future burial and resting places of the deceased, while also addressing innovations in death care by explaining their permissibility in this Code.
- b) Applicability. These regulations apply to public and private Cemeteries located in any District within the extent of the Village's police power and are governed by ORC 759.01, which grants Ohio municipalities the power to define regulations regarding the internment of the deceased. In accordance with ORC 749.02, the Village may provide a place for the internment of the deceased outside of the Village's corporate limits, and the police powers of the Village shall extend to those places.

- c) Development Standards. An application for a Conditional Use Permit must be submitted to the Zoning Inspector and must include the following information: 1) The expected maximum number of remains to be located at the location; and
- d) The type of funeral and internment services provided.
- e) Prohibited Uses. In accordance with ORC 759.05, the Village prohibits the following:
  - 1) Home Burials, except for small house pets, such as fish, frogs, hamsters, etc.;
  - 2) Conservation Cemeteries; and
  - 3) Any Death Care practices that are prohibited within the State of Ohio.

### **17.05 CLUSTERED MAILBOXES**

When cluster mailbox units are required by the U.S.P.S., said units must comply with the following requirements:

- a) Be located outside the public right-of-way and appropriately distributed throughout the development. An appropriate amount of parking spaces shall be provided to ensure proper traffic circulation throughout the development;
- b) Final unit and parking locations and number of off-street parking spaces shall be determined and controlled by the development plan approved by the Planning Commission, upon recommendations from the ARB and Planning Commission; and
- c) All cluster mailbox units and associated off-street parking areas shall be privately maintained.

### **17.06 COMMUNITY GARDENS**

When Community Gardens are listed as a Permitted Use in a District, they shall be prohibited within the right-of-way and required Front Setback. Any shed, storage container, or similar structure within a Community Garden shall be considered an Accessory Structure and shall comply with the requirements of Section 17.01.

### **17.07 FENCES AND WALLS**

- (a) Fences and walls are required to obtain a permit through the application process of Section 4.22.
- a) All fences in any Residential District, excluding Districts that permit Multi-Unit Dwellings, shall not exceed four (4) feet when located forward of the front plane of the house and eight (8) feet when located to the side and rear of the house.
- b) No fence shall be permitted within the right-of-way and must comply with the Visibility at Intersection requirements in Section 17.23.
- c) Fences or walls containing barbed wire or charged with electrical current are prohibited unless such Fences or Walls are in the Agricultural Districts and solely used for the enclosure of livestock.

### **17.08 FOOD TRUCKS**

- a) Purpose. The intent of these regulations is to provide the food industry with creative opportunities outside of the traditional brick and mortar restaurants while controlling potential impacts such as traffic, food safety, and compatibility with the surrounding areas. These regulations ensure that Food Trucks are properly integrated into the overall existing or future streetscape designs of the **Village**. These regulations also limit the time frame for Food Trucks to allow ample time for business incubation while also discouraging them from becoming permanent fixtures.
- b) Applicability.
- 1) These standards apply to all Food Trucks that are located on private property within any District that allows restaurant uses. Food Trucks shall comply with the requirements of this section.
  - 2) Food Trucks located within the public right-of-way shall be governed by a Right-of-Way Permit and are not subject to this Code.
- c) All Food Trucks located on private property must comply with the following regulations:
- 1) Food Trucks shall be lit with existing and available site lighting. No additional exterior lighting shall be permitted. Lighting inside the Food Truck for the purpose of inside food preparation and menu illumination may be permitted. There shall be no light trespass or additional glare onto adjacent properties. Flashing lights are prohibited;
  - 2) No signs shall be permitted except as follows:
    - i) Signs directly painted or directly applied onto the Food Truck shall be permitted; and
    - ii) One small Temporary Sign that does not exceed eight (8) square feet.
  - 3) The selling of alcohol shall be prohibited, unless otherwise permitted within DORAs, if applicable;
  - 4) There shall be one (1) trash receptacle for use by patrons and placed in a convenient location that does not impede pedestrian or vehicular traffic. Trash must be removed daily from the site;
  - 5) The Food Truck shall be located on an entirely paved, level parking lot to enhance the safety of pedestrians and patrons;
  - 6) All equipment and storage associated with and required for the operations of the Food Truck, except for the trash receptacles required in this section, shall be located on or within the Food Truck. This includes any generators;
  - 7) There shall be no furniture, umbrellas, or other objects outside of the Food Truck. Any proposed furniture or umbrellas shall be subject to the outdoor dining standards of the applicable District in addition to these regulations;
  - 8) The Food Truck shall have access to water (i.e., water tank, connection to central water line, etc.) and electricity (generator, connection to utility lines, etc.) and such services shall be located in a manner that does not create a safety hazard to employees, patrons, or pedestrians;
  - 9) When a Food Truck is proposed to be located within 500 feet of an existing One-Unit Dwelling Unit, operations of said Food Truck are limited to 10:30 a.m.

- to 3:30 p.m. daily. The operations of Food Trucks are limited to 6:00 a.m. to 9 p.m. Sunday-Thursday and 7 a.m. to 11 p.m. Friday and Saturday.
- 10) There shall be no obstruction or interference with the free flow of pedestrian or vehicular traffic, including but not limited to or from, any business, public building, the remainder of the parking area, or adjacent right-of-way;
  - 11) There shall be no impediments to the visibility area sight distance at any driveway or intersection;
  - 12) The Food Truck may only operate in the location approved on the site plan for the Zoning Permit and may not be moved to any other location on the property or to a different property within the **Village** without first receiving a new Zoning Permit;
  - 13) Each Food Truck shall have a minimum 35 x 15-foot area. Any Food Truck that exceeds twenty-seven (27) feet in length shall have a minimum seventy by fifteen (70 x 15)-foot area. In no case shall the combined area of all Food Trucks permitted on one lot exceed twenty-five percent (25%) of the Lot Area;
  - 14) The applicant, if not the owner of the property, shall provide written permission from the property owner to utilize the property for a Food Truck.
  - 15) The Food Truck shall pass a health and fire safety inspection;
  - 16) Due to the temporary nature of Food Trucks, the standards of this Code for parking (Chapter 15), landscaping (Chapter 13), and Signs (Chapter 14) do not apply to Food Trucks; and
  - 17) If the Food Truck complies with all the above standards, a Zoning Permit may be issued for up to thirty (30) consecutive days on a property within any sixty (60) consecutive calendar days.
- d) Exemptions. Food Trucks are exempt from obtaining a Zoning Permit when:
- 1) It is parked in one location for a period of less than eight (8) hours while not operating; or
  - 2) It operates exclusively as a subset of a **Village** approved special event, within the approved areas and time frames. The **Village** may increase the number of Food Trucks allowed for one (1) lot during **Village** approved special events.
  - 3) The exemption of requiring a Zoning Permit, however, does not preclude the requirement for the Food Truck to have passed a health and fire safety inspection under Section 17.07(c)(15).

