



North Bend Zoning Code

Adopted by the Council of the Village
of North Bend, Ohio April 28, 2025



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ACKNOWLEDGEMENTS

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INTRODUCTION

The Model Code is broken into 10 parts as follows:

Part 1 – Title, Purpose, and Applicability	Standard language that outlines the purpose of the zoning code and the general applicability to the Village of North Bend.
Part 2 – Zoning Districts and Rules of Measurement Part 3 – Zoning Districts Established	These sections include various zoning districts that reflect the diverse community typologies found in North Bend, ranging from a typical suburban community to an inner ring suburb with mixed use and infill opportunities.
Part 4 – General Development Standards Part 5 – Accessory Uses and Structures	These parts include general regulations found in most zoning codes and provide guidance for signage, parking, lighting, accessory structures and other necessary standards.
Part 6 – Supplemental Development Standards	This section of the zoning code provides best practice regulations in current land use planning trends.
Part 7 – Administration and Enforcement Part 8 – Applications and Procedures Part 9 – Non-Conforming Uses Part 10 – Definitions	These sections outline standard administration of the zoning code, enforcement procedures, permit application processes, zone and text amendment process, and definitions.
APPENDIX – Example Applications and Checklists	A supplemental section that provides “how to” sheets for various procedures and also includes checklists for all the applications.

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PART 1 – TITLE, PURPOSE, APPLICABILITY

A. TITLE

This document shall be known and may be cited as the Zoning Code of the community. This Ordinance is enacted under the legislative authority of the community pursuant to the Ohio Revised Code.

B. PURPOSE

This Ordinance is enacted to promote and protect the public health, safety, comfort, prosperity, and general welfare of the residents of the community. It is the intent of this Ordinance to create regulations that:

1. Identify the most appropriate and desirable land uses for the various character areas; and
2. Promote reasonable, sustainable development within the community by allowing a variety of residential densities, commercial, mixed use and employment-based development opportunities; and
3. Facilitate the adequate but economical provision for public improvements and services; and
4. Conserve and protect the community's natural resources and scenic areas; and
5. Provide efficient movement of traffic to reduce congestion and increase the safe movement of people and goods within the community; and
6. Create development standards for signs, landscaping, parking and lighting that reflect and enhance the character areas and promote, protect and buffer adjacent land uses, as necessary; and
7. Advance projects through the review process efficiently and effectively without compromising the quality of life in the community; and
8. Provide effective enforcement procedures to assist community officials with efficient implementation of the regulations to protect the health, safety and welfare of the community.

C. INTERPRETATION

In their interpretation and application, the provisions of this Code shall be held to be the minimum requirements (unless a maximum standard is specified), adopted for the promotion of public health, safety, and general welfare. Whenever the requirements of this Code are at variance with any other lawfully adopted rules, regulations, ordinances, or resolutions, the regulations in this Code shall control.

This code includes various illustrations and flow charts. These are for guidance only. If there is a conflict between the text and an illustration/flow chart, the text of this document controls.

D. APPLICABILITY

The regulations adopted by this Ordinance shall apply to all buildings, structures, uses and lands owned or controlled by any individual, organization, political subdivision, district, taxing unit or bond issuing authority located within the limits of the community and any additional lands where the community may have future zoning jurisdiction. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof be erected, reconstructed, moved, or altered except for in conformity with all of the regulations herein specified for the zone or district in which it is located.

E. 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.

PART 2 – ZONING DISTRICTS AND RULES OF MEASUREMENTS

A. ZONING DISTRICTS ESTABLISHED

The districts identified in Part 3 are hereby adopted and established to regulate the uses and land within the community. The specific purpose of each District shall serve as the regulatory basis for existing and future development within each District.

B. REGULATIONS OF USES AND DEVELOPMENT OF LAND OR STRUCTURES

1. 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.

2. 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.

3. Conditional Uses

A use listed as conditional may be allowed when designated as such in a District, provided it complies with the criteria in Part 8 – Section F.2 and a Conditional Use Permit is issued by the Board of Zoning Appeals in accordance with Part 8 – Section F of this Ordinance. Such uses are designated with a “C” in each zoning district.

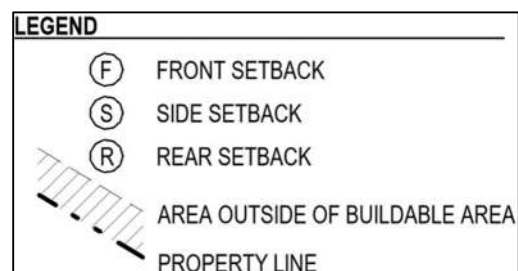
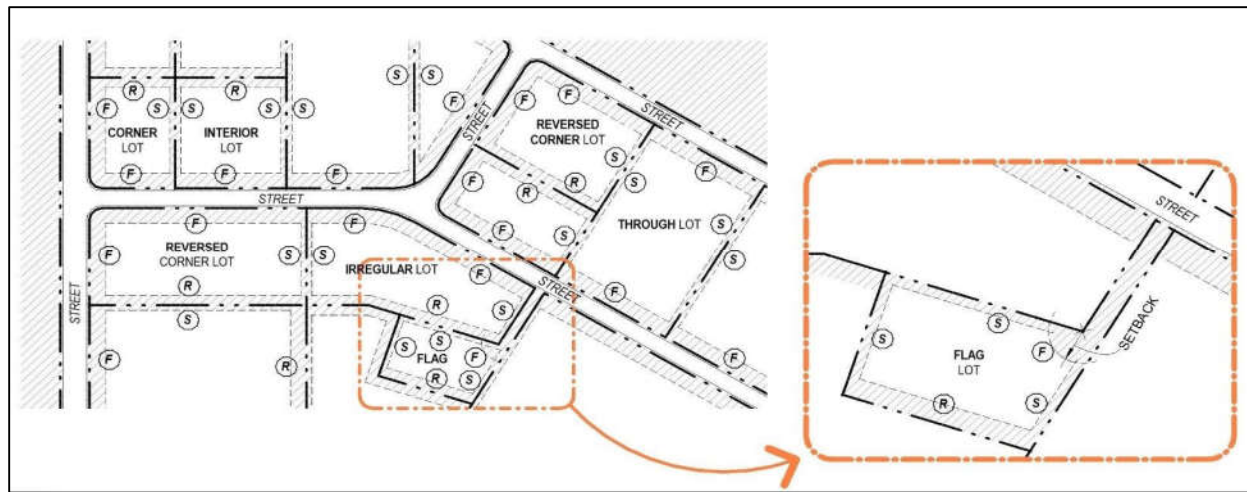
4. Accessory Uses

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 Part 5 and is issued an Accessory Permit from the Zoning Inspector.

5. Development Standards

Within 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 any applicable General Development Standards listed in Part 4 of this Code.

C. TYPES OF LOTS

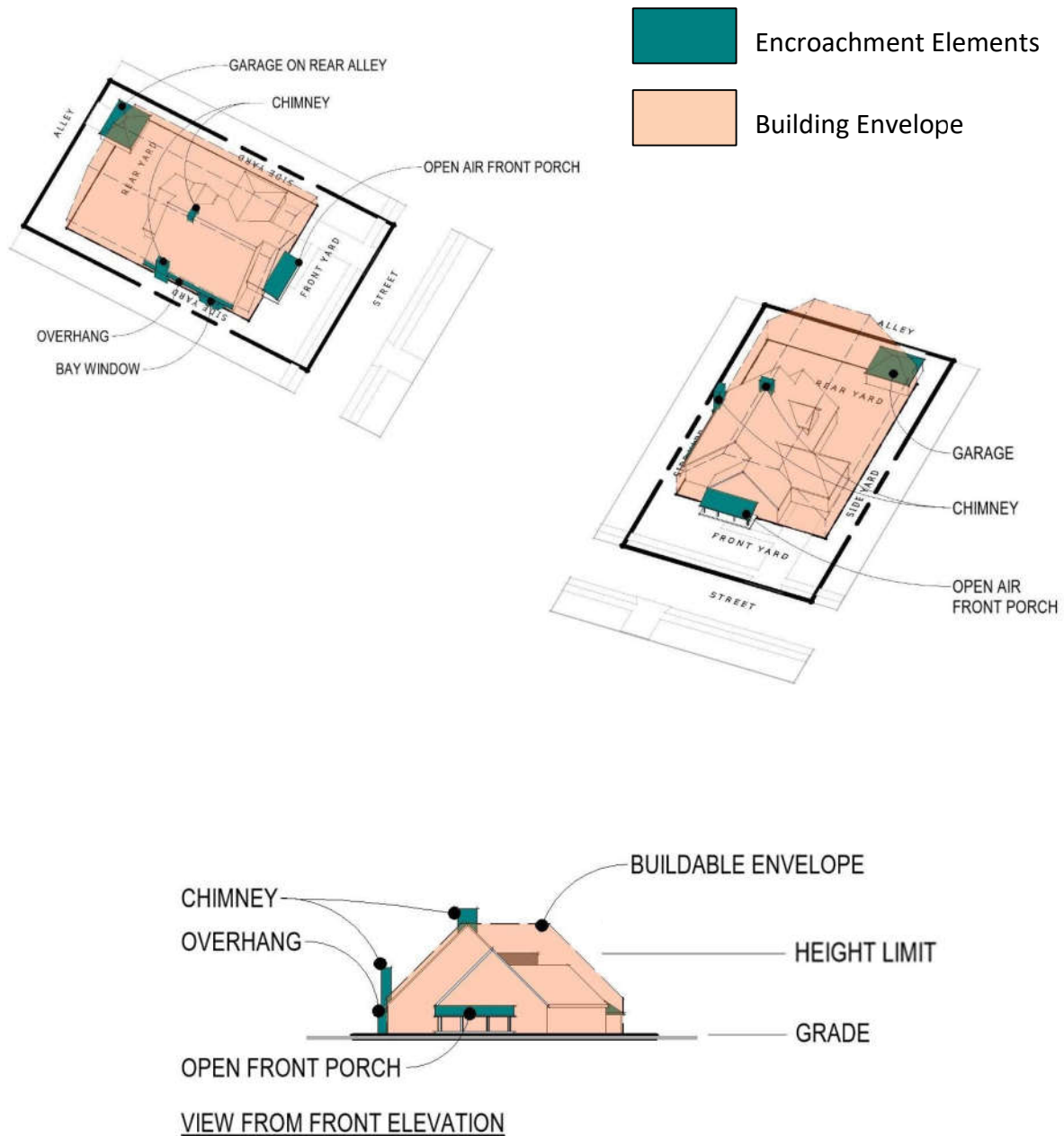


Front, rear and side setbacks must comply with the requirements of the applicable zoning district. The purpose of the above graphic is to illustrate which lot lines serve as front, rear and side lot lines for each type of lot.

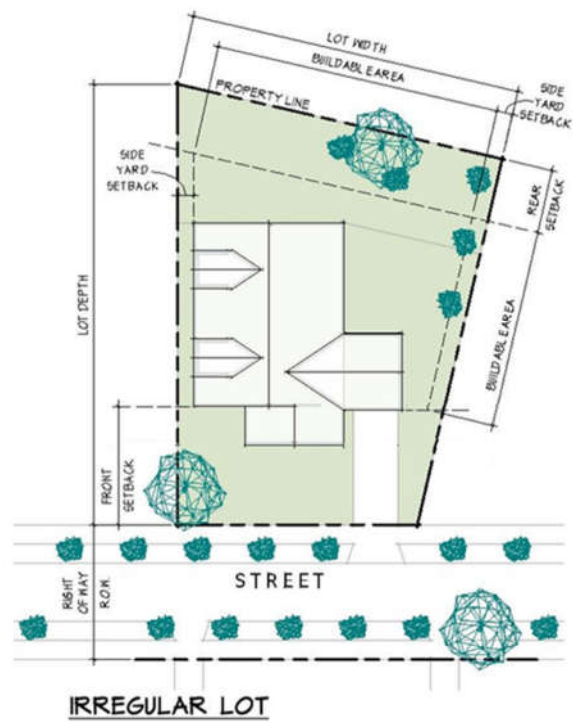
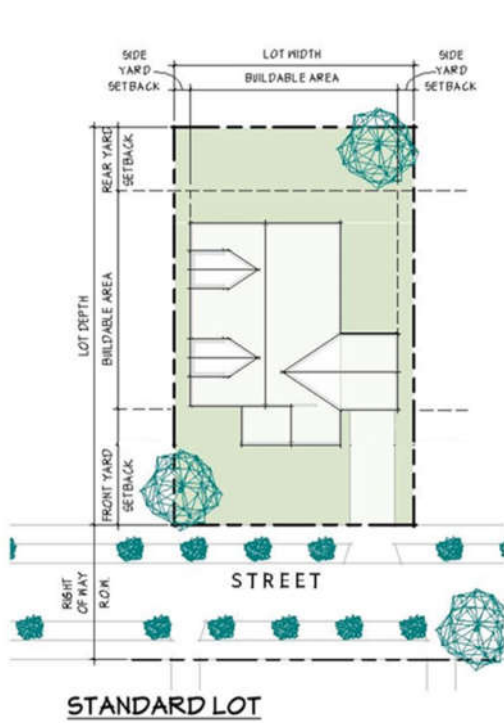
For a flag lot, the front yard shall be determined by identifying the midpoint of the terminus of the panhandle (or the terminus of an easement outside of the panhandle) and drawing a semi-circle with a radius that is equal to the minimum front setback for the applicable zoning district (see definitions in Part 10).

D. TYPES OF ENCROACHMENTS

Each District allows various types of encroachments. Refer to the Development Standard Tables in each District to identify the types of permitted encroachments for said District.



E. RULES OF MEASUREMENT



PART 3 – ZONING DISTRICTS ESTABLISHED

The following Zoning Districts are hereby established:

Residential Districts

- A. R-1 – Suburban Residential (SR)
- B. R-2 – One Unit Residential (OUR)
- C. R-3 – Multi-Family Residential (MFR)

Commercial Districts

- D. B-1 – Neighborhood Business (NB)
- E. B-2 – General Business (GB)

Industrial Districts

- F. M-1 – Service Industrial (SI)
- G. M-2 – Advanced Manufacturing (AM)

Conservation Districts

- H. RF – Riverfront Recreation District (RF)

USE TABLE

TABLE 1 - Permitted and Conditional Uses for each district

	R-1 Suburban Residential	R-2 One Unit Residential	R-3 Multi-Family Residential	B-1 Neighborhood Business	B-2 General Business	M-1 Service Industrial	M-2 Advanced Manufacturing	RF Riverfront Recreation
Uses	Residential			Comm.		Industrial		Con.
Accessory Dwelling Unit (Subject to standards in Part 6 - Section A)	P	P	P					
Adult Entertainment/Uses (Subject to Part 6 - Section B)							C	
Agriculture - Garden	P	P	P	P	P	P	P	
Agriculture - Farm						C	C	
Animal Service Facility				P	P	P	P	
Automobile Oriented Facility				C	P	P	P	
Bank - with Automobile Oriented Uses				C	P			
Bank - without Automobile Oriented Uses				P	P			
Bed and Breakfast Facility	C	C	C					
Body Art Establishment				P	P	P	P	
Brewery - Macro						P	P	
Brewery - Micro				P	P			
Business - Retail Small (No Automobile Oriented Uses)				P	P	P	P	
Business - Retail Medium				P	P	P	P	
Business - Retail Large					P	P	P	
Business - Seasonal, Outdoor, Temporary (Subject to Part 6 - Section H)				P	P	P	P	
Cemetery	C	C	C	P	P	P	P	
Commercial Recreation Facility - Small				P	P	P	P	C
Commercial Recreation Facility - Large				P	P	P	P	C
Commercial Recreation Facility - Outdoor				C	C	C	C	P
Communication Facility (Subject to Part 5 - Section H)	C	C	C	C	C	C	C	
Contractor Office (with outdoor storage)						P	P	
Contractor Office (without outdoor storage)				P	P	P	P	
Correctional Facility						C	C	
Cultural Institution (Art Galleries, Libraries, etc.)				P	P			
Data Processing Center						C	P	
Day Care - Center				P	P			
Day Care - Home, Family, Small	P	P	P					
Day Care - Home, Family, Large	C	C	C					
Flex- Office - Warehouse						P	P	
Food Cart (Subject to Part 6 - Section E)				P	P	P	P	
Food Truck/Trailer (Subject to Part 6 - Section E)				P	P	P	P	
Funeral Service Facility				P	P			
Greenhouse/Nursery (Commercial)				C	C	P	P	
Home Occupation - Minor (Subject to Part 5 - Section D)	P	P	P					
Home Occupation - Major (Subject to Part 5 - Section D)	C	C	C					
Hospital					C	P	P	
Hotel/Motel				P	P	P	P	
Hotel - Boutique				P	P			
Junk Yard/Scrap Metal						C	P	
Kennel					C	P	P	
KEY	P= Permitted			C= Conditional		(blank) = Not Permitted		

	R-1 Suburban Residential	R-2 One Unit Residential	R-3 Multi-Family Residential	B-1 Neighborhood Business	B-2 General Business	M-1 Service Industrial	M-2 Advanced Manufacturing	RF Riverfront Recreation
Uses	Residential			Comm.		Industrial		Con.
Landscape and Hardscape Business						P	P	
Logistics						C	P	
Lumberyard						P	P	
Machine Shop						P	P	
Maker Space - Small				P	P	P	P	
Maker Space - Large					P	P	P	
Manufacturing - Non Advanced						C	P	
Manufacturing - Advanced						C	P	
Mixed Use Building				C	C			
Municipal Utilities	EXEMPT*			EXEMPT*		EXEMPT*		C
Office - Administration, Business, Medical, or Professional, Small				P	P	P	P	
Office - Administration, Business, Medical, or Professional, Large				P	P	P	P	
Outdoor Service Facility				P	P	P	P	
Park - Neighborhood, Public	P	P	P	P	P	P	P	P
Park - Community or Regional, Public	C	C	C	P	P	P	P	P
Permanently Sited Manufactured Home	P	P	P					
Personal Services				P	P	P	P	
Place of Assembly	C	C	C	C	C	C	C	
Public Service Facility	C	C	C	P	P	P	P	
Rehabilitation Facility					C	C	C	
Repair Shop - Minor				P	P	P	P	
Repair Shop - Major						C	P	
Residential Care Facility			C	C	C			
Residential Facility	EXEMPT**			C	C			
Residence/Dwelling - Single Family	P	P	P	C	C			
Residence/Dwelling - Two Family			P	C	C			
Residence/Dwelling - Row Houses, Townhomes			P					
Residence/Dwelling - Multi-Family			P	C	C			
Restaurant - with Auto Oriented Uses				C	P			
Restaurant - without Auto Oriented Uses				P	P			
Sand, Gravel, and Topsoil Extraction								C
School - Nursery				P	P			
School - Primary, Intermediate, Middle, High, Technical, and Post Secondary	C	C	C	C	C	C	C	
Self-Storage Facility						P	P	
Short Term Rental Units (Subject to Part 6 - Section G)	C	C	C	C	C			
Solar Farm (Subject to Part 6 - Section F)						P	P	
Truck and Travel Service Center						C	P	
Vehicle Sales and Rentals - New and Used Cars, Motorcycles, Recreational Vehicles, Equipment					P	P	P	
Waste Management Facility							C	
Wind Energy Conversion Systems	C	C	C	P	P	P	P	
KEY P = Permitted C = Conditional (blank) = Not Permitted *Ohio Revised Code § 303.211 ** Ohio Revised Code § 5119.341 ***Upper Floors Only								

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A. Suburban Residential District (R-1)

1. Purpose

- To promote development of one-unit residential dwellings on larger residential lots
- To allow for typical suburban style residential developments
- To allow for minimal non-residential uses, such as schools and parks, which are compatible with and maintain the overall residential character of the area.

2. Target Areas



3. Permitted, Conditional and Accessory Uses

See Table 1 – Permitted and Conditional Uses for each district.

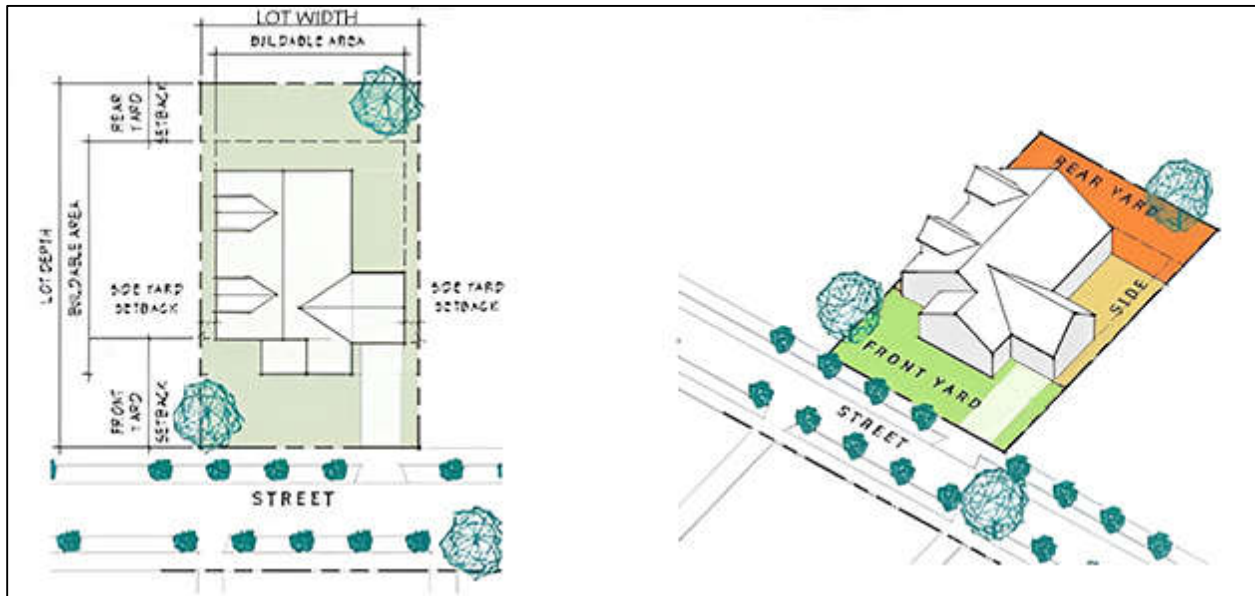
See Part 5 – Accessory Uses and Structures

4. Lot Area, Setback, Height, and Lot Coverage Requirements

Development Standards	Suburban Residential
Minimum Lot Size	10,000 sq. ft.
Maximum Density (utilize net acres)	4.36 units/acre
Minimum Lot Width	80'
Minimum Front Setback	25'
Maximum Front Setback	N/A
Minimum Side Setback	5'
Minimum Rear Setback	30'
Maximum Height	35'
Encroachment of Porch/Stoop into front and rear required setback	Up to 10'
Encroachment of Bay Window/Chimney/Eave (roof overhang) into a side or rear setback	Up to 3'
Parking in front of Principal Structure	Limited ¹

¹ Up to two cars are permitted in the minimum front setback, provided the cars are parked on a paved driveway and do not encroach the sidewalk or public right-of-way. Parking is prohibited on lawns or other unpaved areas.

5. Example Lot Layout and Rendering



6. General Development Regulations

	Applicable	Section Reference
Lighting	Y	Part 4 – Section A
Signs	Y	Part 4 – Section B
Parking	Y	Part 4 – Section C
Landscaping/Buffering	N	Part 4 – Section D
Performance Requirements	N	Part 4 – Section E
Visibility at Intersections	Y	Part 4 – Section F
Fences	Y	Part 5 – Section C

B. One-Unit Residential District (R-2)

1. Purpose

- To promote development and redevelopment of single unit residential dwellings
- To mimic traditional single-family residential development patterns
- To allow for minimal non-residential uses, such as schools and parks, which are compatible with and maintain the overall residential character of the area.

2. Target Areas



3. Permitted, Conditional and Accessory Uses

See Table 1 – Permitted and Conditional Uses for each district.

See Part 5 – Accessory Uses and Structures

4. Lot Area, Setback, Height, and Lot Coverage Requirements

Development Standards	One-Unit Residential
Minimum Lot Size (Sq. Ft.)	5,000
Maximum Density (utilize net acres)	8.71 units/acre
Minimum Lot Width	50'
Minimum Front Setback	25'
Maximum Front Setback	N/A
Minimum Side Setback	5'
Minimum Rear Setback	30'
Maximum Height	35'
Encroachment of Porch/Stoop into front and rear required setback	Up to 10'
Encroachment of Bay Window/Chimney/Eave (roof overhang) into a side or rear setback	Up to 3'
Parking in front of Principal Structure	Limited ¹

¹ A maximum of one car is permitted in the minimum front setback, provided the car is parked on a paved driveway and does not encroach the sidewalk or public right-of-way. Parking is prohibited on lawns or other unpaved areas.

5. Example Lot Layout and Rendering



6. General Development Regulations

	Applicable	Section Reference
Lighting	Y	Part 4 – Section A
Signs	Y	Part 4 – Section B
Parking	Y	Part 4 – Section C
Landscaping/Buffering	N ¹	Part 4 – Section D
Performance Requirements	N	Part 4 – Section E
Visibility at Intersections	Y	Part 4 – Section F
Fences	Y	Part 5 – Section C

¹ Residential Uses are required to have buffering where front yards abut public streets

C. Multi-Family Residential District (R-3)

1. Purpose

- To provide for larger, denser multi-unit developments which include apartment complexes, condominiums, and townhomes.
- To allow for a broad spectrum of housing choices including senior housing options to accommodate the aging population.
- To provide workforce housing to serve the employees of industries within and adjacent to the community.

2. Target Areas



3. Permitted, Conditional and Accessory Uses

See Table 1 – Permitted and Conditional Uses for each district.

See Part 5 – Accessory Uses and Structures

4. Lot Area, Setback, Height, and Lot Coverage Requirements

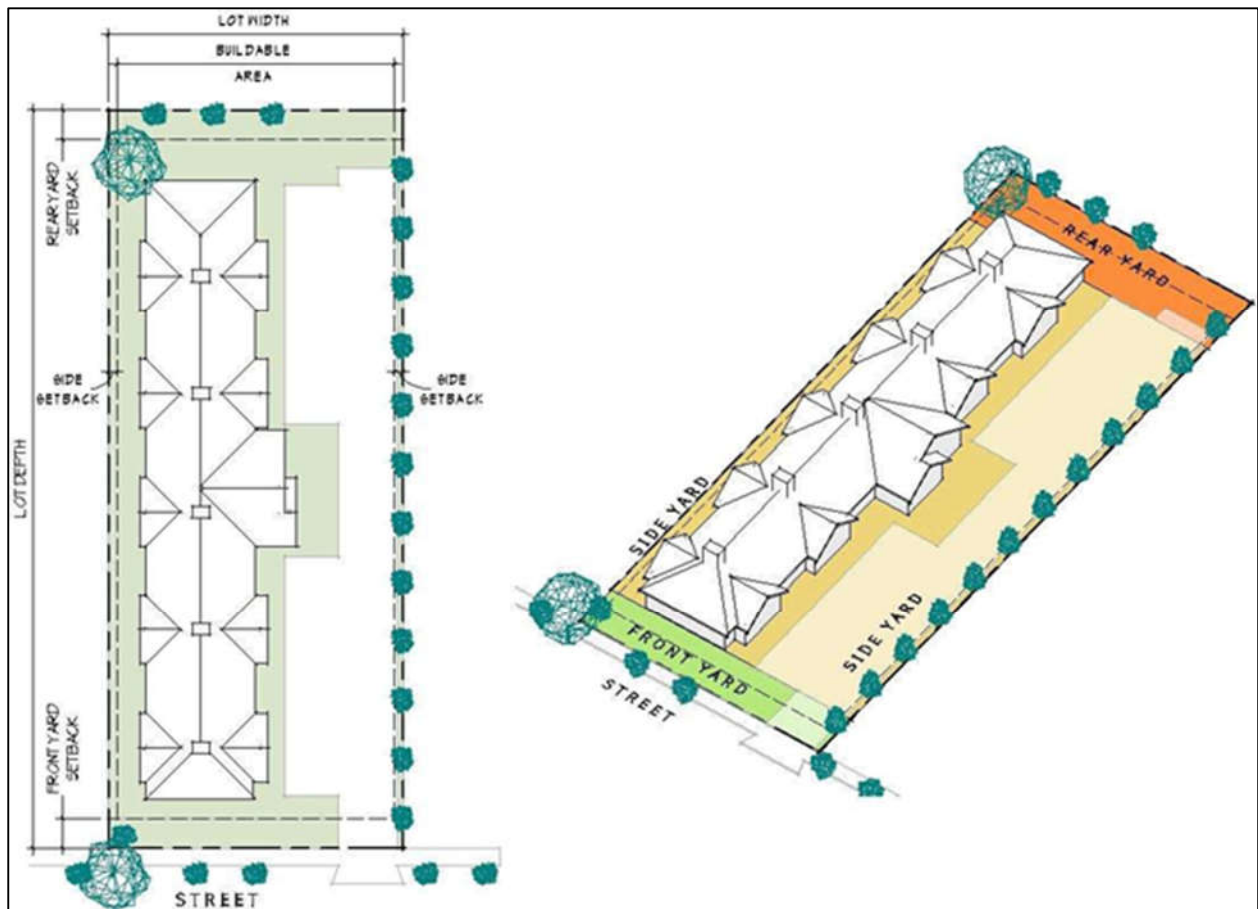
Development Standards	Multi-Family Residential
Minimum Lot Size	20,000 sq. ft.
Maximum Density (utilize net acres)	20.00 units/acre
Minimum Lot Width	80'
Maximum Front Setback	20' ¹
Minimum Side Setback	5'
Minimum Rear Setback	20'
Maximum Height	45'
Encroachment of Porch/Stoop into front and rear required setback	Up to 10'
Encroachment of a garage into a rear setback abutting an alley	Up to 5'

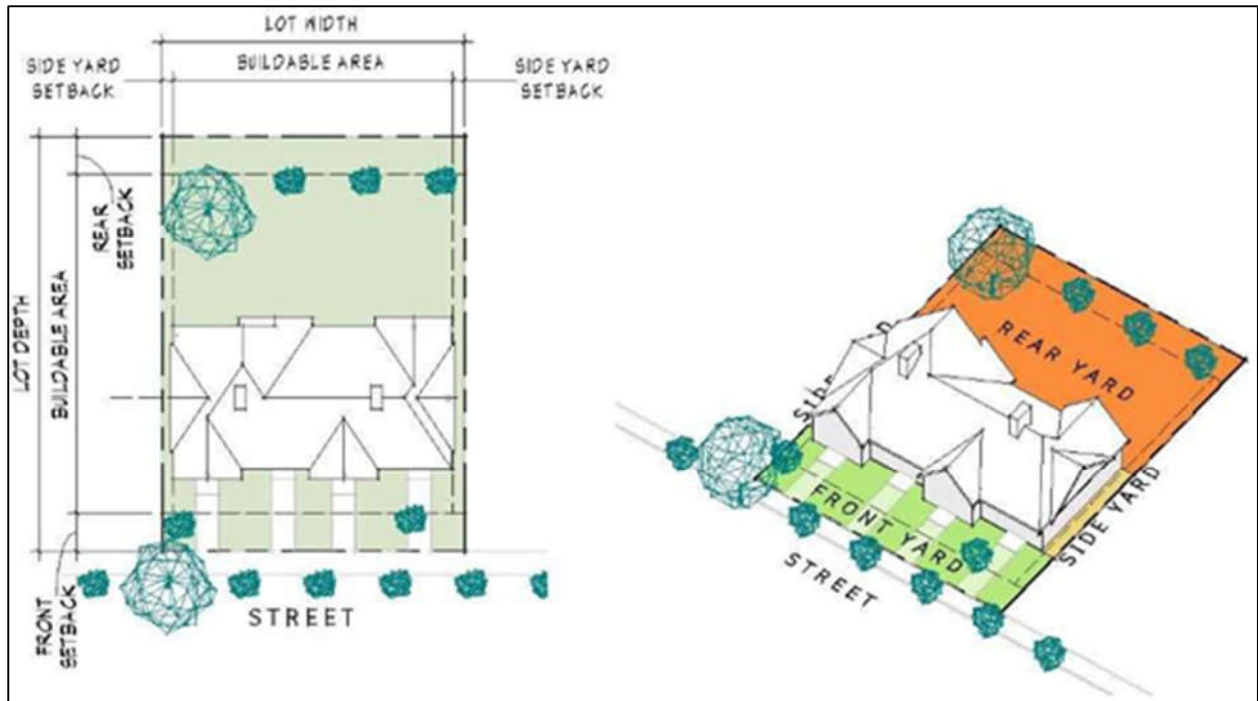
Encroachment of Bay Window/Chimney/Eave (roof overhang) into a side or rear setback	Up to 3'
Public Open/Gathering Space (may include plazas, public patios, outdoor dining areas, courtyards, or common rooftop garden areas)	5% of gross square footage of all buildings
Parking in front of Principal Structure	Permitted ²
Maximum Impervious Surface Ratio	0.60

¹ Utilize average front setback as defined in Part 10 if the proposed structure is located between two existing structures on adjacent lots.