## 17.09 HOME OCCUPATIONS

- a) A Home Occupation shall be conducted entirely within a Dwelling Unit and shall be clearly subordinate and secondary to the use of the Dwelling Unit. Home Occupations shall not be conducted within Accessory Structures, such as garages or sheds.
- b) The following regulations apply to all Home Occupations:
  - 1) The appearance of the Dwelling Unit in which a Home Occupation is conducted shall not be altered or the occupation within the dwelling shall not

- be conducted in a manner which would cause the premises to differ from its surrounding character either by colors, materials, construction, or lighting;
  - 2) The Home Occupation shall not generate traffic greater in volume for the subarea;
  - 3) The Home Occupation shall not involve delivery trucks other than normal parcel delivery services;
  - 4) No equipment or processes shall be used in a Home Occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses on the lot. No equipment or processes shall be used which creates visual, audible, or electrical interference in any radio or television receiver or computer terminal off the premises or causes fluctuations in voltage off the premises; and
  - 5) Home Occupations shall not be conducted within Accessory Structures, such as garages or sheds.
- c) The following regulations apply to Minor Home Occupations:
- 1) There shall be no other people working in a Minor Home Occupation other than a person or person(s) who are residents of the Dwelling Unit in which the Minor Home Occupation is conducted.
  - 2) There shall be no signs associated with the Minor Home Occupation.
  - 3) Not to occupy more than twenty percent (20%) of the livable floor area of the Dwelling Unit.
  - 4) No Zoning Permits are associated with Minor Home Occupations.
- d) The following regulations apply to Major Home Occupations:
- 1) Up to two (2) other people working in a Major Home Occupation who are not residents of the Dwelling.
  - 2) May exceed up to twenty percent (20%) of the livable floor area of the Dwelling Unit, but in no case shall it exceed forty (40) percent.
  - 3) One Wall Sign is permitted that does not exceed six (6) square feet per sign face and has a maximum height of twelve (12) feet. Ground Signs shall not be more than six (6) feet in height relating to Section 15.06.
  - 4) A Conditional Use Permit is required for approval of a Major Home Occupation.

**17.10 LARGE RESIDENTIAL FACILITIES, EMERGENCY AND PROTECTIVE SHELTERS, TRANSITIONAL LIVING CENTERS, AND PERMANENT SUPPORTIVE HOUSING**

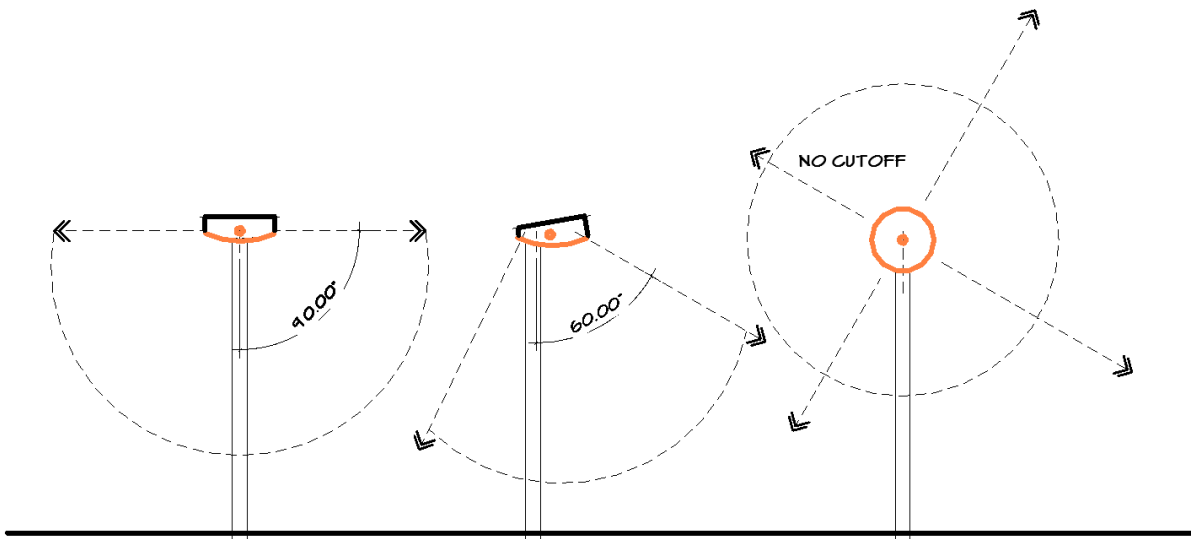
- a) Purpose. It is the purpose of this ordinance is to regulate Drug Rehabilitation Centers, as defined in Chapter 2 – Definitions, to promote the health, safety, and general welfare of the citizens of the **Village**.
- b) Applicability. The regulations under this ordinance apply to the Districts where the following Drug Rehabilitation Centers are located:
  - 1) Small Residential Facilities may only be located as a Permitted Use in all Residential and Commercial Districts;

- 
- 2) Emergency and Protective Shelters, Large Residential Facilities, and Transitional Living Centers may only be located as a Conditional Use in the VTF, VMF, VMU, and CNC Districts; and
  - 3) Permanent Supportive Housing may only be located as a Conditional Use in the VTF, VMF, VMU, and CNC Districts.
- c) Development Standards: Emergency and Protective Shelters, Permanent Supportive Housing, Large Residential Facilities, Residential Treatment Facilities, and Transitional Living Centers are a Conditional Use within their respective Districts. The Board of Zoning Appeals shall ensure all the following standards are met prior to issuing a Conditional Use Permit for said facility:
- 1) The facility shall obtain all approvals and/or licenses as required by state and local laws;
  - 2) The facility shall meet all applicable local and/or state building, safety, and fire safety requirements for the proposed facility and level of occupancy.
  - 3) The facility shall provide twenty-four (24)-hour supervision by trained and qualified professional personnel;
  - 4) For facilities located within any Residential Districts, the architectural design and site layout of the facility shall be compatible with the residential character of the neighborhood;
  - 5) For facilities located within or adjacent to any Residential District, planting a hedge and tree combination along the facility for landscaping screening purposes is required. The required hedge and tree combination shall be a minimum of five (5) feet in height at the time of installation;
  - 6) In addition to the minimum lot size requirement specified in their respective District, there shall be an additional 500 square feet of lot area required per tenant accommodated by the facility;
  - 7) There shall be a minimum of 2,000 feet between any existing and proposed Large Residential Facilities. This distance shall be measured from the closest point of the Lot Lines for said facilities;
  - 8) A Large Residential Facility shall not be located closer than 2,000 feet from a school, park, Cannabis Store, or state-licensed liquor store;
  - 9) Facilities shall be reasonably accessible, which requires adequate parking spaces for employees, visitors, and tenants at the main entrance of the facility and adequate pedestrian access;
  - 10) All facilities shall follow the Sign regulations provided in Chapter 14 (for sign permits); and
  - 11) All exterior lighting fixtures shall be shaded to avoid casting direct light upon any adjoining property located in Any Residential Districts.

**17.11 LIGHTING**

- a) Exterior lighting in Non-Residential Districts shall comply with the following standards unless otherwise specified in this Code.
- b) Exceptions:
  - 1) All exterior lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps, are exempt from the requirements of this section;
  - 2) Holiday lighting shall be exempt from the requirements of this section;
  - 3) All temporary emergency lighting needed by the following shall be exempt from the requirements of this section including flashing or blinking lights:
    - i) Police;
    - ii) Fire department;
    - iii) Other emergency service vehicles;
    - iv) Public service vehicles; and
    - v) All vehicular luminaries; and
  - 4) Streetlights shall be exempt from the provisions of this section.
- c) Prohibited Lighting. Search lights, beacons, laser source lights, or any similar high-intensity or flashing lights are prohibited, except in emergencies by police and fire department personnel.
- d) Types of Fixtures. All light fixtures shall be full cut-off type fixtures except for decorative light fixtures.

*Full cutoff fixtures qualify with a cutoff angle to or less than ninety (90)-degrees with no light projecting skyward.*



- e) Fixture Height.
  - 1) The fixture height in the parking lots shall not exceed twenty (20) feet.

- 2) Lighting located under canopies shall be flush mounted or recessed within the canopy.
  - 3) Fixture height shall be measured from the finished grade to the topmost point of the fixture.
- f) Kelvin Temperature. The color temperature for all lights shall not exceed 4,000K.
- g) Exterior lighting shall be designed and located to have the following maximum illumination levels. The levels shall be measured at the finished grade at the Lot Line as demonstrated by a lighting plan:
- 1) The maximum illumination at a Lot Line that abuts a lot within an existing Residential District or is zoned or designated for residential uses shall be 0.3 foot-candles;
  - 2) The maximum illumination at a Lot Line that abuts any other use shall be one (1)-foot candles;
  - 3) The maximum illumination at a Lot Line for properties used for outdoor sports and recreation shall be reviewed for compliance regarding the intent of these guidelines to minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way; and
  - 4) The illumination across any property shall be designed to not create excessive dark spots that may create safety issues.
- h) Automobile Oriented Uses – Canopy Lighting. Automobile Oriented Use canopy lighting must be recessed within the canopy and use an opaque shield around the sides of the light.

#### **17.12 MODEL HOMES**

- a) Model homes shall be a conditional use in all districts where residential uses are permitted.
- b) Model homes shall be constructed as permanent residential structures with the future intention to sell or lease said unit as a primary residence.
- c) Model homes shall not include additional temporary structures, trailers, or mobile units on the lot over the course of the temporary use permit.
- d) Off-street parking requirements for the subject lot may be waived over the course of a temporary use permit for model homes.

#### **17.13 PORTABLE HOME STORAGE UNITS**

- a) Portable Home Storage Units shall be a Permitted Use within any Agriculture Residential District and a Conditional Use within any Village Residential District, provided the following regulations are met. A Zoning Permit shall be obtained for any Portable Home Storage Unit.
  - 1) Portable Home Storage Units shall be prohibited from being located within any right-of-way.
  - 2) Portable Home Storage Units shall be kept in the driveway of the property at the furthest accessible point from the street.

- 3) Only two (2) Portable Home Storage Units shall be permitted on any residential property at any one time.
- 4) Portable Home Storage Units shall be permitted for thirty (30) consecutive calendar-days within any 365 calendar-day period.
- 5) The Zoning Inspector may grant a one-time extension of up to thirty (30) consecutive calendar days. Any additional extensions would require action by the Board of Zoning Appeals, which would be processed as a variance from these regulations.
- 6) Portable home storage units and roll-off containers shall not be utilized for living purposes.