² Parking may encroach a front, side, or rear setback provided the parking is no closer than five feet from said lot line.

5. Example Lot Layout and Rendering





6. General Development Regulations

	Applicable	Section Reference
Lighting	Y	Part 4 – Section A
Signs	Y	Part 4 – Section B
Parking	Y	Part 4 – Section C
Landscaping/Buffering	Y	Part 4 – Section D
Performance Requirements	N	Part 4 – Section E
Visibility at Intersections	Y	Part 4 – Section F
Fences	Y	Part 5 – Section C

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D. Neighborhood Business District (B-1)

1. Purpose

- To promote small scale commercial and office uses that serve the daily needs of the adjacent nearby residential uses.
- Designed to accommodate both vehicular and pedestrian access with proper connections to adjoining residential neighborhoods.

2. Target Areas



3. Permitted, Conditional and Accessory Uses

See Table 1 – Permitted and Conditional Uses for each district.

See Part 5 – Accessory Uses and Structures

4. Lot Area, Setback, Height, and Lot Coverage Requirements

Development Standards	Neighborhood Business
Minimum Lot Size	5,000 sq. ft.
Minimum Lot Width	40'
Minimum Front Setback	10'
Maximum Front Setback	60'
Minimum Side Setback	10' ^{1,2}
Minimum Rear Setback	20' ^{1,2}
Parking in front of Principal Structure(s)	Permitted
Maximum Height	35' ³
Maximum Impervious Surface Ratio	0.60

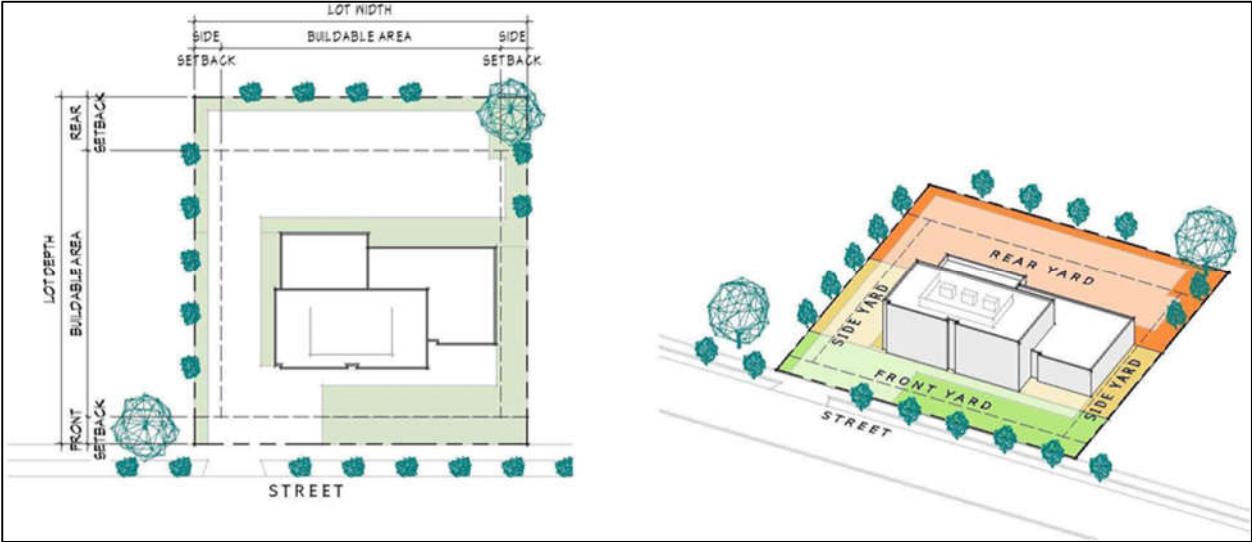
¹ When a side or rear lot line abuts an existing residential use or district that permits single unit dwellings, then a buffer shall be provided in accordance with Part 4 – Section D.6

² Parking may encroach a side or rear setback provided the parking is no closer than five feet from said lot line.

³ Mechanical equipment and/or ventilation systems may extend up to ten 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 by the Zoning Inspector, provided said material has 100 percent opacity year-round.

5. Example Lot Layout and Rendering



6. General Development Regulations

	Applicable	Section Reference
Lighting	Y	Part 4 – Section A
Signs	Y	Part 4 – Section B
Parking	Y	Part 4 – Section C
Landscaping/Buffering	Y	Part 4 – Section D
Performance Requirements	Y	Part 4 – Section E
Visibility at Intersections	Y	Part 4 – Section F
Fences	Y	Part 5 – Section C

E. General Business District (B-2)

1. Purpose

- To accommodate uses that generate a high degree of vehicular traffic.
- To create design standards that include increased setbacks and building height to allow for these more intense businesses using within high growth corridors.

2. Target Areas



3. Permitted, Conditional and Accessory Uses

See Table 1 – Permitted and Conditional Uses for each district.

See Part 5 – Accessory Uses and Structures

4. Lot Area, Setback, Height, and Lot Coverage Requirements

Development Standards	General Business
Minimum Lot Size	5,000 sq. ft.
Minimum Lot Width	50'
Minimum Front Setback	25'
Maximum Front Setback	60'
Minimum Side Setback	20' ^{1,2}
Minimum Rear Setback	25' ^{1,2}
Parking in front of Principal Structure(s)	Permitted
Maximum Height	45' ³
Maximum Impervious Surface Ratio	0.60

¹ When a side or rear lot line abuts an existing residential use or district that permits single unit dwellings, then a buffer shall be provided in accordance with Part 4 – Section D.6

² Parking may encroach a side or rear setback provided the parking is no closer than five feet from said lot line.

³ Mechanical equipment and/or ventilation systems may extend up to ten 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 by the Zoning Inspector, provided said material has 100 percent opacity year-round.

5. Example Lot Layout and Rendering



6. General Development Regulations

	Applicable	Section Reference
Lighting	Y	Part 4 – Section A
Signs	Y	Part 4 – Section B
Parking	Y	Part 4 – Section C
Landscaping/Buffering	Y	Part 4 – Section D
Performance Requirements	Y	Part 4 – Section E
Visibility at Intersections	Y	Part 4 – Section F
Fences	Y	Part 5 – Section C

F. Service Industrial District (M-1)

1. Purpose

- To serve commercial – industrial related businesses that creates a transition from general business areas to more intense industrial uses.

2. Target Areas



3. Permitted, Conditional and Accessory Uses

See Table 1 – Permitted and Conditional Uses for each district.

See Part 5 – Accessory Uses and Structures

4. Lot Area, Setback, Height, and Lot Coverage Requirements

Development Standards	Service Industrial
Minimum Lot Size (Sq. Ft.)	1 acre
Minimum Lot Width	50'
Minimum Front Setback	45'
Minimum Side Setback	1' setback per 1' of building height ^{1,2}
Minimum Rear Setback	25' ^{1,2}
Parking in front of Principal Structure(s)	Permitted
Maximum Height	45'
Maximum Impervious Surface Ratio	0.60

¹ When a side or rear lot line abuts an existing residential use or district that permits single unit dwellings, then a buffer shall be provided in accordance with Part 4 – Section D.6

² Parking may encroach a front, side or rear setback provided the parking is no closer than five feet from said lot line.

5. Example Lot Layout and Rendering



6. General Development Regulations

	Applicable	Section Reference
Lighting	Y	Part 4 – Section A
Signs	Y	Part 4 – Section B
Parking	Y	Part 4 – Section C
Landscaping/Buffering	Y	Part 4 – Section D
Performance Requirements	Y	Part 4 – Section E
Visibility at Intersections	Y	Part 4 – Section F
Fences	Y	Part 5 – Section C

G. Advanced Manufacturing District (M-2)

1. Purpose

- To broaden the economic development opportunities of the community by creating development standards that will promote innovation and employment opportunities.
- To promote advanced manufacturing, research and development opportunities, logistics and other similar businesses that support the supply chains serving existing or evolving industry clusters in the Hamilton County region.

2. Target Areas



3. Permitted, Conditional and Accessory Uses

See Table 1 – Permitted and Conditional Uses for each district.

See Part 5 – Accessory Uses and Structures

4. Lot Area, Setback, Height, and Lot Coverage Requirements

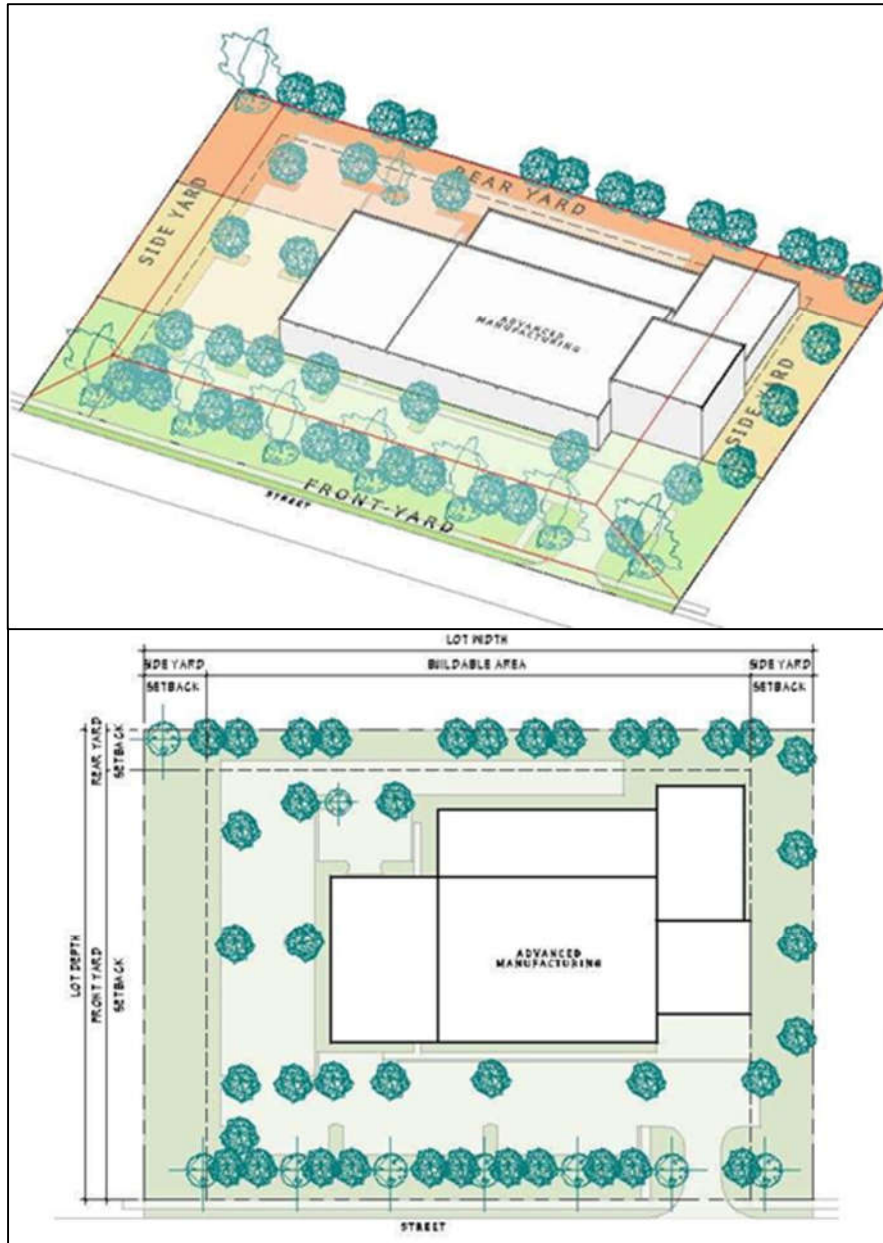
Development Standards	Advanced Manufacturing
Minimum Lot Size (Sq. Ft.)	2 acres
Minimum Lot Width	100'
Minimum Front Setback	100'
Minimum Side Setback	1' setback per 1' of building height ^{1,2}
Minimum Rear Setback	1' setback per 1' of building height ^{1,2}
Parking in front of Principal Structure(s)	Permitted
Maximum Height	60' ³
Maximum Impervious Surface Ratio	0.60

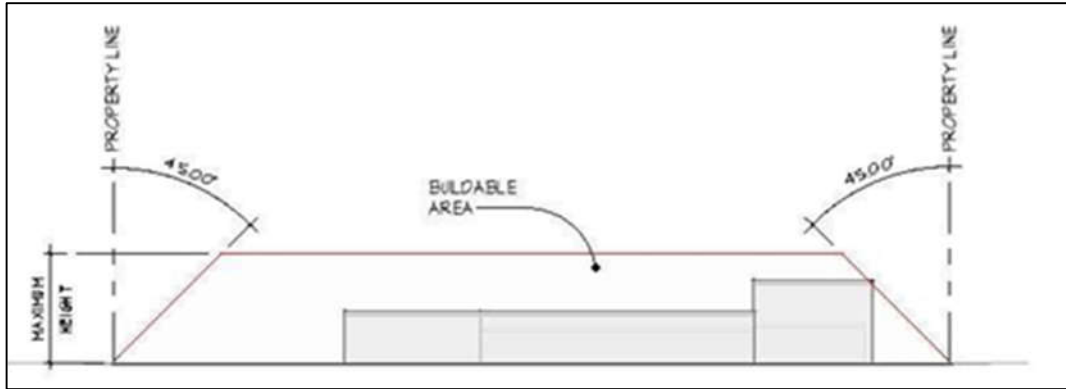
¹ When a side or rear lot line abuts an existing residential use or district that permits single unit dwellings, then a buffer shall be provided in accordance with Part 4 – Section D.6

² Parking may encroach a front, side or rear setback provided the parking is no closer than five feet from said lot line.

³ Mechanical equipment and/or ventilation systems may extend up to ten 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 by the Zoning Inspector, provided said material has 100 percent opacity year-round.

5. Example Lot Layout and Rendering





6. General Development Regulations

	Applicable	Section Reference
Lighting	Y	Part 4 – Section A
Signs	Y	Part 4 – Section B
Parking	Y	Part 4 – Section C
Landscaping/Buffering	Y	Part 4 – Section D
Performance Requirements	Y	Part 4 – Section E
Visibility at Intersections	Y	Part 4 – Section F
Fences	Y	Part 5 – Section C

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H. Riverfront Recreation District (RF)

1. Purpose

- It is the purpose of the RF Riverfront/Recreation District to provide areas for uses directly related to the Ohio River.

2. Target Areas



3. Permitted, Conditional and Accessory Uses

See Table 1 – Permitted and Conditional Uses for each district.
See Part 5 – Accessory Uses and Structures

4. Lot Area, Setback, Height, and Lot Coverage Requirements

Development Standards	Riverfront Recreation
Minimum Lot Size (Sq. Ft.)	3 acres
Minimum Lot Width	250'
Minimum Front Setback	50'
Maximum Front Setback	N/A
Minimum Side Setback	50'
Minimum Side Setback (Adjacent to Residential)	100'
Minimum Rear Setback	50'
Minimum Rear Setback (Adjacent to Residential)	100'
Maximum Height – Principal Structure	35'
Maximum Height – Accessory Structure	15'

5. General Development Regulations

	Applicable	Section Reference
Lighting	Y	Part 4 – Section A
Signs	Y	Part 4 – Section B
Parking	Y	Part 4 – Section C
Landscaping/Buffering	Y	Part 4 – Section D
Performance Requirements	Y	Part 4 – Section E
Visibility at Intersections	Y	Part 4 – Section F
Fences	Y	Part 5 – Section C

I. ADDITIONAL USE, HEIGHT AND AREA REGULATIONS AND EXCEPTIONS

The district regulations hereinafter set forth in this Section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Resolution.

1. Height Of Institutions Related To Yards

Public or private service buildings, hospitals (except as otherwise provided), institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and places of assembly may be erected to a height not exceeding seventy-five (75) feet if the building is setback from each required yard line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is built.

2. Height of Single-Family Dwelling Related to Side and Rear Yard

Single-family dwellings in the Suburban Residential, One Unit Residential, and Multi-Family Residential districts may be increased in height by not more than ten (10) feet when the side and rear yards are increased over the yard requirements of the District in which they are located by not less than ten (10) feet, but they shall not exceed three (3) stories in height.

3. Structures Exempt from Height Limits

Church spires, domes, flagpoles, aerials, antennas, chimneys, cooling towers, elevator bulkheads, fire towers, belfries, monuments, stacks, derricks, conveyors, stage tower or scenery lofts, tanks, water towers, silos, farm buildings, or necessary mechanical appurtenances, may be erected to any lawful and safe height, with the exception of freestanding aerials and antennas regulated by Part 5 – Section H.

4. Rear Yard on Double Frontage Lots

Rear Yard requirements for buildings on double frontage lots may be waived if an open space is provided equivalent to the required front yard of the district. Such open space shall run parallel with the secondary right-of-way line and shall contain no accessory structures.

5. Rear Yards Adjacent to Alleys

In computing the depth of a rear yard or the width of a side yard where the rear or side yard opens on an alley, one half of the alley width may be included as a portion of the rear or side yard as the case may be.

6. Construction in Required Yard

Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of awnings, bay windows, skylights, sill, belt courses, cornices, wing walls, and ornamental features projecting not to exceed three feet in Suburban Residential, One Unit Residential, and Multi-Family Residential and not to exceed eighteen (18) inches in all other Districts.

7. Handicapped Ramps

Handicapped ramps are exempt from regulation, except as regulated by the Hamilton County Building and Inspections Division.

8. Commercial Awnings and Canopies in Required Yards

Awnings that do not project more than forty-eight (48) inches from the face of the building may project into the required front or rear yard when such site is located in the Neighborhood Business, General Business, Service Industrial, and Advanced Manufacturing districts. In the Neighborhood Business, General Business, Service Industrial, and Advanced Manufacturing districts, canopies may be erected over service station pump islands. No canopy shall be closer than ten (10) feet to a front right-of-way line and shall not be more than eighteen (18) feet above the ground nor less than fourteen (14) feet above the ground.

9. Stairways and Balconies in Required Yards

Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five (5) feet and the ordinary projections of chimneys and flues may be permitted but not closer than two (2) feet to any lot line in any case.

10. Required Yard for Multiple Family Dwellings

For the purpose of the yard requirements, a two-family or multiple-family dwelling shall be considered as one building occupying a single lot.

11. Projection of Porches in Required Front Yards

An unenclosed, covered or uncovered porch attached to the main structure may project into a required front yard for a distance not exceeding 10 feet provided that at no point shall the porch be located less than 10 feet from any public street right-of-way or access easement. This provision shall not apply to lots with front yard setbacks that have been reduced through the PUD process.

12. Setbacks for Corner Lots with Public and Private Frontage

Where a lot fronting on a public street (excluding panhandle lots) is located adjacent to a private drive and access to the lot is provided through the private drive easement, the front yard setback along the private drive may be reduced to a distance not less than 25 feet from the edge of the private drive easement.

13. Limitation of One Main Building on Lot

Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one main building on a lot except as specifically provided hereinafter in Part 3 - Section I.14.

Where a proposed building/development is located on several lots of record, such parcels shall be consolidated prior to issuance of a Zoning Certificate. Furthermore, all accessory structures shall be located on the same parcel as the principle use.

14. Yard Requirements Where Lot Includes More Than One Main Building

Where a lot is used for institutional, commercial, industrial or multiple family purposes, and where the zoning compliance plan is specifically approved therefore by the Zoning Inspector, more than one main building may be located on the lot, but only when such buildings conform to all yard and open space requirements at the perimeter of the lot for the district in which the lot is located.

15. Yard Measurements on Existing Subdivisions

On subdivisions approved prior to the effective date of this code revision (4/28/2025), applicable yard measurements shall continue to be made to the edge of pavement.

16. Pavement in Required Front Yards of Residential Uses

The impervious surface ratio (ISR) of the required front yard shall not exceed fifty percent (50%). ISR calculations shall include porches, sidewalks, driveways, and/or any other permanent impervious surfaces which project into the required front yard.

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PART 4 – GENERAL DEVELOPMENT STANDARDS

A. LIGHTING

Exterior lighting shall comply with these standards unless otherwise specified in this code.

1. The following are exempt from the requirements of this section

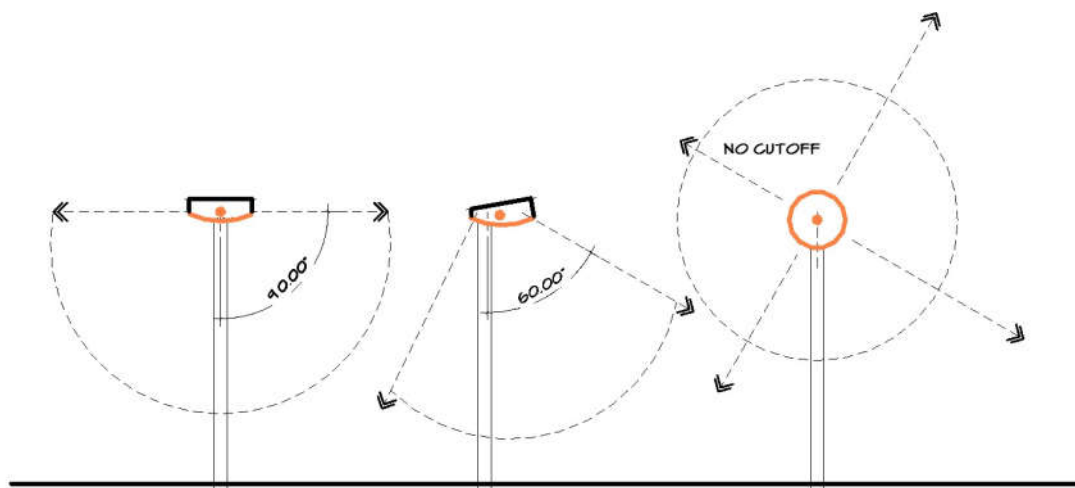
- a. All exterior lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps
- b. Holiday lighting
- c. All temporary emergency lighting needed by the police, fire department, other emergency service vehicles, and public service vehicles, as well as all vehicular luminaries
- d. Streetlights

2. Prohibited Lighting

Search lights, beacons, laser source lights, or any similar high-intensity or flashing lights, except in emergencies by police and/or fire department personnel.

3. 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 equal to or less than 90-degrees with no light projecting skyward.*



4. Fixture Height

- a. The fixture height in parking lots shall not exceed 24 feet.
- b. Lighting located under canopies shall be flush mounted or recessed within the canopy.

- c. Fixture height shall be measured from the finished grade to the topmost point of the fixture.

5. Kelvin Temperature

The color temperature for all lights shall not exceed 4,000K.

6. Exterior lighting shall be designed and located to have the following maximum illumination levels:

- a. 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 within an existing residential use or is zoned or designated for residential uses shall be 0.5 foot-candles.
 - ii. The maximum illumination at a lot line that abuts any other use shall be 1.0 foot-candles.
- b. The illumination across any property shall be designed so as not to create excessive dark spots that may create safety issues.
- c. 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. 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. Automatic shut-off fixtures, auto-dimming to adjust lighting based on ambient lighting shall be required for any parking lot abutting an existing one-unit dwelling.

7. Automobile Oriented Uses

Canopy Lighting must be recessed within the canopy and use an opaque shield around the sides of the light.

B. SIGNS

1. Purpose

- To provide effective and attractive identification for businesses, services, and uses; and
- To provide a reasonable system of regulations for signs as a part of the community's comprehensive Zoning Ordinance consistent with state and federal laws.
- To promote reasonable sign standards to limit the aesthetic impact of signs on properties within the community to prevent clutter and protect streetscapes thereby preserving property values and protecting traffic safety.
- To attract and direct the public to available activities, goods, and services.
- To enhance the economic value of the community through attractive and effective signage.
- To provide for vehicular and pedestrian safety by prohibiting or restricting distracting signs.

2. Exemptions

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 an area of two (2) square feet 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 located in windows that comply with the requirements listed in Part 4 – Section B.8.
- c. Wayfinding signs that comply with the requirements listed in Part 4 – Section B.9.
- d. Drive-thru signs that comply with the requirements listed in Part 4 – Section B.11.
- e. 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.
- f. Signs that are on the inside of a structure or building that are designated or located so as to not be typically visible from outside the window.
- g. 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.
- h. Political signs that comply with the requirements listed in Part 4 – Section B.18

3. Regulations

The following regulations apply to all signs within the community:

- a. All signage and graphics shall be carefully coordinated with the building and architecture.
- b. Signs shall not be painted directly on the surface of a Fence.
- c. No roof Signs or roof mounted Signs shall be permitted. No part of any Sign shall extend higher than the eave of any building, except when placed on the parapet of a building.
- d. The following permanent signs shall be prohibited: portable displays or mobile display (except sandwich board signs), gas or air filled devices, revolving or rotating signs,

exposed neon signs, exposed LED signs, rotating signs, signs with flashing messages or bare bulbs, signs on backlit awnings, flashing signs, video signs, signs with moving text or pictures, bench signs, and Wallscape.

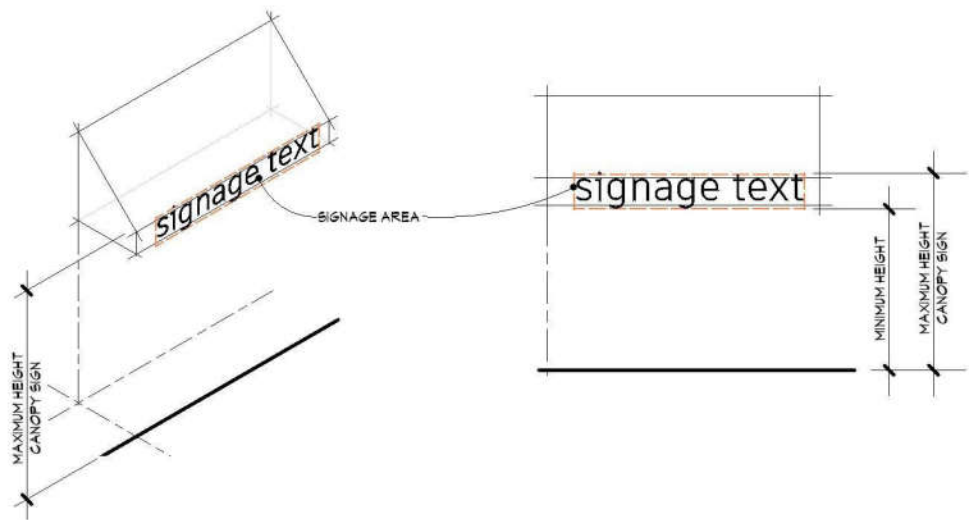
- e. Each building and unit, if applicable, shall have an address number that is clearly visible from the public right-of-way. Such Signs shall not require a permit.
- f. Original Art Mural and Vintage Art Murals as defined in Part 10 shall only be permitted in accordance with Part 4 – Section B.16 of these regulations.

4. Canopy Signs

Canopy signs are permitted in the Neighborhood Business and General Business Districts as follows in table 2:

Table 2:

District	Maximum Number per Building	Maximum Square Footage per Sign	Maximum Height (Feet)
NB, GB	2	10	15
PUD	Per approved development plan		



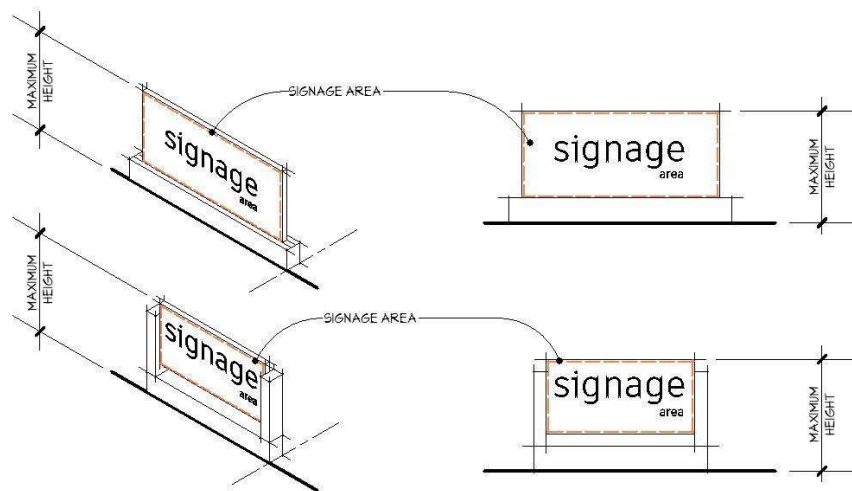
5. Freestanding Signs

All freestanding signs shall comply with the following requirements:

- The maximum square footage in table 3 below 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.
- 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.
- Pole Signs, as defined herein, shall not be permitted for use as a freestanding sign in any district.

Table 3:

District	Maximum Number per Public Road Frontage	Maximum Square Footage per Sign	Maximum Height (Feet)	Minimum Distance from ROW (feet)
SR, OUR Permitted Uses	N/A			
MFR	1	12	8	10
NB, RF	1	20	8	10
GB	1	50	12	10
SI, AM	1	40	12	10
PUD	Per approved development plan			

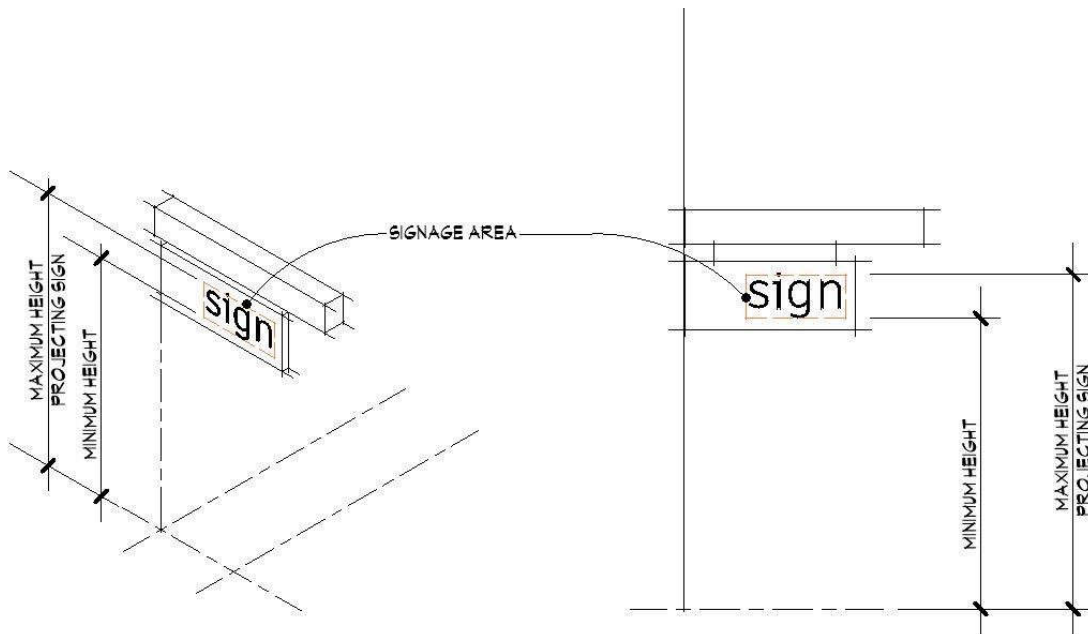


6. Projecting Signs

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 only in the NB and PUD as follows in table 4:

Table 4:

District	Maximum Number per Building	Maximum Square Footage per Sign	Minimum Height (Feet)	Maximum Height (Feet)
NB	1	6	8	15
PUD	Per approved development plan			



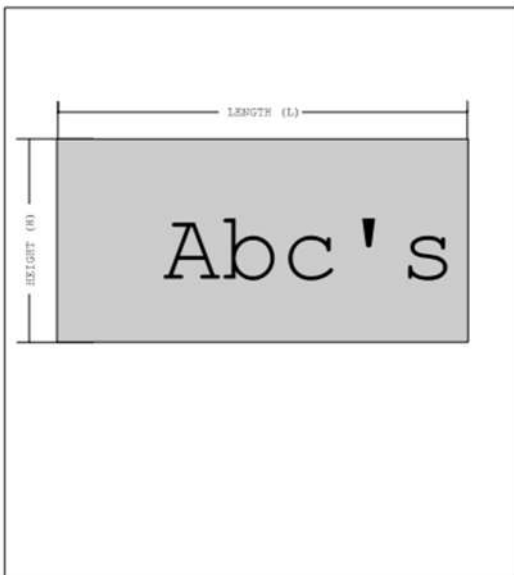
7. Wall Signs

All wall signs shall comply with the following requirements in table 5:

Table 5:

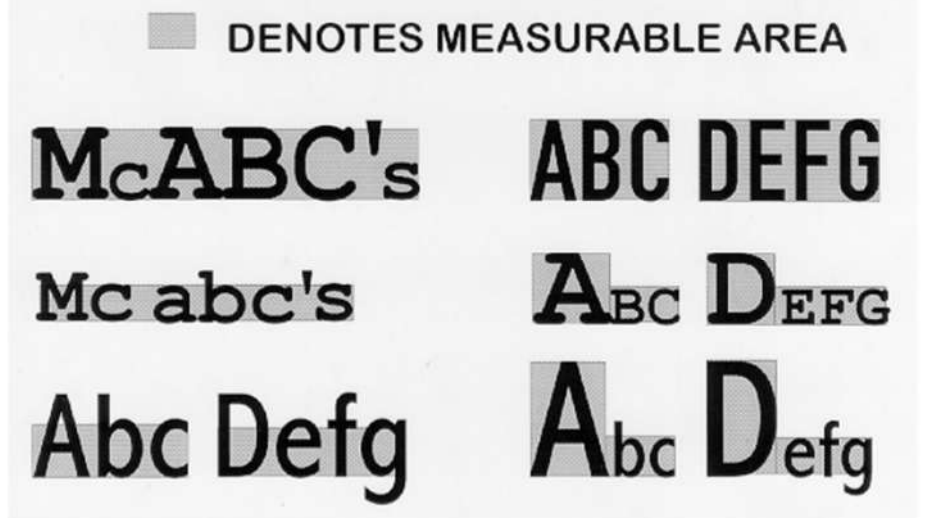
District	Maximum Number per Road Frontage	Maximum Square Footage per Sign	Maximum Height (Feet)
SR, OUR (Permitted Uses)	N/A	2	8
SR, OUR (Conditional Uses)	N/A	12	15
MFR	N/A	1 sq. ft. per 1 lineal foot of building width, not to exceed 25 sq. ft.	15
NB, RF	N/A	1 sq. ft. per 1 lineal foot of building width, not to exceed 50 sq. ft.	15
GB, SI	N/A	1 sq. ft. per 1 lineal foot of building width, not to exceed 125 sq. ft.	25
AM	N/A	1 sq. ft. per 1 lineal foot of building width, not to exceed 125sq. ft.	40
PUD	Per approved development plan		

*Fractional numbers are rounded down to the lower whole number



SIGN FACE AREA = (L) X (H)

(LETTERS MOUNTED INDIVIDUALLY WITHOUT ANY FRAME OR GRAPHIC ENCLOSURE)



SIGN FACE AREA = (L) X (H)

8. Window Signs

All window signs shall comply with the following requirements in table 6:

Table 6:

District	Maximum Number per Lot	Maximum Square Footage	Maximum Height
All Districts	N/A	30% of window area	15'
PUD	Per approved development plan		

9. Way Finding Signs

There may be two way-finding signs per access driveway connecting to a public or private street. Way finding 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.

10. Entrance Wall Sign

One sign may be placed on an entrance wall or on each parallel entrance wall as permitted in Part 4 – Section B.7. Each sign shall not extend above the height of the wall and shall not exceed 15 square feet in size. Lighting for said sign(s) shall be restricted to external illumination that complies with Part 4 – Section B.13.a. Internal illumination of said sign(s) is prohibited.

11. 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:

- On premise menu boards not exceeding 8 feet in height that display standard menu items and carry no commercial message shall not be measured as part of the lots sign allocation. Limit two (2) at point of order.
- 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.

12. 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 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.

- 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.
 - i. The color temperature of the sign lighting shall not exceed 4,000K.
 - ii. 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.
 - iii. Light fixtures shall be screened from view by site grading or landscaping.

13. 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 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 the NB, GB, SI, and AM 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:
 - i. Exceed eight (8) feet in height.
 - ii. Exceed thirty-two (32) square feet in area (per Sign face)
- d. 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 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.

14. 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. Each message or copy must be displayed for at least 8 seconds
- b. Such message or copy must not include animation or moving images
- c. The message or copy changes shall be accomplished instantaneously or in 3 seconds or less when using a fade or dissolve feature.
- d. Such signs shall be equipped with an auto dimming photocell system to adjust to ambient light levels.

15. Murals

a. Original Art Murals

Original Art Murals that meet all of the following requirements shall be issued a Mural Permit by the Zoning Inspector:

- i. Original Art Murals are permitted only in the NB, GB, SI, AM, RF, and PUD districts.
- ii. 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.
- iii. Murals shall only be permitted on sides and rear elevations and shall be prohibited on front elevations of buildings.
- iv. No part of the mural shall exceed the height of the structure to which it is tiled or painted.
- v. The materials or paint utilized to create the mural shall be weatherproofed or resistant to wear.
- vi. The mural shall be properly maintained through repair and paint, or any necessary treatment so as to prevent decay. Defective or insufficient weather protection for exterior treatments and facades, including fading paint or materials or graffiti shall be promptly repaired or shall otherwise be subject to the violation provisions in Part 7 – Section D of this code.
- vii. Murals on properties within a PUD must be part of the originally approved development plan or an amendment to said plan must be approved by the Planning and prior to the Zoning Inspector issuing a Mural Permit.
- viii. Murals that would result in a property becoming out of compliance with any other community regulation shall be prohibited.

b. Vintage Art Murals

- i. 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 Part 9 of this code.

16. Billboards

The following Billboard regulations apply to all uses within all districts:

- a. Zoning Certificate

- i. Unless expressly exempted, no outdoor advertising sign shall be erected, constructed, permanently enlarged, expanded, materially altered, relocated or reconstructed unless a Sign Zoning Certificate evidencing the compliance of such sign with the provisions of this Chapter shall have first been issued by the Zoning Inspector.
 - ii. For purposes of this text, Billboards or Outdoor Advertising Signs as referred to within this section shall be limited to the following:
 - 1. Bulletin Billboard measuring 14' x 48' and not larger than 672 square feet.
 - 2. Poster Panel Billboard measuring 12' x 25' and not larger than 300 square feet.
 - 3. Junior Poster Panel Billboard Measuring 6' x 12' and not larger than 72 square feet.
- b. Exemptions

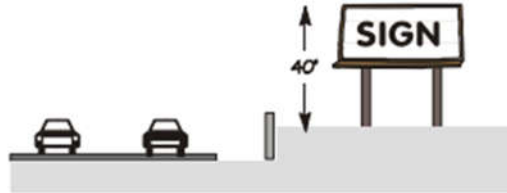
The following sign-related activities shall be exempt from the provisions of this Chapter and shall not require a zoning certificate:

 - i. Outdoor advertising signs existing on or before the effective date of this Resolution shall be allowed changes in the poster advertisement or reader board. Further modifications may be subject to the provisions of Part 9.
 - ii. Routine sign maintenance including cleaning, re-painting, replacing lamps and ballast and electrical components and changing of lettering or parts of signs designed to be regularly changed.
- c. State Permit
 - i. In addition to the Zoning Certificate and permits required pursuant to this Section, a state permit issued by the State Director of Transportation may also be required prior to issuance of any Final Zoning Inspection Certificate for outdoor advertising signs located within 660 feet of streets that are part of the interstate or primary highway systems.
- d. Standards for Billboards
 - i. Temporary Enlargements
 - 1. The use of cut-outs, extensions and embellishments is expressly permitted provided such are a temporary addition to a sign face displayed no more than 120 days appurtenant to a particular advertising message and that same are to be limited to 25% of the size of the applicable sign face.
 - ii. Location.

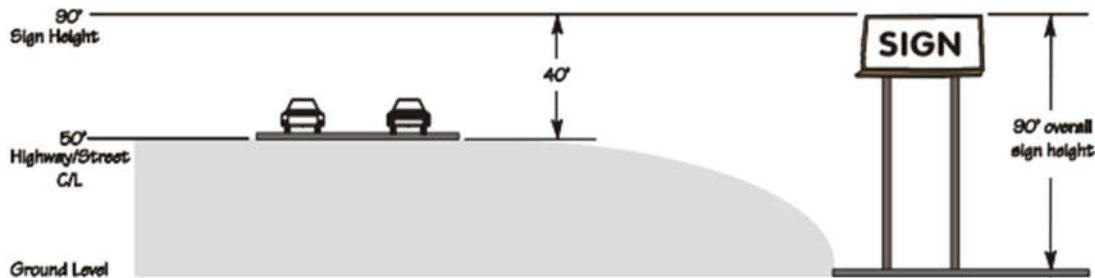
No outdoor advertising sign shall be constructed:

 - 1. as a roof sign
 - 2. as a Junior Poster Panel that is constructed as a double-faced, side-by-side, stacked, or decked sign with a combined sign face area of more than 150 square feet
 - 3. as a Bulletin Board sign with a face area exceeding 14 feet in height x 48 feet in length (672 square feet), excluding temporary cut-outs, extensions, and embellishments permitted as set forth herein

4. within 20 feet of the right-of-way line of any street or highway
5. as a ground sign more than 40 feet above the grade of the lot or location being occupied by such sign, or the average natural grade at the sign location, if higher.



6. In the case of a street or highway which is higher than the grade of the lot or location to be occupied by the sign, the height shall be measured from the center line of pavement at such location, but in no event shall the height exceed forty feet above the center line of the pavement at that location



e. General Spacing

An affidavit certifying compliance with the spacing requirements stated below must be provided by the applicant. Measurement shall be computed along the edge of pavement of the thoroughfare from which the sign is intended to be viewed beginning at a point perpendicular to the outdoor advertising sign and measured along the edge of pavement of all intersecting thoroughfares.

i. Expressways and Freeways

1. No outdoor advertising sign whether constructed as a bulletin (672 sq. ft.), poster panel (300 sq. ft.) or junior poster panel (72 sq. ft.) sign shall be constructed within 1,500 feet of any other outdoor advertising sign located on either side of the highway (specifically I-71, I-74, I-75, I-275, Ronald Reagan Cross County Highway and other highways designated as expressways or freeways on the Thoroughfare Plan of Hamilton County) and facing the same traffic flow.

ii. Major Arterial Roadways

1. No outdoor advertising sign whether constructed as a poster panel (300 sq. ft.) or junior poster panel (72 sq. ft.) sign shall be constructed within 500 feet of any other outdoor advertising sign located on either side of the roadway (Major Arterials designated on the Thoroughfare Plan of Hamilton County) and facing the same traffic flow, provided however

that Bulletin (672 sq. ft.) spacing shall be not less than 1,000 feet from Bulletin sign to Bulletin sign located on either side of the roadway and facing the same traffic flow.

iii. Minor Arterial Roadways and Collector Streets

1. Poster signs (300 sq. ft.) and Junior Panels (72 sq. ft.) shall be spaced not less than 500 feet from another poster or junior poster panel advertising sign located on either side of the roadway (Minor Arterials and Collectors designated on the Thoroughfare Plan of Hamilton County) and facing the same traffic flow. Bulletin (672 sq. ft.) signs shall be prohibited on these roadways.

f. Buffer Spacing

An affidavit certifying compliance with the spacing requirements stated below must be provided by the applicant. Measurement shall be computed along the edge of pavement of the thoroughfare from which the sign is intended to be viewed beginning at a point perpendicular to the off-site advertising sign and measured along the edge of pavement of all intersecting thoroughfares.

i. Distance from Residences

1. No outdoor advertising sign shall be located within 300 feet of any parcel located in any residential district or recorded residential subdivision including residential districts and subdivisions in adjacent jurisdictions.

ii. Distance from Special Facilities

1. No outdoor advertising sign shall be located within 500 feet of any park, natural preserve, scenic roadway, school, cemetery, historic site or area, hospital, retirement home or government building.

iii. Distance from Scenic and Historic Areas

1. No outdoor advertising sign shall be located within 200 feet of a tunnel, bridge, underpass or overpass if such structure is immediately adjacent to a Scenic Roadway or Historic Site or Area.

iv. Location of Advertising for Tobacco and Alcohol Products

1. No outdoor advertising sign advertising any tobacco product or alcoholic beverage, whether constructed prior to or since the adoption of this Resolution, shall be located within 500 feet in any direction of any school, hospital, retirement home, cemetery, religious institution, or park.

17. Political Signs

Political signs shall be regulated as follows:

- a. Signs advertising support of or opposition to any issue, levy, political party, political candidate, or write-in candidate shall be permitted without application for a building permit for a period of time commencing sixty (60) days prior to the primary, special or general election in which the candidate, political party, issue or levy appears on the

ballot, and ending seventy-two (72) hours following such special, primary or general election.

b. Size and Location

- i. Such non-illuminated signs shall not exceed three (3) square feet in size and no more than one (1) such sign shall appear on any lot.
- ii. Such signs shall be at least five (5) feet from all property lines and right-of-way.

C. PARKING

Unless otherwise noted, these parking standards apply to all uses in all Districts. 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.

1. Parking Lot Location

All parking lots shall be located in accordance with the parking lot location requirements as noted in the development standards table for each district.

2. Parking in Side and Rear Yards

Parking lots may encroach into a required internal Side or Rear Yard but in no case shall the parking be closer than five (5) feet to internal lot lines, except in cases where the parking lots need to straddle internal lot lines in order to comply with the connectivity requirements. In such cases, appropriate cross access easements must be established. The development standards in each individual district may include additional setback standards when abutting noncompatible uses.

3. Parking Bays

All off-street parking lots/areas shall be designed and constructed using the "Parking Bay" concept, which consists of parking spaces grouped together, with each Parking Bay separated by landscape islands or peninsulas. No Parking Bay shall contain more than 48 parking spaces, with a maximum of 24 spaces in a single row in the NB and GB Districts. In the SI and AM Districts, no Parking Bay shall contain more than 96 parking spaces, with a maximum of 48 spaces in a single row.

4. Interior Landscaping

Off-street parking lots/areas using the parking bay concept shall utilize parking islands and peninsulas. These interior landscaping areas must meet the landscaping and design standards listed in Part 4 – Section D.4.

Off-street parking lots/areas listed below are exempt from interior landscaping:

- a. Where the total parking provided is located in more than one location on a site, each location contains less than twenty (20) parking spaces, and the area is separated on all sides by at least twenty feet (20') of non-paved area
- b. Vehicular use areas containing less than twenty (20) parking spaces

5. Screening

Any surface parking areas in the NB, GB, SI, and AM Districts and adjacent to an existing or planned public right-of-way shall be screened from the respective right-of-way in accordance with the standards listed in Part 4 – Section D.4.

6. Garage Spaces

Parking spaces provided inside of a garage that are dedicated to the principal use of the property shall count towards the parking space requirements.

7. Handicap Parking

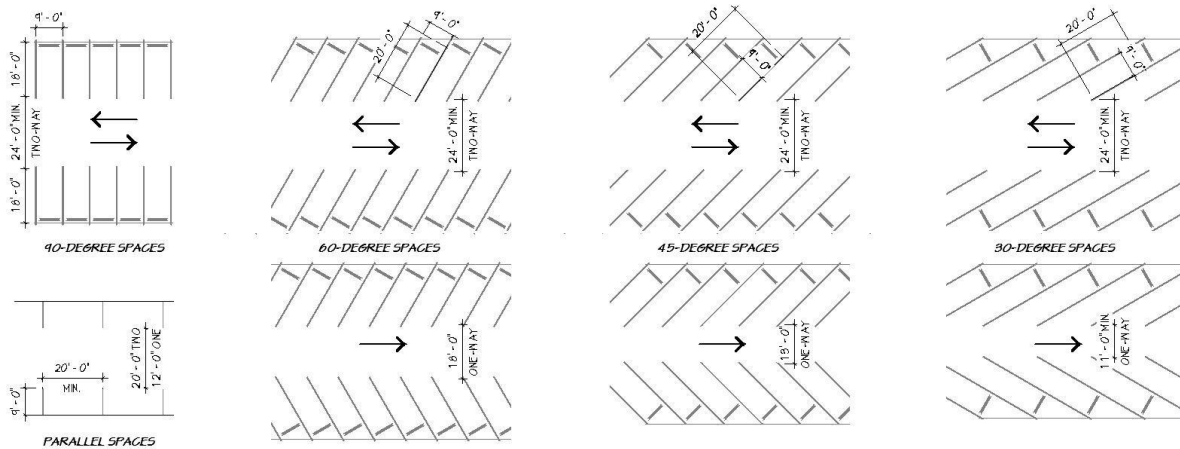
Handicap accessible parking spaces shall be provided in accordance with the American with Disability Act requirements.

8. Design of Parking Spaces and Aisles

- a. Access
 - i. All parking spaces shall be entered and exited along parking aisles arranged perpendicular to access drives wherever possible. Parking shall be restricted along entry drives within thirty feet (30') of the right-of-way or easement line (and at greater distances as may be required by the Rural Zoning Commission depending on the traffic generation and parking lot size) nor within eight feet (8') of the curb or pavement edge of such restricted entry drive area. The parking setback areas along the entry drive, as required in this section, must be a pervious surface consisting of grass or other landscaping material excluding pavement, gravel or other rock material.
- b. Maneuverability
 - i. Turn-Around Area
 - 1. Where more than 3 parking spaces are served by a single driveway, a turn-around area shall be provided, or other provision shall be made, to permit cars to exit the parking lot or garage without backing onto any street or sidewalk.
 - ii. Back-Up Area
 - 1. Each parking space shall be provided with a sufficient back-up area to permit egress in one maneuver, consisting of one backward and one forward movement.
- c. Entry Drives
 - i. Within 10 feet of the right-of-way, the maximum width of the entry drive shall be 30 feet in the Multi-Family, Neighborhood Business, General Business, Service Industrial, or Advanced Manufacturing districts.
- d. All parking spaces shall be designed in accordance with Table 7.

Table 7:

Angle	Min. Access Drive Width	Drive Aisle Width		Space Width	Space Length
		One-Way	Two-Way		
Parallel	20'	12'	20'	9'	19'
30 degrees	20'	12'	24'	9'	19'
45 degrees	20'	13'	24'	9'	19'
60 degrees	20'	18'	24'	9'	19'
Perpendicular	20'	22'	24'	9'	19'



9. Paving

All parking areas, common areas and adjacent driveways in all Districts shall be paved with asphalt material, cement, cobblestone, or brick pavers and parking spaces shall be striped. The use of gravel or asphalt grindings for parking lots or driveways shall be prohibited. All vehicles in all Districts shall be parked on paved driveways or parking areas and shall be prohibited from being parked in grass or other unpaved areas of lots.

10. Mixed Use Development Parking

When a mix of uses creates staggered peak periods of parking (see table 8), the total parking requirements for the uses may be reduced provided a shared parking plan is submitted and approved as part of a PUD.

- 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 8.

- b. 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 applicable reviewing entity.
- c. Shared parking must remain under common ownership providing access to all users of the shared parking lot. If common ownership is not proposed, the applicable approving authority may require documentation of shared access agreements to be provided.

Table 8:

Weekday Peaks	Banks, Professional Offices, Medical Offices, Libraries, Daycares, Coffee Shops
Evening Peaks	Bars, Ice Cream Shops, Restaurants, Movie Theaters
Weekend Peaks	Retail Uses, Movie Theaters

11. Recreational Vehicles

Residents shall be permitted to park a recreational vehicle on a lot in any zoning district which permits one or two dwelling units, provided the following criteria are met:

- a. There shall be a maximum of one recreational vehicle per dwelling unit permitted on said lot. For 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 ten (10) feet in height.
- b. Said vehicles shall be parked on a paved surface and shall not be parked on the grass or on any other unpaved surface. Said vehicles shall not be parked in turnaround areas.
- c. Unless such vehicle is parked in the driveway, it shall not be located forward of the front plane of the main dwelling. If the recreational vehicle is parked in a driveway, it shall not extend into the right-of-way or block the sidewalk.
- d. In no case shall a recreational vehicle be utilized for living, sleeping, housekeeping, business or storage purposes.
- e. Said recreational vehicle must have a valid registration and license from the State of Ohio, when applicable.
- f. Recreational vehicles that are stored within a fully enclosed structure with four walls and a roof shall not be subject to these regulations.

12. Parking of Commercial Vehicles in Residential Districts

- a. No commercial tractor, truck, trailer or commercial automobile weighing more than 8,000 pounds shall be parked, stored or allowed on any lot or parcel of land or on the street in any residential district.
- b. This section shall not apply to such vehicles used for conveying the necessary tools and materials to premises where labor using such tools and materials is to be performed during the actual time of parking of such vehicles, nor to the actual time during which such vehicles are being loaded or unloaded or used to deliver or hoist property or merchandise for completion of delivery as long as such activities referred to in this provision are conducted diligently and without unnecessary delay.

13. Parking of Inoperable or Abandoned Vehicles

The parking or storage of inoperable or abandoned vehicles is prohibited outdoors in all districts except the Advanced Manufacturing district and as further provided in this section. The location and duration of temporary parking or storage of an unlicensed operable vehicle may be approved by the Zoning Inspector through the issuance of a Temporary Zoning Certificate on the basis of the adequacy of the parcel size, condition of the vehicle, visibility from other properties and absence of undue adverse impact on adjacent property or on the area as a whole.

14. Loading Spaces

- a. All loading spaces must be located to the side or rear of the principal structure and screened in accordance with Part 4 – Section D.8 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 15 feet and shall have minimum dimensions of not less than 12 feet in width and 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 table 9.

Table 9:

Sq. Ft.	Neighborhood Business, General Business, Service Industrial	Advanced Manufacturing
0 - 5,000	0 spaces	0 spaces
5,000 – 10,000	1 space	0 spaces
10,000 - 75,000	1 space	1 space
75,000 –150,000	1 space	2 spaces
150,000 – 250,000	1 space	3 spaces
250,000 – 300,000	1 space per 250,000 sq. ft. or portion thereof	3 spaces
>300,000	1 space per 250,000 sq. ft. or portion thereof	1 space per 100,000 sq. ft. or portion thereof

15. Number of Parking Spaces

These standards are being established to encourage efficient use of parking areas by permitting sensible shared parking to reduce Impervious Surfaces and increase green space. All uses within

all Districts shall comply with the number of off-street parking space requirements listed in Table 10 and the requirements specified below.

- a. Net square feet shall be used when calculating square footage, unless otherwise noted.
- b. When calculating the required number of spaces, fractional numbers shall be increased to the next whole number.
- c. In no case shall the total number of parking spaces for a particular use be less than the Minimum Number of Required Parking Spaces for said use based upon the below chart.
- d. The Minimum Number of Required Parking Spaces shall be calculated for each separate use on the lot, with the exception of Mixed-Use parking as listed in Part 4 – Section C.10.
- e. Where the total number of parking spaces exceeds 120% of the Minimum Number of Required Parking Spaces, landscaping requirements shall be doubled.

Table 10: Parking Requirements

Use	Parking Minimum
Accessory Dwelling Unit	1 space per unit (Subject to standards in Part 6-Section A)
Adult Entertainment/Uses	1 space per 265 sq. ft. (Subject to Part 6-Section B)
Agriculture - Garden	1 space per employee ¹
Agriculture - Farm	1 space per employee ¹
Animal Service Facility	1 space per 265 sq. ft.
Automobile Oriented Facility	1 space per 265 sq. ft. + 5 stacking spaces per lane
Bank	1 space per 400 sq. ft. + 5 stacking spaces per lane
Bed and Breakfast Facility	1 space per guest room + 1 space for owner
Body Art Establishment	1 space per 265 sq. ft.
Brewery	1 space per employee ¹ + 1 space per facility vehicle. Restaurant/ bar space, tasting room, and retail sales areas calculated separately
Business - Retail	1 space per 265 sq. ft.
Business - Seasonal, Outdoor, Temporary	1 space per 500 sq. ft. of sale/display area (Subject to Part 6- Section H)
Cemetery	1 space per employee ¹
Commercial Recreation Facility - Small/Large	1 space per 265 sq. ft.
Commercial Recreation Facility - Outdoor	1 space per 4 seats of designed capacity
Communication Facility	1 space (Subject to Part 5 – Section H)
Contractor Office	1 space per employee ¹ + 1 space per facility vehicle
Correctional Facility	1 space per employee ¹ + 1 space per 25 inmates
Cultural Institution (Art Gallery, Library, etc.)	1 space per 400 sq. ft.
Data Processing Center	1 space per employee ¹ + 1 space per facility vehicle
Day Care	1 space per employee ¹ + 1 space per 7 children
Flex-Office - Warehouse	2 spaces per 1,000 sq. ft.
Food Truck/Trailer/Cart	See parking requirements in Part 6 - Section E
Funeral Service Facility	1 space per employee ¹ + 1 space per 4 seats in largest chapel + 1 space per facility vehicle
Greenhouse/Nursery	1 space per employee ¹ + 1 space per 265 sq. ft. of indoor sale/display area + 1 space per 1000 sq. ft. of outdoor sale/display area + 1 space per facility vehicle
Home Occupation	See parking requirements in Part 5 - Section D
Hospital	1 space per 1.5 employees ¹ + 1 space per 2 beds
Hotel/Motel	1 space per employee ¹ + 1 space per room
Junk Yard/Scrap Metal	1 space per employee ¹ + 2 spaces per acre
Kennel	1 space per employee ¹ + 1 space per 1000 sq. ft.
Landscape and Hardscape Business	1 space per employee ¹ + 1 space per 265 sq. ft. of indoor sale/display area + 1 space per 1000 sq. ft. of outdoor sale/display area + 1 space per facility vehicle
Logistics	1 space per employee ¹ + 1 space per facility vehicle
Lumberyard	1 space per employee ¹ + 1 space per 265 sq. ft. of indoor sale/display area + 1 space per 1000 sq. ft. of outdoor sale/display area + 1 space per facility vehicle

Use	Parking Minimum
Machine Shop	1 space per employee ¹ + 1 space per 265 sq. ft. of indoor sale/display area + 1 space per facility vehicle
Maker Space	1 space per 265 sq. ft.
Manufacturing	2 spaces per 1,000 sq. ft.
Municipal Utilities	1 space per employee ¹ + 1 space per 265 sq. ft. + 1 space per facility vehicle
Office - Administration, Business, or Professional	1 space per 400 sq. ft.
Office - Medical	1 space per 265 sq. ft.
Outdoor Service Facility	1 space per 500 sq. ft.
Park	2 spaces per acre
Permanently Sited Manufactured Home	2 spaces per unit
Personal Services	1 space per 265 sq. ft.
Place of Assembly	1 space per 4 seats in main assembly room
Public Service Facility	1 space per 400 sq. ft. + 1 space per facility vehicle
Rehabilitation Facility	1 space per employee ¹ + 1 space per 4 beds
Repair Shop	1 space per employee ¹ + 1 space per 265 sq. ft. + 1 space per facility vehicle
Residential Care Facility	1 space per employee ¹ + 1 space per 4 beds
Residential Facility	1 space per employee ¹ + 1 space per 4 beds
Residence/Dwelling - Single Family	2 spaces per unit
Residence/Dwelling - Two Family, Row Houses, Townhomes, Multi-Family	1 space per unit
Restaurant	1 space per 100 sq. ft. + 5 stacking spaces per lane
School - Nursery	1 space per employee ¹ + 1 space per 7 children
School - Primary, Intermediate, Middle	2 spaces per classroom/office
School - High	1 space per employee ¹ + 2 spaces per classroom/ office + 1 space per 4 auditorium or stadium seats
School - Technical and Post Secondary	1 space per 600 sq. ft. of academic space + 1 space per 4 seats in main assembly room + 1 space per 2 beds in an on-campus residential facility
Self-Storage Facility	3 spaces + 1 space per 100 individual storage units
Short Term Rental Unit	1 space per unit (Subject to Part 6 - Section G)
Solar Farm	1 space per employee ¹
Truck and Travel Service Center	1 truck space per 10,000 square feet of site area + 1 vehicle space per 265 sq. ft.
Vehicle Sales and Rentals - New and Used Cars, Motorcycles, Recreational Vehicles, Equipment	1 space per employee ¹ + 1 space per 400 sq. ft. of sales, shop or garage areas
Waste Management Facility	1 space per employee ¹ + 1 space per 265 sq. ft. + 1 space
Wind Energy Conversion Systems	1 space per employee ¹

¹ Number of staff at the largest shift shall be used when calculating spaces per employee

D. LANDSCAPING AND BUFFERING

1. Purpose

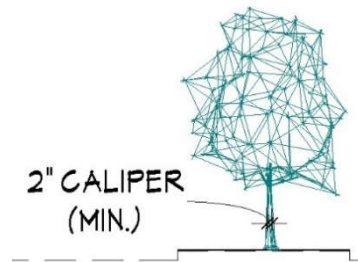
- To provide standards and criteria for new landscaping with live plant material intended to promote the value of property, enhance the general welfare, improve the physical appearance of the community and enhance the community's ecological, environmental and aesthetic qualities
- To establish requirements for the installation and maintenance of landscaping and buffering elements and other means of site improvement on existing and newly developed property
- To reduce effects of increases in air temperatures, glare, noise, erosion, and sedimentation caused by expanses of impervious and unvegetated surfaces within the urban environment
- To preserve and improve the natural urban environment by recognizing that the use of landscaping elements can contribute to the processes of air purification; oxygen regeneration; ground water recharge; storm water runoff retardation; and the abatement of noise, glare and heat
- To safeguard and enhance property values and protect public and private investment

2. Vegetation Types

- a. Shrub
 - i. A short perennial plant with multiple self-supporting woody stems, branching at or near the ground.
 - ii. Species in this group generally do not exceed 15 feet in height at maturity.
- b. Tree
 - i. A tall perennial plant with a single self-supporting woody stem
 - ii. Small Trees
 - 1. Approximately 0-30 feet at maturity
 - 2. Examples include species commonly known as Allegheny Serviceberry, Hawthorn, Golden Chain Tree, Crabapple, and Aristocrat Pear.
 - iii. Medium Trees
 - 1. Approximately 30-70 feet at maturity
 - 2. Examples includes species commonly known as Red Maple, Shademaster Honeylocust, Littleleaf Linden, and New Dutch Elm.
 - iv. Large Trees
 - 1. Approximately 70-100 feet at maturity
 - 2. Examples include species commonly known as Sugar Maple, Rosehill Ash, Marshall's Seedless Ash, and Red Oak.