**17.14 PLANTS FOR MIXING AND/OR PROCESSING CONCRETE AND/OR ASPHALT**

- a) Purpose. It is the purpose of this ordinance to regulate Asphalt and Concrete Plants, as defined in Chapter 2 – Definitions, in order to promote the health, safety, and general welfare for the citizens of the Village.
- b) Applicability. Asphalt and Concrete Plants shall be conditionally approved following the assessment of the required site plan as found in Section 4.07 - Conditional Use Permits, as well as meeting any additional requirements set by the Ohio Environmental Protection Agency, and the following conditions:
  - 1) Such uses shall be located on a minimum of twenty (20) acres and shall be setback a minimum of five hundred (500) feet from an occupied dwelling unless written permission is given by the owner of the dwelling and is presented to the Board of Zoning Appeals. The Setback requirements of the applicable District shall otherwise apply.
  - 2) The area of use shall be completely enclosed by a chain link fence (minimum of six (6) feet in height). An earthen mound at least six (6) feet in height with a maximum side slope of three to one (3:1) shall be provided on the inside of the fence. Landscaping shall be provided on the earthen mound and shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual buffer from the adjacent parcels. In no case shall the landscaping be less than that required in Chapter 13.
  - 3) Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the Village.
  - 4) Sufficient evidence shall be provided to the Board of Zoning Appeals indicating that all applicable licenses and/or permits have been obtained from the State of Ohio.
  - 5) The site shall be located to minimize the potential effect of winds carrying objectionable odors to adjacent residential areas.
  - 6) The owner or operator shall employ every reasonable means of reducing the encroachment of dust upon surrounding properties.

### 17.15 PRIVATE SWIMMING POOLS

- a) No Private Swimming Pool, except for storable swimming pools, shall be allowed in any Residential District unless the following conditions and requirements are met. A Zoning Permit shall be required for the construction or installation of any Private Swimming Pool. The owner of the property, or their agent, shall certify that the pool will be constructed, installed, and maintained in conformance with the requirements below:
- 1) The pool is intended to be used solely for the occupants, and guests, of the principal use of the property on which it is located;
  - 2) Such pool, including any walks, paved areas, and appurtenances thereto, shall not be in any Front Yard, nor closer than five (5) feet to any Lot Line or structure;
  - 3) The area of the Private Swimming Pool, exclusive of decks, walks, and other appurtenances, shall not exceed ten percent (10%) of the area of the Lot or parcel;
  - 4) Any Private Swimming Pool, or the property on which the pool is located, shall be enclosed by a Fence or wall constructed to prevent uncontrolled access. Such Fence or wall shall meet the requirements of Section 17.07, be at least four (4) feet or higher, and maintained in good condition; and
  - 5) All lights used for the illumination of the Private Swimming Pool and adjacent areas shall be designed, located, and installed to confine the direct beams thereof to the Lot or parcel on which the pool is located.

### 17.16 RECREATIONAL VEHICLES

- a) Recreational Vehicles. Residents shall be permitted to park a Recreational Vehicle on a lot in any Residential District which permits one (1) or two (2) dwelling units, provided the following criteria are met:
- 1) There shall be a maximum of one Recreational Vehicle per dwelling unit permitted on said lot. For the purposes of this Code, a boat stored on a boat trailer is considered one Recreational Vehicle. Said Recreational Vehicle shall not exceed thirty (30) feet in length, nine (9) feet in width, and twelve (12) feet in height;
  - 2) Recreational Vehicles shall be parked on a paved or gravel surface located behind the primary structure and shall not be parked in the grass or on any other unpaved surface;
  - 3) Recreational Vehicles shall be parked no closer than three (3) feet from any side Lot Line;
  - 4) Recreational Vehicles shall not be located forward of the front plane of the main dwelling. However, the Recreational Vehicle may be parked on the paved driveway in front of the main dwelling for a period not to exceed forty-eight (48) hours for loading and unloading. In no case shall said Recreational Vehicle be

- parked, stored, or displayed for sale in a manner that blocks any sidewalk or obstructs sight lines for any vehicle entering or exiting the right-of-way; and
- 5) In no case shall a Recreational Vehicle, or any be utilized for living, sleeping, housekeeping, business, or storage purposes.

### **17.17 SHIPPING CONTAINERS**

- a) Shipping Containers, as defined in Chapter 2, may be used as Accessory Structures on residential property, only in accordance with the following:
  - 1) Shipping Containers fabricated for the purpose of transporting freight or goods on a truck, train, or ship shall be allowed to be set up as an Accessory Structure and shall comply with the requirements of Section 17.01, which includes the Setback, size, and height requirements.
  - 2) Purchaser, owners, or users of Shipping Containers shall obtain a Zoning Permit from the Village for each Container prior to placing or moving the Container onto their property.
  - 3) The exterior of the Shipping Container shall be painted or altered to cover any advertising, lettering, or numbers.
  - 4) Shipping Container stacking shall be prohibited.
  - 5) All Shipping Containers shall be located at ground level for safety.
  - 6) Shipping Containers shall be prohibited as a Dwelling Unit.

### **17.18 SHORT-TERM RENTALS**

- a) Purpose. The purpose of this section is to adapt to new rental market trends that include online platforms, while also protecting residential neighborhoods from disruption that could result from Short-Term Rentals and to create a convenient, safe, and harmonious environment in which Short-Term Rentals can be permitted and consistent with neighborhood tranquility.
- b) Applicability. Short-Term Rentals are considered Conditional Uses in any Residential District, except for within the MHP District.
- c) Registration. An application for a Short-Term Rental permit, and/or renewal of a permit, shall be made to the Village, with an application fee listed in the separate Fee Schedule adopted by the Village.
- d) Requirements. Prior to issuing a Conditional Use Permit, the Board of Zoning Appeals must determine that the specific criteria for Conditional Uses in Section 4.07 are met in addition to the following regulations:
  - 1) A Short-Term Rental shall be wholly within the principal or accessory residential structure. The Accessory Structure shall be no larger than 1,000 square feet