3. The following requirements apply to all uses within all Districts, except the Suburban Residential and One Unit Residential districts

- a. Grass (seed or sod), shrubs, trees, garden planting areas or other appropriate landscaping materials shall be planted in all exterior areas. Other groundcovers, 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:

	<u>Tree Type</u>	<u>Min. Size at Time of Planting</u>
	Deciduous Trees	2-inch caliper
	Coniferous/Evergreen	5 feet in height
	Shrubs and Hedges	18 inches in height

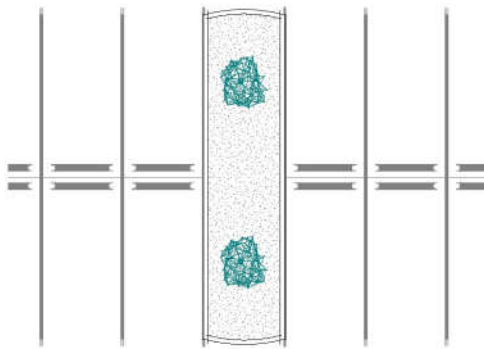
The following types of undesirable trees shall be prohibited:

- Callery Pear (*Pryus calleryana* – any cultivar)
 - Tree of Heaven/Ailanthus – (*Ailanthus altissima*)
 - White Mulberry – (*Morus alba*)
 - Ginko – Female Only – (*Ginko biloba*)
 - Russian Olive – (*Elaeagnus angustifolia*)
 - Autumn Olive – (*Elaeagnus umbellate*)
- 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 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 and kept trimmed so that it does not cover or obscure traffic visibility or traffic signals. Where safe visibility is impaired, trees shall have branches removed from the trunk at least 5 feet above the ground and shrubs or groundcover shall not exceed 2 feet in height.
 - g. Where the total number of parking spaces exceeds 120% of the Minimum Number of Required Parking Spaces, landscaping requirements shall be doubled.

4. Parking Lot Interior Landscaping and Screening

- a. The total landscaping required in parking lots/areas is 22 sq. ft. per parking and stacking space. Parking lot screening, interior landscaping and streetscape buffers count toward the minimum square feet of landscaping required per parking space.

- i. Natural or landscaped detention basins may count toward minimum square footage landscaping requirements when the basins are in the front or side yards.
- b. All parking spaces must be at least within 125 feet of a landscaped area.
- c. Interior landscaping
 - i. As required in Part 4 – Section C.4, interior landscaping shall be designed and landscaped in accordance with the following standards:
 - 1. Interior landscape areas shall be peninsular or island types.
 - 2. The minimum interior landscape area shall be 162 sq. ft.
 - 3. No interior landscaping area shall be less than 9 ft. wide.
 - 4. The minimum number of trees is 1 large/medium tree for each 10 parking spaces. Any fractional number of trees should be calculated to the next highest whole number.
 - 5. The minimum number of shrubs is 3 for each 10 parking spaces. One canopy tree may substitute for 3 shrubs.



Example: Parking Island with stone material

- d. Screening
 - i. As required in Part 4 – Section D.5

5. Streetscape Buffers

- a. All uses, other than single-family residential, with frontage along a public road shall provide a streetscape buffer along the property line abutting the right-of-way of public roads when developed or redeveloped.
- b. The streetscape buffer shall have a depth of ten (10) feet, shall be located adjacent to the right-of-way, and shall extend along the entire frontage.
 - i. If the front setback is less than 10 feet, no landscaping/buffer yard is required.
- c. No parking or pavement shall be permitted in the streetscape buffers except for intersecting drives or required walkways.
- h. When in a sight triangle, trees shall have branches removed from the trunk at least 5 feet above the ground and shrubs or groundcover shall not exceed 2 feet in height.

- d. All large and medium trees shall be placed at least twenty (20) feet from utility poles. A small tree shall be used in place of a large/medium tree when planting under or within 10 feet of overhead utility wires.

6. Buffer Yard and Screening Requirements

The following buffer yard and screening requirements apply as follows in Table 11. These requirements do not apply when a proposed one-unit dwelling in a SR, OUR, or MFR district will abut another one-unit dwelling.

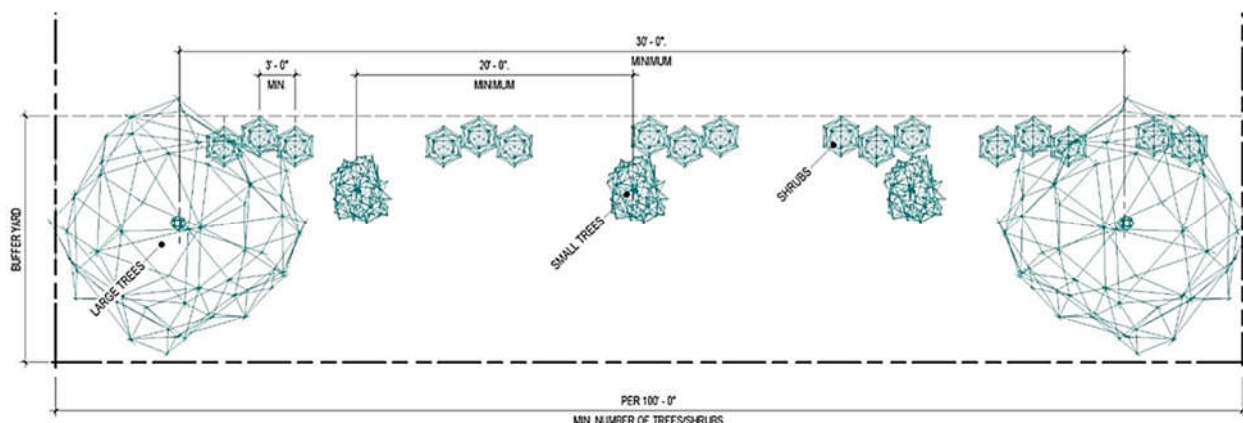
A six-foot tall buffer fence may be utilized to take the place of shrubs. For purposes of this section, a buffer fence is a fence constructed of brick, stone, treated wood, painted rustproof metal, vinyl, or other commercially produced synthetic fencing material so long as it is solid, durable, uniform, 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 vinyl or metal screening inserts, mesh screening, tarps, and similar materials shall not be considered as a Buffer Fence.

Table 11:

				Minimum number of plantings per 100 lineal ft of adjoining lot lines ³		
District of Proposed Use	Abutting District	Yard	Buffer Yard Width	Large/Medium Trees	Small Trees	Shrubs
MFR	Public Street	front	10'	2	2	10
Neighborhood Business	SR, OUR	side or rear	10'	1	2	10
General Business	SR, OUR	side or rear	20'	2	2	15
Service Industrial	SR, OUR	side or rear	20'	1	2	12
Advanced Manufacturing	SR, OUR	side or rear	45'	3	4	10
Advanced Manufacturing	NB	side or rear	10'	3	3	8
Advanced Manufacturing	GB, SI	side or rear	N/A	N/A	N/A	N/A
Non-Residential Districts	Public Street	front	10'	1	2	10
Riverfront Recreation	SR, OUR	side or rear	10'	1	2	10

³ If adjoining lots have less than 100 lineal feet, the number of plantings will be required on a prorated basis. For lots with more than 100 lineal feet, the fractional remainder will be required on a prorated basis. All fractional numbers of plantings shall be rounded up to the nearest whole number.

Example Buffer Yard for non-residential use next to One Unit Residential



7. Mechanical Equipment

All external mechanical equipment in all districts, except the Suburban Residential and the One-Unit Residential 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:

- a. A wall or fence that is a minimum of one 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; or
- b. 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) lineal feet between each tree.
- c. 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.

8. Production Areas, Service Areas, Loading Zones, Trash Containers, and Storage Areas

All production areas, service areas, loading zones, trash containers, and storage areas 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:

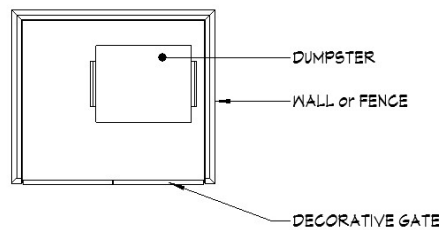
- a. Production Areas, Service Areas, Loading Zones
 - i. Screening of such areas shall consist of either a minimum 6-foot wall or landscaping.
 1. Screening consisting of walls shall utilize the same or similar materials as those used on the principal building and be accented with landscaping materials that extends the entire length of the production area, service area, or loading zone. 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, or loading zone.

2. When landscaping is utilized in lieu of a wall, it shall consist of evergreen trees that are a minimum of 6 feet in height at the time of installation and spaced a maximum of 12 feet between each tree.

b. Trash Containers, Storage Areas

- i. 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. 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 so that the trash container or storage area can be accessed.



9. Overlap

When any portion of the parcel is subject to more than one set of landscape or buffer requirements, the most stringent requirement shall control. The most stringent requirements shall be defined as those which require the highest fence, wall or screen or, if no fence, wall or screen is required, the requirements with the greatest quantity of landscaping.

E. PERFORMANCE STANDARDS

1. Purpose

- To reduce the off-site impacts to surrounding developments.
- To protect the general health, safety and welfare of the community by controlling dangerous and objectional elements.

2. Noise

There shall be no earth disturbing or construction activity between the hours of 10 p.m. and 6 a.m. every day of the week.

3. Vibration

No use shall be located, and no equipment shall be installed in such a manner as to produce intense, earth-shaking vibration which is discernable without instruments at or beyond the property line of the subject premises.

4. Dust and Smoke

The emissions of smoke, soot, fly ash, fumes, dust or other types of pollutants borne by the wind shall be controlled so the rate of emissions or quantity deposited do not create a public nuisance, as measured on the most proximate lot within a non-industrial district.

5. Glare and Heat

Any operation producing intense heat or light, such as high temperature processes like combustion, welding or otherwise, shall be performed within an enclosed building and not visible from lot line bounding the property where the use is conducted.

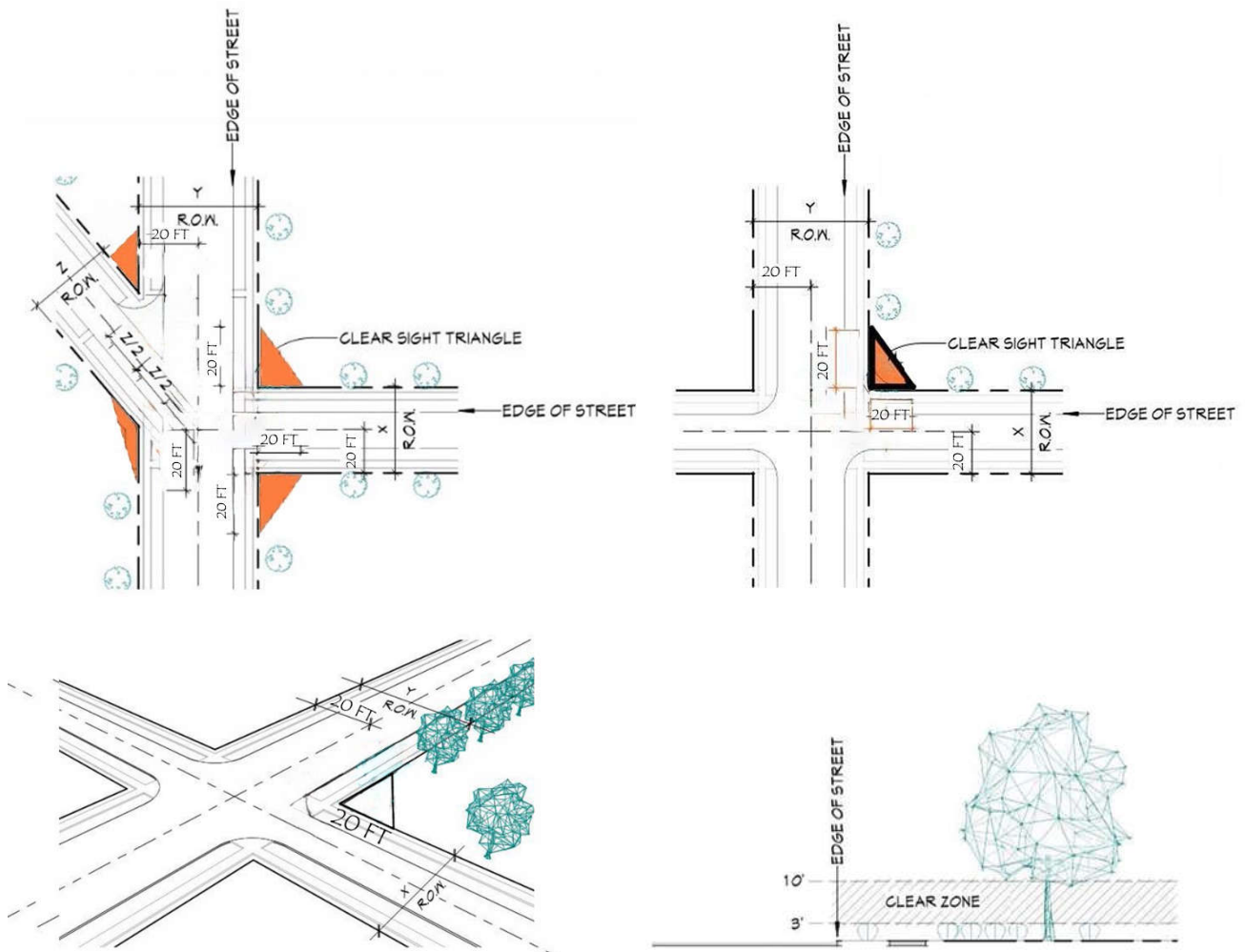
F. VISIBILITY AT INTERSECTIONS

1. Sight Triangles

There shall be a sight triangle established at every intersection. 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 20 feet.

2. 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 2 feet measured relative to the elevation to the nearest pavement crown. This is based on a driver eye height of three feet (AASHTO). Overhanging branches or other elevated obstructions shall not be any lower than 5 feet measured relative to the elevation of the nearest pavement crown.



PART 5 – ACCESSORY USES AND STRUCTURES

A. ZONING CERTIFICATES

No accessory use or structure shall be established or constructed unless a Zoning Certificate evidencing compliance of the proposed use or structure with the provisions of this Chapter and all other applicable regulations of this Code has first been issued unless otherwise stated below.

Accessory uses not requiring Zoning Certificates but subject to the minimum yard requirements of this chapter shall include satellite dishes, vending machines (Part 5 – Section I), ornamental landscape structures (Part 5 – Section J), swing sets, jungle gyms and other play devices not requiring a building permit (Part 5 – Section K), automobile rental (Part 5 – Section L), and dumpsters and trash handling areas (Part 4 – Section D.8.).

B. DETACHED GARAGE, STORAGE STRUCTURES, AND OTHER DETACHED STRUCTURES AS ACCESSORY TO RESIDENTIAL USES ONLY

Detached private garages, storage barns, portable carports and other detached structures shall be permitted as an accessory use where residences are the primary use, in accordance with the following requirements:

1. Area

- a. On parcels of one (1) acre or less, no accessory structure shall contain more than 1,032 square feet in area.
- b. On parcels greater than one (1) acre and having a minimum width of at least 150 feet at the building line, no accessory structure shall contain more than 2,000 square feet in area.
- c. The cumulative area of all accessory structures shall not occupy more than 30% of the required side and rear yard.

2. Height

- a. On parcels of one acre or less, 14.5 feet in height measured to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
- b. On parcels greater than one acre and having a minimum width of at least 150 feet at the building line, 24 feet in height measured to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

3. Location

- a. All detached accessory structures shall be located to the side or rear of the principal structure. In no case shall an accessory use/ structure be located nearer to the front lot line than the principal building.
- b. Accessory uses/ structures may encroach a required side or rear yard, but in no case shall an accessory use/structure be located closer than 5 feet from a lot line.
- c. An accessory use/ structure shall not be located closer than 5 feet from the principal building or any other accessory use/structure.

4. Setback

- a. No detached accessory structure having 1,032 square feet or less in floor area and 14.5 feet in height measured to the mean height level between eaves and ridge shall be closer than five feet (5') from any property line. When permitted by Section 10-12.1, no detached accessory structure having more than 1,032 square feet in floor area or being more than 14.5 feet in height measured to the mean height level between eaves shall be closer than 25 feet from any property line.

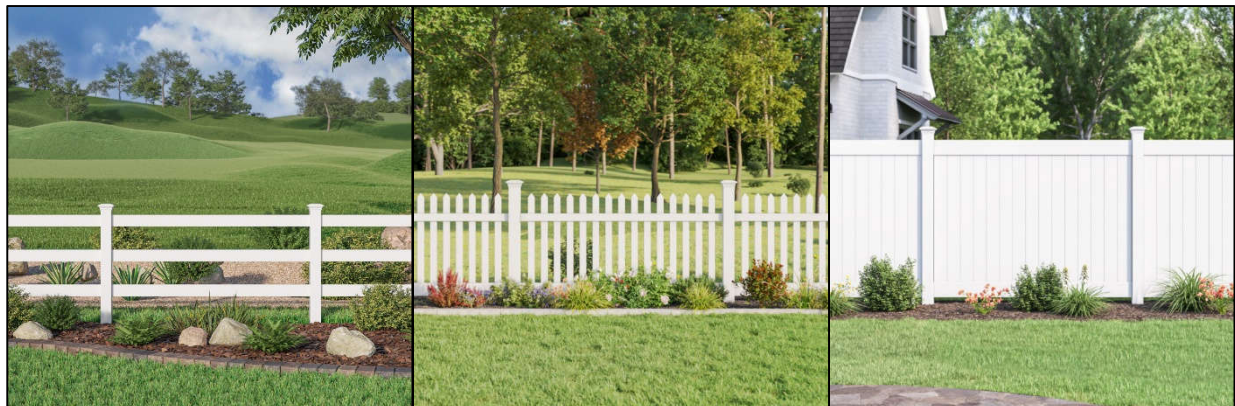
C. FENCES

1. Definitions and Examples

Table 12:

Fence Type	Vertical Surface Area open to light of air
Solid*	Less than 49%
Partially Open	50-61%
Open	Greater than 62%

*designed to inhibit public view and provide seclusion



Open Fence Example
Kentucky Three Board

Partially Open Fence Example
Picket

Solid Fence Example
Solid Privacy Vinyl

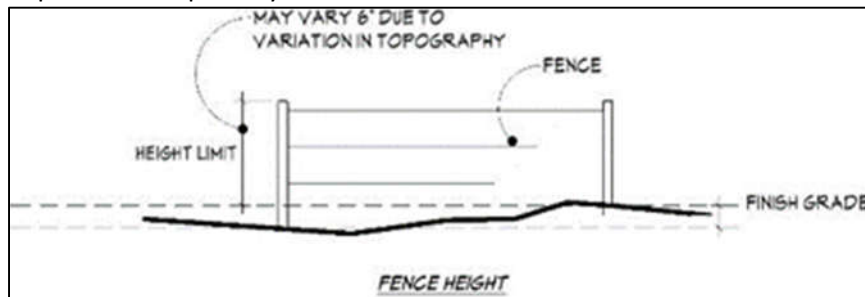
2. All fences and walls shall comply with the following requirements in Table 13:

Table 13:

	Solid Fence or Decorative Wall	Partially Open Fences	Open Face Fences
RESIDENTIAL USES			
Max. height within a front yard (Ft.) measured from finished grade	Prohibited ¹	3'	4'
Max. height in the side or rear yard (Ft.) measured from finished grade	6' ²	6'	6'
MIXED-USE/ COMMERCIAL / INDUSTRIAL USES			
Max. height within a front yard (Ft.) measured	Prohibited ¹	3'	4'
Max. height in side or rear yard (Ft.) measured from finished grade	8' ²	8'	8'

¹ See exception for entrance walls in Part 5 – Section C.5

² Behind the front plane of the primary structure



3. The smooth, finished side of the fence shall be the side of the fence that faces outward from the yard being fenced. All the framing or support members shall face the property owner (inward).

4. Security Fences and Walls

Barbed wire and razor wire are prohibited except that barbed wire may be used on fences located in the Service Industrial, Advanced Manufacturing Districts, or as part of an approved telecommunications facility. Barbed wire fences shall not be built to a height greater than ten feet (10') above finished grade, with barbed wire strands not less than seven feet (7') and not more than ten feet (10') above finished grade. Security fences located in the Service Industrial and Advanced Manufacturing Districts shall be located in the side and rear yards only. Such security fences and walls may be solid in construction.

5. Development - Entrance Walls

An entrance wall or one set of parallel entrance walls constructed on opposite sides of the entrance street or drive shall be allowed in a front yard in accordance with the following requirements:

- a. It is part of a one-unit residential development containing at least ten (10) dwelling units or a multi-family, commercial or industrial development having a minimum of 500 ft. of lot width.
- b. It is constructed at a maximum height of six (6) feet above finished grade and does not extend into the sight distance triangle (Part 4 – Section F).
- c. Signage on such entrance wall shall be subject to size and illumination standards contained in Part 4 – Section B.10 and B.13.
- d. It is constructed with a minimum setback of ten (10) feet from the right-of-way, easement of access or edge of pavement, whichever is the greater setback, and five (5) feet from all other property lines.

6. Retaining Walls

Any retaining wall, abutting a property in a district that permits one-, two- or three-unit residential dwellings, shall be setback from the adjoining residential lot line for a minimum of two feet for every one (1) foot of wall height.

D. HOME OCCUPATIONS

1. All Home Occupations

All home occupations must comply with the following requirements:

- a. 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.
- b. 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.
- c. The home occupation shall not generate traffic greater in volume than normal for the subarea.
- d. The home occupation shall not involve delivery trucks other than normal parcel delivery services.
- e. 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.

2. Minor Home Occupations

In addition to the above requirements, minor home occupations must comply with the following requirements:

- a. There shall be no employees of the minor home occupation other than a person or person(s) who are residents of the dwelling unit in which the home occupation is conducted.
- b. There shall be no signs associated with the minor home occupation.
- c. The minor home occupation shall not occupy more than 20 percent of the livable floor area of the dwelling unit.
- d. There is no permit required for a minor home occupation.

3. Major Home Occupations

In addition to the requirements in (1) above, major home occupations must comply with the following requirements:

- a. There may be up to two employees for the major home occupation who are not residents of the dwelling.
- b. If the home occupation includes employees, 1 parking space per employee is required.
- c. The major home occupations may exceed 20 percent of the livable floor area of the dwelling unit, but in no case shall it exceed 40 percent.
- d. The major home occupation may have one wall sign that does not exceed 6 square feet per sign face and has a maximum height of twelve feet.
- e. Major home occupations in all districts that permit residential uses shall be processed as conditional uses in accordance with the procedures in Part 8 – Section F. The major home occupation must comply with the criteria in Part 8 – Section F.2. in order for the Board of Zoning Appeals to issue a Conditional Use Permit

E. TEMPORARY STRUCTURES

There are only two (2) types of temporary structures that are permitted within the community.

1. Portable Home Storage Units

A Zoning Permit shall be obtained for any portable home storage unit. Portable home storage units may be permitted within any residential District, provided the following regulations are met:

- a. Portable home storage units shall be prohibited from being located within any right-of-way and may not block any sidewalk or multi-use path.
- b. Portable home storage units shall be kept in the driveway of the property at the furthest accessible point from the street.
- c. Only two (2) portable home storage units shall be permitted on any residential property at any one time.
- d. Each portable home storage unit shall not exceed 16 feet in length, eight (8) feet in width, and eight (8) feet in height.
- e. Portable home storage units shall be permitted for 32 calendar days within any 365-calendar day period.
- f. Portable home storage units shall not be utilized for living purposes.

2. Temporary Construction Trailers/Offices

A Zoning Permit shall be obtained prior to installing and utilizing the temporary construction trailer/office. Temporary construction trailers/offices may be permitted in any District during the construction of building(s) and site improvements provided the following regulations are met:

- a. The temporary trailer/office shall be prohibited from being located in the right-of-way and shall be setback a minimum of 10 feet from the right-of-way line.
- b. The temporary trailer/office shall only be permitted during the duration of active construction. If additional time is necessary due to a delay in construction, the applicant shall seek an extension from the Board of Zoning Appeals.

F. PRIVATE OUTDOOR RECREATION AREAS

Swimming pools (measured from the edge of water), tennis courts and independent basketball courts and similar active recreation areas shall be permitted as an accessory use in to permitted residential uses, provided they are located behind the rear line of the principal structure and at least ten feet (10') from all property lines. Fixed lighting for these uses shall be located, screened, or shielded so that any adjacent residential lots are not directly illuminated. Fences required by any building code (for uses such as swimming pools) shall comply with the standards stipulated in Part 5 – Section C.

G. DRIVE-IN OR DRIVE-THROUGH SERVICE WINDOWS

A drive-in service window, ATM (automatic teller machine), photo drop off or other similar type facility shall be allowed only as a permitted or conditional accessory use in the Historical Business Mixed Use, Neighborhood Business, General Business, Service Industrial, and Advanced Manufacturing Districts in accordance with the following requirements:

1. The principal use shall be a retail establishment, bank, office, or restaurant located on the same lot.
2. Any freestanding drive-in service window shall be located in compliance with the same minimum setbacks as a main building as determined by the zone district in which such structure is constructed.
3. The amount of stacking space and circulation patterns on the lot shall be at least five (5) spaces per window lane, calculated from the first customer contact point, and shall be adequate to keep traffic from backing up into the street.
4. Stacking space for these uses shall be in addition to the parking requirements for permitted uses as specified in Part 4 – Section C.

H. COMMUNICATION FACILITIES

1. Purpose

- Accommodate the need for cellular or wireless communications towers and facilities for the provision of personal wireless services while regulating their location and number in the Municipality;
- Minimize adverse visual effects of communications towers and support structures through proper siting, design and screening;
- Avoid potential damage to adjacent properties from communications towers and support structure failure; and
- Encourage the joint use of any new and existing communications towers and support structure to reduce the number of such structures needed in the future.

2. Definitions

The following definitions shall apply to this section:

- a. “Personal wireless services” means commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services, including cellular services.
- b. “Cellular communication services” means personal communication accessed by means of cellular equipment and services.
- c. “Cellular or wireless communications antenna” shall mean any structure or device used to receive or transmit electromagnetic waves between cellular phones, pagers, commercial mobile services, wireless services and ground wired communication systems such as panels, microwave dishes, and omni- directional antennas such as ships and other equipment utilized to serve personal communication services. Not included in this definition: AM, FM, Ham Radio and Television Broadcasting antenna.

- d. "Cellular or wireless communications site" shall mean a tract, lot or parcel of land that contains the cellular or wireless communications tower, antenna, support structure(s), parking and any other uses associated with a and ancillary to cellular or wireless communications transmission.
- e. "Cellular or wireless communications support structure" shall mean any building or structure, including equipment shelter, guy wire anchors, accessory to but not necessary for the proper functioning of the cellular or wireless communications antenna or tower.
- f. "Cellular or wireless communication, height of" shall mean the height from the base of the structure, at grade, to its top; including any antenna located thereon. Grade shall be determined as the elevation of the natural or existing topography to the ground level prior to construction of the tower.
- g. "Micro antenna" shall mean any cellular or wireless communication antennas which consist solely of the antenna and which do not have any supporting structures other than brackets, including micro cells. Micro antennas shall be equal to or less than five feet in height and with an area of not more than 580 square inches.

3. Application Procedure

Any company or individual wishing to place a cellular or wireless communications antenna or tower within the Municipality, must attend an application conference with the Building Commissioner or his assignees. At this conference, the applicant must submit:

- a. A preliminary site plan depicting the proposed site to scale; and
- b. A rendering of the proposed tower in relation to the existing site.

4. Use Regulations

The following use regulations shall apply to cellular or wireless communication antennas and towers.

- a. A cellular or wireless communication site may be permitted in the Service Industrial and Advanced Manufacturing Districts subject to the requirements set forth herein.
- b. Cellular or wireless communications sites in the Service Industrial and Advanced Manufacturing Districts shall not be located any closer to any residential zoning district than as follows:
 - i. Cellular or wireless communication towers less than 100 feet in height shall be located no closer than 100 feet to any residential zoning district.
 - ii. For any cellular or wireless communication tower exceeding 100 feet in height, the tower may not be located closer to any residential zoning district than a distance equal to 100 feet plus one foot for each foot of height that the tower exceeds 100 feet.
- c. A cellular or wireless communications antenna may be mounted to an existing structure, such as a communications tower (whether said tower is for cellular or wireless purposes or not), smoke stack, water tower or other tall structures in the Service Industrial and Advanced Manufacturing Districts or in another zoning district if a permit has been granted. Communication antenna may only be placed on the top of buildings that are no less than 35 feet in height.

- d. Micro antennas not exceeding five feet in height may be attached to any existing building located in an area described in the preceding section and shall not be subject to the setback requirements or other cellular or wireless communication towers provided it is placed on the roof of an existing building.
- e. All other uses accessory to the cellular or wireless communications antenna and towers including, but not limited to business offices, maintenance depots, and materials and vehicle storage, are prohibited from the site unless otherwise permitted in the zoning district in which the cellular or wireless communications antenna and/or tower is located.

5. Standards For Approval For Cellular or Wireless Communications Antenna and Towers.

The following standards shall apply to all cellular or wireless communications antennas and towers. The Municipality may deny application to construct a new cellular or wireless communications tower if the applicant has not made a good faith effort to mount the antenna on existing structures.

- a. *Tower placement.* The cellular or wireless communications company shall demonstrate, using the latest technological facts, why the antenna or tower must be placed in the Municipality in order to serve its necessary function in the company's grid system. Part of this demonstration shall include a drawing showing the boundaries of the area around the proposed location which would probably also permit the antenna to function properly in the company's grid system. Said location shall be within the Service Industrial and Advanced Manufacturing Districts.
- b. *Co-location.* If the communications company proposes to build a cellular or wireless communications tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it has contacted the owners of nearby tall structures within the allowable zone, asked for permission to install the cellular communications on those structures, and was denied for either non-economic reasons or that a clearly unreasonable economic demand was made by the owner, based on prevailing market values. "Tall structures" shall include, but not be limited to: smoke stacks, water towers, buildings over 35 feet in height, antenna support structures or other cellular or wireless communication towers.
- c. *Antenna/tower height.* The applicant shall demonstrate that the antenna/tower is no higher than necessary to function satisfactorily and to accommodate the co-location requirements as set out in subsection (b). No antenna that is taller than the necessary height shall be approved. The maximum height of the antennae/tower permitted shall be 185 feet.
- d. *Setbacks from the base of tower.* If a new cellular or wireless communications tower is to be constructed in the Service Industrial and Advanced Manufacturing Districts, the minimum distance between the base of the tower or any guy wire anchors and any property line which abuts a zoning district other than a residential district shall be no closer than the greater of the following:
 - i. Forty percent of the tower height;
 - ii. The minimum setback in the underlying zoning district; or
 - iii. Fifty feet.
- e. *Cellular or wireless communications tower safety.* All cellular or wireless communications towers shall be fitted with anti-climbing devices as approved by the

manufacturers. Furthermore, the applicant shall demonstrate that the proposed cellular or wireless communications tower and its antenna are safe and that the surrounding properties will not be negatively affected by tower failure, falling ice or other debris, electromagnetic fields or radio frequency interference. However, if a specific safety issue in question is determined to be regulated by either FCC Regulations or applicable Building Code Regulations; and the operation or construction is in compliance with such regulations, then this requirement for safety shall be deemed to have been met.

Subsequent to the installation of a cellular or wireless communications tower site, if it is determined by the Municipal Council, upon presentation of proper and sufficient documentation, and after a public hearing, that the operation of a cellular or wireless communications tower is inherently dangerous or is a demonstrable health hazard, the cellular or wireless communication tower shall be declared to be a nuisance and all operation shall cease. The tower or antenna shall also be removed as provided under Section 5 Part H, 7. However, no order of removal shall be made if it is inconsistent with existing FCC Regulations.

- f. *Fencing.* A fence shall be required around the cellular or wireless communications tower and its support structure(s), unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight feet in height and shall be erected to prevent access to non-authorized personnel.
- g. *Landscaping.* Landscaping with proper drainage in compliance with a plan approved by the Board of Zoning Appeals shall be provided to screen as much of the support structure and equipment shelter ground level features as is possible. In addition, existing vegetation on or around the site shall be preserved to the greatest extent possible. No exposed dirt shall be permitted.
- h. *Limiting the number of cellular or wireless communications towers.* In order to reduce the number of antenna support structures needed in the Municipality in the future, the owner of an existing cellular or wireless communications tower shall not unreasonably deny a request to accommodate other uses, including other cellular or wireless communications companies, and the antenna of local police, fire, and ambulance departments. The owner of the existing cellular or wireless communications tower may request reasonable compensation for the use of the tower.

For the purposes of encouraging co-location of cellular or wireless antenna and other uses, cellular or wireless communication towers shall be designed, engineered, and constructed as follows: unless waived for good cause to minimize impact on adjoining property by Board of Zoning Appeals. There shall be no towers 30 feet or more unless there are two or more users.

- i. Towers less than 75 feet tall shall be designed, engineered and constructed to support antennas installed by two or more cellular or wireless communication service users; and
- ii. Towers more than 75 feet in height but less than 150 feet shall be designed, engineered and constructed to support antennas installed by three or more cellular or wireless communication service users; and
- iii. Towers 150 feet in height or taller shall be designed, engineered and constructed to support antennas installed by four or more cellular or wireless communication service users.

As used in paragraphs (i.), (ii.), and (iii.) above, the term “users” shall include the antennas of police, fire, and ambulance departments. In addition, an applicant must demonstrate that the area acquired by lease or otherwise acquired for the use and construction of the cellular tower and accessory structures is sufficient in size to accommodate any additional structures that may be required if additional users are added to the tower.

- i. *Licensing.* The communications company must demonstrate to the Municipality that it is licensed by the Federal Communications Commission (FCC). The owner of the tower must also annually provide to the Municipality prior to January 31 of each year, a list of all users of the tower and each user shall provide the Municipality with a copy of each users license with the FCC. No permits will be granted to any applicant unless proof of current FCC license for the proposed use of the tower is provided.
- j. *Required parking.* If the cellular or wireless communications site is fully automated, adequate parking shall be required for maintenance workers. If the site is not fully automated, the number of required parking spaces shall be equal the number of employees working on the largest shift. All parking specifications and requirements shall be consistent with the applicable parking requirements as established in the Zoning Code.
- k. *Appearance.* Cellular or wireless communications towers under 185 feet in height shall be painted silver or have a galvanized finish retained in order to reduce visual impact. Cellular or wireless communications towers shall meet all Federal Aviation Administration (FAA) regulations. No cellular or wireless communications towers may be artificially lighted except when required by the FAA. Furthermore, no cellular or wireless communication tower or antenna and accessory buildings and structures shall contain any signage. All utility lines serving the towers shall be underground.
- l. *Site plan required.* A full site plan shall be required for all proposed cellular or wireless communications sites, except antenna to be placed on existing structures, at a reasonable scale, but not smaller than 1 inch to 50 feet (1"=50'), indicating, as a minimum, the following:
 - i. The total area of the site.
 - ii. The existing zoning of the property in question and of all adjacent properties.
 - iii. All public and private right-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned.
 - iv. Existing topography with a maximum of two-foot contours intervals.
 - v. The proposed finished grade of the development shown by contours not exceeding two- foot intervals.
 - vi. The locations of all existing buildings and structures and the proposed location of the cellular or wireless communications tower and all cellular or wireless communications support structures including dimensions, height, and where applicable, the gross floor area of the buildings.
 - vii. The locations and dimensions of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, grades, surfacing materials, drainage plans and illumination of the facility.
 - viii. All existing and proposed sidewalks and open areas on the site.
 - ix. The location of all proposed fences, screening, and walls.
 - x. The location of all existing and proposed streets.
 - xi. All existing and proposed utilities including types and grades.

- xii. The schedule of any phasing of the project.
- xiii. Documentation which shows all buildings and structures on adjacent lots and any additional lot which has a lot line within 100 feet of the lot on which the cellular tower is proposed to be located. The approximate elevation of the highest point of each building or structure shall be noted. Applicant may identify any additional features in the area (such as existing screening, fences, and topography) which may be helpful in considering the impact of the proposed tower on nearby property.
- xiv. Any other information as may be required to determine the conformance with this Zoning Code. For cellular or wireless communications antenna to be placed on an existing structure, the applicant shall submit such information as required by the Zoning Inspector to ensure compliance with the applicable provisions of this section.
- xv. Applicant shall maintain and demonstrate adequate liability insurance on the structure and shall hold harmless the Municipality from any and all liability that may arise for the use of the structure.

6. Maintenance

Any owner of property used as a cellular or wireless communications site shall maintain such property and all structures in good condition and free from trash, outdoor storage, weeds and other debris. Any owner of a cellular or wireless communications tower shall be required to notify the Municipal Manager of its intent in writing within 30 days of its cessation of business, its discontinuance of service, or transfer of ownership.

7. Removal

Any owner of property used as a cellular or wireless communications site shall provide the Municipality with a performance bond for the removal of a cellular or wireless communications tower that has discontinued use.

Any cellular or wireless communications tower that has discontinued its service for a period of 12 continuous months or more is hereby determined to be a nuisance. A tower declared to be a nuisance must be removed, along with all accessory structures related thereto. "Discontinued" shall mean that the structure has not been properly maintained, has been abandoned, become obsolete, is unused or has ceased the daily activities or operations which had occurred.

Whenever, upon inspection it shall appear that a cellular or wireless communications tower has been abandoned or its use discontinued, the Municipal Manager or a designated representative shall notify, either by personal delivery or by certified mail, the owner of the property on which the tower is located that the tower must be taken down and removed within 90 days. The Municipal Manager or a designated representative, in addition to any other citations, notices, penalties or remedies provided by law or ordinance, is authorized to proceed in a manner consistent with and pursuant to Ohio R.C. 715.26 and 715.261 to maintain the public health, safety and welfare and to recover costs as appropriate.

8. Miscellaneous

- a. No cellular or wireless communications tower shall be permitted on any lot on which any non-conforming building or structure is located nor on which any non-conforming use or activity is occurring without first obtaining a variance from the Zoning Board of Appeals.
- b. No cellular or wireless communications tower shall be constructed, replaced, or altered without first obtaining the applicable building permit.

I. OUTDOOR VENDING MACHINES

Outdoor vending machines shall be situated according to the following:

1. Shall be located along the face of a building or against a structure and on an impervious surface such as concrete or asphalt.
2. Shall not obstruct pedestrian pathways, driving aisles, parking spaces, or any areas necessary for proper vehicular circulation or loading activities. A clear path of travel at least four feet wide must be provided around outdoor vending machines.

J. DECORATIVE FEATURES IN FRONT AND SIDE YARDS

Ornamental landscape structures such as fountains, ponds, and other decorative features shall not occupy more than thirty (30) percent of the front or side yard area and shall not exceed five (5) feet in height. Such structures or features shall not be subject to the setback limitations specified in Part 3. Ornamental water structures that exceed water depth of 24 inches or water surface area of 150 square feet shall require a zoning certificate and be subject to the following standards:

1. The structure shall be at least ten feet (10') from all property lines.
2. Fixed lighting shall be located, screened, or shielded so that any adjacent residential lots are not directly illuminated.

K. PLAY DEVICES IN REAR YARDS

Swing sets, jungle gyms, and other play devices excluding those accessory uses specified in Part 5 – Section B shall be located in the rear yard and must maintain a minimum setback of three (3) feet from every property line.

L. AUTOMOBILE RENTAL

Automobile rental shall be permitted as an accessory use only where the principal use is an airport, retail automobile dealership, tool rental or hotel or motel. Where the principal use is a hotel or motel, automobile rental shall be permitted as an accessory use only in accordance with the following requirements:

1. No sign advertising the rental of automobiles shall be located outside the hotel or motel building.
2. No more than ten (10) automobiles that are not currently leased to customers shall be parked on the same property as the hotel or motel.
3. Parking standards for accessory uses shall be in addition to, and calculated the same as, permitted uses as specified in Part 4 – Section C.

M. SUBURBAN AGRICULTURE – BEEKEEPING

1. No person shall engage in apiculture without a Zoning Certificate that specifically identifies apiculture.
2. In no case shall any product produced or made as a result of apiculture activity be offered for sale on any property zoned for residential use.
3. Notwithstanding compliance with the various requirements of this section, it shall be prohibited for any beekeepers to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others.
4. Allowed densities. It shall be unlawful to keep more than the following number of colonies on any tract of land, based upon the size or configuration of the tract on which the apiary is situated:
 - a. One acre or less – two (2) colonies.
 - b. More than one acre – four (4) colonies
5. Location and Setbacks. Any structure used for apiculture shall be accessory to an existing principal structure and shall comply with the following yard and setback requirements:
 - a. Be located in the rear yard.
 - b. Be located at least ten (10) feet from any property line.
6. Hive Registration. All honey bee colonies shall be registered with the Ohio Department of Agriculture. Operators granted a Zoning Certificate to operate an apiary must maintain a valid annual apiary registration.
7. Hive Type. All honey bee colonies shall be kept in Langstroth-type hives with removable frames, which shall be kept in sound and usable condition.
8. Fencing of Flyways. In each instance in which any colony is situated within 25 feet of a property line, the beekeeper shall establish and maintain a flyway barrier so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of

the apiary. Any fence shall extend ten (10) feet beyond the colony in each direction and shall comply with Part 5 – Section C.

9. Water. Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees will not congregate at swimming pools, pet watering bowls, bird baths, or other water sources where they may cause human or domestic pet contact.
10. Queens. Beekeepers are strongly encouraged to maintain all colonies with marked queens. In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, it shall be the duty of the beekeeper to promptly re-queen the colony with another marked queen. Queens shall be selected from European stock bred for gentleness and non-swarming characteristics.
11. Operation. It shall be presumed that the beekeeper is the person or persons who own or otherwise have the present right of possession and control of the tract upon which a colony or colonies are situated. The presumption may be changed by a written agreement authorizing another person to maintain the colony or colonies upon the tract setting forth the name, address, and telephone number of the other person who is acting as the beekeeper.
12. Zoning Certificate Required. Applicants seeking to engage in apiculture must provide the following:
 - a. The Zoning Certificate Application Form
 - b. A Site Plan showing existing conditions and the location, dimensions, setbacks and colony/hive type for the proposed colony or colonies, any fencing or flyways if required, and the location of nearby water.
 - c. A copy of a current, valid apiary registration from the Ohio Department of Agriculture.
 - d. A copy of a signed, written agreement under Part 5 – Section M.11, if applicable.
 - e. Any other relevant information related to the operation of the apiary, if requested by the Administrative Officer.

N. SUBURBAN AGRICULTURE – SUBURBAN CHICKENS

1. Purpose. The sole purpose of keeping Suburban Chickens is for the farming of their eggs for the private consumption of the property owner and not to sell the product. In no case shall any product produced or made as a result of the keeping of suburban chickens as provided in this section be offered for sale on any property zoned for residential use. Furthermore, these regulations are not meant to limit agricultural uses as defined in Part 8.
2. Number of Fowl. The number of chickens shall be limited to ten (10) per household. Roosters are prohibited.
3. Suburban Chicken Enclosure. Any accessory building or enclosure (including fences) shall be located a minimum of twenty (20) feet from all property lines, shall be located within the rear yard, shall provide a minimum of 10 square feet in area per chicken with a maximum size of 100

square feet for the total enclosure area, and shall be a maximum of 6 feet in height at the highest point.

4. Maintenance. Chickens and their enclosures shall be kept in neat, clean and sanitary condition free from offensive odors, excessive noise, or any other condition that would constitute a nuisance.
5. Confinement. Chickens shall not be permitted to be outside the designated fenced enclosure and shall be closed up in their coop between the hours of 10 p.m. and 7 a.m.
6. Slaughter. No chicken shall be slaughtered on property zoned for residential use; however, those chickens that die through some other means or are slaughtered off site may be cleaned and dressed on the property for consumption or disposal.

PART 6 – SUPPLEMENTAL DEVELOPMENT STANDARDS

A. ACCESSORY DWELLING UNITS (ADUs)

1. Purpose

- To 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; and
- To increase affordable housing options to vulnerable populations such as the elderly and persons with disabilities; and
- To support more efficient use of the existing housing stock and associated infrastructure; and
- To reduce the carbon footprint by allowing smaller dwelling units.

2. Applicability

The standards apply to any residential district where ADUs are listed as permitted use.

3. Number

Only one ADU shall be permitted on a single, residentially zoned lot.

4. Density

ADUs do not count toward the density calculations for the residential district in which they are located.

5. General ADU Design Standards

All ADUs shall comply with the following general ADU design standards:

- a. An ADU may be no larger than 800 square feet or the size of the primary dwelling unit, whichever is less.
- b. No additional parking is required for the ADU.

6. Detached ADU

In addition to the general ADU design standards, Detached ADUs must comply with the following requirements:

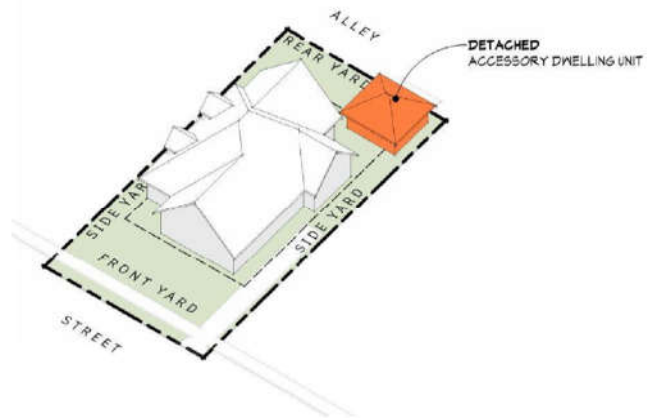
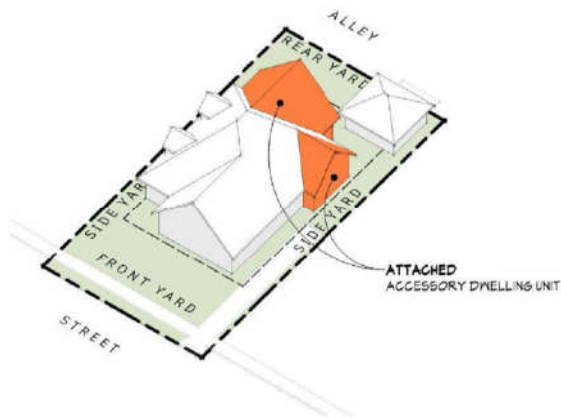
- a. A Detached ADU shall not exceed (whichever is less)
 - i. the height of the primary structure
 - ii. 14.5 feet on parcels of one acre or less

- iii. 24 feet on parcels greater than one acre and having a minimum width of at least 150 feet at the building line
- b. The ground coverage of the Detached ADU shall not exceed the ground coverage of the primary dwelling unit.
- c. All Detached ADUs shall be located behind the front plane of the primary dwelling.
- d. All Detached ADUs shall comply with the minimum setback requirements of the applicable zoning district.
- e. All Detached ADUs that are new construction shall comply with the following requirements:
 - i. Be set back a minimum of five (5) feet from the primary dwelling.
 - ii. The exterior finish materials must visually match in type, size and placement the exterior finish materials of the primary dwelling.
 - iii. The roof pitch must be the same as the predominant roof pitch of the primary dwelling.

7. Accessory Suites (Attached) ADUs

In addition to the general ADU design standards, Accessory Suites ADUs must comply the following requirements:

- a. No new entrances into the primary dwelling shall be created for the Accessory Suite ADU.
- b. 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.



B. ADULT ENTERTAINMENT/USES REGULATIONS

1. Purpose

The purpose of this Section is to promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of this section to regulate businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing adult entertainment businesses, residential areas, schools, churches, parks and playgrounds within the community.

2. Exceptions

Nothing in this Article shall be construed to pertain to:

- a. The purchase, distribution, exhibition and/or loan of any work of art, book, magazine or other printed material or manuscript by an accredited museum, library, fine art gallery, school or museum of higher learning.
- b. The exhibition and/or performance of any play, drama tableau, or motion picture by any theater, museum, library, fine art gallery, school, or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

3. Location

Adult Entertainment uses shall be considered a conditional use in the Advanced Manufacturing District and are subject to the following conditions:

- a. No adult entertainment facility shall be established within 500 feet of any residence or District where residences are a permitted use.
- b. No adult entertainment facility 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 18 years of age.
- c. No adult entertainment facility shall be established within a radius of 500 feet of any park or recreational facility attended by persons under 18 years of age.
- d. No adult entertainment facility shall be established within a radius of 500 feet of any church, synagogue, or permanently established place of religious services attended by persons under 18 years of age.
- e. No adult entertainment facility shall be established within a radius of 500 feet of any other adult entertainment facility.
- f. No advertisements, displays or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.

- g. All building openings, entries, windows, etc. for adult entertainment uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street.
- h. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned from public or semi-public area.

C. BICYCLE PARKING REGULATIONS

1. Purpose

- To encourage people to replace some of their car trips with bicycle trips.
- To promote bicycling as a transportation mode by providing safe and convenient parking facilities.

2. Zoning Districts

Bicycle parking shall not be mandatory in any zoning district. If bicycle parking is installed, it should follow the regulations set forth in the following section, Part 6 – Section C.3.

3. Regulations

When bicycle parking is required or otherwise provided, it shall comply with the following requirements:

- a. Minimum Number of Bicycle Spaces:
 - i. Multi-Unit Dwelling: one bicycle space for every two dwelling units.
 - ii. Public/institutional uses: one bicycle space for every 20 required vehicle parking spaces.
 - iii. Commercial uses, one bicycle space for every 10 required vehicle parking spaces.
- b. Facility Type:
 - i. The designs of bicycle racks, docks, posts and lockers shall be decorative, unique, and appropriate to the surrounding area. Bicycle parking design shall be incorporated into building design and coordinated with the design of street furniture when it is provided.
 - ii. Bicycle parking racks, docks, or posts shall be designed and installed to allow a bicycle to be locked to a structure, attached to the pavement, building, or other permanent structure, with two points of contact to an individual bicycle frame. Racks, docks, and posts shall be designed to allow the bicycle frame and one or both wheels to be locked with a U- lock when used as intended.
 - iii. Bicycle parking racks, docks or posts provided within the street right-of- way shall be of a consistent design on all streets. Facility types, designs and locations within the street-right-of-way shall require approval by the community.

- c. Location:
 - i. Required bicycle parking shall be located within a reasonable walking distance of the principal building entrances being served. Bicycle parking may be provided in and/ or adjacent to open spaces. The location and design shall ensure that bicycle parking and facilities do not obstruct vehicle parking or pedestrian walkways as required by the Ohio Building Code, the Americans with Disabilities Act, and other applicable state and federal laws, policies and guidelines. Bicycle facilities and parking areas shall meet any applicable sight visibility requirements.
 - ii. A pedestrian-accessible walk shall be available between the outdoor bicycle parking area and the principal building entrance. Public sidewalks may be used to meet this requirement.
 - iii. Bicycle lockers, when utilized, shall be located inside or to the side or rear of the principal structure, but not within any required setback or required building zone.

D. ELECTRIC VEHICLE CHARGING STATIONS

Electric vehicle charging stations shall not be mandatory. If electric vehicle charging stations are installed, they shall be considered an accessory structure, and subject to the requirements of Part 5. Plug-in points shall be associated with an individual parking space and shall be installed according to appropriate design standards, as approved by the Zoning Inspector. Plug-in points are exempt from the service structure screening requirements of Part 4 – Section D.8.

E. MOBILE FOOD UNITS

1. Purpose

The intent of these regulations is to create an entrepreneurial opportunity for the food industry by providing 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. This community understands the importance of these startup businesses and the economic benefits they provide by creating additional foot traffic to better support surrounding businesses. These regulations have been crafted to ensure that Food Trucks/Trailers are properly integrated into the overall existing or future streetscape designs of the surrounding area. It is further the purpose of these regulations to limit the time frame for food trucks/trailers to allow ample time for business incubation but also discourage them from becoming permanent fixtures.

2. Applicability

- a. These standards apply to all food trucks/trailers that are located on private property within any district that allows restaurant uses. Food trucks/trailers shall comply with the requirements of this section.
- b. Food trucks/trailers located within the public right-of-way shall be governed by a Food Truck Right-of-Way Permit and are not subject to this Zoning Code.

3. Regulations

All Food Trucks/Trailers when located on private property must comply with the following regulations:

- a. The property must have a primary use. An example of a primary use would be a building with an active use, an improved stand-alone parking lot, or a public park.
- b. Food trucks/trailers shall be lit with existing and available site lighting. No additional exterior lighting shall be permitted. Lighting inside the food truck/trailer 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 shall be prohibited.
- c. No signs shall be permitted except as follows:
 - i. Signs directly painted or applied directly onto the food truck/trailer shall be permitted.
 - ii. One small temporary sign that does not exceed eight (8) square feet.
- d. 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.
- e. The food truck/trailer shall be located on an entirely paved, level parking lot to enhance the safety of pedestrians and patrons.
- f. All equipment and storage associated with and required for the operations of the food truck/trailer, except for generators and trash receptacles required in this Section, shall be located on or within the Food Truck/Trailer.
- g. Any proposed furniture or umbrellas shall be subject to any applicable ordinance or code.
- h. The food truck/trailer 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.
- i. When a food truck/trailer is proposed to be located within five hundred (500) feet of an existing single family dwelling unit, operations of said food truck/trailer are limited to 10:30 a.m. to 3:30 p.m. daily. The operations of food trucks/trailers in all other locations shall be limited to 6 a.m. and 9 p.m. Sunday – Thursday and 7 a.m. – 11 p.m. Friday and Saturday.

- j. There shall not be 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 public right-of-way.
- k. There shall be no restriction of the visibility area sight distance at any driveway or intersection.
- l. The food truck/trailer 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 community without first receiving a new Zoning Permit.
- m. Each food truck/trailer shall have a minimum 35 X 15-foot area. Any food truck/trailer that exceeds 27 feet in length shall have a minimum 70 X 15 feet area. In no case shall the combined area of all food trucks/trailers permitted on one lot exceed twenty-five percent of the lot area.
- n. 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/trailer.
- o. Parking on the property must be in compliance with Part 4 Section C of this code. The number of required parking spaces shall equal the required parking spaces for the primary use of the property plus the parking spaces for the food truck minus the space for the food truck/trailer and seating area.
- p. Due to the temporary nature of food trucks/trailers, the General Development Standards in Part 4 of this Code for signs and landscaping do not apply to these uses.
- q. If the food truck/trailer complies with all of the above standards, a Food Truck/Trailer Permit may be issued for up to three (3) consecutive days on a property. No more than 26 Food Truck/Trailer Permits may be issued for a food truck on the same parcel within any calendar year.

4. Food Carts

Food carts may only operate within the right-of-way and must obtain a license prior to operation. No food cart shall operate on private property.

5. Food/Festival Tents

Food/festival tents shall comply with the following requirements:

- a. No tent shall be allowed to remain for a period of more than two (2) days longer than the use with which it is associated or, in the absence of any such period, ten (10) days.
- b. Unless waived in writing by the Administrative Official, every tent shall comply with the bulk and yard requirements of the district in which it is located.

F. SOLAR ENERGY SYSTEMS

1. Purpose

It is the purpose of these regulations to promote the safe, effective and efficient use of solar energy systems to reduce the on-site consumption of utility supplied electricity.

2. Regulations

Solar Panels and related accessory structures shall be permitted in all Districts provided that all such panels and structures located in the MFR, NB, GB, SI, and AM districts shall be located and constructed in compliance with the same minimum setbacks and height restrictions as a main building as determined by the zone district in which such structure is constructed. Solar Panels and related accessory structures located in the SR and OUR districts shall be subject to the following standards:

- a. Noise levels shall be controlled to prevent sound levels beyond the property line. Noise levels generated from any solar facility shall not exceed 62 decibels (dBA) between the hours of 7:00 AM to 10:00 PM and 52 decibels (dBA) between the hours of 10:00 PM and 7:00 AM.
- b. Solar Panels (PV) located on the roof of a residential structure may not extend above the highest point of the existing roof. Solar Panels (PV) detached from the principal residential structure shall not exceed 14.5 feet in height.
- c. No Solar Panels (PV) detached from the principal residential structure shall be closer than five feet (5') from any property line.
- d. No Solar Panels (PV) shall be located in the front or side yard. Such Solar Panels (PV) and related accessory structures shall be considered together with all other accessory structures for the purposes of determining the amount of yard coverage regulated by Part 5 – Section B.1.c.

Roof mounted solar energy systems shall comply with all other requirements of zoning and building regulations, all applicable local and state fire and building codes, and the following requirements:

- a. Pitched roof-mounted arrays shall be parallel to the roof.
- b. The distance between the roof and the uppermost portion of the solar panels shall not exceed 18 inches.
- c. Pitched roof-mounted panels on a flat roof shall not project vertically more than five (5) feet from the surface of the roof.

G. SHORT TERM RENTALS

1. Purpose

- To adapt to rental market trends that include online platforms, such as Airbnb and VRBO, while also protecting residential neighborhoods from disruption that could result from short term rentals.
- To create a convenient, safe, and harmonious environment in which short term rentals can be permitted, consistent with neighborhood tranquility.

2. Applicability

Short Term Rentals are considered Conditional Uses in residential districts.

3. Conditional Use Permit

Prior to issuing a Conditional Use Permit, the BZA must determine that the general criteria in Part 8 – Section F.2 are met in addition to the following regulations:

- a. Short Term Rentals shall be wholly within the principal residential structure. No accessory structure shall be utilized for a Short-Term Rental.
- b. The principal residential structure, in which the Short-Term Rental is conducted, shall maintain the appearance of a single-family residence and be compatible with surrounding residences, in size and scale.
- c. The Short-Term Rental establishment shall be owned and operated by the occupant of the premises.
- d. Exterior signage shall be limited to a single nameplate not more than 12 square feet in size. No signs shall be internally illuminated.
- e. Short term rentals cannot be used for commercial uses such as parties, banquets, weddings, receptions, meetings, or advertising activities.
- f. The applicant must submit proof of compliance with all applicable building and fire codes.
- g. 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.

H. BUSINESS- SEASONAL, OUTDOOR, TEMPORARY

Seasonal, Outdoor, Temporary Businesses, when permitted, shall comply with the following regulations:

1. There shall be no pedestrian obstruction caused by the outdoor seasonal sale, if located on a sidewalk.
2. There shall be no vehicular obstruction, if located within a parking lot.

3. The hours of operation shall be from no earlier than 7:30 a.m. and no later than 10 p.m.
4. There may be no more than one seasonal, outdoor, temporary business on the same premises at any one time.
5. A seasonal, outdoor, temporary business shall not exceed 62 total days per calendar year.
6. There shall be no more than three seasonal, outdoor, temporary businesses permitted on the same premises in any calendar year. In addition, there must be a minimum of 15 calendar days between any two seasonal, outdoor, temporary businesses conducted on the same premises.

PART 7 – ADMINISTRATION AND ENFORCEMENT

A. ZONING INSPECTOR

1. Establishment

A Zoning Inspector shall be appointed by the community to administer and enforce this Zoning Code.

2. Duties of the Zoning Inspector

The Zoning Inspector shall have the following duties and responsibilities:

- a. Enforce the provisions of this Code and interpret the meaning and application of its provisions, including both text and map.
- b. Receive, process, and take action on applications for a Zoning Permit.
- c. Review all applications for Zoning Amendments, Variances and Conditional Uses, provide a staff report and recommendation to the community's applicable boards and commissions.
- d. Conduct inspections of buildings and uses of land to determine compliance or non-compliance of this Code.
- e. Make determinations on whether violations of this Code exist, determine the nature and extent of a violation, and remedy the identified violations in accordance with the procedures in this Code.
- f. Revoke a Zoning Permit issued contrary to this Code due to false statement or misrepresentation on the application.
- g. Maintain records in accordance with the community's record retention policy. These records include, but are not limited to the Zoning Map, Zoning Permits, inspection documents, applications and supplemental materials submitted for Zoning Amendments, Variance, and Conditional Uses.

B. PLANNING AND ZONING COMMISSION

1. Establishment

Per Ohio Revised Code (ORC) 713, the Village Planning and Zoning Commission shall consist of the Mayor, one member of the Village Council, and three citizens of the Village to be appointed by the Mayor. The Mayor and Village Council members shall serve for the remainder of their terms as such elected officials. The three citizens who are appointed by the Mayor shall serve a six-year term each, except the term for one member of the first Commission shall be for four (4) years and one for two (2) years.