- 2) A Short-Term Rental must meet all applicable requirements of the state and local building and fire safety codes.
  - 3) The principal or accessory residential structure, in which the Short-Term Rental is conducted, shall maintain the appearance of a Single-Family Dwelling Unit and be compatible with surrounding residences, in size and scale; In any area of the **Village**, no one may open a new Short-Term Rental within 1000 ft of another short-term rental unit.
  - 4) The rental period must be at least twenty-four hours.
  - 5) There shall be no more than five (5) bedrooms within a Short-Term Rental.
  - 6) The Short-Term Rental establishment shall be operated by the occupant or owner of the premises, and may be a Hosted or Unhosted Short-Term Rental as defined in Chapter 2 – Definitions;
  - 7) Exterior Signs shall be limited to a single nameplate not more than twelve (12) square feet in size. No Signs shall be internally illuminated;
  - 8) The applicant must submit proof of compliance with all applicable building and fire codes;
  - 9) Adequate Off-Street Parking shall be provided as determined by the Board of Zoning Appeals. Off-Street Parking shall not be allowed in the Front Yard;
  - 10) There shall be a limit of one (1) Short-Term Rental per Dwelling Unit on a parcel; and
  - 11) The Zoning Inspector may revoke the Conditional Use Permit if the property is delinquent in filing or payment of any County or Village tax.
- e) Severability. If the Ohio Revised Code is amended to contradict with any portion of the standards in this section that are consistent with state law shall remain in full force and effect.

#### **17.19 SOLAR ENERGY SYSTEM**

- a) Establishment and Purpose. The purpose of this article is to provide a regulatory framework for the installation and construction of solar energy systems (SES) in the Village, subject to reasonable restrictions, which will preserve the public health, safety, and welfare, while also maintaining the character of the Village. This section applies to SES to be installed and constructed on any property in any District.
- b) Solar Energy Systems in the VMU District. Solar energy systems in the VMU Districts shall receive a Certificate of Appropriateness from the Village Council prior to zoning approval. The process for applying for a Certificate of Appropriateness can be found in Section 4.12 of this code. These SES shall be designed, sized, and located to minimize their effect on the character of a historic building and/or property by observing the following:
  - 1) Place SES to avoid obscuring significant features or adversely affecting the perception of the overall character of the property.
  - 2) Minimize visual impacts by locating the SES so that there is no visibility of the SES from the front of the historic building or structure.

- 
- 3) When applicable, the SES should be installed on an addition or secondary structure.
  - 4) Use the least invasive method feasible to attach the SES to a historic roof such that it avoids damage to significant features and historic materials and can be removed and the original character easily restored.
  - 5) Additionally, the SES shall comply with all applicable criteria in this Section 17.19 of this code.
- c) Roof-Mounted and Integrated Solar Energy System Standards.
- 1) Roof-mounted and integrated SES shall be considered an Accessory Use and permitted by right and without a permit within the Residential Districts if mounted to an existing structure.
  - 2) All SES are subject to the requirements of Section 17.19 of this code and must comply with all bulk and area requirements for the corresponding District.
  - 3) On a pitched/sloped roof, the SES shall be installed parallel to the roof surface and shall not extend beyond the roof peak or roof edge.
  - 4) On a flat roof, the SES is permitted to exceed the respective District height limit by up to five (5) feet.
  - 5) Screening shall not be required for roof-mounted or integrated SES.
- d) Ground-Mounted Solar Energy System Standards.
- 1) The Village allows for the development of commercial or utility-scale solar energy systems where such systems present few land-use conflicts with current and future development patterns. Ground-mounted SES that are the principal use on the development lot or lots are Conditional Uses in selected Districts.

*This Area Intentionally Left Blank*





## 17.20 TELECOMMUNICATION TOWERS

- a) Intent. The intent of this section is to regulate the placement and construction of Telecommunication Towers in Industrial Districts in order to protect the public health, safety, and morals without interfering with the competitiveness in the telecommunications industry. It is further the purpose of this section to encourage co-location of antennas on existing towers in order to minimize tower locations and to protect residential areas through the use of height, Setback, and Lot Area requirements.
- b) Applicability. The following regulations shall apply, through the Conditional Use process, to Free-Standing Telecommunication Towers located within LI District and to Attached Telecommunication Towers in the Commercial and Industrial District, unless otherwise exempted by Section 17.20(d). The process to be used in the application is specified in Sections 4.06 & 4.07.
- c) Free-Standing Telecommunication Tower Conditions. Free-Standing Telecommunication Towers shall be subject to the following conditions:
- 1) The maximum height of the tower shall not exceed 150 feet.
  - 2) The tower and any stabilization structures or guide wires shall not be located less than twenty-five (25) feet from any side or rear property line.
  - 3) The tower shall be located not less than 100 feet from any existing residential dwelling or any public roadway.
  - 4) The minimum lot size for the site of the tower shall be one (1) acre.
  - 5) Security fencing at least ten (10) feet in height and affixed with an operable lock shall be provided to prevent uncontrolled access to the tower site.
  - 6) A landscaping plan shall be submitted and approved by the Planning and Zoning Board.
  - 7) The tower shall not be lit except to assure safety or as required by the FAA.
  - 8) The applicant or tower provider shall demonstrate that the telecommunication tower must be located where it is proposed to service the applicant's service area, that other sites have been considered, and that location at the proposed site is technically necessary.
  - 9) The applicant shall provide a signed statement indicating that he/she agrees to allow for the potential co-location of other similar facilities on the tower, the removal of the tower within 180 days after the site's use is discontinued, and proof of notice has been provided as required in Section 519.211 of the Ohio Revised Code, as may be subsequently amended.
  - 10) The applicant shall demonstrate that the placement and height of the tower shall comply with the standards of Title 14 of the Code of Federal Regulations, Part 77 (14 CFR Part 77)
- a) Attached Telecommunication Tower Conditions. Any Attached Telecommunication Tower may be approved as a Conditional Use within any Commercial or Industrial District, provided:

- 1) The Attached Telecommunication Tower does not extend more than ten (10) feet above the highest point of the Building;
  - 2) The antenna complies with all FCC regulations;
  - 3) The Attached Telecommunication Tower shall not be lit except to assure safety or as required by the FAA; and
  - 4) The Attached Telecommunication Tower complies with all applicable building codes.
- d) Co-Location: If a public telecommunication service provider desires to co-locate its facility either on an existing tower or utility structure, the location of such facility shall be addressed as an Accessory Use.