2. Removal of Members

Members of the Planning and Zoning Commission shall be removed by the community's administration for non-performance of duty, misconduct in office, or other cause, after a hearing has been held before the community's administration regarding such charges. The members shall be given the opportunity to be heard and answer such charges.

3. Quorum

Three (3) members of the Commission shall constitute a quorum. Any action by the Commission must be by concurring vote of a majority of the total Commission membership.

4. Proceedings of the Planning and Zoning Commission

The Commission shall:

- a. Organize and adopt rules in accordance necessary for carrying out its duties as specified in this Code, including the election of a chairperson and a vice-chairperson.
- b. Hold meetings at the call of the chairperson, and at such other times the Commission determines.
- c. Open all meetings of the Commission to the public.
- d. Keep minutes of the Commission proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. Such minutes shall be public record.

5. Duties of the Planning and Zoning Commission

The Planning and Zoning Commission shall have the following duties:

- a. Review all proposed amendments to this Code and make recommendations to the community's legislative body in accordance with this code and the Ohio Revised Code.
- b. Review and make a recommendation to the Community's legislative body on legislative PUDs.
- c. Approval of all development plans for PUDs.
- d. Such other powers and duties as specified in this Zoning Code.

C. BOARD OF ZONING APPEALS

1. Establishment

Per Ohio Revised Code, the community shall create an administrative board (herein referred to as the Board of Zoning Appeals) and delegate to such board, the power to hear and determine

appeals in the districting regulations, to permit variances from the zoning regulations, and other similar duties. The Board shall be appointed by the community's legislative body and shall consist of five (5) members who are residents of the community. Each member shall be appointed for a five (5) year term. The terms of members shall be arranged that the term of one member shall expire each year; however, each member shall serve until his/her/her successor is appointed. Vacancies shall be filled by resolution of the community's legislative body for the unexpired term of the member affected.

2. Removal of Members

Members of the Board of Zoning Appeals shall be removed by the community's legislative body for non-performance of duty, misconduct in office, or other cause, after a hearing has been held before the legislative body regarding such charges. The members shall be given the opportunity to be heard and answer such charges.

3. Quorum

Three (3) members of the Board of Zoning Appeals shall constitute a quorum. Any action by the Board must be by concurring vote of a majority of the total Board membership.

4. Duties of the Board of Zoning Appeals

The Board of Zoning Appeals shall have the following duties and responsibilities:

- a. Hear and take action on appeals, upon application of an aggrieved person, of a Zoning Inspector's issuance or denial of a zoning permit, interpretation of this Code, or other administrative action taken by the Zoning Inspector in accordance with this Code.
- b. Declare a Zoning Permit null and void in accordance with this Code.
- c. Hear and take action on any application filed for a variance from the regulations in this Code.
- d. Hear and take action on any application filed for a conditional use permit in accordance with this Code.
- e. Hear take action on requests regarding the continuance, expansion or extension of non-conforming uses in accordance with the provisions of this Code.
- f. Authorize the operation of a similar use in accordance with the provisions of this Code.
- g. Such other official actions authorized by this Code or Ohio Revised Code that are not herein specified.

5. Duties of the Zoning Inspector, Board of Zoning Appeals and Courts on Matters of Appeal

The intent of this Code is for all questions of interpretation and enforcement to first be presented to the Zoning Inspector and then presented to the Board of Zoning Appeals only upon appeal from the decision of the Zoning Inspector. The action by the Board of Zoning Appeals is a final administrative action and may only be appealed pursuant to Section 2506 of the Ohio

Revised Code. The legislative body shall not have the authority to overrule the decisions of the Zoning Inspector or Board of Zoning Appeals.

D. VIOLATIONS, ENFORCEMENT, AND FEES

1. Violations

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

- a. Obtain a Zoning Permit or Final Zoning Certificate, 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 and Zoning Commission, Board of Zoning Appeals or any other board or commission authorized to take action under this Zoning Code.
- d. A separate offense shall be deemed committed each day upon which a violation occurs or continues.

2. 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.

3. Entry and Inspection of Property

- a. The Zoning Inspector, or designee, is authorized to make inspections of properties and structures 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.

4. 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 a revocation shall be

made in writing and sent to the property owner by first class mail in accordance with Part 8 – Section A.

5. Stop Work Order

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:

- a. Posted on the premises involved; and
- b. Sent to the property owner via first class mail.

Removal of a stop work order, except by the order of the Zoning Inspector, shall constitute a punishable violation of this Zoning Code.

6. Notice of Violation

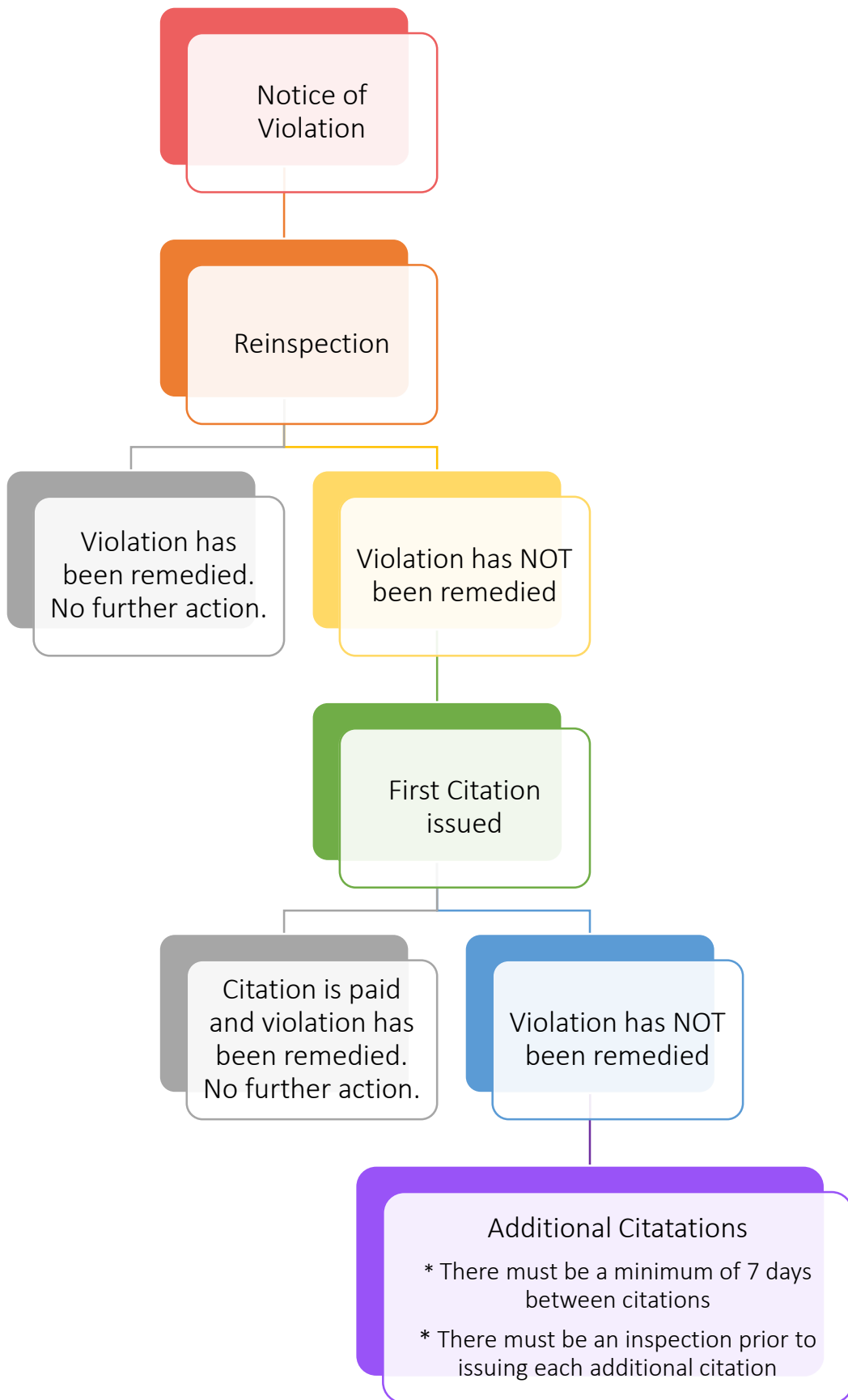
Whenever the Zoning Inspector determines that there is a violation of any provision of this Zoning Code, a written Notice of Violation shall be issued to the Responsible Party as defined in Part 10. Such notice shall:

- 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 32 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 with Part 7 – Section D.9.

7. Date of Service for Notice of Violation

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

- a. The date the Notice of Violation is personally delivered to the Responsible Party; or
- b. The date the Notice of Violation is sent by first class 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
- c. 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.



*Flowchart is for general guidance only. Language in this document regulates the specific process to be followed.

8. 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 Part 7 – Section D.9. Such Citation Notification shall:

- a. Be served by one of the methods specified in Part 7 – Section D.7; and
- b. Be in writing; and
- c. Identify the violation. State the amount of the penalty being assessed in accordance with Part 7 – Section D.9.
- 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 Part 7 – Section D.9. 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.

9. Citations for Violation

The following citations shall apply to all violations:

- a. The first citation for a violation shall constitute a written warning.
- b. The second citation for a violation shall constitute a fine and the penalty shall be \$150.00.
- c. Each additional citation shall constitute a \$250.00 fine and appearance at Mayor's Court. Defendant shall be responsible for all applicable legal fees.
- 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 Part 7 – Section D.8.
- e. All unpaid citations shall be cumulative and shall subject the violator to a possible civil penalty to be recovered in a civil action in the nature of the debt.

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.

E. SCHEDULE OF FEES, CHARGES AND EXPENSES

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

PART 8 – APPLICATIONS AND PROCEDURES

A. GENERAL REQUIREMENTS FOR ALL APPLICATIONS

1. All requests for approval under this Code, including but not limited to a Zoning Permit, Final Zoning Certificate, Zoning Amendment (unless initiated by the legislative body or the Planning and Zoning Commission), Variance and Conditional Use, shall begin with the submittal of an application by the property owner or his/her designee.
2. Any time frames associated with the review of application shall not commence until such time an application is considered to be complete. A completed application shall include all required submissions and payment in full of all required fees, as determined by a separate fee schedule adopted and periodically updated from time to time by the community's legislative body.
3. The Zoning Inspector* is responsible for determining whether an application is complete and ready to be processed. If an application is deemed incomplete, the Zoning Inspector shall notify the applicant or his/her designee by providing a list of deficiencies. The applicant or his/her designee will have 32 days from this notification to revise its application or it will be considered null and void. Fees are non-refundable.
4. If the application requires review by the Commission or Board of Zoning Appeals, the Zoning Inspector will forward the completed application onto the appropriate board for review.
5. All decisions on applications, unless otherwise noted elsewhere in this Zoning Code, shall be made within 32 days of a completed application or within 32 days of the closing of any required public hearings for said application.
6. If a variance or conditional use application is approved by the Board of Zoning Appeals, the applicant must obtain a Zoning Permit within one year of the Board's action and prior to establishing the use or commencing construction.
7. If a Zoning Permit is not obtained within one year of the Board's approval, the Board's action shall be null and void.
8. If a Zoning Permit is not obtained prior to establishing the use or commencing construction in accordance with the Board's action, then such use or construction shall be considered a violation and punishable in accordance with this Code.

*The Chair of the Board of Zoning Appeals shall determine the completeness of applications for an appeal to the Zoning Inspector's decision.

B. ZONING PERMIT APPLICATION

1. A Zoning Permit is required prior to:

- a. Constructing, creating, moving, expanding, converting or structurally altering any portion of a building or structure. This includes temporary structures and signs.
- b. Changing the use of a building, structure or land.
- c. Occupying or using vacant land.

2. The failure to obtain a Zoning Permit shall be considered a violation of this Code and shall be punishable in accordance with this Code.

3. Application

An application for a Zoning Permit shall be submitted to the Zoning Inspector and shall include the following information:

- a. Name, address, phone number and email address of the applicant.
- b. Address and parcel number of the property subject to the application.
- c. Existing and proposed uses.
- d. The Zoning District in which the property is located.
- e. A copy of any required approvals including but not limited to any necessary variances or conditional use permits.
- f. 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. Any other information as determined by the Zoning Inspector to determine compliance with this Code.

4. The Zoning Inspector may increase or decrease the requirements for the application, when the scope and scale of the proposed request warrants.

5. If a Zoning Permit application is approved

- a. The Zoning Inspector shall issue the permit.

- b. 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.
- c. The work described in the permit must be completed and a Final Zoning Certificate 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.

6. If a Zoning Permit application is denied

- a. The Zoning Inspector shall mark the permit as denied and provide a list of reasons for denying the permit.
- b. The applicant shall have 32 days from the date that the Zoning Inspector denied the Permit to request a variance or file an Appeal application to the Board of Zoning Appeals.

7. The Zoning Inspector may declare an approved Zoning Permit void, if he/she determines that the permit was issued based upon incorrect information or false statement(s) being provided by the applicant.

- a. In such cases, the Zoning Inspector shall notify the applicant or his/her designee of the reasons the Zoning Permit is being revoked.
- b. The letter shall state that all Work shall cease, and no additional Work shall continue unless and until a new permit is obtained.
- c. The applicant shall have 32 days from the date of this letter to appeal the Zoning Inspector's decision to the Board of Zoning Appeals.

C. FINAL ZONING CERTIFICATE

1. No building or structure shall be occupied or utilized in any manner until such time a Final Zoning Certificate has been issued by the Zoning Inspector. The Final Zoning Certificate shall state:

- a. The proposed use is in conformance with the approved Zoning Permit; and
- b. The buildings and/or structures have been constructed in accordance with the approved Zoning Permit.

D. ZONING AMENDMENTS

1. Map and Text Amendments to this Code may be initiated by any of the following methods:

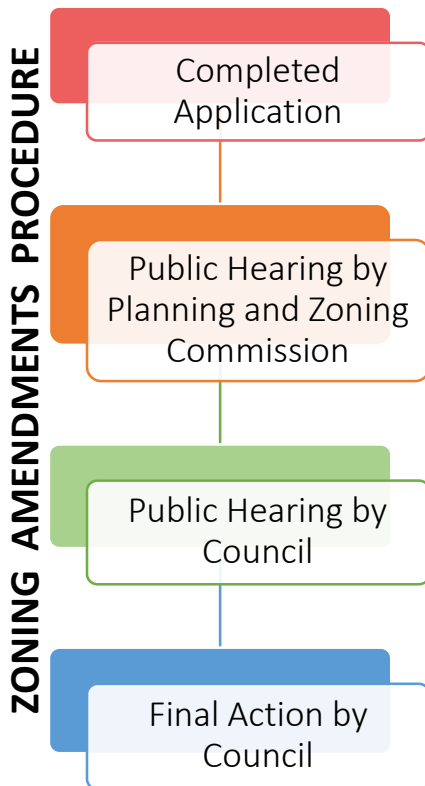
- a. By referral of the initiation of a proposed amendment to the Commission from the community's legislative body
- b. By adoption of a motion of the Planning and Zoning Commission to initiate an amendment
- c. By the filing of a completed application by the owner or lessee of property, or his/her designee, within the area proposed to be affected by the amendment

Each year the Zoning Inspector shall adopt a Zoning Amendment Schedule, which shall include monthly submittal deadlines for zoning amendment applications.

2. One digital pdf copy of an application must be submitted for an application for a Zoning Amendment. This application shall include the following information:

- a. A completed application on a form provided by the community that includes the name, address, phone number and email address of the applicant.
- b. A description of the proposed changes:
 - i. Proposed text changes 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 ~~striketrough~~.
 - ii. Proposed map changes shall include 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.
 - iii. A map showing the property lines of the Tract and surrounding parcels within 200 feet.
- c. 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 his/her agent for the zoning amendment.
- d. Present use and district.
- e. Proposed use and district.
- f. A narrative statement explaining how the proposed changes will impact the adjacent neighborhood and the community as a whole.
- g. Any other information required by the Zoning Inspector to determine compliance with and enforcement of this Code.
- h. The applicable fee, as determined by separate Ordinance/Resolution adopted and periodically updated from time to time by the community's legislative body.

3. Procedure



- a. Hearings by Planning and Zoning Commission
 - i. Before submitting its recommendation on a proposed amendment or reclassification to Council, the Planning and Zoning Commission shall hold at least one public hearing thereon, notice of which shall be given, subject to the standards in Part 8 – Section D.4.
- b. Planning and Zoning Commission Recommendations
 - i. Following such hearing, the Commission may recommend that the application be granted as requested, may recommend a modification of the zoning amendment requested in the application, or may recommend that the application be denied. These recommendations shall then be certified to Council.
- c. Hearings by Council
 - i. After receiving from the Commission, the certification of such recommendation on the proposed amendment or supplement, and before the adoption of such amendment, Council shall hold a public hearing thereon. At least 32 days' notice of such hearing shall be given, pursuant to the standards listed in Part 8 – Section D.4
- d. Final Action by Council
 - i. Within thirty two (32) days after the public hearing, the Council shall either adopt or deny the recommendation of the Planning and Zoning Commission or adopt some modification of the recommendation by the Planning and Zoning Commission. In making its decision, the Council shall consider the criteria contained in Part 8 - Section D.5.
 - ii. An amendment adopted by the Council shall become effective 32 days after the date of adoption unless within that time period a petition for zoning referendum is presented.

4. Notice Requirements and Application Display Period

- a. Published Notice
 - i. Notice of the public hearing shall be given by the Planning and Zoning Commission or Board/Council by one publication in one or more newspapers of general circulation affected by the proposed amendment at least ten (10) days before the date of the hearing.
 - ii. Failure of delivery of these notices shall not invalidate any proposed amendment.
- b. Mailed Notice

- i. The Planning and Zoning Commission or the Board/Council shall provide mailed notice according to the following situations:
 - 1. When the proposed amendment involves the rezoning or redistricting of ten (10) or fewer parcels of land, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed via first-class mail at least ten (10) days before the date of the public hearing. That notice shall be mailed to all owners of property within two hundred (200) feet of the affected area.
 - 2. When the proposed amendment involves the rezoning or redistricting of more than ten parcels of land as listed on the county auditor's current tax list, or when a text amendment is proposed, the Planning and Zoning Commission shall determine on a case-by-case basis the extent and method to which additional notice is necessary beyond general notice.
 - 3. Failure of delivery of these notices shall not invalidate any proposed amendment.
- c. Content of Notices
 - i. Published and mailed notices shall contain the time, date, and place of the public hearing. In addition, they shall include all of the following information:
 - 1. A statement indicating that the motion, resolution, or application is an amendment to the Zoning Resolution
 - 2. The name of the board or commission that will be conducting the hearing
 - 3. The nature of the proposed amendment
 - 4. The current and proposed zoning classification of the property named in the proposed amendment
 - 5. The time and place where the motion, resolution, or application proposing to amend the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the public hearing
 - 6. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail
- d. Application Display Period
 - i. The application for a proposed amendment shall be on display during the public notice period prior to the hearing. The application will include any text, maps, plans or reports submitted to the Council/Board. The public may examine these materials during this Application Display Period.

5. Criteria

The community's legislative body shall give consideration to the following criteria in making a recommendation and taking action on a proposed zoning amendment:

- a. A manifest error exists in the Zoning Code text and/or designation on the Official Zoning Map
- b. The amendment will result in accordance with, or more appropriate conformance to, the community Master Plan
- c. Substantial change in area conditions have occurred
- d. A legitimate requirement can be shown for the need for additional land area for the particular zoning district

6. Effective Date

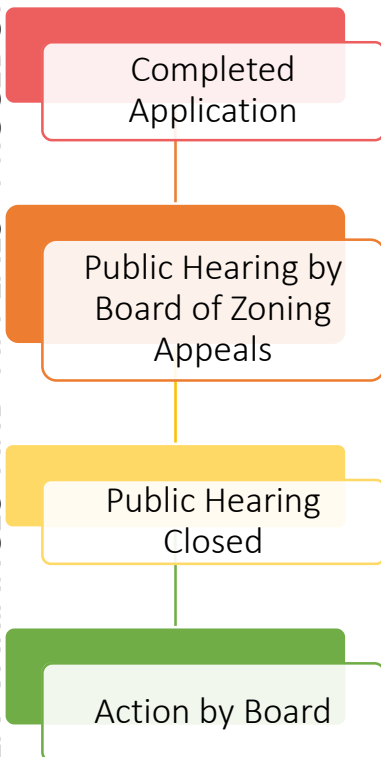
Such amendment adopted by the community's legislative authority shall become effective 32 days after the date of Ordinance, subject to the provisions for referendum specified in the Ohio Revised Code. If the amendment as passed by the legislative body pertains to a change in the Official Zoning Map, such change shall be incorporated onto the Map by reference to the resolution/ordinance number and date of adoption.

E. AREA VARIANCES AND APPEALS

1. An application for an Area Variance or an Appeal shall include the following information:

- a. One digital pdf copy of an application form provided by the community that includes:
 - i. The name, address, phone number and email address of the applicant and property owner(s).
 - ii. The address and parcel number of the property in question.
 - iii. The Section of the Code from which the variance or appeal is being sought.
 - iv. The existing zoning district in which this property is located.
- b. 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 his/her agent for the application.
- c. A plot plan drawn to an appropriate scale, as determined by the Zoning Inspector, showing at a minimum the following information:
 - i. The entire lot(s) subject to the application request.
 - ii. All adjacent rights-of-way.
 - iii. 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.
 - iv. All parking lots, driveway or other vehicular use areas.
 - v. All existing and proposed signs.
 - vi. Proposed landscaping.
 - vii. Building elevations, if determined necessary by the Zoning Inspector to better understand potential impacts on adjacent properties.
- d. A narrative statement explaining the following:
 - i. A description of the existing and proposed uses
 - ii. For an appeal:
 1. The reasons the applicant believes he/she has been aggrieved by the Zoning Inspector's or other applicable reviewing authority's decision.
 2. The reasons why the appeal is justified.
 - iii. For an area variance:
 1. The nature and magnitude of the variance request.
 2. A response as to how the proposed variance satisfies each of the decision criteria listed in Part 8 – Section E.4
- e. The applicable fee, as determined by the fee schedule adopted and periodically updated from time to time by the community's legislative authority.

AREA VARIANCES AND APPEALS PROCEDURE



2. Public Hearing

- a. The Board of Zoning Appeals shall hold a public hearing within 62 days after the receipt of a completed application for a variance or appeal. The Board may recess such hearings from time to time, and if the time and place of the continued hearing is publicly announced at the time of adjournment, no further public notice shall be required. Any person with interest may appear and testify at the public hearing in person or by an attorney.
- b. Notice of the public hearing shall be placed in one or more newspapers of general circulation in the community at least 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.
- c. At least 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 200 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 Part 8 – Section E.2.b. Failure of delivery of such notice shall not invalidate the findings of the Board.

3. Burden of Proof

The burden of proof is on the applicant to present reliable, probative, and substantial testimony and evidence that supports the request for a variance.

4. Criteria

Variances shall be granted for an area variance only upon a determination that a practical difficulty exists with respect to the property in question that would render the strict application of this Code unreasonable. This determination shall be made without regard to the existence of variances and non-conformities on other land, sites, or structures not presently under consideration. The Board of Zoning Appeals shall consider and weigh the following factors to determine if a practical difficulty exists:

- a. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance
- b. Whether the variance is substantial
- c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance
- d. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage)
- e. Whether the property owner purchased the property with knowledge of the zoning restriction
- f. Whether the property owner's predicament feasibly can be obviated through some method other than a variance

- g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

These practical difficulty standards do not apply to Use Variances. Use Variances are discouraged. A change in use must follow the zoning amendment process. If a Use Variance is requested, the applicant shall demonstrate that an Unnecessary Hardship applies to the property.

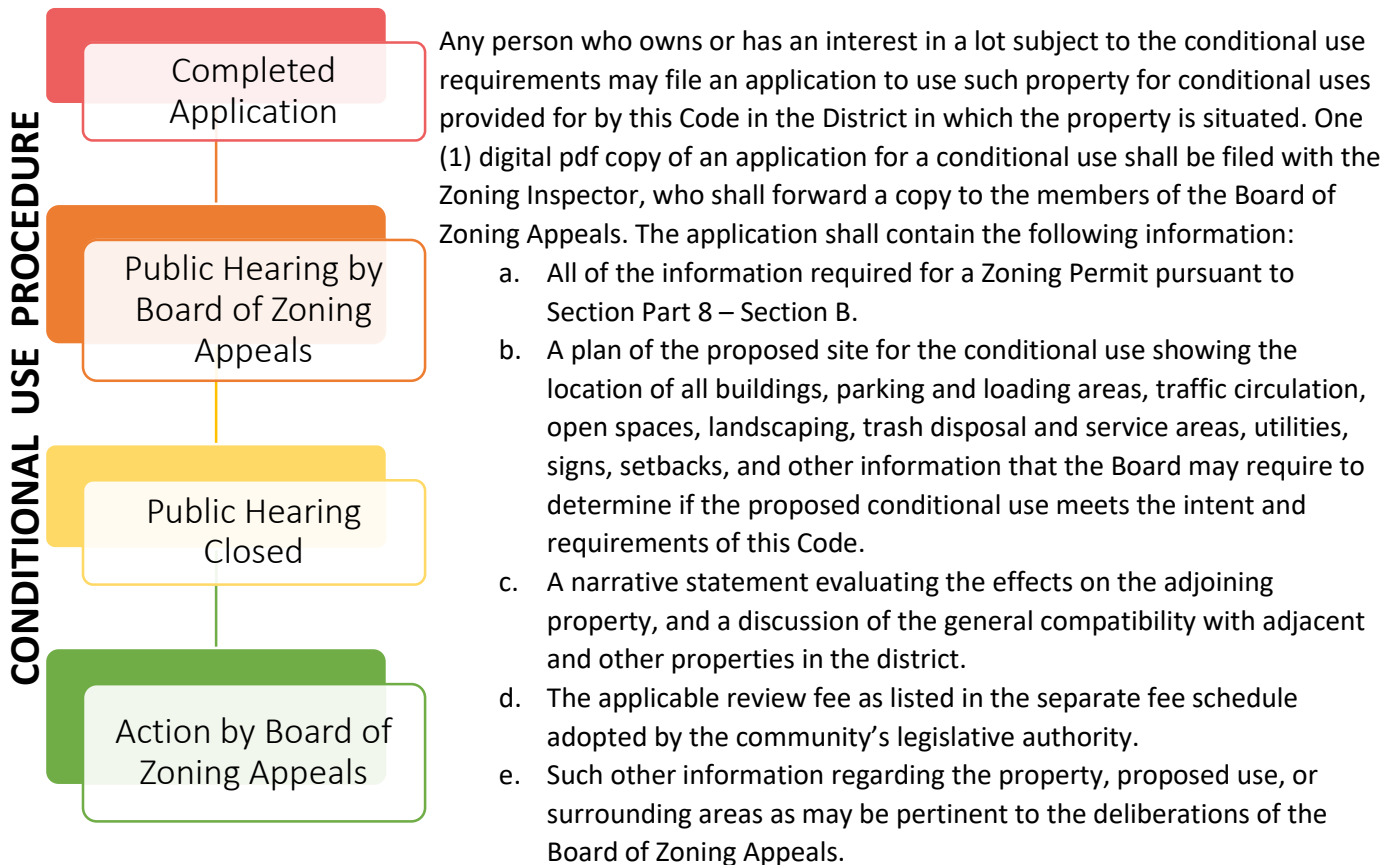
5. **Within 32 days of the conclusion of the public hearing, the Board of Zoning Appeals shall either: approve, approve with supplementary conditions, or disapprove the request for appeal or variance. The Board of Zoning Appeals must provide consideration of the criteria listed in Part 8 – Section E.4 when making its decision on an area variance.**
6. **The Board of Zoning Appeals may prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the Variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the Variance has been granted, shall be deemed a punishable violation under this Zoning Code.**
7. **If the request for Appeal or Variance is denied, the reasons for such denial shall be noted. The Board of Zoning Appeals shall transmit a copy of its decision and findings to the Zoning Inspector, who shall forward such a copy to the applicant by first class mail. Upon approval of the variance by the Board, the Zoning Inspector shall issue to the applicant a Zoning Permit which states all terms of the variance as granted including any conditions imposed by the Board of Zoning Appeals.**
8. **Any person aggrieved by the BZA decision may appeal the decision to the Court of Common Pleas.**
9. **Reapplication**

No application for a variance that is substantially similar to an application that has been disapproved or granted, wholly or in part, shall be submitted for one year after the decision of the Board of Zoning Appeals. The Zoning Inspector shall consider factors such as the nature or size of a proposal, changes in the development of traffic patterns in the area, or newly discovered evidence pertinent to a decision on a previous application.

F. CONDITIONAL USES

Under some circumstances, a proposed use may be appropriate but have a more intense effect on the surrounding area than the permitted uses for the district that needs to be controlled through a review process to ensure compatibility. In these circumstances, these more intense uses are listed as conditional uses within the applicable District. The Board of Zoning Appeals may allow such a use to be established as a conditional use where these circumstances exist and where the proposed use will be consistent with the purpose and intent of this Code.

1. Application



2. The Board of Zoning Appeals may issue a conditional use permit, if it makes specific findings of fact directly based on the particular evidence presented to it that supports the conclusions that such use at the proposed location meets all of the following requirements:

- It will be harmonious with the existing or intended character of the general vicinity and that such use will not change the general character of the area.
- It will not be hazardous to and seeks to maintain the health, safety, and welfare of the existing neighborhood and the community in its entirety.

- c. 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.
 - d. It will not create excessive additional requirements for public facilities and services and will not be detrimental to the economic welfare of the community.
 - e. It will have vehicular approaches to the property that do not interfere with traffic circulation on the surrounding public streets or roads.
 - f. It complies with any other requirements or standards that are cited under the specific zoning district regulations of this Code.
- 3. In granting any conditional use, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformance with this Code.**
- 4. The Board of Zoning Appeals shall hold a public hearing within 62 days from the receipt of the completed application specified in Part 8 – Section A. The requirements for public notice and notification of parties of interest shall be the same as for appeals and/or variance as specified in Part 8 – Section E.2.b and E.2.c of this Code.**
- 5. Within 62 days after the public hearing required in this Section, the Board of Zoning Appeals shall either approve, approve with conditions, or disapprove the application as presented.**
- a. If the application is approved with supplementary conditions, the Board of Zoning Appeals shall direct the Zoning Inspector to issue a Zoning Permit listing the specific conditions listed by the Board of Zoning Appeals for approval.
 - b. If the application is disapproved, the applicant may seek relief pursuant to the Ohio Revised Code.
 - c. If no action is taken by the Board of Zoning Appeals within the timeframe specified in this Section, the application shall be considered approved.
- 6. The approval of the Conditional Use Permit issued in accordance with this section shall be null and void if such use is not carried out within one (1) year of the approval date. The Board of Zoning Appeals may grant an extension of a Conditional Use Zoning Permit for an additional six (6) months. The Board may also revoke the Conditional Use Permit, if it finds, based upon written evidence by any resident or official, a violation of this Code and/or written terms and conditions upon which approval was based. The Board of Zoning Appeals shall conduct a public hearing in accordance with the procedures set forth in this section prior to revoking a Conditional Use Permit.**

G. LEGISLATIVE PUD (PLANNED UNIT DEVELOPMENT)

This PUD option is a legislative process that rezones a parcel or parcels from the existing zoning classification(s) to the PUD classification. This process requires both a preliminary and final development plan approval. The preliminary plan is a part of the rezoning (legislative) process. The final development plan must be in accordance with the approved preliminary plan and is considered to be an administrative approval.

1. Purpose

- To promote large scale gray or greenfield developments through the use of flexible design standards.
- To provide an opportunity for an appropriate mix of uses for larger scale developments.
- To preserve unique or sensitive historical and/or natural resources and integrate open space within developments.
- To assure compatibility between proposed land uses through appropriate development controls.
- To enable an extensive review of design characteristics to ensure that projects are properly integrated into surroundings and are compatible with adjacent development.

2. Target Areas

Community-wide

3. Permitted Uses

The PUD allows for the combination of residential, commercial, office, and appropriate service industrial uses. The preliminary development plan shall determine the permitted uses for the subject tract along with locations for designated uses. The final development plan shall comply with the permitted uses and said locations identified by the approved preliminary development plan.

4. Minimum Tract Size

There is no minimum tract size.

5. 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 the PUD.

6. Public Gathering and Open Space

There shall be a minimum of 20% of gross Tract acreage preserved as open space within a proposed PUD. A minimum of 10% of the gross Tract acreage is encouraged to be reserved as a central green space. The remaining 10% of the required open space may be appropriately distributed throughout the PUD. The following additional regulations apply:

- a. All proposed dwelling units shall be within 800 feet of some type of usable green space.
- b. The Central Green Space shall be located near the middle of the development and shall be easily and conveniently accessible by sidewalk or paved trail from all dwelling units and non-residential buildings in the development. Detention basins and other stormwater areas, except for permanent wet ponds, may not be located in central open space areas used to meet the minimum amount of required central open space.
- c. When streets abut the Central Green Space, the front façade of the buildings on the opposite side of the street shall face the Central Green Space rather than the rear building elevations, stormwater basins, or parking lots.
- d. All open space shall be permanently deeded as restricted from future subdivision and development.

7. Density

The permitted density shall be determined by the approved preliminary development plan for the tract.

8. Development and Architectural Design Standards

In order to promote creativity, this district does not include minimum development standards or architectural design regulations. The development standards and architectural design requirements for a proposed PUD shall be created by the applicant and approved by the community as part of the preliminary development plan. All final development plans shall comply with the development standards and architectural design regulations established and approved with the preliminary development plan.

9. Mixture of Uses

At the time of preliminary development plan approval, each proposed lot within the development shall be designated as One-Unit, Two-Unit and Multi-Family Units, Commercial, Office, Service Industrial or Open Space. Any future development on an individual Lot shall conform to this initial use designation for that particular Lot.

10. General Layout Requirements

- a. In general, PUDs shall be laid out so that the commercial or mixed-use buildings are located along Arterial or Collector Roads and around the Central Green Space areas.
- b. Streets shall be interconnected.

- c. Sidewalks shall extend from any required multi-use paths and/or sidewalks to the front building entrances, parking areas, Central Green Space areas, and any other area that generates pedestrian activities.
- d. Commercial, office, mixed use buildings and other permitted non-residential uses shall be planned to have common parking areas and common ingress/egress points, in order to reduce traffic congestion and mitigate potential conflict points.
- e. Parking shall be designed to discourage single, large parking areas and shall have smaller defined parking pods that do not exceed 12 spaces in a single row or 24 spaces in a double row.
- f. Parking areas shall be delineated and accented with landscaping in accordance with Section Part 4 – Sections C.4 and C.5.
- g. Unless otherwise approved as part of the development plan, parking must be located to the side or rear of the primary buildings to ensure buildings are the focus of the streetscape.

11. Private Roads

Private roads may be utilized to provide internal circulation to clustered lots and/or individual residential structures within the PUD in accordance with the following requirements:

- a. The easement shall not be counted as open space.
- b. The road or street is approved as part of a subdivision plat as the most appropriate form of access to said lots and/or structures.
- c. Private roads shall not provide access to non-residential areas or as through streets.

12. Utilities

Unless determined impracticable by the community, all electric, telecommunication, cable television, and other similar utility transmission and distribution lines shall be located underground.



13. Procedure

- a. Pre-Application Meeting
 - i. The developer may meet with the Zoning Inspector and up to two members of the Planning and Zoning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purposes of this section, the criteria and standards within it, and to familiarize the developer with the PUD process, other provisions of this Code, and the drainage, water and sewer location and capacities to service this site.
 - ii. No statement or action taken by any community official in the course of 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 community's statutes or rules. Ohio's Open Meeting Laws (Section 121.22 of the Ohio Revised Code) is required to be observed at all meetings involving a quorum of members of the Planning or Commission or the community's legislative body.
- b. Formal Application with Preliminary Development Plan
 - i. After the conclusion of the pre-application meeting, an owner may file a formal application with a preliminary development plan. The preliminary development plan must cover the entire contiguous ownership of the applicant unless the applicant specifically stated in writing that he/she does not intend to develop the withheld portion of the tract for at least five (5) years.
 - ii. The application for a Preliminary Development Plan shall follow the same procedures as a zoning amendment outlined in Part 8 – Section D. The notice for the Planning and Zoning Commission and community's legislative body's Public Hearings shall be the same as those listed in Part 8 – Section D.4.
 - iii. At a minimum, the application must include the following information and material:
 1. Name, address, email address and phone number of applicant.
 2. Legal description of property.
 3. Description of existing use.
 4. Present and proposed zoning districts.
 5. A vicinity map at a suitable scale, showing property lines, streets, existing and proposed zoning for all property adjacent to and within 200 feet from the proposed site.
 6. Proposed schedule for the development of the site.

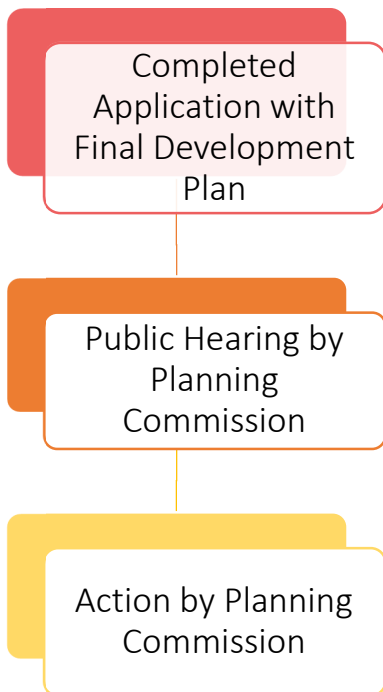
7. Evidence that the applicant has sufficient control over the land in question to the proposed development plan.
8. A Preliminary Development Plan drawn to scale, prepared by a registered architect, registered engineer and/or registered landscape architect. Such plan shall contain the following information at a minimum:
 - a. Selected uses by area or specific building location, allocation of land use by type as measured in acres, adjacent existing land use, right-of-way, and relationship to adjacent land use.
 - b. General location of thoroughfares, including type, as well as location and size measured in number of parking spaces for all off-street parking areas, including curb cuts.
 - c. Open space and the intended uses therein and acreage provided.
 - d. Residential land uses summarized by lot size, dwelling type and density.
 - e. Existing and proposed roads, buildings, utilities, permanent facilities, easements, rights-of-way and abutting property boundaries.
 - f. Physical features and natural conditions of the site including soils, the location of vegetation and existing tree lines.
 - g. Surface drainage and areas subject to flooding.
 - h. Preliminary plan for water, sewer, storm drainage and other utility systems, as well as a general analysis by a Professional Engineer attesting to the general engineering feasibility of the project, as proposed.

c. Review Process

- i. One digital pdf copy of the application and Preliminary Development Plan shall be submitted to the Zoning Inspector prior to the submission deadline as established by the Zoning Inspector in the Zoning Amendment Schedule. Failure to submit a complete application shall result in a refusal of acceptance. The Zoning Inspector shall transmit the complete application package to the Planning and Zoning Commission and other parties as deemed appropriate for review and comment.

d. Criteria for Recommendations by Commission

- i. Before making its recommendation as required in Part 8 – Section D.13.e, the Commission shall determine whether the facts submitted with the application and presented at the public hearing establish that:
 1. The Preliminary Development Plan is consistent with the purpose, criteria, intent, and standards of the PUD and Zoning Code as whole.
 2. The proposed design standards in Preliminary Development Plan accomplish the goals of the PUD.
 3. The proposed development will be adequately served by essential public facilities and services including, without limitation, roads,



sidewalks, and multi-use paths, police and fire protection, drainage structures, potable water and centralized sanitary sewers or other approved sewage disposal systems.

4. The proposed development can be made accessible through existing roadways or roadways and lane improvements actually being constructed and opened prior to the opening of the uses in the Development Plan.
5. Such other considerations which promote public health, safety, and welfare may be deemed relevant by the Commission.
- e. Action by the Planning and Zoning Commission
 - i. Within 32 days from submittal date of a completed application for a development plan, the Planning and Zoning Commission shall recommend to approve, deny or approve with modification, the Preliminary Development Plan.
- f. Action by Legislative Body
 - i. Upon receipt of the recommendation by the Commission, the legislative body shall hold a public hearing following the procedures in Part 8 – Section D of this Code. The notice requirements in Part 8 – Section D.4 shall be followed. Upon approval of the preliminary development plan by the community’s legislative body, the zoning on the property shall be changed to PUD, subject to any referendum requirements of the Ohio Revised Code.
- g. Final Development Plan
 - i. Following the legislative body’s approval of the Preliminary Development Plan, the developer shall submit one digital pdf copy of the Final Development Plan to the Zoning Inspector. The Final Development Plan shall be in general conformance with the Preliminary Development Plan.
 - ii. Final Development Plan Application
 1. An application for approval of the Final Development Plan shall be filed with the Zoning Inspector prior to the Submittal Due Date established by the submission deadlines established by the community by the owner or lessee of property for which the planned unit development is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for the Final Development Plan. The Final Development Plan shall be prepared by a registered architect or engineer and, at a minimum, shall contain the following information and materials:
 - a. A survey of the proposed development site, showing the dimensions and bearings of the property lines, areas in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.

- b. All the information required in the Preliminary Development Plan, including the location and sizes of lots, location and proposed density of dwelling units, non-residential building intensity, and land use considered suitable for adjacent properties.
 - c. 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; anticipated timing for each unit; 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.
 - d. Engineering feasibility studies and plans showing, as necessary, water, sewer and drainage installations; street improvements, and, nature and extent of earth work required for traffic circulation and street improvements, and nature and extent of earth work required for site preparation and development.
 - e. Site plan, showing building(s), various functional use areas, circulation and their relationship.
 - f. Architectural renderings and accompanying narrative to discuss in detail the design treatment of all buildings and structures where applicable.
 - g. Plans for landscaping, signage and parking.
 - h. 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.
- h. Hearings by the Planning and Zoning Commission
 - i. Before making its decision, the Planning and Zoning Commission shall hold at least one public hearing.
 - 1. Notice of this hearing shall be given by the Planning and Zoning Commission or Board/Council by one publication in one or more newspapers of general circulation affected by the proposed amendment at least ten (10) days before the date of the hearing.
 - 2. Notice of the hearing shall be mailed via first-class mail at least ten (10) days before the date of the public hearing to all owners of property within two hundred (200) feet of the affected area.
 - 3. Notices shall contain the time, date, and place of the public hearing. In addition, they shall include all of the following information:
 - a. A statement indicating that the motion, resolution, or application is an amendment to the Zoning Resolution

- b. The name of the board or commission that will be conducting the hearing
 - c. The nature of the proposed request
 - d. The current and proposed zoning classification of the property named in the proposed amendment
 - e. The time and place where the application will be available for examination for a period of at least ten (10) days prior to the public hearing
 - f. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail
 - 4. Failure of delivery of these notices shall not invalidate any proposed amendment.
- i. Action by the Planning and Zoning Commission
 - i. Within 62 days from submittal date of a completed application for a Final Development Plan, the Commission shall approve, deny or approve with modification, the Final Development Plan. The meeting where this application is considered and acted upon is subject to the Open Meeting Laws of the Ohio Revised Code 121.22. However, this meeting shall not be considered a public hearing. Approval shall mean that the Commission finds that the plan is in conformance with the approved Development Plan, and that no significant constraints exist to construction of the project as planned.
 - ii. The Commission's action on a proposed Final Development Plan under this Section shall not be considered an amendment to the Zoning Code but is subject to appeal pursuant to Chapter 2506 of the Revised Code.

H. PUDs- PROCESS FOR AMENDING DEVELOPMENT PLAN

1. Minor Amendments

Within 32 days of the submittal of an application specifically detailing the changes requested along with a revised Final Development Plan, the Zoning Inspector may administratively approve a minor amendment. Minor amendments are limited to the following:

- a. An encroachment of five (5) feet or less into a Side or Rear Setback as shown on the approved development plan, provided such setback abuts property having the same or similar use, as determined by the Zoning Inspector.
- b. An increase of no more than five (5) percent of the lot coverage provided on the approved development plan.
- c. An increase of no more than five (5) feet in the maximum building height as shown on the approved development plan.

2. Major Amendments

All proposed amendments, other than the three (3) identified in Part 8 – Section I.1 above, shall be considered major amendments and must be approved through the final development plan process identified in Part 8 – Section D.13.

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PART 9 – NON-CONFORMING USES

A. 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.

B. 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 as long as the following criteria are met:

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

C. 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.

D. LOTS OF RECORD

1. 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.
2. 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:
 - a. The side setback for any lot of record shall not exceed ten (10%) percent of the width of the lot, but in no case shall a side yard be less than three (3) feet.
 - b. The rear setback for any lot of record shall not exceed twenty (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.
3. In any district where dwellings are not listed as a permitted use, a lot of record may be used for any permitted use in the district in which it is located, provided the following criteria are met:
 - a. The side setback shall be a minimum of ten (10%) percent of the lot width.
 - b. The rear setback shall be a minimum of twenty (20%) percent of the lot depth.

- c. All other regulations for the district, including but not limited to impervious surface ratio, shall apply as stated in the applicable zoning district.
- 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.

E. NON-CONFORMING STRUCTURES

1. 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.
2. A non-conforming structure may continue to exist in accordance with the provisions of this Chapter.
3. 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.
4. 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.
5. A non-conforming mobile home, as defined in this Code, located in any district, once removed shall not be relocated or replaced with another mobile home.

F. NON-CONFORMING USES

1. 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.
2. A non-conforming use may continue to operate in its current location in accordance with the provisions of this Chapter.
3. 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 Part 7 – Section D of this Zoning Code.
4. Unless otherwise permitted by this Chapter, a non-conforming use shall not be enlarged, extended or expanded.
5. 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 non-conforming 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 non-conforming use for said time period. A non-conforming use shall be considered replaced when either one of the following conditions exists:

- a. When a non-conforming use has been changed to a permitted use in the applicable district.
- b. When it has been changed to another non-conforming use under permit from the Board of Zoning Appeals.

G. DAMAGE OR DESTRUCTION

Any non-conforming building/structure that is damaged or destroyed by any means not within the control of the owner, thereof, to the extent of more than sixty percent (60%) of the cost of replacement of such structure new shall not be restored unless its restoration has been authorized by the Board of Zoning Appeals by the grant of a Zoning Certificate following a public hearing. However, no repairs or restorations shall be made unless restoration pursuant to the Zoning Certificate is actually begun within one (1) year after the date of such partial damage or destruction and is diligently pursued to completion. The determination of the extent of damage or destruction under this section shall be based on the ratio of the estimated cost of restoring the structure to its condition before the damage or destruction to the estimated cost of duplicating the entire structure as it existed prior to the damage or destruction. The estimate for this purpose shall be made by the Zoning Inspector. This section shall not apply to any structures accessory to any residential dwellings, nor to any signs.

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 (50) percent 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 (50) percent 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:

1. A Zoning Permit is obtained
2. Restoration actually commences within one year after the date of such destruction
3. The restoration is substantially completed within 2 years from when the Zoning Permit is issued.

H. COMPATIBLE NON-CONFORMING USES

Notwithstanding the foregoing provisions to the contrary, the usable area of a non-conforming use may be increased or improved where the owner of such use can demonstrate through application to the Board of Zoning Appeals that the manner in which the usable area of the non-conforming use will be increased or improved will have no adverse impact upon adjacent property owners and other permitted land uses in the surrounding neighborhood or can be made compatible with the adjacent property owners and the uses in the surrounding neighborhood upon compliance with specified conditions.

1. Application

- a. The owner shall submit a development plan application to the Board on a form provided by the Secretary of the Board pursuant to the hearing procedures of Part 8 – Section E.2. The application shall address site plan features and considerations, including but not limited to:
 - i. The location and size of the property including setbacks and lot dimensions
 - ii. The use of the property on the effective date of this Resolution
 - iii. All uses adjacent to the property and within the surrounding neighborhood
 - iv. All existing structures, yards, utility easements, rights-of-way, floodplains and wooded areas on and adjacent to the property
 - v. The density (in terms of dwelling units per acre) and the intensity (in terms of impervious surface ratio or gross square footage) of the non-conforming use
 - vi. Landscaping
 - vii. Architectural treatment
 - viii. Traffic impact
 - ix. The reasons why the non-conforming use is compatible with and will have no adverse impact on the land uses permitted in the district in which it is located
 - x. Nature and extent of additional protection from adverse impacts afforded to adjacent property owners

2. Review and Decision

- a. On the basis of the completed application and consideration of the elements set forth in this section, the Secretary of the Board shall prepare and submit to the Board of Zoning Appeals a report that sets forth findings and recommendations. Upon receipt of the Secretary's report, the Board of Zoning Appeals shall approve or deny the application in accordance with its public hearing procedures. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards to assure that the non-conformity does not adversely affect orderly development and the value of nearby property including, but not limited to:
 - i. Required improvement of, or modifications to existing improvements on, the property
 - ii. Limitations on hours of operations
 - iii. Limitations on the nature of operations.

I. BURDEN OF PROOF

Burden of proof rests upon the property owner and/or tenant to establish a non-conforming use and/or a non-conforming structure.

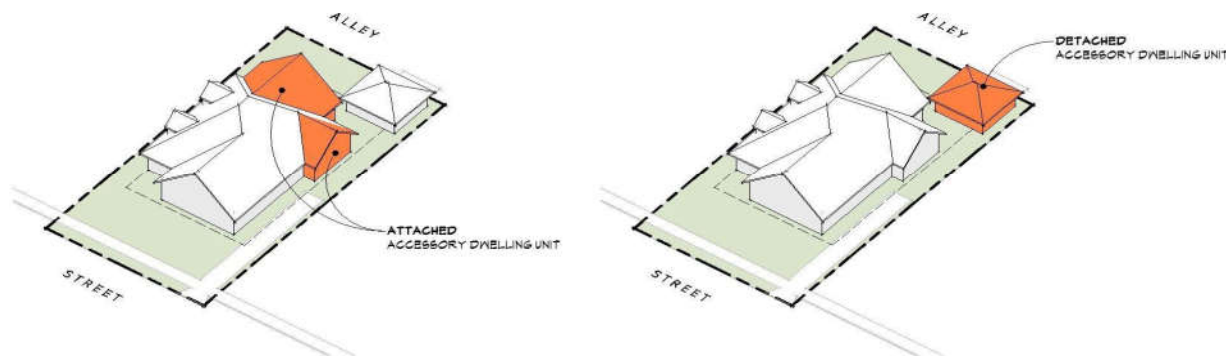
PART 10 – DEFINITIONS

For the purpose of this Ordinance, certain terms are herein defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word “shall” is mandatory; the word “used” shall include the words “arranged,” “designed,” “constructed,” “altered,” “converted” or “intended to be used,” and a “person” shall mean, in addition to any individual, a firm, corporation, association, or any legal entity which may own and/or use land or Buildings.

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

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.



ACCESSORY STRUCTURE OR USE – A use or structure, not including those less than 100 square feet, 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, and other similar type buildings. This definition does not include patios, uncovered porches, and decks that are less than three and one half (3 ½) feet above the average finished Grade.

ADULT CARE FACILITY – Any residence, facility, institution, hotel, congregate housing project, or similar facility that provides accommodations and supervision to three to sixteen unrelated adults, at least three of whom are provided personal care services, is an adult care facility regardless of how the facility holds itself out to the public.

ADULT FAMILY HOME – A residence or facility that provides accommodations to three (3) to five (5) unrelated adults and provides supervision and personal care services to at least three (3) of those adults.

ADULT GROUP HOME – A residence or facility that provides accommodations to six (6) to sixteen (16) unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

ADULT ENTERTAINMENT/USES

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

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– 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.

AGRICULTURE – Farming; ranching; algaculture; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

AGRICULTURE- GARDEN – A site operated and maintained by an individual, group, or entity that is utilized for apiculture, poultry husbandry and the production of poultry and poultry products, and/or cultivation of trees, herbs, fruits, vegetables, flowers, ornamental foliage, or other plants for use, consumption, donation or, when permitted, accessory retail sale of goods cultivated on-

site where less than 5,000 square feet of land is under cultivation. "Garden" is synonymous with a personal garden, community garden, or market garden.

AGRICULTURE- FARM – A site operated and maintained by an individual, group or entity where more than 5,000 square feet of land is under cultivation and is utilized for farming; ranching; algaculture; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, marketing, consumption, donation, or sale of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

AGRICULTURE- SUBURBAN – (1) Farming, pasturage, horticulture, floriculture, or viticulture on lots of one acre or less in platted subdivisions, or in unplatted subdivisions with 15 or more lots that are contiguous or separated only by right-of-way, where at least 35% of the lots are developed; or (2) dairying, and animal or poultry husbandry on lots of five acres or less in any platted subdivision, or in any unplatted subdivision resulting in 15 or more lots, each smaller than five acres and contiguous or separated only by right-of-way, where at least 35% of the lots are developed.

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 (in Historic District) – Any action to change, modify, reconstruct, remove or demolish any exterior features of an existing structure or site within a Historic District.

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 a community's official, board or commission.

ARCHEOLOGY – means 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 land in the Flood plain adopted by the applicable community, including that identified by the Federal Emergency Management Agency (FEMA), which is subject to a 1% or greater chance of Flooding in any given year.

AUTOMOBILE-ORIENTED USES – a use where a service is rendered or a sales transaction is made while the patron is typically not required to exit his/her vehicle, or a facility that includes services rendered directly on, to, or for vehicles. Auto-oriented commercial facilities include, but are not limited to drive-in movie theaters, car washes (all types), gas stations (including convenience market), facilities specializing in oil changes, automobile service/ repair, and other similar facilities. The sale of vehicles (new and

used) in addition to any facility that provides a fixed parcel pickup location is not included within this definition.

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 SERVICE/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.

AWNING – A hood or cover those projects from the wall of a Building and which can be retracted, folded or collapsed against the face of the supporting Building.

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. May include automated teller machines (ATMs) and/or drive-thru lanes.

BASE FLOOD - the Flood having a 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 2 feet below and the ceiling is not more than 4 feet, 6 inches above the average Grade.

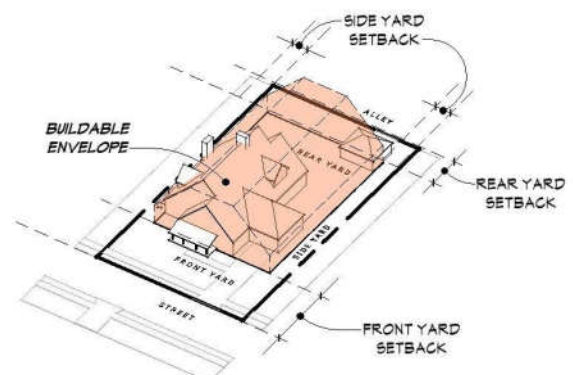
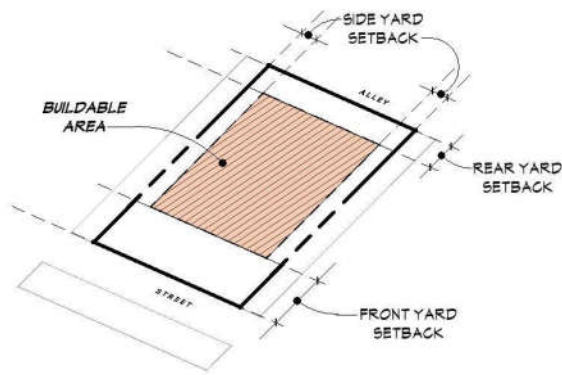
BED AND BREAKFAST – A residential or mixed use consisting of one dwelling unit with no more than eight (8) rooms or suites that are rented to the public for overnight or weekly accommodation for a fee. Only the breakfast meal may be prepared for the guests by the proprietor and no other meals are provided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

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

BREWERY- MACRO – A large scale production facility where alcoholic beverages are produced and distributed. This type of facility typically utilizes semi-trucks with loading docks to distribute the products to be consumed off-site.

BREWERY- MICRO – A limited production brewery, typically producing specialty beers and selling them on-site. These facilities may include tasting rooms and food service. They do not include large distribution facilities nor utilize semi-trucks with loading docks.

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 LINE – A line parallel to the right-of-way line and at a distance 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, WHOLESALE – A use that generally sells commodities in large quantities or by the piece to the general public, business members, retailers, or other wholesale establishments.

BUSINESS, SMALL RETAIL – a Retail or Wholesale business that is less than five thousand (5,000) square feet in area and typically services nearby neighborhoods.

BUSINESS, MEDIUM RETAIL – a Retail or Wholesale business that is up to twenty (20,000) square feet in area.

BUSINESS, LARGE RETAIL – a Retail or Wholesale business that is twenty thousand (20,000) square feet or larger.

BUSINESS- SEASONAL, OUTDOOR, TEMPORARY – 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.

CAPACITY, DESIGNED – The maximum lawful level of designed occupation of any use, as determined by the city's adopted building code and expressed in terms of occupants, seats, persons, employees, or other units specified by the building code.

CAR WASH – The use of a site for washing and cleaning passenger vehicles, recreational vehicles, or other light duty equipment. May be self-service or automated.

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.

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

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 RECREATION FACILITY – a facility 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, 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 commercial recreation facility that is fully enclosed by four solid walls and a roof. Small Commercial Recreational Facilities are smaller than 5,000 square feet.

COMMERCIAL RECREATIONAL FACILITY, LARGE – a commercial recreation facility that is fully enclosed by four solid walls and a roof. Large Commercial Recreational Facilities are greater than 5,000 square feet.

COMMERCIAL RECREATIONAL FACILITY, OUTDOOR – a commercial recreation facility that is not fully enclosed by four solid walls.

CORRECTIONAL FACILITIES – A public safety facility that includes detention centers, jails and prisons.

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.

CONDITIONAL USE – 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.

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.

CONTRACTOR OFFICE WITH OUTDOOR STORAGE – A contractor's office that includes an area that is not fully enclosed by four solid walls and a roof that is utilized to store materials and goods needed to support the business.

CONTRACTOR OFFICE WITHOUT OUTDOOR STORAGE – A contractor’s office where all materials and goods needed to support the business are stored within an area that is fully enclosed by four solid walls and a roof.

CULTURAL INSTITUTION – Land, buildings, and structures in which an organization displays or preserves objects of interest in one or more of the arts or sciences including but not limited to libraries, museums, and art galleries.

DATA PROCESSING CENTER - A facility that houses computer systems and associated data and is focused on the mass storage of data.

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

DISTRICT – Any section of the community in which the zoning regulations are uniform.

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 community and for the maintenance of which the community shall not be responsible.

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

ENVIRONMENTAL CHANGE – means the construction, alteration, demolition or removal of any property subject to the provisions of the Historic Overlay District.

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

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 means of an individual stand.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – the 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. See Part 5 – Section C for fence types and examples.

FINAL ZONING CERTIFICATE – A certificate issued by the Zoning Administrator confirming that the requirements of this Ordinance have been met and the building can be occupied.

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

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

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 community.

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 in order to pass the base Flood discharge. A Floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base Flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community. The Floodway is an extremely hazardous area and is usually characterized by any of the following: Moderate to high velocity Flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

FLOOR AREA

FLOOR AREA, GROSS—The sum of the horizontal areas of each floor of the building, measured from the exterior walls or from the center line of party walls, including the floor area of accessory buildings and structures.

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.

FLOOR AREA, NET – The sum of the horizontal areas of each floor of the building, measured from the exterior walls or from the center line of party walls, including the floor area of accessory buildings and structures. The term does not include any area used exclusively for the parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space or areas occupied by mechanical equipment, toilet or rest rooms.

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

FOOD/FESTIVAL TENT – an open-air, temporary structure with four 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.

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 Part 3). 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.

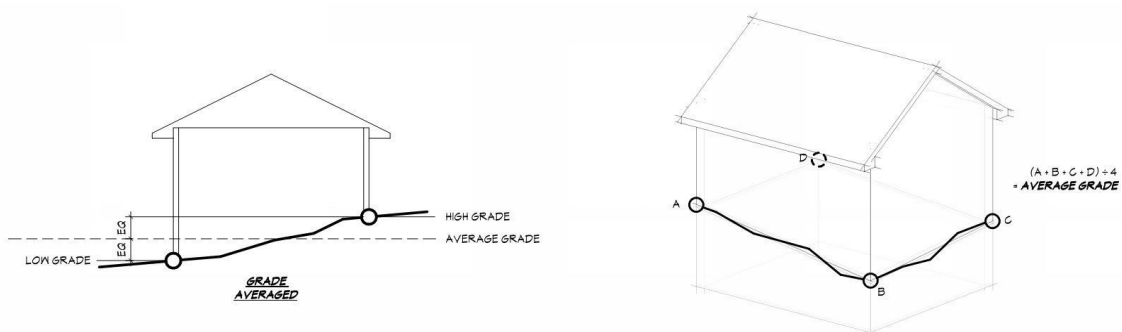
GAS STATION – Any building, structure, or area of land used for the retail sale of automobile fuels, oils, and accessories, where repair service, if any, is incidental. Such an establishment may offer for sale at retail other convenience items as a clearly secondary activity and may also include a freestanding automatic car wash.

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 on.