### 17.21 TEMPORARY STRUCTURES

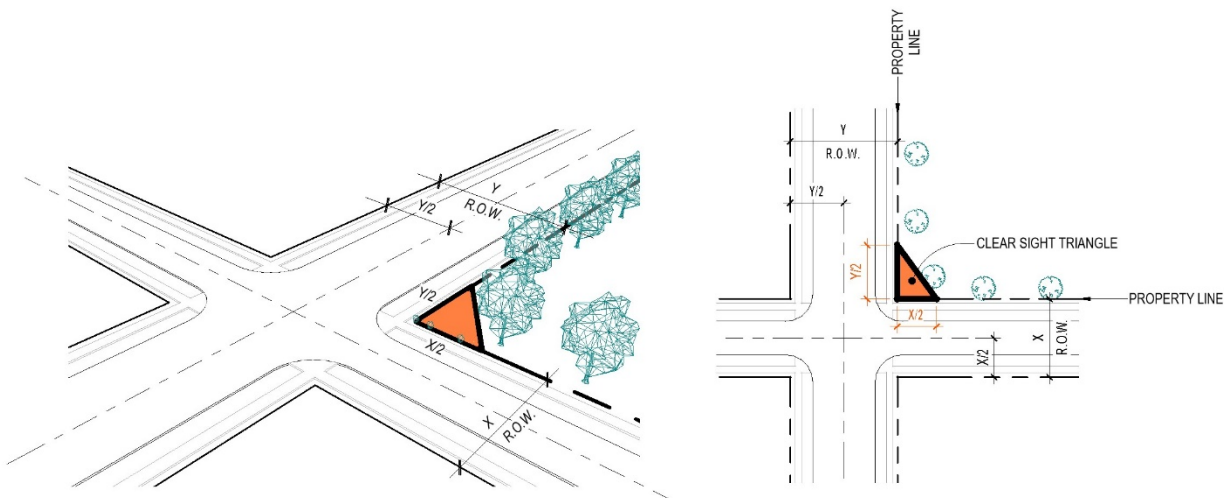
- a) Temporary Construction Trailers/Offices. Temporary Trailers/Offices may be permitted in any District during the construction of building(s) and site improvements provided the following regulations are met. A Zoning Permit shall be obtained prior to installing and utilizing the temporary construction trailer/office.
- 1) The Temporary Trailer/Office shall be prohibited from being located in the right-of-way and shall be setback a minimum of ten (10) feet from the right-of-way line.
  - 2) In all Districts, except Residential Districts, the Temporary Trailer/Office shall only be permitted for a period of two (2) years. If additional time is necessary due to a delay in construction, the applicant shall seek an extension from the Zoning Inspector. Due to the intensity of use and length of construction time for sites within the EC District; this time frame does not apply to temporary construction trailers/offices in the EC District.

### 17.22 TEMPORARY TENTS

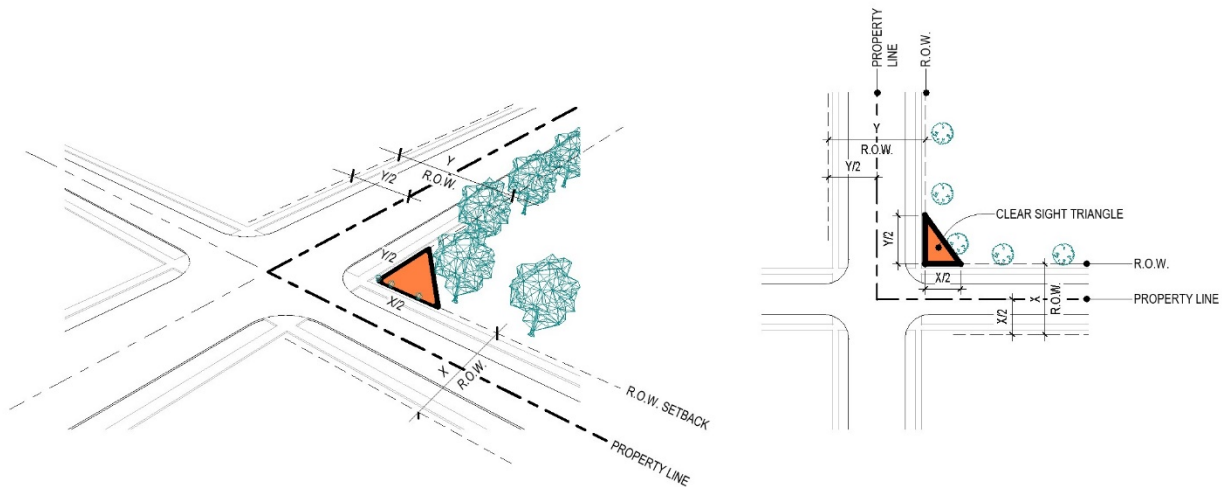
- a) Temporary Tents shall be considered as an accessory use in the CNC and EC Districts when retail sales are a principal use as so specified by this chapter. Tents used for festivals, fairs, and carnivals for a maximum of fifteen (15) days are exempt from application. The applicant requesting use of such tents shall submit evidence that the following standards will be met.
- 1) Tent(s) on a lot or contiguous lot in the same ownership shall have an aggregate floor area of not more than 700 square feet.
  - 2) Tent(s) erected shall meet the requirements of the Ohio Building Code.
  - 3) Tent(s) may not be erected for more than ninety (90) days during any calendar year except when a Conditional Use Permit is granted by the Board of Zoning Appeals.
  - 4) Tent(s) shall not cover or restrict access to any required parking space.
  - 5) Any tent that is 200 square feet or larger requires a fire safety inspection.
  - 6) Tent(s) permitted under this section shall not be utilized for living purposes.