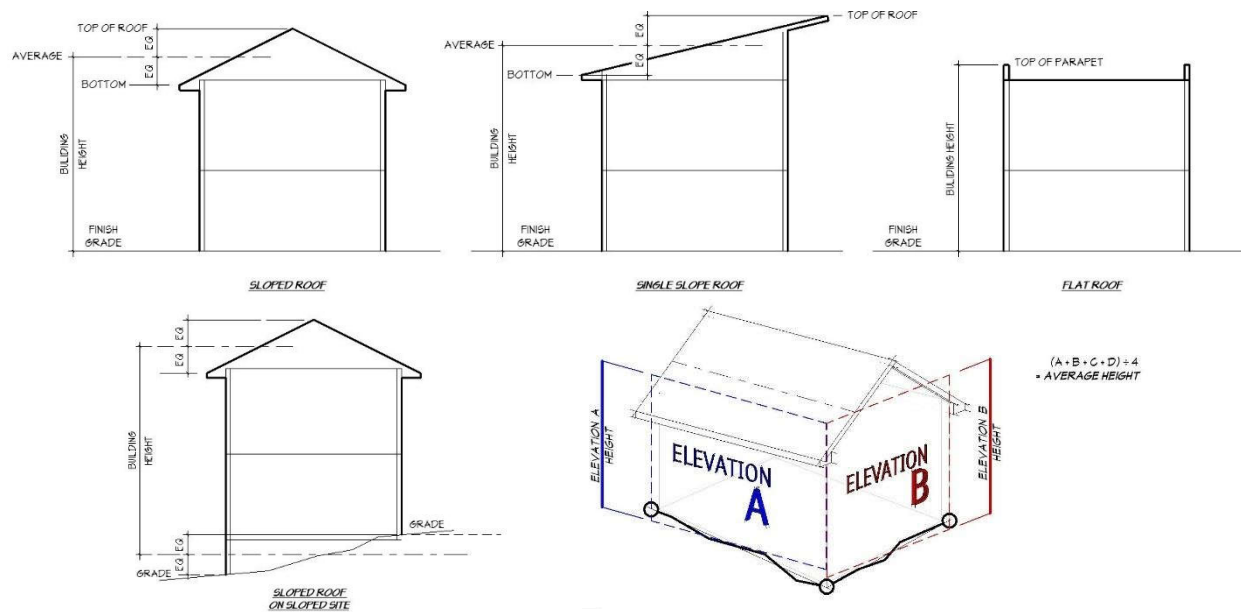
GRADE – The elevation of the ground at any given point.

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.

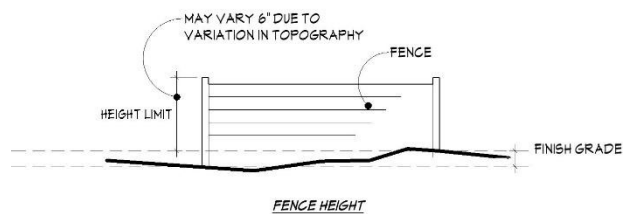


GREENHOUSE/NURSERY (COMMERCIAL) – A glassed or translucent enclosure used for the cultivation or protection of plants. This may include a place where the primary activity is the growing of plants, trees, and shrubs for sale. See “Agriculture”

HEIGHT, BUILDING – The vertical distance between the finished grade of the building and the average height of the sloped roof or the top of the parapet for a flat roof.



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



HEIGHT, SIGN – See Part 4 – Section B.

HEALTH CARE FACILITY – Any facility, except a health care practitioner's office, which provides preventive, diagnostic, therapeutic, acute convalescent, rehabilitation, mental health, intellectual disability, intermediate care, or skilled nursing services.

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 uses as listed in the applicable zoning district. See Part 5- Section D for requirements.

HOME OCCUPATION- MAJOR – Home occupations that have or might have a noticeable impact on the surrounding residential area. Examples include but are not limited to: professional services such as medical, dental or physical therapy facilities, barbers, beauticians, and photographers, or bed-and-breakfasts.

HOME OCCUPATION- MINOR – Home occupations that have little or no impact on the surrounding residential area. Examples include but are not limited to: personal home businesses, professional offices, service-oriented businesses, home craft businesses, and instructional services.

HOSPITAL– an institution providing medical and surgical treatment and nursing care for sick or injured people, including its associated clinics.

HOTEL – A building in which temporary lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby.

HOTEL, BOUTIQUE – A small hotel with less than 25 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.

IMPERVIOUS SURFACE – Any material or area which impedes or prevents the infiltration of water into the soil as it entered in its natural condition prior to development, including but not limited to building roofs, parking and driveway areas, sidewalks and paved recreational facilities. For the purpose of calculating the impervious surface ratio for determining the intensity of a use, pervious pavement or pavers, gravel, and other similar areas shall be counted as 100% impervious.

IMPERVIOUS SURFACE RATIO (ISR) – The total area of impervious surfaces divided by the net area (excluding right-of-way) of the lot.

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 Ordinance.

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 include, but are not limited to the boarding, training, and sale of animals.

LANDMARK – means any property identified and listed individually, and protected under the terms of this ordinance, but not located within a Historical Overlay District.

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.

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.

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

LOT LINE – A line bounding or demarcating a plot of land or ground.

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 Part 2 – Section C).

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

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 width of a lot at the building line measured at right angles to its depth.

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 be 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, 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 or other related items. No odor, fumes or excess noise may be produced at the facility.

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.

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, PERMANENTLY SITED – A manufactured home, as defined herein, that meets all of 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.

MANUFACTURED HOME PARK – 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.

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

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

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

MOBILE FOOD UNITS – Any apparatus or equipment that is used to cook, prepare, or serve food, and that routinely changes or can change location and is operated from a movable vehicle or apparatus, including but not limited to motorized vehicles, trailers, and hand propelled carts. Examples include food trucks/trailers, food carts, and food/festival tents.

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 Ordinance. A mobile home shall not be considered to be a single- family detached dwelling for the purposes of this code.

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 maid 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.

MUNICIPAL UTILITIES – Land, buildings, and structures intended for the provision of critical infrastructure and services including but not limited to electricity, water, municipal maintenance, and other public works facilities. Acceptable uses include but are not limited to utility substations, water treatment facilities, solid waste transfer facilities, municipal maintenance facilities, and municipal storage facilities.

MURAL – See Sign, Wall Display, Mural

NON-CONFORMING 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.

NON-CONFORMING USE – 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.

NURSING HOME – A home or facility used for the reception and care of individuals who, by reason of illness or physical or mental impairment, require skilled nursing care and of individuals who require personal care services, but not skilled nursing care. For purposes of this Ordinance, nursing homes are considered Health Care Facilities (see definition for Health Care Facilities).

OFFICE, ADMINISTRATIVE, BUSINESS, MEDICAL OR PROFESSIONAL – A building that includes a set of rooms or tenant spaces used for commercial, professional, medical, or bureaucratic work.

OFFICE- ADMINISTRATIVE, BUSINESS, MEDICAL, OR PROFESSIONAL, LARGE – An office building that is 5,000 gross square feet or larger in area.

OFFICE- ADMINISTRATIVE, BUSINESS, MEDICAL OR PROFESSIONAL, SMALL – An office building that is less than 5,000 gross square feet in area.

OPEN SPACE – 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.

OUTDOOR SERVICE FACILITY – A standalone use that is not fully enclosed by solid walls and a roof and where services are rendered or goods are permanently displayed, sold or stored. This definition shall not include any use classified as a seasonal, outdoor, temporary business as defined herein.

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

PARK, COMMUNITY OR REGIONAL (PUBLIC) – A park this is 20 acres or greater, serving an area that is greater than two miles in diameter and serving a population of 5,000 or more people. They often include facilities such as ball fields, swimming pools or other similar recreational amenities.

PARK, NEIGHBORHOOD (PUBLIC)– A park that is up to 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.

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

PARKING BAY – A division of a parking lot/area separated by maneuvering aisles and/or parking islands/peninsulas.

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 Ordinance.

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

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.

PERSONAL CARE SERVICES – Services including, but not limited to, assisting residents with activities of daily living; assisting residents with self-administration of medication in accordance with rules adopted under this section; preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section. Does not include Skilled Nursing Care.

PLACES OF ASSEMBLY– any facility or business where 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.

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.

PUBLIC SERVICE FACILITY – Land, buildings, and structures intended for the provision of programs and services subsidized by a government agency and/or local government/administrative body, including but not limited to police stations, fire stations, public transportation facilities, and administrative facilities such as a town hall or municipal building.

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.

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.

REHABILITATION CENTER – A facility for the purposes of temporary or long-term inpatient treatment of victims of alcohol or drug use or addiction.

REPAIR SHOP, MAJOR – Establishments primarily engaged in the provision of repair services to individuals, households, and/or businesses. This definition excludes automotive repair use type. Typical uses include contactor's equipment, heavy machinery, and repair equipment.

REPAIR SHOP, MINOR – Establishments primarily engaged in the provision of repair services to individuals and households, and/or businesses. This definition excludes automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.

RESIDENCE/ 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, 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, 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, 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.

RESIDENCE/ DWELLING, MULTI-FAMILY- A building designed or used as a residence with four (4) or more dwellings units.

RESIDENCE/ DWELLING, SINGLE FAMILY- 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.

RESIDENCE/ DWELLING, ROW HOUSE - A building designed exclusively for three or four dwelling units that are structurally attached to one another, side by side, and erected as a single building.

RESIDENCE/DWELLING, TOWNHOME - A building designed exclusively for four (4) or more dwelling units that are structurally attached to one another, side by side, above one another, or in a quad formation, and erected as a single building.

RESIDENCE/DWELLING, TWO FAMILY – 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.

RESIDENTIAL CARE FACILITY A home that provides either of the following:
Accommodations for seventeen or more unrelated individuals and supervision and personal care services for three or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment; accommodations for three or more unrelated individuals, supervision and personal care services for at least three of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and to at least one of those individuals, any of the skilled nursing care authorized by section [3721.011](#) of the Revised Code.

Example includes Rehabilitation Facility (see REHABILITATION FACILITY).

RESIDENTIAL FACILITY— A class two facility licensed under 5119.34 of the Ohio Revised Code that provides accommodations, supervision, and personal care services for at least six (6) but no more than sixteen (16) unrelated persons for any of the following:

- a. One or two unrelated persons with mental illness;
- b. One or two unrelated adults who are receiving payment under the residential state supplemental program;
- c. Three to sixteen unrelated adults (ORC 5119.34 (B)(1)b)
- d. Examples of Residential Facilities include Adult Care Facilities such as Adult Family Homes and Adult Group Homes (see individual definitions)

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. Examples include drive-in restaurants, sit-in restaurants, or drive-through restaurants.

RIGHT-OF-WAY LINE – The boundary of the strip of land occupied or intended to be occupied by a road, street, or alley and associated sidewalk or multi-use path.

SATELLITE DISH ANTENNA, LARGE - Any antenna greater than one meter in diameter that is designed to receive or transmit signals, either directly or indirectly, to or from satellites. This definition does not include any antenna used for AM/FM radio, amateur (“ham”) radio, Citizen’s Band (“CB”) radio, Digital Audio Radio Services (“DARS”) or short-wave listeners.

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 9 – 12.

SCHOOL, NURSERY— A facility that provides an education suitable for children who have not attained compulsory school age.

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

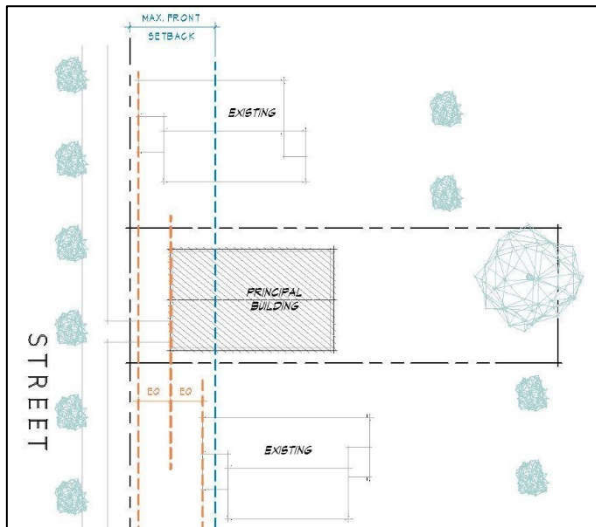
SCHOOL, PRIMARY, INTERMEDIATE, OR MIDDLE – A public or private institution providing educational services to children in kindergarten through the eighth grade.

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

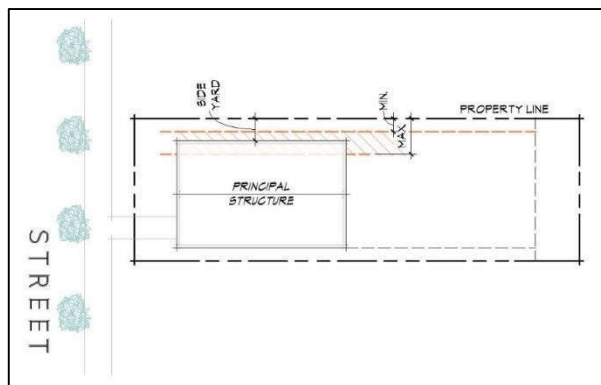
SEASONAL, OUTDOOR, TEMPORARY BUSINESS – See BUSINESS – SEASONAL, OUTDOOR, TEMPORARY

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

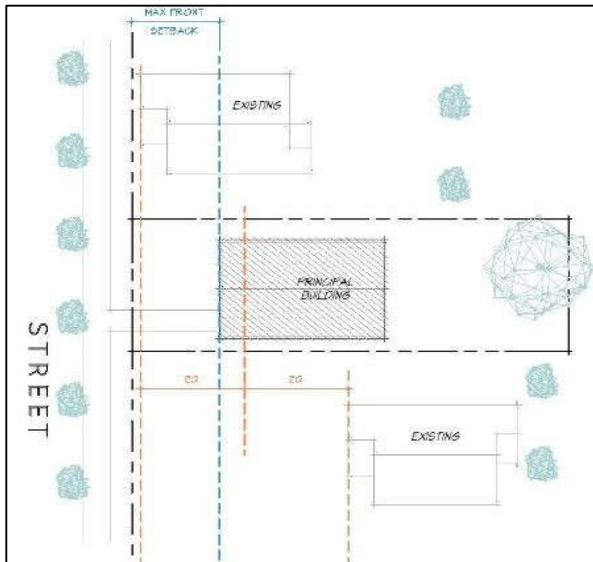
SETBACK – A required distance between a lot line and a principal structure established by the zoning district in which the principal structure is located.



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. Touching of the sex organs or anus, whether clothed or unclothed, of oneself or of one person by another.

SHORT TERM RENTAL UNITS – Renting a home, or a space in a home, with five guestrooms or less that is reserved/rented wholly or partly for compensatory fee for less than 32 consecutive days.

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 Article. 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 or OUTDOOR ADVERTISING - A type of off-premises sign, generally but not limited to a rigidly assembled sign, display, or device, usually freestanding, that is affixed to the ground or to a building, the primary purpose of which is to display advertising posters. Such signs commonly referred to as “billboards” or “poster panels” are generally designed so that the copy or poster on the sign can be changed and the advertising space may be leased.

BULLETIN - A standardized advertising sign with a face area not exceeding 672 sq. ft. (14 ft. x 48 ft.), excluding temporary embellishments, cut outs, or extensions as herein defined.

JUNIOR POSTER PANEL- A standardized advertising sign with a face area not exceeding 72 sq. ft. (6 ft. x 12 ft.), excluding temporary embellishments, cut outs, or extensions as herein defined. Also called an 8-Sheet poster.

POSTER PANEL- A standardized advertising sign with a face area not exceeding 300 sq. ft. (12 ft. x 25 ft.), excluding temporary embellishments, cut outs, or extensions as herein defined. Also called a 30-Sheet poster.

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, 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 permanent freestanding sign other than a pole or pylon sign, not attached to a building, which is placed upon or supported by the ground independently of any other structure. Such sign may also be known as a monument sign.

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, PERMANENT – A sign intended to be erected, displayed, or used, or in fact which is used for time period in excess of 32 days within any 180-day period.

SIGN, POLE – A permanent freestanding sign supported by one (1) or more uprights, poles or braces placed in or upon the ground surface and not attached to any building. Such sign may also be commonly known as a pylon sign.

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

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, WALL – A sign attached to a building face, with the exposed face thereof in a plane parallel to the plan 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, MURAL –

MURAL, GHOST – A type of wall display 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: Mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl; or Murals containing electronic or mechanical components; or 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 Ordinance.

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

SIGN, WAY FINDING – 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, 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.

SKILLED NURSING CARE -- procedures that require technical skills and knowledge beyond those the untrained person possesses and that are commonly employed in providing for the physical, mental, and emotional needs of the ill or otherwise incapacitated. "Skilled nursing care" includes, but is not limited to, the following:

- a. Irrigations, catheterizations, application of dressings, and supervision of special diets;
- b. Objective observation of changes in the patient's condition as a means of analyzing and determining the nursing care required and the need for further medical diagnosis and treatment;
- c. Special procedures contributing to rehabilitation;
- d. Administration of medication by any method ordered by the physician, such as hypodermically, rectally, or orally, including observation of the patient after receipt of the medication;
- e. Carrying out other treatments as prescribed by the physician that involve a similar level of complexity and skill in administration.

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 SYSTEM - the equipment, assembly or building construction and requisite hardware that provides and is used for collecting, transferring, converting, storing or using incident solar energy for water heating, space heating, cooling, generating, electricity, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced from nonrenewable resource.

SOLAR ENERGY SYSTEM, GROUND MOUNTED – A solar electrical system that is mounted directly to a ground mounted structure instead of solely on a building wall or roof.

SOLAR ENERGY SYSTEM, ROOF MOUNTED – A solar electrical system that is mounted directly to the roof of a building.

SOLAR FARM – A large-scale solar array where photovoltaic panels are primarily used to harvest the sun’s power to provide power to the electric grid. Also known as a solar park, solar power plant, solar field, or photovoltaic power station.

SOLAR, PANEL – an array of solar cells used to generate electricity directly from sunlight.

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 structures, 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.

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

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.

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.

SUBSTANTIAL IMPROVEMENT/ALTERATION - any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 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, 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.

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.

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.

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

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.

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. (See Part 5 – Section E)

TREE, SMALL – any tree species which normally attains a full-grown height of under 30 feet.

TREE, MEDIUM – any tree species which normally attains a full-grown height between 30-50 feet.

TREE, LARGE – any tree species which normally attains a full-grown height above 50 feet.

TRUCK AND TRAVEL CENTER – A commercial facility which provides refueling, parking, and often ready-made foot 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 Ordinance. 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 Ordinance 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, 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, 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 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, 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 50 percent 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.

WASTE MANAGEMENT FACILITY – A facility, including buildings, equipment, structures and other stationary items which are used for treating, storing or disposing of any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities.

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

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 – A yard extending across the front of a lot between the side lot lines and being the horizontal distance between the nearest foundation or structural appurtenance of the principal structure to:

- a. the right-of-way line, excluding interstate highways, limited access highways, and railroad right-of-way.
- b. the easement line (where vehicular access to the lot is provided by a private street or private drive.
- c. the terminus end of the easement (where vehicular access to a flag lot is provided by a driveway extending from the terminus of an easement located outside the panhandle area).
- d. the terminus of the panhandle (where vehicular access to a flag lot is provided by a driveway extending from the terminus of the panhandle area of the terminus end of an easement located inside the panhandle area).

REAR YARD – A yard extending across the rear of a lot between the side lot lines and being the horizontal distance between the rear lot line and the nearest foundation or structural appurtenance of the principal structure.

SIDE YARD – A yard extending across the side of a lot between the front and rear lot lines and being the horizontal distance between the side lot line and the nearest foundation or structural appurtenance of the principal Building.

ZONING INSPECTOR – The authorized representatives appointed by the community’s legislative authority to issue zoning permits and perform other duties as specified in this Code.

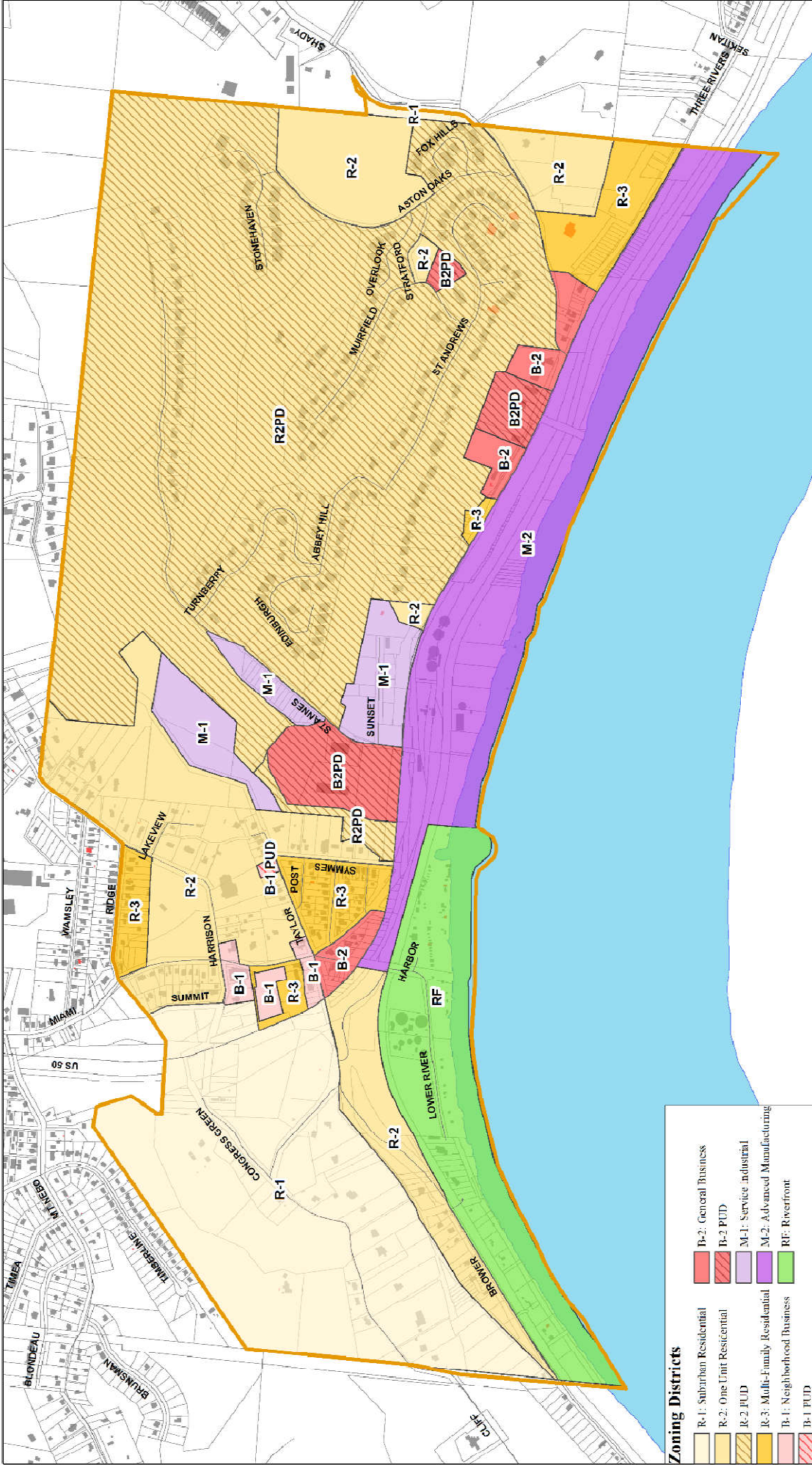
ZONING MAP – A map of the community that legally denotes the boundaries of the zoning districts as they apply to the properties within the community. The official zoning map shall be kept on file in the community’s administrative offices.

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

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APPENDIX A – Zoning Map

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Legend

- North Bend Boundary
- Streets
- Parcels

VILLAGE OF NORTH BEND

Zoning Map

0 500 1,000 Feet

Date: 9/30/2024

Cincinnati Area Geographic Information System (CAGIS)

THE PROVIDER MAKES NO WARRANTY OR REPRESENTATION, EITHER EXPRESSED OR IMPLIED, WITH REGARD TO THE ACCURACY, COMPLETENESS, OR QUALITY OF THE INFORMATION PROVIDED FOR ANY PARTICULAR PURPOSE. AS A RESULT, THIS INFORMATION IS PROVIDED AS IS, AND YOU, THE REQUESTER, ARE ASSUMING THE ENTIRE RISK AS TO ITS QUALITY AND PERFORMANCE.

IN NO EVENT WILL THE PROVIDER BE LIABLE FOR DIRECT, INDIRECT, INCIDENTAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM ANY DEFECT IN THE INFORMATION, EVEN IF ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. IN PARTICULAR, THE PROVIDER SHALL HAVE NO LIABILITY FOR ANY OTHER INFORMATION, PROGRAMS, OR DATA USED WITH OR COMBINED WITH THE REQUESTED INFORMATION, INCLUDING THE COST OF RECOVERING SUCH INFORMATION, PROGRAMS OR DATA.

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APPENDIX B – Example Applications and Check Lists

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Application for Zoning Amendment/Rezoning

A scaled site plan (drawing) showing all property lines, existing structures, and proposed construction with dimensions must be submitted with application. All distances between the proposed construction, property lines and other structures must be labeled.

Applicant Name: _____ Phone #: _____

Applicant Address: _____

Applicant E-mail: _____

Property to be Rezoned:

Address: _____ Parcel #: _____

Owner: _____ Phone #: _____

Owner Address: _____

Property being on the _____ side of _____ street
(North, South, East, West) (street name)

Between _____ and _____
(street name) (street name)

Current Zoning District: _____ Current Land Use: _____

Surrounding Land Uses:

North: _____ South: _____

East: _____ West: _____

Zoning District: _____

Proposed Land Use: _____

Proposed Zoning Code Amendment: (additions use **bold**, deletions use ~~striketrough~~. If not applicable, write N/A)

By signature, I attest to the truth and exactness of all information submitted.

Applicant Signature: _____ Date: _____

Property Owner Signature:

I, _____ (Print Name) hereby authorize the applicant/agent listed above to file this application on my behalf and agree to amendment of the same as they deem appropriate.

Owner Signature: _____ Date: _____

Individual subscribed and sworn in my presence this _____ day of _____, 20____

Notary Public Signature: _____ Date: _____

Non-individual property owner's signature: _____

Non-individual subscribed and sworn in my presence this _____ day of _____, 20____

Notary Public Signature: _____ Date: _____

Method of Payment of Applicant Fee:

☐

Cash

☐

Credit Card #: _____

☐

Check #: _____

Exp: ____/____ Security Code: ____ ZIP: ____

Name on Card: _____

Address: _____

Signature: _____

Zoning Amendment/Rezoning Application Checklist

Property Address: _____ Parcel #: _____

- ☐ One digital pdf copy of the application
- ☐ Proposed text changes to the zoning code included in application (if applicable)
- ☐ Proposed map changes, which include the following:
 - ☐ 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).
 - ☐ Map showing the Tract and surrounding properties within 200 feet of that shows property lines of the Tract and surrounding parcels.
 - ☐ 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 requirement may be waived when the Tract proposed to be rezoned includes more than ten (10) parcels) (see attached example).
- ☐ Traffic study, signed and sealed by a professional Engineer (if applicable)

Traffic study is required if the uses permitted within a proposed zoning amendment can generate one hundred (100) or more a.m. or p.m. peak hour trips and/or more than five (500) hundred or more daily vehicle trips or when otherwise required by the Service Director.
- ☐ A narrative statement explaining how the proposed changes will impact the adjacent neighborhood and the community as a whole.
- ☐ Paid application fee

Application for Conditional Use Permit

A scaled site plan (drawing) showing all property lines, existing structures, and proposed construction with dimensions **must be submitted with application**. All distances between the proposed construction, property lines and other structures must be labeled.

Applicant Name: _____ Phone #: _____

Applicant Address: _____

Applicant E-mail: _____

Owner Name: _____ Phone #: _____

Owner Address: _____

Conditional Use Property Address:

_____ Parcel #: _____

Section of Code where Conditional Use is listed: _____

Existing Use: _____ Zoning District: _____

Proposed Use: _____

Conditional Use Description:

By signature, I attest to the truth and exactness of all information submitted.

Applicant Signature: _____ Date: _____

Method of Payment of Applicant Fee:

☐

Cash

☐

Credit Card #: _____

☐

Check #: _____

Exp: ____/____ Security Code: ____ ZIP: ____

Name on Card: _____

Address: _____

Signature: _____

Conditional Use Application Checklist

Property Address: _____ Parcel #: _____

☐ One digital pdf copy of the application

☐ Legal description of 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.

☐ Plans and/or drawings to approximate scale showing the following:

- The dimensions of the property.
- The dimensions of existing and proposed buildings or structures on the property.
- The distance between the property lines and the existing and proposed structures.
- The dimensions and number of existing and proposed parking spaces.
- Any existing or proposed signage. (not required for single unit dwelling permit)
- Any existing or proposed landscaping (not required for single unit dwelling permit)
- The height of existing and proposed buildings.
- Number of proposed dwelling units, if applicable.
- Any other information as determined by the Zoning Inspector to determine compliance with this Code.
- Map showing the Tract and surrounding properties within 200 feet of that shows property lines of the Tract and surrounding parcels.

☐ 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 Code.

☐ List of the names and addresses of property owners(s) within 100 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 (see attached example).

☐ A narrative statement explaining how the proposed changes will impact the adjacent neighborhood and the community as a whole.

☐ Paid application fee

☐ Signed letter from owner (if applicable) providing authorization to submit application and represent the owner at hearings.

Application for Variance/Appeal

A scaled site plan (drawing) showing all property lines, existing structures, and proposed construction with dimensions **must be submitted with application**. All distances between the proposed construction, property lines and other structures must be labeled.

Applicant Name: _____ Phone #: _____

Applicant Address: _____

Applicant E-mail: _____

Property Address: _____ Parcel #: _____

Property Owner: _____ Phone #: _____

Property Owner Email: _____

Property Zoning District: _____

Section in Zoning Code Relevant to Variance: _____

Reason for Refusal/Denial of Permit: _____

Variance:

Describe the nature and magnitude of the variance:

***MUST INCLUDE ATTACHMENT describing how the proposed variance satisfies each of the decision criteria listed in Part 8 – Section E.4) ***

Appeal:

MUST INCLUDE ATTACHMENT describing why the appeal is justified and why the applicant feels they have been aggrieved by the Zoning Inspector's or other applicable reviewing authority's decision

By signature, I attest to the truth and exactness of all information submitted.

Applicant Signature: _____ Date: _____

Method of Payment of Applicant Fee:

☐

Cash

☐

Credit Card #: _____

☐

Check #: _____

Exp: ____/____ Security Code: ____ ZIP: ____

Name on Card: _____

Address: _____

Signature: _____

Variance Application Checklist

Property Address: _____ Parcel #: _____

1. Application Form	Included	Missing
a. Property Owner Information (Name, mailing address, phone number, email)	<input type="checkbox"/>	<input type="checkbox"/>
b. Property address and parcel number	<input type="checkbox"/>	<input type="checkbox"/>
c. Property Owner Signature or Signed Letter from property owner providing authorization to an agent	<input type="checkbox"/>	<input type="checkbox"/>
d. Zoning District of property	<input type="checkbox"/>	<input type="checkbox"/>
2. Legal Description	<input type="checkbox"/>	<input type="checkbox"/>
3. Site Plan Drawing including all items listed in the chart on page 3	<input type="checkbox"/>	<input type="checkbox"/>
4. Surrounding Property Owner Addresses per Part 8 – Section E.2.c	<input type="checkbox"/>	<input type="checkbox"/>
5. Narrative – Standards noted in attachment	<input type="checkbox"/>	<input type="checkbox"/>
6. Application Fee	<input type="checkbox"/>	<input type="checkbox"/>
7. Photographs (Optional)	<input type="checkbox"/>	<input type="checkbox"/>

The above items are the minimum necessary to consider an application complete. An applicant may provide any supplemental information that he/she believes is necessary to support the request.

Reviewed by: _____

Application is ☐ complete ☐ incomplete

Date: _____