**17.23 VISIBILITY AT INTERSECTIONS**

- a) There shall be a sight triangle established at every intersection of two public rights-of-way. The sight triangle is the triangular area where two (2) streets intersect, bounded by the edge of the street and a line joining the points on the rights-of-way from their point of intersection for a distance equal to half the width of each street right-of-way. The vision triangle shall be measured along the right-of-way within the boundaries of the property.
- b) Visibility Maintained. There shall be no visual obstructions within the defined sight triangle. A visual obstruction is any object between the height of no more than three (3) feet measured relative to the elevation to the nearest pavement crown. This is based on a driver eye height of three feet (based on the American Association of State Highway and Transportation Official standards). Overhanging branches or other elevated obstructions shall not be any lower than ten (10) feet measured relative to the elevation of the nearest pavement crown.
- c) **Example where Right-of-Way = Lot Line**



- d) **Example where Lot Line is the Centerline of the Road:**



## 17.24 WIND ENERGY SYSTEMS

- a) **Intent.** The intent of this section is to regulate the placement and construction of Small Wind Farms (as defined in Chapter 2 – Definitions) in order to protect public health and safety of Village residents without interfering with the expansion of clean, sustainable, and renewable energy sources.
- b) **Applicability.** The following regulations shall apply, through the Conditional Use process, to Small Wind Farms when proposed to be located within a District where such Use is listed as a Conditional Use, unless otherwise exempted by state or federal law.
- c) **Conditions.** The Planning and Zoning Board shall issue a Conditional Use permit when a proposed Small Wind Farm complies with all of the conditions listed below.
  - 1) In no case shall any tower within a Small Wind Farm be located closer than 1.1 times the tower height to any residential Structure, public road/right-of-way, third party transmission lines, or adjacent property lines. New residential Structures shall not be permitted within this Setback area.
  - 2) Small Wind Farms shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL) or an equivalent third party.
  - 3) Once a Conditional Use permit is granted per the requirements of this Section, a licensed Ohio professional engineer shall certify, as part of the Zoning Permit

- application, that the foundation and tower design of the Small Wind Farm, including substation, transformer, underground cabling, or parts thereof and the access road, is within the accepted professional standards, given local soil and climate conditions.
- 4) All Small Wind Farm shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems and mechanical brakes). Mechanical brakes shall be operated in a fail-safe mode. Stall regulations shall not be considered a sufficient braking system for overspeed protection. The applicant shall provide sufficient information to assure the Planning and Zoning Board that this requirement will be met.
  - 5) All electrical components of the Small Wind Farm shall conform to applicable local, state, and national codes, and relevant national and international standards (ANSI).
  - 6) Towers and blades shall be a non-contrasting gray or similar color or a galvanized steel finish unless these color requirements conflict with any FAA regulation. In such cases, the tower shall comply with those color requirements.
  - 7) All towers within a Small Wind Farm are unclimbable by design or protected by anticlimbing devices.
  - 8) No signage shall be permitted within any portion of a Small Wind Farm except for a Sign, not to exceed six (6) square feet, containing emergency contact information and no trespassing language.
  - 9) One point of access from a public road to the Small Wind Farm shall be provided. The Planning and Zoning Board may require review by the Harrison Village Fire Department to ensure the proposed drive is suitable for emergency access. The use of existing access points is preferred.
  - 10) The applicant shall be responsible for obtaining all required approvals/permits for transporting on a public road the towers, blades, substation parts, and or equipment for construction, operation, or maintenance of the Small Wind Farm.
  - 11) The applicant shall demonstrate that the noise levels associated with the Small Wind Farm will not be disruptive to any adjacent residential areas. Noise shall comply with the Village Noise Ordinance.
  - 12) No lighting shall be permitted, except as required by Federal regulations.
  - 13) The applicant shall provide the applicable microwave transmission providers and local emergency service providers/911 operators copies of the project

summary and site plan as set for in this Section. To the extent that the above providers demonstrate a likelihood of interference with its communications resulting from the Small Wind Farm, the applicant shall take reasonable measures to mitigate such anticipated interference. If, after construction of the Small Wind Farm, the Owner or operator receives a written complaint related to the above-mentioned interference, the Owner shall take reasonable steps to respond to the complaint or shall be in violation of said Conditional Use permit, which shall be punishable per Chapter 5 – Violations, Enforcement, & Fees.

- 14) The Owner or operator of the Small Wind Farm shall be required to submit an annual notice of operation on or before January 31st of each year. In the event that the Small Wind Farm is no longer being operated or utilized (unless due to documented maintenance or electrical grid issues and written notice has been provided to the Village), the Small Wind Farm shall be removed within 180-days after the Use has been discontinued. In addition to removing all towers within the system, the Owner/operator shall restore the site to its original condition prior to the location of such system on said property. Any foundation associated with a Small Wind Farm shall be removed from the site to a depth which is at least forty-eight (48) inches below restored ground level and the site restored to its original state including the planting of any grasses or cover crops. All transmission equipment, Buildings, and fences shall also be removed.
- d) Submittal Requirements. The following information must be submitted with the Conditional Use application (in addition to the items required in Section 4.06).
- 1) A Small Wind Farm project summary including to the extent available the following items:
    - i) A general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s) type(s) of the Small Wind Farm, the number of towers within the proposed Small Wind Farm, and the name plat generating capacity of each tower, and the maximum height proposed for each tower.
    - ii) A description of the applicant, Owner and operator, including their respective business Structures.
  - 2) The name(s), address(es), and phone number(s) of the applicant(s), Owner and operator, and all property Owner(s), if known.
  - 3) The site plan required in Section 17.24.C.2 shall also include: guy lines and anchor bases (if any), primary Structure(s), property lines (including

identification of adjoining properties), set back lines, public access roads and turnout locations, substation(s), ancillary equipment, third party transmission lines, and layout of all Structures within the geographical boundaries of any Setback.

- 4) All required studies, reports, certifications, and approval demonstrating compliance with the provisions of this Zoning Resolution.

---

**CHAPTER 18**  
**ADULT ENTERTAINMENT FACILITIES**

**18.01 RATIONALE AND FINDINGS****18.03 CRITERIA****18.02 DEFINITIONS****18.04 SEVERABILITY**

---

**18.01 RATIONALE AND FINDINGS**

- a) Purpose. It is the purpose of this resolution/ordinance to regulate Adult Entertainment Businesses in order to promote the health, safety, moral, and general welfare of the citizens of the Village, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of Adult Entertainment Businesses within the **Village**. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.
- b) Findings and Rationale. Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the **Village Council** and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 124 S.Ct. 2219 (June 7, 2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); and *Deja Vu of Cincinnati, Inc. v. Union Township, Ohio*, 411 F.3d 777 (6th Cir. 2005) (en banc); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *Brandywine, Inc. v. City of Richmond*, 359 F.3d 830 (6th Cir. 2004); *Currence v. City of Cincinnati*, 2002 U.S. App. LEXIS 1258; *Broadway Books v. Roberts*, 642 F.Supp. 486 (E.D. Tenn. 1986); *Bright Lights, Inc. v. City of Newport*, 830 F.Supp. 378 (E.D. Ky. 1993); *Richland Bookmart v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Center for Fair Public Policy v. Maricopa County*, 336 F.3d 1153 (9th Cir. 2003); *DéjB vu v. Metro Government*, 1999 U.S. App. LEXIS 535 (6th Cir. 1999); *Bamon Corp. v. City of Dayton*, 923 F.2d 470 (6th Cir. 1991); *Triplett Grille, Inc. v. City of Akron*, 40 F.3d 129 (6th Cir. 1994); *O'Connor v. City and County of Denver*, 894 F.2d 1210 (10th Cir. 1990); *DéjB vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County*, 274 F.3d 377 (6th Cir. 2001); *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998); *ILQ Investments, Inc. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *Threesome Entertainment v. Strittmather*, 4 F.Supp.2d 710 (N.D. Ohio 1998); *Bigg Wolf Discount Video Sales, Inc. v. Montgomery*

*County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Kentucky Restaurant Concepts, Inc. v. City of Louisville and Jefferson County*, 209 F.Supp.2d 672 (W.D. Ky. 2002); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 176 F.3d 1358 (11th Cir. 1999); *Restaurant Ventures v. Lexington-Fayette Urban County Gov't*, 60 S.W.3d 572 (Ct. App. Ky. 2001); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Township of Somerset*, 316 F.3d 702 (7th Cir. 2003); and based upon reports concerning secondary effects occurring in and around Adult Entertainment Businesses, including, but not limited to, Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Houston, Texas - 1983, 1997; Phoenix, Arizona - 1979, 1995-98; Chattanooga, Tennessee - 1999-2003; Minneapolis, Minnesota - 1980; Los Angeles, California - 1977; Whittier, California - 1978; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Littleton, Colorado - 2004; Oklahoma City, Oklahoma - 1986; Dallas, Texas - 1997; Greensboro, North Carolina - 2003; Amarillo, Texas - 1977; New York, New York Times Square - 1994; and the Report of the Attorney General's Working Group On The Regulation Of Adult Entertainment Businesses, (June 6, 1989, State of Minnesota), the Board of Zoning Appeals finds:

- 1) Adult Entertainment Businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation.
- 2) Adult Entertainment Businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other Adult Entertainment Businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of Adult Entertainment Businesses in one area.
- 3) Each of the foregoing negative secondary effects constitutes a harm which the Village has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the Village's rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-Adult Entertainment Businesses. Additionally, the Village's interest in regulating Adult Entertainment Businesses extends to preventing future secondary effects of either current or future Adult Entertainment Businesses that may locate in the Village. The Village finds that the cases and documentation relied on in this article are reasonably believed to be relevant to said secondary effects.

## **18.02 DEFINITIONS**

The words in this Article shall have the meanings therein respectively ascribed to them by Chapter 18 of this Code unless a different meaning is clearly indicated by the context.

### **18.03 CRITERIA**

- a) Adult Entertainment Businesses shall be considered a Conditional Use in the Employment Center (EC) District, subject to the following conditions:
- 1) No Adult Entertainment Business shall be established within 500 feet of any Residential District or any single or multi-family use.
  - 2) No Adult Entertainment Business shall be established within a radius of 500 feet of any school, library, or teaching facility, whether public or private, when such school, library, or teaching facility is attended by persons under eighteen (18) years of age.
  - 3) No Adult Entertainment Business shall be established within a radius of 500 feet of a nursery, preschool or daycare facility.
  - 4) No Adult Entertainment Business shall be established within a radius of 500 feet of any park or recreational facility attended by persons under eighteen (18) years of age.
  - 5) No Adult Entertainment Business shall be established within a radius of 500 feet of any church, synagogue, or worship facility.
  - 6) No Adult Entertainment Business shall be established within a radius of 500 feet of any other Adult Entertainment Business.
  - 7) Lighting on the exterior of the building shall be arranged to illuminate the entire off-street parking area with sufficient intensity to provide illumination of not less than two (2.0) foot candles as measured at the floor level.
- b) The distances as cited in this section above shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the building in which the proposed Adult Entertainment Business is to be located, to the nearest point of the property line, or District from which the proposed Adult Entertainment Business is to be separated.

### **17.04 SEVERABILITY**

This resolution/ordinance and each section and provision of said Article hereunder, are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said chapter, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid.